

NEWS RELEASE

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DA's Misdemeanor Team convicts 10 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 April 16, 2012. The Superior Court Judge presiding was The Honorable Eric L. Levinson. Cases were also called in courtroom 5370 before The Honorable Yvonne Mims Evans, Superior Court Judge.

Monday was designated as an administrative day in courtroom 5170. 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:

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

Isaac Cho, 30, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson granted the defendant's motion and the case was dismissed.

Anthony Fragman, 32, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson took the matter under advisement and indicated that he would issue a decision at a later date.

Kimberly Goode, 46, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson denied the defendant's motion. The case was continued to the week of May 28, 2012.

Daylan Honeycutt, 23, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson denied the defendant's motion. The defendant pled guilty and was sentenced to 60 days in the county jail; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Sheryl Lowe, 53, was charged with driving while impaired. The State appealed the district court ruling on a motion to dismiss. After hearing testimony and arguments from the defense and the Assistant

District Attorney, Judge Levinson denied the defendant's motion. The case was remanded to district court for further proceedings.

Marc Mahaffee, 37, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Evans took the matter under advisement and later granted the defendant's motion and the case was dismissed.

Rakel Malespin, 32, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson denied the defendant's motion. The case was continued to the week of May 14, 2012 for plea.

Christopher Trotter, 31, was charged with driving while impaired. The State appealed the district court ruling on a motion to suppress alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson took the matter under advisement and indicated that he would issue a decision at a later date.

Hattie Belk, 53, pled guilty to (1) driving while impaired and (2) reckless driving. Judge Evans sentenced Belk to 18 months in prison; that sentence was suspended pending her successful completion of 30 months supervised probation. As one of her conditions of probation Belk must serve 45 days in the county jail.

James Bull, 60, pled guilty to communicating threats. Judge Levinson granted Bull a prayer for judgment continued pending no contact with the prosecuting witness for a term of one year.

Beatrice Eldredge, 44, pled responsible to an unsafe movement violation. Judge Levinson fined Eldredge \$10 and ordered her to pay court costs.

Arthur Fewell, 44, pled guilty to driving while impaired. Judge Levinson sentenced Fewell to 30 days in the county jail; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Shannon Kilpatrick, 33, pled guilty to driving while license revoked. Judge Levinson sentenced Kilpatrick to 30 days in the county jail. That sentence was suspended pending her successful completion of 12 months supervised probation. As one of her conditions of probation Kilpatrick must serve 9 days in the county jail.

Vernon King, 52, pled guilty to driving while license revoked. Judge Levinson sentenced King to 30 days in the county jail.

Leon Massey, 34, pled guilty to two counts of habitual impaired driving. Judge Levinson sentenced Massey to 25-39 months in prison.

Nicholas Milby, 39, pled guilty to driving while impaired. Judge Levinson sentenced Milby to 6 months in prison; that sentence was suspended pending his successful completion of 24 months unsupervised probation.

Marshall Morton, 23, pled guilty to driving while impaired. Judge Levinson sentenced Morton to 14 days in the county jail; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Parke Raider, 25, pled guilty to driving while impaired. Judge Levinson sentenced Raider to 60 days in the county jail; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Lashaunta Williams, 26, pled guilty to driving while impaired. Judge Levinson sentenced Williams to 60 days in the county jail; that sentence was suspended pending her successful completion of 14 months unsupervised probation.

In addition, 2 defendants were convicted of driving while impaired when they remanded their cases for sentencing in district court.

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 is 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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