

Foley pleads guilty, put on probation

by Dana Littlefield

SAN DIEGO - Steve Foley, the former San Diego Chargers linebacker who was shot last year by an off-duty Coronado, Calif., police officer, pleaded guilty Thursday to a drunken-driving charge and was placed on five years' unsupervised probation.

Foley was charged with misdemeanor driving under the influence after a Sept. 3 confrontation with the officer in a Poway cul-de-sac, near Foley's home. Foley pleaded guilty to driving with a blood-alcohol-content level over the legal limit of 0.08 percent, and also admitted his blood-alcohol content was more than 0.15 percent at the time of the incident.

Lab results from that morning indicated that Foley's blood-alcohol-content level was 0.16 percent.

Foley has a previous conviction for drunken driving, in Louisiana in 1999.

San Diego Superior Court Judge Charles Rogers ordered Foley, who did not appear in court, to be placed on informal probation - meaning he won't have to report to a probation officer. The judge also ordered Foley to pay more than \$1,700 in fines and complete five days of public work service, which the judge said had been satisfied.

Rogers did not indicate how the requirement had been fulfilled. Foley will have to complete several other requirements while on probation, most of which are common in drunken-driving cases. Among them, he'll have to attend a state-mandated, substance-abuse program and victim-impact panel run by Mothers Against Drunk Driving or a similar organization.

Foley was ordered to report on June 3 to a San Diego County jail where he will be booked and released.

"We're pleased that Mr. Foley pled guilty today and acknowledged his responsibility" for his conduct on Sept. 3, prosecutor James Koerber, said outside the courtroom.

The District Attorney's Office filed criminal charges against Foley, 31, about a month after the early morning confrontation between the football player and Officer Aaron Mansker, who shot Foley in the knee, hip and hand.

Mansker, 24, said he followed Foley after seeing his 1971 Oldsmobile Cutlass driving erratically on state Route 163 shortly after 3 a.m. The officer was wearing civilian clothes and driving his own black Mazda. Mansker said Foley got out of his car and walked toward the officer during the confrontation. Mansker said he shot Foley because he saw him reach toward his waistband, as if for a gun.

Foley was unarmed.

Moments earlier, Mansker said, a woman who was with Foley got behind the wheel of the Oldsmobile and tried to run the officer down.

Lisa Maree Gaut, 26, testified in court that she never drove at the officer and was trying to come to Foley's aid. A jury determined otherwise and convicted her last week of assault with a deadly weapon and misdemeanor drunken driving.

Gaut was acquitted of assault with a deadly weapon on a peace officer, apparently because the officer didn't show his badge during the incident. She is scheduled to be sentenced June 22. Foley, who was released from the Chargers in February, has sued the city of Coronado and Mansker. Foley was not required to come to court in the criminal case because he was charged with misdemeanors. Instead, his lawyer, John Phillips, appeared on his behalf.

Outside the courtroom, Phillips made a brief statement to reporters but did not answer questions.

"Steve Foley did the right thing," Phillips said. "We're hoping that the Coronado Police Department will do the right thing next."

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