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TODD SPITZER

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Former Fullerton Police Sergeant Sentenced to Pre-trial Diversion for Lying in Police Report Regarding DUI Investigation of City Manager
Prosecutors objected to court offer that allowed former officer to have crime expunged from his record if diversion terms are met

SANTA ANA, Calif. – A former Fullerton police sergeant was sentenced to pre-trial diversion for lying in a police report about an investigation into a DUI accident involving then-Fullerton City Manager Joe Felz in 2016. Prosecutors had charged the former police officer with a felony for lying in a police report that the city manager was not intoxicated at the time of the crash and objected to the court offer for pre-trial diversion.

Rodger Jeffrey Corbett, 48, of Corona, was sentenced Monday to pre-trial diversion by an Orange County superior court judge. Instead of entering a guilty plea, the court offer allows Corbett to complete the terms of the offer and then have his case removed from his record as if it never happened.

The court offer includes 80 hours community service, a \$500 payment to victim witness, restitution and a requirement that he no longer work in law enforcement. If all the terms are met, Corbett can request the case be dismissed after a year.

New state law that went into effect January 1, 2021 gives judges the discretion to put defendants in pre-trial diversion, regardless of whether prosecutors object.

“As prosecutors, we are filing charges that hold police officers who break the law accountable,” said Orange County District Attorney Todd Spitzer. “But those attempts to hold peace officers accountable are handcuffed by efforts by the state Legislature and the bench to downgrade these crimes to a point where it is as if they never happened. Law enforcement officers wield incredible power and when they abuse that power and engage in cover-ups and perpetuate different systems of justice for people based on their political connections, they must be held accountable.”

On November 9, 2016, at approximately 1:30 a.m., officers with the Fullerton Police Department were dispatched to a single vehicle traffic accident.

When they arrived, officers found Fullerton City Manager Joseph Felz attempting to drive his disabled vehicle away from the scene of the accident. Officers noted Felz showed objective symptoms of intoxication.

Due to Felz's position as City Manager, Sgt. Corbett was called to handle the investigation to determine if Felz was driving under the influence of alcohol. Sergeant Corbett conducted a cursory examination of Felz, concluded he was not under the influence of alcohol, and drove him home. In a subsequent police report, Corbett memorialized his determination that Felz was not under the influence.

The Orange County District Attorney's Office filed misdemeanor driving under the influence charges against Felz. The former city manager pled guilty to one count of misdemeanor reckless driving and admitted he had in fact been driving under the influence.

Deputy District Attorney Frank Acosta of Special Prosecutions prosecuted this case.

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