

FILED
14 DEC 04 PM 1:12

KING COUNTY
SUPERIOR COURT CLERK
E-FILED
CASE NUMBER: 14-1-06198-2 SEA

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE STATE OF WASHINGTON,)	
	Plaintiff,)
v.)	No. 14-1-06198-2 SEA
)	
CAROL SUE FEDIGAN,)	INFORMATION
)	
	Defendant.)
)	
)	

I, Daniel T. Satterberg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse CAROL SUE FEDIGAN of the following crimes, which are based on the same conduct or a series of acts connected together or constituting parts of a common scheme or plan: **Vehicular Homicide, Vehicular Homicide, Vehicular Assault, Reckless Endangerment - Domestic Violence**, committed as follows:

Count 1 Vehicular Homicide

That the defendant CAROL SUE FEDIGAN in King County, Washington, on or about May 16, 2014, did drive a motor vehicle which proximately caused injury to David James Walker, a person who died within three years on or about 5-16-2014, as a proximate result of said injury; and that the defendant at said time was operating the vehicle while under the influence of intoxicating liquor, or any drug, as defined in RCW 46.61.502;

Contrary to RCW 46.61.520(1)(a), and against the peace and dignity of the State of Washington.

And further do accuse the defendant, Carol Sue Fedigan of committing said offense when a child passenger under the age of 16 was an occupant in the defendant's vehicle, under the authority of RCW 9.94A.533(13).

Count 2 Vehicular Homicide

That the defendant CAROL SUE FEDIGAN in King County, Washington, on or about May 16, 2014, did drive a motor vehicle which proximately caused injury to Sean Parrish Berry, a person who died within three years on or about 5-18-2014, as a proximate result of said injury; and that the defendant at said time was operating the vehicle while under the influence of intoxicating liquor, or any drug, as defined in RCW 46.61.502;

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INFORMATION - 1

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2 Contrary to RCW 46.61.520(1)(a), and against the peace and dignity of the State of
Washington.

3 And further do accuse the defendant, Carol Sue Fedigan of committing said offense when
4 a child passenger under the age of 16 was an occupant in the defendant's vehicle, under the
authority of RCW 9.94A.533(13).

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Count 3 Vehicular Assault

That the defendant CAROL SUE FEDIGAN in King County, Washington, on or about
May 16, 2014, did drive or operate a vehicle while under the influence of intoxicating liquor or
any drugs, as defined by RCW 46.61.502, and caused substantial bodily harm to Megan
Christina Berry;

Contrary to RCW 46.61.522(1)(b), and against the peace and dignity of the State of
Washington.

And further do accuse the defendant, Carol Sue Fedigan of committing said offense when
a child passenger under the age of 16 was an occupant in the defendant's vehicle, under the
authority of RCW 9.94A.533(13).

Count 4 Reckless Endangerment - Domestic Violence

That the defendant CAROL SUE FEDIGAN in King County, Washington, on or about
May 16, 2014, did recklessly engage in conduct which did create a substantial risk of death and
serious physical injury to another person by driving with her nearly 3yO grandchild on her lap
while intoxicated from alcohol and drugs;

Contrary to RCW 9A.36.050, and against the peace and dignity of the State of
Washington.

And further do accuse the defendant, Carol Sue Fedigan, at said time of committing the
above crime against a family or household member; a crime of domestic violence as defined
under RCW 10.99.020.

DANIEL T. SATTERBERG
Prosecuting Attorney

By:



Amy J. Freedheim, WSBA #19897
Senior Deputy Prosecuting Attorney

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2 CAUSE NO. 14-1-06198-2 SEA

3 PROSECUTING ATTORNEY CASE SUMMARY AND REQUEST FOR BAIL AND/OR
4 CONDITIONS OF RELEASE

5 The State incorporates by reference the Certification for Determination of Probable Cause
6 prepared by Detective James David Leach of the King County Sheriff's Office for case number
7 14-123748.

8 Just before 8:00PM on Friday, May 16, 2014, the defendant, 68yO Carol Sue Fedigan,
9 was having dinner at her home with her husband, 70yO David Walker, her daughter, 34yO
10 Megan Berry, and her son-in-law, 41yO Sean Berry. She had been drinking wine and had taken
11 Ambien, a prescription sleep aid designed to be taken immediately before bed. Her nearly 3yO
12 grandson, Liam Berry, had eaten earlier and was playing in the house.

13 The defendant decided she had to move her car back onto her driveway, possibly was
14 moving it into the garage. The car, a brand new Jeep, had been parked on the grass strip across
15 the lane from the house. The Jeep did not have any car or booster seat, but the defendant took
16 Liam with her. The other adults in the house were sitting around the dining table.

17 The defendant climbed into the driver's seat and put Liam on her lap, unrestrained. She
18 started the car, put it into drive. The Jeep began to move forward and the defendant pressed the
19 accelerator pedal to the floor. Her Jeep is equipped with a crash sensing system. The system
20 will make an audible signal and the throttle will try to slow the vehicle when the system senses
21 an imminent collision. Data later recovered from the Jeep was analyzed by several experts
22 including one from the National Highway Traffic Safety Association (NHTSA). The data
23 showed that the defendant was fully accelerating the car and only touched the brake momentarily
24 near the end of the event. The data confirms that the car attempted to slow, but the defendant

Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 1

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2 continued pressing the accelerator. The driving and data are consistent with the defendant
3 misapplying the accelerator instead of the brake. Given her impairment and having an
4 unrestrained toddler on her lap, she floored the accelerator pedal, believing or intending to brake
5 the car. There is no evidence that she intended on accelerating into her house.

6 The driveway is fairly large and the Jeep gathered sufficient momentum that it crashed
7 through the front door. The Jeep plowed through the house and smashed over the dinner table
8 and the other adults. The Jeep continued through the rear windows, over a covered patio, down
9 some stairs to a deck and slammed through a fencing system and went into Lake Sammamish.
10 The rear of the Jeep was caught on the fencing, leaving the front dangling in the water.

11 David Walker suffered catastrophic injuries and was killed immediately. Sean Berry
12 suffered a severe traumatic brain injury. Although he was rushed to the hospital, he died from his
13 injuries two days later, on May 18, 2014. Megan Walker suffered serious injuries including deep
14 lacerations and several fractures to her face and body. She dragged herself outside to the
15 driveway where she collapsed. Liam suffered an abrasion on his forehead, but was otherwise
16 physically uninjured.

17 Neighbors rushed to the scene, finding the defendant and Liam still sitting in the driver's
18 seat. The defendant was uninjured and climbed out on her own. Responding police and medics
19 noted several signs that the defendant was impaired from alcohol. Her blood was drawn four
20 hours after the crash pursuant to a search warrant to test for impairing drugs and alcohol. That
21 blood test showed her blood alcohol content (BAC) was .091 and had a zolpidem (Ambien)
22 amount of .06. Due to the nature of the crash, the defendant was examined at the hospital where
23 they also tested her blood for impairing substances. The hospital blood was drawn at

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2 approximately the same time as the legal blood and was the same as the legal blood draw. The
3 level of alcohol in her system four hours after this incident indicates that her BAC was much
4 higher at the time she chose to drive her Jeep and was well above the per se limit in Washington.
5 Alcohol interacts with Ambien and increases impairment. Users prescribed Ambien are warned
6 against using alcohol and told to take it immediately before going to bed. Ambien can cause
7 confusion and psychomotor impairment, augmenting the effects of alcohol. The amount of
8 Ambien in her system is inconsistent with a therapeutic dose taken at bedtime the evening
9 before.

10
11 The State requests bail set in the amount of \$250,000.00. Additional conditions include no use or
12 possession of alcohol or non-prescribed drugs (and prescribed drugs only with provider who
13 knows of this incident), no entering any business where alcohol is the primary commodity for
14 sale, wear a trans dermal alcohol sensing device (to monitor compliance), no driving without a
15 valid license, insurance, and an ignition interlock device (set at .02), no moving violations, and
16 no driving with any minor child under 16yO and deliver her Passport to the Clerk's Office.

17 The defendant has no known criminal or traffic history. Since this incident, she has lived
18 at another daughter's home in the area. It has come to the attention of the investigators that the
19 defendant had a significant alcohol problem prior to this incident. Notes her husband left behind
20 indicate she was also abusing an Ambien prescription. Her family had held an unsuccessful
21 Intervention attempting to have her seek treatment a few months prior to this incident.

22 The State is concerned for the general welfare of the community given the revelations
23 this incident revealed and is concerned that the defendant may pose a flight risk.

24 Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 3

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Signed and dated by me this 3rd day of December, 2014.

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Amy J. Freedheim, WSBA #19897
Senior Deputy Prosecuting Attorney

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Prosecuting Attorney Case
Summary and Request for Bail
and/or Conditions of Release - 4

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1 CAUSE NO.

2 CERTIFICATION FOR DETERMINATION OF PROBABLE CAUSE

3 That James Leach is a(n) Detective with the King County Sheriff's
4 Office and has reviewed the investigation conducted in the King County
5 Sheriff's case number(s) 14-123748;

6 There is probable cause to believe that Carol Sue Fedigan committed the
7 crime(s) of Vehicular Homicide (2 cts), Vehicular Assault (1 ct), and DUI.
8 This belief is predicated on the following facts and circumstances:

9 On May 16 2014, I was notified by the King Communications Center that a
10 vehicle had driven through a house and into Lake Sammamish located at 3924
11 East Lake Sammamish Shore Ln SE in the City of Sammamish, King County,
12 Washington State. I was advised that there were critical injuries and the
13 patrol sergeant on scene was requesting an investigation by the Major
14 Accident Response & Reconstruction Unit (MARR). I responded to the scene to
15 conduct the investigation. Upon conducting the on-scene and follow up
16 investigation, I determined the following:

17 Carol Fedigan & David Walker lived at 3924 East Lake Sammamish Shore Ln SE; a
18 residence located on the east shore of Lake Sammamish. Fedigan's daughter
19 (Megan Berry) and son-in-law (Sean Berry) were staying at the house along with
20 their 2 year old son, Liam.

21 On May 16, 2014, at about 7:57 PM, the above listed people were at the house
22 and had just finished eating dinner in the dining room. Carol Fedigan went
23 outside to move her 2014 Jeep Grand Cherokee, Washington license AOY8463,
24 into her driveway. The Grand Cherokee was parked on a grass strip across the
25 street from her residence. Fedigan had her two-year-old grandson, Liam Berry,
sitting on her lap as she operated the vehicle. Carol Fedigan drove into her
driveway, westbound, accelerating to a high rate of speed and crashed through
the front wall (window) of the house. The Grand Cherokee continued through
the dining room area of the residence and crashed through the rear wall
(glass door) of the house and then across the deck. The Grand Cherokee
crashed through the deck railing with the front end of the Grand Cherokee
coming to rest in Lake Sammamish. The rear end of the Grand Cherokee, caught
up in the cable railing, was still up on the deck. David Walker, Megan & Sean
Berry were still in the dining room area when the Grand Cherokee came through
the house and all three were struck by the vehicle and/or debris.

David Walker was fatally injured and was deceased on scene. Sean Berry was
critically injured and transported to Harborview Medical Center where he died
from his injuries on 05/18/14 at about 10:23 AM. Megan Berry was able to
crawl through the debris and out of the house onto the driveway where she was
found seriously injured; she was transported to Harborview Medical Center
where she was treated for her injuries consisting of, but not limited to,
facial fractures, a liver laceration, a collapsed lung, and an elbow wound.

Deputy Erik Wolff is one of several deputies that responded to this incident
and arrived on scene at about 8:05 PM and contacted Carol Fedigan. Deputy

Certification for Determination
of Probable Cause

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14-123748

1 Wolff could smell the odor of alcohol intoxicants coming from Fedigan when
she spoke. Deputy Wolff observed that Fedigan was unsteady on her feet.
2 Fedigan admitted driving the vehicle with her two-year old grandson, Liam
Berry, on her lap and said that the vehicle "just took off".

3 Deputy Wolff advised Fedigan of her rights from his KCSO issued card at about
8:29 PM. At about 8:32 PM, Deputy Wolff asked Fedigan if she would take a
4 voluntary portable breath test (PBT) and she initially consented then changed
her mind and told Deputy Wolff she wanted to speak to an attorney first. So
5 no PBT was completed.

6 Deputy Wolff arrested Carol Fedigan for Investigation Vehicular Homicide and
Vehicular Assault and she was transported to the Sammamish Police Station
7 where she could be further evaluated by a Drug Recognition Expert (DRE) and a
search warrant for a blood draw could be completed and obtained.

8 Deputy Steve Johnson, a certified DRE, responded to the Sammamish Police
Station to evaluate Carol Fedigan. Deputy Johnson smelled alcohol intoxicants
9 on Fedigan's breath when she spoke. Deputy Johnson noted that Fedigan's eyes
were bloodshot, watery and droopy. Based on his experience and training as a
10 police officer and DRE, Deputy Johnson had the opinion that Carol Fedigan was
impaired.

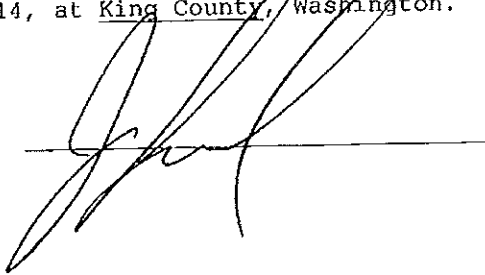
11 Deputy Johnson was drafting an affidavit & search warrant for a blood draw
when Fedigan screamed from the holding cell "Who died?" Fedigan then yelled,
12 "Did my husband die?" Followed by, "It wasn't because of drinking, it's
because it's a new car." A full inspection of the vehicle showed no
13 mechanical or electrical problems prior to this collision.

14 Deputy Johnson contacted a King County District Court Judge and obtained a
search warrant to compel a blood draw from Carol Fedigan. Fedigan was then
15 transported to Harborview Medical Center where a blood draw was completed
about four hours after the collision occurred.

16 The blood sample was analyzed by the Washington State Toxicology Laboratory
and reported that Fedigan's blood ethanol (BAC) was 0.091 ± 0.0075 g/100mL
17 and she was positive for Zolpidem (Ambien) with a level of 0.06 mg/L.

18 Carol Fedigan was operating her 2014 Jeep Grand Cherokee with a minor child
under age 16 while under the influence of alcohol and/or drugs and caused the
19 death of David Walker & Sean Berry as well as substantial bodily harm to
Megan Berry.

20 Under penalty of perjury under the laws of the State of Washington,
I certify that the foregoing is true and correct. Signed and dated
21 By me this 29th day of October, 2014, at King County, Washington.



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Certification for Determination
of Probable Cause

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SUPERFORM

CCN/JCN NUMBER

B/A NUMBER

PCN NUMBER

AGENCY: UNINCORPORATED KING COUNTY

1 | 4 | - | 1 | 2 | 3 | 7 | 4 | 8

CITY OF

CASE NUMBER

FILE NUMBER

FELONY MISDEMEANOR

COURT

Superior

DATE OF ARREST/TIME

BOOKING DATE/TIME

ARREST LOCATION

05/16/2014

20:19

3429 E Lake Sammamish Shore Lane SE

NAME (LAST, FIRST, MIDDLE/JR., SR.)

FEDIGAN, CAROL S

ALIAS, NICKNAMES

IDENTITY IN DOUBT?

DOB

SEX

RACE

HGT

WGT

EYES

HAIR

SKIN TONE

No

01/06/1946

F

W

5'7"

135

BRO

BRO

SCARS, MARKS, TATOOS, DEFORMITIES

ARMED/DANGEROUS

No

LAST KNOWN ADDRESS

CITY STATE ZIP

RESIDENCE PHONE

BUSINESS PHONE

CITIZENSHIP

139 E LAKE SAMMAMISH SHORE LN SE, SAMMAMISH, WA 980

425/427-0523

OCCUPATION

EMPLOYER, SCHOOL (ADDRESS, SHOP/UNION NUMBER)

SOCIAL SECURITY NUMBER

RETIRED

DRIVER'S LICENSE NUMBER

STATE

AFIS #

FBI #

STATE ID #

[REDACTED]

WA

VEHICLE LICENSE #

STATE

YEAR

MAKE

MODEL

VEHICLE LOCATION

TOW COMPANY

PERSON TO CONTACT IN CASE OF EMERGENCY

RELATIONSHIP

ADDRESS

CITY

STATE

PHONE

1) OFFENSE

DV

Inves. Vehicular Homicide

RCWORD #

46.61.520

COURT/CAU #

CITATION #

2) OFFENSE

DV

Inves. Vehicular Assault 2 Counts

RCWORD #

46.61.522

COURT/CAU #

CITATION #

3) OFFENSE

DV

RCWORD #

COURT/CAU #

CITATION #

4) OFFENSE

DV

RCWORD #

COURT/CAU #

CITATION #

DATE TIME OF VIOLATION

5/16/2014 7:57:00 PM

CRIMINAL TRAFFIC CITE ATTACHED?

No

ACCOMPLICES

LIST VALUABLE ITEMS OR PROPERTY LEFT FOR ARRESTEE AT JAIL

LIST VALUABLE ITEMS OR PROPERTY ENTERED INTO EVIDENCE

YES NO

IF YES DESCRIBE

(SIMPLE DESCRIPTION, IDENTIFYING MARKS, SERIAL#)

TOTAL CASH OF ARRESTEE

\$0.00

WAS CASH TAKEN INTO EVIDENCE?

YES NO

AMOUNT

SIGNATURE OF JAIL STAFF RECEIVING ITEMS/SERIAL #

ARRESTING OFFICER/SERIAL #

Wolff, Erik A / 07638

TRANSPORTING OFFICER/SERIAL #

Wolff, Erik A / 07638

SUPERVISOR SIGNATURE/SERIAL #

SUPERFORM COMPLETED BY (SIGNATURE/SERIAL #)

Wolff, Erik A / 07638

CONTACT PERSON FOR ADDITIONAL INFORMATION (NAME/SERIAL #/PHONE)

MISDEMEANOR BOOKINGS: Complete to this line. FELONY BOOKINGS Complete both sides.

OBJECTION TO RELEASE (MISDEMEANOR OR FELON IS ON REVERSE SIDE)

SUPERIOR COURT

IN CUSTODY

COURT CAUSE (STAMP OR WRITE)

FILING INFO.

AT LARGE

OUT ON BOND

COURT/DIST

DIST CT.

SUP. CT. DATE

WARRANT NUMBER

CT.NO.

BOND \$

WARRANT DATE

OFF CODE OFFENSE

AMOUNT OF BAIL

\$

FELONY

BENCH

MISD

ARREST

POLICE AGENCY ISSUING

COURT

WARRANT RELEASED TO SERIAL UNIT

DATE TIME

PERSON APPROVING EXTRADITION

SEAKING-LOCAL ONLY

NCIC-WILL EXTRADITE

NCIC WILL EXTRADITE FROM

NCIC-WILL EXTRADITE

WACIC-STATE WIDE

FROM ID OR ONLY

OR, ID, MT, WY, CA, NV, UT, CO, AZ, NM, HI, AK

FROM ALL 50 STATES

CGN#

DOE

DOC

WAC#

TOE

TOC

NIC#

OP#

OP#

SUPERIOR COURT