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PRESS RELEASE

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Charges Filed in El Tour de Tucson Case

(**Tucson, Arizona**) – Pima County Attorney Barbara LaWall announced today that after a review of the law enforcement investigation into the collision between a vehicle and several bicyclists that occurred at the intersection of Ina Road and Westward Look on November 22, 2008 during the El Tour de Tucson, Mr. William Wilson has been indicted by the Pima County Grand Jury with Leaving the Scene of an Accident Involving Serious Physical Injury.

The County Attorney's review of the case consisted of the Sheriff's department reports, audio statements of witnesses, collision reconstruction, scene diagram, a visit to the scene, communication tapes and radio logs, and being present during an inspection of the suspect vehicle.

After the collision, William Wilson had a legal duty to remain at the scene and provide information to law enforcement. He failed to do so and was charged with the following statute:

28-661. Accidents involving death or personal injuries

A. The driver of a vehicle involved in an accident resulting in injury to or death of a person shall:

1. Immediately stop the vehicle at the scene of the accident or as close to the accident scene as possible but shall immediately return to the accident scene.
2. Remain at the scene of the accident until the driver has fulfilled the requirements of section 28-663.

Despite the fact that several riders were involved in the collision with Mr. Wilson, the legally appropriate charge is just one count of leaving the scene of an accident. This charge is a class 2 felony, which permits a judge to sentence the defendant to probation or to prison, If sentenced to prison, the potential range of sentence is 3 to 12.5 years, with a presumptive term of 5 years in prison.

The Court of Appeals, in State v. Dustin Powers, 200 Ariz. 123, 23 P. 3d 668 (2001), reviewed the statutory language and determined that A.R.S. 28-661 refers to "leaving 'the scene of the accident' as a geographic offense, permitting only one conviction for leaving the accident scene regardless of the number of persons injured or killed."

The Court of Appeals ruled that leaving the scene is not a crime against a specific person. In this case, as in the Dustin Powers case, there was only one accident scene from which the defendant left. Therefore, only one offense occurred, despite the fact that numerous cyclists were involved and/or injured in the crash. Because it is the single scene, not the number of individuals involved that determines the number of charges, one charge of leaving the scene is the appropriate charge in this case.