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Press Release  
July 9, 2020

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On July 8, 2020, the City of Spokane Police Department released a statement regarding felony charges filed against Officer Michael Brunner that was misleading and false. Officer Brunner was charged for two counts of Vehicular Assault. Those charges arose from his actions on March 25<sup>th</sup>, 2020, where he was driving 65 mph on Lincoln at 5<sup>th</sup> Avenue next to Deaconess Hospital, an area where the speed limit is 30 mph. Officer Brunner was driving so recklessly not to respond to an emergency, but simply to get to the police station as his shift ended. He was traveling more than twice the posted speed limit, without any emergency flashing lights or sirens, and crashed into Mr. and Mrs. Collins, causing them both substantial injuries that will impact them for years to come. Contrary to the press release issued by the City of Spokane Police Department, in an apparent attempt to cover up Officer Brunner's actions, Officers initially ticketed Mr. Collins for the collision rather than begin a criminal investigation into Officer Brunner. It was only when the true extent of the on-duty misconduct committed by Officer Brunner became undeniable that the Washington State Patrol investigated the Police Department's actions, had the ticket dismissed, and disclosed Officer Brunner's actions to the Spokane County Prosecutor's Office. Officer Brunner refused to provide any statement to the Washington State Patrol Detectives investigators about the collision and hindered the investigation.

The Spokane County Prosecutor's Office chose to charge Officer Brunner with two counts of Vehicular Assault, RCW 46.61.522. More specifically, the Spokane County Prosecutor's office charged him under the prong of the vehicular assault statute which alleges that he drove in disregard for safety of others, instead of charging him under the section which alleges that he drove in a reckless manner. That choice is not only inappropriate given the circumstances of the Officer driving twice the posted speed limit, but will also result in lower consequences and a lower amount of jail time for this felonious act. This is especially concerning given the fact that the Legislature has already made clear that driving in excess of the posted speed limit is prima facie evidence of the driving in a reckless manner. RCW 46.61.465

Officer Brunner's actions are wrong. The Prosecutor's charging decision is wrong. The City of Spokane's cover-up and attempt to sweep this under the rug is even worse. After the changes made by the Spokane Police Department after the Otto Zehm case, and under Chief Meidl's leadership, to have the Spokane Police Department try to cover up an officers' criminal actions is wrong. The citizens of Spokane deserve better. Especially at a time in our country where the overzealous actions of police have drawn national attention, to have not only the police department but the prosecutor's office applying a different set of rules to officers than to the average citizen is indefensible.

Crary, Clark, Domanico & Chuang, P.S. represents Mr. and Mrs. Collins who were the victims of Officer Brunner's vehicular assault on March 25<sup>th</sup>, 2020.

CN: 2011033832

**SN: 2**

PC: 4

FILED
JUN 23 2020
Timothy W. Fitzgerald SPOKANE COUNTY CLERK

**20110338-32**

**WASHINGTON STATE PATROL**  
**CRIMINAL INVESTIGATIONS DIVISION**  
*Case Summary*

**SUBJECT: Brunner, Michael J.**

**DOB: 10-23-1992**

**WSP CASE NO: 04-20-005718**

**RPT: 20922224**

State of Washington )  
) ss.  
County of Spokane )

**The undersigned, being competent to testify and sworn on oath, deposes and testifies as follows:**

On Wednesday March 25, 2020 at approximately 6:50 am, a three car serious injury collision occurred on Lincoln Street and Fifth Avenue, in the City of Spokane, WA. Spokane Police Department (SPD) Officer Michael J. Brunner, was on duty, driving northbound on Lincoln St. in his 2016 Ford Explorer police vehicle. At the same time, James L. Collins was driving his 2014 Honda CRV westbound on Fifth Ave. Brunner was traveling in the left lane when J. Collins attempted to cross Lincoln St., from east to west, in front of him. Brunner was unable to bring his vehicle to a stop before colliding with the driver's side of Collins' CRV. After the initial impact, Collins' CRV collided with a 2016 Toyota Corolla, parked on the west side curb of Lincoln St., just north of Fifth Ave.

Prior to the collision, Brunner and SPD Officer B. Roy were traveling north to the police department to end their shift after clearing a robbery call on the south hill. Roy was directly behind Brunner, who was following directly behind Tamara Hedin. Hedin was traveling north on

her way to work at the hospital. Hedin stated she observed the two police vehicles behind her and that Brunner was five or six feet off her bumper, without emergency lights activated. Hedin stated she tried to move over so they could go around her, but they never passed. She stated she continued traveling north on Lincoln St. until it becomes a two lane, one way, northbound. She stated there is a 25 mph sign she always sees as she comes into the two lanes and when she sees it, she turns on her blinker and merges into the right lane in order to eventually turn right onto Fifth Ave. into the hospital. She stated she moved into the right lane and the officer behind her swerved out and revved his engine and went around her. She stated as he passed her, he turned on his emergency flashers. Hedin stated she then looked up and that was when she saw the white car come into the intersection, but that she didn't know if it had fully stopped. Hedin stated she thought she may have been able to make it through the intersection if she would have been going straight, but the white car was going very slow. Hedin was asked if she felt the white car would have made it through safely if the police vehicle was going the speed limit and she said, "yes." She added that if she was going 30 mph, she may have had to hit her brakes to avoid the white car.

Hedin was asked who she believed was at fault in the collision and she stated, that question had been bouncing in her head. She stated she wondered if the white car didn't see that it was unsafe to come in because the police cars were behind her and her car may have been blocking their vision. She stated she didn't know if the white car came to a complete stop, but the officers came around her and the rev of the engine made her realize they were accelerating.

After the collision, J. Collins and his front seat passenger Lois L. Collins, were transported to Multicare Deaconess Hospital (MDH) to be treated for their injuries. As a result of the collision, J. Collins sustained a clavicle fracture, a rib fracture and a right renal hematoma, while L. Collins sustained a laceration to her head, requiring staples. In an interview with the Collins', they stated they were going to the hospital for an appointment. They stated when they got there all the handicapped parking spots were filled, so they traveled west on Fifth Ave. to find a parking spot on the other side of Lincoln Ave. J. Collins stated he had traveled that route multiple times and that he saw the stop sign before crossing Lincoln Ave. Both J. and L. Collins stated they came to a stop at the stop sign and looked up the hill to make sure they were free to cross. They both stated they remembered seeing a vehicle coming, but that it was a ways off. Both stated they did not see any emergency lights and did not hear any sirens.

Roy stated he was following Brunner back to the department and he noticed the vehicle in front of Brunner, Hedin, seemed to be going pretty slow. That was when he sent Brunner a message through his computer stating, "The lady in front of you sucks." To which Brunner replied with, "I know." Roy stated he thought the vehicle in front of Brunner may have been going below the speed limit of 30 mph. He stated he didn't know how fast they were going, just that it felt slow.

Roy stated when Lincoln St. became two lanes, the vehicle in front of Brunner stayed in the right lane, while Brunner passed in the left. He stated he was side by side with Hedin when the

collision happened. Roy was asked about Brunner's speed when he passed Hedin and Roy initially stated he didn't know Brunner's speed and he didn't look at his speedometer, but he thought Brunner was going 50 mph or more. Roy stated when Brunner passed, he got on it and went. He also stated Brunner never turned on his emergency lights or siren.

Regarding Collins' CRV, Roy stated he saw the CRV stopped at the stop sign and Brunner was about to hit the intersection when the CRV drove westbound across Lincoln St.

After the collision, Brunner was transported into MDH to be treated for his injuries. After Roy was relieved at the scene, he contacted Brunner in the hospital. Roy stated he and Brunner had talked about the collision and that Brunner had told him he thought he was going about 50 mph or so. Roy was asked if the collision was more of a "fail to yield right of way" or someone going a little too fast. Roy stated he thought both were factors in the collision.

Witnesses Maria D. Aguilera Fernandez and Chris Johnson were directly behind Collins when he was at the stop sign getting ready to travel westbound across Lincoln St. Aguilera Fernandez stated Johnson was driving the car she was in and they were traveling westbound on Fifth Ave. when the CRV started to back into the road in front of them and Johnson let the CRV go ahead of them. She stated the CRV began traveling westbound on Fifth Ave. towards the stop sign at Lincoln St. Aguilera Fernandez stated the CRV pulled up to the stop sign and was there for a length of time and that the driver did come to a complete stop. She stated the CRV then started to go, but somewhat hesitated as it did.

Aguilera Fernandez stated the patrol vehicle that hit the CRV was going 5-10 mph faster than the surrounding vehicles. She stated the second patrol vehicle didn't appear to be going as fast as the first one. She stated neither patrol car had emergency lights or sirens activated until after the collision when the second patrol vehicle turned on its emergency lights.

During her statement, Aguilera Fernandez stated she and Johnson believed both drivers involved in the collision were at fault. She also stated that particular intersection is a bad intersection and that collisions happen there all the time.

Witness Heidi J. Wilson-Seger stated she was traveling eastbound on Fifth Ave. getting ready to travel across Lincoln St. She stated she stopped at the stop sign and looked to her right, up the hill, to look for traffic. Wilson-Seger stated she observed the two police vehicle coming down the hill and didn't feel like they were going too fast. She stated she felt like they were going about 30 mph. Wilson-Seger stated the police vehicles did not have their lights and siren activated. She stated she did not actually witness the collision because she was looking up the hill for a safe opportunity to cross. She stated she suddenly heard the collision and never saw the CRV until after the collision occurred.

A traffic study at the intersection where the collision occurred was conducted May 7, 2020 at

approximately 6:30 am, the same time frame the collision occurred. During that study, a total of 61 vehicle speeds were measured for vehicles traveling northbound on Lincoln St. The speeds of the vehicles ranged from 22 mph to 40 mph. The average speed was calculated to be 30.67 mph. 21 vehicles were timed, using a stop watch, traveling northbound on Lincoln St., starting the timer when they came into view and stopping it when they reached the intersection. The times ranged from 8.61 seconds to 16.39 seconds. The average time to travel down the hill to the intersection was calculated to be 13.14 seconds. 21 vehicles were timed, traveling westbound on Fifth Ave. crossing Lincoln St., starting from the stop sign to when they cleared the intersection. The times ranged from 1.95 seconds to 5.13 seconds and the average was calculated to be 3.42 seconds.

An Event Data Recorder (EDR) download was performed on both Brunner's patrol vehicle and J. Collins' CRV after the collision and an analysis of the Crash Data Retrieval reports were conducted. The data obtained from the patrol vehicle showed Brunner was traveling at 65 mph three seconds prior to impact and at 31.7 mph at impact. At three seconds prior to the collision, the data showed J. Collins' CRV was traveling at 2 mph and 17 mph at impact.

Calculations were conducted and it was determined, Brunner traveled 422.96 feet over the five seconds recorded by the EDR. At three seconds prior to impact, Brunner was approximately 256 feet from the point of impact.

An attempt was made to conduct an interview with Brunner. Through his attorney, Todd Maybrown, Brunner declined to provide a statement or any form of a report.

On June 18, 2020, Rippee submitted the case for approval, and then forwarded the file to the Spokane County Prosecutor for review.

**I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.**

Date 6-18-2020 Signature 

Place SPOKANE CO WA Approved by 

CN: 2011033832  
**SN: 1**  
PC: 1

FILED  
JUN 23 2020  
Timothy W. Fitzgerald  
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

STATE OF WASHINGTON

Plaintiff,

v.

MICHAEL J. BRUNNER  
10/23/92

Defendant(s).

) INFORMATION

) (INFO  
) No.

**20110338-32**

) G MARK CIPOLLA  
) Deputy Prosecuting Attorney

) PA# 20-9-79897-0  
) RPT# CT I, II: 2020-00922224  
) RCW CT I, II: 46.61.522(1)(C)-F (#05022)  
)  
)

Comes now the Prosecuting Attorney in and for Spokane County, Washington, and charges the defendant(s) with the following crime(s):

COUNT I: VEHICULAR ASSAULT, committed as follows: That the defendant, MICHAEL J. BRUNNER, in the State of Washington, on or about March 25, 2020, did operate or drive a vehicle with disregard for the safety of others and did cause substantial bodily harm to JAMES LAWRENCE COLLINS,

COUNT II: VEHICULAR ASSAULT, committed as follows: That the defendant, MICHAEL J. BRUNNER, in the State of Washington, on or about March 25, 2020, did operate or drive a vehicle with disregard for the safety of others and did cause substantial bodily harm to LOIS LYNN COLLINS,

  
Deputy Prosecuting Attorney  
WSBA #22202

**DEFENDANT INFORMATION:**

MICHAEL J. BRUNNER

Address:

Height:

Eyes:

SID #:

Weight:

DOL #:

DOC #:

Hair:

State:

FBI NO.