

COURT: El Cajon Superior FILE NUMBER: 10-0692
 AREA: 680 BEAT: 86 COLLISION REPORT NUMBER: N/A
 EVIDENCE/PROPERTY: YES NO
 E: 2010-0166

DATE/TIME OF ARREST REPORT: 03/08/2010 13:30 DATE/TIME OF INCIDENT: 03/08/2010 13:30
 LOCATION OF ARREST/INCIDENT: Eastbound I-8, East of La Posta Road

CITATION NUMBER: OFFENSE(S) CHARGED OR INVESTIGATED: Incident Report
 JUS 8715 REQUIRED: YES NO
 NUMBER: 2010-0166

SUBJECT NO: 1 OF 1

NAME (last, first, middle): Sikes, James Allen AKA: N/A
 RESIDENCE ADDRESS: MAILING ADDRESS: SAME

RACE: White SEX: M BIRTHDATE: 06/10/1948 HAIR: Brn EYES: Blu HEIGHT: 5' 11" WEIGHT: 191
 PLACE OF BIRTH (city, state, county): DISPATCH NOTIFIED: YES NO

DRIVER'S LICENSE NUMBER: STATE: DDL STATUS: MISC. (SSN, INS #, ETC.):
 EMPLOYER: ADDRESS: TIME: 1413 I.D. NO. A15116 LOG NO. 638

BOOKING, CI, FBI, ETC., NUMBER(S): WHERE BOOKED/CONFINED: DAY/TIME: FINGERPRINTED: YES NO

JUVENILE FOREIGN NATIONAL IMMUNITY CLAIM NOTIFYING OFFICIAL:

VEHICLE

LICENSE: FRUGL08 STATE: CA YEAR: 10 VIN/EN NUMBER: JTDDK B 20U987722233
 VEHICLE WAS: PARKED RELEASED STORAGE AUTHORITY
 STORED RECOVERED IMPOUNDED

VEH. YEAR: 08 MAKE: Toyota BODY STYLE: Prius COLOR: Blu BODY TYPE: 4 door
 LOCATION OF VEHICLE/RELEASED TO/TELEPHONE NUMBER:

NAME OF REGISTERED OWNER: SAME AS SUBJECT ADDRESS: SAME AS DRIVER

NAME OF LEGAL OWNER: SAME AS R/O ADDRESS: LOCATION OF KEYS:

WITNESS

BIRTHDATE	SEX	NAME	<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	ADDRESS/AGENCY	PHONE RES:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER	Officers on Scene - Refer to Narrative	BUS:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		BUS:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		RES:
			<input type="checkbox"/> WITNESS	<input type="checkbox"/> PASSENGER		BUS:

VICTIM INFORMATION

1 NAME: N/A ADDRESS:
 BIRTHDATE: SEX: DRIVER'S LICENSE: STATE: DAY PHONE: EVENING PHONE:
 VEH. LIC. #: STATE: YEAR: MAKE: BODY STYLE: COLOR: BODY TYPE:

2 NAME: ADDRESS:
 BIRTHDATE: SEX: DRIVER'S LICENSE: STATE: DAY PHONE: EVENING PHONE:
 VEH. LIC. #: STATE: YEAR: MAKE: BODY STYLE: COLOR: BODY TYPE:

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6.)

- As determined by the arresting officer, the person arrested:
- was so intoxicated as to be a danger to himself/herself or others.
 - required medical examination or medical care or was otherwise unable to care for his/her own safety.
 - was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 8 if also applicable).
 - had one or more outstanding arrest warrants issued.
 - could not provide satisfactory evidence of personal identification.
 - If released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
 - would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
 - demanded to be taken before a magistrate or refused to sign the citation.
 - would not appear at the time and place specified in the notice.
 - Other:

ARRESTING/INVESTIGATING OFFICER (Print name/rank): J. T. Neibert / Officer I.D. NUMBER: 014949
 REVIEWED BY (Print name/rank): J. News LT I.D. NUMBER: 13343 DATE: 10-17-10

LAST NAME, FIRST NAME, AND MIDDLE INITIAL
Sikes, James Allen

TJDD

Sikes, James Allen

ARREST -- INVESTIGATION REPORT NARRATIVE (CONTINUED)

ADMONITION OF RIGHTS

- 1. YOU HAVE THE RIGHT TO REMAIN SILENT.
- 2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
- 3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
- 4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY: ARRESTING OFFICER OR: N/A

I.D. TIME:

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

YES NO

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

YES NO

WAIVER STATEMENT

See attached narrative.

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SUMMARY:

On March 8, 2010, at approximately 1335 hours, I was dispatched to a call of a runaway vehicle. The driver called 911 on his cellular phone and advised California Highway Patrol (CHP) Border Communications Center (BCC) that the accelerator in his Toyota Prius (Prius) was stuck. The caller said he was traveling eastbound on Interstate 8, east of Dunbar Lane at approximately 81 MPH and he was unable to stop. I responded from State Route (SR) 94 at Buckman Springs Road. BCC continued to provide updated locations and speeds. I continued northbound on Buckman Springs Road attempting to catch up to the Prius. BCC updated the Prius' location as eastbound I-8, west of Buckman Springs Road, passing the U.S. Border Patrol Checkpoint (U.S.B.P). I was northbound on Buckman Springs Road approximately 3 miles south of I-8. I entered eastbound I-8 from Buckman Springs Road knowing the Prius would be east of my location. As I approached Kitchen Creek Road, I observed the blue Prius traveling in the #2 lane. I also noticed an unmarked U.S.B.P Chevrolet Tahoe ahead of the Prius in the #1 lane with its emergency lights illuminated within the rear window. It was staying ahead of us and it was later determined that the agent driving the Chevrolet Tahoe was aware of the situation.

The Prius' hazard amber lights were activated and flashing. The red brake lights were on for a period of time and would turn off, indicating the driver was possibly pumping the brakes. I was within ¼ mile of the vehicle and could smell the heated brakes which indicated they had been used extensively. My patrol vehicle's climate control knob was on vent, which allowed the outside air directly into the interior. The Prius moved into the #1 lane to go around another slower moving vehicle as it continued at over 90 MPH. I positioned my patrol vehicle alongside the right side of the Prius after passing the slower moving vehicle. We were then just east of the Kitchen Creek Road undercrossing. I advised the driver over my public address (P.A.) system to lower the window and I confirmed that he could hear me. The right rear window of the Prius was half way down and I could clearly see the driver. I instructed him to try putting the car into neutral and turn the engine off. He shook his head side to side (indicating to me it did not work or he could not do it). I assumed that he attempted to shut the vehicle off and continued to evaluate the situation. During this time, other officers and supervisors were sharing information over the radio in an attempt to come up with a positive solution. The Prius and I were within 20 miles of the Mountain Springs Grade that leads to the Imperial County Desert. It is a steep 6 percent downgrade, which has a sharp left hand turn at the top and an advisory speed of 50 MPH. If the Prius made it to that location, the ultimate result would have most likely led to a catastrophic ending.

While we were still east of Kitchen Creek Road, I was alongside the right side of the Prius. I could see the driver sat up off his seat indicating that he was possibly applying the brake pedal with his body weight. I was able to view his actions through the lowered right rear window. His back was arched and both hands were pulling on the steering wheel. I noticed that the Prius slowed slightly, down to approximately 85 to 90 MPH. The Prius gradually accelerated to 95 MPH. The driver

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1 looked over at me briefly and appeared to be in a panicked state. I continued to assess his vehicle as
 2 our speed varied from 90 to 95 MPH. As we approached two big rigs in the #2 lane, I moved in
 3 behind the Prius. After we passed the big rigs, the roadway straightened out and there were no other
 4 vehicles within sight ahead of us. The roadway ascends at this location and it is a long uphill grade
 5 toward Crestwood Summit (approximately 4 miles). The Prius was mostly in the #2 lane, but
 6 slightly straddling the #1 lane. The brake lights were on and the Prius' speed was approximately 85
 7 MPH. I moved up alongside the left side of the Prius and instructed the driver with the P.A. system
 8 to apply both the brake pedal and the emergency brake simultaneously, while doing so I was going
 9 to pull up in front of the Prius and use my patrol vehicle to assist in stopping the Prius. I advised
 10 BCC of my intentions and updated location.

11
 12 I moved up directly in front of the Prius and matched its speed. I was preparing for the Prius to
 13 drive up against my rear bumper and make contact. As I looked in my rearview mirror, I noticed the
 14 Prius speed had dropped dramatically. The speedometer on the patrol vehicle indicated we had
 15 slowed to approximately 50 MPH. Shortly thereafter, the Prius came to a stop by itself in the #1
 16 lane after veering left from the #2 lane. I stopped as well and backed up to make contact with the
 17 front bumper. I placed my patrol vehicle's rear bumper against the Prius' front bumper to prevent
 18 further movement. Neither the patrol vehicle nor the Toyota Prius sustained any external body
 19 damage.

20
 21 I exited my patrol vehicle and walked back toward the Prius. The vehicle was not moving and I did
 22 not hear any engine noise or sounds emitting from it. I opened the driver's door of the Prius. The
 23 driver (identified as James Sikes) was visibly shaking and breathing deeply. He appeared to be in
 24 shock and stayed seated in the driver's seat. I asked him if he was okay and he stated that he
 25 thought so. I asked Sikes if the vehicle was off. He nodded his head yes and I noticed that the dash
 26 panel/ gauges were not illuminated indicating the engine was off. I asked him if he had any medical
 27 conditions. He advised me that he takes medication for high blood pressure and had a 5 way bypass
 28 surgery on his heart approximately 5 years ago. Sikes stated that his chest was tightening. I
 29 requested paramedics to the scene to evaluate Sikes. Meanwhile U.S.B.P Agent Carr, who is an
 30 Emergency Medical Technician (EMT), assessed Sikes by checking his pulse and blood pressure.
 31 This was being performed while Sikes was sitting in the driver's seat of the Prius.

32
 33 American Medical Response (AMR) 86 arrived on scene and evaluated Sikes inside the ambulance.
 34 Sikes' blood pressure and pulse rate were very high and Paramedic P. McKee obtained subsequent
 35 blood pressure readings while observing Sikes' condition. His blood pressure gradually lowered
 36 and medics cleared Sikes and stated that he was okay. Sikes refused to exit the ambulance once he
 37 observed two media video cameras on scene. He did not want to talk to the media and requested to
 38 leave once they were done filming. I asked the two media representatives on scene if they could
 39 provide some space for Sikes so he could get a few belongings from the Prius and get into my patrol
 40 vehicle. They respected his wishes and moved further away from the Prius. Sikes exited the

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1 ambulance and eventually sat in my patrol vehicle. I was in direct contact (via cellular phone) with
 2 CHP Public Information Officer Brian Pennings, #14420, who explained that a large number of
 3 media representatives were going to meet at the CHP El Cajon Area office at approximately 1530
 4 hours to cover the story. The media originally wanted to drive to the scene where the Prius had
 5 come to a stop. Officer Pennings made this arrangement to avoid having multiple news vehicles on
 6 the freeway, which would have been a safety concern for both the media and motoring public. The
 7 media contacted Officer Pennings at the conclusion of the event and wanted to interview Sikes and
 8 myself about the incident. Sikes was very reluctant to speak with the media. He preferred to go to
 9 Jacumba to meet with his wife, which was his original destination. He was ready to go home. I
 10 convinced him to go to the office in order to put the media at ease. I advised him the media would
 11 most likely seek him out if he did not speak to them voluntarily. He agreed and decided to go to El
 12 Cajon in order to satisfy those who were interested. I transported Sikes back to the CHP El Cajon
 13 Area office in my patrol vehicle.

14
 15 CHP Officer B. Downing, #18136, assisted me at the scene and contacted the tow truck when it
 16 arrived. The Prius was towed to the CHP El Cajon Area office by Miller's Towing (tow truck
 17 driver- Danny Miller). Once the vehicle arrived at the CHP El Cajon Area office, it was inventoried
 18 and secured where it remained overnight. The following morning, Sikes made arrangements with
 19 Toyota of El Cajon to have the Prius towed to the dealership.

20
 21 **Sikes** stated in essence to me the following at the scene:

22 Sikes stated that he was eastbound on I-8, west of Dunbar Lane traveling at approximately 70 in the
 23 #2 lane. He accelerated to maneuver around a slower moving vehicle and explained that the Prius
 24 just took off and continued to accelerate. "It felt funny." (Referring to the way the pedal felt when
 25 he pushed down on it.) He thought the pedal stayed down on the floor, but he was not sure. He
 26 tried to pull up on the accelerator with his hand three times with no effect. When he called 911, he
 27 was able to give his locations, but set the phone down on the passenger seat so he could concentrate
 28 on driving. He also had dropped the phone at different times, due to the stress he was under. Sikes
 29 said he had to maneuver around several vehicles as he drove eastbound. When asked, Sikes stated
 30 that there were no check engine lights or other abnormal fault lights illuminated. In addition, all
 31 gauges checked normal. He stated that the brakes were only slowing his vehicle slightly and it
 32 would not stop.

33
 34 **Sikes** stated in essence to me the following while in my patrol vehicle:

35 At times, the whole car was shaking and vibrating when he applied the brakes. He was afraid of
 36 losing control. He was not sure if he could control the vehicle while at those speeds and turn the
 37 ignition off. "I thought the steering wheel could possibly lock" and he would lose control of his
 38 steering as well with the vehicle off. While he was on the phone with the 911 operator, he was
 39 mostly concerned with providing his locations so she would know where he was. He was trying to
 40 control the vehicle by keeping both hands on the steering wheel when possible. He would place the

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1 cell phone on the passenger seat after talking to the operator to maintain control of the Prius. He
 2 thought he was going to die and knew that there were numerous areas where there were steep cliffs
 3 and embankments along with sharp curves. Sikes related he was driving from Rancho Bernardo
 4 after seeing his attorney and was heading home to Jacumba. He said he had not made any stops
 5 along the way.

6
 7 Sikes further stated he had taken his Prius to a dealership a few weeks prior for a recall notice. The
 8 dealership advised him that his vehicle was not part of a recall and sent him on his way. Prior to
 9 this incident, Sikes said the only problem he has had with the Prius involved one of the headlights
 10 prematurely burning out.

11
 12 After the scene was considered safe, I examined and photographed the interior and exterior of the
 13 Prius while it was still in the #1 lane. There was a large amount of brake dust and brake pad
 14 material in and around the wheels and on the ground near the front wheels. The brake pads located
 15 on the outer section of the brake caliper were worn down to what appeared to be nearly metal to
 16 metal. I visually inspected the brake pads and rotor through the open section of the front wheels. I
 17 did not remove or manipulate any parts of the vehicle. The accelerator pedal and brake pedal
 18 appeared to be in the normal resting position and were not in contact with the floor. The floor mat
 19 was in its normal placement and did not appear to be interfering with the pedals. The vehicle is
 20 equipped with a push start/stop button and not a standard ignition key. The shifter knob is located
 21 on the dash to the right of the steering column. The shifter knob moved freely to a desired slot and
 22 is not manually connected to any linkage, it is electronic.

23
 24 Sikes appeared to be extremely stressed from the incident and displayed signs of shock. He was
 25 clearly shaking and that slowly dissipated after some time. Sikes' eyes were opened wide and had
 26 the look of somebody who was really scared from the situation. His voice was labored and shaky as
 27 well. While at the scene and at the CHP El Cajon Area office, I asked Sikes if he wanted to get any
 28 small miscellaneous items from his vehicle (there were sunglasses and other small items). He did
 29 not want to get anything else from the vehicle. He also stated that he would never drive that Prius
 30 again.

31
 32 I took 66 digital images of the vehicle and Sergeant H. Williams, #15333, took 31 digital images of
 33 the vehicle. The photographs were downloaded onto a CD and booked into evidence at the CHP El
 34 Cajon Area office, evidence #E2010-0166. The CHP BCC log and 11 of the 97 digital images were
 35 printed onto paper and are attached.

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AGENCIES INVOLVED**California Highway Patrol -El Cajon (619) 401-2000**

Sergeant H. Williams #15333

Sergeant C. Ertzner #14944

Officer B. Downing #18136 (CHP 180)

Officer J. Mikulsky #18152 (Scribe)

San Diego County Sheriff's Department (619) 766-4585

Deputy M. McClendon #1740

Deputy B. Farr #2618

U.S. Border Patrol**Campo Station (619) 938-8700**

Agent R. Ewers #C-112

Agent J. Menaughton #C-243

Agent J. Franco #C-223

Agent Rahmni #C-221

El Cajon Station (619) 258-4500

Agent J. Melendez #E-304

Boulevard Station (619) 766-4773

Agent G. Mercado #O-163

Agent Carr #O-245

Campo Reservation Fire Dept. Engine 65

Captain Reyes

Engineer Flores

Firefighter Hudson

Firefighter Quihuis

AMR Medic 86.

Paul McKee -Paramedic

Paul Maxwell -EMT

RECOMMENDATIONS

None.

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