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San Bruno man faces year in jail over hit-and-run crash that killed pedestrian

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A San Bruno man faces a year behind bars after pleading no contest to a hit-and-run crash that killed a pedestrian, who police have said was at fault for the deadly collision.

Leopoldo Nierras Tobilla, 58, entered his plea Monday in connection with the Feb. 20 crash on Skyline Boulevard, near Sharp Park Road, that killed Scott Garrigan, said San Mateo County District Attorney Steve Wagstaffe. Police said Garrigan, 25, crossed a dark stretch of Skyline about 1:35 a.m. in a spot where there was no crosswalk.

However, Tobilla, who was later shown to have been drinking before the collision, didn't pull over or call police after hitting Garrigan. Instead he went home and called his insurance company, which told him to go back to the scene. Tobilla turned himself in about 40 minutes later and was shown to have a blood alcohol content of .06, below the legal limit of .08.

Tobilla was initially charged with driving under the influence, but it was reduced to reckless driving involving alcohol, said defense attorney John Forsyth. He added there was insufficient evidence to show his client was impaired.

Tobilla was driving home from a birthday party at a bar in Daly City when the crash happened. A second driver ran over Garrigan after the initial crash and also fled the scene. He turned himself in to police four days later but was not charged with a crime. It was not clear which driver had delivered the fatal blow to Garrigan.

"He is

heartbroken by this," said Forsyth of Tobilla. "He bears some responsibility for this young man's death."

Garrigan had a .23 blood alcohol content at the time he died, said Forsyth. He had gone out with friends but had wandered off after getting upset over an ex-girlfriend.

Tobilla is due back for sentencing in San Mateo County Superior Court on Jan. 25 and remains out of custody on in lieu of \$50,000 bail, said Wagstaffe.

Contact Joshua Melvin at 650-348-4335.

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