

NEWS RELEASE

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March 4, 2015

Jury's verdict, guilty pleas lead to convictions of impaired drivers

CHARLOTTE, N.C. – Of the 10 defendants recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team, nine were impaired drivers. The team tried one defendant February 23-27, 2015, and nine others pled guilty or remanded their cases to District Court. The proceedings were held in courtroom 5170 before The Honorable Daniel A. Kuehnert, Superior Court Judge. Court was not held on February 26, 2015, due to inclement weather.

The Misdemeanor Appeals Team prosecutes cases in which the defendant was convicted in District Court and then appealed his or her conviction to Superior Court for a jury trial, as allowed under North Carolina law.

Jarvis Horne, 30, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Kuehnert sentenced Horne to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation and 24 hours of community service.

Among those who pled guilty were:

Jonathan Moore, 24, pled guilty to driving while impaired. He was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 36 months of supervised probation. As conditions of his probation, Moore must serve 10 days in jail and participate in continuous alcohol monitoring for 120 days.

Taylor Goudy, 23, pled guilty to driving while impaired. Goudy was sentenced to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Jonathan Young, 27, pled guilty to driving while impaired. He was sentenced to 120 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. As a condition of his probation, Young must serve 8 days in the Mecklenburg County Jail.

James Claiborne, 53, pled guilty to driving while impaired. He was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Sergio Gutierrez, 26, pled guilty to driving while impaired. He was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 36 months of unsupervised probation.

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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