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FILED

JAN 15 2014

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

STATEMENT OF INVESTIGATING OFFICER
AFFIDAVIT OF FACTS

STATE OF WASHINGTON

County of Spokane

vs.

Mahe, Preston S, Race: W Sex: M DOB: 09/24/1997

)
) ss. REPORT NO: 13-0337786
)
)
)

The undersigned, a law enforcement officer, competent to testify, states as follows: That he/she believes a crime was committed by the above named defendant/defendants in the County of Spokane, State of Washington, because:

Detective Rosenthal believes that on or about October 5, 2013 at approximately 2058 hours in Spokane County, WA., Preston S. Mahe did drive or operate a motor vehicle and caused a collision which proximately caused injury to Josie Freier and McKenzie Mott who died on October 5, 2013 as a proximate result of said collision; and that Preston Mahe on that date and time was operating the vehicle in a reckless manner; contrary to Revised Code of Washington 46.61.520(1)(b) and with disregard for the safety of other; contrary to Revised Code of Washington 46.61.520(1)(c).

Travis Hctor will testify that: He has known Preston Mahe since Elementary School, McKenzie Mott since Middle School and only a short time ago he had met Josie Freier through McKenzie Mott. On October 5, 2013 at approximately 8:30 pm Preston Mahe, Josie Freier and McKenzie Mott left his residence located in Spokane Valley WA saying they were going to the Ponderosa neighborhood to take the "Ponderosa Jump." Preston Mahe was driving his families gold Infiniti when they left his house.

Travis Hctor knows the intersection of Bates Road and Ponderosa Road to be called the "Ponderosa Jump" saying if one goes fast enough through the intersection, south to north, one can get air like going off of a jump. Travis Hctor will testify that he has been a passenger in a car that has taken this jump and knows the speeds that one has to attain to experience the jump is somewhere around 50 miles per hour. Preston Mahe has taken the jump before this incident and at that time had gone faster then 50 miles per hour over the jump.

Alexis Ivankovich will testify that: She has known Josie Mott and McKenzie Freier for several years. On October 5, 2013 she was at a birthday party in the Spokane Valley WA. At this party were Josie Mott and McKenzie Freier. Josie Mott and McKenzie Freier left the party with Preston Maher.

Julie Frey will testify that: On October 5, 2013 at approximately 9 pm she lived at 5208 S. Bates Road in Spokane County WA. On that night and at that approximate time she heard the sound of a vehicle going really fast down the hill by her residence. She heard the sound of screeching tires and metal. She looked out the window of her residence seeing a car plunging toward the tree line across from her residence. She saw what she believed to be a vehicle impacting a large tree. She asked her husband, Ray Frey to call 911.

Deputy Travis Smith will testify that: On October 5, 2013 hours at approximately 2058 hours he was dispatched to a single vehicle collision near 5200 S. Bates in Spokane County WA. When He arrived Fire personnel were on scene. A four door gold vehicle had impacted a large tree and came to a final rest next to that tree. There were two teenage female passengers and one teenage male driver in the vehicle. He was informed by Fire personnel the females were pronounced dead on scene. The male driver was extracted from the vehicle and transported via ambulance to Sacred Heart Medical Center. He took scene photos.

Deputy Todd Miller will testify that: On October 5, 2013 at approximately 2145 hours he was directed to respond to Sacred Heart Medical Center in Spokane County WA to locate and identify the teenage male driver from the collision. He contacted the attending medical staff at the hospital and was provided the wallet of the teenage driver. He located a Washington State Intermediate Driver's License in the wallet identifying the driver of the involved vehicle as Preston S. Maher; w/m; DOB: 09/24/1997.

Deputy Depriest will testify that: On October 5, 2013 at approximately 2215 hours he was called to assist in the investigation of a single car collision which had taken place near 5200 S. Bates Road in Spokane County WA. He was informed that as a result of this collision two female teenagers had died and the male teenage driver was being transported to Sacred Heart Medical Center.

When he arrived on scene he observed a gold 2002 Infiniti (WA-AEE4705) had impacted a large pine tree on the rear driver side passenger door and came to a final rest just east of the tree. A female was still seated in the front passenger seat and another female was seated in the rear passenger area. The driver had been removed from the vehicle.

He noticed there were tire markings on the curb where the vehicle had gone off of the road. These tire markings continued from the curb into the street showing the approach path of the vehicle prior to hitting the curb. He marked the tire markings on Bates Road leading up to the collision site.

He took scene photographs to include the tire markings, curb strikes, vehicle and occupants. He followed the tow truck that was used to transport the Infiniti to the off-site vehicle evidence lot located on North Freya Street in Spokane County WA. He secured the Infiniti inside the lot.

Dr. Sally Aiken will testify that: On October 6, 2013 she conducted autopsies of Josie Freier and McKenzie Mott. Her opinion is as follows:

Josie Freier's death was attributed to disarticulation of the cervical spinal column at Atlanto-occipital junction and C1-C2 due to blunt impact. The manner of death was accident (traffic-related).

McKenzie Mott's death was attributed to basilar skull fractures due to blunt impact to the head. Left rib fractures with hemothorax and open comminuted fractures of left arm contributed to death. The manner of death was accident (traffic - related).

Detective Rosenthal will testify that: On October 5, 2013 at approximately 2215 hours he was called to assist in the investigation of a single car collision which had taken place near 5200 S. Bates Road in Spokane County WA. He was informed that as a result of this collision two female teenagers had died and the male teenage driver was being transported to Sacred Heart Medical Center.

When he arrived on scene the weather was in the mid to upper 30's Farenheit with no precipitation. Bates Road in this area is constructed of asphalt in good condition. The incident took place in a section of the roadway that, while traveling north bound, would be up hill and slightly curved to the left. This was a residential area with wooded sections. There was no street lighting in the area of incident. The posted speed limit was 25 miles per hour. The roadway had a standard curb on the west and east sides with concrete sidewalks. Bates road traveled basically north and south in the area of the collision. Emergency personnel were already on scene to include Valley Fire and Spokane Valley Police.

The vehicle, a 4 door 2002 Infiniti I35 (WA-AEE4705), was resting on its wheels, on the east side of a large pine and tree and facing generally north. The driver side rear passenger door area had substantial direct contact damage intruding inward toward the passenger side of the vehicle. The driver door had been cut open to remove the driver. The trunk area of the car was destroyed. The passenger side doors were open. A tarp had been placed over the vehicle to block the view so on-lookers could not see the deceased.

The pine tree that was impacted was approximately 4 foot in diameter. There were impact markings on the tree several feet up from the base. From the most eastern edge of the sidewalk the grade dropped significantly downward to the base of the tree. There was debris from the vehicle strewn about the scene in a mostly south and eastwardly direction. The vehicle wrapped around the south side of the tree in a counter-clockwise rotation upon impact.

The front seat passenger had on the lap and shoulder belt. She was seated upright with her head to the left. She was wearing a blue and red plaid jacket, blue jeans, white and black low top tennis shoes with green socks. She was later identified as Josie Freier.

The rear seat passenger had the lap and shoulder belt on. She was seated in an upright position. She was wearing a black long sleeve sweat shirt, black jeans and white low top tennis shoes with orange socks. Pre impact the rear seat passenger was seated on the left side of the car. The force of the impact pushed her, as seated, completely to the right to where she came to the final resting position. She was later identified as McKenzie Mott.

The bodies of Josie Freier and McKenzie Mott were released to the Spokane County Medical Examiner's Office and transported to the Medical Examiner's Office by Northwest Transport.

Detective Rosenthal mapped the scene using a Sokkia Total Station. The tire markings left on the roadway indicated the vehicle was traveling north on Bates Road; the driver lost control of the vehicle having the rear end sweeping to the left; over corrected sweeping the rear of the vehicle to the right; over corrected again causing the rear of the vehicle to swing around to the left. While in this clockwise rotation the vehicle struck the curb causing the vehicle to go airborne. The vehicle struck the tree on the passenger side rear door. The impact rotated the vehicle counter clockwise around the south side of the tree to its final resting location.

Detective Rosenthal completed a scaled diagram of the scene to include the tire markings pre impact and final resting location of the vehicle. He used this diagram to complete an analysis of the event. He estimated the speed of Preston Maher's car to be near 70 miles per hour at the beginning of the incident and approximately 30 miles per hour upon impact with the tree.

Detective Rosenthal completed a Department of Licensing check on Preston Maher learning Preston Maher had received his Washington State Driver's License on October 4, 2013 the day before the fatal collision. Preston Maher's drivers' license was still in the Intermediate stage with restrictions of the first six months after the issuance of the intermediate license or until the holder reaches eighteen years of age, whichever occurs first, the holder of the license may not operate a motor vehicle that is carrying any passengers under the age of twenty who are not members of the holder's immediate family. For the remaining period of the intermediate license, the holder may not operate a motor vehicle that is carrying more than three passengers who are under the age of twenty who are not members of the holder's immediate family.

Detective Rosenthal interviewed Travis Hctor and Alexis Ivankovich.

Detective Rosenthal has reviewed all the pertinent evidence, testimony and paperwork regarding this case and believes there is sufficient probable cause to charge Preston S. Maher; w/m; DOB: 09/24/1997 with:

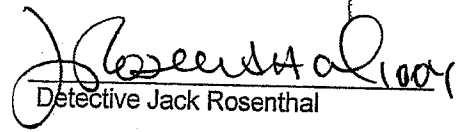
Ct I: RCW 46.61.520 Vehicular Homicide (Victim: Josie K. Freier; w/f; DOB: 06/24/1998)

Ct II: RCW 46.61.520 Vehicular Homicide (Victim: McKenzie Mott; w/f; DOB: 08/07/1998)

Detective Rosenthal prepared this affidavit.

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

DATE: 11/13 PLACE: Spokane County, WA SIGNATURE:


Detective Jack Rosenthal