

Incident Report

Office of Sheriff Tommy Thomas



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

07-105881

Supplement No
ORIG

Reported Date
08/21/2007
Report Type
DWI/DUI
Officer
SMITH, M.A.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense Number 07-105881	Supplement No ORIG	Reported Date 08/21/2007	Reported Time 23:42
CAD Event No SA070815311	Status Incident Report	Report Type Driving Under the Influence			
Location 13900 ELLA BL			City Harris County	ZIP Code 77014	Zone N60
District S1	Beat N60	From Date 08/21/2007	From Time 23:40	Officer S14123/SMITH, M.A.	
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS			Entered by S14123		
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS			RMS Transfer Successful	Officers Assaulted? No	
Approving Officer S00002		Approval Date 01/01/2008	Approval Time 02:38:09		
# Offenses 1	Offense 49.04	Description DWI	Complaint Type		

Person Summary

Inv#	Inv No	Type	Name	MNI	Race	Sex	DOB
DEF	1	I	SILVA, ALEX JR	1013743	W	M	
DRV	1	I		1014729	B	F	
WIT	1	I		1014728	W	F	
WIT	2	I		1014731	B	F	
WIT	3	I		1014732	B	M	

Vehicle Summary

Inv#	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
ACC	3		TX	2007	2003	HD		MC	GRY
ACC	1		LA	2008	1999	BUIC	REG	4D	GRY

Synopsis

The defendant was operating his motorcycle on a public roadway while intoxicated.

Incident Report

Office of Sheriff Tommy Thomas

07-105881

Supplement No
ORIG

Defendant-not in custody 1: SILVA, ALEX JR

Involvement	Inv No	Type	Name
Defendant-not in custody	1	Individual	SILVA, ALEX JR
MNI	Race	Sex	DOB
1013743	White	Male	
Age	Ethnicity	Juvenile?	
37	Hispanic origin	No	
Type	Address	City	State
Home		Harris County	Texas
ZIP Code			
77373			
Type	ID No.	OLS	
Operator License		Texas	
Phone Type	Phone No		
Home			

Driver 1:

Involvement	Inv No	Type	Name	MNI	Race	Sex
Driver	1	Individual		1014729	Black	Female
DOB	Age	Ethnicity	Juvenile?			
07/02/1957	50	Not of Hispanic origin	No			
Type	Address	City	State			
Home		Harris County	Texas			
ZIP Code						
77014						
Type	ID No.	OLS				
Operator License		Texas				
Phone Type	Phone No					
Cell						

Witness 1:

Involvement	Inv No	Type	Name	MNI	Race	Sex
Witness	1	Individual		1014728	White	
Sex	Age	Ethnicity	Juvenile?			
Female	41	Hispanic origin	No			
Type	Address	City	State			
Home		Houston	Texas			
ZIP Code						
77088						

Witness 2:

Involvement	Inv No	Type	Name	MNI	Race	Sex
Witness	2	Individual		1014731	Black	
Sex	Age	Ethnicity	Juvenile?			
Female	23	Not of Hispanic origin	No			
Type	Address	City	State			
Home		Houston	Texas			
ZIP Code						
77090						

Witness 3:

Involvement	Inv No	Type	Name	MNI	Race	Sex
Witness	3	Individual		1014732	Black	Male
Age	Ethnicity	Juvenile?				
30	Not of Hispanic origin	No				
Type	Address	City	State			
Home		Harris County	Texas			
ZIP Code						
77014						

Vehicle:

Involvement	Type	License No	State	Lic Year	Lic Type	Year
Traffic accident	Motorcycle		Texas	2007	Motorcycle	2003
Make	Style	Color	VIN	Unit #		
Harley-Davidson	Motorcycle	Gray		1		

Incident Report

Office of Sheriff Tommy Thomas

07-105881

Supplement No
ORIG

Vehicle:

Involvement Traffic accident	Type Auto	License No	State Louisiana	Lic Year 2008
Lic Type Regular Passenger Automobile Plates	Year 1999	Make Buick	Model Regal	Style 4-door Automobile
Color Gray	VIN	Unit # 2		

Narrative

***** SCENE SUMMARY *****

This crash took place in the 13900 block of Ella Blvd and the 1200 block of Clear Valley Drive in North Harris County. This portion of Ella Blvd is a four lane concrete roadway. There are two northbound and two southbound lanes of traffic, divided by a grass median, which is surrounded by a raised concrete curb. This portion of Clear Valley is a four lane concrete roadway on the west side of Ella Blvd. There are two eastbound and two westbound lanes of traffic, divided by a grass median, which is surrounded by a raised concrete curb. The posted speed limit for this portion of Ella Blvd is 45 mph. The posted speed limit for this portion of Clear Valley is 30 mph. Visibility was good as it was night time with artificial lighting.

Upon arrival I found the scene to be a two vehicle crash approximately 25 feet south of Clear Valley on Ella Blvd. I first observed a gray and black motorcycle bearing Texas license plate . This motorcycle was against the inside curb of the southbound lane of Ella Blvd. The motorcycle had minor damage to the front and left side. I then observed a Gray Buick Regal bearing Louisiana license plate in the outside southbound lane of Ella Blvd facing north. There were several scrape marks from the motorcycle. These marks started in the outside lane of Ella Blvd and traveled to the southeast. These marks ended at the final resting position of the motorcycle.

***** NARRATIVE *****

On Tuesday August 21, 2007 I was assigned to the Harris County Sheriff's Office, Traffic Enforcement Section, as Unit #50T31 working in the North District. At approximately 2340 hours dispatch advised there was a major accident in the 13900 block of Ella Blvd. I arrived at approximately 0008 hours on Wednesday August 22, 2007. Upon arrival I observed the southbound lanes of traffic to be closed at Clear Valley.

I met with Deputy D. Hubert, who advised that the driver and passenger of the motorcycle had been transported to Ben Taub Hospital by two different ambulances. Deputy Hubert had identified the driver of the motorcycle as Alex Silva Jr from his Texas drivers license. Deputy Hubert also identified the passenger as Robin Sanchez. Deputy Hubert then pointed to the Buick and advised that the driver and both passengers were in the vehicle. When asked why the Buick was facing the wrong way, Deputy Hubert advised that after the accident the driver pulled the vehicle into the apartment complex and upon his arrival had her return the vehicle to the roadway so he could inspect the damage.

After speaking with Hubert I approached the Buick. The driver was identified as Virginia Norman from her LA drivers license. The passengers identified themselves as Erica Jones and Carlos Amie. Norman advised that she was stopped at the stop sign on Clear Valley and then turned right onto Ella Blvd. While making the turn she felt something hit her vehicle and observed the motorcycle on the ground. Norman then pulled her vehicle into the apartment complex located at 13875 Ella Blvd and waited for the police. Norman advised that she did not see the motorcycle prior to it hitting her vehicle. Norman was also unable to identify the driver or passenger of the motorcycle. Jones and Amie were also unable to identify the driver or passenger of the motorcycle.

I contacted Deputy Begley, Unit 50T36 and requested that he check on the occupants of the motorcycle at Ben Taub Hospital. After speaking with Deputy Begley, Deputy Meaux, Unit 50T30 arrived on scene. I requested that Deputy Meaux photograph the scene, which he did. This film was sent to the Harris County Sheriff's Office, Identification Division for processing and safe keeping. After speaking to Deputy Meaux, Deputy Hubert approached and advised that all occupants of the Buick had been transported to the Doctors Hospital on Parker Road. Deputy Begley called and advised that the driver and passenger of the motorcycle were in stable

Report Officer S14123/SMITH, M.A.	Printed At 10/08/2008 15:20	Page 3 of 4
---	---------------------------------------	-------------

Incident Report

Office of Sheriff Tommy Thomas

07-105881

Supplement No
ORIG

Narrative

condition. He also advised that he was unable to perform HGN on the driver because of the injuries to his face. Deputy Begley also advised that he could smell an slight odor of an alcoholic beverage on Silva and at this time the emergency room nurse advised that she was unsure if the hospital was drawing blood for medical purposes.

Prior to clearing the scene BB & T wrecker, chip #237 tow the motorcycle to 2915 Farrell road for storage and safe keeping. Trikin out Truks, chip #411 towed the Buick to 11360 Eastex Freeway for storage and safe keeping. For further information about the crash refer to my crash report (CRB-3), under Harris County Sheriff's Office case number - HC070105881.

This concludes the on scene investigation. This investigation will continue by supplements.

Incident Report

Office of Sheriff Tommy Thomas



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

07-105881

Supplement No
0001

Reported Date
09/27/2007
Report Type
DWI/DUI
Officer
SMITH, M.A.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense Number 07-105881	Supplement No 0001	Reported Date 09/27/2007	Reported Time 04:19
CAD Event No SA070815311	Status Incident Report	Report Type Driving Under the Influence			
Location 13900 ELLA BL			City Harris County	ZIP Code 77014	Zone N60
District S1	Beat N60	From Date 08/21/2007	From Time 23:40	Officer S14123/SMITH, M.A.	
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS			Entered by S14123		
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS			RMS Transfer Successful	Officers Assaulted? No	
Approving Officer S26810		Approval Date 10/09/2007	Approval Time 00:49:33		

Narrative

MATT A. SMITH, DEPUTY
ACCIDENT RECONSTRUCTIONIST
HARRIS COUNTY SHERIFF'S OFFICE
TRAFFIC ENFORCEMENT SECTION

On Friday September 21, 2007 Lt. Coleman, Unit #50L10 called and advised that the medical records for Alex Silva were obtained by a Grand Jury Subpoena and the records showed that his blood concentration was 0.269 g/dL.

***** END OF SUPPLEMENT *****

Incident Report

Office of Sheriff Tommy Thomas

07-105881

Supplement No
0002



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

Reported Date
09/27/2007
Report Type
DWI/DUI
Officer
SMITH, M.A.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense Number 07-105881	Supplement No 0002	Reported Date 09/27/2007	Reported Time 04:29
CAD Event No SA070815311	Status Incident Report	Report Type Driving Under the Influence			
Location 13900 ELLA BL		City Harris County	ZIP Code 77014	Zone N60	
District S1	Beat N60	From Date 08/21/2007	From Time 23:40	Officer S14123/SMITH, M.A.	
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		Entered by S14123			
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		RMS Transfer Successful	Officers Assailed? No		
Approving Officer S26810	Approval Date 10/09/2007	Approval Time 00:49:42			

Narrative

MATT A. SMITH, DEPUTY
ACCIDENT RECONSTRUCTIONIST

HARRIS COUNTY SHERIFF'S OFFICE
TRAFFIC ENFORCEMENT SECTION

On Tuesday September 25, 2007 I received the medical records for Alex Silva (MR #018460556). The medical records indicate that on 08/22/2007 at 0231 hours Silva had a alcohol concentration of 0.269 g/dL. These medical records are attached and will become a permanent part of this case file.

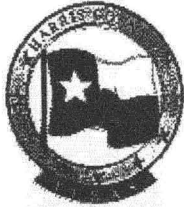
***** END OF SUPPLEMENT *****

Incident Report

Office of Sheriff Tommy Thomas

07-105881

Supplement No
0003



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

Reported Date
09/27/2007
Report Type
DUI/DWI
Officer
SMITH, M.A.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense Number 07-105881	Supplement No 0003	Reported Date 09/27/2007	Reported Time 04:42
CAD Event No SA070815311	Status Incident Report	Report Type Driving Under the Influence			
Location 13900 ELLA BL		City Harris County	ZIP Code 77014	Zone N60	
District S1	Beat N60	From Date 08/21/2007	From Time 23:40	Officer S14123/SMITH, M.A.	
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		Entered by S14123			
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		RMS Transfer Successful	Officers Assaulted? No		
Approving Officer S26810		Approval Date 10/09/2007	Approval Time 00:49:50		

Narrative

MATT A. SMITH, DEPUTY
ACCIDENT RECONSTRUCTIONIST
HARRIS COUNTY SHERIFF'S OFFICE
TRAFFIC ENFORCEMENT SECTION

On Thursday September 27, 2007 I, reviewed this case file with Assistant District Attorney Davis, who agreed to accept charges of DWI on the defendant, Alex Silva Jr.

A "To-Be" warrant for Alex Silva Jr will be filed under Harris County District Attorney's Log #1325732.

***** END OF SUPPLEMENT *****

Incident Report

Office of Sheriff Tommy Thomas



1200 Baker Street
Houston, TX 77002
www.hcso.hctx.net
(713) 221-6000

07-105881

Supplement No
0004

Reported Date
09/27/2007
Report Type
DWI/DUI
Officer
WILBANKS, B.G.

Administrative Information

Agency HARRIS COUNTY LAW ENFORCEMENT		Offense Number 07-105881	Supplement No 0004	Reported Date 09/27/2007	Reported Time 06:21
CAD Event No SA070815311	Status Incident Report	Report Type Driving Under the Influence			
Location 13900 KLLA BL		City Harris County	ZIP Code 77014	Zone N60	
District S1	Beat N60	From Date 08/21/2007	From Time 23:40	Officer S14119/WILBANKS, B.G.	
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		Entered by S14119			
Assignment SHERIFF'S TRAFFIC ENFORCEMENT-NIGHTS		RMS Transfer Successful	Officers Assaulted? No		
Approving Officer S26810		Approval Date 10/09/2007	Approval Time 00:49:58		

Narrative

B. G. WILBANKS, AI - 1
ACCIDENT RECONSTRUCTIONIST
HCSO / TRAFFIC SECTION / UNIT 50T13

On 08/31/2007 SGT. S PARKER advised me to follow up on this case. I reviewed the CRB report and observed that the investigating officer, DEPUTY M. SMITH, had listed a contributing factor of "45 - Had been Drinking" as may or may have not contributed to the cause of the crash on the driver of Unit 1, ALEX A. SILVA JR.

DEPUTY SMITH who was at the scene of the crash had formulated an opinion that this driver had been drinking by checking this contributing factor but was not able to determine if the driver was impaired. Since the driver was listed as injured and transported to Ben Taub hospital by ambulance I obtained a grand jury subpoena for SILVA's medical records from the D.A.'s Office as part of the follow up investigation. I met with ADA April SILVA at the D.A.'s Office and advised her of this information. I then proceeded to Ben Taub Hospital where I served the grand jury subpoena to LESIA NIXON (Custodian of Records). I was advised that it would be 10 to 14 days before the records were ready.

On 09/19/2007 DEPUTY A. MARINES advised me he was going to Ben Taub Hospital for a follow up on another unrelated case. I requested for MARINES to check and see if the medical records on SILVA were ready to be picked up. MARINES returned later in the afternoon with the medical records. I reviewed the medical records and observed that SILVA'S BAC showed to be .269 at the time the blood was drawn. The records also showed the blood sample was collected on 08/22/2007 at 2:31 a.m. approximately 3 hours after the time of the crash which occurred on 08/21/2007 at approximately 11:40 p.m.

On 09/20/2007 I advised SGT. PARKER and gave him the medical records and the copy of the Grand Jury Subpoena.

End of supplement report.