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**STATE OF ARIZONA
COUNTY OF PINAL ADULT PROBATION DEPARTMENT
PRESENTENCE INVESTIGATION**

**RASCON, Christina Haines
Probation Officer: Anthony Rodriquez
Date of Hearing: March 24, 2017**

**CR-201601058
Hon. Lawrence M. Wharton**

OFFENSE SUMMARY:

The following information was taken from Casa Grande Police Department DR #16-002404.

On April 9, 2016, at approximately 7:09 p.m., Officer Cardita was dispatched the area of North Kadota Avenue and East Cottonwood Lane, to assist with a hit and run incident that resulted in a deceased victim. Upon his arrival, Officer Cardita observed gouge marks on the northbound lane of Kadota Avenue. He also observed pieces of a bicycle, a bicycle frame, and a blood stain on the road. The rear bicycle tire was separated from the frame. The victim was identified as Emily Akins. Ms. Akins' left femur appeared to be fractured, and she had a laceration on the back of her head, which exposed her skull.

The suspect, Christina Rascon, and her vehicle were located in the 1300 block of East 11th Street. An opened case of beer was located inside Ms. Rascon's vehicle, and her picture identification was hanging from the rear view mirror. There was damage to the front of Ms. Rascon's vehicle. A large two to three inch indentation was located on the hood.

According to the Casa Grande Police Department "Alcohol Influence Sheet," Ms. Rascon's eyes were watery, her speech was slurred, and her balance was described as "swaying." The sheet also indicates that a strong odor of alcoholic beverage was detected and that Ms. Rascon had consumed "A shot & few beers." Two tubes of blood were taken from Ms. Rascon, after a search warrant was obtained, and submitted to the Arizona Department of Public Safety for scientific analysis.

Ms. Rascon was booked into the Pinal County Jail on charges of Manslaughter, Leave Scene of Fatality, DUI Slightest, DUI Greater Than .08, DUI .15 to .20, and DUI Greater Than .20.

On April 10, 2016, Officer Cardita assessed Ms. Rascon's vehicle and Ms. Akins' bicycle. Officer Cardita positioned the bicycle to the impact location on Ms. Rascon's vehicle. He noticed that there was a mark on the lower bumper that correlated with the rear tire. There was also paint transfer on Ms. Rascon's vehicle and missing paint from the bicycle. The bent section of the bicycle handlebars fit in the indentation located on the hood of Ms. Rascon's vehicle. Green slime was located under Ms. Rascon's vehicle, which was the same type of green slime located on the bicycle tire.

Officer Cardita interviewed Ms. Rascon's roommate, and he reported that he last had brief contact with her in the afternoon on April 9, 2016. The roommate reported that Ms. Rascon would have parties every other weekend, and he assumed that alcohol drinking was done at the parties. The roommate did not know if Ms. Rascon had been drinking on April 9, 2016; however, he informed that there was more than one person in the backyard of the residence that he did not know. The roommate reported that Ms. Rascon's aunts arrived at the residence and told him to shut the house down. He informed that he was told not to let anyone in the house and that Ms. Rascon was involved in an accident.

Officer Brown received information that Ms. Rascon had been at a Walgreens store, located at Peart and Florence Boulevard, after the hit and run collision took place. Officer Cardita went to the Walgreens store, and he requested that they review video footage from the night of April 9, 2016, at approximately 7:30 p.m. Video footage was located of Ms. Rascon purchasing a 12-pack of beer and other items. A store employee who was working on the night of April 9, 2016, remembered seeing Ms. Rascon standing in line with her 12-pack of beer on the floor.

DEFENDANT'S STATEMENT:

Ms. Rascon made the following statement regarding the offenses she committed, "Very hurt. I'm ashamed. I'm sad. I'm embarrassed. I'm sorry." She believes that she will successfully complete probation after she is released from prison.

VICTIM'S STATEMENT:

On March 8, 2017, this officer spoke with the victim's mother, Carol Dixon. Ms. Dixon indicated that she is seeking restitution and that the restitution information she already submitted to the Victim Assistance Office was only for funeral expenses. It appears that Ms. Dixon will be providing more restitution information, and this officer advised her that the Court can set a restitution hearing. Ms. Dixon indicated that she will be submitting a written statement for the Court's consideration. At the time this report was completed, this officer had yet to receive the written statement. Ms. Dixon advised that she is going to attend Ms. Rascon's sentencing hearing.

CRIMINOGENIC ASSESSMENT:

Based on the Offender Screening Tool (OST) Assessment, the following is an assessment of the defendant's risk to reoffend and the criminogenic needs. Factors identified as "Not an Issue" may not require intervention. Factors identified as "Potential Issues" contribute to the defendant's overall risk to reoffend, but may not require immediate attention. Factors identified as "Salient Issues" significantly contribute to the defendant's overall risk to reoffend and should be taken into consideration when developing supervision strategies. The OST is a standardized, statewide, validated tool approved by the Administrative Office of the Courts (AOC).

NOT AN ISSUE

<i>Education</i>	<ul style="list-style-type: none">• She is a high school graduate• She did not experience any learning or disciplinary problems while in school• She earned an Associate's degree in Liberal Arts• She needs to complete four more classes to obtain a Bachelor's degree in Public Health
<i>Residence and Neighborhood</i>	<ul style="list-style-type: none">• She lived in a house she owns in Casa Grande, Arizona prior to her incarceration• She indicated that she might live with her sister in Glendale, Arizona for a couple of weeks after she is released from prison• She will then move back to her house in Casa Grande, provided that she does not sell it• She has lived at her current address for five years
<i>Drug Use/Abuse</i>	<ul style="list-style-type: none">• She claims that she has never consumed illegal drugs
<i>Attitude/ Criminal Thinking</i>	<ul style="list-style-type: none">• She did not express any attitudes supportive of crime or that were non-conforming to societal norms at the time of her presentence interview• She was cooperative, and she answered all the presentence interview questions asked of her• She stated that she is sorry for committing the offenses• She indicated that he will be amenable to supervised probation

POTENTIAL ISSUES

<p><i>Vocational/ Financial Management</i></p>	<ul style="list-style-type: none"> • She was last employed as a scribe for CORE Institute in Gilbert, Arizona, and she earned \$17.00 per hour • She was employed for CORE Institute for four months • She was able to meet her financial obligations when she was employed • She received food stamps in the amount of \$115.00 per month and unemployment benefits in the amount of \$240.00 per week prior to her incarceration • She was previously a medical assistant for 21 years
<p><i>Family/ Social Relationships</i></p>	<ul style="list-style-type: none"> • Her parents divorced when she was three years old • She lived with her mother from the approximate age of seven until she was 13 years old • She then live with her father until she established her own residence at the age of 17 • She was not abused or neglected as a child • No one else in her immediate family has a criminal record • She has a good relationship with her immediate family members • She has never been married, and she does not have any children • She is currently not in a relationship with anyone • She spent most of her time with her aunts in Casa Grande, Arizona prior to her incarceration
<p><i>Alcohol Use/Abuse</i></p>	<ul style="list-style-type: none"> • She reported that when she was in her 20's, she consumed alcohol on the weekends with her friends • She reported that when she was in her 30's, she consumed alcohol "every now and then" • She claims that her past use of alcohol was never a problem for her • She admitted that she consumed alcohol on the day of the offense and that she was intoxicated at the time of the offense • She does not have any prior alcohol-related convictions
<p><i>Mental Health</i></p>	<ul style="list-style-type: none"> • She reported that she was diagnosed with depression when she was in her 20's • She reported that it has been 15 years since she last consumed prescribed medication for depression • She currently takes prescribed medication for anxiety and high blood pressure • She stated that her current mental health is stable

<i>Criminal Behavior</i>	<ul style="list-style-type: none"> • She does not have a prior felony conviction • She does not have a prior criminal misdemeanor conviction
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SALIENT ISSUES

No salient issues have been identified for the defendant at this time.

EVALUATION AND RECOMMENDATION:

The plea agreement lists the minimum prison term for a Class 2 Felony as being 4.5 years; however, the correct term appears to be four years. Additionally, A.R.S §13-704 is listed in the plea agreement for both counts; however, the plea agreement indicates that the offenses are non-dangerous offenses. The Court may wish to address these corrections prior to sentencing.

Appearing before the Court is 41 year-old Christina Haines Rascon, who pled guilty to Manslaughter, a Class 2 Felony, and Leaving the Scene of a Fatal Collision (at fault), a Class 2 Felony. Ms. Rascon is assessed as a low risk to reoffend, with no salient issues identified at this time. Ms. Rascon admitted that she consumed alcohol on the day of the offense and that she was intoxicated. Consequently, Ms. Rascon’s poor decision to operate a motor vehicle while intoxicated not only resulted in the death of an innocent bicyclist, but also a lengthy prison term for herself. Ms. Rascon will also have to serve a supervised probation term upon her release from prison.

Therefore, it is respectfully recommended that **as to Count 1**, the defendant be sentenced to the **aggravated** term of **eight years** imprisonment in the Arizona Department of Corrections. The defendant is entitled to **65 days** credit of presentence incarceration. The defendant is required to serve 85% of the sentence imposed before being eligible for any type of early release. *A person may earn release credits of one day for every six days served, unless prohibited by statute. Commutation is possible.* In addition, **it is recommended that the term of community supervision be waived pursuant to A.R.S. §13-603(K), as the defendant will be serving a supervised probation term in Count 2 upon her release from the Arizona Department of Corrections.**

As to Count 2, the defendant should be placed on **supervised probation** for a period of **five years, to run consecutively to her prison term in Count 1**, with the standard conditions #1 through #15, with condition #6 to read that the defendant report to the APD within **72 hours of her release from secured confinement in Count 1**, and condition #8 to read that the defendant not leave the **state**. In addition, the Court may also wish to consider the following conditions:

- Condition #16: That the defendant not consume any substance containing alcohol.

- Condition #20: That the defendant complete up to **100 hours** of discretionary community restitution, as directed by the Adult Probation Department.
- Condition #22: That the defendant not possess or consume any synthetic drug or mind-altering substance.
- Condition #15: That the defendant abide by the Judgment and Orders of Restitution, Fines, and Fees in this case as follows:
 - A. That the defendant pay restitution in an amount to be set at a restitution hearing on **April 24, 2017**.
 - B. That the defendant pay a \$75.00 monthly probation supervision fee.

In order to satisfy the above listed financial obligations, the defendant should commence monthly payments on **the first day of the third month following the defendant's release from prison**, in the amount of **\$75.00**. **It is recommended that the Court retain jurisdiction in this matter, specifically as it relates to restitution purposes. Should information regarding restitution be provided to any party in this matter, it shall be brought back before the Court without unreasonable delay. All co-defendants shall be held jointly and severally liable for any restitution ordered, where applicable and as permitted by law.** It is further recommended that any previous order regarding reimbursement of attorney fees be rescinded at this time. Any money currently being held in trust should be applied as previously ordered.

PLEA AGREEMENT:

- **As to Count 1, the defendant shall be sentenced to a term of six to nine years in the Arizona Department of Corrections**
- **The defendant shall pay restitution in an amount not to exceed \$2,000,000.00**
- **The defendant's driving privileges shall be revoked pursuant to A.R.S. §28-3304**
- **The parties stipulate to one aggravating factor, to wit: Harm to victim's family, pursuant to A.R.S. §13-701(D)(9)**
- **As to Count 2, the defendant shall be placed on supervised probation, to commence upon the defendant's physical release from the Arizona Department of Corrections in Count 1**

PENALTIES:

Count 1 (Amended): Manslaughter, a Class 2 Felony

Count 2: Leaving the Scene of a Fatal Collision (at fault), a Class 2 Felony

Prison Range

3 years	4 years	5 years	10 years	12.5 years
mit. minimum	minimum	presumptive	maximum	agg. maximum

Community Supervision

A person may earn release credits of one day for every six days served, unless prohibited by statute. Commutation is possible.

PROBATION: AVAILABLE **as to each count**
FINES: \$150,000.00 plus 83% surcharges plus \$35.00

MITIGATING FACTORS:

- The defendant's lack of prior record.

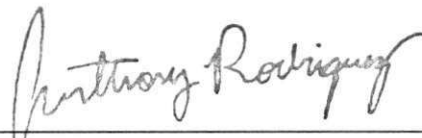
AGGRAVATING FACTORS:

Pursuant to the plea agreement, the parties stipulate to the following aggravating factor:

- A.R.S. §13-701(D)(9): The offense(s) caused physical, emotional or financial harm to the victim; or if the victim has died as a result of the conduct of the defendant, the offense(s) caused emotional or financial harm to the victim's immediate family.

Respectfully submitted,

ROD R. MCKONE, Chief
Probation Officer

By: 

Anthony Rodriguez, Deputy
 Adult Probation Officer



Reviewed by: _____
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