



INTEROFFICE MEMORANDUM

---

TO: David Gilbert Assistant State Attorney Traffic Homicide/DC	DATE: 9/1/16
	DEFT NAME: Larry Ellis
	CASE NO: 160408-104802
FROM: Deisy Hernandez Assistant State Attorney Traffic Homicide Unit	RE: Charging Decision Fatality - Pamela Plummer

---

On Friday, April 8, 2016, at approximately 11:57 A.M., a multiple vehicle crash occurred at N.W. 7<sup>th</sup> Street and N.W. 17<sup>th</sup> Avenue which resulted in the death of Pamela Plummer, a passenger in a taxi vehicle. The victim's death resulted when the driver of a City of Miami Public Works Dump Truck, Larry Ellis, driving eastbound on N.W. 7<sup>th</sup> Street made no attempt to stop for the red light. A review of video surveillance footage revealed Mr. Ellis had both hands on the wheel, but was slightly hunched forward when he and drifted to the right in his lane of travel. As Mr. Ellis approached N.W. 17<sup>th</sup> Avenue, he made no attempt to brake, despite the red light and the vehicle stopped in front of him at the light. He kept a consistent speed which was over the speed limit. The evidence suggests Mr. Ellis fell asleep at the wheel, and was awakened at impact.

The impact caused by Mr. Ellis set in motion the following sequence of events: The dump-truck rear-ended a taxi driven by Svend Austin, whose back seat passenger, Pamela Plummer, was crushed to death. The taxi was pushed forward and struck a 2015 Silver Nissan Rogue driven by Marcela Valverde. The Nissan Rogue was pushed towards the left and struck a 2010 Silver Nissan driven by Roberto Duenas. Mr. Ellis continued forward after striking the taxi, and also rear ended a 2015 White Hyundai driven by Greico Diez, who had a six (6) year old in the vehicle. The dump-truck continued through the intersection and struck a Humana Medical Mini Bus driven by William Garcia. The Humana bus than rotated and struck a White KIA SUV driven by Guillermo Diaz, a motorcycle driven by Kevin Euceda, and 2015 Black Hyundia driven by Jamie Firestone. A pedestrian, Brett Latta, standing on the S.E. corner of the intersection was struck by vehicle debris.

On scene, Mr. Ellis was overheard by Detective Fernandez speaking to a union representative indicating the truck brakes were a problem. However, the F.H.P. conducted a full inspection of the truck, including review maintenance documents, and excluded any mechanical failure of the truck. Mr. Ellis did not smell of alcohol or exhibit any obvious signs of impairment. Although, Officer Lastra described Mr. Ellis as moving slowly and sedated when attempting to retrieve his license (this behavior can be attributed to shock). Mr. Ellis provided a voluntary blood sample which was tested by Dr. Reidy at the UM toxicology lab for a variety of illicit and controlled substances. Mr. Ellis's blood only revealed the presence of a non-narcotic medicine which is a prescription medication for the treatment of a medical condition. The manufacturer's information for the drug suggests the drug can

cause drowsiness on new users. The drug cannot be quantified in the blood sample, and there is no information on the dosage or time frame in which Mr. Ellis has been taking the drug. An inventory search of the truck revealed several bottles of medication, and each was tested and no illicit, impairing drugs were found in the bottles.

Mr. Ellis' coworker, Elidieu Dufrene, was interviewed and indicated Larry Ellis was behaving "normally" at work that morning. Mr. Ellis was operating the dump full of gravel. Mr. Ellis worked from 8:30 AM to about 11:45 AM, and they were on a lunch break prior to heading to the next job location. Mr. Ellis passed the coworker on the road, but was not speeding when he passed him on the road. The coworker was on 22<sup>nd</sup> Avenue at the time of the crash which was about seven (7) blocks away from the crash.

The best video of the crash comes from a security company on 7<sup>th</sup> Street, ISS Security, which shows Mr. Ellis drifting toward the right in his lane. An employee of the business, Mario Fernandez, was driving out, and had to hit the brakes because of the truck. Mr. Fernandez described the truck as going an excessive speed but was reluctant to give an estimate; his best guess was "north of 50 MPH." Mr. Fernandez indicated the driver had both hands on the wheel and appeared to be looking forward. Mr. Ellis did not apply his brakes, showed no change in speed, and was moving towards the right. Detective Kennedy calculated Mr. Ellis's speed between 62 to 67 MPH based on the real time video at ISS and calculations from the physical evidence. The best civilian articulation of the crash comes from Jamie Firestone, who described the chain of events in detail. Mr. Firestone, as well as other civilians, confirmed none of the vehicles were moved from their final rest positions before the police arrived on the scene. While no civilian can directly put Mr. Ellis behind the wheel, the circumstantial evidence and the video place Mr. Ellis as the driver.

Larry Ellis' cell phone records were subpoenaed to confirm he was not distracted on the telephone prior to the crash. The records indicate he was not on the phone, which is further corroborated by the video evidence showing Mr. Ellis grasping the wheel with both hands. The telephone records do reveal he was up late and back on the phone early in the morning, which is consistent with him falling asleep at the wheel.

A full review of the evidence in this case does not support a prosecution under F.S. 319.193 for DUI Manslaughter, or a prosecution for Vehicular Homicide under F.S. 782.071. Mr. Ellis had no signs of impairment at the crash scene to suggest he was under the influence of any controlled substances at the time of the crash, and this is confirmed by the lab results. Moreover, Mr. Ellis's driving cannot be classified as reckless since all evidence suggest he fell asleep at the wheel which is not willful and wanton criminal action. Mr. Ellis' conduct is careless, and the City of Miami has been advised to issue all proper civil fatality infraction citations.

On May 17, telephone contact was established with the victim's next-of-kin, Shaun Yurtkuran (601-906-9094), a nephew in Mississippi. Mr. Yurtkuran was calling on behalf of his mother, Debbie Yurtkaryn, the victim's sister. Mr. Yurtkuran was updated on the pending investigation, and was explained the issues regarding Mr. Ellis's blood screenings. On August 25, Det. Kennedy advised the victim's niece, Debbie Yurtkaryn, in Arkansas of the final charging decision. On September 1, I spoke with Shaun Yurtkuran to advise of the final charging decision and the rationale for the decision. Mr. Yurtkuran asked to be kept informed when the matter was filed in the County Court division, and wants to be consulted regarding possible future license suspension.

cc: Detective Joseph Kennedy, City of Miami THI