

STATE OF INDIANA)
) SS: IN THE VIGO SUPERIOR COURT
) DIVISION 5
COUNTY OF VIGO)

CAUSE NO. 84D05-

STATE OF INDIANA)
) VS. AFFIDAVIT OF PROBABLE CAUSE
) FOR ARREST WARRANT

ZACHARY R. BENEDICT

DOB: 6-12-04

SSN: XXX-XX-0191

DET. JULIA PIETY STATES THAT SHE BELIEVES AND HAS GOOD CAUSE TO BELIEVE THAT ON 2-5-25 IN VIGO COUNTY, INDIANA, ZACHARY R. BENEDICT COMMITTED THE CRIMES OF RECKLESS HOMICIDE, CRIMINAL RECKLESSNESS WHILE ARMED WITH A DEADLY WEAPON, OVWI RESULTING IN DEATH, OVWI RESULTING IN CATASTROPHIC BODILY INJURY, OVWI CAUSING SERIOUS BODILY INJURY, AND RECKLESS DRIVING AND SUCH BELIEF IS BASED ON THE FOLLOWING:

1. Affiant is a regular member of the Terre Haute Police Department, being duly sworn on 12-3-96.
2. Affiant was assigned to T.H.P.D. report #25THPD-00774 which reported a three-car accident that occurred at the intersection of State Road 46 and Poplar Street/State Road 42 in Terre Haute.
3. Officer Lex responded to the scene and documented his findings as follows; I came up to a maroon pickup truck (V1). The white male driver and sole occupant of that vehicle appeared to be conscious and alert. A bystander with the driver yelled out to me that the male driver possibly had broken legs. A little ways back from the truck to the southeast was a grey SUV (V3) with another bystander who stated he was not as bad as the people in a white SUV (V2) which was further east from the previous two down in the ditch.

The driver of the maroon truck was identified as Zachary Benedict as he told me his basic information while inside the TransCare ambulance. I read Zachary implied consent from my Indiana Law Enforcement Academy-issued card for a fatal/SBI crash prior to him leaving for the hospital. I asked if he understood and would be willing to take a chemical test to which Zachary stated he understood and accepted the test. Zachary was transported to Union Hospital in TransCare unit 4324. Ofc. Schriver #281 went to Union to provide a test kit for a blood draw. He was advised that implied consent had already been read and accepted by Zachary. While at the hospital waiting for Zachary's arrival, Ofc. Schriver advised me that the driver of the white SUV had been pronounced deceased. The driver of the grey SUV was transported to Regional Hospital by TransCare unit 1378.

After the reconstruction was completed and the vehicles cleaned up by the wrecker services, I went to Union Hospital to follow up with those there. Before leaving the scene, Sgt. Blunk #194 advised me that Ofc. Schriver was on the phone with him and stated that preliminary blood results for Zachary showed a positive indication of Cannabinoids in his blood. Ofc. Schriver took Zacahry's full statement at the hospital to assist with the investigation and tagged the toxicology kit as evidence.

4. Officer Lex spoke with Madelyn Helling, who advised she was northbound on SR 46 in the right lane. She reported she observed the red truck coming at a high rate of speed. She stated it looked like he ran the red light and struck the white vehicle, which then struck the third vehicle. The white vehicle had been waiting to turn from SR 42 onto SR 46. Helling advised that she had a red light going north on 46 and that she thought the light for Poplar going east had just changed red, and then after the collision her light changed to green.
5. Officer Lex also spoke with Adam Munoz, who advised he was 3 or 4 cars back in left turn lane on northbound SR 46 when the crash happened. He advised he did not remember what the status of the light for the turn lane was, and the northbound lanes had a green light when the maroon truck going eastbound on Poplar at a high rate of speed entered the intersection and he observed the collision. He did not see where the white SUV involved in the crash came from. He then pulled to the side of the road on highway 42 to attempt to render assistance.
6. Officer Lex also spoke with Michael Simmons who advised he was in the first car in the left turn lane. He indicated that he had the red arrow but the northbound lanes had the green light, but he was stopped at the time. He reported seeing the maroon truck prior to the collision headed east on Poplar Street at a high rate of speed when it hit the side of the white car. He was unsure where the white car came from.
7. Affiant was able to obtain a statement from Zachary Benedict regarding the accident he was involve in. Zachary advised that he had been fired from his job in Terre Haute and was traveling eastbound on Poplar St. returning to his home in Brazil. Zachary advised that he began to increase his speed as he approached the intersection of Poplar and S.R. 46 because he knew that the speed limit increased on the other side of S.R. 46. He advised he thought he was traveling at approximately 40mph. Zachary advised that he remembered seeing a white vehicle and the impact but doesn't remember much after the crash until he awakened at the hospital.
8. Affiant asked Zachary if he regularly uses marijuana or had recently used marijuana prior to the crash. Zachary indicated that he had been a regular user and stated that he had smoked a joint, approximately 1gram, the night prior to the

accident around 5:00pm.

9. Affiant obtained a search warrant to extract the EDR device and included vehicle data from all three vehicles involved in this accident – 2007 Maroon Chevy Silverado (V1), the vehicle identified as being driven by Zachary Benedict. A 2019 Subaru ASC, identified as V2 and a 2018 Ford Edge identified as V3.
10. Vehicle data extracted from the 2007 Maroon Chevy Silverado generated the following data:

Pre-Crash Data

Parameter	-2.5 sec	-2.0 sec	-1.5 sec	-1.0 sec	-0.5 sec
Accelerator Pedal Position (percent)	61	59	51	0	0
Vehicle Speed (MPH)	91	91	91	89	79
Engine Speed (RPM)	3776	3776	3840	3584	2752
Percent Throttle	71	69	71	30	22
Brake Switch Circuit State	OFF	OFF	OFF	ON	OFF

As noted in the chart, the Maroon truck was travelling at 91 mph from 2.5 seconds to 1.5 seconds prior to the crash. The speed of the truck drops to 89 mph 1.0 seconds prior to the crash, and then 79 mph 0.5 seconds prior to the crash. This is consistent with the witnesses reporting the red/maroon truck travelling at a high rate of speed on Poplar when it entered the intersection and collided with the white vehicle.

11. Affiant confirmed that the driver of V2, Mary Lou Modesitt, was pronounced deceased and the passenger of V2, James E. Modesitt, was transported to the hospital with life threatening injuries. James Modesitt has recently reported that it has been over a year since the collision and he still has extreme pain, limited mobility and other permanent injuries from the injuries sustained in this crash. The report lists these injuries as multiple pelvic fractures, back fractures, right femur fractures, left tib/fib fractures, 7 rib fractures on both sides, a broken neck and a collapsed lung.
12. Lex’s report lists the driver of vehicle 3 as Jacob Thornsborough. Jacob was interviewed while at Regional Hospital and reported to have a broken back in two places.
13. The toxicology kit from the blood draw of Zachary Benedict was sent to the Indiana Department of Toxicology for analysis. The results from that analysis show Benedict’s blood tested positive for the present of Delta-9 Carboxy THC, Delta-9 THC, and Hydromorphone. THC is a Schedule I controlled substance. Hydromorphone is a Schedule II controlled substance and is an opiod used to treat moderate to severe pain. Affiant has not reviewed any medical records for the medical treatment of Benedict, but it is reasonable to conclude the

hydromorphone was administered during medical treatment. The positive tests for THC in Benedict's blood is consistent with his admissions to recent ingestion of marijuana.

Wherefore, affiant requests a warrant for the arrest of Zachary r. Benedict, M/W/20; DOB: 6-12-04; SSN: XXX-XX-0191; HEIGHT: 5-11; WEIGHT: 250; HAIR: BRO; EYES: BLU.

Pursuant to IC 35-34-1-2.4, I affirm, under penalty for perjury as specified by IC 35-44-2-1, that the foregoing representations are true.

DATE: 4-1-26 _____ /s/ Julia Piety _____