

CAUSE NO. DC-20-02383

PATRICK WEAVER, Individually and as	§	IN THE DISTRICT COURT
Representative of the Estate of	§	
JONATHAN BROOKS WEAVER, and	§	
DALENA WEAVER, Individually;	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	DALLAS COUNTY, TEXAS
ENERGY TRANSFER PARTNERS, L.P.;	§	
HERITAGE ETC, L.P.;	§	
LA GRANGE ACQUISITION, L.P.;	§	
ETC TEXAS PIPELINE, LTD.; and JOHN DOE,	§	
as Representative of the	§	
ESTATE OF JAMES EDWARD DARLING;	§	
	§	
<i>Defendants.</i>	§	_____ JUDICIAL DISTRICT

### PLAINTIFFS' ORIGINAL PETITION AND JURY DEMAND

Plaintiffs Patrick Weaver, Individually and as the Representative of the Estate of Jonathan Brooks Weaver, and Dalena Weaver, Individually (collectively, "***Plaintiffs***"), file this Original Petition against Energy Transfer Partners, L.P.; Heritage ETC, L.P.; La Grange Acquisition, L.P.; ETC Texas Pipeline, Ltd.; and John Doe, as Representative of the Estate of James Edward Darling (collectively, "***Defendants***"). In support, Plaintiffs state the following:

#### I.

#### SUMMARY

Energy Transfer is a multi-billion-dollar, publicly traded pipeline company headquartered in Dallas with extensive operations in West Texas. Energy Transfer employs over 11,000 people and operates hundreds, if not thousands, of commercial motor vehicles for profit. In light of its resources, Energy Transfer should be a sophisticated operator of its large commercial fleet of vehicles.

As such, Energy Transfer should know that distracted driving is a growing epidemic on our roads and highways. According to the National Highway Traffic Safety Administration, in 2017, distracted driving killed 3,166 people in the United States. Although it is likely underreported, almost one in ten fatal motor-vehicle crashes involves distracted driving.

As a result, there are countless vehicle and smartphone applications, dash-camera systems, and other fleet monitoring software designed to deter, detect, and report distracted driving to responsible fleet operators. Distracted driving is so prevalent that this software is now so inexpensive and ubiquitous that many parents utilize it to monitor their teenage drivers. However, for Energy Transfer, software costs money, monitoring that software costs manpower, and all of that reduces its bottom-line profits.

Ultimately, Energy Transfer's failure to monitor its fleet responsibly and supervise its drivers kills people, including Plaintiffs' eighteen-year-old son Jonathan Brooks Weaver, deceased. On April 25, 2019, James Edward Darling—an Instrument & Electrical Technician for Energy Transfer—was driving home in his company truck having just left an Energy Transfer job site. Darling was driving north on Ranch-to-Market Road 33 in rural Glasscock County. While driving, Darling began streaming a pornographic video that graphically depicted a male and female having sexual intercourse. Presumably, this was not the first time that Darling had streamed a pornographic video while driving Energy Transfer's truck.

As Darling passed Drumright Road, he became distracted by watching the graphic pornographic video, and he failed to drive Energy Transfer's truck in a single lane of traffic. The resulting collision was catastrophic. Darling's truck collided head-on with a pickup truck driven by Jonathan Weaver. The entire front-end of Jonathan's truck was crushed inward, pinning him against the dashboard and causing massive damage and internal injuries. Jonathan was begging those on the scene to free him from the vehicle, and he was complaining that he could not breathe. Unfortunately, the paramedics arrived at the rural crash scene too late, and Jonathan, his passenger, and Darling each died.

Distracted driving is a scourge on our society and a parent's worst nightmare. However, billion-dollar companies like Energy Transfer have the resources and tools necessary to detect and deter this habitual conduct. Jonathan's death was entirely preventable and unnecessary. For these reasons, Plaintiffs bring this lawsuit and demand a jury trial to send a message that Energy Transfer should put safety first before profiting from another unmonitored vehicle or distracted driver on our roadways.

II.

**DISCOVERY CONTROL PLAN**

1. Plaintiffs intend to pursue discovery in the above-styled and numbered cause under Level 3, pursuant to Texas Rules of Civil Procedure 190.1 and 190.4.

III.

**JURY DEMAND**

2. Plaintiffs hereby demand a jury trial and tender the proper jury fee.

IV.

**REQUESTS FOR DISCLOSURES**

3. Within fifty (50) days after service hereof, Plaintiffs request that Defendants disclose the information and materials described in Texas Rule of Civil Procedure 194.2.

V.

**PARTIES**

4. Plaintiff Patrick Weaver is an individual residing in Weatherford, Parker County, Texas. Mr. Weaver is also the Representative of the Estate of Jonathan Brooks Weaver.

5. Plaintiff Dalena Weaver is also an individual residing in Weatherford, Parker County, Texas.

6. Defendant Energy Transfer Partners, L.P. ("***Energy Transfer***") is a Delaware limited partnership with its principal office and principal place of business in Texas in Dallas County. ETC may be served with citation and process through its registered agent: Corporation Service Company d/b/a CSC-Lawyers, Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

7. Defendant Heritage ETC, L.P. (“**Heritage**”) is a Delaware limited partnership with its principal office and principal place of business in Texas in Dallas County. ETC may be served with citation and process through its registered agent: Corporation Service Company d/b/a CSC-Lawyers, Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

8. Defendant La Grange Acquisition, L.P. (“**La Grange**”) is a Texas limited partnership with its principal office and principal place of business in Dallas County. ETC may be served with citation and process through its registered agent: Corporation Service Company d/b/a CSC-Lawyers, Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

9. Defendant ETC Texas Pipeline, Ltd. (“**ETC**”) is a Texas limited partnership with its principal office and principal place of business in the Dallas County. ETC may be served with citation and process through its registered agent: Corporation Service Company d/b/a CSC-Lawyers, Inc., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

10. Energy Transfer, Heritage, La Grange, and ETC are referred to collectively hereinafter as the “**Energy Transfer Defendants.**”

11. Defendant John Doe, as Representative of the Estate of James Edward Darling (“**Darling**”), is the probate-court appointed administrator of the Estate of James Edward Darling, deceased, an individual who resided at 5211 Longshore Road, Big Spring, Texas 79720, prior to his death. If no one has opened an estate for Darling, Plaintiffs intend to open the estate as creditors and ask the Court to appoint an administrator. The Estate of James Edward Darling’s administrator may be served with citation and process wherever he or she may be found.

## VI.

### JURISDICTION AND VENUE

12. Venue is proper in Dallas County—pursuant to Section 15.002(a) of the TEXAS CIVIL PRACTICE & REMEDIES CODE—because it is the county where the Energy Transfer Defendants maintain their principal offices in this state.

13. This Court has jurisdiction over this matter because Plaintiffs’ damages exceed the minimum jurisdictional limits of the Court.

## VII.

### FACTUAL SUMMARY

14. Plaintiffs’ claims arise out of a head-on, motor-vehicle collision that occurred on or about April 25, 2019, in rural Glasscock County, Texas, on Ranch-to-Market Road 33 (“**Ranch Road 33**”) just north of its intersection with Drumright Road.

15. Eighteen year-old Jonathan Brooks Weaver, deceased (“**Jonathan**”), was driving his 2011 GMC Sierra southbound on Ranch Road 33. Jonathan’s best friend, nineteen year-old Mathew Mark Swinney, deceased (“**Mathew**”), was a passenger in the vehicle. Jonathan’s girlfriend was following Jonathan and Mathew to her house and driving her own truck immediately behind them.

16. Unbeknownst to Jonathan, Defendant James Edward Darling, deceased—an employee or agent of the Energy Transfer Defendants—was travelling northbound on Ranch Road 33 driving home from work in a company vehicle owned by the Energy Transfer Defendants. Upon information and belief, at all relevant times, Darling was either (i) operating the company

vehicle in the course and scope of his employment for the Energy Transfer Defendants or (ii) was a permissive user of the vehicle.

17. While driving home in the Energy Transfer Defendants' company vehicle, Darling was streaming, listening to, and/or watching a pornographic video that showed a male and female having graphic sexual intercourse. Upon information and belief, Darling was distracted by the pornographic video that he was consuming while driving.

18. As the Energy Transfer Defendants' vehicle approached Jonathan's truck, Darling failed to drive in a single lane, crossed the center-line dividing the highway, and struck Jonathan's vehicle head-on, resulting in a massive collision.

19. This collision catastrophically injured Jonathan and pinned him against the dashboard of his truck. Unable to breath, Jonathan begged his girlfriend to free him from the truck. As she held him, Jonathan experienced tremendous physical pain and mental anguish while trapped in his truck. Unfortunately, before paramedics arrived at the scene, Jonathan died from his severe and catastrophic injuries. The collision also killed Mathew and Defendant Darling.

20. While removing Darling's body from his truck following this collision, a paramedic found Darling's smartphone in his lap. When the paramedic picked the smartphone up, it was still streaming a pornographic video with a male and female having graphic sexual intercourse. The paramedic handed the smartphone to his colleague who also observed the streaming pornographic video.

21. A fatality investigation conducted by the Texas Highway Patrol concluded that Darling caused the crash by failing to drive in a single lane of traffic, and the Texas Highway Patrol's investigation also concluded that the pornographic video possibly contributed to the

collision by distracting Darling, the Energy Transfer Defendants' employee. See Ex. A and B hereto.

22. Defendants proximately caused this collision, Jonathan's death, and Plaintiffs' damages through the negligent acts or omissions alleged below.

## **VIII.**

### **CAUSES OF ACTION**

#### ***Count No. 1: Negligence and Negligence Per Se (All Defendants)***

23. Plaintiffs incorporate all prior and subsequent paragraphs as if fully restated and re-alleged herein.

24. The Energy Transfer Defendants are vicariously responsible for the negligence of their employee or agent, Darling, who was negligent and failed to act as a person of ordinary prudence would under the same or similar circumstances.

25. Upon information and belief, Darling's negligence includes, without limitation, failure to use ordinary care and prudence. Darling was negligent in the following ways—among others:

- Failing to drive in a single lane;
- Failing to give half of the roadway;
- Failing to drive on the right half of the roadway;
- Driving on the wrong side of the roadway;
- Being distracted in his vehicle;
- Using his smartphone while driving;
- Watching a pornographic video on his smartphone while driving;
- Listening to a pornographic video on his smartphone while driving;

- Failing to keep a proper lookout; and/or
- Taking faulty evasive action.

26. Upon information and belief, Darling was negligent *per se* in violating applicable Texas Transportation Code provisions. Upon information and belief, Darling violated—without limitation—the following regulations:

- TEX. TRANSP. CODE § 545.051(a) – An operator on a roadway of sufficient width shall drive on the right half of the roadway;
- TEX. TRANSP. CODE § 545.052 – An operator moving in the opposite direction of the movement of another operator shall move to or remain to the right; and
- TEX. TRANSP. CODE § 545.060 – An operator on a roadway divided into two or more clearly marked lanes for traffic shall drive as nearly as practical entirely within a single lane and may not move from the lane unless that movement can be made safely.

27. The Energy Transfer Defendants are also independently liable. In addition to the acts and/or omissions alleged above, the Energy Transfer Defendants' negligence includes, without limitation, failure to use ordinary care and prudence as the operator of a motor vehicle fleet and the employer of commercial motor vehicle drivers. Without limitation, the Energy Transfer Defendants were negligent in the following ways—among others:

- Failing to use ordinary care in hiring, supervising, training, and/or retaining Darling and/or his supervisors;
- Failing to train its drivers concerning distracted driving;
- Failing to supervise its drivers for distracted driving;
- Failing to monitor its fleet and/or drivers for distracted driving;
- Failing to supervise, monitor, and enforce its policies and procedures concerning the use of smartphones while driving;
- Failing to equip the Vehicle with necessary and/or recommended fleet monitoring equipment; and/or



- Failing to remove an unsafe driver from service.

28. Each of the foregoing acts or omissions, singularly or in combination with others, constituted negligence, which proximately caused the above-referenced occurrence and Plaintiffs' injuries and damages.

***Count II: Respondeat Superior (The Energy Transfer Defendants)***

29. Plaintiffs incorporate all prior and subsequent paragraphs as if fully restated and re-alleged herein.

30. The Energy Transfer Defendants are liable for Darling's negligence and negligence *per se* as alleged above, pursuant to the doctrine of *respondeat superior*, because Darling was acting in the course and scope of his employment and/or agency at the time of the occurrence.

31. Alternatively, the Energy Transfer Defendants are liable for Darling's negligence and negligence *per se* because he was acting as a borrowed servant of the Energy Transfer Defendants at all relevant times.

**IX.**

**DAMAGES, COSTS, AND INTEREST**

32. As a direct proximate result of the negligent acts and/or omissions alleged above, Plaintiffs have suffered injuries and damages for which they seek recovery from Defendants.

33. Plaintiffs Patrick Weaver, Individually, and Dalena Weaver, Individually, each seek wrongful-death damages for their loss of their only biological son Jonathan Brooks Weaver, deceased, in amounts the jury determines to be fair and reasonable consisting of the following:

- Pecuniary loss in the past;
- Pecuniary loss that, in reasonable probability, will be sustained in the future;

- Loss of companionship and society in the past;
- Loss of companionship and society that, in reasonable probability, will be sustained in the future;
- Mental anguish sustained in the past; and
- Mental anguish that, in reasonable probability, will be sustained in the future.

34. Plaintiff Patrick Weaver, as Representative of the Estate of Jonathan Brooks Weaver, seeks survival damages in amounts the jury determines to be fair and reasonable consisting of the following:

- Physical pain;
- Mental anguish;
- Medical expenses; and
- Funeral and burial expenses.

35. Plaintiffs also seek recovery for all costs of court and prejudgment and post-judgment interest at the maximum rates allowed by law.

#### X.

#### **CONDITIONS PRECEDENT**

36. All conditions precedent to Plaintiffs' right to recover for the relief sought herein have occurred or have been performed.

#### XI.

#### **RULE 47 STATEMENT OF MONETARY RELIEF SOUGHT**

37. Plaintiffs request that the jury award damages in amounts that it believes to be fair and reasonable. Accordingly, to ensure Plaintiffs' eligibility to recover an amount *more than* \$1,000,000 and because it is expressly required by Texas Rule of Civil Procedure 47, Plaintiffs

affirmatively plead that they are seeking monetary relief in an amount (i) that the jury determines to be fair and reasonable and (ii) that is *more than* \$1,000,000.

**XII.**

**PRAYER**

WHEREFORE, Plaintiffs request that this Court enter judgment against Defendants and award Plaintiffs the following relief:

- (i) A sum of money—as determined by a jury to be fair and reasonable—within the jurisdictional limits of this Court for the damages indicated above;
- (ii) Pre-judgment and post-judgment interest at the maximum amount allowed by law;
- (iii) Costs of suit; and
- (iv) Such other and further relief to which Plaintiff may be justly entitled.

RESPECTFULLY SUBMITTED:

BROOKER LAW, PLLC

/s/Chip Brooker

Eugene A. “Chip” Brooker, Jr.

Texas Bar No. 24045558

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214.217.0277 [Telephone]

469.405.1049 [Facsimile]

ATTORNEYS FOR PLAINTIFFS

PATRICK WEAVER, Individually and as

Representative of the Estate of

JONATHAN BROOKS WEAVER, and

DALENA WEAVER, Individually

# Exhibit A



## Texas Peace Officer's Crash Report (Form CR-3 1/1/2018)

Mail to: Texas Department of Transportation, Crash Data and Analysis, P.O. Box 149349, Austin, TX 78714. Questions? Call 844/274-7457

Refer to Attached Code Sheet for Numbered Fields

\*These fields are required on all additional sheets submitted for this crash (ex.: additional vehicles, occupants, injured, etc.).

Page 1 of 2

IDENTIFICATION &amp; LOCATION

*Crash Date (MM/DD/YYYY) 04 / 25 / 2019	*Crash Time (24HRMM) 2 1 0 0	Case ID 2460475	Local Use
*County Name GLASSCOCK	*City Name	<input checked="" type="checkbox"/> Outside City Limit	
In your opinion, did this crash result in at least \$1,000 damage to any one person's property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Latitude (decimal degrees) 3 2 ' 0 6 2 8 6		Longitude — (decimal degrees) 1 0 1 ' 4 8 2 3 2
ROAD ON WHICH CRASH OCCURRED			
*1 Rdwy. Sys. RM	*Hwy. Num. 33	2 Rdwy. Part 1	Block Num.
3 Street Prefix		* Street Name	
4 Street Suffix			
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot	<input type="checkbox"/> Toll Road/ Toll Lane	Speed Limit 70	Const. Zone <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Workers Present <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Street Desc.		
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST INTERSECTING ROAD OR REFERENCE MARKER			
At Int. <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	1 Rdwy. Sys.	Hwy. Num.	2. Rdwy. Part
Block Num.		3 Street Prefix	
Street Name		4 Street Suffix	
Distance from Int. or Ref. Marker 250	<input checked="" type="checkbox"/> FT <input type="checkbox"/> MI	3 Dir. from Int. or Ref. Marker N	Reference Marker 320
Street Desc.		RRX Num.	

VEHICLE, DRIVER, &amp; PERSONS

Unit Num. 1	5 Unit Desc. 1	<input type="checkbox"/> Parked Vehicle	<input type="checkbox"/> Hit and Run	LP State TX	LP Num. [REDACTED]	VIN 1 F T 7 X 2 B 6 9 E E B 6 5 2 8 6
Veh. Year 2 0 1 4	6. Veh. Color WHI	Veh. Make FORD		Veh. Model F250	7 Body Style PK	<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)
8 DL/ID Type 1	DL/ID State TX	DL/ID Num. [REDACTED]	9 DL Class CM	10 CDL End. 96	11 DL Rest. 96	DOB (MM/DD/YYYY) [REDACTED]
Address (Street, City, State, ZIP) 5211 LONGSHORE BIG SPRING, TX 797200000						
Person Num. 1	12 Prsn. Type 1	13 Seat Position 1	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line			14 Injury Severity K
						Age 39
						15 Ethnicity W
						16 Sex 1
						17 Eject. 1
						18 Restr. 96
						19 Airbag 5
						20 Helmet 97
						21 Sol. N
						22 Alc. Spec. 96
						Alc. Result
						23 Drug Spec. 96
						24 Drug Result 97
						25 Drug Category 97
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.						
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee	Owner/Lessee Name & Address ETC TEXAS PIPELINE LTD, 13788 HWY 158 GARDENCITY, TX 79739					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Expired <input type="checkbox"/> Exempt	26 Fin. Resp. Type 2	Fin. Resp. Name OLD REPUBLIC INSURANCE COMPANY		Fin. Resp. Num. MWTB-21711-18	
Fin. Resp. Phone Num. 724-834-5000		27 Vehicle Damage Rating 1 1 2 - F D - 7		27 Vehicle Damage Rating 2 - - - - -		Vehicle Inventoried <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Towed By PAIGE TOWING			Towed To 5305 N SERVICE RD, BIG SPRING TX 79721			

VEHICLE, DRIVER, &amp; PERSONS

Unit Num. 2	5 Unit Desc. 1	<input type="checkbox"/> Parked Vehicle	<input type="checkbox"/> Hit and Run	LP State TX	LP Num. [REDACTED]	VIN 1 G T 4 2 6 C 8 1 B F 2 4 9 2 3 1
Veh. Year 2 0 1 1	6. Veh. Color BLK	Veh. Make GMC		Veh. Model SIERRA	7 Body Style PK	<input type="checkbox"/> Pol., Fire, EMS on Emergency (Explain in Narrative if checked)
8 DL/ID Type 1	DL/ID State TX	DL/ID Num. [REDACTED]	9 DL Class C	10 CDL End. 96	11 DL Rest. 96	DOB (MM/DD/YYYY) [REDACTED]
Address (Street, City, State, ZIP) [REDACTED]						
Person Num. 1	12 Prsn. Type 1	13 Seat Position 1	Name: Last, First, Middle Enter Driver or Primary Person for this Unit on first line			14 Injury Severity K
						Age 18
						15 Ethnicity W
						16 Sex 1
						17 Eject. 1
						18 Restr. 96
						19 Airbag 5
						20 Helmet 97
						21 Sol. N
						22 Alc. Spec. 96
						Alc. Result
						23 Drug Spec. 96
						24 Drug Result 97
						25 Drug Category 97
Not Applicable - Alcohol and Drug Results are only reported for Driver/Primary Person for each Unit.						
<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Lessee	Owner/Lessee Name & Address WEAVER, PATRICK ALAN, [REDACTED]					
Proof of Fin. Resp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Expired <input type="checkbox"/> Exempt	26 Fin. Resp. Type 2	Fin. Resp. Name ALLSTATE FIRE AND CASUALTY INS CO		Fin. Resp. Num. 000000844657234	
Fin. Resp. Phone Num. 800-255-7828		27 Vehicle Damage Rating 1 1 2 - F D - 7		27 Vehicle Damage Rating 2 - - - - -		Vehicle Inventoried <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Towed By			Towed To			

DISPOSITION OF INJURED/KILLED	Unit Num.	Prsn. Num.	Taken To	Taken By	Date of Death (MM/DD/YYYY)	Time of Death (24HR:MM)
	1	1	301 E 24TH STREET, BIG SPRING, TX 79720	MYERS AND SMITH FUNERAL SERVICE	04 / 25 / 2019	2   1   4   8
	2	1	301 E 24TH STREET, BIG SPRING, TX 79720	MYERS AND SMITH FUNERAL SERVICE	04 / 25 / 2019	2   1   4   8
	2	2	301 E 24TH STREET, BIG SPRING, TX 79720	MYERS AND SMITH FUNERAL SERVICE	04 / 25 / 2019	2   1   4   8

CHARGES	Unit Num.	Prsn. Num.	Charge	Citation/Reference Num.

DAMAGE	Damaged Property Other Than Vehicles		Owner's Name	Owner's Address

CMV	Unit Num.	<input type="checkbox"/> 10,001+ LBS.	<input type="checkbox"/> TRANSPORTING HAZARDOUS MATERIAL	<input type="checkbox"/> 9+ CAPACITY	CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No	28 Veh. Oper.	29 Carrier ID Type	Carrier ID Num.
	Carrier's Corp. Name			Carrier's Primary Addr.			30 Veh. Type	
	31 Bus Type	<input type="checkbox"/> RGWV <input type="checkbox"/> GVWR	HazMat Released <input type="checkbox"/> Yes <input type="checkbox"/> No	32 HazMat Class Num.	HazMat ID Num.	32 HazMat Class Num.	HazMat ID Num.	33 Cargo Body Type
	Unit Num.	<input type="checkbox"/> RGWV <input type="checkbox"/> GVWR	34 Trlr. Type	CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Num.	<input type="checkbox"/> RGWV <input type="checkbox"/> GVWR	34 Trlr. Type	CMV Disabling Damage? <input type="checkbox"/> Yes <input type="checkbox"/> No
	Sequence Of Events	35 Seq. 1	35 Seq. 2	35 Seq. 3	35 Seq. 4	Intermodal Shipping Container Permit <input type="checkbox"/> Yes <input type="checkbox"/> No	Actual Gross Weight	Total Num. Axles

FACTORS & CONDITIONS	36 Contributing Factors (Investigator's Opinion)					37 Vehicle Defects (Investigator's Opinion)					Environmental and Roadway Conditions							
	Unit #	Contributing			May Have Contrib.		Contributing			May Have Contrib.		38 Weather Cond.	39 Light Cond.	40 Entering Roads	41 Roadway Type	42 Roadway Alignment	43 Surface Condition	44 Traffic Control
	1	23			20							1	2	2	1	1	1	11

NARRATIVE AND DIAGRAM	Investigator's Narrative Opinion of What Happened (Attach Additional Sheets if Necessary)	Field Diagram - Not to Scale
	Unit 1 was traveling North on RM RD 33 near mile post 320. Unit 2 was traveling South on RM RD 33. The driver of Unit 1 failed to drive in single lane. Unit 1 collided the front distributed of Unit 2 with the front distributed of the vehicle. Unit 1 came to rest in the South bound lane facing South West. Unit 2 came to rest partially in the South bound lane facing West. Unit 1 and Unit 2 both sustained front distributed damage.	

INVESTIGATOR	Time Notified (24HR:MM)	2   1   0   6	How Notified	DPS COMMUNICATIONS	Time Arrived (24HRMM)	2   1   5   5	Report Date (MM/DD/YYYY)	04 / 27 / 2019	-
	Invest. Comp. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Investigator Name (Printed) COLE, TREVOR						ID Num.	15527
	ORI Num.		*Agency DEPARTMENT OF PUBLIC SAFETY, STATE OF TEXAS						Service/Region/DA



Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

Law Enforcement and TxDOT Use ONLY.  
Form CR-3CS 1/1/2018

<b>IDENTIFICATION AND LOCATION</b>	<b>1. Roadway System</b> IH = Interstate US = US Highway SH = State Highway FM = Farm to Market RR = Ranch Road RM = Ranch to Market BI = Business Interstate BU = Business US BS = Business State BF = Business FM SL = State Loop  TL = Toll Road AL = Alternate SP = Spur CR = County Road PR = Park Road PV = Private Road RC = Recreational Road LR = Local Road/Street (Street, Road, Ave., Blvd., Pl., Trl., Beach, Alley, Boat Ramp, etc.)		<b>2. Roadway Part</b> 1 = Main/Proper Lane 2 = Service/Frontage Road 3 = Entrance/On Ramp 4 = Exit/Off Ramp 5 = Connector/Flyover 98 = Other (Explain in Narrative)		<b>3. Street Prefix, Direction from Int. or Ref. Marker</b> N = North NE = Northeast E = East SE = Southeast S = South SW = Southwest W = West NW = Northwest		<b>4. Street Suffix</b> RD = Road ST = Street DR = Drive AVE = Avenue BLVD = Boulevard PKWY = Parkway LN = Lane FWY = Freeway HWY = Highway WAY = Way TRL = Trail  LOOP = Loop EXPY = Expressway CT = Court CIR = Circle PL = Place PARK = Park CV = Cove											
	<b>5. Unit Description</b> 1 = Motor Vehicle 2 = Train 3 = Pedalcyclist 4 = Pedestrian 5 = Motorized Conveyance 6 = Towed/ Pushed/Trailer 7 = Non-Contact 98 = Other (Explain in Narrative)		<b>6. Vehicle Color</b> BGE = Beige BLK = Black BLU = Blue BRZ = Bronze BRO = Brown CAM = Camouflage CPR = Copper GLD = Gold GRY = Gray GRN = Green MAR = Maroon MUL = Multicolored ONG = Orange 99 = Unknown  PNK = Pink PLE = Purple RED = Red SIL = Silver TAN = Tan TEA = Teal (green) TRQ = Turquoise (blue) WHI = White YEL = Yellow 98 = Other (Explain in Narrative) 99 = Unknown		<b>7. Body Style</b> P2 = Passenger Car, 2-Door P4 = Passenger Car, 4-Door PK = Pickup AM = Ambulance BU = Bus SB = Yellow School Bus FE = Farm Equipment FT = Fire Truck MC = Motorcycle SV = Sport Utility Vehicle 99 = Unknown  PC = Police Car/ Truck PM = Police Motorcycle TL = Trailer, Semi-Trailer, or Pole Trailer TR = Truck TT = Truck Tractor VN = Van EV = Neighborhood Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		<b>8. Driver License/ID Type</b> 1 = Driver License 2 = Commercial Driver Lic. 3 = Occupational 4 = ID Card 5 = Unlicensed 98 = Other 99 = Unknown		<b>9. Driver License Class</b> A = Class A AM = Class A and M B = Class B BM = Class B and M C = Class C CM = Class C and M M = Class M 5 = Unlicensed 98 = Other/Out of State 99 = Unknown		<b>10. Commercial Driver License Endorsements</b> H = Hazardous Materials N = Tank Vehicle P = Passenger S = School Bus T = Double/Triple Trailer X = Tank Vehicle with Hazardous Materials 5 = Unlicensed 96 = None 98 = Other/Out of State 99 = Unknown							
<b>VEHICLE, DRIVER, AND PERSONS</b>	<b>11. Driver License Restrictions</b> A = With corrective lenses B = LOFS 21 or over C = Daytime driving only D = Speed not to exceed 45 mph E = No manual transmission equipped CMV F = Must hold valid learner lic. to MM/DD/YY G = TRC 545.424 applies until MM/DD/YY H = Vehicle not to exceed 26,000 lbs GVWR I = MC not to exceed 250cc J = Licensed MC operator 21 or over in sight K = Intrastate only L = No air brake equipped CMV M = No Class A passenger vehicle N = No Class A and B passenger vehicle O = No tractor-trailer CMV Q = LOFS 21 or over vehicle above Class B R = LOFS 21 or over vehicle above Class C S = Outside rearview mirror or hearing aid T = Automatic transmission  U = Applicable prosthetic devices V = Medical Variance W = Power steering X = No cargo in CMV tank vehicle Y = Valid TX vision or limb waiver required Z = No full air brake equipped CMV P1 = For Class M TRC 545.424 until MM/DD/YY P2 = To/from work/school P3 = To/from work P4 = To/from school P5 = To/from work/school or LOFS 21 or over P6 = To/from work or LOFS 21 or over P7 = To/from school or LOFS 21 or over P8 = With telescopic lens P9 = LOFS 21 or over bus only P10 = LOFS 21 or over school bus only P11 = Bus not to exceed 26,000 lbs GVWR P12 = Passenger CMVs restrict to Class C only P13 = LOFS 21 or over in veh equip w/airbrake P14 = Operation Class B exempt veh authorized		<b>12. Person Type</b> 1 = Driver 2 = Passenger/Occupant 3 = Pedalcyclist 4 = Pedestrian 5 = Driver of Motorcycle Type Vehicle 6 = Passenger/Occupant on Motorcycle Type Vehicle 98 = Other (Explain in Narrative) 99 = Unknown		<b>13. Seat Position</b> 1 = Front Left 2 = Front Center 3 = Front Right 4 = Second Seat Left 5 = Second Seat Center 6 = Second Seat Right 7 = Third Seat Left 8 = Third Seat Center 9 = Third Seat Right  10 = Cargo Area 11 = Outside Vehicle 13 = Other in Vehicle 14 = Passenger in Bus 16 = Pedestrian, Pedalcyclist, or Motorized Conveyance 98 = Other (Explain in Narrative) 99 = Unknown		<b>14. Injury Severity</b> A = Suspected Serious Injury B = Non-Incapacitating Injury C = Possible Injury K = Killed N = Not Injured 99 = Unknown		<b>15. Ethnicity</b> W = White B = Black H = Hispanic A = Asian I = Amer. Indian/Alaskan Native 98 = Other 99 = Unknown		<b>16. Sex</b> 1 = Male 2 = Female 99 = Unknown		<b>17. Ejected</b> 1 = No 2 = Yes 3 = Yes, Partial 97 = Not Applicable 99 = Unknown		<b>18. Restraint Used</b> 1 = Shoulder and Lap Belt 2 = Shoulder Belt Only 3 = Lap Belt Only 4 = Child Seat, Facing Forward 5 = Child Seat, Facing Rear 6 = Child Seat, Unknown 7 = Child Booster Seat  96 = None 97 = Not Applicable 98 = Other (Explain in Narrative) 99 = Unknown		<b>19. Airbag</b> 1 = Not Deployed 2 = Deployed, Front 3 = Deployed, Side 4 = Deployed, Rear 5 = Deployed, Multiple 97 = Not Applicable 99 = Unknown	
	<b>20. Helmet Use</b> 1 = Not Worn 2 = Worn, Damaged 3 = Worn, Not Damaged 4 = Worn, Unk. Damage 97 = Not Applicable 99 = Unknown if Worn		<b>21. Solicitation</b> Y = Solicit N = No Solicit		<b>22. Alcohol Specimen Type</b> 1 = Breath 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		<b>27. Vehicle Damage Rating</b> In most cases, enter in the format XX-ABC-Y, where XX is the Direction of Force (1-12), ABC is the Damage Description 2- or 3-letter code, and Y is the Damage Severity (0-7).  In special cases, use: VB-1 = vehicle burned, NOT due to collision VB-7 = vehicle catches fire due to the collision TP-0 = top damage only VX-0 = undercarriage damage only MC-1 = motorcycle, moped, scooter, etc. NA = Not Applicable (Farm Tractor, etc.)											
	<b>23. Drug Specimen Type</b> 2 = Blood 3 = Urine 4 = Refused 96 = None 98 = Other (Explain in Narrative)		<b>25. Drug Category</b> 2 = CNS Depressants 3 = CNS Stimulants 4 = Hallucinogens 6 = Narcotic Analgesics 7 = Inhalants 8 = Cannabis 10 = Dissociative Anesthetics 11 = Multiple Drugs (Explain in Narrative) 97 = Not Applicable 98 = Other Drugs (Explain in Narrative) 99 = Unknown		<b>26. Financial Responsibility Type</b> 1 = Liability Insurance Policy 2 = Proof of Liability Insurance 3 = Insurance Binder 4 = Surety Bond 5 = Certificate of Deposit with Comptroller 6 = Certificate of Deposit with County Judge 7 = Certificate of Self-Insurance													
	<b>24. Drug Test Result</b> 1 = Positive 2 = Negative 97 = Not Applicable 99 = Unknown																	

Numbered Fields on the CR-3 Refer to the Numbered Lists on this Code Sheet. Each list includes the codes that may be entered on the form and the description of each code.

Law Enforcement and TxDOT Use ONLY.

Form CR-3CS 1/1/2018

COMMERCIAL MOTOR VEHICLE	<b>28. Vehicle Operation</b> 1 = Interstate Commerce 2 = Intrastate Commerce 3 = Not in Commerce 4 = Government 5 = Personal	<b>29. Carrier ID Type</b> 1 = US DOT 2 = TxDOT 3 = ICC/MC 96 = None 98 = Other (Explain in Narrative)	<b>30. Vehicle Type</b> 1 = Passenger Car 2 = Light Truck 3 = Bus (9-15) 4 = Bus (>15) 5 = Single Unit Truck 2 Axles 6 Tires 6 = Single Unit Truck 3 or More Axles 7 = Truck Trailer 8 = Truck Tractor (Bobtail) 9 = Tractor/Semi Trailer 10 = Tractor/Double Trailer 11 = Tractor/Triple Trailer 98 = Other (Explain in Narrative) 99 = Unknown Heavy Truck	<b>31. Bus Type</b> 0 = Not a Bus 1 = School Bus (Public or Private) 2 = Transit 3 = Intercity 4 = Charter 5 = Other 6 = Shut le 9 = Not Reported/ Unknown	<b>32. Hazardous Material Class Number</b> 1 = Explosives 2 = Gases 3 = Flammable Liquids 4 = Flammable Solids 5 = Oxidizers and Organic Peroxides 6 = Toxic Materials and Infectious Substances 7 = Radioactive Materials 8 = Corrosive Materials 9 = Miscellaneous Dangerous Goods
	<b>33. Cargo Body Type</b> 1 = Bus (9-15) 2 = Bus (>15) 3 = Van/Enclosed Box 4 = Cargo Tank 5 = Flatbed 6 = Dump 7 = Concrete Mixer 8 = Auto Transporter 9 = Garbage Refuse 10 = Grain Chips Gravel 11 = Pole 13 = Intermodal 14 = Logging 15 = Vehicle Towing Another Vehicle 97 = Not Applicable 98 = Other (Explain in Narrative)			<b>34. Trailer Type</b> 1 = Full Trailer 2 = Semi-Trailer 3 = Pole Trailer	
<b>35. Sequence of Events</b> 1 = Non-Collision: Ran Off Road 2 = Non-Collision: Jackknife 3 = Non-Collision: Overturn Rollover 4 = Non-Collision: Downhill Runaway 5 = Non-Collision: Cargo Loss Or Shift 6 = Non-Collision: Explosion Or Fire 7 = Non-Collision: Separation of Units 8 = Non-Collision: Cross Median/Centerline 9 = Non-Collision: Equipment Failure 10 = Non-Collision: Other 11 = Non-Collision: Unknown 12 = Collision Involving Pedestrian 13 = Collision Involving Motor Vehicle in Transport 14 = Collision Involving Parked Motor Vehicle 15 = Collision Involving Train 16 = Collision Involving Pedalcycle 17 = Collision Involving Animal 18 = Collision Involving Fixed Object 19 = Collision With Work Zone Maintenance Equipment 20 = Collision With Other Movable Object 21 = Collision With Unknown Movable Object 98 = Other (Explain in Narrative)					
FACTORS AND CONDITIONS	<b>36. Factors and Conditions</b> 1 = Animal on Road - Domestic 2 = Animal on Road - Wild 3 = Backed without Safety 4 = Changed Lane when Unsafe 14 = Disabled in Traffic Lane 15 = Disregard Stop and Go Signal 16 = Disregard Stop Sign or Light 17 = Disregard Turn Marks at Intersection 18 = Disregard Warning Sign at Construction 19 = Distraction in Vehicle 20 = Driver Inattention 21 = Drove Without Headlights 22 = Failed to Control Speed 23 = Failed to Drive in Single Lane 24 = Failed to Give Half of Roadway 25 = Failed to Heed Warning Sign 26 = Failed to Pass to Left Safely 27 = Failed to Pass to Right Safely 28 = Failed to Signal or Gave Wrong Signal 29 = Failed to Stop at Proper Place 30 = Failed to Stop for School Bus 31 = Failed to Stop for Train 32 = Failed to Yield ROW - Emergency Vehicle 33 = Failed to Yield ROW - Open Intersection 34 = Failed to Yield ROW - Private Drive 35 = Failed to Yield ROW - Stop Sign 36 = Failed to Yield ROW - To Pedestrian 37 = Failed to Yield ROW - Turning Left 38 = Failed to Yield ROW - Turn on Red 39 = Failed to Yield ROW - Yield Sign 40 = Failed or Asleep 41 = Faulty Evasive Action 42 = Fire in Vehicle 43 = Fleeing or Evading Police 44 = Followed Too Closely 45 = Had Been Drinking 46 = Handicapped Driver (Explain in Narrative) 47 = Ill (Explain in Narrative) 48 = Impaired Visibility (Explain in Narrative) 49 = Improper Start from Parked Position 50 = Load Not Secured 51 = Opened Door Into Traffic Lane 52 = Oversized Vehicle or Load 53 = Overtake and Pass Insufficient Clearance 54 = Parked and Failed to Set Brakes 55 = Parked in Traffic Lane 56 = Parked without Lights 57 = Passed in No Passing Lane 58 = Passed on Right Shoulder 59 = Pedestrian FTYROW to Vehicle 60 = Unsafe Speed 61 = Speeding - (Over Limit) 62 = Taking Medication (Explain in Narrative) 63 = Turned Improperly - Cut Corner on Left 64 = Turned Improperly - Wide Right 65 = Turned Improperly - Wrong Lane 66 = Turned when Unsafe 67 = Under Influence - Alcohol 68 = Under Influence - Drug 69 = Wrong Side - Approach or Intersection 70 = Wrong Side - Not Passing 71 = Wrong Way - One Way Road 73 = Road Rage 74 = Cell/Mobile Device Use - Talking 75 = Cell/Mobile Device Use - Texting 76 = Cell/Mobile Device Use - Other 77 = Cell/Mobile Device Use - Unknown 98 = Other (Explain in Narrative)				
	<b>37. Vehicle Defects</b> 5 = Defective or No Headlamps 6 = Defective or No Stop Lamps 7 = Defective or No Tail Lamps 8 = Defective or No Turn Signal Lamps 9 = Defective or No Trailer Brakes 10 = Defective or No Vehicle Brakes 11 = Defective Steering Mechanism 12 = Defective or Slick Tires 13 = Defective Trailer Hitch 98 = Other (Explain in Narrative)	<b>38. Weather Condition</b> 1 = Clear 2 = Cloudy 3 = Rain 4 = Sleet/Hail 5 = Snow 6 = Fog 7 = Blowing Sand/Snow 8 = Severe Crosswinds 98 = Other (Explain in Narrative) 99 = Unknown	<b>39. Light Condition</b> 1 = Daylight 2 = Dark, Not Lighted 3 = Dark, Lighted 4 = Dark, Unknown Lighting 5 = Dawn 6 = Dusk 98 = Other (Explain in Narrative) 99 = Unknown	<b>40. Entering Roads</b> 2 = Three Entering Roads - T 3 = Three Entering Roads - Y 4 = Four Entering Roads 5 = Five Entering Roads 6 = Six Entering Roads 7 = Traffic Circle 8 = Cloverleaf 97 = Not Applicable 98 = Other (Explain in Narrative)	
<b>41. Roadway Type</b> 1 = Two-Way, Not Divided 2 = Two-Way, Divided, Unprotected Median 3 = Two-Way, Divided, Protected Median 4 = One-Way 98 = Other (Explain in Narrative)	<b>42. Roadway Alignment</b> 1 = Straight, Level 2 = Straight, Grade 3 = Straight, Hillcrest 4 = Curve, Level 5 = Curve, Grade 6 = Curve, Hillcrest 98 = Other (Explain in Narrative) 99 = Unknown	<b>43. Surface Condition</b> 1 = Dry 2 = Wet 3 = Standing Water 4 = Snow 5 = Slush 6 = Ice 7 = Sand, Mud, Dirt 98 = Other (Explain in Narrative) 99 = Unknown	<b>44. Traffic Control</b> 2 = Inoperative (Explain in Narrative) 3 = Officer 4 = Flagman 5 = Signal Light 6 = Flashing Red Light 7 = Flashing Yellow Light 8 = Stop Sign 9 = Yield Sign 10 = Warning Sign	11 = Center Stripe/Divider 12 = No Passing Zone 13 = RR Gate/Signal 15 = Crosswalk 16 = Bike Lane 17 = Marked Lanes 18 = Signal Light With Red Light Running Camera 96 = None 98 = Other (Explain in Narrative)	



# **Exhibit B**

Law Enforcement and TxDOT Use Only

☒ FATAL ☐ CMV ☐ SCHOOL BUS ☐ RAILROAD ☐ MAB ☐ SUPPLEMENT ☐ ACTIVE ☐ SCHOOL ZONE

Total  
Num. Units: 2  
Total  
Num. Persons: 3  
TxDOT  
Crash ID

* Crash Date (MM/DD/YYYY)		04/25/2019		* Crash Time (24-HRMM)		2100		Crash ID		Local Use																	
* County Name				Glasscock				* City Name				<input checked="" type="checkbox"/> Outside City Limit															
Is your opinion, did this crash result in at least \$1,000 damage to any one person's property?				<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No				Latitude (decimal degrees)				32.06286															
								Longitude (decimal degrees)				-101.48232															
ROAD ON WHICH CRASH OCCURRED																											
* 1 Hwy. Sys.		RM		* Hwy. Num.		33		2 Hwy. Part		1		Block Num.		3 Street Prefix		* Street Name		4 Street Suffix									
<input type="checkbox"/> Crash Occurred on a Private Drive or Road/Private Property/Parking Lot				<input type="checkbox"/> Toll Road/Toll Lane				Speed Limit				70		Const. Zone		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Workers Present		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Street Desc.					
INTERSECTING ROAD, OR IF CRASH NOT AT INTERSECTION, NEAREST ROAD OR REFERENCE MARKER																											
At Int.		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1 Hwy. Sys.				Hwy. Num.				2 Hwy. Part				Block Num.		3 Street Prefix		Street Name		4 Street Suffix					
Distance from Int. or Ref. Marker				250				<input checked="" type="checkbox"/> FT <input type="checkbox"/> MI				3 Dir. From Int. or Ref. Marker				n				Reference Marker		Street Desc.		Drumright Rd		RRX Num.	

## TEXAS HIGHWAY PATROL DIVISION



### MAJOR CRASH INVESTIGATION

Investigated by: Trooper Trevor N. Cole

Approved by:

*Amalia Hinojosa*

Date: 04/25/19

Amalia Hinojosa, Sergeant

Lieutenant Juan Spivey

HP-7 (revised 5/21/18)

## TEXAS DEPARTMENT OF PUBLIC SAFETY MEMORANDUM

**To:** Molly Hinojosa, Sergeant, HP, Midland

**Date:** 04/26/2019

**From:** Trevor N. Cole, Trooper, HP, Midland

**Division:** THP

**Subject:** Fatality Crash Conclusion

On April 25, 2019, I, Trooper Cole was notified by DPS Communications at approximately 09:06 P.M. of a possible fatality crash involving two vehicles on Ranch Road 33 and Drumright Road, Glasscock County. Big Spring Fire Department and Glasscock Sheriff's Office were on scene when I arrived. Once on scene, I observed there to be two Units involved in the crash.

This is the investigators opinion of what transpired in regards to a two vehicle crash that occurred on RM RD 33 and Drumright Road, Glasscock County, on April 25, 2018, at approximately 09:06 P.M., that resulted in the fatality of Darling, James Edward, 1980, TX DL \_\_\_\_\_, Weaver, Jonathan Brooks, \_\_\_\_\_, TX DL #: \_\_\_\_\_, Swinney, Mathew Mark, \_\_\_\_\_ TX DL \_\_\_\_\_

Unit 1 was identified as a White 2014 Ford F250 LF

\_\_\_\_\_. The Driver of Unit 1 was identified as Darling, James Edward, DOB: \_\_\_\_\_ X DL: \_\_\_\_\_

Unit 2 was identified as a Black 2011 GMC LP: TX \_\_\_\_\_

The

Driver of Unit 2 was identified as Weaver, Jonathan Brooks,

\_\_\_\_\_; the passenger of Unit 2 was identified as Swinney, Mathew Mark,

The driver of Unit 1 was identified as Darling, James Edward, and pronounced deceased on scene by Justice of the Peace Honorable Judge Kay Machicek at approximately 09:48 P.M. The driver of Unit 2 was identified as Weaver, Jonathan Brooks, along with the passenger of Unit 2 who was identified as Swinney, Mathew Mark, were pronounced deceased on scene by Justice of the Peace Honorable Judge Kay Machicek at approximately 09:48 P.M. Darling, Weaver, and Swinney were transported from the scene by Myers and Smith Funeral Services to 301 E. 24<sup>th</sup> Street, Big Spring, TX 79720.

The driver of Unit 1 was traveling North on Ranch to Market RD 33. The road of RM RD 33 is a two lane road, one northbound lane and one southbound lane, controlled by a center stripe. Unit 2 was traveling South on RM RD 33. The Driver of Unit 1 failed to drive in single lane causing the head on collision with Unit 2. During the investigation, gouge marks were discovered at the

area of impact on the North and South bound lanes where Unit 1 collided with Unit 2. The gouge marks show that the driver of Unit #1 traveled into the southbound lane.


A statement was made by one of the paramedics from Big Spring Fire Department, John Matthew Reynolds which informed us that while removing the driver of Unit 1, the driver's cell phone was in his lap and was currently playing pornographic video material which lead me to conclude that the driver of Unit 1 may have been distracted by video observation causing driver inattention which resulted in failing to maintain a single lane causing the head on collision.

A statement from Carmella Liles, who was traveling behind Unit 2, informed us that while traveling south she witnessed the White Ford pickup travel into the southbound lane colliding with Unit 2 head on.

All evidence on scene was secured, and all Units were released to Paige Towing and transported to their yard at 5305 N Service RD Ste A. Big Spring, TX 79721.

In conclusion, it is the investigators opinion that the driver of Unit 1, Darling, James Edward failed to drive in single lane, this being the contributing factor to the crash, causing the fatalities of Darling, James Edward; Weaver, Jonathan Brooks; Swinney, Mathew Mark,.

Respectfully Sumbitted,



Trevor N. Cole, Trooper  
Texas Highway Patrol  
Midland, 4A01