

FLORIDA HIGHWAY PATROL



TRAFFIC HOMICIDE INVESTIGATION UPDATE

PREPARED BY: Corporal Michael L. Styers

CASE NO: FHP 706-28-025

FLORIDA HIGHWAY PATROL

SUBJECT: TRAFFIC HOMICIDE INVESTIGATION RELEASE

CASE NO.: FHP 706-28-025

TO: CORPORAL Michael L. Styers
Florida Highway Patrol
16026 State Road 52, Land O' Lakes, FL. 34638

This is to certify that the above captioned case was reviewed by this office and:

- We do not intend to file a criminal information based on the information provided.
- A criminal information was filed and the above investigation was disclosed to the defense counsel as a result of discovery, or disclosed at a public hearing.
- A criminal information was filed and all prosecution and appeals in this case are completed.

The Florida Highway Patrol will release the above captioned case as a public record in accordance with Florida Statutes.

(Signature of State Attorney)

(State Attorney's Name - Typed (Printed))


(State Attorney's Circuit)

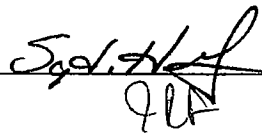
(Date)

Case Number FHP 706-28-025

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Investigation: Corporal Michael L. Styers  02/18/08
Traffic Homicide Investigator Date

Investigation Reviewed by: Sergeant Heather N. Glenny  02/19/08
Supervisor Date

HSMV 62701 (Rev. 10/04)

INVESTIGATIVE REPORT

INVESTIGATIVE SUMMARY UPDATE

On February 14, 2008, I drove to the Pasco County Sheriff's Office, located at 8750 Government Drive, New Port Richey, Florida 34654 where I contacted the 911 center and spoke with Phil E. Moore, CAD Data Technician and obtained the 911 calls from the night of the fatality crash on 03/26/06. Upon listening to the 911 calls, it was discovered that there was an additional 911 caller that we were unaware of. A copy of that 911 call was obtained and the Pinellas-Pasco County District Six State Attorney's Office was notified. I advised Assistant State Attorney Eric Rosario that an interview would be obtained from this additional witness and all information would be forwarded to his office.

On 02/15/08, I contacted Ms. Valerie Herbert and obtained a sworn recorded interview. During the interview, Ms. Herbert advised that she remembered the incident that occurred on 03/26/06. Ms. Herbert indicated that she and her husband, Robert Herbert, were leaving the bowling alley, located on Old County Road 54, west of County Road 1 (Little Road) at approximately 12:55 a.m. Ms. Herbert indicated that she was the passenger that night and that she recalled looking to her left and seeing a vehicle traveling westbound on Old County Road 54. Ms. Herbert indicated that she observed the vehicle being that of a dark-colored, full-sized Chevrolet pickup truck (V-1). Ms. Herbert indicated the vehicle passed them at which time she also observed a smaller vehicle (a small car) following behind it. After both vehicles passed, Ms. Herbert indicated that they pulled out and proceeded traveling westbound on Old County Road 54 toward State Road 54. Ms. Herbert indicated that after V-1 had traveled in front of them, she could see a single occupant in the vehicle. Ms. Herbert indicated that V-1 got into the right lane, stopped at the traffic signal and then traveled westbound on State Road 54. Ms. Herbert indicated that the other vehicle made a left

INVESTIGATIVE REPORT

turn and traveled eastbound on State Road 54. Ms. Herbert indicated that they too made a right turn and continued to travel westbound on State Road 54 in the center lane behind V-1. Ms. Herbert indicated that she could tell that the single occupant was that of a male figure. During the interview, Ms. Herbert explained that she could tell the difference between it being a male or female driver because of the physical features. Ms. Herbert indicated that when she first saw the truck, the area was illuminated and when they were stopped behind V-1 at Old County Road 54 and State Road 54, the area was illuminated. Ms. Herbert indicated as they continued to follow V-1, she observed it travel between the outside and inside westbound lanes of State Road 54 numerous times. Ms. Herbert indicated that they traveled through the intersection of State Road 54 and County Road 77 (Rowan Road) at which time she continued to observe V-1 weaving between lanes. Ms. Herbert indicated that it appeared V-1 would hit the curb as it swerved in and out of its lanes. Ms. Herbert indicated that V-1 would speed up to an estimated speed of approximately 55 and 60 miles per hour and then slow down to approximately 30 to 35 miles per hour. During the interview, Ms. Herbert indicated that there was nothing in front of or around V-1 which would cause it to speed up or slow down. Ms. Herbert indicated that as they approached the Thys Road intersection; she began to place a call to 911 to report a possible "drunk driver". Ms. Herbert indicated that they continued to follow V-1 westbound on State Road 54 as they traveled through the Madison Street intersection. As they approached the County Road 595 (Grand Boulevard) intersection, Ms. Herbert indicated that she was connected to the Pasco County 911 Center (according to the 911 records, the Ms. Herbert's call was received at 1:05:57 a.m.). Ms. Herbert indicated that upon being connected to 911, she was transferred to the Pasco County Sheriff's Office (according to the Pasco County Sheriff's Office's CAD call records, Ms. Herbert was

INVESTIGATIVE REPORT

connected at 1:06:39 a.m.). Ms. Herbert advised the Pasco County Sheriff's Office of a description of V-1 to include its diamond-plated tool box in the truck bed and the Florida tag number of B568S. During the interview, a photograph of V-1 was shown to Ms. Herbert at which time she positively identified the vehicle in the photograph as being the same vehicle that she saw on the night she called 911. Ms. Herbert further stated that as she continued to speak with 911, they approached the intersection of U.S. 19 (State Road 55). Ms. Herbert indicated that she observed V-1 enter the westbound outside/left turn lane of State Road 54 at which time she observed V-1 make a sharp right turn and accelerate very quickly and travel northbound on U.S. 19. Ms. Herbert indicated that she and her husband continued westbound across U.S. 19 as she continued to watch V-1 as it traveled northbound on U.S. 19. Ms. Herbert indicated that she lost sight of V-1 as it crested the hill south of County Road 518 (Trouble Creek Road). During the interview, Ms. Herbert indicated that from the first time she saw V-1, traffic for westbound State Road 54 was very light and she never lost sight of it until it crested the hill on U.S. 19. I then concluded the interview with Ms. Herbert.

After I obtained the interview with Ms. Herbert, I drove to the area of State Road 54 and County Road 595 (where Ms. Herbert was connected to 911). Based upon the 911 call to the Pasco County Sheriff's Office, Ms. Herbert was connected at 1:06:39 a.m. Based upon the other 911 call from Mr. Bartlett, his call was connected at 1:15:14 a.m. Therefore, V-1 had approximately nine minutes to travel from the area of State Road 54 and County Road 595 to the crash site at County Road 595 and Dahlia Avenue. With this information, I began a timed route from State Road 54 and County Road 595 in order to obtain a possible route that V-1 traveled during that nine minute timeframe. I traveled westbound on State Road 54 from County Road 595 to U.S. 19, where I

INVESTIGATIVE REPORT

made a right turn and traveled northbound to Marine Parkway. At Marine Parkway, I made a right turn and traveled eastbound to County Road 595. At County Road 595, I made a right turn and traveled southbound to Dahlia Avenue and the crash site. I completed this route in 4 minutes and 47 seconds while traveling at the posted speed limits governing each roadway. I then returned back to State Road 54 and County Road 595 and traveled the same route with the exception of turning right on Gulf Drive from U.S. 19 to County Road 595 and to the crash site. This route took approximately five minutes and sixteen seconds while traveling at the posted speed limits governing each roadway. An additional route was added with the exception of turning right on Main Street from U.S. 19 to County Road 595 and to the crash site. This route took approximately 8 minutes and 39 seconds while traveling at the posted speed limited governing each roadway.

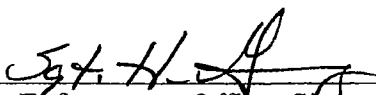
Based upon these times obtained, it is concluded that V-1 could have taken any one of the three routes within that nine minute time limit; however, it is unknown as to V-1's actual speed during that timeframe.

CASE CLOSING STATUS

Closed: by Arrest. The investigation is complete and led to the arrest of the defendant, Shannon Leyland Stephen (D-1), by the homicide investigator.

Sworn to me this 18th day of
February, 2008.

I swear/affirm that this statement
is true and correct.



(Law Enforcement Officer Signature)
Section 117.10 Florida Statutes



M.L. Styers, Corporal

WITNESS LIST

Name Valerie Anne Herbert Statement Yes No

Address 3700 Peconic Way, Holiday, Florida 34691

Place of Employment Dillard's, Gulf View Mall, 9409 U.S. 19, Port Richey, Florida 34668

Phone Numbers: Home (727) 992-3169 Work (727) 847-9393

Can Testify To: Observed V-1 travel westbound on Old County Road 54 to State Road 54, then called 911 and gave description of V-1 as it traveled to U.S. 19. Observed V-1 make a right turn on U.S. 19 and travel north.

Name Phil E. Moore Statement Yes No

Address Pasco County Fire Rescue, 8750 Government Drive, New Port Richey, Florida

Place of Employment Pasco County Fire Rescue, 8750 Government Drive, New Port Richey, Florida

Phone Numbers: Home () N/A Work (727) 847-8163

Can Testify To: Made copy of original 911 calls placed to the 911 center on 03/26/06. Has knowledge as to how the 911 system works.

Name Statement Yes No

Address

Place of Employment

Phone Numbers: Home () Work ()

Can Testify To:

FLORIDA HIGHWAY PATROL

SWORN WITNESS INTERVIEW

I am Trooper Corporal Michael L. Styers of the Florida Highway Patrol conducting a criminal investigation.

This interview is being conducted at 5435 U.S. 19, New Port Richey, Florida (Starbucks Cafe)

Today's date is 02/15/08 (Location) The time is 6:58 AM or PM

Persons present at this interview are Sergeant Heather N. Glenny (if applicable).

The name of the person being interviewed is Valerie Anne Herbert

This sworn interview is being taken in relation to A Traffic Fatality

At this time I will administer the oath.

OATH

This is a sworn, tape recorded interview taken by a law enforcement officer pursuant to section 117.10, F.S. Please raise your right hand. Do you swear or affirm that the statement you are about to give will be the truth, the whole truth, and nothing but the truth?

Yes, I so swear or affirm /s/ Valerie Anne Herbert
(Signature of witness)

- Please state your full name.
- Please state your current address.
- Please state your home phone number.
- Please state your work phone number.
- Please state your current occupation.

INTERVIEW

Time interview concluded 7:20 AM or PM

CERTIFICATION

The undersigned trooper acknowledges taking and being present during the foregoing interview. The interview was recorded on side 1 of tape Digital Recording and marked by the name of the witness, the THI case number FHP 706-28-025 Date of interview 02/15/08 Initials of trooper taking statement.

/s/ Corporal Michael L. Styers
(Signature of Trooper)

FHP 706-28-025
(THI Case #)

FLORIDA TRAFFIC CRASH REPORT

UPDATE CONTINUATION

DO NOT WRITE IN THIS SPACE

MAIL TO: DEPT OF HIGHWAY SAFETY & MOTOR VEHICLES, TRAFFIC CRASH RECORDS SECTION, NEIL KIRKMAN BUILDING, TALLAHASSEE, FL 32399-0500

DATE OF CRASH 03/26/2006		COUNTY/CITY CODE 28 /		INVEST. AGENCY REPORT NUMBER FHPC06OFF032956		HSMV CRASH REPROT NUMBER 76877707	
DRIVER ACTION 1 Phantom <input type="checkbox"/> 2 Hit & Run <input type="checkbox"/> 3 N/A <input type="checkbox"/>	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER
TRAILER OR TOWED VEHICLE INFORMATION			TRAILER TYPE				
VEHICLE TRAVELING ON At Est. MPH Posted Speed				EST. VEHICLE DAMAGE 1 Disabling <input type="checkbox"/> 2 Functional <input type="checkbox"/> 3 No Damage <input type="checkbox"/>		EST. TRAILER DAMAGE \$ <input type="checkbox"/>	
MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP)				POLICY NUMBER		VEHICLE REMOVED BY: 1 Tow Rotation List <input type="checkbox"/> 2 Tow Owner's Request <input type="checkbox"/> 3 Driver <input type="checkbox"/> 4 Other <input type="checkbox"/>	
NAME OF VEHICLE OWNER (Check if Same As Driver)			CURRENT ADDRESS (Number and Street)			CITY AND STATE ZIP CODE	
NAME OF OWNER (Trailer or Towed Vehicle)			CURRENT ADDRESS (Number and Street)			CITY AND STATE ZIP CODE	
NAME OF MOTOR CARRIER (Commercial vehicle Only)			CURRENT ADDRESS (Number and Street)			CITY, STATE AND ZIP CODE US DOT or ICC MC IDENTIFICATION NUMBERS	
NAME OF DRIVER (Take From Driver License) / PEDESTRIAN				CURRENT ADDRESS (Number and Street)			DATE OF BIRTH
DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. END.	BAC TEST 3 Urine <input type="checkbox"/> 1 Blood 4 Refused <input type="checkbox"/> 2 Breath 5 None <input type="checkbox"/>	RESULTS	AL / DRUG	PHYS. DEF. RES RACE SEX INJ. S. EQUIP. EJECT.
HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No <input type="checkbox"/>	PLACARDED 1 Yes 2 No <input type="checkbox"/>	IF YES, INDICATE NAME OF 4 DIGIT NUMBER FROM DIAMOND OR BOTTOM OF DIAMOND. MATERIAL SPILLED?			RECOMMEND DRIVER RE-EXAM. IF YES EXPLAIN IN NARRATIVE	DRIVER'S PHONE NO.	
DRIVER ACTION 1 Phantom <input type="checkbox"/> 2 Hit & Run <input type="checkbox"/> 3 N/A <input type="checkbox"/>	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER
TRAILER OR TOWED VEHICLE INFORMATION			TRAILER TYPE				
VEHICLE TRAVELING ON At Est. MPH Posted Speed				EST. VEHICLE DAMAGE 1 Disabling <input type="checkbox"/> 2 Functional <input type="checkbox"/> 3 No Damage <input type="checkbox"/>		EST. TRAILER DAMAGE \$ <input type="checkbox"/>	
MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP)				POLICY NUMBER		VEHICLE REMOVED BY: 1 Tow Rotation List <input type="checkbox"/> 2 Tow Owner's Request <input type="checkbox"/> 3 Driver <input type="checkbox"/> 4 Other <input type="checkbox"/>	
NAME OF VEHICLE OWNER (Check if Same As Driver)			CURRENT ADDRESS (Number and Street)			CITY AND STATE ZIP CODE	
NAME OF OWNER (Trailer or Towed Vehicle)			CURRENT ADDRESS (Number and Street)			CITY AND STATE ZIP CODE	
NAME OF MOTOR CARRIER (Commercial vehicle Only)			CURRENT ADDRESS (Number and Street)			CITY, STATE AND ZIP CODE US DOT or ICC MC IDENTIFICATION NUMBERS	
DRIVER (Exactly as on Driver License) / Pedestrian				CURRENT ADDRESS (Number and Street)			DATE OF BIRTH
DRIVER LICENSE NUMBER	STATE	DL TYPE	REQ. END.	BAC TEST 3 Urine <input type="checkbox"/> 1 Blood 4 Refused <input type="checkbox"/> 2 Breath 5 None <input type="checkbox"/>	RESULTS	AL / DRUG	PHYS. DEF. RES RACE SEX INJ. S. EQUIP. EJECT.
HAZARDOUS MATERIALS BEING TRANSPORTED 1 Yes 2 No <input type="checkbox"/>	PLACARDED 1 Yes 2 No <input type="checkbox"/>	IF YES, INDICATE NAME OF 4 DIGIT NUMBER FROM DIAMOND OR BOTTOM OF DIAMOND. MATERIAL SPILLED?			RECOMMEND DRIVER RE-EXAM. IF YES EXPLAIN IN NARRATIVE	DRIVER'S PHONE NO.	
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME		ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME		ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME		ADDRESS	CITY	STATE	ZIP
PROPERTY DAMAGED - OTHER THAN VEHICLES	EST. AMOUNT	OWNER'S NAME		ADDRESS	CITY	STATE	ZIP
WITNESS NAME (1)		CURRENT ADDRESS		CITY & STATE		ZIP CODE	
WITNESS NAME (2)		CURRENT ADDRESS		CITY & STATE		ZIP CODE	
VALERIE A HERBERT 3700 PECONIC WAY HOLIDAY FL 34691							
WAS INVESTIGATION MADE AT SCENE? 1 Yes <input checked="" type="checkbox"/> 2 No <input type="checkbox"/>	IF NO, THEN WHERE?	IS INVESTIGATION COMPLETE? 1 Yes <input checked="" type="checkbox"/> 2 No <input type="checkbox"/>	IF NO, THEN WHY?	DATE OF REPORT 02/18/2008	PHOTOS TAKEN? 1 - Yes <input type="checkbox"/> 2 - No <input checked="" type="checkbox"/>	IF YES, BY WHOM? 1 Investigating Agency <input type="checkbox"/> 2 Other <input type="checkbox"/>	
INVESTIGATOR - RANK AND SIGNATURE CPL. M. L. STYERS <i>[Signature]</i>			ID / BADGE NUMBER 1720	DEPARTMENT FHP		FHP <input checked="" type="checkbox"/>	SO <input type="checkbox"/>
			CPD <input type="checkbox"/>	OTHER <input type="checkbox"/>			

CONTRIBUTING CAUSES - DRIVER / PEDESTRIAN		VEHICLE DEFECT		VEHICLE MOVEMENT		VEHICLE SPECIAL FUNCTIONS	
01 No Improper Driving / Action		01 No Defects		01 Straight Ahead		1 None	
02 Careless Driving (Explain in Narrative)		02 Def. Brakes		02 Slowing / Stopped / Stalled		2 Farm	
03 Failed to Yield Right-of-Way		03 Worn / Smooth Tires		03 Making Left Turn		3 Police Pursuit	
04 Improper Backing		04 Defective / Improper Lights		04 Backing		4 Recreational	
05 Improper Lane Change		05 Puncture / Blowout		05 Making Right Turn		5 Emergency Operation	
06 Improper Turn		06 Steering Mech.		06 Changing Lanes		6 Construction / Maintenance	
07 Alcohol-Under Influence		07 Windshield Wipers		07 Entering/Leaving Parking Space		SOURCE OF CARRIER INFORMATION	
08 Drugs-Under Influence		08 Equipment / Vehicle Defect	77 All Other (Explain in Narrative)	08 Properly Parked		1 Not Applicable	
09 Drugs & Alcohol-Under Influence				09 Improperly Parked		2 Shipping Papers	
10 Followed Too Closely				10 Making U-Turn		3 Vehicle Side	
11 Disregarded Traffic Signal		POINT OF COLLISION				4 Driver	
12 Exceeded Safe Speed Limit		1 On Road		PEDESTRIAN ACTION			
13 Disregarded Stop Sign		2 Not On Road		01 Crossing Not at Intersection	07 Working in Road	77 All Other (Explain)	
14 Failed to Maintain Equip. / Vehicle		3 Shoulder		02 Crossing at Mid-block Crosswalk	08 Standing/Playing in Road	88 Unknown	
15 Improper Passing		4 Median		03 Crossing at Intersection	09 Standing in Pedestrian Island		
16 Drove Left of Center		5 Turn Lane / Safety Zone		04 Walking Along Road With Traffic			
17 Exceeded Stated Speed Limit		WORK AREA		05 Walking Along Road Against Traffic			
18 Obstructing Traffic		01 None		06 Working on Vehicle in Road			
		02 Nearby					
		03 Entered					

FIRST / SUBSEQUENT HARMFUL EVENT(S)		
01 Collision With MV in Transport (Rear End)	15 Collision with Animal	29 MV Ran Into Ditch / Culvert
02 Collision With MV in Transport (Head-on)	16 MV Hit Sign / Sign Post	30 Ran Off Road / Into Water
03 Collision With MV in Transport (Angle)	17 MV Hit Utility Pole / Light Pole	31 Overturned
04 Collision With MV in Transport (Left Turn)	18 MV Hit Guardrail	32 Occupant Fall From Vehicle
05 Collision With MV in Transport (Right Turn)	19 MV Hit Fence	33 Tractor / Trailer Jackknifed
06 Collision With MV in Transport (Sideswipe)	20 MV Hit Concrete Barrier Wall	34 Fire
07 Collision With MV in Transport (Backed Into)	21 MV Hit Bridge / Pier / Abutment / Rail	35 Explosion
08 Collision With Parked Car	22 MV Hit Tree / Shrubbery	36 Downhill Runaway
09 Collision with MV on Other Roadway	23 Collision with Construction Barricade Sign	37 Cargo Loss or Shift
10 Collision with Pedestrian	24 Collision with Traffic Gate	38 Separation of Limbs
11 Collision with Bicycle	25 Collision with Crash Attenuators	39 Median Crossover
12 Collision with Bicycle (Bike Lane)	26 Collision with Fixed Object Above Road	77 All Other (Explain in Narrative)
13 Collision with Moped	27 MV Hit Other Fixed Object	
14 Collision with Train	28 Collision with Movable Object on Road	

(ADDITIONAL NARRATIVE)

On 02/14/08, I drove to the Pasco County Sheriff's Office, located on County Road 1 (Little Road) in New Port Richey, where I contacted the 911 center and obtained the 911 call from the night of the fatality crash on 03/26/06. Upon listening to the 911 calls, it was discovered that there was an additional 911 caller that we were unaware of. A copy of that 911 call was obtained and the Pinellas-Pasco County District Six State Attorney's Office. I advised Assistant State attorney Eric Rosario that an interview would be obtained from this additional witness and all information would be forwarded to his office. On 02/15/08, a recorded interview was obtained from Ms. Valerie Herbert as to what she had seen and her 911 call.

ADDITIONAL PASSENGERS

SEC#	PASS#	PASSENGER'S NAME	CURRENT ADDRESS	CITY & STATE	ZIP CODE	DATE OF BIRTH	RACE	SEX	LOC	INJ	S. EQUIP	EJECT

Violator(s)	SECTION #	NAME OF VIOLATOR	FL STATUTE NUMBER	CHARGE	CITATION NUMBER
	SECTION #	NAME OF VIOLATOR	FL STATUTE NUMBER	CHARGE	CITATION NUMBER