



## OFFICE OF THE UTAH COUNTY ATTORNEY

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**Paul Jones**, Civil Division Chief

**Steven G. Adams**, Investigations Division Chief

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Lt. Jon (Clay) Morgan  
Utah Highway Patrol (UHP)  
763 North 1370 West  
Orem, UT 84057  
jmorgan@utah.gov

OICI Case No. 24CI07

### *Trooper Rios-Redd's Collision with Natalie E. Munchgesang*

This case involves a head-on collision between a Utah Highway Patrol trooper and a wrong-way driver in the southbound lanes of I-15 in Orem, Utah, on December 17, 2023. Trooper Carlos Rios-Redd was driving south in his marked police cruiser when he collided head-on with a northbound 2015 Nissan Altima driven by Natalie E. Munchgesang (d.o.b. 6/28/97). The registered owner of the Nissan Altima—Katerin Nelson—was a front-seat passenger in her car at the time of the collision. Ms. Munchgesang, who was not wearing a seatbelt, suffered fatal injuries. Trooper Carlos Rios-Redd and Ms. Nelson, both of whom were wearing seatbelts, suffered serious injuries but survived the crash.

Because Ms. Munchgesang's death was the result of a collision with the trooper's police cruiser, State law required an "officer-involved-critical-incident" (OICI) investigation. *See* Utah Code § 76-2-408(1)(f)(iii) (2022). Accordingly, an OICI Task Force Team—commanded by Lt. Scott Rich of the Orem City Police Department—was assembled to investigate the incident in accordance with Utah Code section 76-2-408 and the Utah County OICI Protocol Agreement. On June 13, 2024, the OICI case officer—Sgt. Mic Hickson of the Orem City Police Department—submitted the results of the investigation to me, Jeffrey S. Gray, the Utah County Attorney.

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In determining whether Trooper Rios-Redd bears any fault for the collision, I must answer two questions. First, was Trooper Rios-Redd criminally negligent? And second, if he was, was that criminal negligence a contributing cause of the collision? After a comprehensive review of the OICI investigation, I conclude that the answer is no to both questions. On the contrary, Ms. Munchgesang's reckless if not intentional conduct in driving north on I-15's southbound lanes was the sole and proximate cause of the collision. Accordingly, the Utah County Attorney's Office will not file criminal charges against Trooper Rios-Redd.



## FACTUAL SUMMARY

At 1:50 A.M. on Sunday, December 17, 2024, a southbound motorist on I-15 called 9-1-1 dispatch and reported passing a wrong-way driver traveling north in the southbound lanes of I-15 near mile marker 269. Dispatch reported the call to UHP and UHP immediately advised “all units ... of a *wrong-way vehicle 269 southbound*; they’re going northbound in the southbound lane, still gathering.”

When the wrong-way-driver report was broadcast, Trooper Rios-Redd was running “speed radar” from the “gore area” between the southbound lanes of I-15 and the Orem 800 North Street on-ramp to southbound traffic.<sup>1</sup> Trooper Rios-Redd provided his account of the events from his hospital room in a telephone interview four days after the collision. Trooper Rios-Redd said that he misheard the dispatch report—mistakenly believing that dispatch had reported that the “wrong-way driver [was] going *southbound* in the northbound lanes.” With that understanding, Trooper Rios-Redd proceeded south in the southbound lanes of I-15 to “get ahead” of what he mistakenly believed was a southbound driver in the northbound lanes. He hoped to turn around onto the northbound lanes ahead of the wrong-way driver and assess his options from there.

As he raced to get ahead of the wrong-way driver, Trooper Rios-Redd prepared to enter the southbound HOV lane where—he explained—troopers are trained to activate their siren and overhead emergency lights. But before entering the HOV lane, Trooper Rios-Redd crested a “blind hill” where 400 North Street passes under the freeway. At that moment, Officer Rios-Redd saw, for the first time, the oncoming headlights of the Nissan Altima traveling north in the trooper’s southbound lane. With no time to react other than to brace himself, Trooper Rios-Redd collided head on with the wrong-way driver. Data from the black boxes taken from the two vehicles showed that Trooper Rios-Redd was traveling 89 miles per hour (“mph”) at the time of impact and Ms. Munchgesang was traveling 37 mph. The black-box data also established that neither driver braked. The impact pinned the trooper inside his cruiser and ignited a fire in the cruiser’s engine compartment. Just 67 seconds after UHP’s dispatch report, Trooper Rios-Redd—in obvious distress—reported, “I’ve been hit. I’ve hit it. Send medical help.”

Soon after the collision, another UHP trooper arrived at the scene. The responding trooper extinguished the fire in Trooper Rios-Redd’s cruiser and, with the assistance of a motorist who had also stopped at the scene, pulled Trooper Rios-Redd from his cruiser. Trooper Rios-Redd suffered, among other injuries, a complete break of his right femur and a fractured right ankle. After surgery and a five-day hospital stay, Trooper Rios-Redd was released to recover at home. Unfortunately, Ms. Munchgesang, who was not wearing a seatbelt, was pronounced dead at the scene. Her passenger, who was wearing a seatbelt, was critically injured but miraculously survived.

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<sup>1</sup> A gore area is the triangular space between a highway’s main roadway and an entrance or exit ramp.



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Another southbound motorist witnessed the entire collision. The witness reported that as she was driving south on I-15 with three of her friends, the UHP trooper entered the freeway, overtook her car, then pulled in front of her. She explained that “[a]lmost as soon as the officer pulled in front of her,” the trooper collided with the wrong-way driver. The witness said that she never saw the wrong-way driver’s headlights. She explained that had the trooper not pulled in front of her, the wrong-way driver would have hit her head on. She believes the trooper saved her and her friends’ lives.

Another southbound motorist also witnessed the collision but from further away. He told investigators that from his vantage point, he could see the headlights of the wrong-way driver and then the crash. However, he could not provide additional details.

## ANALYSIS

### 1. Trooper Rios-Redd’s account of the collision is credible.

In the immediate aftermath of the collision, there was some question as to whether Trooper Rios-Redd was attempting to stop Ms. Munchgesang’s car by executing either a PIT maneuver or ramming her, both of which are intervention techniques that are recognized—under certain circumstances—in the Utah Department of Public Safety Policy Manual (DPSPM). But as noted, Trooper Rios-Redd did not claim that he was trying to stop the wrong-way driver when he collided with her. Instead, he explained that he thought that the wrong-way driver was going south in the northbound lanes. I find Trooper Rios-Redd’s explanation to be credible for three reasons.

First, PIT maneuvers are executed by an officer as that officer chases down a target from behind while traveling in the same direction as the target. The officer drives his or her car so that the front of the car pushes the side of a suspect’s vehicle, “thereby, causing the suspect’s vehicle to rotate into a position where it can be trapped by back-up officers.” DPSPM § 615.1.2(i). Trooper Rios-Redd collided head on into Ms. Munchgesang’s vehicle, not to the side of her vehicle, and no other officers were present to trap her. Accordingly, the head on collision could not have been an attempt to execute a PIT maneuver.

Second, it is highly improbable that the trooper would intentionally drive his car head on into a wrong-way driver at 89 mph “to functionally damage or otherwise force [Ms. Munchgesang’s] vehicle to stop.” See DPSPM § 615.1.2(j) (defining “ramming”). That Trooper Rios-Redd survived the collision is nothing short of a miracle.

And finally, the trooper’s mistaken interpretation of what he heard from dispatch regarding the wrong-way driver’s direction of travel is understandable. Certainly, when the dispatch report is *considered in its entirety*, the UHP dispatcher conveyed the correct information: UHP advised “all units ... of a wrong-way vehicle 269 southbound; *they’re going northbound in the southbound lane*, still gathering.” When considered as a whole, the report accurately conveyed to officers that the 911 caller saw the wrong-way vehicle traveling north in the southbound lanes at mile marker 269. But as a matter of human nature, as soon as he



heard “*wrong-way vehicle 269 southbound*,” Trooper Rios-Redd likely began to formulate what he should do next—thus distracting him from the clarifying information that quickly followed. And based on the initial information he heard, Trooper Rios-Redd reasonably—though mistakenly—understood the wrong-way driver to be driving south in the northbound lanes, rather than north in the southbound lanes.

## **2. The fault for the collision lies with Ms. Munchgesang.**

The fault for the crash lies with Ms. Munchgesang. She was the proximate and sole cause of the collision. She was driving north in the southbound lanes of I-15. And her judgment and ability to safely drive that night was severely impaired from a day of heavy drinking and heavy cannabis use, as evidenced from toxicology results from her autopsy and location data from Ms. Munchgesang’s cell phone.

At noon, Ms. Munchgesang visited the State Liquor Store in Pleasant Grove. From there, she drove to the Star Saloon Tavern in Pleasant Grove, where she remained for some forty minutes. She then went to the Last Call Sports Bar & Grill in Springville. After about an hour there, she drove to ABG’s Bar in Provo, where she stayed for about one and one-half hours. At 9:00 P.M., she arrived at Leatherhead’s Sports Bar & Grill in Draper, where she and Ms. Nelson joined other friends. One of those friends described the two women as “heavily intoxicated.” After spending some two and one-half hours at Leatherhead’s, Ms. Munchgesang and Ms. Nelson left and tried to visit another nearby bar, but it was closed.

By 1:30 A.M., Ms. Munchgesang was driving back to Utah County. Using the southbound on-ramp at 123<sup>rd</sup> South Street in Draper, Utah, Ms. Munchgesang drove south on I-15 and continued driving south until she passed the University Parkway exit in Orem at 1:48 A.M. After traveling under the University Parkway overpass to where the southbound merge lane ends, Ms. Munchgesang—for unknown reasons—made a U-turn on the freeway and began driving north in the southbound lanes. She continued driving north in the southbound lanes for some *two-and-a-half miles* until she collided with the trooper’s car at 1:51 A.M.

Toxicology results from the autopsy revealed that Ms. Munchgesang had a blood alcohol concentration (BAC) of .231—more than *four times the legal limit* in Utah. Toxicology results likewise revealed recent and substantial cannabis consumption.<sup>2</sup> The amounts of alcohol and cannabis detected in Ms. Munchgesang’s blood would lead to

## **3. Trooper Rios-Redd bears no fault for the collision.**

One issue remains—did Trooper Rios-Redd bear any fault for the collision? Evidence relevant to this issue is the trooper’s speed and any measures he may or may not have taken in warning fellow motorists of his presence. The posted speed limit in the section of freeway where the collision occurred was 70 mph. Trooper Rios-Redd was therefore traveling 19 mph above the posted speed limit when he collided with Ms. Munchgesang. And in his OICI

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<sup>2</sup> Femoral blood testing revealed 24 ng/mL of delta-9 THC, 73 ng/mL of delta-9 carboxy THC, and 2.1 ng/mL of 11-Hydroxy delta-9 THC.



interview, Trooper Rios-Redd explained that he had not activated his siren or emergency lights at the time of the collision. He stated that he was about to enter the HOV lane just prior to the collision, at which time he intended to activate his emergency lights and siren. These facts give rise to two questions:

(1) whether Trooper-Rios's speed and failure to activate his emergency lights or siren "constituted a gross deviation from the standard of care that an ordinary person would exercise in all the circumstances as viewed from the actor's standpoint," Utah Code Ann. § 76-2-103 (2007); and

(2) whether Trooper-Rios's speed and failure to activate his emergency lights or siren was a contributing cause of the accident.

### *Standard of Care*

When identifying the standard of care, we look to Utah law. Section 41-6a-212 of the Utah Code establishes standards governing law enforcement officers who operate emergency vehicles. *See* Utah Code § 41-6a-212 (2018). That section grants officers certain privileges when operating emergency vehicles, including exceeding the maximum speed limits. The authority to exceed the speed limit or disregard other traffic regulations is subject to certain conditions and officers may exercise those privileges so long as they otherwise "act as a reasonably prudent emergency vehicle operator under the circumstances." Utah Code § 41-6a-212(7)(a).

Under Section 41-6a-212, a law enforcement officer in an emergency vehicle may lawfully exceed the maximum speed limit in three general circumstances:

(1) when in a "vehicle pursuit," *id.* at § 41-6a-212(5);

(2) when "responding to ... a fire alarm" or "emergency call," *id.* at 41-6a-212(2)(a), (c); and

(3) when pursuing "an actual or suspected violator of the law," *id.* at 41-6a-212(2)(b), which the statute distinguishes from a "vehicle pursuit."

"Depending on the situation," officers who exceed the speed limit in one of these circumstances may be required to activate their siren and/or emergency lights. *Perez*, 2014 UT App 31, ¶ 16.

When officers are engaged in a "vehicle pursuit," the statute requires that they activate both siren and emergency lights. Utah Code § 41-6a-212(5). But Trooper Rios-Redd had no duty to activate both lights and siren under this provision because he was not engaged in a "vehicle pursuit." A "vehicle pursuit" is a term of art, defined not by statute, but by an agency's written policies. *See Perez v. South Jordan City*, 2014 UT App 31, ¶ 17, 320 P.3d 42. The DPS Policy Manual defines a "vehicular pursuit" as "[a]n active attempt by an officer in an authorized emergency vehicle to apprehend *fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.*" DPSPM § 615.1.2(q) (emphasis added). These circumstances were not present here. Trooper Rios-Redd had no reason to believe the wrong-way driver was fleeing police and nothing about Ms. Munchgesang's conduct



suggested that she was even aware that police were looking for her. Due to her heavy alcohol consumption, she appeared completely oblivious to the circumstances of her travel. Accordingly, Trooper Rios-Redd had no duty to activate both emergency lights and siren under the vehicle-pursuit provision.

As a general rule, officers exceeding the speed limit are otherwise required to activate *either* emergency lights *or* siren in the two remaining circumstances—when responding to fire alarms or emergency calls and when pursuing actual or suspected law violators. *See* Utah Code § 41-6a-212(4)(a). *There is one important exception*—the statute does not require officers to activate lights or siren “*when engaged in normal patrolling activities with the purpose of identifying and apprehending violators.*” *Id.* at 41-6a-212(4)(b) (hereinafter referred to as the “patrol exception”); *accord Perez*, 2014 UT App 31, ¶ 15. This exception thus permits the pursuit of actual or suspected law violators—without lights or siren—when done in conjunction with an officer’s “normal patrolling activities.”

Trooper Rios-Redd’s actions that night can be fairly characterized in either of two ways: (1) he was pursuing a suspected law violator while engaged in normal patrolling activities, which would not require lights or siren, *or* (2) he was responding to an emergency call, which would require lights or siren. On the one hand, the facts support the conclusion that Trooper Rios-Redd was “engaged in normal patrolling activities,” i.e., the enforcement of traffic laws, and exceeded the speed limit for “the purpose of identifying and apprehending” a motorist who, *at minimum*, was violating traffic laws. *See, e.g.*, Utah Code § 41-6a-709 (2015) (prohibiting driving in opposite direction “on a roadway designated for one-way traffic”); Utah Code § 41-6a-712 (2015) (prohibiting driving in opposite direction “on a divided highway”). On the other hand, a dispatch callout to all units based on a motorist’s report of a wrong-way driver on a freeway might also be considered an “emergency call.”

Because the statute provides no further guidance—it does not define “normal patrolling activities” or “emergency call”<sup>3</sup>—I find the demands of the statute ambiguous as they pertain to the circumstances Trooper Rios-Redd confronted here. As a result, Trooper Rios-Redd cannot be blamed for not activating his emergency lights or siren based on the statute.

At first glance, the DPS Policy Manual appears to require that officers activate both siren and emergency lights when both responding to “emergency calls” and “[i]nitiating traffic stops.” DPSPM § 618.2(a). However, the Manual tempers that requirement with the provision that officers need do so only as “*reasonably necessary.*” DPSPM § 618.2(a) (emphasis added). Given the scarcity of traffic on the freeway at the early hour, a reasonable officer in those circumstances could conclude that lights and/or siren were not necessary. And indeed, the motorist who witnessed the collision expressed no concern about the officer’s speed. She instead credited his action for saving her life and the lives of her passengers.

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<sup>3</sup> The DPS Policy Manual does not define “emergency call,” but does authorize “emergency assistance” in “those situations where the involved personnel reasonably believe that ... assistance is needed to prevent imminent serious harm to a citizen.” DPSPM § 618.3.



*Not a Contributing Cause*

Even if Trooper Rios-Redd should have activated his emergency lights or siren, his failure to do so did not contribute to the collision. Simply put, there is no evidence to suggest that activating lights or siren would have even alerted Ms. Munchgesang to the trooper's oncoming vehicle, let alone warned her to take evasive action. As noted, she had a blood alcohol content that was *more than four times the legal limit* and high concentrations of cannabis in her blood. And *for two-and-a-half miles*, she drove the wrong direction—passing at least one southbound motorist (the 9-1-1 caller) along the way—without taking corrective action. Nothing suggests that activating lights or siren would have made a difference. She was oblivious to her surroundings.

Nor did Trooper Rios-Redd's speed contribute to the accident. Had he been traveling at 70 mph rather than 89 mph, it would have added 28 feet between the two drivers.<sup>4</sup> But this difference would have bought the drivers only another one-quarter (¼) of a second within which to apply their breaks (0.27 seconds). This still would not have left the drivers the time needed to effectively react to the threat. Studies have shown that it takes the average motorist approximately three-quarters (¾) of a second to perceive the need to stop and another three-quarters (¾) of a second to apply the brakes.<sup>5</sup> Thus, even assuming both drivers had time to fully perceive the oncoming threat, the additional one-quarter (¼) second was still not enough time to apply their brakes. Ms. Munchgesang's fate was sealed when she made the U-turn on the freeway and proceeded in the wrong direction.

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For the above reasons, criminal charges against Trooper Rios-Redd are unwarranted.

Respectfully,

Jeffrey S. Gray  
Utah County Attorney

cc: Lt. Scott Rich

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<sup>4</sup> At 89 mph, a car travels 130.5 feet per second; at 70 mph, a car travels 102.67 feet per second.

<sup>5</sup> The average driver takes from ½ to ¾ of a second “to identify a situation and understand the need to stop” (perception time) and another ¾ of a second to “to move [his or her] foot from the accelerator pedal to the brake pedal in response to a situation” (reaction time). J.D. Power, “*When Driving What is the Average Reaction Time*,” at <https://www.jdpower.com/cars/shopping-guides/when-driving-what-is-the-average-reaction-time>; Automotive Fleet, *Driver Care: Know Your Stopping Distance*, located at <https://www.automotive-fleet.com/driver-care/239402/driver-care-know-your-stopping-distance#:~:text=Your%20reaction%20time%20plus%20stopping,gas%20to%20the%20brake-%20pedal>; State of Rhode Island Division of Motor Vehicles, *Stopping Your Vehicle*, located at <https://dmv.ri.gov/node/1156#:~:text=The%20distance%20your%20vehicle%20travels,second%20to%20apply%20the%20brake>.