

IN THE SUPREME COURT

APPEAL FROM THE COURT OF APPEALS

(O'CONNELL, P.J. and K.F. KELLY and RIORDAN, JJ.)

LYNN PEARCE, Personal Representative of the
Estate of BRENDON PEARCE, Deceased,

Plaintiff/Appellant,

-vs-

THE EATON COUNTY ROAD COMMISSION,

Defendant/Appellee

and

LAWRENCE BENTON, Personal Representative
of the Estate of MELISSA SUE MUSSER,
Deceased and PATRICIA JANE MUSSER,

Defendants.

TIM EDWARD BRUGGER, II,

Plaintiff/Appellee,

-vs-

MIDLAND COUNTY BOARD OF ROAD
COMMISSIONERS,

Defendant/Appellant.

SUPREME COURT
DOCKET NO. 158069

COURT OF APPEALS
DOCKET NO. 338990

EATON COUNTY CIRCUIT
COURT FILE NO. 16-000029-NI

SUPREME COURT
DOCKET NO. 158304

COURT OF APPEALS
DOCKET NO. 337394

MIDLAND COUNTY CIRCUIT
COURT FILE NO. 15-002403-NO

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APPENDIX ON APPEAL – APPELLANT

ORAL ARGUMENT REQUESTED

Respectfully submitted,

COLLISON & COLLISON

Attorneys. For Plaintiff/Appellant

By: Joseph T. Collison (34210)
5811 Colony Drive, north
P. O. Box 6010
Saginaw, Michigan 48608-6010
(989) 799-3033

Dated: July 31, 2020

INDEX OF APPENDIX ON APPEAL - APPELLANT

EXHIBIT A – Sheriff Department’s Case Supplemental Report 1a

EXHIBIT B – Photographs depicting the pooled water on the roadway..... 48a

EXHIBIT C – Eaton County Road Commission’s Meeting Notes of May 12, 2015 50a

EXHIBIT D – Homeowner Jared Osborn’s complaint to the Road Commission on
June 25, 2014 54a

EXHIBIT E – Homeowner Jared Osborn’s complaint to the Road Commission on
March 12, 2015 55a

EXHIBIT F – Service Request of March 8, 2015 and photograph of area to be serviced 56a

EXHIBIT G – Note from the Road Commission of March 9, 2015 that “road closed”
signs were retrieved. 58a

EXHIBIT H - Opinion and Order of the Trial Court dated June 6, 2017 59a

EXHIBIT A

REC 8 8 2015
M-1804



EATON COUNTY OFFICE OF THE SHERIFF

THOMAS L. REICH, SHERIFF

JEFFREY G. COOK, UNDERSHERIFF

1025 Independence Blvd • Charlotte MI 48813 • Phone 517-543-3512 • 517-372-8217 • Fax 543-2922

July 13, 2015

Collison & Collison
5811 Colony Drive, North
PO Box 6010
Saginaw, MI 48608-6010

COPY

Re: Freedom of Information request regarding incident no. 2015-01574.

Dear Mr. Collison,

This notice is issued in response to your inquiry received July 7, 2015, requesting information under the Freedom of Information Act (FOIA) MCL 15.231 *et seq.*

Your request is granted as to existing, non-exempt records on file with this department falling within the scope of your request.

You will receive a copy of incident no. 2015-01574; a fatal crash involving Brendon Lee Pearce. This will include all reports, documents, autopsy and toxicology reports as well as photographs and body-cam video, which will be saved to DVD's. Photographs containing images of the victims will not be included. Pursuant to MCL 15.243(1)(d), public records that are specifically described and exempted from disclosure by another statute may be exempted under the FOIA. Section 8 of the Michigan Crime Victim's Rights Act, MCL 708.758(3) indicates that visual representations or depictions of crime victims are exempt under the state FOIA.

There is a FOIA processing fee of \$33.76. Upon receipt of the processing fee, payable by check or money order to the Eaton County Sheriff's Office, Visa or MasterCard, the records will be mailed to you or you may pick them up in person. Please see attached Fee Calculation form.

Any records not obtained within 30 days of this letter will be destroyed and a new request will need to be submitted.



EATON COUNTY
OFFICE OF THE SHERIFF

THOMAS L. REICH, SHERIFF

JEFFREY G. COOK, UNDERSHERIFF

1025 Independence Blvd • Charlotte MI 48813 • Phone 517-543-3512 • 517-372-8217 • Fax 543-2922

Sincerely,

Corky Jerick
FOIA Coordinator
Eaton County Sheriff's Office
(517)543-5247

RECEIVED by MSC 7/31/2020 1:09:55 PM

INCIDENT/INVESTIGATION REPORT

| | | | | | | | | |
|--|--|--|---|---|--|----------------------------|------------------------|--------------------------|
| I N C I D E N T D A T A | Agency Name <i>Eaton County Sheriff's Department</i> | | Case# <i>2015-0001574</i> | | | | | |
| | ORI <i>MI 2312300</i> | | Date / Time Reported <i>03/08/2015 17:55 Sun</i> | | | | | |
| | Location of Incident <i>11000 W Kinsel Hwy/n Mason Rd, Vermontville MI</i> | | Premise Type <i>Highway/road/alley</i> | Zone/Tract <i>BCSD</i> | Last Known Secure <i>03/08/2015 17:55 Sun</i> | | | |
| M O | #1 Crime Incident(s) (Com) <i>Pt Accident / Fatal 99999</i> | | Weapon / Tools Activity | | | | | |
| | #2 Crime Incident () | | Weapon / Tools Activity | | | | | |
| | #3 Crime Incident () | | Weapon / Tools Activity | | | | | |
| | Entry | | Exit | Security | | | | |
| | Entry | | Exit | Security | | | | |
| | Entry | | Exit | Security | | | | |
| V I C T I M | # of Victims <i>6</i> Type: <i>INDIVIDUAL/NOT LAW</i> Injury: | | | | | | | |
| | Victim/Business Name (Last, First, Middle) <i>MUSSER, MELISSA SUE</i> | | Victim of Crime # <i>1</i> | DOB <i>08/28/1983</i> Age <i>31</i> | Race <i>W</i> Sex <i>F</i> Relationship To Offender <i>Resident</i> | | | |
| | Home Address <i>423 ELM ST, Vermontville, MI 49096-</i> | | Home Phone <i>517-588-0303</i> | | | | | |
| | Employer Name/Address <i>NONE</i> | | Business Phone <i>517- -</i> | Mobile Phone <i>517- -</i> | | | | |
| | VYR | Make | Model | Style | Color | Lie/Lis | VIN | |
| O T H E R S I N V O L V E D | CODES: V- Victim (Denote V2, V3) O - Owner (if other than victim) R - Reporting Person (if other than victim) | | | | | | | |
| | Type: <i>INDIVIDUAL/NOT LAW ENFORCEMENT</i> Injury: | | | | | | | |
| | Code <i>V2</i> | Name (Last, First, Middle) <i>MUSSER, ANDREW LEE</i> | Victim of Crime # <i>1</i> | DOB <i>[REDACTED]</i> Age <i>30</i> | Race <i>U</i> Sex <i>M</i> Relationship To Offender <i>Resident</i> | | | |
| | Home Address <i>9695 Brunm Rd Nashville, MI 49073</i> | | Home Phone <i>517- -</i> | | | | | |
| | Employer Name/Address | | Business Phone | Mobile Phone <i>517- -</i> | | | | |
| P R O P E R T Y | Type: <i>INDIVIDUAL/NOT LAW ENFORCEMENT</i> Injury: | | | | | | | |
| | Code <i>V3</i> | Name (Last, First, Middle) <i>GRINAGE, JOSEPH LEE</i> | Victim of Crime # <i>1</i> | DOB <i>[REDACTED]</i> Age <i>22</i> | Race <i>W</i> Sex <i>M</i> Relationship To Offender <i>Resident</i> | | | |
| | Home Address <i>704 Durkee St Nashville, MI 49073</i> | | Home Phone | | | | | |
| | Employer Name/Address | | Business Phone | Mobile Phone | | | | |
| | 1 - None 2 - Burned 3 - Counterfeit / Forged 4 - Damaged / Vandalized 5 - Recovered 6 - Seized 7 - Stolen 8 - Unknown ("OJ" - Recovered for Other Jurisdiction) | | | | | | | |
| VI # | Code | Stamps/Para/To | Value | OJ | QTY | Property Description | Make/Model | Serial Number |
| | <i>05</i> | <i>5</i> | <i>\$0.00</i> | | <i>1</i> | <i>2002 GLD, AFD66H MI</i> | <i>OLDS Silhouette</i> | <i>1GHDXR8E92D223986</i> |
| Officer/ID# <i>POPA, J. R. (ESDD, CNTY) (19343)</i> | | Invest ID# <i>BUXTON, R. D. (FS, DB) (19068)</i> | | Supervisor <i>BROOKS, S. C. (FSDC, CNTY) (19065)</i> | | | | |
| Complainant Signature | | Case Status <i>Closed</i> | | Date <i>04/16/2015</i> | | Case Disposition | | Page 1 |

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Incident Report Additional Name List

Eastern County Sheriff's Department

OC# 2015-0001574

Additional Name List

Page 2

| NameCode# | Name (Last, First, Middle) | Victim of Crime # | DOB | Age | Race | Sex |
|-----------|--|-------------------|------------|--------------|------|-----|
| 1) WI 1 | HOFFMAN, CHRISTOPHER S Address 7593 Gresham Hwy, Vermontville, MI 49096- Emp/Addr Wright Tree Service, Jackson | | [REDACTED] | 27 | W | M |
| | | | Hi: | | | |
| | | | Bi: | | | |
| | | | Mobile #: | 517-231-2689 | | |
| 2) WI 2 | COLEGROVE, MICHAEL OREILLY Address 739 Linden St, Charlotte, MI 48813- Emp/Addr | | [REDACTED] | 25 | W | M |
| | | | Hi: | 517-543-7083 | | |
| | | | Bi: | | | |
| | | | Mobile #: | | | |
| 3) WI 3 | MOREHOUSE, ELIZABETH Address 9795 W Kinsel Hwy, Vermontville, MI 49096-8526 Emp/Addr | | [REDACTED] | 53 | W | F |
| | | | Hi: | | | |
| | | | Bi: | | | |
| | | | Mobile #: | | | |
| 4) VI 4 | PEARCE, BRENDON LEE Address 2948 N Ionia Rd, Vermontville, MI 49096- Emp/Addr | 1, | [REDACTED] | 15 | W | M |
| | | | Hi: | 517-652-9108 | | |
| | | | Bi: | 517-652-1052 | | |
| | | | Mobile #: | | | |
| 5) VI 5 | HARSTON, RYAN KEITH Address 123 W Sherman St, Nashville, MI 49073- Emp/Addr Unemployed | 1, | [REDACTED] | 19 | W | M |
| | | | Hi: | 517- | | |
| | | | Bi: | | | |
| | | | Mobile #: | | | |
| 6) VI 6 | MUSSER, JOHN ERIC Address 123 Sherman St, Vermontville, MI 49073- Emp/Addr Self, 106 Main St. | 1, | [REDACTED] | 56 | W | M |
| | | | Hi: | 517-852-9466 | | |
| | | | Bi: | | | |
| | | | Mobile #: | | | |

INCIDENT/INVESTIGATION REPORT

By: CJERICK, SHERIFF009 06/17/2015 12:38

Eaton County Sheriff's Department

Case# 2015-0001574

State Codes: 1 = None 2 = Blinded 3 = Counterfeit / Forged 4 = Damaged / Vandalized 5 = Recovered 6 = Seized 7 = Stolen 8 = Unknown

| Item | Value | Quantity | Type / Measure | Suspected Type |
|-----------------------|-------|----------|----------------|----------------|
| D R U G S | | | | |
| | | | | |
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| | | | | |
| | | | | |

Arresting Officers:
 IVEY, J.C. (19203), STODOLNY, R.F. (19428), POPE, J.R. (19363), POPE, J.R. (19345), HULLIKER, K.A. (19189), SHARP, D.R. (20089)

Suspect Hate / Bias Motivated:

INCIDENT/INVESTIGATION REPORT

Eaton County Sheriff's Department

Narr. (cont.) OCA: 2015-0001574

NARRATIVE

2015-1574 / Original
 Deputy Pope
 PI Accident

Incident Description

On 03-08-15 at approximately 1755 hours I was dispatched West Kinsel Highway near Mason Road in reference to a PI accident. While en route to the scene Dispatch advised that 2 subjects had been thrown from the car and that the vehicle had rolled over and 1 subject was trapped inside the vehicle. Dispatch advised there may be a child involved but no one was able to locate the child. I arrived on scene and noticed a gold van that was rolled over and up against a tree on the west side of Mason Road just south of Kinsel. I noticed 1 subject outside the vehicle lying on the ground that was not moving. I noticed several other people with unknown injuries and 1 subject trapped inside the vehicle. I observed several beer cans around the scene of the crash.

I made contact with witness #1 who was identified as MICHAEL COLEGROVE. COLEGROVE can be contacted 517-543-7083. COLEGROVE stated while traveling northbound on Mason, just south of Kinsel he observed a gold van traveling southbound at what appeared to be a high rate of speed. COLEGROVE stated the vehicle hit a puddle that was in the roadway and lost control of the vehicle. COLEGROVE stated the vehicle then went into the ditch and rolled over where the vehicle came to rest.

I made contact with witness #2 who was identified as CHRISTOPHER HOFFMAN. HOFFMAN can be contacted by phone at 517-231-2689. HOFFMAN stated he was traveling northbound in the passenger seat with COLEGROVE. HOFFMAN stated to me that he observed a gold colored van travel past them southbound at a high rate of speed. HOFFMAN stated the vehicle hit a puddle that was in the roadway and lost control. HOFFMAN said that the vehicle then went into the ditch and rolled over where the vehicle came to a rest.

I made contact with witness #3 who was identified as ELIZABETH MOREHOUSE. MOREHOUSE can be contacted at 517-983-8947. MOREHOUSE stated she was traveling northbound on Mason Road just south of Kinsel. MOREHOUSE stated she saw a gold colored van pass by her traveling southbound on Mason at what she believed to be a high rate of speed. MOREHOUSE said after the vehicle passed her she looked in her rear view mirror. When MOREHOUSE looked in her rear view mirror she saw the gold van lose control and go into the ditch and roll over where it came to rest against a tree.

The driver of the vehicle was identified by her Michigan Driver's License as MELISSA MUSSER. The passenger of the vehicle was identified as RYAN HARSTON. Four other passengers were inside the vehicle at the time of this incident. The four other passengers are identified as ANDREW MUSSER, JOSEPH GRINAGE, BRENDON PEARCE and JOHN MUSSER. The location of these four passengers is unclear at this time.

INCIDENT/INVESTIGATION REPORT

Narr. (cont.) OCA: 2015-0001574

Eaton County Sheriff's Department

Page 4

An accident investigation team from the Eaton County Sheriff's Office was called out to the scene.

This investigation has been turned over to DET MALTBY. See his supplemental for further information.

Property / Evidence

I took photos at the scene.

I was wearing a body cam during this incident and a copy of the body cam footage has been placed into evidence.

See DET MALTBY's supplement for further information.

LBIN Information

None

Charges Requested

None

Follow-up

None

Respectfully submitted,
Deputy Papa, Badge #191
Eaton County Sheriff's Office

03-10-15/pb
3/13/15 JRP
3/17-ji

Incident Report Related Vehicle List

Eaton County Sheriff's Department

OCA: 2015-0001574

| | | | | | |
|---|-----------------|----------------------|--|---------------------------|--|
| Veh Yr/Make/Model 2002 OLDS, SWhouette | | Style SW | Color GLD | Lic/Lis AFZ868 MI 2015 | Vin 1GHDX03E92D223986 |
| IBR Status Seized | | Date 03/08/2015 | Location 11000 W KINSEL HWY/N MASON RD, VERMONTVILLE MI | | |
| Condition | Value \$0.00 | Offense Code 9999 | Jurisdiction Locality | State # | NIC # |
| Name (Last, First, Middle) Musser, Patricia Jane | | | Also Known As | | Home Address 433 ELM ST VERMONTVILLE, MI 49096 517-588-0303 |
| Business Address | | | | | |
| DOB 03/04/1963 | Age 52 | Race W | Sex F | Hgt 53. | Wgt 140 |
| Scars, Marks, Tattoos, or other distinguishing features | | | | | |

Notes

Towed by County Side

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eastern County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **CLOSED** Case Mng Status: **CLOSED** Occurred: **03/08/2015**
Offense: **PI ACCIDENT / FATAL**

Investigator: **IVEY, J. C. (19203)** Date / Time: **03/09/2015 02:15:59, Monday**
Supervisor: **IVEY, J. C. (19203)** Supervisor Review Date / Time: **03/09/2015 02:30:14, Monday**
Contact: Reference: **Supplement**

I responded to the fatal crash on Mason Rd and Kinsel Hwy with the other county units. Upon arrival, I made contact with Dep Popa and learned there was one fatality outside of the vehicle, several others injured outside of the vehicle and people still trapped inside of the vehicle. Area fire departments and ems were onscene attending to the injured.

One of the injured that was being treated ID'd himself verbally to me as Andrew Lee Musser w/n [REDACTED]. He said he could not recall what happened prior to the crash, who was driving, who was in the vehicle or how many people were in the vehicle. Musser was then transported from the scene.

EMS also pointed out a body laying on the ground at the back of the vehicle. This person was later ID'd as Pearce. He had been covered up with a blanket by the time I arrived. EMS advised that he was deceased.

While walking around the vehicle, I noticed the odor of intoxicants. I saw several beer cans and bottles on the ground around/in the vehicle. The containers I saw were all open.

After all the people were extricated from the vehicle and transported, I spoke with Asst Chief Wetzel from Vermontville FD, who stated that he was the one inside of the van extricating the driver, Melissa Musser. He said that he had to remove the back of the drivers seat she was sitting in to get her out. He also said she still had her seatbelt on which he had to cut.

While onscene, Patricia Musser arrived and said she was informed by others that her family was involved in the crash. She stated that the van driven was registered to her. She said on 3/8/15 at approximately 1400 hrs, she let Melissa Musser drive the vehicle as Meliassa said she needed to go get groceries. Patricia thought Melissa would be going to Bellevue to get the groceries. She said at the time she left she was alone.

The scene was turned over to Det Buxton, Dep Sharp and Dep Hilliker to complete the AI portion. Det Maltby and Det Gardner also came in and responded to Sparrow where all occupants were transported.

Please include this report with the original. I will also be making a copy of my BWC video from the initial response as well as the encounter with Patricia Musser to place in evidence.

Respectfully,

SGT Ivey 143

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLOSED

Case Mng Status: CLOSED

Occurred: 03/08/2015

Offense: PI ACCIDENT / FATAL

Investigator: GARDNER, T. S. (19152)

Date / Time: 03/11/2015 09:36:04, Wednesday

Supervisor: JUNGEL, T. L. (19222)

Supervisor Review Date / Time: 03/11/2015 09:36:00, Wednesday

Contact:

Reference: Supplement

On Sunday, March 8, 2015, at approximately 1912 hours I received a phone call from Detective Maltby requesting assistance on a Fatal Accident investigation that occurred on Mason Rd. at Kinsel Hwy. He asked that I meet him at Sparrow Hospital as there were 5 or 6 people to possibly interview.

Upon arrival I met with Sparrow Hospital Emergency Room staff. I was instantly informed that the person in trauma room # 2 had passed away. This person was identified as MELISSA SUE MUSSER 08-28-83. The head doctor at this time was Doctor Ansari. He is the head trauma doctor. He was assisted by Doctor CHRISTOPOULOS who is the head emergency room doctor. MELISSA SUE MUSSER was pronounced dead at 1944 hours.

I was also informed that there were patients in trauma rooms 1, 3, & 4 as well as emergency room 25 from this accident. I went to trauma room #1 first; however no one was in the room. I was told that he was having a CT scan and would be back after the procedure was complete. The patient in this room was later identified as ANDREW LEE MUSSER

I was informed that the patient in trauma room # 3 would not be able to talk to me as he was intubated and had an injury to his head. This patient was later identified as RYAN KEITH HARSTON

I then went to trauma room # 4. The patient in this room was also in CT scan. He was identified as JOSEPH LEE GRINAGE I was told that he would be back shortly.

I then went to emergency room # 25 where I met JOHN ERIC MUSSER. I explained to JOHN MUSSER that I was a detective from the Eaton County Sheriff's Office and that I had some questions about what happened. JOHN MUSSER stated that he didn't want to talk to me. This was at 2005 hours. I then left his room and went back towards the trauma rooms.

While waiting for JOSEPH GRINAGE and ANDREW MUSSER to come back from CT scan Detective Maltby came into the emergency room. I briefed Detective Maltby on what I had been told so far and that I was waiting for people to come back from CT scan. Detective Maltby and I then went into trauma room #2 where MELISSA SUE MUSSER was at. I took photographs of MELISSA SUE MUSSER for documentation. I took an overview photograph and then I took several closer photographs of areas on her body. It should be noted on MELISSA SUE MUSSER'S left hand on her ring finger she had a ring that appeared to be a class ring from 2002. This ring was silver in color and had a clear colored stone on it. On her right hand she had a gold colored ring on her index finger, two silver colored rings on her middle finger, a silver colored ring with a clear colored stone on her ring finger, and a silver colored ring on her pinkie. MELISSA SUE MUSSER also had a silver colored necklace with a charm around her neck. All of this jewelry was left on her person.

After Detective Maltby and I photographed MELISSA SUE MUSSER I checked to see if JOSEPH GRINAGE was back from CT scan. GRINAGE was back in his room and was able to talk however he had an oxygen mask on and was not

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED*Case Mng Status: *CLOSED*

Occurred: 03/08/2015

Offense: *PI ACCIDENT / FATAL*

able to take it off. I explained to GRINAGE who I was and that I was investigating the accident that he was involved in. I audio recorded our conversation and it started at approximately 2042 hours. The following will be a summary of what GRINAGE said.

GRINAGE told me that he was hanging out with BRENDON LEE PEARCE and RYAN HARSTON in Nashville when he received a Facebook message from MELISSA MUSSER asking him if he wants to go for a ride. GRINAGE said he told her he did want to go so they decided to meet at the old Kellogg Alternative Education building in Nashville. GRINAGE said that they then turned onto Reed St. (which turns into Nashville Hwy. in Eaton County) and drove past the Maple Valley High School. They then turned right onto Mason Rd. GRINAGE said he then remembers they hit some water in the roadway and hydroplaned. He said he blacked out after that.

I asked GRINAGE who was driving the vehicle. He said it was MELISSA MUSSER. I asked if there was anyone in the vehicle with her when she picked him up. He said that ANDREW and JOHN MUSSER were in the van already. I asked GRINAGE where everyone was sitting. He said that MELISSA MUSSER was driving; RYAN HARSTON was the front seat passenger; He was sitting directly behind MELISSA MUSSER; ANDREW MUSSER and JOHN MUSSER were in the very back seat of the van. GRINAGE was not sure where BRENDON PEARCE was sitting.

I asked GRINAGE if they all were drinking alcohol. He said everyone had been drinking other than PEARCE. He said that he had 4 beers before he got into the van. He said that MELISSA MUSSER "had some beers". I asked if he knew what MELISSA MUSSER was doing before she picked him up. GRINAGE said he didn't know. He said she wasn't drinking any beer while she was driving. I asked how he knows she was drinking. He said that she was drinking earlier and he said that she always drinks. GRINAGE then said that ANDREW and JOHN MUSSER were drinking while they were going down the road.

I asked how fast the vehicle was going. GRINAGE said he thought it was speeding. He said it felt like they were going a lot faster than 55 mph.

GRINAGE was informed while I was in the room that he had a broken left leg that was going to need surgery.

After speaking with JOSEPH GRINAGE I spoke with the MEI from Ingham County who was BRETT RAMSDEN. I gave GRINAGE the information he needed for his investigation. I also spoke with Eaton Area EMS head paramedic on scene, JASON BROOKS. He informed me he was at the scene along with EMT ANNA MATTSON, paramedic ANN JOHNSON, and paramedic SHAYNE SMITH. He said there were also two ambulances from Nashville EMS. Paramedic BROOKS said that there were only two people seat belted into the car. The first was MELISSA MUSSER. Paramedic Brooks said she had to be cut out of the car. He also said that front seat passenger RYAN HARSTON had his seat belt on.

Detective Maltby was able to talk with ANDREW MUSSER for information on this see his report.

After Detective Maltby finished talking with ANDREW MUSSER he stated he would talk with BRENDON PEARCE'S mother. I stated I would talk with MELISSA MUSSER'S family.

MEI RAMSDEN and I then met with PATRICIA MUSSER and her family. MEI RAMSDEN asked a few questions and then left the room. I then gave the MUSSER family my condolences and informed them of what information I had.

Investigator Signature

Supervisor Signature

Page 8

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Essex County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **CLOSED**

Case Mng Status: **CLQSED**

Occurred: 03/08/2015

Offense: **PI ACCIDENT / FATAL**

I stated that I had been told that MELISSA'S vehicle was southbound on Mason Rd. when it hit water over the road. This caused the van to hydroplane. The van then hit a tree. I asked PATRICIA MUSSER if she was with MELISSA earlier. PATRICIA said she was. She said that MELISSA said she was going grocery shopping in Charlotte and left the house around 2pm. I asked if MELISSA was with anyone else. PATRICIA MUSSER said MELISSA was by herself. I asked if MELISSA had been drinking any alcohol earlier in the day. She had not.

I also asked if MELISSA had any medical conditions. PATRICIA MUSSER said that she has gastroparesis. I asked what that was. She said it is a condition where her body will shut down because it doesn't process the food she takes in. MELISSA didn't have any other medical problems.

I then informed the MUSSER family that if they needed anything or if I could help them out in any way to call me. I gave everyone my business card and then left.

This supplemental report will be forwarded to the original.

Respectfully,

Det. Troy Gardner

[03/11/2015 09:36, TGARDNER, 92, ECSD] [03/11/2015 09:38, TGARDNER, 92, ECSD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLOSED

Case Mng Status: CLOSED

Occurred: 03/08/2015

Offense: PI ACCIDENT / FATAL

Investigator: GARDNER, T. S. (19152)

Date / Time: 03/11/2015 09:38:06, Wednesday

Supervisor: JUNGEL, T. L. (19222)

Supervisor Review Date / Time: 03/11/2015 09:39:00, Wednesday

Contact:

Reference: Supplement

I was contacted by JEREMY DONALD BARLOW and PATRICIA JANE MUSSER 03-04-63 in reference to getting some of MELISSA SUE MUSSER'S belongings back (her purse with it's contents and her cell phone) as well as a saxophone that was inside of the van.

I spoke with Detective Maltby and Detective Buxton to make sure they were okay with me returning these items. We all agreed that this would be okay. MELISSA MUSSER'S purse had already been booked into evidence by Deputy Hilliker. Detective Buxton said that he remembers seeing a saxophone in the vehicle. Detective Buxton said he would be at the Eaton County Sheriff's Office polebarn around 1300 hours on March 10, 2015. I met him there. We took some photographs of the vehicle and then I was able to retrieve the saxophone. I also had JEREMY BARLOW describe what MELISSA MUSSER'S cell phone looked like as we had one in our property room. He said it was a "HTC" brand and it was black in color with a red stripe on the back. This did not match the description of the phone in our property room. While I was in the polebarn with Detective Buxton he was able to locate MELISSA MUSSER'S phone on the floor of the van between the driver's seat and the front passenger's seat. I took this into my possession also.

After obtaining these items out of the van I brought them back to my office where I photographed them. I also obtained MELISSA MUSSER'S purse from Property Deputy Hafner. I opened the package that the purse was in and took photographs of the items inside. I then contacted both PATRICIA MUSSER and JEREMY BARLOW to see if I could have them both sign for the property. They said they would meet me at PATRICIA MUSSER'S house.

I met them at 423 Elm Street in Vermontville around 1620 hours. I first put the saxophone on their table. I showed them that the case was damaged in the accident however the saxophone itself looked to be untouched. I then gave them MELISSA MUSSER'S cell phone. I explained that this phone had some type of liquid on it when we found it in the van. I said it may have been from snow getting inside from the accident. I also told them that the phone would not turn on but the battery may have run out. I finally showed them MELISSA MUSSER'S purse. I told them to be careful as there were numerous pieces of glass still on the purse. I also told them that I took photographs of the purse and it's contents. I said that there was \$42.00 dollars inside of her wallet (2 \$20.00 bills and 2 \$1.00 bills). There was also some change.

After showing them all of these items I had PATRICIA MUSSER and JEREMY BARLOW sign for them. Once they did this they took possession of these items. I then told them that if the Eaton County Sheriff's Office could help them in any way during this difficult time to please call me and I would do everything I could for them.

This report shall be forwarded to the original.

Respectfully,

Det. Troy Gardner

[03/11/2015 09:38, TGARDNER, 92, ECSD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

CCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: CLOSED

Case Mug Status: CLOSED

Occurred: 03/08/2015

Offense: PI.ACCIDENT/FATAL

Investigator Signature

Supervisor Signature

Page 11

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED*

Case Mng Status: *CLOSED*

Occurred: 03/08/2015

Offense: *PI ACCIDENT / FATAL*

Investigator: *HILLIKER, K. A. (19189)*

Date / Time: *03/17/2015 00:00:00, Tuesday*

Supervisor: *SEDEL, E. A. (19422)*

Supervisor Review Date / Time: *03/22/2015 00:00:00, Sunday*

Contact:

Reference: *Supplement*

SUPPLEMENT (FATAL CRASH)

ADDITIONAL INFORMATION:

I received an e-mail from DEPUTY HAFNER, the department's Property Officer, requesting I re-package the four beer cans and bottles as they had leaked on his seat. Per his request, I re-packaged them in multiple garbage bags to insure no further leakage, and placed them back into Evidence locker # 2 on 03/17/15, at approximately 0015 hours.

Respectfully submitted:

DEPUTY K. HILLIKER #211, ECSO

km 03/17/15

KH 03/17/15

ES 03/22/15

[03/25/2015 10:18, KMAURER, 33, ECSD]

Investigator Signature

Supervisor Signature

CASE SUPPLEMENTAL REPORT

Printed: 06/17/2015 12:58

Easton County Sheriff's Department

DCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED*Case Mng Status: *CLOSED*Occurred: *03/08/2015*Offense: *PI ACCIDENT / FATAL*Investigator: *HILLIKER, K. A. (19189)*Date / Time: *03/17/2015 14:28:01, Tuesday*Supervisor: *SIDEL, E. A. (19422)*Supervisor Review Date / Time: *03/12/2015 00:00:00, Thursday*

Contact:

Reference: *Supplement*Supplemental Report
Additional Information

On 3/8/15 at approximately 1800 hours it was requested by the county road patrol sergeant that I respond to the area of Mason Road between Kinsel and Valley to assist the accident investigation team with a fatal crash.

I responded to the scene along with DEP. SHARP and assisted DET. BUXTON in the accident investigation. Please see DET. BUXTON's original report and crash team report for more detailed information.

While on scene DET. BUXTON requested I collect some evidence at the scene.

1. A purse belonging to the alleged driver, MELISSA MUSSER, with contents including but not limited to her medication, credit card, medical marijuana card, and social security card.
2. Two Bud Light cans that were located outside of the van. I located and collected one Bud Light can that appeared to have been cut in half. I also located two Budweiser bottles; one was near the middle of the vehicle on the driver's side. This bottle had fallen out. Bottle number 2 was located outside the vehicle and still had approximately half of the beer in it with no cap on it.
3. Cell phone taken from the scene, unknown owner, black Kyocera, serial number DEC268435462507089456. I placed the phone into airplane mode prior to powering it off.

These items were collected and secured in the AJ rig and transported back the Delta office where they were placed into evidence. Please see DET. BUXTON's original report and crash team report for further information.

Respectfully submitted,
Deputy Hilliker
ECSD / Badge 211

09/10/15 LKB

KH 03/12/15

03/12/15 ES

[03/17/2015 14:28, LBAERT, 572, ECSD]

Investigator Signature

Supervisor Signature

Page 13

**CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED**

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED*Case Mag Status: *CLOSED*Occurred: *03/08/2015*Offense: *PI ACCIDENT / FATAL*Investigator: *BUXTON, R. D. (19068)*Date / Time: *04/09/2015 15:41:12, Thursday*Supervisor: *JUNGEL, T. L. (19222)*Supervisor Review Date / Time: *NOT REVIEWED*

Contact:

Reference: *Supplement***INFORMATION:**

On March 8, 2015 at approximately 1830 hours I received a call from Sergeant JOSH IVEY requesting that I respond to the scene of a fatality crash. I arrived at the scene at approximately 1905 hours. When I arrived I observed a brown Oldsmobile Silhouette resting on its roof against some trees. There was a deceased male on the ground at the rear of the vehicle. All other occupants of the vehicle had been transported to the hospital prior to my arrival.

Deputy DOUG SHARP and Deputy KYLE HILLIKER assisted me with the scene crash investigation. After the scene measurements were taken, Mercy Ambulance responded and transported the deceased victim to Sparrow Hospital. The victim was released to Mercy Ambulance at approximately 2208 hours. After all of the evidence was collected at the scene I followed Countryside Towing as they transported the vehicle to the Eaton County Sheriff's Office Storage Facility to be held as evidence. A flatbed wrecker was utilized to transport the vehicle. The vehicle was towed from the scene at approximately 2311 hours. We arrived at the storage facility at approximately 2340 hours. The Countryside Towing employees were not allowed in the vehicle and were not allowed to throw any debris into the vehicle.

ROADWAY DESCRIPTION:

The roadway where this crash occurred was within the Township of Vermontville, County of Eaton and State of Michigan. There is a grade to the roadway. The crash occurred approximately 600 feet south of W. Kinsel Highway on Mason Road. The vehicle collided with a tree approximately 150 feet south of 1915 Mason Road. The speed limit in the area of the crash was 55 mph. There was one northbound lane and one southbound lane. The lanes were separated by a broken yellow line for northbound and a solid yellow line for southbound. There are hills north of Mason Road and south of Mason Road.

ROADWAY EXAMINATION:

There was a large water puddle north of the driveway at 1915 Mason Road. The puddle covered approximately three quarters of the southbound lane. There were yaw marks that started near the center line of the roadway and continued in the direction of the final resting position of the vehicle. The yaw marks were on the portion of the roadway with an uphill slope. I measured a chord of 115' and a middle ordinate of 4'. Using a drag factor of .80 I determined a speed of approximately 70 mph. This is a minimum speed since the yaw marks were on an uphill grade which would increase the drag factor. Using a drag factor of .90 I determined a speed of approximately 74 mph. The damage to the vehicle was consistent with a crash at a high rate of speed.

WEATHER CONDITIONS:

The temperature at the time of this crash was approximately 42 degrees. There was no precipitation. The roadway was dry with the exception of the large puddle in the southbound lane. It was daylight at the time of the crash.

PERSONNEL:

I completed a field sketch and took scene photographs. I also measured the yaw mark. Deputy HILLIKER manned the

Investigator Signature

Supervisor Signature

Page 14

**CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED**

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **CLOSED**Case Mng Status: **CLOSED**

Occurred: 03/08/2015

Offense: **PI ACCIDENT / FATAL**

Nikon Total Station and I held the prism pole. I completed the UD-10 Traffic Crash Report. Deputy HILLIKER collected several beer cans and bottles from the scene and booked them into evidence. See his supplemental report for additional information.

DRIVER/PASSENGER/WITNESS:

The individual who was pronounced at the scene was identified as BRENDON LEE PEARCE, W/M, 03/31/1999. The driver was pronounced deceased at the hospital and she was identified as MELISSA SUE MUSSER, W/F, 08/28/1983. Refer to the UD-10 Traffic Crash Report for additional Driver/Passenger information.

VEHICLE INSPECTIONS:

The vehicle involved in this fatality crash was a 2002 Oldsmobile Silhouette, brown in color, MI Registration AFZ 868, VIN: 1GHDX03E92D223986. The vehicle was registered to PATRICIA JANE MUSSER, 423 Elm St. PO Box 115 Vermontville, MI 49096. I inspected the vehicle at the Eaton County Sheriff's Office Storage Facility on March 10, 2015 at approximately 1300 hours.

This vehicle sustained extensive damage. The primary damage was to the front and the passenger compartment. The roof had been pushed into the passenger compartment due to striking a tree. The roof was collapsed mostly between the "A" pillar and the "B" pillar. It was apparent that as the vehicle rolled over and the driver side "A" pillar contacted the tree. The driver seatbelt had been cut by EMS. EMS personnel indicated to Sergeant IVEY that they cut the driver seatbelt and had to cut the driver seat during extrication. The vehicle came to rest upside down therefore there was a large amount of blood on the roof liner. The front passenger seatbelt had also been cut by EMS. There were numerous photographs taken by me during the vehicle inspection.

The tree that the vehicle struck was in a "V" shape. The rear of the vehicle struck one part of the tree as shown in the scene photographs. The left rear tire was a "donut" tire intended as a spare tire. The driver and passenger side "A" pillars had been cut by EMS during extrication.

EVIDENCE:

Item #5: 2002 Oldsmobile Silhouette, brown in color, MI Registration AFZ 868, VIN: 1GHDX03E92D223986.

OPINION:

The vehicle involved in this crash was southbound on Mason Road, south of Kinsel Highway, travelling at a high rate of speed. The vehicle struck a large water puddle causing the driver to lose control. The driver attempted to regain control of the vehicle and steered to the right putting the vehicle into a yaw. The vehicle left the roadway to the right and overturned. As it was rolling over it struck a large tree causing the victim PEARCE to be ejected and causing fatal injuries to MELISSA MUSSER.

FOLLOW UP:

None planned at this time.

Respectfully submitted,

Detective Rick Buxton #170
Eaton County Sheriff's Office

Investigator Signature

Supervisor Signature

Page 15

CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department:

OCA: **20150001574**

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *CLOSED*

Case Mng Status: *CLOSED*

Occurred: *03/08/2015*

Offense: *PI ACCIDENT / FATAL*

[04/09/2015 15:43, RBUXTON, 150, ECSD]

Investigator Signature

Supervisor Signature

**CASE SUPPLEMENTAL REPORT
NOT SUPERVISOR APPROVED**

Printed: 06/17/2015 12:58

Eaton County Sheriff's Department

OCA: 20150001574

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: **CLOSED** Case Ming Status: **CLOSED** Occurred: **03/08/2015**
Offense: **PI ACCIDENT / FATAL**

Investigator: **BUXTON, R. D. (19068)** Date / Time: **05/27/2015 15:02:39, Wednesday**
Supervisor: **JUNGEL, T. L. (19222)** Supervisor Review Date / Time: **NOT REVIEWED**
Contact: Reference: **Supplement**

ADDITIONAL INFORMATION:

On May 20, 2015 I received a copy of the Sparrow Forensic Pathology Report in reference to MELISSA MUSSER. The Medical Examiner that conducted the autopsy was JOHN A. BECHINSKI, D.O. The autopsy listed the Cause of Death as Multiple injuries. The Manner of Death was listed as Accident. MELISSA MUSSER had a femoral blood alcohol level of .083% and a vitreous fluid alcohol level of .092%.

On May 20, 2015 I received a copy of the Sparrow Forensic Pathology Report in reference to BRENDON PEARCE. The Medical Examiner that conducted the autopsy was JOHN A. BECHINSKI, D.O. The autopsy listed the Cause of Death as Multiple injuries. The Manner of Death was listed as Accident. BRENDON PEARCE had 4.8 ng/ml of THC in his system. PEARCE tested negative for alcohol.

More information is contained within the autopsy and toxicology reports. No further investigation will be conducted at this time.

Respectfully submitted,

Detective Rick Buxton #170
Eaton County Sheriff's Office
[05/27/2015 15:03, RBUXTON, 150, ECSD] [05/27/2015 15:14, RBUXTON, 150, ECSD]

Investigator Signature

Supervisor Signature

| | | | | | |
|---|---|---|---|--|--|
| Authority: 8449 PA, 802, Sec. 267, 822 Certificate Required MBP UC-10E Penalty: \$100 under 80 days (Rev 11/2009) | | Estimated # 0020885 Crash ID | | Page 01 of 01 File Class: 5400-2 Incident # 20180001874 | |
| <h1>STATE OF MICHIGAN TRAFFIC CRASH REPORT</h1> | | | | | |
| CR#: MI 2312900 | | Department Name EATON COUNTY SHERIFF'S DEPARTMENT | | | |
| Crash Date 03/06/2018 | Crash Time 17:55 | No. of Lives 01 | Crash Type Single Motor... | Special Circumstances <input type="checkbox"/> School Bus <input type="checkbox"/> Mass <input type="checkbox"/> Motor Run <input type="checkbox"/> Door Flipping Police | Special Checks <input checked="" type="checkbox"/> Fatal <input type="checkbox"/> Non-Traffic Area <input type="checkbox"/> DRY/Uninsurable |
| County 23 - Eaton | Traffic Control None | Relation to Roadway Outside Of Shoulder / ... | Special Study <input type="checkbox"/> | Weather Clear | Arrest 10 - Non-freeway - Straight Roadway |
| City/Twp 10 - Kalamazoo Twp | Construction Zone (If applicable) Type | Lane Closed | Activity Daylight | Road Condition Wet | Total Lanes 02 |
| Road Name MASON | Road Type RD | Side N | Other Roadway N | Distance 500 Feet E | Access Control D1 - No Access Control |
| Public W | Intersecting Road KINSEL | Road Type HWY | Side N | Other Roadway N | Other Roadway N |
| Unit Number 01 | Unit Known Yes | State MI | Driver License Number M280589778670 | Date of Birth (Age) 08/28/1993 (24) | License Type <input checked="" type="checkbox"/> Operator <input type="checkbox"/> Operator <input type="checkbox"/> Operator <input type="checkbox"/> Operator |
| Unit Type MV | Driver Information MELISSA SUE MUSSER 423 ELM ST VERMONTVILLE, MI 49086 | Sex F | Height 05 | Weight 120 | Education 01 - SPEED TOO FAST |
| Driver Qualification <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/> 81 <input type="checkbox"/> 82 <input type="checkbox"/> 83 <input type="checkbox"/> 84 <input type="checkbox"/> 85 <input type="checkbox"/> 86 <input type="checkbox"/> 87 <input type="checkbox"/> 88 <input type="checkbox"/> 89 <input type="checkbox"/> 90 <input type="checkbox"/> 91 <input type="checkbox"/> 92 <input type="checkbox"/> 93 <input type="checkbox"/> 94 <input type="checkbox"/> 95 <input type="checkbox"/> 96 <input type="checkbox"/> 97 <input type="checkbox"/> 98 <input type="checkbox"/> 99 <input type="checkbox"/> 100 | Injured Yes | Ejected No | Trapped 2 - NO | Always Deployed NO | Assistance VERM |
| Vehicle Registration AFZ866 | Make MI | Insurance / Policy # MEEMIC / PAPO00250 | Towed Vehicle EATON COUNTY SHERIFFS... | Special Vehicle 0 | Private Trailer Type 0 |
| VIN 1GHDK03E2B2D229886 | Vehicle Description OLDSMOBILE | Make SILHOUETTE | Color GOLD | Year 2002 | Vehicle Type 1 - PASSENGER CAR (PA) |
| Location of Greatest Damage 0 | Flat Tires 00 | Extent of Damage 7 | Driveline No | Vehicle Condition 8 | Vehicle Use 1 - PRIVATE |
| Subjective of Event <input checked="" type="checkbox"/> Indicates MDOT harmful event | Fault 01 - Loss Of Control | Reason 04 - Ran Off Roadway - Right | Time 06 - Overtake | Fault <input checked="" type="checkbox"/> 30 - Trees | Action Prior 01 - GOING STRAIGHT AHEAD |
| Passenger Information RYAN KEITH HARSTON 371 S MAIN ST VERMONTVILLE, MI 49096 | Date of Birth (Age) 1995 (23) | Sex M | Position 03 | Remarks 04 | Hospital SPA |
| Passenger Information JOSEPH LEE GRINAQE 704 DURKEE ST NASHVILLE, MI 49073 | Date of Birth (Age) 1892 (22) | Sex M | Position 04 | Remarks 05 | Hospital SPA |
| Passenger Information JOHN ERIC MUSSER 123 SHERMAN ST VERMONTVILLE, MI 49073 | Date of Birth (Age) 1956 (58) | Sex M | Position 07 | Remarks 06 | Hospital SPA |
| Passenger Information ANDREW LEE MUSSER 9865 DRUMM RD NASHVILLE, MI 49073 | Date of Birth (Age) 1885 (30) | Sex M | Position 06 | Remarks 06 | Hospital SPA |
| Passenger Information BRENDON LEE PEARCE 2048 N KONA RD VERMONTVILLE, MI 49086 | Date of Birth (Age) 03/31/1999 (18) | Sex M | Position 06 | Remarks 06 | Hospital SPA |
| Passenger Information Name Date of Birth (Age) Sex Position Remarks Hospital | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance |
| Carrier Information Carrier Name GVWR TCCAC USDOT MPEC | Driver's Cell Type Endorsements Cell License Cell Restrictions | None <input type="checkbox"/> H <input type="checkbox"/> P <input type="checkbox"/> T <input type="checkbox"/> Y <input type="checkbox"/> Z <input type="checkbox"/> K <input type="checkbox"/> S <input type="checkbox"/> X | <input type="checkbox"/> Farm <input type="checkbox"/> Other | <input type="checkbox"/> 01 <input type="checkbox"/> 02 <input type="checkbox"/> 03 <input type="checkbox"/> 04 <input type="checkbox"/> 05 <input type="checkbox"/> 06 <input type="checkbox"/> 07 <input type="checkbox"/> 08 <input type="checkbox"/> 09 <input type="checkbox"/> 10 <input type="checkbox"/> 11 <input type="checkbox"/> 12 <input type="checkbox"/> 13 <input type="checkbox"/> 14 <input type="checkbox"/> 15 <input type="checkbox"/> 16 <input type="checkbox"/> 17 <input type="checkbox"/> 18 <input type="checkbox"/> 19 <input type="checkbox"/> 20 <input type="checkbox"/> 21 <input type="checkbox"/> 22 <input type="checkbox"/> 23 <input type="checkbox"/> 24 <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 27 <input type="checkbox"/> 28 <input type="checkbox"/> 29 <input type="checkbox"/> 30 <input type="checkbox"/> 31 <input type="checkbox"/> 32 <input type="checkbox"/> 33 <input type="checkbox"/> 34 <input type="checkbox"/> 35 <input type="checkbox"/> 36 <input type="checkbox"/> 37 <input type="checkbox"/> 38 <input type="checkbox"/> 39 <input type="checkbox"/> 40 <input type="checkbox"/> 41 <input type="checkbox"/> 42 <input type="checkbox"/> 43 <input type="checkbox"/> 44 <input type="checkbox"/> 45 <input type="checkbox"/> 46 <input type="checkbox"/> 47 <input type="checkbox"/> 48 <input type="checkbox"/> 49 <input type="checkbox"/> 50 <input type="checkbox"/> 51 <input type="checkbox"/> 52 <input type="checkbox"/> 53 <input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56 <input type="checkbox"/> 57 <input type="checkbox"/> 58 <input type="checkbox"/> 59 <input type="checkbox"/> 60 <input type="checkbox"/> 61 <input type="checkbox"/> 62 <input type="checkbox"/> 63 <input type="checkbox"/> 64 <input type="checkbox"/> 65 <input type="checkbox"/> 66 <input type="checkbox"/> 67 <input type="checkbox"/> 68 <input type="checkbox"/> 69 <input type="checkbox"/> 70 <input type="checkbox"/> 71 <input type="checkbox"/> 72 <input type="checkbox"/> 73 <input type="checkbox"/> 74 <input type="checkbox"/> 75 <input type="checkbox"/> 76 <input type="checkbox"/> 77 <input type="checkbox"/> 78 <input type="checkbox"/> 79 <input type="checkbox"/> 80 <input type="checkbox"/> 81 <input type="checkbox"/> 82 <input type="checkbox"/> 83 <input type="checkbox"/> 84 <input type="checkbox"/> 85 <input type="checkbox"/> 86 <input type="checkbox"/> 87 <input type="checkbox"/> 88 <input type="checkbox"/> 89 <input type="checkbox"/> 90 <input type="checkbox"/> 91 <input type="checkbox"/> 92 <input type="checkbox"/> 93 <input type="checkbox"/> 94 <input type="checkbox"/> 95 <input type="checkbox"/> 96 <input type="checkbox"/> 97 <input type="checkbox"/> 98 <input type="checkbox"/> 99 <input type="checkbox"/> 100 | Hazardous Material <input type="checkbox"/> Flammable <input type="checkbox"/> Cargo Spill |
| Driver Information PATRICIA JANE MUSSER 423 ELM ST VERMONTVILLE, MI 49086 | Date of Birth (Age) 1956 (58) | Sex F | Position 06 | Remarks 06 | Hospital SPA |
| Driver Information Name Date of Birth (Age) Sex Position Remarks Hospital | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance | Injury Always Deployed Ejected Trapped Assistance |
| Report Address of Damaged Traffic Control Contact Name Contact Date Contact Time | Damaged Property Contact & Phone | Police | Police | Police | Police |

| | | | | | | | | | |
|--|----------------------|--|-----------------------|--|--|--|-----------------|---|---|
| Unit Number | Unit Name | State | Driver License Number | Date of Birth (Age) | License Type <input type="checkbox"/> Operator <input type="checkbox"/> Classifier <input type="checkbox"/> Moped | Endorsements <input type="checkbox"/> Cycle <input type="checkbox"/> Farm <input type="checkbox"/> Recreational | Sex | Total Occupants 00 | Hazardous Action |
| Unit Type | Driver Information | | | Injury | Position | Restraint | Hospital | | |
| Driver Condition <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6 <input type="checkbox"/> 7 <input type="checkbox"/> 8 <input type="checkbox"/> 9 <input type="checkbox"/> 00 | | | | Interact No | Special No | Trapped No | Airbag Deployed | Ambulance | |
| Alcohol Test Type <input type="checkbox"/> Vial <input type="checkbox"/> No <input type="checkbox"/> Field <input type="checkbox"/> Refused <input type="checkbox"/> PBT <input type="checkbox"/> Not Offered | | Breath <input type="checkbox"/> Blood <input type="checkbox"/> Urine | | Test Results | | Test Results | | Collision Injured <input type="checkbox"/> Hysterical <input type="checkbox"/> Other | |
| Vehicle Registration | State | Insurance / Policy # | Towed Tally | | Special Vehicles / Private (Under Type) | | Vehicle Driver | | |
| VIN | Vehicle Description | Make | Model | Color | Year | Vehicle Type | | | |
| Location of Greatest Damage | 00 | First Impact | Extent of Damage | Drivability | Vehicle Disposition | Vehicle Use | | Action Prior | |
| Suspension of Events <input type="checkbox"/> Indicate NCST (avoid event) | | First | Second | Third | Fourth | | | | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Passenger Information | | | | Date of Birth (Age) | Sex | Position | Restraint | Hospital | |
| Owner Information | | | | Owner Source | GVWR | ICCMO | URDOT | MPBC | |
| Driver's CDL Type | | | | Endorsements | | CDL Receipt | | CDL Restrictions | |
| None | | | | <input type="checkbox"/> H <input type="checkbox"/> F <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> A <input type="checkbox"/> X | | <input type="checkbox"/> Farm <input type="checkbox"/> Other | | <input type="checkbox"/> 25 <input type="checkbox"/> 26 <input type="checkbox"/> 30 <input type="checkbox"/> 35 <input type="checkbox"/> 40 | |
| Manufacturer | Vehicle Type | Type & Axle Per Unit | | Second | Third | Fourth | Cargo Body Type | Medical Card | Hazardous Material <input type="checkbox"/> Flammable <input type="checkbox"/> Cargo Spill |
| Driver Information | | | | Owner Information | | | | | |
| Witness Information | | | | Witness Information | | | | | |
| Investigated at Scene | Reported Date (Time) | 1st Investigator Name (Badge) | | 2nd Investigator Name (Badge) | | | Photo By | | |
| Yes | 03/12/2015 00:00 | R. BUXTON (18068) | | | | | R. BUXTON | | |
| Narrative | | | | Diagram | | | | | |
| Vehicle #1 was southbound when the vehicle went through a large water puddle, lost control and left the roadway. The vehicle rolled over and struck a tree. [03/12/2015 18:30, RBUXTON, 150, ECSD] | | | | | | | | | |

Eaton County Sheriff's Office
Item Submission Form

DATE PRINTED: 3/9/2015
TIME PRINTED: 02:11 AM

Case #: 2015-1574
Item ID: 1
Barcode ID: 7466-1


Category: Other
Description: Purse belonging to Melissa Muser with contents including medication, Effor, credit card, medical marijuana card, social security card
Date Received: 03/08/2015 10:00 PM
Location: Item currently in Temporary Location: Eaton County Sheriff's Office => Delta Substation => Delta Twp Evidence Lockers

Case #: 2015-1574
Item ID: 2
Barcode ID: 7466-2

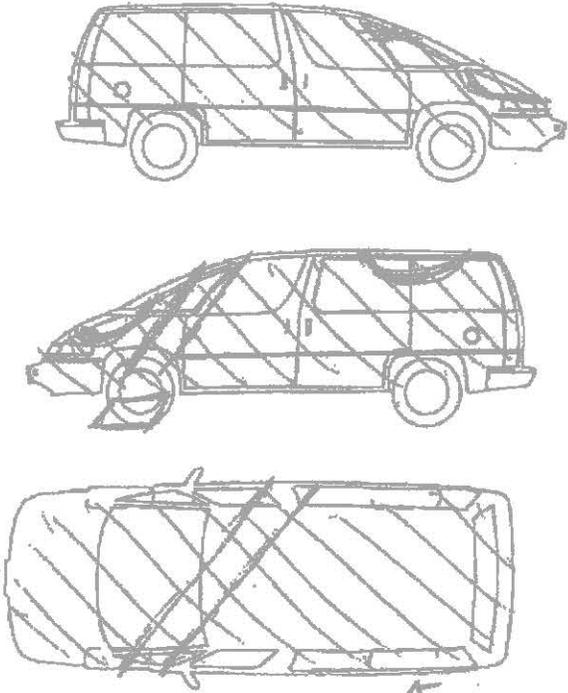

Category: Other
Description: 2 Bud light cans, 1 half of a Bud light can, 2 Budweiser bottles.
Date Received: 03/08/2015 10:00 PM
Location: Item currently in Temporary Location: Eaton County Sheriff's Office => Delta Substation => Delta Twp Evidence Lockers

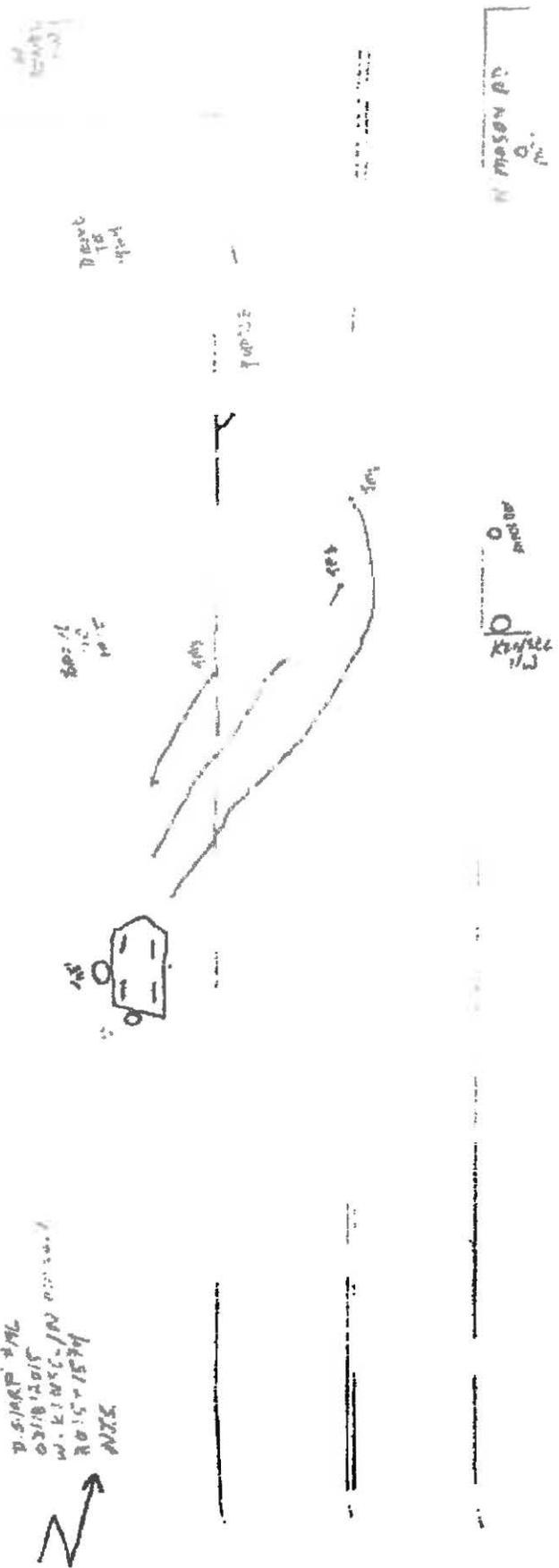
Case #: 2015-1574
Item ID: 3
Barcode ID: 7466-3


Category: Electronics
Description: Cell phone taken from scene of fatal.
Date Received: 03/08/2015 10:00 PM
Location: Item currently in Temporary Location: Eaton County Sheriff's Office => Delta Substation => Delta Twp Evidence Lockers

Submitted By: _____ DATE: _____

Received By: _____ DATE: _____

| | | | | | |
|--|---------------------|--|-----------------|---|--|
| CRASH NUMBER: 2015-1574 | | DATE OF INSPECTION: 03/10/2015 | | INVESTIGATOR: R. Buxton #170 | |
| YEAR: 2002 | MAKE: Oldsmobile | MODEL: Silhouette | REG: AFZ 868 | VIN: 1GHDX03E92D223986 | |
| EATON COUNTY SHERIFF'S OFFICE VEHICLE INSPECTION FORM | | | | | |
|  | | | | | |
| CONTACT:  | | | | | |
| HEADLIGHTS: LEFT: DAMAGED RIGHT: DAMAGED | | TAIL LIGHTS: LEFT: DAMAGED RIGHT: DAMAGED | | SPEEDOMETER: UNKNOWN | |
| | | SIDE MARKERS: LF: DAMAGED RF: DAMAGED LR: RR: | | ODOMETER: UNKNOWN | |
| | | | | LIGHT SWITCH: UNKNOWN | |
| SEATBELTS: LF: CUT RF: CUT LR: — CUT — | | AIRBAG CONTROL MODULE: Supported, NOT imaged | | CRUISE CONTROL: UNKNOWN | |
| | | GEAR: | | WINDOWS: LF: RF: LR: RR: | |
| | | REAR WINDOW: DAMAGED | | DAMAGED | |
| TIRES LOCKED BY DAMAGE: LF: YES RF: NO LR: NO RR: NO | | WINDSHIELD: Broken | | DEPLOYED AIRBAGS: NONE | |
| | | | | COLOR: Brown | |



Vehicle inspection worksheet

reference 2015-1574

Tires

Appendix 93 - Department 933, Reg 24, Tire Inflation and Related Equipment Labels

| Label | Text |
|-------|-----------------------|
| 1 | MAXIMUM LOAD CAPACITY |
| 2 | MAXIMUM LOAD CAPACITY |
| 3 | MAXIMUM LOAD CAPACITY |
| 4 | MAXIMUM LOAD CAPACITY |
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| 6 | MAXIMUM LOAD CAPACITY |
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| 100 | MAXIMUM LOAD CAPACITY |

Appendix 93 - Department 933, Reg 24, Tire Speed Ratings

| Speed Rating | Text |
|--------------|-----------------------|
| 1 | MAXIMUM LOAD CAPACITY |
| 2 | MAXIMUM LOAD CAPACITY |
| 3 | MAXIMUM LOAD CAPACITY |
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| 100 | MAXIMUM LOAD CAPACITY |

| | right front | right rear | left front | left rear |
|----------------|------------------------|--------------------------------|-----------------------|--------------------------|
| mfr: | <u>GRAND TRIX</u> | <u>SHADOW</u> | <u>HERCULES</u> | <u>GOOD YEAR (DONUT)</u> |
| model: | <u>TOURING RS</u> | <u>SIGMA</u> | <u>MRX PLUS II</u> | <u>T135/70R16</u> |
| size: | <u>225/60R16</u> | <u>P225/60R16</u> | <u>P225/60R16</u> | <u>PDW7 HD4R 4701</u> |
| DOT no.: | <u>53'KB SH18 0712</u> | <u>RNXX0⁸⁸ 4712</u> | <u>RNXX0 HNK 4213</u> | <u>↑</u> |
| load range: | | | | |
| recom'd PSI: | | | | |
| actual PSI: | <u>41</u> | <u>37</u> | <u>UNKNOWN</u> | <u>27</u> |
| tread depth: | <u>3/32</u> | <u>9/32</u> | <u>5/32</u> | <u>NO 5/32</u> |
| lacerations: | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |
| tire impacts: | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |
| rim impacts: | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |
| dirt / plants: | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |
| "flat" spots: | <u>NO</u> | <u>NO</u> | <u>NO</u> | <u>NO</u> |

Notes:





AIT Laboratories
HIGHER STANDARD OF SERVICE

2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)876-3884 / Fax: (317)243-2788
Toxicology: (317)381-6678

| | |
|--|--|
| Laboratory Case Number: 2906098 | Subject's Name: MUSSER, MELISSA |
| Client Account: 17839 / spho01 | Agency Case #: A15-1122 |
| Physician: | Date of Death: 03/08/2015 |
| Report To: Sparrow Hospital-Forensic Path | Test Reason: Other |
| ATTN: Forensic Pathology | Investigator: NOT INDICATED |
| 1215 East Michigan Avenue | Date Received: 03/13/2015 |
| Lansing, MI 48909-7980 | Date Reported: 03/31/2015 |
| FX: 617-372-0581 | |

| | |
|---|--|
| Laboratory Specimen No: 40480041 | Date Collected: 03/09/2015 08:45 |
| Container(s): 01:RTB Blood,FEMORAL | Test(s): 70510 Comprehensive Drug Panel |

| Analyte Name | Result | Concentration | Units | Loc |
|-------------------------|----------|---------------|---------|-----------------|
| AMPHETAMINES | Negative | | | |
| BARBITURATES | Negative | | | |
| BENZODIAZEPINES | Negative | | | |
| CANNABINOIDS | Negative | | | |
| COCAINE/METABOLITES | Negative | | | |
| FENTANYL | Negative | | | |
| METHADONE/METABOLITE | Negative | | | |
| OPIATES | Negative | | | |
| OXYCODONE/METABOLITE | Negative | | | |
| PHENCYCLIDINE | Negative | | | |
| PROPOXYPHENE/METABOLITE | Negative | | | |
| ALCOHOL | | | | |
| Methanol | Negative | | | |
| Ethanol | POSITIVE | | | |
| Ethanol, Quant | | 0.083 | % (w/v) | Not Established |
| Acetone | Negative | | | |
| Isopropanol | Negative | | | |
| ANALGESICS | Negative | | | |
| ANESTHETICS | Negative | | | |
| ANTIBIOTICS | Negative | | | |
| ANTICONVULSANTS | Negative | | | |
| ANTIDEPRESSANTS | Negative | | | |
| ANTIHISTAMINES | Negative | | | |

MUSSER, MELISSA
Laboratory Case #: 2906098
Printed Date/Time: 03/31/2015, 08:50

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Toxicology: (317)381-5878

Laboratory Specimen No: 40480041

Continued.

| Analyte Name | Result | Concentration | Units | Therapeutic Range | Loc |
|-------------------------|----------|---------------|-------|-------------------|-----|
| ANTIPSYCHOTICS | Negative | | | | |
| CARDIOVASCULAR AGENTS | Negative | | | | |
| ENDOCRINE AGENTS | Negative | | | | |
| GASTROENTEROLOGY AGENTS | Negative | | | | |
| NARCOTICS | Negative | | | | |
| NEUROLOGY AGENTS | Negative | | | | |
| SEDATIVES/HYPNOTICS | Negative | | | | |
| STIMULANTS | Negative | | | | |
| UROLOGY AGENTS | Negative | | | | |

Specimens will be kept for at least one year from the date of initial report.

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MUSSER, MELISSA

Laboratory Case #: 2908098

Printed Date/Time: 03/31/2015, 08:50

Page: 2 of 6



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A HIGHER STANDARD OF SERVICE

2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)876-3894 / Fax: (317)243-2788
Toxicology: (317)381-5678

| | |
|--------------------------------------|----------------------------------|
| Laboratory Specimen No: 40480042 | Date Collected: 03/09/2015 14:20 |
| Container(s): 01:MT_CON Vitreous,EYE | Test(s): |

| Analyte Name | Result | Concentration | Units | Lot |
|----------------|----------|---------------|---------|-----------------|
| ALCOHOL | | | | |
| Methanol | Negative | | | |
| Ethanol | POSITIVE | | | |
| Ethanol, Quant | | 0.092 | % (w/v) | Not Established |
| Acetone | Negative | | | |
| Isopropanol | Negative | | | |

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AIT Laboratories

A HIGHER STANDARD OF SERVICE

2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3894 / Fax: (317)243-2789
Toxicology: (317)381-5578

| | | | |
|-------------------------|--------------------------|-----------------|------------------|
| Laboratory Specimen No: | 40480043 | Date Collected: | 03/09/2016 08:45 |
| Container(s): | 01:RTB Blood,SUBCLAVICAL | Test(s): | 48900 Not Tested |

| Analyte Name | Result | Concentration | Units | Loc |
|------------------------|--------|---------------|-------|-----|
| < No Testing Performed | > | | | |

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MUSSER, MELISSA

Laboratory Case #: 2906098

Printed Date/Time: 03/31/2016, 08:59

Page: 4 of 5



AIT Laboratories
A HIGHER STANDARD OF SERVICE

2266 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3894 / Fax: (317)243-2789
Toxicology: (317)381-5678

| | | | |
|-------------------------|----------------------|-----------------|------------------|
| Laboratory Specimen No: | 40480044 | Date Collected: | 03/09/2015 08:45 |
| Container(s): | 01:WTB Tissue, LIVER | Test(s): | 49900 Not Tested |

| Analyte Name | Result | Concentration | Units | Loc |
|------------------------|--------|---------------|-------|-----|
| < No Testing Performed | > | | | |

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The Specimen identified by the Laboratory Specimen Number has been handled and analyzed in accordance with all applicable requirements.

Laboratory Director
Andrea Terrell, Ph.D., DABCC

MUSSER, MELISSA
Laboratory Case #: 2906088
Print Date/Time: 03/31/2015, 08:50
Page: 5 of 5

Case Reviewer
Kevin D. Shanks

This individual may not have performed any of the analytical work.



Patient: **MUSSER, MELISSA**

Case: **SHA-15-01122**

DOB: **8/28/1983 (31)**

Sex: **F**

Page 1 of 5

Date of Death: **March 8, 2015**

Date of Autopsy: **March 9, 2015**

Time of Autopsy: **0815 hours**

Medical Examiner: **John A. Bechinaki, D.O.**

County: **Ingham**

Persons in Attendance: **Debra Parsons and Haley Scott, Autopsy Assistants; Detective Jim Malby, Eaton County Sheriff**

Identification: **Identification Tags**

AUTOPSY FINDINGS:

- I. Reported history that the decedent was the driver of a motor vehicle that left the roadway and struck a tree
- II. External injuries
 - A. Incised wound on the right forehead
 - B. Clusters of abrasions on the central forehead, left maxilla-zygoma, dorsal right hand and mid anterior right thigh
 - C. Contusion on the glabella-bridge of the nose and medial lower eyelids with a centralized abrasion
 - D. Abrasions above the left eyebrow, left ala of the nose and the left upper lip, proximal dorsal left forearm and proximal lateral right thigh,
 - E. Contusions on the upper right chest, upper midline and left chest, proximal ventral left forearm, distal anterior right thigh, proximal anterior left thigh, proximal anterior left leg and mid anterior left leg
 - F. Cluster of contusions and abrasions on the upper left arm-left shoulder
 - G. Near-traumatic amputation of left arm with two lacerations and a dislocated fracture of the mid humerus
 - H. Closed dislocated fracture of the distal right femur
 - I. Cluster of contusions on the right knee and leg
 - J. Right lower extremity was externally rotated and shortened
 - K. Cluster of purple-blue contusions and abrasions on the left knee
- III. Internal injuries
 - A. Bilateral hematomas in the neck
 - B. Hematoma associated with the fracture site of the right distal femur
 - C. Fractures of sternum and left first rib
 - D. Scalp hemorrhages in the bilateral frontal and left parietal scalp
- IV. Toxicology- see report

Patient: **MUSSER, MELISSA**

Case: **SHA-15-01122**

Page 2 of 5

Cause of Death:
Multiple Injuries

Manner of Death:
Accident

INVESTIGATIVE FINDINGS

It was reported that the decedent was the driver of a motor vehicle that left the roadway and struck a tree.

EXTERNAL EXAMINATION

The body was received in the supine position within a white zippered body bag. A red plastic lock numbered "0071247" was attached to the body bag. An identification tag bearing the name "Melissa Sue Musser" was attached to the zippers of the body bag. A white tag with pink medical examiner case sticker was attached to the zippers of the body bag. An identification tag was attached to the left hallux.

The body was that of a normally developed, normally nourished white female appearing about the recorded age of 31 years. The body measured 63 inches in length and weighed approximately 132 pounds. The body was cool and had been refrigerated. Rigor mortis was fully developed and livor mortis was present posteriorly and unfixated. The head was normocephalic and the scalp hair was long brown/purple and wavy. The eyes had white sclerae, pale conjunctivae, and brown irides. The dentition was natural. No lesions of the oral mucosa were identified. There were no masses discernible in the neck and the larynx was in the midline. The thorax was symmetrical and the abdomen was rounded. The external genitalia were those of an adult female. See Evidence of Injury for description of the extremities. The back showed no significant deformities. Scars were present on the upper right and midline abdomen.

EXAMINATION OF CLOTHING AND PERSONAL EFFECTS

No clothing was received with the body. See Personal Effects form.

EVIDENCE OF THERAPEUTIC INTERVENTION

An endotracheal tube with stabilization device was in place. A cervical spine immobilization collar was in place. There was an intravenous line present in the right antecubital fossa and an intracaseous line was in the proximal anterior left leg. There was a thoracostomy catheter in the upper left chest. EKG leads were present on the upper left chest, anterolateral upper right arm, lower chest and lower left abdomen.

EVIDENCE OF INJURY

There was a 1/2-inch incised wound on the right forehead, a 1-1/2-inch cluster of abrasions on the central forehead, a 1-3/4-inch purple-blue contusion on the glabella-bridge of the nose and medial lower eyelids with a

Patient: **MUSSER, MELISSA**Case: **SHA-15-01122**

Page 3 of 5

centralized 1/2-inch abrasion. There was a 1-1/4-inch abrasion above the left eyebrow, a 2-inch cluster of abrasions on the left maxilla-zygoma, and a 3/4-inch abrasion on the left ala of the nose and the left upper lip. There was a 1/4-inch purple-blue contusion on the upper right chest, a 2-1/2-inch purple-blue contusion on the upper midline and left chest, a 5-inch cluster of purple-blue contusions and abrasions on the upper left arm-left shoulder, a near-traumatic amputation of the left arm with two lacerations, 7-1/4-inches and 6-1/2-inches, and a dislocated fracture of the mid humerus. There was a 3-1/2-inch abrasion on the proximal dorsal left forearm and a 2-1/2-inch purple-blue contusion on the proximal ventral left forearm. There was a 3-inch cluster of small abrasions on the dorsal right hand. There was a 1-1/4-inch abrasion on the proximal lateral right thigh, a 2-inch cluster of abrasions on the mid anterior right thigh, a 3-1/2-inch purple-blue contusion on the distal anterior right thigh, a closed dislocated fracture of the distal right femur, a 4-1/4-inch cluster of purple-blue contusions on the right knee, and a 6-inch cluster of purple-blue contusions and abrasions on the anterior right leg. The right lower extremity was externally rotated and shortened. There was a 3-inch purple-blue contusion on the proximal anterior left thigh, a 5-inch cluster of purple-blue contusions and abrasions on the left knee, a 3-inch purple-blue contusion on the proximal anterior left leg and a 1-1/2-inch purple-blue contusion on the mid anterior left leg.

Subsequent internal examination revealed bilateral hematomas within the neck, right greater than left, a hematoma associated with the fracture site of the right distal femur, a fracture of the sternum at the fourth ribs, fracture of the anterior left first rib, and patchy scalp hemorrhages in the bilateral frontal and left parietal scalp.

INTERNAL EXAMINATION

ORGAN WEIGHTS (GRAMS)

| | |
|--------------|------|
| Heart | 250 |
| Right Lung | 280 |
| Left Lung | 180 |
| Liver | 1380 |
| Spleen | 100 |
| Right Kidney | 90 |
| Left Kidney | 90 |
| Brain | 1150 |

An autopsy was performed utilizing the normal thoraco-abdominal and posterior coronal scalp incisions. Except for the above previously described injuries, the following internal systems were as follows:

Head:

No abnormality was noted in the reflected scalp, calvarium, dura, meninges or the base of the skull. The 1150 gm brain was free of neoplastic and other focal lesions, infarcts, and hemorrhages. The cerebral vascular system was unremarkable.

Neck:

No abnormality was noted in the cervical muscles, hyoid bone, laryngeal cartilages, trachea, or the cervical vertebral column.

Cardiovascular System:

Patient: **MUSSER, MELISSA**

Case: **SHA-18-01122**
Page 4 of 5

The 250 gm heart had a normal configuration with an unremarkable epicardial surface and a moderate amount of epicardial fat. The coronary arteries had no significant atherosclerotic disease. No acute thrombi were present. Both ventricles were of normal size and their walls were of normal thickness. No focal endomyocardial lesions were present. The papillary muscles and chordae tendineae were not thickened, and the heart valves were unremarkable. The aorta had no significant atherosclerosis. The major arteries and great veins showed normal distribution.

Respiratory System:

The larynx and trachea were unremarkable. The right and left lungs weighed 260 gm and 180 gm, respectively. There was passive congestion in the parenchyma accentuated with dependent lividity. No pulmonary emboli were identified.

Hepatobiliary System:

The 1380 gm liver had firm dark tan surfaces and an unremarkable parenchymal pattern. The gallbladder was remotely absent and the biliary tracts were unremarkable.

Hemolymphatics:

The 100 gm spleen had smooth surfaces and dark purple firm pulp. There was no significant lymphadenopathy.

Alimentary System:

The tongue, esophagus, stomach, small bowel, appendix and colon were unremarkable. The lining of the stomach had an intact and unremarkable rugal pattern and the contents of the stomach consisted of approximately 200 mL of partially digested meat and vegetable matter.

Pancreas:

The pancreas showed an unremarkable tan lobulated pattern.

Endocrine System:

The thyroid gland had a normal bilobed configuration. The adrenal glands were each unremarkable with golden-yellow cortices.

Genitourinary System:

The right and left kidneys weighed 90 gm each. Each kidney had smooth cortical surfaces, normal cortico-medullary regions, and no changes in the calyceal systems, pelves, ureters, or bladder. The non-gravid uterus was of normal size and had a smooth, glistening, tannish-pink serosal surface, and an unremarkable cervix and endometrium. The fallopian tubes and ovaries were unremarkable.

Musculoskeletal System:

Except for the above noted injuries, all the muscles and axial skeleton were free of any significant abnormalities.

TOXICOLOGY

Blood (femoral)- Ethanol = 0.083% (w/v)

Patient: **MUSSER, MELISSA**

Case: **SHA-15-01122**
Page 5 of 5

Vitreous- Ethanol = 0.092% (w/v)

OTHER PROCEDURES

1. Photographs for identification and documentation purposes were obtained.
2. Tissue samples were retained in formalin.
3. Fingerprints were obtained and are retained in this office.
4. Blood and liver were retained for analysis if indicated.
5. Blood was placed on a filter paper, dried and retained for DNA analysis, if indicated.
6. Personal effects were released with the remains.

John A Bechinski, D.O.
Forensic Pathologist
Electronically Signed
Date Reported: 05/19/2015



AIT Laboratories

A HIGHER STANDARD OF SERVICE

2265 Executive Drive, Indianapolis, IN 46241
Telephone: (800)875-3884 / Fax: (317)243-2789
Toxicology: (317)381-6878

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| | |
|---|--|
| Laboratory Case Number: 2903964 | Subject's Name: PEARCE, BRENDON |
| Client Account: 17839 / spho01 Physician: Report To: Sparrow Hospital-Forensic Path ATTN: Forensic Pathology 1215 East Michigan Avenue Lansing, MI 48909-7980 FX: 517-372-0581 | Agency Case #: A15-1123 Date of Death: 03/08/2015 Test Reason: Other Investigator: Sowles Date Received: 03/11/2015 Date Reported: 03/20/2015 |

| | |
|---|--|
| Laboratory Specimen No: 40479309 | Date Collected: 03/09/2015 09:00 |
| Container(s): 01:GRT Blood,FEMORAL | Test(s): 70510 Comprehensive Drug Panel |

| Analyte Name | Result | Concentration | Units | Loc |
|-------------------------|----------|---------------|-------|-----|
| AMPHETAMINES | Negative | | | |
| BARBITURATES | Negative | | | |
| BENZODIAZEPINES | Negative | | | |
| CANNABINOIDS | POSITIVE | | | |
| THC | POSITIVE | | | |
| THC, Quant | | 4.8 | ng/mL | |
| THC-COOH | POSITIVE | | | |
| THC-COOH, Quant | | 40.9 | ng/mL | |
| COCAINE/METABOLITES | Negative | | | |
| FENTANYL | Negative | | | |
| METHADONE/METABOLITE | Negative | | | |
| OPIATES | Negative | | | |
| OXYCODONE/METABOLITE | Negative | | | |
| PHENCYCLIDINE | Negative | | | |
| PROPOXYPHENE/METABOLITE | Negative | | | |
| ALCOHOL | Negative | | | |
| Methanol | Negative | | | |
| Ethanol | Negative | | | |
| Acetone | Negative | | | |
| Isopropanol | Negative | | | |
| ANALGESICS | Negative | | | |
| ANESTHETICS | Negative | | | |
| ANTIBIOTICS | Negative | | | |

PEARCE, BRENDON

Laboratory Case #: 2903964

Printed Date/Time: 03/20/2015, 20:53

Page: 1 of 7



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Laboratory Specimen No: 40479309

Continued..

| Analyte Name | Result | Concentration | Units | Therapeutic Range | Lot |
|--|----------|---------------|-------|-------------------|-----|
| ANTICONVULSANTS | Negative | | | | |
| ANTIDEPRESSANTS | Negative | | | | |
| ANTIHISTAMINES | Negative | | | | |
| ANTIPSYCHOTICS | Negative | | | | |
| CARDIOVASCULAR AGENTS | Negative | | | | |
| ENDOCRINE AGENTS | Negative | | | | |
| GASTROENTEROLOGY AGENTS | Negative | | | | |
| NARCOTICS | Negative | | | | |
| NEUROLOGY AGENTS | Negative | | | | |
| SEDATIVES/HYPNOTICS | Negative | | | | |
| STIMULANTS | POSITIVE | | | | |
| Caffeine | POSITIVE | | | | |
| Analyte is qualitatively POSITIVE, but has not been confirmed by an alternate analytical method. | | | | | |
| UROLOGY AGENTS | Negative | | | | |

Specimens will be kept for at least one year from the date of initial report.

PEARCE, BRENDON

Laboratory Case #: 2903964

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Page: 2 of 7

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| | | | |
|-------------------------|---------------------|-----------------|----------------------------|
| Laboratory Specimen No: | 40479310 | Date Collected: | 03/09/2016 09:00 |
| Container(s): | 01:UR Urine, Random | Test(s): | 70080 Drugs of Abuse Panel |

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| Analyte Name | Result | Concentration | Units | Loc |
|--------------------------|----------|---------------|-------|-----|
| ALCOHOL | Negative | | | |
| AMPHETAMINES | Negative | | | |
| BARBITURATES | Negative | | | |
| BENZODIAZEPINES | Negative | | | |
| BUPRENORPHINE/METABOLITE | Negative | | | |
| CANNABINOIDS | POSITIVE | | | |
| Carboxy THC | POSITIVE | | | |
| Carboxy THC, Quant | | 568 | ng/mL | |
| CARISOPRODOL/METABOLITE | Negative | | | |
| COCAINE/METABOLITES | Negative | | | |
| FENTANYL | Negative | | | |
| METHADONE/METABOLITE | Negative | | | |
| OPIATES | Negative | | | |
| PHENCYCLIDINE | Negative | | | |
| PROPOXYPHENE/METABOLITE | Negative | | | |
| TRAMADOL/METABOLITE | Negative | | | |



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Laboratory Specimen No: 40479311

Date Collected: 03/09/2015 09:00

Container(s): 01:VT_CON Vitreous,EYE

Test(s): 49901

Volatiles Not Performed

| Analyte Name | Result | Concentration | Units | Lot |
|------------------------------------|--------|---------------|-------|-----|
| < Volatile Testing Not Performed > | | | | |

Due to negative blood, tissue, and/or urine volatile (Acetone, Ethanol, Isopropanol, and Methanol) results, volatile testing was not performed on the vitreous specimen.

PEARCE, BRENDON

Laboratory Case #: 2903964

Printed Date/Time: 03/20/2015, 20:53

Page: 4 of 7

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| | | | |
|-------------------------|----------------------|-----------------|------------------|
| Laboratory Specimen No: | 40479312 | Date Collected: | 03/09/2015 09:00 |
| Container(s): | 01:GRT Blood,FEMORAL | Test(s): | 49900 Not Tested |

| Analyte Name | Result | Concentration | Units | Loc |
|------------------------|--------|---------------|-------|-----|
| < No Testing Performed | > | | | |

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| | | | |
|-------------------------|--------------------------|-----------------|------------------|
| Laboratory Specimen No: | 40479313 | Date Collected: | 08/09/2015 09:00 |
| Container(s): | 01:RTB Blood,SUBCLAVICAL | Test(s): | 49900 Not Tested |

| Analyte Name | Result | Concentration | Units | Loc |
|------------------------|--------|---------------|-------|-----|
| < No Testing Performed | > | | | |



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| | | | |
|-------------------------|---------------------|-----------------|------------------|
| Laboratory Specimen No: | 40479314 | Date Collected: | 03/08/2015 09:00 |
| Container(s): | 01:RTB Blood,CAVITY | Test(s): | 49900 Not Tested |

| Analyte Name | Result | Concentration | Units | Loc |
|------------------------|--------|---------------|-------|-----|
| < No Testing Performed | > | | | |

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The Specimen identified by the Laboratory Specimen Number has been handled and analyzed in accordance with all applicable requirements.

Laboratory Director
Andrea Terrell, Ph.D., DABCC

PEARCE, BRENDON
Laboratory Case #:2903964
Print Date/Time:03/20/2015, 20:53
Page: 7 of 7

Case Reviewer
Kerensha Shanks

This individual may not have performed any of the analytical work.



Patient: **PEARCE, BRENDON**

Case: **SHA-15-01123**
 DOB: **3/31/1999 (15)**
 Sex: **M**
 Page 1 of 5

Date of Death: **March 8, 2015**
 Date of Autopsy: **March 9, 2015**
 Time of Autopsy: **0800 hours**
 Medical Examiner: **John A. Bachtinski, D.O.**
 County: **Eaton**
 Persons in Attendance: **Bradley Phelps and Haley Scott, Autopsy Assistants; Detective Jim Maltby, Eaton County Sheriff**
 Identification: **Dental Records Comparison**

AUTOPSY FINDINGS:

I. External injuries

- A. Deformation of the left side of the head with a sunken-flattened appearance of the left frontotemporoparietal region
- B. Palpable fractures of the bilateral maxillae and zygomae
- C. Cluster of abrasions, incised wounds and superficial incised wounds on the left side of the face including the left ear and neck and patchy small abrasions on the right forehead and eyelids
- D. Fractures of the upper bilateral medial and lateral left incisors and lower medial right and lateral left incisors
- E. Open fracture of the mid left clavicle
- F. Clusters of abrasions on the left chest, lateral left arm, posterior left shoulder and anterolateral left thigh
- G. Abrasions on the dorsal left hand
- H. Abrasion with a laceration on the left temporal scalp
- I. Abrasions and contusions on the dorsal right hand
- J. Abrasions, pink contusions and superficial incised wounds on the left knee
- K. Abrasions and superficial incised wounds on the anterior and anterolateral left leg

II. Internal injuries

- A. Hemorrhages in the left frontal, temporal, parietal and occipital scalp
- B. Bilateral thin subdural hemorrhages overlying the cerebral convexities
- C. Global subarachnoid hemorrhages of the bilateral cerebral and cerebellar hemispheres
- D. Lacerations and pulpefaction of the bilateral frontal poles and inferior bilateral frontal lobes
- E. Cortical cerebral contusions of the bilateral inferior frontal, temporal and occipital lobes
- F. White matter hemorrhages of the bilateral cerebral hemispheres, mid brain, pons and medulla
- G. Pituitary gland was pulped
- H. Comminution of the frontal bone, including the bilateral frontal orbital roofs and frontal calvarium, sphenoid bone, bilateral basal temporal bones with extension through the right temporal petrous

Patient: PEARCE, BRENDON

Case: SHA-15-01123

Page 2 of 5

- ridge into a diastatic fracture of the right lambdoid suture, and fractures of the left temporal and parietal bones
- I. Contusions of the left lobe of the thyroid gland, superior anterior right ventricle and right atrium
 - J. Full-thickness laceration of the auricle of the right atrium and proximal thoracic aorta
 - K. Pulmonary contusions of all lobes of both lungs and extensive lacerations with pulpefaction of all lobes of the left lung
 - L. Diffuse contusions of the liver and a laceration of the posterior left lobe of the liver
 - M. The spleen was pulpified
 - N. Contusions of the kidneys and lacerations of the left adrenal gland
 - O. Contusions of the esophagus, stomach, small bowel, colon and mesentery
 - P. Hemopericardium (about 10 mL)
 - Q. Hemothoraces (about 1100 mL right and 500 mL left)
 - R. Hemoperitoneum (about 200 mL)
 - S. Fractures of the lateral-posterior left first through twelfth ribs, anterior right sixth and seventh ribs at the sternal-costal junctions, and the xiphoid process
- iii. Toxicology- see report

Cause of Death:

Multiple Injuries

Manner of Death:

Accident

INVESTIGATIVE FINDINGS

It was reported that the decedent was an ejected passenger of a motor vehicle that left the roadway and struck a tree.

EXTERNAL EXAMINATION

The body was received in the supine position within a white zippered body bag. The zippers of the body bag were sealed closed by a red plastic lock numbered "0074544". An identification tag bearing the name "Unidentified" was attached to the zippers of the body bag. A white tag with pink medical examiner case sticker was attached to the zippers of the body bag. An identification tag was attached to the left shoe.

The body was that of a normally developed, normally nourished white male appearing about the recorded age of 15 years. The body measured 72 inches in length and weighed approximately 188 pounds. The body was cool and had been refrigerated. Rigor mortis was fully developed and livor mortis was present anteriorly and posteriorly and unfixed. The scalp hair was short and brown. The eyes had white sclerae, pale conjunctivae, and blue/green irides. The dentition was natural. No lesions of the oral mucosa were identified. There were no masses discernible in the neck and the larynx was in the midline. The thorax was symmetrical and the abdomen was flat. The external genitalia were those of an adult circumcised male. The extremities and back showed no significant deformities. Scars were present on the proximal dorsal right forearm, mid ventral left forearm, distal

Patient: PEARCE, BRENDON

Case: SHA-15-01123
Page 3 of 5

ventral left forearm and anterior left knee. Tattoos consisted of a cross with wings with "Trenton Moore" in cursive on a banner and "2-11-99" and "6-24-13" below on the upper left back.

EXAMINATION OF CLOTHING AND PERSONAL EFFECTS

Clothing consisted of black-gray shoes, white socks, blue jeans with a brown belt, gray underwear, a black coat, and a green t-shirt. See Personal Effects form.

EVIDENCE OF INJURY

There was deformation of the left side of the head with a sunken-flattened appearance of the left frontotemporo-parietal region. There were palpable fractures of the bilateral maxillae and zygomae. There was an approximate 8-inch cluster of abrasions, incised wounds and superficial incised wounds on the left side of the face including the left ear and neck and patchy small abrasions on the right forehead and eyelids. There were fractures of the upper bilateral medial and lateral left incisors and lower medial right and lateral left incisors. There was an open fracture of the mid left clavicle with an associated 1-inch laceration. There was a 1-1/4-inch cluster of abrasions on the lateral upper left chest and a 2-1/2-inch cluster of linear-like abrasions on the left chest. There was a 5-1/2-inch cluster of abrasions on the lateral left arm, a 3-inch cluster of abrasions on the posterior left shoulder, and abrasions up to 1/4-inch on the dorsal left hand. There was a 1-1/2-inch abrasion with a 1-inch laceration on the left temporal scalp. There were abrasions up to 1-inch and purple-blue contusions up to 1/2-inch on the dorsal right hand. There was a 5-inch cluster of abrasions on the anterolateral left thigh, abrasions, pink contusions and superficial incised wounds up to 1 inch on the left knee and abrasions and superficial incised wounds up to 1 inch on the anterior and anterolateral left leg.

Subsequent internal examination revealed patchy hemorrhages within the left frontal, temporal, parietal and occipital scalp. There were bilateral thin subdural hemorrhages overlying the cerebral convexities. There were global subarachnoid hemorrhages of the bilateral cerebral and cerebellar hemispheres, lacerations and pulpefaction of the bilateral frontal poles and inferior bilateral frontal lobes, cortical cerebral contusions of the bilateral inferior frontal, temporal and occipital lobes, and white matter hemorrhages of the bilateral cerebral hemispheres, mid brain, pons and medulla. The pituitary gland was pulped. There was comminution of the frontal bone, including the bilateral frontal orbital roofs and frontal calvarium, sphenoid bone, bilateral basal temporal bones with extension through the right temporal petrous ridge into a diastatic fracture of the right lambdoid suture, and fractures of the left temporal and parietal bones. There were contusions of the left lobe of the thyroid gland, superior anterior right ventricle and right atrium, a perforation of the auricle of the right atrium, and a full-thickness laceration of the proximal thoracic aorta. There were pulmonary contusions of all lobes of both lungs and extensive lacerations with pulpefaction of all lobes of the left lung. There were diffuse contusions of the liver and a laceration of the posterior left lobe of the liver. The spleen was pulped. There were contusions of the kidneys and lacerations of the left adrenal gland. There were contusions of the esophagus, stomach, small bowel, colon and mesentery. There were approximately 10 mL, 1100 mL, 500 mL and 200 mL of thin blood in the pericardial, right and left pleural, and peritoneal cavities, respectively. There were fractures of the lateral-posterior left first through twelfth ribs, anterior right sixth and seventh ribs at the sternal-costal junctions, and the xiphoid process.

INTERNAL EXAMINATION

ORGAN WEIGHTS (GRAMS)

Heart 340

Patient: **PEARCE, BRENDON**

Case: **SHA-15-01123**

Page 4 of 5

| | |
|--------------|------|
| Right Lung | 330 |
| Left Lung | 370 |
| Liver | 1720 |
| Spleen | 220 |
| Right Kidney | 110 |
| Left Kidney | 140 |
| Brain | 1370 |

An autopsy was performed utilizing the normal thoraco-abdominal and posterior coronal scalp incisions. Except for the above previously described injuries, the following internal systems were as follows:

Head:

No abnormality was noted in the reflected scalp, calvarium, dura, meninges or the base of the skull. The 1370 gm brain was free of neoplastic and other focal lesions, infarcts, and hemorrhages. The cerebral vascular system was unremarkable.

Neck:

No abnormality was noted in the cervical muscles, hyoid bone, laryngeal cartilages, trachea, or the cervical vertebral column.

Cardiovascular System:

The 340 gm heart had a normal configuration with an unremarkable epicardial surface and a moderate amount of epicardial fat. The coronary arteries had no significant atherosclerotic disease. No acute thrombi were present. Both ventricles were of normal size and their walls were of normal thickness. No focal endomyocardial lesions were present. The papillary muscles and chordae tendineae were not thickened, and the heart valves were unremarkable. The aorta had no significant atherosclerosis. The major arteries and great veins showed normal distribution.

Respiratory System:

The larynx and trachea were unremarkable. The right and left lungs weighed 330 gm and 370 gm, respectively. There was passive congestion in the parenchyma accentuated with dependent lividity. No pulmonary emboli were identified.

Hepatobiliary System:

The 1720 gm liver had firm dark tan surfaces and an unremarkable parenchymal pattern. The gallbladder and biliary tracts were unremarkable.

Hemolymphatics:

The 220 gm spleen had smooth surfaces and dark purple firm pulp. There was no significant lymphadenopathy.

Alimentary System:

The tongue, esophagus, stomach, small bowel, appendix and colon were unremarkable. The lining of the stomach had an intact and unremarkable rugal pattern and the contents of the stomach consisted of approximately 50 mL of thin tan liquid.

Patient: **PEARCE, BRENDON**

Case: **SHA-15-01123**
Page 5 of 5

Pancreas:

The pancreas showed an unremarkable tan lobulated pattern.

Endocrine System:

The thyroid gland had a normal bilobed configuration. The adrenal glands were each unremarkable with golden-yellow cortices.

Genitourinary System:

The right and left kidneys weighed 110 gm and 140 gm, respectively. Each kidney had smooth cortical surfaces, normal cortico-medullary regions, and no changes in the calyceal systems, pelvis, ureters, or bladder. The prostate and testes were unremarkable.

Musculoskeletal System:

Except for the above noted injuries, all the muscles and axial skeleton were free of any significant abnormalities.

TOXICOLOGY

Blood (femoral)

- THC = 4.8 ng/mL
- THC-COOH = 40.9 ng/mL
- Caffeine = Positive

Urine- Carboxy THC = 568 ng/mL

OTHER PROCEDURES

1. Photographs for identification and documentation purposes were obtained.
2. Tissue samples were retained in formalin.
3. Fingerprints were obtained and are retained in this office.
4. Vitreous fluid and blood were retained for analysis if indicated.
5. Blood was placed on a filter paper, dried and retained for DNA analysis, if indicated.
6. Clothing and personal effects were released with the remains.
7. Green leafy substance and drug paraphernalia were retained as evidence.
8. A photo CD was prepared and released to law enforcement.

John A Bechtinski, D.O.
Forensic Pathologist
Electronically Signed
Date Reported: 05/19/2015

- 5 -

EXHIBIT B





EXHIBIT C

EATON COUNTY ROAD COMMISSION
MAY 12, 2015

A regular meeting of the Eaton County Board of Road Commissioners was held at their office in Charlotte, Michigan on May 12, 2015.

Members Present: Commissioners Lyons, Maxwell, Eldred, Lamoreaux, Tennis

Members Absent: none

Chairman Lyons called the meeting to order at 8:36 am.

Moved by Lamoreaux, second by Eldred, that the agenda be approved as amended to consider sealcoat projects for 2015 and consider alternative time for bid opening. Motion carried.

Moved by Eldred, second by Tennis, that the minutes of April 28, 2015 be approved as printed. Motion carried.

There was no public comment.

Moved by Eldred, second by Lamoreaux, that Accounts Payable (VO#52) of 04-30-15 in the amount of \$16,422.85, Payroll (VO#53) of 05-05-15 in the amount of \$81,323.08, and Accounts Payable (VO#54) of 05-07-15 in the amount of \$154,271.74 for total expenditures of \$252,017.67 be approved. There was discussion.

Roll call vote: Ayes: Lyons, Maxwell, Eldred, Lamoreaux, Tennis; Nays: None. Motion carried.

Moved by Tennis, second by Lyons to adopt the following resolution:

WHEREAS, the Employer adopted the Eaton County Road Commission Money Purchase Plan (the Plan), effective as of January 1, 1986 and subsequently restated said Plan effective October 1, 2010 and appointed Timothy J. Lamoreaux, Darrell Tennis and Benjamin Lyons as Trustees of said Plan and Trust, and

WHEREAS, Section 7.11 of the Plan gives the authority to appoint and replace the Trustee, and

WHEREAS, it was suggested that Duane Eldred and Dorothy E. Maxwell be added as Trustees effective immediately.

RESOLVED, that Timothy J. Lamoreaux, Darrell Tennis and Benjamin Lyons shall continue their appointment as Trustees with such fiduciary responsibility and duties as provided for in the Plan.

BE IT FURTHER RESOLVED, that by their duly authorized signatures on the Adopting Resolution, Timothy J. Lamoreaux, Darrell Tennis and Benjamin Lyons, accept and confirm their continued appointment as Trustees and Duane Eldred and Dorothy E. Maxwell accept and confirm their appointment as Trustees.

Roll call vote: Ayes: Lyons, Maxwell, Eldred, Lamoreaux, Tennis; Nays: None. Motion carried.

Mr. Bailou requested approval to hire nine (9) temporary summer maintenance employees at a rate of \$10.00 per hour. There was discussion.

Moved by Lamoreaux, second by Tennis to hire nine (9) temporary summer maintenance employees as recommended by staff. Motion carried.

Mr. Bailou requested approval to hire five (5) engineering co-op students at rates ranging from \$13.50 per hour to \$14.00 per hour. He noted that three would be working through the fall. There was discussion.

Moved by Lamoreaux, second by Eldred to hire five (5) engineering co-op students as recommended by staff. Motion carried.

Mr. Bailou presented a request from the Collective Bargaining Unit to change to a four day, forty hour workweek beginning May 18, 2015 and ending September 4, 2015. There was discussion.

Moved by Lamoreaux, second by Eldred to approve a summer work schedule consisting of four ten-hour days. Motion carried.

Mr. Bailou reviewed bid tabulations from the previous meeting and made recommendations. There was discussion.

Moved by Tennis, second by Eldred that the bid for aggregate surface course and maintenance gravel be awarded to the lowest bidder at each location. Motion carried.

Moved by Tennis, second by Eldred that the bid for county-wide curb and street sweeping be awarded to the lowest bidder, HTA Companies. Motion carried.

Moved by Eldred, second by Lamoreaux that the bid for asphalt patching mix be awarded to the lowest bidder for each mix. Motion carried.

Moved by Lamoreaux, second by Eldred that the bid for culverts be awarded to the low bidder, St. Regis Culvert, Inc. Motion carried.

Moved by Lamoreaux, second by Eldred that the bid for roadside mowing be awarded to the low bidder, Leon Mann. Motion carried.

Moved by Lamoreaux, second by Eldred that the bid for road and sealcoat aggregates be awarded to the lowest bidder at each location. Motion carried.

Mr. Hannahs updated the Board on the status of road projects. There was discussion.

Mr. Parshall reported on the activities of the road crews. There was discussion.

Mr. Ballou presented an agreement with the Michigan Department of Transportation to amend the contract for the Creyts Road signal modernization project, at Anacapi and St. Joe Hwy. There was discussion.

Moved by Tennis, second by Eldred to adopt the following resolution:

BE IT RESOLVED, That the amendatory contract between the Michigan Department of Transportation and the Eaton County Road Commission for traffic signal upgrading and interconnection work at the intersection of Creyts Road and Anacapi Boulevard and at the intersection of Creyts Road and St. Joe Highway; and all together with necessary related work located in Eaton County known as Job Number 123898A, Control Section CM 23400, Contract No. 15-5131, Project CM 1423(009), Federal Item No. HH 9701 be approved and that the Chairman, namely Benjamin S. Lyons, and the Clerk, Lori N. Friedlis, be duly authorized to sign the contract.

Roll call vote: Ayes: Lyons, Maxwell, Eldred, Lamoreaux, Tennis; Nays: None. Motion carried.

Mr. Ballou reported that Area Supervisor Dave Baker will be retiring effective May 31, 2015.

Mr. Ballou reported that the Road Commission had received a Notice to Eaton County Road Commission of Fatal Injuries Due to Defective Highway on behalf of the Estate of Brendon Lee Pearce, deceased, relating to a single vehicle accident occurring on March 8, 2015 on Mason Road in Kalamo Township. There was discussion.

Mr. Ballou reported that the Road Commission was on the agenda for the next Eaton County Public Works & Planning Committee meeting. Commissioner Tennis expressed his concern regarding staff's regular attendance at the Public Works and Planning meetings. There was discussion and the Board agreed by consensus that it was not appropriate for a representative of the Road Commission to regularly attend the Committee meetings.

Assistant County Engineer Hannahs distributed a map and list of recommended sealcoat projects for 2015, noting approximately 76 miles were proposed. There was discussion.

Moved by Tennis, second by Lamoreaux to approve the 2015 sealcoat projects as recommended by staff. Motion carried.

Mr. Ballou recommended that bids for the HMA resurfacing program and asphalt emulsion be opened prior to the next Board meeting to allow staff time to review the bids before making a recommendation. There was discussion.

Moved by Tennis, second by Eldred that bids for the HMA resurfacing program and asphalt emulsion be publicly opened on May 26, 2015 at 10:00 am. Motion carried.

There was brief discussion regarding the status of agreements with municipalities for the distribution of Local Road Millage proceeds.

Correspondence from several students in Eaton Rapids was reviewed. Chairman Lyons noted that he would look into speaking with the class.

Correspondence from Chris Bedford was reviewed regarding a loose branch over the road near the intersection of Windsor Hwy and Canal Rd. There was discussion.

There was brief discussion regarding the failure of Proposal 1 to pass.

There was no public comment.

Chairman Lyons adjourned the meeting at 10:21 am, without objection.

EXHIBIT D

Print Date 07/15/2015
Print Time 08:44:30

Eaton County Road Commission
SR - Service Request
BELLEVUE AREA

Request Number 2014-0776-001
Response Number

Requested By Osborn, Jared
Address 1915 N. Mason Rd.

Received By Winchell, Patricia
Date 06/25/2014 08:16:21AM

Called By
Called To
Priority No

Police No
Storm/Calls No
Request Status Closed

E-Mail-Address
Location Mason
Between Kinsele
Municipality Kalama

And

Problem(s) Drainage

Details Says his property just north of 1915 has standing water in the road whenever it rains, it comes gushing off Kinsele & pools on southbound side. Road is lower than sides and there is no ditch.

Assigned Date
Responded Date
Response(s)
Explanation

By
By

To
Response Status

Further Action

Last Response Date

EXHIBIT E

Print Date 07/15/2015
Print Time 08:45:58

Eaton County Road Commission
SR - Service Request
BELLEVUE AREA

Request Number 2015-0193-001
Response Number 1

Requested By Osborn, Jared
Address 1915 N Mason

Received By Koplos, Karen
Date 03/12/2015 08:36:11AM

Vermontville, MI 49096-0000

Called By
Called To
Priority No

Phone 517-852-0161 Mobile

Police No
Storm/Calls No
Request Status Closed
Closed Date 03/12/2015 12:00:00AM

F-Mail Address

Location Mason

Between Kinsal

Municipality Kalama

And

Problem(s) Drainage

Details Would like to have something done about the water on the road just north of his address. Says he called about it last year and nothing was done.

Now 2 people were killed in an accident from hydroplaning on the water.

Wants to have this checked and have someone call him to explain why nothing has been done.

Assigned Date 03/12/2015 12:00:00AM By Parshall, Daniel

Responded Date 03/12/2015 12:00:00AM By Parshall, Daniel

Response(s) Drainage

Explanation Bladed off berm so water can drain off road - salted area also.

To Abfalter, Cameron
Response Status Closed
Closed Date 03/12/2015 12:00:00AM

Further Action

Last Response Date 05/15/2015

EXHIBIT F

Print Date 07/27/2015
Print Time 07:14:05

Eaton County Road Commission
SR - Service Request
STEVE SHAVER

Request Number 2015-0166-001
Response Number 1

Requested By Dispatch, Central
Address

Received By Kopulos, Karen
Date 03/09/2015 08:52:18AM

Called By
Called To
Priority No

Poller No
Storm/Call No
Request Status Closed
Closed Date 03/08/2015 12:00:00AM

Phone
E-Mail Address
Location Mason
Between Kinzel
Municipality Vermontville

And

Problem(s) Traffic Control
Details Bad accident - needs roads closed.

Taken by AMBS 03.08.15 @ 6:30p

Assigned Date 03/08/2015 12:00:00AM By Baker, David
Responded Date 03/08/2015 12:00:00AM By Baker, David
Response(s) Traffic Control
Explanation Set 2 type II barricades :
Mason & Kinzel
Mason & Valley

To
Response Status Closed
Closed Date 03/08/2015 12:00:00AM

Also 1 type 1 at water on south bound lane. Officers will remove when accident scene has been cleared.

Further Action

Last Response Date 04/06/2015



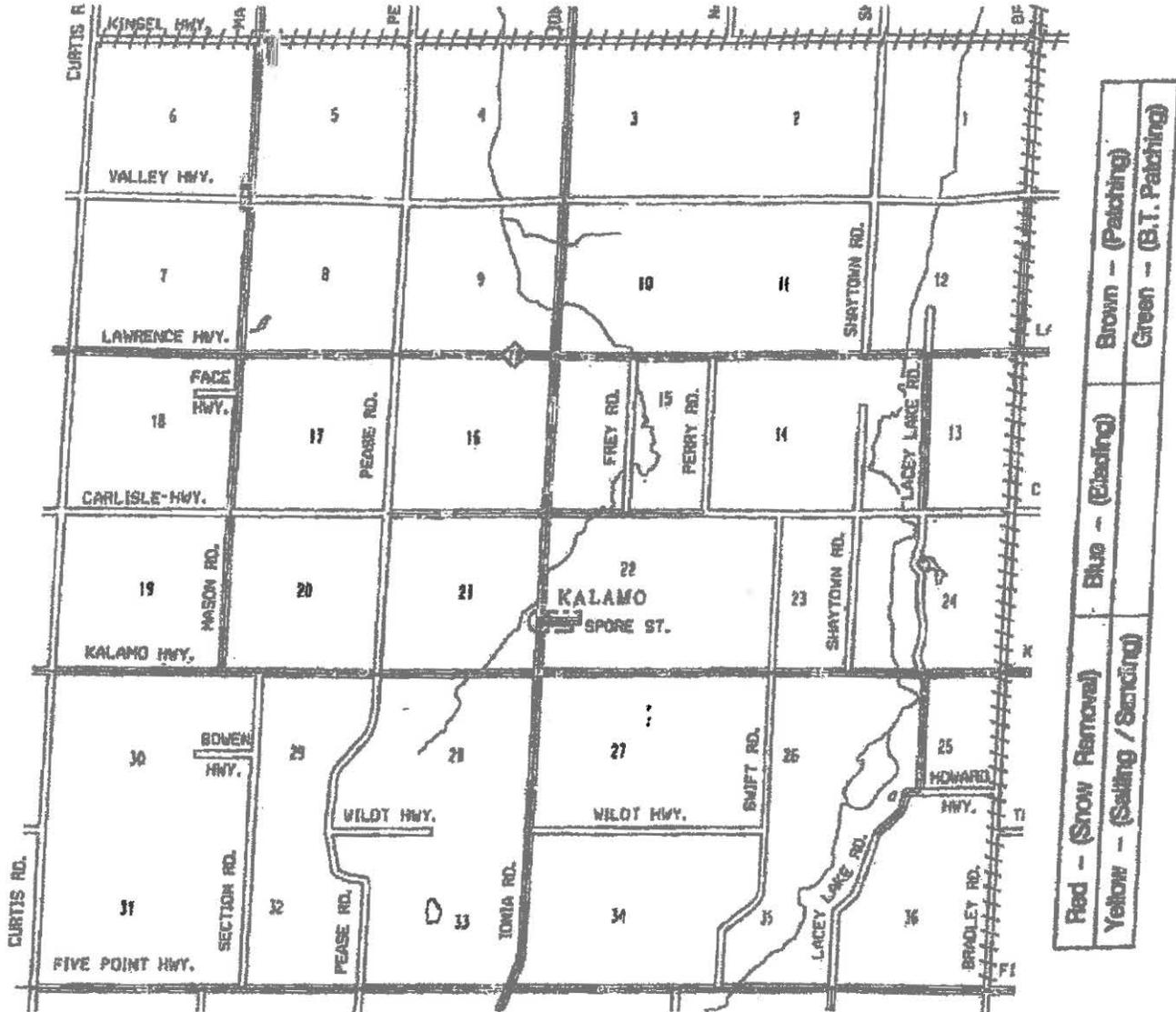
EXHIBIT G

KALAMO TWP. - 9

REVISED 12-27-04

| | |
|--|---------------|
| | LOCAL PAVED |
| | LOCAL UNPAVED |
| | PRIMARY PAVED |
| | NON TOWNSHIP |

Equip. 1230
 Driver Cam A
 Equip. 510
 Driver _____



REMARKS: Salted Bad Spot in Road
pick up Road closed signs

John Duffey #310

SIGNED:
 DATE: 3/19/15

RECEIVED by MSC 7/31/2020 1:09:55 PM

EXHIBIT H

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF EATON

Joseph Grinage,

Plaintiff

v

File No. 15-1226-NI

**Estate of Melissa Sue Musser,
Patricia Jane Musser, and
The Eaton County Road Commission,**

and

File No. 16-29-NI

Defendants,

Honorable John D. Maurer

AND

Ryan Harston,

Plaintiff

v

**The Eaton County Road Commission, and
The Estate of Melissa Sue Musser, and
Patricia Jane Musser**

Defendants,

AND

**Lynn Pearce, Personal Representative of the
Estate of Brendon Pearce, Deceased,**

Plaintiff

v

**Lawrence Benton, Personal Representative
of the Estate of Melissa Sue Musser, Deceased,
Patricia Jane Musser, and The Eaton
County Road Commission**

Defendants,

Jeffrey D. Malin (P36212)
Matthew G. Gauthier (P76043)

D. Adam Tountas (P68579)
Charles J. Pike (P77929)

MINDELL LAW
Attorneys for Plaintiff Joseph Grinage

Smith Haughey Rice & Roegge
Attorneys for Defendant Eaton County
Road Commission

Leonard E. Miller (P35114)
THE SAM BERNSTEIN LAW FIRM
Attorneys for Plaintiff Harston

Thomas S. Barger (P54968)
GARAN LUCOW MILLER PC
Attorneys for Defendants Estate of Melissa
Sue Musser and Patricia Jane Musser

Joseph T. Collison (P34210)
COLLISON & COLLISON
Attorneys for Plaintiff Pearce

ORDER

City of Charlotte, County of Eaton, State of
Michigan, on the 6th day of June, 2017.

HONORABLE JOHN D. MAURER, Circuit Judge

WHEREAS, Defendant Eaton County Road Commission filed a motion for summary disposition pursuant to MCR 2.116(C)(7), and

WHEREAS, the parties all appeared for oral arguments on April 28, 2017, at which time the Court allowed for additional briefing,

NOW THEREFORE; the Court, having read the extensive briefs, heard oral arguments, reviewed the follow-up briefs, and reviewed the relevant authority, finds as follows.

FACTS

On March 8, 2015, a minivan driven by Melissa Musser left the roadway and struck a tree. The car was owned by Melissa's mother, Patricia Musser. Both Melissa Musser and Brendon Pearce, a passenger in the vehicle, were killed. There were several other passengers in the vehicle, among them Joseph Grinage and Ryan Harston, who were injured but survived the accident. Plaintiffs Grinage, Harston, and Pearce's estate are suing the Eaton County Road Commission claiming a highway

defect was responsible for the crash. Defendant Eaton County Road Commission responds that Melissa Musser was legally intoxicated and driving at least 20 miles over the speed limit on bad tires in the rain, and also that pre-suit notice was insufficient and they should not be responsible.

Each Plaintiff is required to serve pre-suit notice of intent to sue, the details of which form the instant issue. Defendant Road Commission argues that the notice must be served on the County Clerk and the Chairperson of the County Road Commission within 60 days after the accident. Plaintiff Pearce served notice 58 days after the accident, but did not serve the County Clerk. Plaintiff Grinage served notice 116 days after the accident. Plaintiff Harston served notice 113 days after the crash, but did not serve the County Clerk. Plaintiff Ryan Harston responds that notice must be served within 120 days after the accident, and also that he served the proper parties. Harston and Pearce also argue that Defendant Road Commission did not properly plead the affirmative defense of improper notice.

This matter appeared before this Court on May 8, 2016, apparently for a hearing on Eaton County Road Commission's motion for summary disposition based on insufficient notice to the county. This motion was only for File No. 16-29-NI regarding Brendon Pearce's claims, and dealt with properly describing the alleged defect. This Court, Judge Grant on SCAO assignment, denied the motion because it found the notice to be sufficient. That decision was appealed, affirmed by the Court of Appeals, and an application for leave to appeal is, at the time of writing, pending before the Supreme Court. An apparent change in law has created the issues forming the basis of the instant motion.

STANDARD OF REVIEW

Summary disposition pursuant to MCR 2.116(C)(7) does not test the merits of

the claim, but rather certain defenses that may eliminate the need for trial: release, payment, prior judgment [res judicata], immunity granted by law, statute of limitations, statute of frauds, an agreement to arbitrate, or "infancy or other disability of the moving party." The grounds listed in (C)(7) must be raised in a party's first responsive pleading unless stated in a motion filed prior to the first responsive pleading. When reviewing a (C)(7) motion, "the court must accept all well-pled allegations of the nonmoving party as true." *DMI Design & Mfg, Inc v Adac Plastics, Inc*, 165 Mich App 205, 209 (1987).

In determining whether a plaintiff's claim is barred because of immunity granted by law, the reviewing court will accept the allegations stated in the plaintiff's complaint as true unless contradicted by documentary evidence. *Maiden v. Rozwood*, 461 Mich. 109, 119 (1999). Moreover,

The reviewing court must view the pleadings and supporting evidence in the light most favorable to the nonmoving party to determine whether the undisputed facts show that the moving party has immunity. If there is no factual dispute, whether a plaintiff's claim is barred under the applicable statute of limitations is a matter of law for the court to determine. However, if the parties present evidence that establishes a question of fact concerning whether the defendant is entitled to immunity as a matter of law, summary disposition is inappropriate. *Kincaid v Cardwell*, 300 Mich App 513, 522–23 (2013) (citations omitted).

ANALYSIS

At issue in the instant motion is whether to apply the 120 day notice provision of the Government Tort Liability Act, MCL 691.1404, or the 60 day notice provision of the Highway Code, MCL 224.21; if it is the latter, whether defective notice must be raised as an affirmative defense; and, in short, whether to give *Streng v Board of Mackinac County Road Commissioners*, 315 Mich App 449 (2016), retroactive effect.

The first issue may be addressed succinctly. *Streng* is explicit that MCL 224.21 governs notice of intent to sue for injuries sustained on highways: service must be made within 60 days of the injury, in writing, on both the county clerk and the chairperson of

the board of county road commissioners. Plaintiff Harston argues that there is a conflict as the Supreme Court has stated that the 120 day window of the GTLA governs. This position is incorrect. Plaintiff relies on *Rowland v Washfenaw Rd Commn*, 477 Mich 197 (1972), where the Supreme Court did rule on a case applying the 120 day notice period. However, *Rowland* addressed the constitutionality of statutory notice provisions for governmental defendants—in general—in a case that happened to apply the 120 day notice provision of the GTLA; it does not stand for the position that the notice provision of the GTLA is to be applied rather than notice provision of the Highway Code. This is clear from the text of *Rowland*, and also evident in *Streng*'s discussion of the history of these provisions, *Rowland*, and note that no precedential case has applied the 60 day notice provision since 1970. *Streng*, at 460.

While under *Streng* the Highway Code is the applicable provision, it may not apply to this case. Plaintiffs argue that Defendant Road Commission has waived this defense by its failure to raise it affirmatively. This argument must also fail. Plaintiff relies on MCR 2.111(F)(3) and MCR 2.116(D)(2) for the position that the affirmative defense of immunity granted by law must be raised in a party's first responsive pleading. However,

It is well established that governmental immunity is not an affirmative defense, but is instead a characteristic of government. "[I]t is the responsibility of the party seeking to impose liability on a governmental agency to demonstrate that its case falls within one of the exceptions [to governmental immunity]." Furthermore . . . "[W]hen the Legislature specifically qualifies the ability to bring a claim against the state or its subdivisions on a plaintiff's meeting certain notice requirements that the plaintiff fails to meet, no saving construction—such as requiring a defendant to prove actual prejudice—is allowed."

Fairley v Dep't of Corr, 497 Mich 290, 298, reconsideration den sub nom. *Stone v Michigan State Police*, 498 Mich 864 (2015) (citations omitted); See also *McCann v State Dept of Mental Health*, 398 Mich 65, 77 n 1(1976); *Galli v Kirkeby*, 398 Mich 527,

542 n 5 (1976). Plaintiffs have not argued that Defendant Road Commission is not protected by governmental immunity. Therefore, Plaintiffs' argument that Defendant failed to raise the affirmative defense of defective notice fails because it is not an affirmative defense, but a condition of government that may be raised at any time.

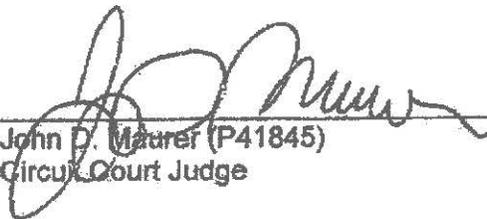
Plaintiff Pearce concedes this point, but argues that the issue is one of improper notice rather than defective service as discussed in *Fairley*. This misunderstands the issue. Notice and service are not two distinct facets of this claim; the notice is defective under the Highway Code *because* of the improper service.

The only remaining issue, then, is the retrospective effect of *Streng*. If *Streng* is given retrospective effect, for the reasons stated above, Defendant Road Commission would be entitled to summary disposition. "Although the general rule is that judicial decisions are given full retroactive effect, a more flexible approach is warranted where injustice might result from full retroactivity. For example, a holding that overrules settled precedent may properly be limited to prospective application." *Pohutski v City of Allen Park*, 465 Mich 675, 695–96 (2002) (citations omitted). A three factor test is applied to determine if a decision should not have retroactive effect. "Those factors are: (1) the purpose to be served by the new rule, (2) the extent of reliance on the old rule, and (3) the effect of retroactivity on the administration of justice." *Id.*

Defendant argues that *Streng* does not announce a new rule or new interpretation of a rule. This cannot be accepted. *Streng* itself acknowledges that "both the Supreme Court and [the Court of Appeals] have regularly applied the GTLA without consulting MCL 224.21 in cases involving the highway exception to governmental immunity and county road commissions" and cites authority noting that "the 60 day notice provision has not been applied in any reported cases involving county road commissions since . . . 1970." *Streng*, at 460. While the purpose to be served by the

new rule is to give full effect to both the GTLA and the Highway Code, this is not outweighed by the extent of reliance on the old rule. Further, the only effect of retroactive application would be to bar an entire class of litigants from bringing suit against county road commissioners. Plaintiffs in this case followed the well-established rule of law at the time their suits were filed, and it would be detrimental to the administration of justice to bar their claims now based on a change in the interpretation of this law. As such, this Court finds that it would be improper to give *Streng* retroactive effect. Thus, under the law prior to *Streng*, the Plaintiffs filed proper notice and Defendant's motion for summary disposition must be denied.

It is so ordered.



John D. Maurer (P41845)
Circuit Court Judge

PROOF OF MAILING

Angela L. Curtiss swears on the 6th day of June, 2017 that she served a copy of
the foregoing Order upon Jeffrey D. Malin, D. Adam Tountas, Leonard E. Miller, Thomas
S. Barger and Joseph T. Collison via first class mail, postage fully prepaid.

Angie Curtiss
Angela L. Curtiss

Grinage v Estate of Melissa Musser, et al; File No. 15-1226-NI
and
Harston v Eaton County Road Commission, et al; File No. 16-29-FH