

Tony Piccuta <tony@scottsdaleinjurylawyers.com>

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## Re: Incident Investigation and Accident Report 19-02308;

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Tony Piccuta <tony@scottsdaleinjurylawyers.com>

Thu, Mar 28, 2019 at 9:54 AM

To: [REDACTED]@scottsdaleaz.gov>

Cc: [REDACTED]

Officer [REDACTED]:

I am following up on my email from March 21, 2019. I did not receive a response. As previously discussed, you were to obtain the insurance information from Farrell and advise that a supplemental report providing the same had been authored so that we could order a copy. Per your investigation report, you contacted Farrell on 2/2/19 and he was going to provide you his registration and insurance to be included in a supplement. It is nearly two months later and it appears that this information has not been obtained. The reason is unclear, but this delay has been to the detriment of the victim (Mr. Smith).

Further, in your investigative report, you stated that once Mr. Smith provided you with his medical records, long form charges would be filed for hit and run through Maricopa County. Mr. Smith provided these records several weeks ago. Please advise as to the filing of the long form charges and if you have acted in this regard.

I personally contacted Farrell to obtain his insurance information a few weeks ago. He did not provide it. He was hostile and he offered a very different version of events to me than he gave to you. In his conversation with me, Farrell claimed that Mr. Smith broke his leg repeatedly kicking his car. Scientifically, this seems impossible as the injury Mr. Smith suffered requires a tremendous amount of force. Clearly, this was not the version he offered to you either. He claimed that he had several witnesses--including the two women that were in his vehicle and a doorman, that would support his latest version. Would you typically take a statement from these individuals in the course of your investigation?

My theory of what happened is simple. Farrell was out at the bars drinking when he left at closing time. He was under the influence when he struck Mr. Smith and left the scene knowingly. He came forward the next day when he sobered up. This was the weekend of the Waste Management Phoenix Open, which he was at the next day as well. I assume it was a party weekend for Mr. Farrell. I find it doubtful that he learned that he ran someone over from others.

Mr. Smith suffered a serious injury. He suffered a comminuted tibia fibula fracture of his right leg. If you are a basketball fan, this is the same injury that Jufus Nurcik of the Trailblazers suffered earlier this week and Gordon Hayward of the Celtics suffered last year. If you are a football fan, it is the same injury that Alex Smith of the Redskins suffered last season and Joe Theismann in 1985, if you want go way back.

Mr. Smith required emergent surgery which included a rod in his tibia (the bigger of the lower leg bones). The procedure involves boring a canal through the bone, hammering a titanium rod through the two pieces of bone to achieve anatomical alignment and then affixing screws to the rod through each piece of bone. There are several risk factors with this injury, including non-union of the bones and bone infection. In addition, there is usually a second surgery to remove the rod. Mr. Smith's treatment is still on-going and will include physical therapy among other things.

I am providing all this information so you understand how serious this is for the victim. In addition, this is a serious crime. Under 28-661(B), this is a Class 2 Felony. As such, Mr. Smith would like to make sure the charges are proceeding and that you have provided the County with what it needs for prosecution. I am attaching Mr. Smith's medical records from the surgery. **Please see that this is evidence is booked and that a supplemental report is created, including my email, and the information I provided.** Please see that the supplement is provided to the district attorney.

Finally, please advise if you were able to make contact with Farrell and if you have submitted a supplemental report with his insurance information and registration so I can order it. Please also note, that Sergeant [REDACTED] and the victim are copied on this email.