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Case Review – Rocklin PD #22-79-1

Introduction

On Saturday, March 19th at approximately 8:06 pm, a Jeep driven by Placer County CEO Todd Leopold was involved in a fatal collision with pedestrian Anthony Williams.¹ The Rocklin Police Department initiated an investigation of the circumstances surrounding the collision, and those reports were referred to the Placer County District Attorney's Office for review. Although the Rocklin Police Department's investigation found that the cause of the fatal collision was Mr. William's presence in the roadway, the Placer County District Attorney's Office independently reviewed the reports of the investigation to determine whether criminal charges are appropriate.

Upon learning that the driver of the vehicle involved in this fatal collision was the Chief Executive Officer for Placer County, this office contacted the California Attorney General's Office to seek advice as to whether a conflict of interest existed such that this office could or should not conduct a legal review of the evidence. The Attorney General's Office determined that a recusal was not appropriate and that the legal review of the collision should be completed by this office.

In the course of this review, this office received and considered written reports, recorded interviews, and body camera footage, with additional reports received at the end of August 2022. There has been considerable public interest in the facts of this case expressed in the media and by way of inquiries by the general public. This office has had multiple experienced prosecutors independently evaluate the evidence in order to arrive at the best and most informed decision possible. Although this process has been lengthy, it has ensured that all evidence and interests involved have been considered in the final decision.

The goal of this review is to impartially weigh the evidence obtained in this investigation to determine whether the facts support the filing of criminal charges. Issues of potential civil liability were not considered. This analysis necessarily considers all admissible exculpatory and mitigating evidence as well as all inculpatory facts to determine whether an appropriately instructed jury would convict the accused of any charged crime. Under ethical charging practices, it is improper to consider the race, occupation, economic class, or political association of the victim, witnesses, or of the accused. Nor does this office consider public or journalistic pressures to file or not file criminal charges during the legal review process.

¹ The parties involved in this collision and investigation have been publicly identified multiple times in the media prior to the time of this review by the Placer County District Attorney's Office.

The facts as detailed in the Rocklin Police Department investigation is summarized as follows:

Witness Statements:

On the night of the fatal collision, numerous witnesses reported seeing Mr. Williams walking in the lanes of traffic along busy roadways within the city of Rocklin. For instance, one witness (Witness 1) reported seeing Mr. Williams at approximately 5:45 pm near Park Drive and Stanford Ranch Road standing in the center median of the intersection. According to Witness 1, the pedestrian did not appear to be paying attention to where he was or the other vehicles around him and he appeared to be pointing at cars and acting “strange.”

Later, at approximately 8:00 pm, another witness (Witness 2) observed a man “walk-dancing” in the number one lane (the lane closest to the center of the roadway, frequently referred to as the “fast lane”) of southbound traffic on Lonetree Boulevard near Kathy Lund Park. This man was wearing all black clothing and walking 2-3 feet from the center median in the number one lane of traffic. This witness commented “it was really weird; he had no reaction at all” when the witness passed him in her vehicle.

Another witness (Witness 3) was driving northbound on Lonetree at approximately 7:50-8:00 pm when he saw a tall, “skinny” male in dark clothes walking southbound on Lonetree in the center median. Witness 3 watched as the male stepped into the southbound number one lane and walked in the middle of the traffic lane with his head down, not looking around. The male never looked right or left as cars passed him in the number two lane. Witness 3 commented that it appeared the male was trying to get hit by a car.

Another witness (Witness 4) was driving southbound on Lonetree and remembered seeing a very tall, thin person wearing dark clothing walking in the number one lane of traffic. Witness 4 braked sharply and swerved to avoid striking the pedestrian, and as the witness passed, he yelled at the man to get out of the road. Witness 4 reported that he was shocked by the fact that the person did not react or respond to almost getting run over.

Another witness (Witness 5) reported driving southbound on Lonetree at approximately 8:05 pm in the number one lane when he observed a pedestrian walking in the middle of the roadway. Witness 5 reported that the male was wearing all dark clothing. Witness 5 described the male as being in the middle of the traffic lane. Witness 5 reported having to swerve around the pedestrian, narrowly missing him. Witness 5 honked his horn and applied his brakes to alert the pedestrian and other motorists about the danger, and Witness 5 watched in his rearview mirror as two other motorists swerved to avoid the pedestrian. Upon hearing about the collision, Witness 5 stated that given the circumstances anybody could have hit the pedestrian that night.

Another witness (Witness 6) indicated that he was also driving southbound in the number one lane of traffic at approximately 8:05 pm when he saw a male in dark clothing in the middle of the

traffic lane. Witness 6 stated he swerved into the number two lane of traffic and barely missed striking the male. Witness 6 stated that he did not observe the man react when he narrowly avoided colliding with him.

As the fatal collision occurred near a restaurant, there were several patrons who witnessed the event and who were interviewed by responding officers. One witness (Witness 7) observed a male walking in the middle of the roadway through the intersection of Lonetree and Adams Dr. when a white vehicle swerved around the man. Witness 7 reported that a Jeep that was behind the Subaru then hit the man. The driver of the Jeep stopped and exited the vehicle and appeared to be in shock. Witness 7 stated that the Jeep appeared to be travelling at speeds of approximately 30-45 miles per hour, and that it had the green light through the intersection immediately prior to the location of the collision.

There were also two witnesses on bicycles near the scene of the collision. One of them (Witness 8) saw a man walking in the number one lane of traffic on Lonetree Boulevard. The man in the roadway appeared upbeat and was skipping. Concerned about the safety of the man in the road, Witness 8 approached the man from the sidewalk and yelled to try to get the man's attention. Witness 8 approached the man and touched him to try to get his attention, but there was no reaction. Witness 8 went back to the sidewalk and saw several cars approaching. Witness 8 saw one car serve around the man at the last second, while a Jeep that was behind the first car swerved but struck the man. The Jeep stopped and the people began giving first aid to the man.

The other witness (Witness 9) reported observing a man in the walking in the number one lane of traffic and described this man as appearing to be dancing and walking at the same time. Witnesses 8 and 9 attempted to get the man's attention, but they were unable to do so. They began screaming at approaching motorists to try to warn them of the man in the road, and some cars slowed and swerved. Witness 9 saw one vehicle slow and swerve to avoid striking the pedestrian, but a Jeep that was following it swerved but could not avoid striking the pedestrian. The driver of the Jeep stopped after the collision.

Driver Statement:

Todd Leopold was interviewed at the scene immediately following the collision and later on March 23rd at the Rocklin Police Department. At the scene, the Rocklin Police officers and several witnesses described Mr. Leopold as extremely emotional and distraught. Both statements were largely consistent on all material details. Mr. Leopold stated that he was driving southbound on Lonetree in the number one lane enroute to his gym to work out. As he passed through the intersection of Lonetree and Adams Drive, he noticed the car in front of him move to the right into the number two lane. At that moment, Mr. Leopold saw the backside of a pedestrian who was wearing dark clothing and standing directly in the middle of the number one lane. Mr. Leopold stated that he had no time to apply the brakes, and he turned the wheel to the right in an attempt to avoid the pedestrian. He also reported believing that there were cars next to him in the number two lane. Mr. Leopold estimated his speed to be between 35-45 miles per

hour at the time of the collision and he was not on his cell phone. After the collision, Mr. Leopold immediately pulled to the curb and saw other cars on the roadway, so he jumped out to warn other motorists.

Distraction/Impairment:

The Rocklin Police Officer who spoke to Mr. Leopold noted in his report that he did not observe any signs or symptoms of intoxication or impairment. He also reported detecting no odors coming from his breath, and there was no detectable slurring of his speech during his statement. It was observed that Mr. Leopold appeared alert, albeit emotional, and that he had no detectable balance or cognition difficulties. None of the witnesses to the collision who spoke to the Rocklin officers reported observing symptoms of impairment or intoxication.

During his two separate voluntary statements, Mr. Leopold denied using his cell phone at the time of the collision. It should be noted that the witness accounts stating that he swerved to avoid the pedestrian is consistent with him watching the roadway at the time of the collision.

On June 28th, 2022, this office inspected a report by a cell phone examiner who conducted a forensic examination of Mr. Leopold's cell phone. The purpose of the forensic cell phone examination was to determine whether the phone was being manipulated at the time of the collision by examining what information was on the device that was created between 8:05 and 8:10 pm on March 19th, 2022. After conducting a forensic examination of the cell phone, the forensic examiner found no evidence that the phone was in use at the time of the collision.

Scene/Physical Evidence Examination:

The Rocklin Police Department notified the Major Accident Investigation Team (MAIT) of the collision and a MAIT officer responded to the scene and investigated the circumstances surrounding the fatal collision. The MAIT officer's investigation included a detailed search of the scene and the physical evidence, a comprehensive examination of the involved vehicle, additional interviews of percipient witnesses, and a detailed examination of the involved vehicle.

The physical evidence located at the scene was primarily located in and around the Southbound number one lane of Lonetree Boulevard. The MAIT officer noted that there was a scuff mark in the middle of the number one lane that was consistent with Mr. William's shoe. The officer also noted that the preponderance of Mr. William's personal items was located just south of the scuff mark in the number one lane of travel and in the center median.

During an examination of the involved vehicle, the MAIT officer noted that the damage to the front of the vehicle was concentrated in the center and on the driver's side. The collision was not of such force as to deploy the driver's side airbag, and therefore there was no collision data recorded by the computer's Airbag Control Module.

The MAIT officer utilized the physical evidence available at the scene to develop a speed estimation at the time of the collision. Based upon witness statements and physical evidence, the officer calculated that Mr. Leopold was traveling at a speed of between 27- 48 miles per hour, with a probable speed of 36 -40 miles per hour at the time of the collision. The speed limit at the collision site was 40 miles per hour.

Legal Conclusions:

This office has carefully reviewed and considered all the facts detailed in the investigation reports compiled by the Rocklin Police Department and considered the legal elements of all applicable criminal statutes. The legal prerequisite of every criminal violation is the commission of a criminal act that is committed with a criminal or wrongful intent, and evidence of such act and intent must be capable of being proven beyond a reasonable doubt. This office has considered all possible criminal charges that could be applicable given the facts of this fatal collision. However, each possible criminal offense would require sufficient proof of a criminal intent ranging from malice aforethought to criminal negligence. Given the facts revealed by the investigation to date, there is no evidence of any criminal or wrongful intent on the part of Mr. Leopold at the time of the collision.

The Rocklin Police Department's Major Accident Investigation Team officer concluded that Mr. Williams caused this fatal collision by violating California Vehicle Code § 21956(a), which states that no pedestrian may walk upon a roadway outside of a business or residence district otherwise than close to the left-hand edge of the roadway. There is ample evidence to support this conclusion. The reports detail numerous witness statements and physical evidence that indicate that Mr. Williams was walking in the middle of the number one lane of Lonetree Boulevard with his back to oncoming traffic while dressed in dark clothing at nighttime. Numerous witnesses also indicated that a vehicle in front of Mr. Leopold's vehicle moved to the number two lane just prior to the collision, giving Mr. Leopold a reduced ability to perceive and react to Mr. William's presence. There was no evidence developed in the course of the investigation that Mr. Leopold was traveling at an excessive speed. Lastly, no evidence was developed during the investigation that Mr. Leopold was impaired or distracted at the time of the collision. There was no convincing evidence to explain why Mr. Williams was walking in the middle of the number one lane after dark, despite the presence of sidewalks on both sides of Lonetree Boulevard.

This office is aware of information in the media that the driver had previously received traffic citations for violations involving excessive speed. Although these past incidents of speeding may be relevant if there was evidence that the driver was speeding at the time he struck the pedestrian, the prior events are not relevant where there is no evidence that the driver was speeding or driving recklessly in the present case. Nevertheless, this office considered these past speeding violations, and their existence was given the appropriate weight in the ultimate analysis of culpability.

After reviewing the case, the District Attorney's Office declines to pursue criminal charges because there is insufficient evidence to prove beyond a reasonable doubt that a crime occurred. This decision is subject to reexamination should material evidence change or be revealed through any additional investigation.