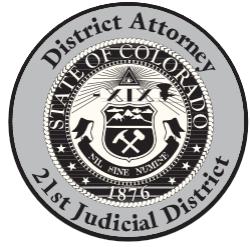


**DANIEL P. RUBINSTEIN**  
DISTRICT ATTORNEY



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TWENTY-FIRST JUDICIAL DISTRICT ATTORNEY'S OFFICE  
Mesa County Justice Center ~ P.O. Box 20,000 - Dept. 5031 Grand Junction, CO 81502-5031 (970) 244-1730

September 7, 2023

Brad Schuman  
Lead Detective  
Grand Junction Police Department  
555 Ute Ave., Grand Junction, CO 81501

This letter is notification to the Critical Incident Response Team (CIRT), and the involved Trooper, Brad Latchaw of the decision not to file charges against him in the matter of the vehicle crash on July 27, 2023.

In this case, the CIRT was activated by the Colorado State Patrol, due to Serious Bodily Injury resulting from the incident, which is permitted by the CIRT agreement. The agreement expressly requires that I review the matter in that situation, even if the lead detective lacks probable cause of criminal activity. I have reviewed your thorough investigation, and conclusions (attached), and agree with your assessment that there is no probable cause from which I could lawfully make a filing decision, and therefore decline the case for prosecution.

Respectfully,

*/s/ Daniel P. Rubinstein*

Daniel P. Rubinstein  
District Attorney

## Officer Involved SBI Crash- Investigative Summary

Grand Junction Police Department Case #2023-00035256

Mesa County Sheriff Department Case #2023-00023281

Colorado State Patrol Case #4A230899

Fruita Police Department Case #2023-00006330

**Detective Brad Schuman**

On 7-27-2023 at 1610 hours there was a two-vehicle crash resulting in serious bodily injury at the intersection of K Road and 22 Road located in the county of Mesa, State of Colorado.

The two involved vehicles were a 2018 marked Colorado State Patrol F150 truck and a 2017 Kia Rio sedan. The intersection consists of asphalt that is relatively even with no obvious defects noted. K Road runs east and west with a posted speed limit of 45 miles per hour while 22 Road runs north and south with a posted 45 mile per hour speed limit. There are no stop signs on K Road at that intersection however both the north and south side of 22 Road are marked with dual stop signs indicating drivers traveling north or south on 22 Road are required to stop and yield to any vehicles traveling east or west on K Road. Please see the below photo



CSP Trooper Brad Latchaw was returning to Grand Junction after spending the last few days up around Craig, Colorado conducting commercial vehicle enforcement operations. Trooper Latchaw was on duty wearing a class B CSP (Colorado State Patrol) uniform driving a marked CSP F150 patrol pickup truck bearing CO plate CSP942. Upon entering Fruita, Colorado, Trooper Latchaw continued driving eastbound on K Road.

Trooper Latchaw estimated he was driving approximately 7-8 miles an hour over the posted speed limit of 45 miles per hour (Investigation later revealed Trooper Latchaw's speed was 53 miles per hour). As Trooper Latchaw entered the intersection of 22 Road and K Road, a white sedan traveling northbound on 22 Road failed to stop at the posted stop signs. Trooper Latchaw's F150 impacted the white sedan on the driver side of the vehicle slightly forward of the driver's door. The collision caused both vehicles to spin off the northeast quadrant of the intersection in a counterclockwise motion. Based upon accident reconstruction, it is believed that as the white sedan left the roadway and went off the embankment, it hit some "tripping" points causing the sedan to roll at least once before it came to rest back upright on its tires. Trooper Latchaw's vehicle also exited the roadway and went off the embankment however did not roll.



The white sedan (2017 Kia Rio) was occupied by male and female who both suffered serious bodily injuries. The male driver was conscious but pinned in the vehicle with a head injury and was removed from the car by Lower Valley Fire personnel utilizing the jaws of life and transported to the hospital. The female passenger was unconscious but breathing and was also removed and transported to the hospital by Lower Valley Fire. Trooper Latchaw who was conscious and ambulatory with complaints of calf pain and indications of a possible concussion was later transported to the hospital by Grand Junction Fire Department Medics.

### **Timeline based upon CAD notes and BWC review:**

At 16:10:02 hours Grand Junction Dispatch Center was notified of the crash by reporting party (Ryan Paddelecky) who advised the crash involved a CSP vehicle and a white sedan.

At 16:11:11 hours Grand Junction Dispatch called Colorado State Patrol Dispatch.

At 16:11:23 hours Grand Junction Dispatch Center received an Apple phone auto notification in from 970-986-9948 with no one talking in the background.

At 16:11:54 hours CSP requested emergency medical services.

At 16:12:27 hours Grand Junction Dispatch is advised the involved Trooper (later identified as Brad Latchaw) is hurt.

At 16:16:12 hours Grand Junction Dispatch received phone call from a female (Crystal Murten) advising she had just received notification her 19-year daughter (Austyn Murten) had been in a crash at that address.

At 16:19 hours MCSO Sgt. Marco Montez arrives on scene along with CSP Trooper Joshua Zortman. Sgt. Montez airs that both vehicles are out of the roadway and in a field northeast of the intersection. Sgt. Montez also advises there is one person pinned in the white sedan that will require extrication as well as a female who is unconscious but breathing.

Lower Valley Fire EMS and additional law enforcement Officers from Fruita Police Department and Colorado State Patrol then start arriving. Refer to BWC review for individual times of arrival. Lower Valley Fire EMS begin working on removing the two subjects from the white Kia (these two occupants are later identified as **Lukas Monahan DOB 7-2-2005** and **Austyn Murten DOB 7-29-2003**).

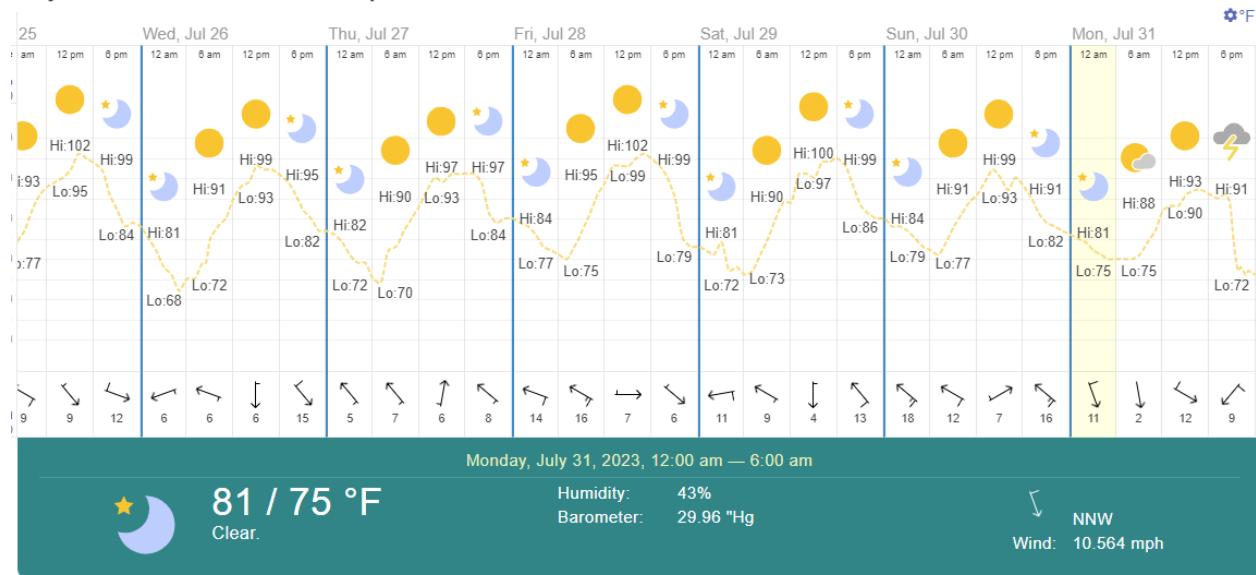
While on scene and prior to being transported to the hospital, Trooper Latchaw makes several comments to various subjects on scene, giving the impression that he had been southbound on 22 Road and had failed to stop at the posted stop sign. Trooper Latchaw then makes other comments that he had been eastbound on K Road and the white sedan had been northbound on 22 Road.

Initially CSP Troopers begin investigating the crash taking photographs and marking in spray paint various tire marks and gouges observed at/in the intersection. At approximately 1835 hours CSP command staff

requested the CIRT (Critical Incident Response Team) Team to conduct the investigation and the CIRT Team was activated.

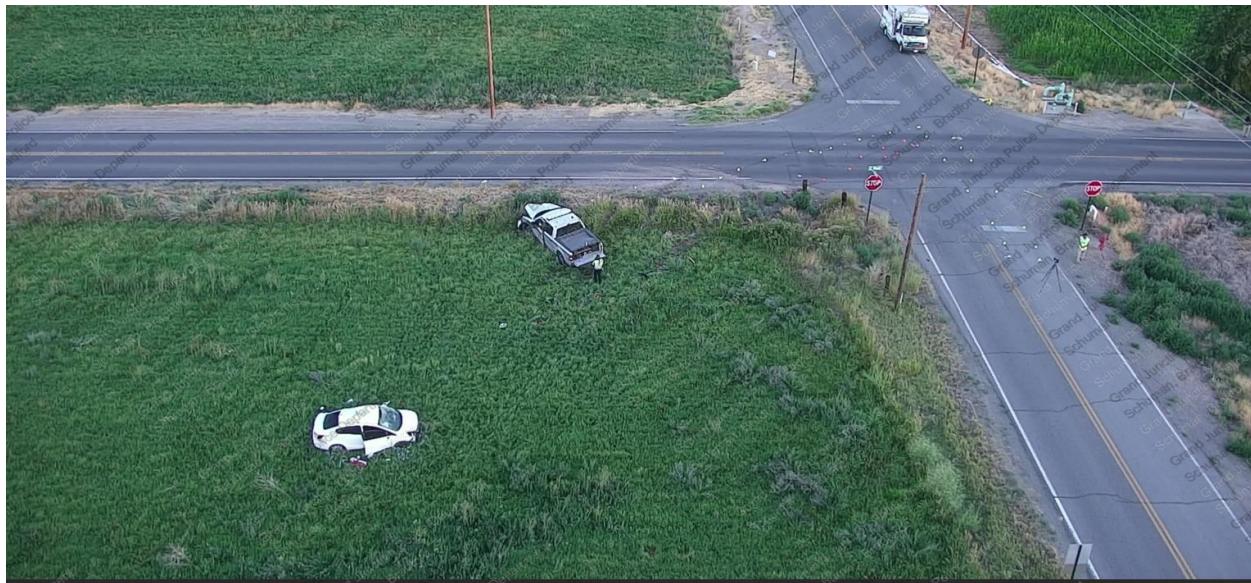
## Fruita, CO Weather Report for the day (Per TimeandDate.com)

### July 2023 Weather in Fruita — Graph



## Scene Processing

When members of the CIRT Team arrived on scene, everyone else was gone except for CSP Sgt. Rusty Sanchez and CSP Cpl. Denny O'Leary who had started the initial accident investigation. Both involved vehicles were still on scene and had not been moved from there final resting places.



GJPD Traffic Sgt. Taylor Schreiner and Traffic Officer Kevin Bavor along with members of the Grand Junction Crime Scene Unit arrived, secured the scene and began processing it. The scene was processed

utilizing FARO scans, photographs, and aerial video footage from a drone. Two cell phones observed inside the Kia were collected and later booked into evidence.



The CSP involved vehicle was later towed to the city impound evidence bay to be processed and the Kia was towed to the Grand Junction Police Department evidence bay for processing.

## Area Canvas

The area where the incident occurred is a somewhat rural area with not many residences nearby. MCSO Investigator Lissah Norcross conducted a canvas of the residences that were in view but was unable to locate any home security video footage or firsthand witnesses that observed the crash. The following addresses were checked:

**1108 22 Road** – Padalecki residence, no cameras. Homeowner (Ryan Padalecki) heard the crash but upon looking outside saw only a big cloud of dust. When the dust settled, he observed two vehicles in his field, and he called 911 and then went outside to check on the involved subjects.

**1112 22 Road** – Milo residence, home has cameras however they were not turned on at the time of the incident and they only show to edge of property not the intersection. One resident (Mr. Balmer) was home at time of the crash however only heard it and did not observe it.

**1110 22 Road** – Womack residence, no cameras. Investigator Lissah Norcross spoke with Mr. Ray Womack, Ms. Mayvonne Womack, and Devon Jamison. This home sits back off 22 Road and has limited view of the roadway/intersection. The residents were aware of the crash, heard crash sounds, but none of them witnessed the crash nor responded to the scene.

**2211 K Road** – Bratcher/Warren residence, home has a camera system however all views only go to the area around their driveway/shop and do not show near the intersection. Mr. Bratcher explained he had just walked into his shop when he heard the crash. Mr. Bratcher explained he walked back outside and immediately noticed a large cloud of dust in the area of the 22/K intersection. Mr. Bratcher had an unobstructed view and when the dust settled, he noticed the white car was far into the field at the northeast corner. Mr. Bratcher advised he called 911.

**2101 K Road** – unconfirmed address, home at northwest corner of 22/K (address taken off mailbox), no visible cameras. Attempted contact, no answer, A card requesting a call back was left.

There were no other homes in the immediate area of the intersection or who had a clear unobstructed view of the intersection.

## **Search Warrant #23SW561 for 2018 CSP Patrol Vehicle F150 plate number of CSP942 Crash Data Retrieval**

Officer Bavor, Grand Junction Police Department Traffic Team, executed the above search warrant to retrieve the Crash Data Retrieval (CDR) system from the CSP vehicle. Upon retrieval, the data revealed was thirty-three pages long. The data indicated Trooper Latchaw was wearing his seatbelt at the time of the crash. Data showed Trooper Latchaw's speed five seconds prior to the collision at 53 miles per hour and his speed at impact to be 52.6 miles per hour.

SD card video footage from Trooper Latchaw's vehicle shows him traveling eastbound on K Road. The Kia is not visible until just before impact and its observed direction of travel was northbound on 22 Road which is posted with a double stop sign. Based upon video footage, the Kia suddenly appears in front of Trooper Latchaw's vehicle followed immediately by the collision. The video shows Trooper Latchaw's speed as being 53 miles per hour which coincides with data obtained from the CDR.

### **Search Warrant #23SW580 for Mechanical Inspection of CSP F150**

Officer John Ferguson, Grand Junction Police Department Traffic Team and ACE Technician Cecilio Zarate completed the mechanical inspection and found nothing that would have contributed to the collision which shows the F150 was roadworthy at the time.

## **Search Warrant #23SW579 and 23SW571 for 2017 Kia Rio Mechanical Inspection and Event Data Recorder (EDR) retrieval download and search of vehicle.**

Officer Bavor, Grand Junction Police Department Traffic Team, executed the above search warrant to retrieve the EDR, have mechanical inspection completed, and search Kia for evidence. The OBD (On Board Diagnostics) port was badly damaged and had to be removed from the vehicle to obtain EDR information. The EDR report was 35 pages long and revealed the Kia was traveling at a speed of 47.2 miles per hour five seconds prior to impact and at 45.3 miles per hour at impact. Data indicated the driver was wearing a seatbelt at the time of impact. The data was unable to determine if the front seat passenger had been wearing a seatbelt, but evidence at the scene and BWC footage indicates the passenger was wearing a seatbelt.

A search of the vehicle itself revealed a LOST Mary vape pen, some AirPods, a Disney pink purse, and a bottle of Hydroxyzine pills (prescribed to female passenger). There was observed blood on the deployed airbags and those were cut out of the vehicle and later placed into evidence.

The mechanical inspection was again conducted by Officer John Ferguson, Grand Junction Police Department Traffic Team and ACE Technician Cecilio Zarate and found nothing that would have contributed to the collision which shows the Kia was roadworthy at the time.

## **Search Warrant #23SW598 for download of two cell phones found inside of Kia Rio.**

There were two cell phones recovered from the Kia at the scene of the crash. A search warrant was completed for both phones in an attempt to determine if there was any distraction at time of crash.

As of 8-17-23 DFA's with the Grand Junction Police have not finished downloading Lukas's cell phone. Austyn's phone is a new Apple iPhone with the latest update, and we currently don't have the necessary software to bypass security settings. Austyn did later provide a password that did not work.

### **Interview with Trooper Brad Latchaw**

Trooper Latchaw was interviewed on 8-2-23 at the Grand Junction Police Department with his legal counsel participating via zoom. Trooper Latchaw has worked for CSP for 18 years and previously has worked as a Deputy for Grand County for two years. Prior to law enforcement, he worked as an over the road truck driver and still maintains a current CDL. Latchaw currently works for CSP conducting DOT enforcement in seven different counties ranging from Utah State Line to Glenwood Canyon, then Ouray County to the Wyoming border. Latchaw stated he has been driving this specific F150 for the last 3 to 4 years (it was new when he got it). Latchaw has received driving training while working as a Deputy as well as with the Colorado State Patrol.

In describing what he remembered from that day, he stated the following: He woke up around 0500 hours and was returning to Grand Junction after spending the last few days up around Craig, Colorado conducting commercial vehicle enforcement operations. In Rangely, he stopped and had lunch with a friend of his prior to continuing towards Grand Junction, CO. He likes driving the back roads as in his experience, commercial motor vehicles will often attempt to bypass the scales by utilizing the back roads. He was driving the back roads traveling eastbound on K Road. He estimated he was driving approximately 52 to 53 miles per hour in a posted 45-mile hour zone (Investigation later revealed Trooper Latchaw's speed was 53 miles per hour). Trooper Latchaw reported not seeing the white sedan until the last second prior to impact. He did not believe he even had time to hit his brakes. He was listening to music from his phone which is connected via Bluetooth to his vehicle and there was nothing that was distracting him leading up to the time of the crash.

After the crash, he called out the crash to Dispatch and then went over to check on the subjects in the other vehicle. He stated there was what appeared to him to be a teenage male driver who was struggling to breath and a female passenger who was unconscious laying across the male's lap. Moments later a good Samaritan approached him and had him go sit down on his tailgate. While sitting on his tailgate, the citizen said something that made him start questioning if he was the one who had ran the stop sign. He stated he was familiar with K Road and had driven it on numerous occasions and did not remember there being a stop sign at that intersection for east and west bound traffic. He stated due to the crash and being somewhat confused, he started questioning himself about whether or not there was a stop sign even though he knew there wasn't.

After sitting down for several minutes, another citizen approached him and asked for latex gloves. After retrieving latex gloves, he and the citizen went back over to the Kia to see if there was anything they could do to help. A short time later, medical personnel arrived and began working on getting the male and female out of the Kia. He stated he eventually ended up going to the hospital himself. While at the hospital, CIRT team members arrived and took his cell phone and BWC.

Trooper Latchaw stated he was 100% positive the Kia was traveling south to north on 22 Road, and he was traveling west to east on K Road.

## **Interview with Lukas Monahan (Kia driver)**

On 8-11-23 at approximately 1542 hours Detective Eldridge and I responded to St. Mary's Hospital room #1219 to interview Lukas Monahan regarding the crash on 7-27-23 at 22 Road and K Road.

Lukas was alone in his room and had the left side of his head shaved. Lukas stated he suffered a head injury and because of it, he was having some issues with his right hand not working correctly.

The following is a synopsis of the conversation with Lukas and is not verbatim. Lukas stated on 7-27-23 he was on a first date with Austyn Murten. Lukas stated he and Austyn had gone to the Botanical Gardens and he remembered some discussion about going to get "frozen food" but didn't remember the exact context of that conversation. Lukas did not remember anything at all from the crash itself or anything after the crash until August 5th, 2023, when he remembered waking up in the hospital and wondering what happened. Lukas stated he was wearing his seatbelt, was not under the influence of anything, and was "doing everything right" because of it being his first date with Austyn. Based upon what he had been told by family and friends, along with what he had looked up online, he was pretty sure the "cop" hit him, and the accident wasn't his fault. Lukas confirmed that he and Austyn had been in his car however he did not remember why exactly they had been driving in the area of 22 Road and K Road.

Lukas was not sure how much longer he would have to remain in the hospital doing rehab however he did sign a medical release for his records prior to us leaving.

## **Austyn Murten (Kia passenger)**

On 8-16-23 Crystal Murten (Austyn Murten's mother) agreed to allow myself and Detective Eldridge come out to the house to interview Austyn regarding the crash on 7-27-23. Upon attempting to speak with Austyn, she stated she didn't remember anything. Austyn stated several times she didn't remember anything at all about that day. Austyn wasn't even able to recall anything prior to the accident. Austyn stated she did sort of remember Lukas and confirmed they had been in Lukas's car. Austyn was asked about going to the Botanical Gardens with Lukas and stated she couldn't remember. A series of questions were asked regarding before as well as after the crash and Austyn kept saying she couldn't remember anything. Crystal who was also present during the conversation also trying jogging Austyn's memory with no luck.

Crystal stated Austyn's brain bleed was in her frontal lobe of her brain and informed me that Austyn didn't even remember her own aunt. With Austyn not being able to remember anything from anytime, the interview was concluded.

## Drivers History Check

**Trooper Brad Latchaw:** Driving history shows no violations.

**Lukas Monahan:** Driver history shows he was issued a careless driving citation on 4-6-2023. No other driving offenses were observed in his driving history.

## Status

Detectives with the Grand Junction Police Department applied for and were granted search warrants for both cell phones found inside of the Kia however Digital Analysts are still working on getting Lukas's cell phone downloaded. Analysts are unable to get into/download Austyn's cell phone.

Both Lukas Monahan DOB 7-2-2005 and Austyn Murten DOB 7-29-2003 were transported to St. Mary's Hospital with Serious Bodily Injuries. Based upon information obtained thus far, it sounds like Lukas suffered a depressed skull fracture and brain bleed leaving him with a Traumatic Brain Injury however he is reportedly improving daily. Austyn suffered a small brain bleed to her frontal lobe which is affecting her memory and a broken pelvis in places requiring pins.

The hospital will not release Lukas's medical records while he is still in the hospital. Once he is released, his medical records will be requested along with Austyn's.

Based upon dash camera footage, BWC footage, Trooper Latchaw's statement, crash reconstruction reports, and CDR reports from both vehicles, everything shows the Trooper Latchaw was driving east on K Road and the Kia was traveling north on 22 Road. The Kia had a posted stop sign which it failed to stop at, which resulted in the crash occurring. Investigation thus far has not revealed any information that would indicate any of the involved parties were impaired.

A thorough review of all known facts obtained during the investigation show that the proximate cause of accident was a result of the Kia (driven by Lukas Monahan) failing to stop at the posted stop sign. There is no probable cause showing Trooper Brad Latchaw's actions caused the crash on 7-27-23 at the intersection of 22 Road and K Road. Lukas Monahan will be issued a citation for the traffic violation.