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STATE OF CALIFORNIA DEPARTMENT OF CALIFORNIA HIGHWAY PATROL ARREST -- INVESTIGATION REPORT CHP 216 (Rev. 6-03) OPI 051

- Misdemeanor Felony Other

DOMESTIC VIOLENCE MISSING PERSON

DATE/TIME OF ARREST REPORT 03/08/2010 13:30 DATE/TIME OF INCIDENT 03/08/2010 13:30 CITATION NUMBER OFFENSE(S) CHARGED OR INVESTIGATED Incident Report

COURT El Cajon Superior FILE NUMBER 10-0693 AREA 680 BEAT 86 COLLISION REPORT NUMBER N/A

EVIDENCE/PROPERTY YES NO 2010-0166

LAST NAME FIRST NAME AND MIDDLE INITIAL Sikes, James Allen

NAME (last, first, middle) Sikes, James Allen RESIDENCE ADDRESS MAILING ADDRESS

RACE White SEX M BIRTHDATE 06/10/1948 HAIR Brn EYES Blu HEIGHT 5' 11" WEIGHT 191 PLACE OF BIRTH DISPATCH NOTIFIED

DRIVER'S LICENSE NUMBER STATE DOL STATUS MISC. (SSN, INS #, ETC.) Phone - ADDRESS

EMPLOYER BOOKING, CIL, FBI, ETC., NUMBER(S) WHERE BOOKED/CONFINED DAY/TIME NOTIFYING OFFICIAL

VEHICLE LICENSE FRUGL08 STATE CA YEAR 10 VINEN NUMBER JTDKB20U987722233

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 NAME OF LEGAL OWNER

WITNESS table with columns: BIRTHDATE, SEX, NAME, WITNESS, PASSENGER, ADDRESS/AGENCY, PHONE RES, BUS

VICTIM INFORMATION

1 NAME N/A BIRTHDATE SEX DRIVER'S LICENSE STATE DAY PHONE EVENING PHONE

2 NAME BIRTHDATE SEX DRIVER'S LICENSE STATE DAY PHONE EVENING PHONE

- 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: 1. was so intoxicated as to be a danger to himself/herself or others. 2. required medical examination or medical care or was otherwise unable to care for his/her own safety. 3. was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 6 if also applicable). 4. had one or more outstanding arrest warrants issued. 5. could not provide satisfactory evidence of personal identification. 6. If released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses. 7. would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released. 8. demanded to be taken before a magistrate or refused to sign the citation. 9. would not appear at the time and place specified in the notice. 10. Other.

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

LAST NAME, FIRST NAME, AND MIDDLE INITIAL

CITATION/CASE NO.

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

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

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

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

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

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

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

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

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

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

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

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

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