

WASHINGTON STATE PATROL
CRIMINAL INVESTIGATION DIVISION
CASE SUMMARY

File Title	Detective	Case Number
Vehicular Homicide	J.N Rhue	24-006926
Subjects		Other Case Number
(S) Hunter, Carl S.		
(V) Nissen, Jeffrey L.		



Synopsis

On Friday April 19, 2024, at approximately 3:42 p.m., a two-vehicle fatality collision occurred in Snohomish County, WA. Carl S. Hunter (56) was driving a 2022 Tesla Model S hatchback eastbound on State Route 522. At the same time Jeffrey L. Nissen (28) was driving his 2003 Yamaha YZF-R6 motorcycle eastbound on State Route 522. It was the afternoon rush hour, and it was “stop and go” traffic. Hunter was traveling directly behind Nissen and Hunter had the Full-Self Driving (Supervised) feature enabled on his Tesla. As they passed the Fales Road exit, Nissen was stopped for traffic. The Tesla closed the gap in traffic and the Tesla engaged the Automatic Emergency Brake. Hunter pressed the accelerator pedal, overriding the emergency braking, and struck Nissen’s motorcycle. The Tesla ran over Nissen and his motorcycle, coming to rest on top of both. Nissen died at the scene. Hunter told troopers his vehicle was in “autopilot”, and he was distracted by his phone.

Details

On Friday April 19, 2024, at approximately 3:42 p.m., Carl S. Hunter (11-17-1967) was driving a charcoal 2022 Tesla Model S hatchback, Washington license CFF2988, eastbound on State Route 522 in Snohomish County, WA. At the same time Jeffrey L. Nissen (06-05-1995) was driving his 2003 Yamaha YZF-R6 motorcycle, Washington license 8G7491, eastbound on State Route 522. Witness Wilmer J. Chacon was driving his vehicle and traveling directly behind Jeffrey Nissen for a few miles. Chacon told investigators that traffic was “stop and go” and when traffic was moving it was flowing at about 4 to 6 miles per hour. Chacon stated a Tesla merged in front of him and in between he and the motorcycle when the eastbound lanes merged from two lanes down to one lane. This was over a mile west of the Fales Road exit.

Chacon told investigators just east of the start of the Fales Road exit ramp, he heard a “bang” and then saw the motorcycle fall over. He then observed the Tesla go forward

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again and on top of the motorcycle. Chacon believed the motorcycle was stopped in traffic at the time the collision occurred. Chacon stated he observed the wheels of the Tesla were still spinning when the vehicle was on top of the motorcycle. Chacon stopped and got out of his vehicle along with several other drivers and he observed Nissen face down and completely trapped underneath the Tesla. Chacon stated he and several other individuals who stopped tried to help Nissen but couldn't get him out from under the Tesla. Chacon stated Hunter just stepped back and stated, "Please get him out from under my car."

According to Washington State Patrol Communications and Sno911 call records, Hunter called 911 to report the collision. In the 911 recording, Hunter stated he was the driver which struck the motorcycle. Hunter stated, "I'm the driver, I'm not sure how it happened."

At 4:01 p.m. Trooper Brandon Destito (435) arrived at the scene. Trooper Destito described the weather as sunny with clear skies and approximately 69 degrees Fahrenheit. The roadway was bare and dry. Trooper Destito approached the scene and observed a gray Tesla parked partially on top of a blue sports bike on the centerline of the roadway partially blocking the eastbound and westbound lanes of travel. Trooper Destito observed the male motorcycle rider (deceased) lying on the ground by the rear left driver's side tire of the Tesla in the westbound lane. The motorcycle was lying next to the right rear side of the Tesla in the eastbound lane. Trooper Destito was approached by the fire battalion chief who advised the motorcycle rider (Nissen) was wedged underneath the Tesla. Fire personnel had to use the jaws of life to lift the car and pull him out. Nissen died at the scene as a result of the collision.

Trooper Destito observed Carl Hunter was visibly distraught and talking on his cell phone. Trooper Destito asked Hunter what had happened, and Hunter told him he was driving eastbound on State Route 522 with the motorcycle in front of him. Hunter said he was distracted by his cellphone as he was looking down at the center console before he heard a crunch. Hunter further advised his Tesla was in "autopilot" mode during the collision. Lt. Chris Caiola was also present on scene and contacted Hunter. Lt. Caiola smelled the slight odor of intoxicants on his breath and asked Hunter how much he had to drink. Hunter stated he had a beer at 2:00 p.m. with lunch. Trooper Destito asked Hunter if he would perform some voluntary field sobriety tests (SFST) to which Hunter agreed. After the SFST's Trooper Destito formed the opinion that Hunter was not impaired. Hunter also voluntarily agreed to be evaluated by a Drug Recognition Expert (DRE) who also formed the opinion Hunter was not impaired¹. Trooper Destito arrested Hunter for Vehicular Homicide (Disregard for the safety of others). Trooper Destito read Hunter his constitutional rights and later booked into the Snohomish County Jail.

¹ See Officer Orlosky's report.

The Snohomish County Medical Examiner’s Office autopsy report listed Nissen’s Cause of Death as “Traumatic Asphyxia”. The Manner of Death was classified as “Accident”.

On May 7th, 2024, Detective Jeffrey Rhue executed a Search Warrant for Hunter’s Tesla Model S and Tesla Inc. for the vehicle’s cloud data. In the records obtained from Tesla, Hunter had activated Full Self-Driving (Supervised)² at 3:40 p.m. The Tesla website states: Under driver supervision, Full Self-Driving (Supervised) can drive your Tesla vehicle almost anywhere. It will make lane changes, select forks to follow your navigation route, navigate around other vehicles and objects and make left or right turns. When using Full Self-Driving (Supervised), you and anyone you authorize must use additional caution and remain attentive. It does not make your vehicle autonomous. Do not become complacent.

The data showed that at 3:41 p.m. the Tesla Autosteer did not detect hands on the steering wheel and the vehicle gave an audible warning to Hunter. At 3:42 p.m. Hunter overrode the Traffic Aware Cruise Control (TACC) speed by pressing the accelerator pedal. Tesla TACC drives the vehicle at a speed which the vehicle determines as appropriate based on the current traffic conditions. Hunter manually overrode this. Tesla Autosteer still did not detect hands on the steering wheel and the vehicle gave a visual and audible warning to Hunter. The Tesla detected a potential collision and engaged the Automatic Emergency Brake and the vehicle attempted to stop. Hunter pressed the accelerator pedal, overriding the emergency braking. The data showed the Tesla did not detect Hunter’s hand on the steering wheel for a minimum of 1 minute and 17 seconds³. The data also showed the Accelerator Pedal Position was between 95% - 100% continuously for ten seconds after the collision.

² Full Self-Driving (Supervised) (also referred to as Autosteer on City Streets) is engaged, Model S attempts to drive to your destination by following curves in the road, stopping at and negotiating intersections, making left and right turns, navigating roundabouts, and entering/exiting highways. Always remember that Full Self-Driving (Supervised) does not make Model S autonomous and requires a fully attentive driver who is ready to take immediate action at all times. While Full Self-Driving (Supervised) is engaged, you must monitor your surroundings and other road users at all times.

³ Time between the first audible warning to when his hands were detected on the steering wheel as the collision was occurring.