

# Attorney: Deputy wasn't chasing speeder before deadly crash

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FENVILLE, Mich. (WOOD) — The attorney for the family of a woman who was killed in a crash with an Allegan County Sheriff's Department cruiser is skeptical of claims the deputy was trying to catch up to a speeder.

Instead, based on a newly released report from Michigan State Police, attorney Robert Lantzy believes the deputy was actually rushing to pick up a pizza.



An undated photo of Jose and Ofelia Nunez. (Courtesy Nunez family)

"Absolutely outrageous," said Lantzy, who's preparing to file suit against the Allegan County Sheriff's Department, former deputy Thomas Goggins, and Lee Township, which owns the cruiser involved in the crash.

Goggins, who has since resigned from the sheriff's office, was charged with two misdemeanor moving violations for the [June 12 crash](#) that killed Ofelia Nunez, 74, and seriously injured her husband Jose Nunez.

**[Deputy charged in deadly crash drove as trained, says defense](#)**

Goggins and the field training officer who was riding with him have said they were trying to catch a speeding minivan. But the state police report on the fatal crash shows an MSP detective sergeant questioned Goggins about a pizza order the deputies were scheduled to pick up within minutes of the crash.



Deputy Thomas Goggins is sworn in in May 2022. (Allegan County Sheriff's Office/Facebook)

“Thomas advised they were running traffic enforcement until their pizza order was going to be ready,” wrote MSP Detective Sgt. Kyle Gorham in his report. “I asked Thomas if, at the time of the accident, they were heading into Fennville to pick up the pizza. Thomas replied, ‘no,’ they were attempting to make a traffic stop on a speeder.”

But Lantzy, an attorney with Buckfire & Buckfire P.C., said he doesn't buy Goggins' denial.

“I don't believe they were planning to pull over a speeding motorist at or around 7:18, knowing that they wanted to be at their party by 7:30,” Lantzy said in a Zoom interview Tuesday with News 8. “That doesn't make sense. ... The bottom line is there are no corroborating witnesses to this alleged speeding silver minivan, and the only people who've made statements about its existence are the self-serving statements from Goggins and (the field training officer who was with him).”

## **MSP: DEPUTY DRIVING 87 TO 95 MPH PRIOR TO CRASH**

The crash happened at the intersection of M-89 and 54th Street near Fennville. MSP — called in to investigate because a deputy was involved — said their accident

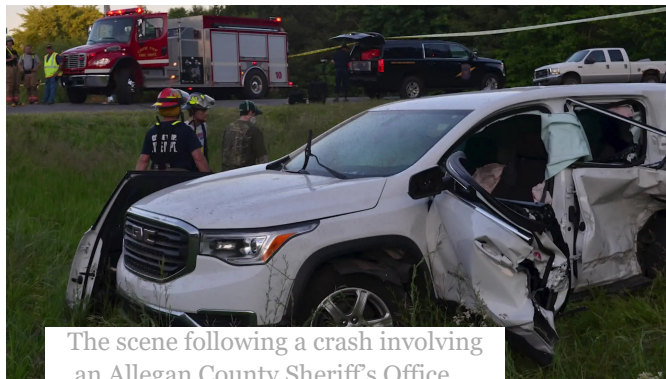
reconstruction shows Goggins' cruiser was headed west on M-89, going between 87 mph and 95 mph just prior to the crash. The cruiser's lights and siren had not been activated.

"The pre-impact range speed for the (deputy's vehicle) was calculated at 87-95 miles per hour, wrote MSP SPL/Sgt. Brandon Davis. "The speed limit on M89 was posted at 55 mph. Using time/distance calculations, it was determined if the (deputy's cruiser) was traveling at 55 mph the crash would not have happened."

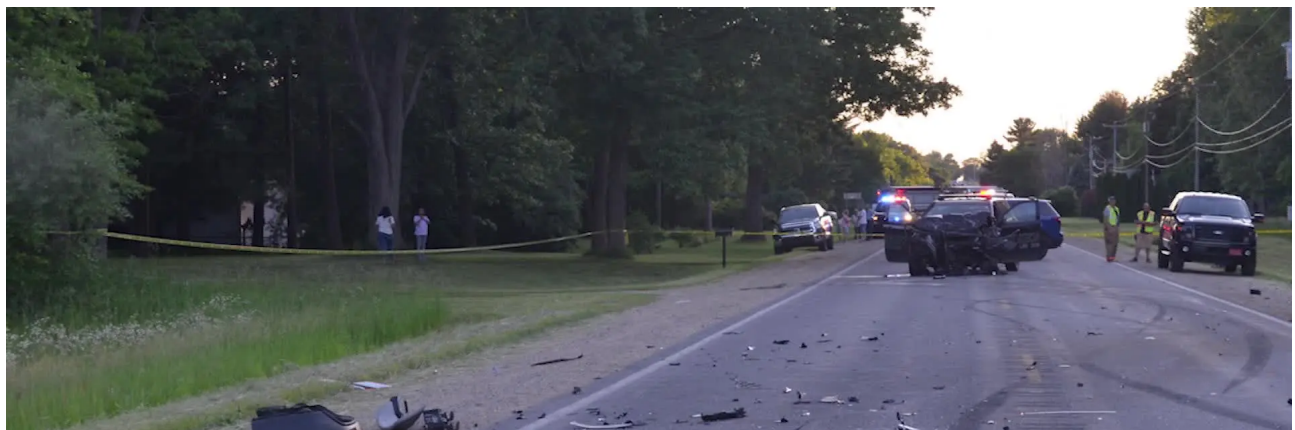
## 1 dead after SUV, Allegan Co. cruiser collide



The scene following a crash involving an Allegan County Sheriff's Office ...



The scene following a crash involving an Allegan County Sheriff's Office ...







Allegan County Prosecutor Myrene Koch charged Goggins with two misdemeanor counts, moving violation causing death and moving violation causing injury.

Both Koch and the sheriff's department have declined to comment on MSP's report due to the open criminal case.

According to the MSP report, which totaled 1,375 pages with supplemental documents, Jose Nunez was heading southbound on 54th Street and paused at the stop sign before proceeding into the cruiser's path.

"The investigation revealed (Jose Nunez) did not come to a complete stop at the stop sign," Davis wrote. "The vehicle slowed to 4 mph then accelerated through the intersection."

### **'No justification' for deputy doing 90 mph in fatal crash, says expert**

Jose and Ofelia Nunez were heading to their home less than two miles from the crash site.

They had lived there 50 years.

## **MSP: CRASH REPORTED AT 7:18, PIZZA PICKUP SET FOR 7:30**

The crash was reported at 7:18 p.m. The pizza shop, which was about 1.5 miles west of the crash site on Fennville's main street, was scheduled to close at 8 that night.

"(The pizza shop manager) stated she knows for sure that she told the officers to be there a half hour before their closing time," wrote Detective Sgt. Gorham, who



interviewed the manager. “She explained ... if it was on Sunday, she would have told them to be there at 7:30.”

June 12th was a Sunday.

“(The manager) advised approximately ten to fifteen minutes before the pickup time, she started to hear sirens and she advised she knew for sure the police were not going to pick up their order because they probably got called away,” wrote Gorham. (The manager) advised she ended up giving the pizzas to the neighbors that rent the apartment near (the pizza shop).”

Neither Goggins nor his field training officer mentioned the pizza order in their initial interviews with Michigan State Police.

When interviewed a second time, Goggins confirmed to MSP that his training officer had ordered two pepperoni pizzas for pickup.

But Goggins told Gorham he thought the pizza would be ready at 7:35 pm, after which they planned to meet up with colleagues at the nearby Fennville fire station for dinner.

Target 8 tracked down the manager of the pizza shop, who said she does not believe the pizza pickup time had anything to do with the crash.

She contradicted her quotes in the MSP report, telling Target 8 the deputies had until 8 p.m. to pick up the pizzas. MSP quoted her as saying 7:30 p.m.

## **DEPUTY’S ATTORNEY: PIZZA ALLEGATION IS “RIDICULOUS”**

Goggins’ attorney, Mike Hills, told Target 8 the deputies were working traffic enforcement until it was time to pick up the pizza and meet others for dinner between 7:30 p.m. and 8 p.m.

“The investigating MSP detective was ordered by the prosecutor to ask for a second round of interviews to see if the deputies were racing to get pizza,” wrote Hills in an email to Target 8. “My client continued to cooperate and gave another interview.”

Hills, calling the pizza pickup theory “ridiculous,” said the deputies were conducting stationary traffic enforcement just outside of Fennville until it was time to pick up the pizza.

“It was 10-15 minutes before pickup time and the officers were seconds away from the pizza shop running traffic before dinner,” wrote Hills. “This wild goose chase about pizza could have been easily resolved, as well as many other aspects of this case – and many other cases in Allegan County, had the Allegan Criminal Justice System deployed dash cams and body cams like everyone did decades ago.”

Hills said Goggins was doing **exactly as he was trained** — **speeding** with no lights nor siren — to get close enough to a traffic violator to read their license plate before effecting a traffic stop.

According to the MSP report, multiple witnesses reported the Nunez vehicle pulled out in front of the cruiser, and there was nothing the deputy could do to avoid the collision.

### **Allegan Co. deputies complete bodycam training**

News 8 asked the Allegan County Sheriff's Department if it's changed the policy that allows speeding without lights and siren in the wake of the fatal crash.

“The sheriff's office regularly reviews its policies and procedures and makes changes when deemed appropriate or necessary. Given the on-going criminal action, no further comment will be made as to the specific policies,” Undersheriff Mike Larsen wrote in an email to News 8.

The attorney for the Nunez family said he's working on the impending lawsuit and plans to file soon.

“It's going to be against the Allegan County Sheriff's Department, and that's based on the theory ... that they're responsible for the actions of their deputy,” Robert Lantzy said. “I'll be filing the case against Thomas Goggins, and that's for his gross negligence, and I would say simply reckless driving, at the time of the crash.”

Lantzy also plans to sue Lee Township because it owns the sheriff's cruiser involved in the accident.

In the criminal case against Goggins, he's scheduled to be back in court in mid-November.