

# NEWS RELEASE

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## Misdemeanor Appeals Team sends 2 habitual impaired drivers to prison

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted 12 defendants during a recent trial session in Superior Court. Seven of the 12 convicted defendants were impaired drivers, including two habitual impaired drivers who were sent to prison. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held March 13-17, 2017, before The Honorable Robert T. Sumner, Superior Court Judge.

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

Kayla Maynarich was tried for driving while impaired. A jury found her *guilty*. Judge Sumner sentenced Maynarich to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As conditions of her probation, Maynarich must perform 24 hours of community service and pay the costs of court.

Marco Soza, 29, pled guilty to habitual impaired driving. Judge Sumner sentenced Soza to 14-26 months in prison. In August 2016, Charlotte-Mecklenburg police responded to a report of a truck that was stopped in the roadway on Birchcrest Drive in Charlotte. When officers arrived, they found Soza passed out behind the wheel of his truck, which was still running. Soza performed poorly on field sobriety tests, and an alcohol breath testing instrument determined his blood alcohol concentration was .29. Soza had previously been convicted of driving while impaired in 2008, 2009 and 2012.

Gary Hovis, 33, pled guilty to habitual impaired driving. Judge Sumner sentenced Hovis to 17-30 months in prison. In December 2015, a Charlotte-Mecklenburg police officer pulled Hovis over at the intersection of Johnston Road and Ballantyne Commons Parkway for an expired tag and driving while his license was revoked. The officer noticed that Hovis smelled of alcohol and marijuana. Hovis performed poorly on field sobriety tests, and an alcohol breath testing instrument determined his blood alcohol concentration was .11. Hovis has three previous driving while impaired convictions from 2006, 2007 and 2010.

Andrew Parks, 23, pled guilty to driving while impaired. He was sentenced to 60 days in the Mecklenburg County Jail.

Jennifer Johnson, 31, pled guilty to driving while impaired. Judge Sumner sentenced Johnson to 6-9 months in prison; that sentence was suspended pending her successful completion of 12 months of supervised probation.

Elizabeth Lee, 45, filed a motion to dismiss a charge of driving while impaired. After hearing evidence and arguments from the defense and an Assistant District Attorney, Judge Sumner denied Lee's motion. She then pled guilty to driving while impaired. She was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Kathleen Wood, 51, pled guilty to driving while impaired. She was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 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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