

Crime

Trial will be set in double fatality

By MARK BERGSTROM
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SANTA CRUZ — A Soquel woman charged with killing a young couple when she blacked out at the wheel of her car waived her right to a preliminary hearing Monday on vehicular manslaughter charges.

By waiving the hearing, Dolores Rainville, 58, will go directly to Superior Court, where a trial will be scheduled. She will be arraigned in Superior Court Sept. 21.

After court Monday, defense attorney Paul Meltzer said the real issue in the case is Rainville's medical and mental condition which, he said, could not be resolved at the preliminary hearing level.

Preliminary hearings are conducted to determine whether the prosecution has sufficient evidence to proceed with the charges.

There is factual evidence to proceed with the charges, Meltzer said. But he contends that Rainville caused the fatal accident on March 27 when she blacked out behind the wheel because of a brain injury which left her susceptible to seizures.

"The issues in this case regarding the effects of her brain surgery are only going to be resolved at a trial," said Meltzer.

Dawn Ellen Rucker, 19, died from injuries suffered when their car was rear-ended by Rainville's vehicle at the intersection of Capitola Road and 41st Avenue.

Witness told police that Rainville was traveling at about 50 mph and ran the stop sign at 38th Avenue before plowing into the car containing Rucker and Wagner.

Rainville will remain in jail without bail pending her trial. Municipal Court Judge Richard McAdams previously had refused to grant bail, saying Rainville's refusal to stop driving presented a risk to the public.

At a previous court hearing, family members testified that they had been unable to keep Rainville from getting behind the wheel, despite her string of accidents.

Her brother testified that Rainville insisted on driving to visit her husband, who has been confined to a Live Oak convalescent hospital since suffering a stroke.

Outside court Monday, Meltzer said those family members have said that Rainville "simply is not the same person" since suffering a head injury in 1977.

Rainville was a fourth-grade teacher with the Pajaro Valley School District when she slipped and fell on stairs,

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— Paul Meltzer,
attorney

cracking her head against a step, Meltzer said.

He said she was treated at a hospital and sent home, but suffered a hemorrhage and had to go back. She ultimately underwent brain surgery.

"She never went back to teaching again. She suffers from memory loss and occasional seizures and her speech patterns are disjointed," Meltzer said.

Rainville appeared to have trouble replying to Judge Robert Atack when he informed her Monday of the rights she

was giving up by waiving her preliminary hearing.

Fry said the maximum sentence she could receive if convicted of vehicular manslaughter with gross negligence is less than eight years. She probably would serve about half that time with good-behavior credits. He said he is open to any possibility that would keep her off the street for the longest period of time.

"It would do nothing for Mrs. Rainville to have her neurologists, psychiatrists and psychologists who have treated her since her injury in 1977 come to court today and it would only do further damage to the victims' families to have to sit through it in court," said Meltzer.

Assistant District Attorney Gary Fry agreed to the waiver, saying it would save up to three weeks of court time and still get the result he wanted.

Fry said the preliminary hearing would have been lengthy because Rainville, wife of a retired federal bankruptcy judge, was involved in five previous accidents and he was prepared to call the victims of those crashes to testify.

Fry said some of those victims still are suffering from injuries.

But those victims survived. Gregg Wagner, 21, and his fiancée,