

26-12065

COUNTY OF LARIMER)
)
STATE OF COLORADO) SS IN THE _____ COURT

DATE FILED
October 13, 2026 4:00 PM

AFFIDAVIT FOR ARREST WARRANT

Before the Honorable _____
Judge / Magistrate

Affiant, **David Kaes**, a commissioned police officer, being duly sworn, deposes and says that I have probable cause to believe that the defendant:

Name: Van Edward LEMASTER
Date of Birth: 05-02-1938
Physical Description: White Male Gray Hair/Blue Eyes Height: 5'7" Weight: 125#
Last Known Address: 311 Carriage Drive, Cheyenne, WY 82009
Driver's License Number:

Committed the crime of:

C.R.S. 18-3-106(1)(a) Vehicular Homicide, a class 4 Felony (Victim DOUGLASS)
C.R.S. 18-3-205(1a) Vehicular Assault, a class 5 Felony (Victim MANLEY)
C.R.S. 18-3-205(1a) Vehicular Assault, a class 5 Felony (Victim AUST)
C.R.S. 18-3-205(1a) Vehicular Assault, a class 5 Felony (Victim BHATTARAI)
C.R.S. 18-3-205(1a) Vehicular Assault, a class 5 Felony (Victim ORTIZ)
C.R.S. 18-3-208 Reckless Endangerment, a class 2 Misdemeanor (Victim PRASAI)
C.R.S. 18-3-208 Reckless Endangerment, a class 2 Misdemeanor (Victim KEE), as amended.

And I ask the court to issue a warrant for his arrest.

The facts establishing probable cause to believe that a criminal offense was committed and that the above named person committed that offense and showing grounds for the issuance of an arrest warrant are as follows:

The affiant is a sworn Police Officer for the City of Fort Collins Police Services and has been so employed since 2002. I have extensive training and experience in motor vehicle collision investigation as well as accident reconstruction. I have been recognized in Larimer County Court as well as the 8th Judicial District Court as an expert in both accident investigations and accident reconstruction.

On August 29, 2026, at approximately 1140 hours, Fort Collins 9-1-1 call center began to receive multiple emergency calls about a truck striking pedestrians in the 100 block of W. Mountain Avenue, Fort Collins, Larimer County, CO, near Walrus Ice Cream.

Several Fort Collins Police Officers quickly responded to the area along with two fire engines and two fire truck companies from Poudre Fire Authority. Once on scene, it was discovered that a 2021 Chevrolet Silverado bearing Wyoming license plate 2T-92OU had driven onto the sidewalk on the south side of Mountain Avenue and struck multiple pedestrians. The Tour de Fat bicycle Parade had just concluded, and several hundred cyclists were attempting to traverse through downtown Fort Collins as they left the parade area.

As the first responders were identifying, treating, and transporting the injured parties, the Fort Collins Police CRASH (Collision Reconstruction and Scene Handling) team was activated to take over the investigation due to the magnitude of this investigation. This team is comprised of technical collision investigators who are tasked with investigating fatal and serious collisions.

One of the victims, Joshua DOUGLASS DOB 9-29-1992, was taken to Poudre Vally Hospital (PVH) with severe injuries and was pronounced deceased at 1215 hours by Dr. HOLL. Another victim that was transported by ambulance to PVH was Olivia AUST DOB 10-19-2003. Ms. AUST suffered serious bodily injuries according to her preliminary medical report, specifically to her leg and face including broken teeth and likely facial scarring. Niroj BHATTARAI and his wife, Kanta PRASAI were walking on the sidewalk with their dog when they were struck by the truck. Both BHATTARAI and PRASAI were transported to Medical Center of the Rockies (MCR) where it was determined that BHATTARAI had suffered serious bodily injury including a broken foot and ribs. PRASAI had sustained bodily injury when knocked to the ground. Dr. E. WIDEMAN confirmed the SBI on BHATTARAI. Karen MANLEY DOB 12-11-2000, who was standing with DOUGLASS at the time of the collision, had been knocked to the ground and the passenger side front wheel rolled over her lower torso causing broken bones in her pelvis and legs. She was taken to MCR and required surgical intervention that day for her injuries. Dr. J. ELTERMAN confirmed the SBI on MANLEY. Oakley KEE DOB 6-28-2023 had been sitting with her family at the outdoor area of the Walrus Ice Cream shop when the truck drove up onto the sidewalk, striking the metal railing/fencing and breaking it from the ground attachment points. As the railing was pushed, KEE was knocked to the ground and suffered bodily injury. KEE was evaluated by EMS at the scene but did not get transported to the hospital. Kenneth ORTIZ DOB 1-29-1964 was also knocked to the ground by the truck and suffered bodily injury but was not transported to the hospital. He did seek medical care on August 30, 2026 and it was determined that he had sustained bodily injury from the collision. On October 5,

2026, it was learned that ORTIZ had suffered serious bodily injury after further medical treatment and evaluation.

Van LEMASTER DOB 5-2-1938 was identified as the owner and driver of the truck by Officers B. STOTLER and B. WARDER. LEMASTER was also taken to PVH by ambulance for an injury to his head. He was treated for his injury and evaluated for impairment. LEMASTER admitting to consuming a 12 oz can of beer with lunch, is a known diabetic, and takes several prescription drugs. LEMASTER consented to a blood draw that was performed at PVH. LEMASTER was released from PVH later that day. The blood draw was processed at NMS Labs and no intoxicants were recorded.

At the scene, the evidence and witness information gathered indicated the following sequence of events:

LEMASTER had been operating the Silverado after having lunch with Mary MUES, his female companion, at The Rio Grande Restaurant. The couple had stopped for lunch after shopping at the Farmer's Market earlier that morning. The Silverado was parked in the diagonal parking along the south side of Mountain Avenue between The Rio Grande restaurant and Walrus Ice Cream shop facing southeast. As LEMASTER was attempting to reverse out of the parking space, he had to stop and yield to the numerous bicycles and other traffic that was proceeding eastbound on Mountain Avenue. The Tour De Fat bicycle parade was ending and many of the participants were travelling on Mountain Avenue away from the parade area. According to witness Amber HUGGINS DOB 8-22-1992, there was a woman standing near the rear of the truck that appeared to be trying to stop the bicyclists and saying things such as "We aren't a part of this," and "We just want to leave". The description provided by HUGGINS could be MUES, who was out of the truck when the collision occurred. As LEMASTER proceeded to back up from the parking space, the driver's side rear bumper area collided with the passenger rear door of a passing Nissan Altima driven by Jacob COURTNEY DOB 4-11-2008. There were scuff marks located on the roadway that indicated the rear tires of the Altima being pushed to the north from this impact. According to several witnesses, LEMASTER then "revved the engine aggressively," "threw that thing in drive," "squealed the tires," and drove forward rapidly toward the sidewalk where the truck turned to the east. As the truck accelerated and turned from the roadway to the sidewalk, it left tire marks that would indicate stress on the tires. This stress on the tires was caused by the rapid acceleration and simultaneous turning movements. As LEMASTER left the roadway and began his turn, the driver's side of the truck struck a handicapped parking sign and 3 bicycles that were locked to it. This impact broke the bolts securing the sign to the ground and launched the bicycles onto the hood of a parked Chrysler Pacifica minivan owned by Rani ROBISON. As the truck continued to accelerate and LEMASTER continued to turn, DOUGLASS, Karen MANLEY, and AUST were struck by the front of the Silverado. Aust was pushed up and

over the metal railing into the seating area of the Walrus patio. Karen MANLEY was pushed forward by the front of the truck as it struck the fence railing, and she was dragged under the passenger side of the truck where she was trapped when the truck came to rest. DOUGLASS was pushed forward and knocked to the ground as he was being dragged by the truck. DOUGLASS came to rest a few feet in front of the truck where he was located by responding Fort Collins Police, PFA and EMS. At about the same time that MANLEY being pushed into the rail, and DOUGLASS was being dragged forward under the truck, the driver's side (the inside of the arcing motion) struck BHATTARAI and PRASAI. The driver's side front wheel had rolled over BHATTARAI's foot, and the impact with the front of the truck caused the rib injuries. ORTIZ, who had also been walking near BHATTARAI, was struck by the driver's side mirror and knocked down. ORTIZ told me that he had landed on top of another man, who was also knocked to the ground. It is believed that this was an impact with BHATTARAI.

After striking the handicapped sign, the fence railing, and the pedestrians, the truck then struck a tree and came to a stop. Several bystanders began to assess the injured and render aid as well as they could until first responders arrived.

On September 14, 2026, a search warrant was executed on the 2021 Chevrolet Silverado bearing WY license plate 2T-92OU. This warrant had been written by Officer K. ALEXANDER of Fort Collins Police and signed by Magistrate Jeffrey M. SCHWARTZ on 9-4-2026 at 1342 hours. During the execution of the search warrant, the Airbag Control Module (ACM) and Front Camera Module (FCM) had recorded data related to this collision.

Analysis of that data showed that LEMASTER had been going backward at 11 mph before the collision with the Nissan. This impact not only caused damage to the rear passenger door but also pushed the Nissan's rear wheels to the left (north) leaving a scuff mark in the roadway. The vehicle was then shifted into a forward gear and accelerated from 0 mph to a peak of 21 mph in less than 3 seconds before striking the tree. This data also showed that LEMASTER had fully depressed the accelerator pedal to read at 99% not only when backing up into the Nissan but also going forward. The roadway was busy with traffic of bicyclists and motorists. Later at the hospital, LEMASTER told Ofcr. B. STOTLER that he attempted to back out three or four times before he "just gunned it", to get out of the parking spot.

The distance backward from the parking spot to the impact with the Nissan would have been approximately 8 feet from the back of the truck to the door of the Nissan. A speed calculation was done using the known distance of 8 feet and a .49 acceleration rate. This acceleration rate is based on the published performance standards for this year, model, engine, and wheelbase of the Chevrolet Silverado. The calculations show that

the truck would be travelling at 10.84 mph at impact with the Nissan. This speed is consistent with the speed recorded on the ACM at 11 mph.

After this collision with the Nissan, the Silverado traveled 58 feet in a left-hand arcing motion up onto the sidewalk. The ACM data shows that this acceleration was done at 99% accelerator position as the vehicle moved forward. The ACM data shows 5 seconds of Pre-Crash Data. The ACM reported the crash event as when the vehicle hit the tree as a reference time mark. The impact with the Nissan was reported at -4.5 seconds, or 4.5 seconds before the collision with the tree. At -1.0 seconds, or one second before striking the tree, the pedal pressure measured at 0%. The pedal pressure then went back to 65% at -0.5 seconds before the impact was recorded. The engine throttle data shows an increase from 19% to 68 % from -4.5 to -3.0 seconds before the crash. The engine throttle percentage drops from 68% to 40% from -3.0 to -2.5. This reduction in engine power could be explained by the StabiliTrak system being activated. StabiliTrak is General Motors' electronic stability control system designed to help drivers maintain vehicle control during skids, sharp turns, or emergency maneuvers. The system can automatically apply brakes and reduce engine power to help the driver stay on path. Once the vehicle senses that the driver regained control, it allows the driver to have the full power back. In this case, the throttle percentage increased to 99% at -2.0 seconds and then reduced to 50 percent throttle position at -1.0 seconds. This rapid acceleration backwards and then again rapidly forward after the impact with the Nissan shows that LEMASTER was demonstrating a willful and wanton disregard for those around him including other roadway users and the vulnerable road users present at the time. Videos and photographs provided by witnesses show a larger number of bicyclists than normal present at the time of the crash.

Analysis of the Front Camera Module (FCM) revealed that the module detected "Pedestrian-Adult" in the Pedestrian Warning System. This system records its data referencing the cycle time, or how long the ignition system has been active. In this record, the cycle time is 49.65 seconds at the "At-Event". This "At-Event" time reference indicates that the computer algorithm analyzed the camera input as well as radar inputs to determine that the object detected meets the profile of an adult pedestrian and that the vehicle's speed and heading would likely result in a collision if no action were taken. The system saves the data from the time of the "At-Event" as well as "Pre-Event" and "Post-Event" time markers. These timestamps are 4 seconds before and 4 seconds after, respectively. The FCM also takes a digital image at each of these events. These images were recovered as part of the download by the Bosch CD-R software. The images are recorded as .PGM files and were viewable as .PNG files once they are "inverted and mirrored". The images are saved upside down and backwards and must be manipulated to view correctly by investigators. The data shows that the AEB

460-28005

(Automatic Emergency Braking) system was active and programmed to "Alert and Brake". This would have been disabled by LEMASTER's use of the accelerator pedal. The FCM showed that the pedestrians detected (DOUGLASS, Karen MANLEY, AUST, and Ryan MANLEY) were 23 feet away and the truck was approaching at 9 mph, or 15 feet per second. Had LEMASTER not overridden the AEB, the vehicle would have been able to stop before striking the pedestrians. The existing roadway conditions and braking ability of the Silverado would have allowed for the truck to stop in less than 6 feet from the 9mph speed with full braking applied.

Further examination of the vehicle and its controls revealed that there were no known defects that would have contributed to the collision. It is believed that the reckless operation of the vehicle is the result of LEMASTER's actions.

I believe the above facts to be true from official Fort Collins Police Services records, conversations with fellow officers, personal observations and interviews. I am a sworn police officer with the Fort Collins Police Services. I have been trained at the state and local levels with regard to my duties. I am authorized by law to execute arrest warrants in the State of Colorado.

Walt J. [Signature]

Affiant

Dated this ____ day of October, 2026 at _____ hours.

Judge / Magistrate

State of Colorado

County of: Lincoln

The foregoing instrument was acknowledged
before me 8th day of October, 2026

[Signature]
Your Name Here, Notary Public

My Commission Expires May 19, 2029

ALEXANDRIA GUNDRY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20174017997
MY COMMISSION EXPIRES 05/19/2029