



Yavapai County Attorney

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SHEILA POLK
Yavapai County Attorney

March 4, 2019

Hon. Bill Montgomery
Maricopa County Attorney
301 W. Jefferson Street
Phoenix, AZ 85003

Re: Rafael Vasquez / Uber Corporation, Tempe Police Department #2018-32694

Dear Mr. Montgomery:

This Office accepted this matter on a conflict basis due to a prior working relationship between the Maricopa County Attorney's Office (MCAO) and Uber. We agreed to accept the case and review the matter for a charging decision only.

After a very thorough review of all the evidence presented, this Office has determined that there is no basis for criminal liability for the Uber corporation arising from this matter. Because this determination eliminates the basis for the MCAO conflict, we are returning the matter to MCAO for further review for criminal charges.

Based on the entire investigation, this Office has concluded that the collision video, as it displays, likely does not accurately depict the events that occurred. We therefore recommend that the matter be furthered to the Tempe Police Department to obtain additional evidence. Specifically, we believe that an expert analysis of the video is needed. The purpose of the expert analysis is to closely match what (and when) the person sitting in the driver's seat of the vehicle would or should have seen that night given the vehicle's speed, lighting conditions, and other relevant factors.

This will end this Office's official involvement in this matter. It has been our pleasure to be of assistance in this matter and to work with the outstanding professionals at the Tempe Police Department. If you or your staff need any additional questions answered, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in blue ink that reads "Sheila S Polk".

Sheila Sullivan Polk
Yavapai County Attorney

Criminal Division
(928) 771-3344

Civil Division
(928) 771-3338

Bad Check Program
(928) 771-3490