



**OFFICE OF THE DISTRICT ATTORNEY**  
21ST JUDICIAL DISTRICT OF COLORADO

PETE HAUTZINGER  
DISTRICT ATTORNEY

MESA COUNTY JUSTICE CENTER  
P.O. BOX 20,000  
GRAND JUNCTION, COLORADO 81502-5031  
TELEPHONE (970) 244-1730

July 9, 2009

Bill Gardner  
Chief of Police  
Grand Junction Police Department  
625 Ute Avenue  
Grand Junction, CO 81501

Stan Hilkey  
Mesa County Sheriff  
215 Rice Street  
Grand Junction, CO 81502

RE: February 28, 2009 deadly motor vehicle crash incident investigated by the 21<sup>st</sup> Judicial District Critical Incident team

Dear Chief Gardner and Sheriff Hilkey:

As you know, members of both of your agencies were involved in a situation which culminated in a motor vehicle crash and fatalities at the intersection of 5<sup>th</sup> Street and North Avenue on February 28, 2009. My understanding is that a request was made that the Critical Incident Team for the 21<sup>st</sup> Judicial District (CIT) be activated and conduct a complete investigation. That investigation has now been completed and has been submitted to me for my review.

In reviewing this investigation I have carefully considered all evidence which was gathered by the CIT. I have reviewed the entire case file and all reports which were authored by anyone involved in the investigation. I have viewed all of the videotapes and photographs which were taken in connection with this case.

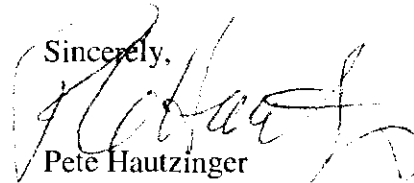
I conclude that Deputy Brian Prunty, as well as all the other law enforcement personnel involved in this situation, conducted themselves in an entirely professional, ethical and reasonable manner. Shortly after midnight Deputy Prunty was in a marked Mesa County Sheriff's patrol vehicle, at the intersection of 5<sup>th</sup> Street and Pitkin. Deputy Prunty observed a vehicle run the red light at that intersection, going north on 5<sup>th</sup> at a very high rate of speed (probably higher than 70 mph in a posted 35 zone. He then saw

the vehicle run another red light at 5<sup>th</sup> and Ute. Deputy Prunty then activated his emergency lights, turned north on 5<sup>th</sup> in an attempt to catch up to the suspect vehicle. By the time Deputy Prunty got to the intersection of 5<sup>th</sup> and North the suspect vehicle had crashed into a white Chevrolet truck, causing two fatalities and other serious injuries. Subsequent investigation showed the driver of the suspect vehicle to be Derrick Maxfield and further showed that Mr. Maxfield had a blood alcohol level which was quite high.

The entire investigation makes it extremely clear that the actions taken by Deputy Prunty had absolutely nothing to do with causing the crash or with causing Mr. Maxfield to drive in the reckless manner he did. On the contrary, Deputy Prunty did exactly the right thing by activating his emergency lights and making at least an effort to stop Mr. Maxfield.

I further conclude that there is absolutely nothing criminal about the actions taken by the any of the officers involved. Indeed, I believe their actions were exemplary and entirely consistent with protecting the people of this community.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Hautzinger", written over the typed name.

Pete Hautzinger  
District Attorney  
21<sup>st</sup> Judicial District

CC: Detective Amanda Garretson, Grand Junction Police Department