

MISSOURI STATE HIGHWAY PATROL
PROBABLE CAUSE STATEMENT

STATE OF MISSOURI }

MISSOURI STATE HIGHWAY PATROL

COUNTY OF JEFFERSON}

CFS # 230243536

DATE: June 06, 2023

OCN:

I, Corporal Jason A. Ashby, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.

1. I have probable cause to believe that Colby Tyler McCreary, on 04/30/2023, at Southbound Interstate 55, North of Route A, Festus, Missouri, Jefferson County, committed the offense(s) listed below:

Felony 577.010 577.010-024Y20205404.0 DWI - Death Of Another

2. State the facts that support a finding of probable cause to believe crime(s) was/were committed and that the accused committed the crime(s):

I became involved in a special investigation, at the direction of my supervisor, Master Sergeant E. Bartel, #190, both employed by the Missouri State Highway Patrol in the Division of Drug and Crime Control as Criminal Investigators. The special investigation was requested by the Festus Chief of Police D. Wendel.

I was provided with a copy of the traffic crash report which contained the following information. On Sunday, April 30, 2023, a Festus, Missouri police officer investigated a single vehicle motor vehicle crash, which occurred on Interstate 55, near Manley Quarry Road, within the city limits of Festus, Missouri. The vehicle was identified in the crash report as a gray 2015 Jeep Cherokee Latitude, bearing vehicle identification number [REDACTED] and Missouri registration [REDACTED].

I determined from the crash report the Jeep Cherokee was driven by Colby T. McCreary, and the front right passenger was Savannah N. McCreary. The Jeep Cherokee exited the roadway to the right and struck a rock embankment. The Jeep began overturning and both occupants were totally ejected from the Jeep. The Jeep came to rest on the passenger side. It is noted in the crash report that no skid marks were located on the roadway.

Colby McCreary and Savannah McCreary were both transported by the Joachim-Plattin Ambulance District to Mercy Hospital South after the crash. Savannah McCreary was later pronounced deceased by medical professionals at Mercy South Hospital.

Two witnesses were identified in the crash report, and the witnesses were traveling together in the same vehicle. One witness indicated she was a passenger in the vehicle, traveling in the left lane and the Jeep was traveling in the right lane, when it drifted to the right and off the roadway. The witness indicated the Jeep struck a wall and began overturning in the ditch. The second witness indicated she was driving the vehicle containing the first witness. The first witness told her the Jeep was crashing. The second witness indicated hearing a loud "pop" and observed the Cherokee overturning in her mirror.

Sergeant J. Weadon, #741, with the Missouri State Highway Patrol, Major Crash Investigation Team, downloaded the Event Data Recorder of the Jeep Cherokee. Based upon the Crash Data Retrieval file, the top speed of the Jeep Cherokee was 87 miles per hour at five seconds prior to the crash impact.

During the investigation, witnesses were identified who observed Colby McCreary consuming alcohol on April 29, 2023, prior to the crash. Witnesses also identify Colby McCreary as the driver of the Jeep at the time of the crash and prior to the crash.

Toxicology results from Mercy Hospital South for Colby McCreary indicate a blood alcohol content of .17% and his medical evaluation included a diagnosis of alcohol intoxication, in addition to his injuries.

According to information and belief, Colby McCreary is suspected of committing criminal activity, including, but not limited to DWI - Death of Another.

3. For the issuance of a warrant in a misdemeanor case, complete the following, if appropriate.

A. I believe the defendant will not appear in court to respond to a criminal summons because

Insert/acts to show the defendant will not appear, e.g. there is an outstanding warrant for failure to appear

B. I believe the defendant poses: *Insert/ one or all of the following*

Insert facts showing defendant is a danger to victim, e.g. cursing victim, assaulted victim, threatened victim.

(1) a danger to a crime victim because

Insert facts showing defendant poses a danger, e.g. intoxicated to a level which is unsafe

(2) a danger to the community or to any other person because Colby McCreary has shown complete disregard for the safety of the citizens of the State of Missouri and for his own family.

I, knowing that false statements on this form are punishable by law, state that the facts contained herein are true.


Signature JASON A. ASHBY
Cpl MSHP

Date 6/6/2023