

DA says evidence against ex-councilman insufficient



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2010 By PAUL LaROCCO

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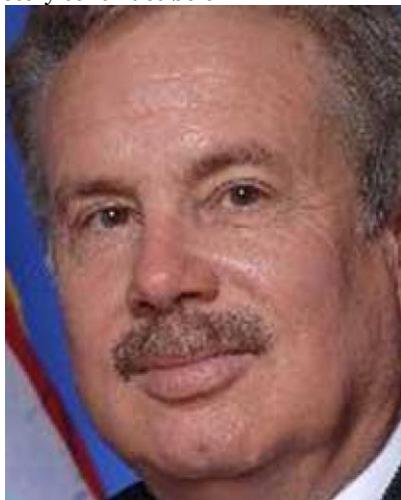
Special Section: Police Chief Crash Probe

The Riverside County district attorney's office has closed its witness-tampering probe involving a former city councilman and topless bar dancer without filing charges.

Frank Schiavone had been under scrutiny regarding his contact with Michelle Wilson, then a dancer at Club 215 in Colton. She had been with Schiavone's friend, ex-police chief Russ Leach, on Feb. 8 before a drunk Leach was stopped by Riverside police and taken home.

During the investigation, Wilson told California Highway Patrol officers that Schiavone called her days after Leach's traffic stop and urged her not to cooperate with them. Schiavone said he only suggested that Wilson did not have to speak to news media about Leach.

Story continues below



Frank Schiavone

Earlier this week, Chief Assistant District Attorney Bill Mitchell called Schiavone's attorney, Mike Soccio, and left a voicemail stating that his office had concluded its review of the case.

"We've made a determination that there's insufficient evidence to pursue any charges in the matter," Mitchell said by phone Tuesday.

He declined to elaborate or talk about what specific elements of the case were weak. But his statements were the first public confirmation that DA's investigators and prosecutors conducted a probe.

"There was some evidence indicating that Mr. Schiavone had been in contact with Ms. Wilson, who was a potential witness in the Leach driving under the influence case," Mitchell said. "Because of the nature of that contact, there was a possibility that a criminal offense may have been committed."

Schiavone, who strongly denied that he committed a crime, responded to the DA's news this week by saying that he felt he had been exonerated.

"The investigation is closed," he said. "The allegations are unfounded."

Wilson, 34, could not be reached Wednesday. She has made public comments asserting that she was telling the truth about her contact with Schiavone.

Following her statements, Schiavone produced a tape from a May 17 phone call he had with Wilson. On the tape, she assures him that she never told authorities he tried to dissuade her cooperation, and asks Schiavone for a loan to pay her utilities.

Story continues below



Russ Leach

Last week, Riverside County sheriff's deputies visited Wilson at her Moreno Valley home and arrested her on suspicion of various misdemeanors, including an outstanding traffic warrant and probation violations on prior DUI and domestic violence convictions.

Sheriff's officials have said that they went to her home on a neighbor's noise complaint and found the active warrants against her. Wilson, who also goes by Michelle Padilla, was released from custody Friday after receiving probation for a driving on a suspended license.

On the night of Leach's traffic stop, the part-time dancer spent time with the chief at Club 215 as he consumed seven double scotches -- on top of four beers and prescription drugs before his arrival.

When Leach left, she tried to call him a taxi. Riverside police officers later stopped him driving on the rims of his damaged city car, but drove him home without arrest or a sobriety test.

CHP officers interviewed Wilson days later, during which she first mentioned having been contacted by Schiavone. The officers requested that DA's investigators assume that portion of the investigation, and later had Wilson contact Schiavone in a recorded call.

"We had to look into it and we did look into it," Mitchell said. "We concluded that there was insufficient evidence."

The DA's decision on Schiavone essentially closes the last open strand related to Leach's drunken drive. He has since retired and pleaded guilty to misdemeanor DUI.

Riverside police commanders involved in his stop have either been served with notices of discipline or have elected to retire. And the city last week announced the hiring of Leach's permanent replacement, former Los Angeles police Deputy Chief Sergio Diaz.

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