

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I state under oath that I have reason to believe that at the place, in the vehicle or on the person known or described as:

- **University of Colorado Hospital, Health Information Management, 12401 E. 17th Ave., Aurora Co. 80045**

in Adams County, State of Colorado, there is now located the following described property or contraband:

- **Medical records for Christopher Antwan Booker, date of birth 030973, pertaining to dates between January 1, 2003 to December 3, 2014 including: Emergency Room Reports, Discharge Summaries, Operative Reports, History And Physical, Clinic / Progress Notes, Drug / Alcohol Treatment, Radiology Reports, Laboratory Reports, Immunization Records**

For which a Search Warrant may be issued pursuant to the provisions of Colorado Rules of Criminal Procedure, CRS 16-3-301 and CRS 19-2-504, on the grounds that property is stolen or embezzled; or is designed or intended for use as a means of committing a criminal offense; or the possession of which is illegal; or would be material evidence in subsequent criminal prosecution in this state or in another state; or the seizure of which is expressly required, authorized, or permitted by any statute of this state; or which is kept, stored, maintained, transported, sold dispensed in violation of a statute of this state, under circumstances involving a serious threat to public safety or order or to public health; or which would aid in the detection of the whereabouts of or in the apprehension of a person for whom a lawful arrest warrant is outstanding.

The facts tending to establish the grounds for issuance of a Search Warrant are as follows:

Your affiant, Detective Michael Bochert 93005, has been a Police Officer for over 21 years. Your affiant was assigned to the Denver Police Traffic Investigations Unit in May Of 2011 as a Detective. Your affiant currently holds this position.

Your affiant attended 3 months of training with Traffic Investigations Unit and was then assigned to the Traffic Investigations Unit as a detective. While assigned to the Traffic Investigations Unit your affiant has attended accident reconstruction courses I, II and III, auto / pedestrian collision reconstruction and has investigated over 1400 traffic accidents including serious bodily injury accidents, fatal traffic accidents and hit and run accidents. Your affiant has been recognized as an expert and given expert testimony in trial 12M13179 on 082013.

On 120314 at approximately 1230 your affiant responded to the location of E. Colfax Ave. and High St. on call of a serious injury accident involving a motor vehicle colliding into police officers on bicycles. Upon arrival your affiant and other detectives assigned to the Traffic Investigations Unit conducted a scene investigation by interviewing witnesses, viewing video evidence, documenting and interpreting roadway evidence, interviewing bicycle riders and the driver involved. Based on all of the information received it was determined that Traffic Unit #1, a motor vehicle (Booker) traveling westbound on E. Colfax Ave. in lane #2 came to a stop for a red light at High St. and then angled his car slightly to the right as cars behind passed on the left. Traffic Unit #1 then suddenly accelerated to a high rate of speed and struck Traffic Unit #2, bicycle (Cash), Traffic Unit #3, bicycle (Adsit) and Traffic Unit #4, bicycle (Ulrich) traveling westbound on E. Colfax Ave. in lane #2 at an estimated speed of 10-15 mph. Traffic Unit #2 was knocked over to the right from the impact, the rider was dismounted and came to rest on the north sidewalk. Traffic Unit #4 was knocked over to the left from the impact, the rider was dismounted and came to rest in the main travel portion of lane #2 of E. Colfax Ave. Traffic Unit #3 was pushed up onto the hood of Traffic Unit #1 and was carried there until sliding down off the front of the hood and went underneath Traffic Unit #1 and dragged underneath the vehicle until becoming dislodged and at rest upon Traffic Unit #1 striking a raised curb at the alley way. Bicycle Officer Adsit suffered serious life threatening injuries as a result from the impact. Traffic Unit #5, bicycle (Politica) traveling westbound on E. Colfax Ave. in lane #2 at an estimated speed of 10-15 mph had debris fly into the riders eye from the previous impacts. Traffic Unit #1 continued westbound across the parking lot at a high rate of speed with no slowing until striking Traffic Unit #6, a motor vehicle (unattended) parked southbound along the west curb of Williams St. and then struck Traffic Unit #7, a motor vehicle (unattended) parked southbound along the west curb of Williams St. Traffic Unit #1 finally came to rest against Traffic Unit #6 and a concrete retaining wall.

Officers already on scene conducting traffic control for East High School students who walked out of class and were demonstrating in the eastbound lanes of E. Colfax Ave. responded to render aide for all involved in the collisions. Officers who responded to Traffic Unit #1 observed that the airbags had deployed, the driver had on the seatbelt and he was unresponsive to verbal commands. Upon extricating the driver it was Lt. Ted Block 81001 impression that the driver had suffered a seizure stating "he appeared to be having a seizure and was unresponsive to verbal commands". The driver was identified as Christopher Antwan Booker (03/09/73) by Off. Andrew Gropp 96051 who found Colorado Drivers License #00 311 1109 in his possession.

Denver Health Medical Center paramedics responded to the scene and initiated treatment on the driver C. Booker and transported him to Denver Health Medical Center Emergency Room for further treatment.

Officer J. Gates 03015 responded to the Denver Health Medical Center Emergency Room and interviewed and evaluated C. Booker and was of the opinion that he was under the influence of something other than alcohol and was unable to operate a motor vehicle safely. C. Booker consented to a blood withdrawal conducted by health care professional J. Lansford who withdrew blood from the

right forearm at 1335 hours using blood kit #83261. Also on 120314 Sgt. Ronald Kelly 91047 interviewed C. Booker and C. Booker indicated he had no memory of being involved in an accident. He stated that he takes medication for seizures and that he had a seizure as recently as 111414.

Detective C. Cesarec 00106 responded to the Denver Health Medical Center Emergency Room and contacted Christopher Booker who agreed to release his medical records to the Denver Police Department to determine his history of seizures and his fitness to operate a motor vehicle. C. Booker signed two "Authorizations for Disclosure of Protected Health Information" one for Denver Health Medical Center and the other for University of Colorado Hospital. The Authorization for Disclosure of Protected Health Information is DPD form #385 last revised 12/05 and has been approved by the Denver District Attorney Office and indicates that the authorization reflects the requirements of HIPAA, 45 C.F.R. 164.508. The "Authorization for Disclosure of Protected Health Information", relating to records from "University Hospital", is attached here to as exhibit 1.

Detective Freund 89006 received the medical records for Christopher Booker from Denver Health Medical Center on 121114 and upon reviewing the records DHMC is not the primary care facility for C. Booker. The medical records do indicate that C. Booker does have a history for [REDACTED]

Detective Freund 89006 on 121814 received a letter from University of Colorado Hospital, Health Information Management Jill Johnson and the letter states that they have received the request for the medical records for Mr. Christopher A. Booker and confirms that records exist and are maintained by the hospital. The letter indicates, however that the hospital will not comply with the request as the authorization is either invalid or incomplete. The following was provided as the reason "Patient has sensitive information that he did no authorized, please have patient authorized information thanks".

Detective Freund 89006 called University of Colorado Hospital release of information representative Jill Johnson and asked her what was not complete or valid with the Authorization for Disclosure of Protected Health Information form and she stated that the patient has sensitive information in his records. Your affiant advised her that the request is an accepted standardized form used in all Denver Police Investigations requiring a medical release; she replied that the form does not comply with their hospitals requirements and to resubmit the request with their form signed by C. Booker.

Detective Freund 89006 has called Christopher Booker, [REDACTED] and [REDACTED], and left detailed messages requesting a return call to arrange a meeting to obtain the additional release on University of Colorado Hospitals' form and has had no return call. Det. Cesarec responded to C. Bookers address 1394 Grape St. on 122114 at 0845 hours and there was no answer at the door.

Detective Freund 89006 has made attempts to contact Christopher Booker in regards to the investigation of this traffic accident and has not had any contact from him or a representative for him. Your affiant has not received any indication or information from Christopher Booker or anyone else that Christopher Booker has rescinded his authorization for the release of his medical records since his initial authorization on 120314.

Your affiant submits that Christopher A. Booker has knowingly and willfully executed a valid "Authorization for Disclosure of Protected Health Information", in compliance with HIPAA laws, and he has knowingly and willingly waived any doctor-patient privilege he may have in Colorado pertaining to his medical records. He has authorized disclosure of these records to the Denver Police Department for purpose of this investigation and/or prosecution; these records would be material evidence in a prosecution of this case

Your affiant respectfully requests that this search warrant be granted to conduct a search of all the medical records held by University of Colorado Hospital for medical records pertaining to Christopher Antwan Booker (03/09/73) to help determine his mental and physical fitness to operate a motor vehicle safely in the state of Colorado at the time of this traffic accident.

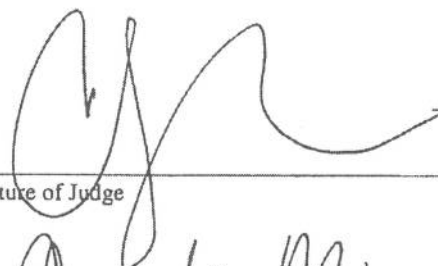
Michael Booker
Signature of Affiant

Review & Approval

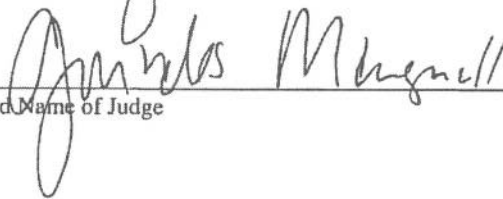
District Attorney - Signature	District Attorney - Printed name & Registration #	Date and Time
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Subscribed under oath before me on this 29th day of December, 2014 at 11:11 AM in the City and County of Denver, CO

Affidavit for Search Warrant



Signature of Judge



Printed Name of Judge