

Statement to the Court and Probation Officer – By Loren LeBeau

Overview

On July 25, 2012 at 9:11 pm after a day at Bass Lake, while returning home, my vehicle hit three pedestrians. Seven year old Donavon Maldonado was pronounced dead hours later. His younger sister Bella, as well as Donavon's father, Jesse, was also hit. Their injuries were serious but are expected to make a full physical recovery, as far as I know.

The Accident

The accident continues to haunt me and everyone involved. At Bass Lake I was drinking beer while swimming. Feeling safe to drive, I drove the hour down the mountain and stopped by a friend's house (who lives less than a mile from the accident site). After leaving, I was driving west on Shepard in lane number one (closest to the median) when all of a sudden there was a collision that I never saw coming! The cross walk was not well lit, it was very dark, in fact the street light closest to the area where the Maldonado's entered the street was burned out.

I saw nothing. I did not brake. I did not swerve. I was driving the speed limit when it felt like a cannon ball just dropped from the sky. I did not stop right away because I panicked! I feared for my own safety. It goes without saying that if I had seen pedestrians in the street, I would have slammed on the brakes and tried to avoid hitting them. Therefore, I went right through the collision and I did not know or feel anything under the car. I am deeply dismayed that the probation report stated that I likely knew something was under the car. That is far from the truth! It was "fight or flight" in the moments after the impact. As I continued to drive in a panicked state, I began to realize what might have happened. I say "might" because once again I saw nothing – I just felt the collision. I drove around the block. It took me approximately 6 minutes to get back to the scene because my front windshield was damaged. While driving I called Craig Jones, the friend whose house I just left. I was distraught, scared. However, there was never any intent to run or hide. Craig is a life long friend who says the investigators framed his comments to fit the picture

they wanted to paint. Again, I have told the truth and taken responsibility every step of the way.

As I pulled my car over, short of the cross walk, I heard sirens and saw police vehicles arriving. That is the reason I did not call 911 because help had already responded. I stood by my car praying in a bewildered state, still not knowing who or what I hit, but I was starting to put the pieces together. I cooperated fully with the approaching officers and told them I was the driver of the car and told them I had been drinking after they asked me. The officer asked me if I wore glasses and I said sometimes. It has since been reported in the police report, the preliminary hearing, and probation report that I was not wearing my prescription glasses. I want to make it clear that I did not need prescription glasses to drive. I wore glasses approximately 30 times a year during basketball games. In fact, I have never been in accident before.

At this point, I was informed that a boy had been hit and I became emotionally distraught because I knew there was little chance anyone could survive being hit by a car going 40mph, especially since I never hit the brakes.

I was given a field sobriety test – then was handcuffed and placed in back of a police car for the first time in my life. I was taken to the Fresno County jail where I was booked and given a blood test.

Post Accident

I was advised by my attorney not watch or read anything news related. After about a week, I was informed that my BAC was a .11 (The blood has since been retested and it came back .10). I was also made aware from a friend that three people had been hit. I had no idea until seven days later that I hit three people. I understand that statement sounds like I was very intoxicated, but evidence shows I was not:

- .11 or .10;
- I just drove an hour down a mountain road;
- Not speeding or driving recklessly;

- I was in my lane driving at or below the speed limit.

The investigation revealed the hazardous construction of the cross walk/bike trail. The crosswalk was built at such an angle that leaves pedestrians in the street for double the amount of time. The angle also goes in the same direction as traffic, therefore, pedestrians would have to turn their bodies to see on-coming traffic, except in this case my lights were on and should have been seen. It also was placed in the middle of a 40mph zone with inadequate safety lighting. In fact, the City has now started to build a tunnel under the crossing for better pedestrian safety. The Maldonados are currently suing the City for the crossing's lack of safety.

Since the accident I have complied with all of the courts order without fail. I have attended four AA meetings per week and have not had a drink of alcohol since the day of the accident as evidenced by the scam monitor reports. I am not an alcoholic, but obviously being over the legal limit has caused a traumatic event.

Conclusion

It is clear that there were multiple factors that lead to this tragedy. The probation reports statement that there were no facts demonstrating any unusual circumstances is simply not accurate. However, I broke the law. And since we are a nation of laws, I should have followed them.

I strongly dispute the probation reporter's statement that I knew something was under the car. Nothing in my history shows that I have ever acted with such callousness toward another human being. I have no history of violent acts or aggression toward anyone or anything. I have been in pressure situations my entire life as a college athlete, a high school and a Division 1 college basketball coach - but nothing has ever prepared me for something of this nature. Believe me, I wish I would have seen that family and I wish I would have stopped. Looking at the accident in a holistic manner shows what I have stated is the whole truth.

Also, I believe the 5-year penalty for leaving the scene of a DUI death is unjust in this circumstance. I'm already being charged with "Gross Negligence" for not stopping right away. Again, I had no idea Donovan was still under the car! The

circumstances before and after this accident have clearly shown that I had no intention nor was I aware or had knowledge that my actions would likely result in a death or great bodily harm.

In leaving the scene, I had no intention to cover-up, hide or lie about the circumstances that led to the accident. Furthermore, there was no additional injury caused by the 6 minutes it took me to get around the block. There were many 911 calls already in progress. In theory, this charge encourages people to leave the scene and turn themselves in after there is no proof of the alcohol. I have been told that leaving the scene would have actually reduced my punishment. It is disheartening to hear that statement because my intention was to never get away with anything. With that said, I pled because I did not want to put the Maldonado family through a trial even though my sentence may have been reduced.

After telling my wife and four kids that their daddy was going to go to jail, my nine 9-year-old asked her mom if I knew it was against the law to drink and drive. Crying and ashamed I said, "yes." I guess what they say is true, you learn everything you need to know about right and wrong in your primary grades. It was such a simple answer to a simple question.

In the wake of my plea, I want to honor Donovan and the entire Maldonado family by helping to prevent similar tragedies in the future. My goal is for everyone to widen the circle of compassion and understanding in our communities. We should ask ourselves if we're doing all we can to stem the regularity of drinking and driving as well as promote pedestrian/bicycle safety, which effects too many lives each year. We should ask ourselves as individuals and a society, How can we prevent future tragedies like this? As someone who took part in the taking of a young life, it is my duty to honor the Maldonado family. In prison I want to be a model inmate. My work ethic and my strong educational background will be an asset to many. My desire is to work at a fire camp and share my experience, strength and hope with other inmates. I will work diligently to earn all privileges so that I can remain as close to my wife and four young kids as possible.

In closing, I have been an award winning student-athlete, lifeguard, teacher and coach in the Fresno community for over 25 years. My passion for helping others and success as an educator is well documented and unchallenged. I will be a "one and done" inmate. There are no words to express my complete sadness to the Maldonado family.

Sincerely,

Loren LeBeau