

PROBABLE CAUSE STATEMENT

Date: 7/20/2021

Report: 2021-8265

OCN:

I, **Detective Ron Baltzer**, knowing that false statements on this form are punishable by law, state that the facts contained herein are true:

1. I have probable cause to believe that on **02/10/2021 at 2041, Little Blue Parkway and Truman Rd, Colby Eugene Byrd, W/M, 03/13/1995, 15158 McGrew Mine RD, Wellington, MO, 64097, [REDACTED]** committed one or more criminal offenses in Jackson County, Missouri.
2. The facts supporting this belief are as follows:

On 2/10/2021 at approximately 2041 hours, PO Brian Flavin #1288 was dispatched to a fatality crash on Little Blue Pkwy near Truman RD.

The crash occurred when a 2005 Chevrolet Tahoe crossed over the center median from southbound Little Blue Parkway and struck a northbound 2019 Nissan Sentra head on. In the crash, driver 2 S.K. and front seat passenger I.S. were killed. The two back seat passengers were transported to Centerpoint Medical Center. They were stabilized and then transferred to Children's Mercy Hospital with serious disabling injuries.

Driver 1 Colby Byrd was also transported to Centerpoint Medical Center. Once at Centerpoint Medical Center, Det Baltzer contacted Byrd and smelled a moderate odor of intoxicants with my mask on. I observed Byrd to have bloodshot and glassy eyes. Byrd was not able to perform field sobriety test due to a fractured pelvis.

I read Byrd his Missouri Implied consent at 2031 hours. I asked Byrd for a blood draw due to his injuries and the serious nature of the crash. When I asked him for the blood sample he stated, "Fuck You." I took that as a refusal and applied for and obtained a search warrant for Byrd's blood. At 2301 Judge Garrett issued the search warrant for Byrd's blood.

At 2347 hours, RN Kristin Lee drew two gray top tubes of blood from Byrd. RN Kristin Lee completed two more blood draws on Byrd at 0027 hours and 0047 hours. The blood was sent to Children's Mercy Lab. The lab report showed Byrd had a BAC of .253 at 2347 hours, .227 at 0027 hours and .226 at 0047 hours. A medical Blood draw that was performed showed Byrd's blood at .362 at 2050 hours when drawn for medical purposes per a Centerpoint Medical Center Lab report.

Byrd shows one prior DWI Arrest in TAS/DWITS.

DWI	Independence	9/21/2018	Cir Crt- Div. 32 Independence	4/17/2019
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After reading Miranda warning at 0004 hours, Byrd advised he had been drinking alcohol at Twin Peaks from 4:30 pm to 7 :00 pm. Byrd stated he took a couple hits of marijuana while at Twin Peaks. Twin Peaks video and Receipts shows Byrd had two 20 ounce beers and six double Captain Morgan's and one single Captain Morgan's for a total of 13 Liquor drinks from 1548 hours to 1948 hours at Twin Peaks.

The two back seat passengers were transported to Children's Mercy had the following injuries:

- Grade 1 Liver laceration
- Open left femur fracture
- Right open midshaft radius/ulna forearm fracture
- Right superior/inferior pubic ramus fractures
- Left open distal humerus and distal radius/ulna fracture
- Left proximal humerus fracture
- Left femoral shaft fracture

- Bilateral femur fractures

I attempted a follow up interview several days later due to Byrd going into surgery. I waited until I was told by medical staff that Byrd was not under strong medication that would interfere with an interview. Byrd advised he would not make any further statements under advice of counsel. No interview as conducted.

Ron Baltzer

Print Name

Detective Ron Baltzer

Independence MO Police

/s/ Ron Baltzer

Signature

PROBABLE CAUSE STATEMENT FORM

Date: July 3, 2019

I, Tpr. B. W. Montgomery, a member of the Missouri State Highway Patrol, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that on June 24, 2019, at approximately 2124 hours, on Interstate 70, in Jackson County, Missouri, Desiree C. Smith, White, Female, date of birth November 7, 1981, and [REDACTED], committed one or more criminal offense(s).

2. The facts supporting this belief are as follows:

On June 24, 2019, at about 2131 hours, I was dispatched to a serious injury crash, located on eastbound Interstate 70, west of Adams Dairy Parkway. I arrived on scene at 2140 hours. I observed a silver 2011 Cadillac CTS, bearing Missouri registration LB4M5U, in the left lane. The driver was still in the vehicle, in the driver's seat, with her legs pinned in the vehicle, underneath the dash. She was receiving medical attention and EMS/Fire personnel were attempting to extricate her from the vehicle. The driver was a white female wearing a pink tank top and was later identified by her Missouri driver's license to be Desiree C. Smith, date of birth November 7, 1981, residing at 501 NW Chateau, Blue Springs, Missouri, 64014. I also observed a second vehicle, a gold 2003 Ford Taurus, off the right side of the roadway that was involved in the crash. The driver of this vehicle, identified as Heather Blackman, DOB: 03/09/1975, suffered fatal injuries and was deceased upon my arrival.

During the investigation of the crash, witnesses were located and interviewed. One witness identified was Robert Evans. Mr. Evans said, "I was driving on eastbound Interstate 70 in the number one lane. The gray car passed me in the center lane, westbound in the eastbound lanes. I heard it strike the other vehicle head on." Another witness identified was Randall Morgan. Mr. Morgan said, "We were coming eastbound. She was westbound coming at us. My wife got over on the shoulder. I turned around and saw a car in the median and one on the side." Another witness identified was Sara Morgan. Mrs. Morgan said, "We were in the right lane. Head lights were coming up the middle. I took the shoulder and she went by. I looked in the mirror and saw her hit the other car. She was speeding up as she went by. It happened about 30 seconds before I called 911. I called 911 at 9:24 p.m."

While investigating the crash, I noticed a partially consumed bottle of liquor in the passenger front seat of the Cadillac. The driver of the Cadillac was transported by ambulance to Centerpoint Medical Center for treatment. I responded to the Hospital and arrived at 2303 hours. I located Ms. Smith in the Emergency Department, in Trauma Room B. I contacted her and attempted to ask her questions about the crash. She was unresponsive to my questioning but would moan in pain from her injuries. I noticed an odor of an intoxicating beverage coming from her. Due to her injuries, no field sobriety tests were able to be administered.

Due to my observations and the totality of the circumstances, I placed my hand on Ms. Smith's right arm and advised her she was under arrested for driving while intoxicated and involuntary manslaughter. I applied for and received a search warrant for two vials of blood from Ms. Smith. I witnessed the blood draw at 0253 hours, from Ms. Smith's right arm. I inverted the blood tubes twenty times. The blood was submitted into evidence. It will be sent the lab for analysis. She was released at the hospital for treatment.

Tpr. B. W. Montgomery
Officer's Printed Name

/s/ Tpr. B.W. Montgomery
Officer's Signature

July 3, 2019
Date