

NEWS RELEASE

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DA's Misdemeanor Appeals Team convicts 21 defendants of DWI charges

CHARLOTTE, N.C. – The Misdemeanor Appeals Team of the Mecklenburg County District Attorney's Office recently completed a three-week trial calendar that ran from February 18, 2013, to March 8, 2013. The Misdemeanor Appeals Team handles 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. During the three-week period, the team prosecuted 35 cases.

The team called cases in two Superior Court courtrooms and prosecuted cases ranging from minor traffic tickets to driving while impaired charges. Four cases went to trial, and all involved charges of driving while impaired. Another 12 defendants pled guilty to driving while impaired charges, and seven others were convicted after remanding their cases to District Court. The driving while impaired sentences ranged from probation to 24 months in prison.

Sam Andrews, 26, was tried for 1) driving while impaired and 2) open container in a vehicle after consuming alcohol. The jury returned a verdict of *guilty* as charged. The Honorable Sharon T. Barrett, Superior Court Judge, sentenced Andrews to 6 months in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 18 months of unsupervised probation. As a condition of probation, the defendant must serve 4 days in jail.

Marcus Sifford, 36, was tried for 1) driving while impaired, 2) reckless driving and 3) speeding. The jury returned a verdict of *guilty* as charged. Judge Barrett sentenced Sifford to 120 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 18 months of unsupervised probation.

Joshua Downs, 31, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Brianna Kyler, 25, was tried for 1) driving while impaired and 2) resisting a public officer. The jury returned verdicts of *not guilty*.

Among the defendants who were convicted of driving while impaired after pleading guilty or remanding their cases to District Court were:

Alexis Morel, 24, pled guilty to driving while impaired. Judge Barrett sentenced the defendant to 24 months in prison.

Tony Morrison, 50, pled guilty to habitual impaired driving. Judge Barrett sentenced him to 20-24 months in prison.

Tony Jessup, 51, pled guilty to driving while impaired. Judge Barrett sentenced him to 12 months in prison.

Henry Adams, 39, pled guilty to driving while impaired. Judge Barrett sentenced him to 24 months in prison; that sentence was suspended pending the successful completion of 24 months of supervised probation. As a condition of probation, Adams must serve 30 days in the Mecklenburg County jail.

Susan Shaw, 52, pled guilty to two counts of driving while impaired. In the first case, Judge Barrett sentenced her to 30 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation. In the second case, Judge Barrett sentenced her to 12 months in prison; that sentence was suspended pending the successful completion of 18 months of unsupervised probation. As a condition of probation, Shaw must serve 14 days in the Mecklenburg County jail.

Robert Brown, 50, was convicted of driving while impaired when he remanded his case to District Court for sentencing. He was sentenced to 18 months in prison; that sentence was suspended pending the successful completion of 24 months of supervised probation. As a condition of probation, the defendant must serve 8 days in the Mecklenburg County jail.

Leon Redfearn, 44, pled guilty to driving while impaired. Judge Barrett sentenced him to 12 months in prison; that sentence was suspended pending the successful completion of 24 months of supervised probation.

Todd Ciezadlo, 38, pled guilty to driving while impaired. Judge Barrett sentenced him to 120 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 18 months of supervised probation.

Patricia Hollan-Rudolph, 29, pled guilty to driving while impaired. Judge Barrett sentenced her to 120 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Stephen Dean, 38, pled guilty to driving while impaired. Judge Barrett sentenced him to 120 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Gustavo Rubi, 31, was convicted of driving while impaired when he remanded his case to District Court for sentencing. He was sentenced to 120 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Dean Perna, 50, pled guilty to 1) driving while impaired and 2) assault on a government official. For the driving while impaired offense, The Honorable W. Robert Bell, Superior Court Judge, sentenced Perna to 30 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 24 months of supervised probation. For the assault on a government official offense, Judge Bell sentenced Perna to 150 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of supervised 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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