

CASH BOND

RECOMMENDED \$ \$2,500.00

ROD PACHECO
DISTRICT ATTORNEY

LETTER 03/23/10

AGENCY#: IL00210/CHPR

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)**

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 22 2010

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

RUSSELL SCOTT LEACH

RIVERSIDE, CA 92506

DOB: [REDACTED]

Defendant.

CASE NO.

MISDEMEANOR COMPLAINT

& NOTICE TO APPEAR

RIM 1000 03229

APPEARANCE NOTICE

Criminal charges have been filed against you. You are required to appear for arraignment at 1:30 P.M. on **THURSDAY, MARCH 25, 2010** at:

**HALL OF JUSTICE
4100 MAIN STREET
RIVERSIDE, CALIFORNIA 92501**

The court calendar will list your name and the courtroom to which your case is assigned. Go there, check in, and wait to be arraigned.

**IF YOU FAIL TO APPEAR ON THIS DATE, A WARRANT WILL BE SOUGHT FOR YOUR ARREST.
BRING THIS NOTICE WITH YOU.**

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendant committed a violation of Vehicle Code section 23152, subdivision (a), a misdemeanor, in that on or about February 8, 2010, in the County of Riverside, State of California, he did wilfully and unlawfully drive a vehicle while under the influence of an alcoholic beverage and a drug and under their combined influence.

COUNT 2

That the above named defendant committed a violation of Vehicle Code section 23152, subdivision (b), a misdemeanor, in that on or about February 8, 2010, in the County of Riverside, State of California, he did wilfully and unlawfully drive a vehicle while having 0.08 percent and more, by weight, of alcohol in his blood and 0.08 grams and more of alcohol per 210 liters of his breath.

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MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2a(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2a(a) and (2).

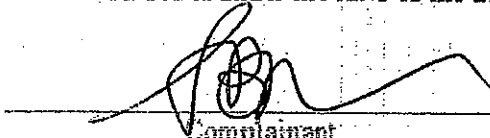
DISCOVERY REQUEST

Pursuant to Penal Code section 1054.5, subdivision (b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code section 1054.3.

I declare under penalty of perjury upon information and belief under the laws of the State of California that the foregoing is true and correct.

Dated: March 16, 2010

SBW:sab


Complainant

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

MAR 22 2010
Harrell

MAR 22 2010

SUPERIOR COURT, STATE OF CALIFORNIA
COUNTY OF RIVERSIDE

People of the State of California

v.

Russell Scott Leach

Case # :

RIM 100003229

Declaration in Support of Arrest Warrant

The undersigned, Lance C. Berns, declares that he is a Sergeant with the Department of California Highway Patrol, State of California.

On February 9, 2010, I was tasked with investigating the actions of Russell Scott Leach regarding the circumstances surrounding his actions on February 8, 2010, which culminated with a traffic enforcement stop made by Riverside Police Department (RPD) officers at 0251 hours.

During the course of my investigation, surveillance video from *Club 215* in the city of Colton, California, COBAN video and audio recordings of the enforcement stop made by RPD officers, and witness statements were collected and examined to determine Mr. Leach's sobriety at the time of the incident. After a thorough examination of all the evidence obtained during the course of my investigation, I concluded Mr. Leach was driving under the combined influence of alcohol and drugs when he was stopped. The following is a summary of my probable cause to substantiate my claims:

On February 7, 2010, throughout the day and prior to being stopped by RPD officers, Mr. Leach took at least one and possibly two Vicodin (Hydrocodone), one Flexeril (Cyclobenzaprine), two Xanax (Alprazolam), one Atarax (Hydroxyzine), and possibly two Ambien (Zolpidem Tartrate) pills. These medications affect brain function and/or the central nervous system and have strict pharmaceutical warnings against the ingestion of alcoholic beverages and the operation of a motor vehicle.

The types and amounts of medications taken by Mr. Leach prior to the enforcement stop were obtained through Mr. Leach's own statement and the statements of persons in direct contact with him prior to, during, or after the enforcement stop. According to Mr. Leach's fiancée, who spent the day with Mr. Leach, the effects of the combined medications and the consumption of 3-4 *Miller Light* beers between 1530 and 2045 hours caused Mr. Leach to be "groggy" and unable to safely operate a motor vehicle.

On the same evening, at approximately 2127 hours, Mr. Leach arrived at *Club 215*, which provides a full service bar for its patrons. Between 2128 and 0141 hours, Mr. Leach was observed on surveillance video consuming at least seven alcoholic beverages consisting of *Chivas Regals* "on the rocks." These observations were corroborated by statements of *Club 215* employees and documents including credit card receipts. During a review of the surveillance video, Mr. Leach appeared to be unsteady on his feet and disorientated. Furthermore, according to a club employee witness who knew Mr. Leach and was in

direct contact with him throughout his stay at *Club 215*, Mr. Leach was intoxicated to the point where the witness was concerned for Mr. Leach's safety and offered to arrange a taxi ride home for Mr. Leach, which he declined.

After leaving *Club 215*, Mr. Leach struck an unknown low profile fixed object while driving his city issued Chrysler 300. Due to his intoxicated state, Mr. Leach failed to recognize the extent of damage his vehicle had sustained during the collision and continued to drive for an extended time and distance. The continued operation of his vehicle resulted in near total disintegration of the Chrysler's left side tires/wheels and contact or induced damage to various vehicle components. During his traverse through the city of Riverside, at 0248 hours, Mr. Leach was captured on automatic red light enforcement cameras running the red light at the intersection of Van Buren Blvd. and Arlington Ave.

At 0251 hours, two Riverside police officers made an enforcement stop of Mr. Leach. He was observed on the on-board patrol vehicle video camera (COBAN) as being unsteady on his feet and intoxicated to the point where he was unsure of the condition of his vehicle or the circumstances leading up to his eventual stop. During the enforcement stop, RPD officers detected objective symptoms of alcohol/drug intoxication that included red/watery eyes, unsteady gait, the "strong" odor of an alcoholic beverage emitting from his breath, slurred speech, and uncharacteristic repetitive speech. Both officers formed the opinion that Mr. Leach was driving under the influence in violation of Vehicle Code section 23152(a).

Based upon my investigation, I determined there is sufficient probable cause to charge Mr. Leach with the violation of Vehicle Code section 23152(a) (Driving Under the Influence of Alcohol and/or Drugs), which states in part:

It is unlawful for any person who is under the influence of any alcoholic beverage or drug, or under the combined influence of any alcoholic beverage and drug, to drive a vehicle.

Wherefore, declarant requests that an Arrest Warrant be issued for the arrest, day service only, for Russell Scott Leach.

Description of Russell Scott Leach.: 72" tall, weight 185 lbs., Caucasian, brown hair, blue eyes; DOB: [REDACTED]

LAW ENFORCEMENT:

I declare, under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 03/16/2010

Signature

Lance C. Berns

Print Name

JUDICIAL OFFICER:

____ Approved ____ Disapproved

Bail: _____ Date: _____

Signature

Print Name