

FILED

FEB 02 2009

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

09100369-7

**SPOKANE POLICE DEPARTMENT
STATEMENT OF INVESTIGATING OFFICER-AFFIDAVIT OF FACTS**

STATE OF WASHINGTON)
COUNTY OF SPOKANE) ss.

DEFENDANT: JENSEN, EILEEN L. (DOB: 11-07-1984) REPORT #06-0083706

The undersigned, a law enforcement officer, competent to testify, states as follows: he believes a crime was committed by the above named defendant in the City & County of Spokane, State of Washington -- to wit:

WITNESS REAGAN HENRY CAN TESTIFY:

1. On 03-22-2006 at about 1110 hours she was driving southbound on 300 North Freya in the right lane.
2. She was stopped and standing legally for traffic ahead of her that was stopped due to heavy traffic congestion and a solid red signal ahead of her at Freya and Sprague.
3. Her vehicle was struck hard from behind by another vehicle, and then her vehicle was forced into the vehicle ahead of her.

WITNESS GREG HENRY CAN TESTIFY:

1. On 03-22-2006 at about 1110 hours he was riding in a vehicle with Reagan Henry, who was driving southbound on 300 North Freya in the right lane.
2. Reagan Henry was stopped and standing legally for traffic ahead of her that was stopped due to heavy traffic congestion and a solid red signal ahead of her at Freya and Sprague.
3. Their vehicle was struck hard from behind by another vehicle, and then their vehicle was forced into the vehicle ahead of them.

WITNESS JENNIFER M. TOLLEFSEN-PUTT CAN TESTIFY:

1. On March 22nd, 2006, at about 1110 hours she was driving southbound on 300 North Freya in the right lane.

2. She was stopped and standing legally for traffic ahead of her that was stopped due to heavy traffic congestion.
3. Her vehicle was struck hard from behind by another vehicle. After being struck she exited her vehicle as the defendant was removing an infant child carrier seat from the right front seat of her own car.
4. She assisted the defendant in rendering medical assistance to the decedent, and stood by on scene until the arrival of fire and police personnel.
5. Eileen Jensen made the following statements while she was on the sidewalk:
 - a. She was on her way to buy a new car, and was only going to drive a couple of blocks
 - b. The older girls in the vehicle (Eileen Jensen's other two daughters) wanted to sit next to each other, so that was why she put Chloe Jensen in the right front seat of her car

WITNESS DEBRA MCINTYRE CAN TESTIFY:

1. On March 22nd, 2006, at about 1110 hours she was driving southbound on 300 North Freya in the right lane.
2. She was stopped and standing legally for traffic ahead of her that was stopped due to heavy traffic congestion.
3. The aforementioned collision occurred behind her
4. She was checking her left-side rear-view mirror just prior to the collision and saw the Honda (driven by Eileen Jensen) coming up on her left side (inside lane)
5. She had an unobstructed view down the left (inside) lane
6. The Honda suddenly switched lanes into the right lane from the left
7. She was scared there was going to be a collision "*because she (Eileen Jensen) had nowhere to go*" in the stopped traffic
8. After she heard the collision, she got out of her car to try and render aid
9. She directed traffic until Law Enforcement arrived on scene

WITNESS MATTHEW DIXON CAN TESTIFY:

1. On 03-22-2006 at about 1110 hours, just prior to the aforementioned collision, he was in traffic southbound on Freya with the at-fault vehicle (the 2001 Honda Accord driven by Eileen L. Jensen)
2. Traffic was heavy during the lunch rush
3. He saw the Honda, "*weaving in-and-out of traffic, like she seemed to be in a big hurry to get somewhere*" and that was what initially drew his attention to Eileen Jensen's vehicle
4. He first saw the Honda as they both crossed over the bridge southbound on Freya approaching Broadway "*just before the railroad tracks on Freya.*"
5. The Honda's driving behaviors were "*aggressive*" and "*reckless*"
6. He estimated the Honda's speed at "*over forty (40) miles an hour*" in the 35 MPH zone
7. He saw the Honda "*racing out ahead of me and other traffic, but there were cars stopped up the road. I couldn't see why they were stopped, but no one was movin'.*"
8. "*I started to slow down, and then I saw her crash into the back of that other car.*"

9. He was in the right lane behind the Honda and had no view obstructions at the time of the collision
10. After the collision he saw the driver (Eileen Jensen) exit the vehicle and take a baby seat out of the front right passenger area. She then started rendering assistance to the baby in the baby seat
11. He called 9-1-1 to report the incident

OFFICER K. HENSON #650 WILL TESTIFY:

1. On 03-22-2006 at about 1110 hours he was on duty and acting in his official capacity as a Spokane Police Officer
2. He was dispatched to 300 N. Freya on a report of an injury accident
3. He arrived at 1118 hours and contacted the defendant, Eileen Jensen
4. Eileen Jensen stated to him:
 - a. She was driving southbound on Freya in her 2001 Honda Accord, Idaho license K317297
 - b. She "blacked out" and the next thing she saw was her driver's side airbag retracting
 - c. She did not know what happened
 - d. She had placed Chloe Jensen in her child infant carrier seat in the right front seat of the Honda prior to the collision
 - e. She had placed her daughter Peighton in the left rear passenger seat in a child safety seat prior to the collision
 - f. She had placed her daughter Makannah in the middle of the rear passenger seat with a lap-and-shoulder belt on
5. Eileen Jensen showed him how she had placed Chloe into the child infant carrier seat in the right front seat of the Honda
6. He noted that the seat's lockable base was not utilized
7. He noted the infant child carrier seat was not properly restrained in the right front seat of the Honda

OFFICER D. KENNEDY #288 WILL TESTIFY:

1. On 03-22-2006 at about 1110 hours he was on duty and acting in his official capacity as a Spokane Police Officer
2. He was dispatched to 300 N. Freya on a report of an injury accident
3. He arrived at 1122 hours
4. He contacted Witness Tollefsen-Putt and obtained her testimony of the incident
8. He contacted the defendant, Eileen Jensen
9. Eileen Jensen stated to him:
 - a. She had placed Chloe Jensen in the right front seat of the Honda prior to the collision
 - b. She had placed Chloe in that seat in Chloe's child infant carrier seat
10. Eileen Jensen showed him how she had placed Chloe into the child infant carrier seat in the right front seat of the Honda
11. He noted the infant child carrier seat was not properly restrained in the right front seat of the Honda

12. He noted the seat's lockable base was not utilized, and saw it lying loosely in the back seat of the Honda
13. He contacted Witness Reagan Henry and obtained her testimony of the incident
14. He assisted SPD Corporals K. HUDDLE #208 and J. SCHAAL #161 in the documentation and collection of evidence

OFFICER B. MOON #483 WILL TESTIFY:

1. On 03-22-2006 at about 1126 hours he was on duty and acting in his official capacity as a Spokane Police Officer
2. He arrived on scene at 300 N. Freya on a report of an injury accident
3. AMR medics advised him that a three-month-old infant was severely injured in the collision
4. He went to the Sacred Heart Medical Center emergency room and was advised by the trauma coordinator that the child's condition was likely fatal
5. He returned to the collision scene and passed this information on to officers present

OFFICER J. GATELY #278 WILL TESTIFY:

1. On 03-22-2006 at about 1126 hours he was on duty and acting in his official capacity as a Spokane Police Officer
2. He arrived on scene at 300 N. Freya on a report of an injury accident
3. AMR medics advised him that a three-month-old infant was severely injured in the collision
4. He went to the Sacred Heart Medical Center emergency room and was advised by the trauma coordinator that the child's condition was likely fatal
5. He returned to the collision scene and passed this information on to officers present

OFFICER K. APPLEWHAITE #420 WILL TESTIFY:

1. On 03-22-2006 at about 1148 hours he was on duty and acting in his official capacity as a Spokane Police Officer
2. At about 1200 hours he arrived on scene at 300 N. Freya to assist investigators on a report of an injury accident
3. He assisted Cpl. K. HUDDLE #208 with scene measurements

CORPORAL J. SCHAAL #161 WILL TESTIFY:

1. On 03-22-2006 at about 1145 hours he was on duty and acting in his official capacity as a Spokane Police Corporal
2. He arrived on scene at 300 N. Freya to assist investigators on a report of an injury accident
3. He took photographs relevant to the incident
4. He assisted SPD Corporal K. HUDDLE #208 in the documentation and collection of evidence

SERGEANT K. HUDDLE #208 WILL TESTIFY:

1. On 03-22-2006 at about 1157 hours he was on duty and acting in his official capacity as a Spokane Police Traffic Corporal (*he has since been promoted to Police Sergeant*)
2. He was called to 300 N. Freya to investigate an injury accident
3. He contacted officers on scene who showed him how Chloe Jensen's child infant carrier seat had been placed in the at-fault vehicle prior to the collision
4. He noted the infant child carrier seat was not properly restrained in the right front seat of the Honda
5. He noted the seat's lockable base was not utilized, and saw it lying loosely in the back seat of the Honda
6. He measured the collision scene using the Total Station Measuring Device, and later downloaded that information into his work computer
7. He had Eileen Jensen's Honda Accord towed to the State Street Facility for storage, and prior to towing he secured the child seats in the vehicle in the manner they were originally placed there prior to the collision
8. Eileen Jensen later contacted him at the State Street Facility and told him she had placed Chloe Jensen into the right front seat of the Honda because Chloe was having breathing problems
9. Eileen Jensen further stated that her other two daughters had been bothering her in the back seat
10. On 03-27-2006 he accompanied Officer T. FULLER #561 to the State Street Facility to have her evaluate the car seats that were in Eileen Jensen's Honda Accord

OFFICER T. FULLER #561 WILL TESTIFY:

1. She is a Nationally Certified Child Passenger Safety Technician
2. On 03-27-2006 she was on duty and acting in her official capacity as a Spokane Police Officer
3. She went with Cpl. K. HUDDLE #208 to the State Street Facility to evaluate the car seats that were in Eileen Jensen's Honda Accord
4. She evaluated the seat that had been occupied by Makannah Jensen, who was three-years-old at the time of the collision, and determined:
 - a. Based on her age, Makannah should have been in a forward facing car seat with a harness
 - b. Makannah was improperly restrained at the time of the collision because she had been restrained in a seatbelt alone
5. She evaluated the combination seat that had been occupied by Peighton Jensen, who was two-years-old at the time of the collision, and determined:
 - a. The harness straps were twisted to the point that they were only ½ inch wide
 - b. While tugging on the seat belt path the seat itself moved three-to-five inches
 - c. The retractor was not in the ALR position, and this caused the seatbelt to move freely instead of being locked into position
 - d. Peighton had been improperly restrained at the time of the collision

6. She evaluated the child infant carrier seat Chloe Jensen was in at the time of the collision and determined:
 - a. The child infant carrier seat had been struck by the airbag in the right front seat of the Honda Accord
 - b. The cover for the child infant carrier seat was a homemade cover, not the one the manufacturer had intended for the seat
 - c. There were folders and notebooks under the child infant carrier seat
 - d. The straps on the child infant carrier seat were very loose for a child of Chloe's age
 - e. The lockable base for the child infant carrier seat was lying loosely in the rear of the Honda Accord and was not seat-belted into position

WITNESS DR. GARY W. LEE, MD, CAN TESTIFY:

1. He is a licensed physician in the State of Washington
2. He is employed at Sacred Heart Medical Center
3. From 03-22-2006 to 04-24-2006 he was one of several physicians who oversaw treatment and care of Chloe Jensen, who had been admitted to the Sacred Heart Medical Center Pediatric Intensive Care Unit
4. On 04-24-2006 he completed discharge papers for Chloe Jensen and diagnosed the following maladies due to her involvement in the aforementioned collision (and the traumatic brain injury caused thereby):
 - a. Severe intracranial hypertension
 - b. Severe bradycardia
 - c. Severe displaced comminuted skull fractures
 - d. Large amount of subdural hemorrhages in the brain
 - e. Multiple episodes of grand mal seizures
 - f. Extensive pneumonia
 - g. Uncoordinated suck-swallow reflex
 - h. Aspiration during feeding

WITNESS DR. DUANE E. CRADDOCK, MD, CAN TESTIFY:

1. He is a licensed physician in the State of Idaho
2. He is employed at Coeur d'Alene Pediatrics
3. From 05-02-2006 until 02-12-2007 he was Chloe Jensen's primary health care provider
4. Over that time Chloe Jensen's health deteriorated due directly to the severe closed head injury she sustained in the aforementioned collision on 03-22-2006
5. On 02-12-2007 at 0200 hours he pronounced Chloe Jensen dead due to a severe respiratory failure/arrest due directly to the severe closed head injury she sustained in the aforementioned collision on 03-22-2006

CORPORAL DAVID L. ADAMS #436 WILL TESTIFY:

1. He is a Police Corporal and a collision reconstructionist assigned to the Spokane Police Department Traffic Unit

2. On 02-12-2007 he received notification from the Kootenai County Medical Examiner's Office that Chloe Jensen had died due to the severe closed head injury she sustained in the aforementioned collision on 03-22-2006
3. He re-opened this incident for follow up investigation and:
 - a. Contacted witnesses Reagan Henry, Jennifer Tollefsen-Putt, Debra McIntyre, and Matthew Dixon and confirmed their testimonies
 - b. Completed scale diagrams of the collision incident scene based on Cpl. K. HUDDLE'S original scene measurements
 - c. Obtained Chloe Jensen's medical records relevant to her initial injuries and subsequent death
4. He contacted driver Eileen Jensen and obtained her following testimony:
 - a. She still has no recollection of what happened just prior to the collision. She has no idea how it happened and remembers only that she woke up after her airbag went off
 - b. She does not remember making any statements to responding officers that she "blacked out" prior to the collision
 - c. She was not under the influence of drugs or alcohol on the date of the collision
 - d. She said she had been "nursing Chloe around the clock" and had not been sleeping well, but she added that she did not believe her sleep deprivation had affected her ability to operate a motor vehicle safely
 - e. She was diagnosed three years ago with Major Beta Thalassemia. She said it was a blood condition that had to do with a low number of chromosomes in her blood, and that it made it harder for her to become pregnant, but the condition had no other side affects of which she was aware. She added she would need blood and possibly bone marrow transfusions later in life, but currently did not need medical assistance for the condition.
 - f. She said that there wasn't room in the back seat for all three of her children's car seats, and that she normally drove with Chloe in the right front seat.
 - g. Concerning the airbag in the seat in front of Chloe's position she stated, "it just wasn't something I was thinking of."
 - h. Concerning the child safety seat not being in its lockable base she stated it seemed "more safe" to her to have just the top part of the seat because "it moved less and I could cinch it down with the seatbelt."
5. He reviewed the prior police report and prepared the CHARGING REQUEST & WITNESS LIST and AFFIDAVIT OF FACTS.
6. He submitted the completed paperwork to the prosecutor's office.

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085)

DATE: 12/04/07 LOCATION: Spokane, WA SIGNATURE: Cpl. D. L. Adams SPD#436

FILED

FEB 02 2009

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON)

Plaintiff,)

v.)

EILEEN L. JENSEN)
WF 11/07/84)

Defendant(s).)

No. 09100369-7

PA# 09-9-34891-0

RPT# 002-06-0083706

RCW 46.61.520-F (#23001)

CERTIFICATE OF ADDRESS SEARCH

ADDRESS SEARCH:

On the date set out below, I conducted a search for the name and date of birth set out above in the following data bases: (1) The District Court Information System database (DISCIS); (2) the driver's license and identicard database maintained by the Department of Licenses (DOL); and (3) the database maintained by the Department of Corrections (DOC) listing persons incarcerated and under supervision. The result of the search was:

DISCIS:	<input checked="" type="checkbox"/> Record found	<input type="checkbox"/> No record found
DOL:	<input type="checkbox"/> Record found	<input checked="" type="checkbox"/> No record found
DOC:	<input type="checkbox"/> Record found	<input checked="" type="checkbox"/> No record found
RMS:	<input type="checkbox"/> Record found	<input checked="" type="checkbox"/> No record found
CASEMAN:	<input checked="" type="checkbox"/> Record found	<input type="checkbox"/> No record found

EXEMPTION FROM ADDRESS SEARCH

Pursuant to CrR 2.2(a)(3)(ii), no address search is required in this case for the following reason:

- The defendant has already appeared in court after filing of this case.
- The defendant is known to be in custody at Spokane County Jail/Geiger
- The defendant's name is unknown.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

2-2-09
(Date)

Spokane, WA
(Place)

[Signature]
(Signature)