

NEWS RELEASE

R. Andrew Murray
District Attorney

January 31, 2012

35 convicted of driving while impaired

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of January 23, 2012. The Superior Court Judge presiding was The Honorable Hugh B. Lewis.

Monday was designated as an administrative day in this courtroom. In the morning, the State called the trial calendar for the week. The court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases.

The following trials, motions, pleas, and remands were done throughout the week:

Erika Tapuerca Urrutia, 27, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Joanna Beck, 35, was charged with driving while impaired. Beck made motions to suppress based on the constitutionality of the checkpoint where she was stopped and on lack of probable cause. Judge Lewis denied both motions and the case was continued for trial.

Teddy Helton, 31, was charged with driving while impaired. Helton made a motion to suppress based on lack of probable cause. Judge Lewis granted Helton's motion without a hearing and the case was remanded to district court for further proceedings.

Mark Kessler, 54, was charged with driving while impaired. Kessler made motions to suppress based on the constitutionality of the checkpoint where he was stopped and on lack of probable cause. Judge Lewis denied both motions and Kessler remanded his case for sentencing in district court on January 31, 2012 in courtroom 4150.

Melissa Moser, 31, was charged with driving while impaired. Moser made motions to suppress based on lack of reasonable suspicion and on lack of probable cause. Judge Lewis denied both motions and Moser remanded her case for sentencing in district court on January 31, 2012 in courtroom 4150.

Charles Wickham, 77, was charged with driving while impaired. Wickham made a motion to suppress based on lack of reasonable suspicion. Judge Lewis denied the defendant's motion and Wickham remanded his case for sentencing in district court on January 31, 2012 in courtroom 4310.

William Burris, 51, pled guilty to habitual driving while impaired. Burris was sentenced to 12-15 months in prison.

Rashard Farrer, 25, pled guilty to driving 64 mph in a 55 mph zone. Farrer was granted a prayer for judgment continued upon payment of court costs.

Andrew Fortner, 24, pled guilty to resisting a public officer. Fortner was sentenced to 7 days in the county jail.

Lakita Glover, 24, pled guilty to driving 49 mph in a 35 mph zone. Glover was fined \$125.

Phillip Leon, 37, pled guilty to resisting a public officer. Leon was sentenced to 24 hours in the county jail.

Christopher McIntosh, 24, pled guilty to habitual driving while impaired. McIntosh was sentenced to 15-18 months in prison.

Steven Parker, 33, pled guilty to driving while impaired. Parker was sentenced to 12 months in prison; that sentence is suspended pending his successful completion of 18 months supervised probation.

John Rubins, 30, pled guilty to habitual driving while impaired. Rubins was sentenced to 15-18 months in prison.

George Thompson, 41, pled guilty to driving while impaired. Thompson was sentenced to 9 months in prison; that sentence is suspended pending his successful completion of 18 months supervised probation.

Clarence Abney, 41, was convicted of driving while impaired. Abney remanded his case for sentencing in district court on January 25, 2012 in courtroom 4310.

Melissa Alley, 44, was convicted of driving while impaired. Alley remanded her case for sentencing in district court on January 26, 2012 in courtroom 4170.

Aran Citron Arbel, 34, was convicted of driving while impaired. Arbel remanded his case for sentencing in district court on January 30, 2012 in courtroom 4310.

Jason Austin, 24, was convicted of driving while impaired. Austin remanded his case for sentencing in district court on January 25, 2012 in courtroom 1130.

Michael Bates, 24, was convicted of driving while impaired. Bates remanded his case for sentencing in district court on January 25, 2012 in courtroom 4150.

Chad Cannon, 34, was convicted of driving while impaired. Cannon remanded his case for sentencing in district court on January 25, 2012 in courtroom 4150.

Jessica Cook, 32, was convicted of driving while impaired. Cook remanded her case for sentencing in district court on January 25, 2012 in courtroom 4170.

Ty Danner, 41, was convicted of driving while impaired. Danner remanded his case for sentencing in district court on January 25, 2012 in courtroom 4170.

Christopher Foddrell, 31, was convicted of driving while impaired. Foddrell remanded his case for sentencing in district court on January 31, 2012 in courtroom 4170.

Derek Jones, 27, was convicted of driving while impaired. Jones remanded his case for sentencing in district court on January 25, 2012 in courtroom 4310.

Christopher Lecordier, 29, was convicted of driving while impaired. Lecordier remanded his case for sentencing in district court on January 25, 2012 in courtroom 4170.

Jillian Ledford, 23, was convicted of driving while impaired. Ledford remanded her case for sentencing in district court on January 26, 2012 in courtroom 4310.

Tiffany Marques, 26, was convicted of driving while impaired. Marques remanded her case for sentencing in district court on January 26, 2012 in courtroom 4170.

Laurie Nafzger, 41 was convicted of driving while impaired. Nafzger remanded her case for sentencing in district court on January 27, 2012 in courtroom 4150.

Samir Patel, 27, was convicted of driving while impaired. Patel remanded his case for sentencing in district court on January 26, 2012 in courtroom 4170.

Joel Poole, 33, was convicted of driving while impaired. Poole remanded his case for sentencing in district court on January 25, 2012 in courtroom 1130.

Samuel Poston, 40, was convicted of driving while impaired. Poston remanded his case for sentencing in district court on January 26, 2012 in courtroom 4310.

Jeffrey Pruiett, 50, was convicted of driving while impaired. Pruiett remanded his case for sentencing in district court on January 26, 2012 in courtroom 4150.

Rodger Shackelton, 51, was convicted of driving while impaired. Shackelton remanded his case for sentencing in district court on January 25, 2012 in courtroom 4150.

Charles Smith, 46, was convicted of driving while impaired. Smith remanded his case for sentencing in district court on January 25, 2012 in courtroom 4150.

Bethany Sterling, 30, was convicted of driving while impaired. Sterling remanded her case for sentencing in district court on January 25, 2012 in courtroom 4310.

Preston Stewart, 25, was convicted of driving while impaired. Stewart remanded his case for sentencing in district court on January 31, 2012 in courtroom 4150.

Eddrick Twitty, 31, was convicted of driving while impaired. Twitty remanded his case for sentencing in district court on January 25, 2012 in courtroom 1130.

Allison Whitlatch, 40, was convicted of driving while impaired. Whitlatch remanded her case for sentencing in district court on January 31, 2012 in courtroom 4310.

Nancy Wogon, 47, was convicted of driving while impaired. Wogon remanded her case for sentencing in district court on January 25, 2012 in courtroom 4150.

Note: Misdemeanors and infractions are originally prosecuted in district court in North Carolina. In criminal district court, a judge determines guilt, not a jury; this is commonly referred to as a "bench trial." However, defendants have a right to appeal a conviction from the district court to the superior court for a trial de novo. The new trial in superior court must be a jury trial, not a bench trial. In a de novo trial, the jury cannot be informed that a district court judge previously found the defendant guilty; further, a record of any evidence, including testimony, from district court may not be introduced. While the DA's Office prosecutes nearly 225,000 misdemeanors and infractions each year in district court in Mecklenburg County, each defendant is entitled to exercise his/her right to appeal to the superior

court. When a misdemeanor or infraction occupies the limited time available in our superior courtrooms, it the intent of the DA's Office to keep the public informed of the results through news releases like this one. Due to the volume of misdemeanors and infractions prosecuted in district court each day, reports like this are not possible for all of those cases.

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