

NEWS RELEASE

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Jury finds impaired driver guilty; 4 others also convicted of misdemeanor offenses

CHARLOTTE, N.C. – As a result of a trial, guilty pleas and arguments made by prosecutors in regard to defendants' motions, the Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted five defendants in Superior Court during the week of April 4, 2016. Four of the five defendants were convicted of driving while impaired. The proceedings were held in courtroom 5170 before The Honorable Lindsay R. Davis, Superior Court Judge.

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. The team tried one defendant, and three others entered guilty pleas. Another was convicted when the defendant remanded the case to District Court for sentencing.

Sally Santiago, 33, was tried for 1) driving while impaired and 2) speeding 59 mph in a 35 mph zone. The jury found her *guilty* as charged. Judge Davis sentenced Santiago to 30 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, Santiago must complete 24 hours of community service and comply with treatment recommended by a substance abuse assessment.

Jeffrey Wilson, 45, pled guilty to driving while impaired. Wilson was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Wilson must serve 45 days in the Mecklenburg County Jail.

Colby Vanderley, 29, pled guilty to driving while impaired. Vanderley was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Vanderley must serve 7 days in the Mecklenburg County Jail.

Larry Burris, 64, pled guilty to assault on a female. Burris was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. As conditions of his probation, Burris must complete substance abuse and mental health assessments, along with any recommended treatment.

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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