

# NEWS RELEASE

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## Habitual impaired driver among 10 defendants convicted of DWI offenses

CHARLOTTE, N.C. – Ten defendants, including a habitual impaired driver, were recently convicted of driving while impaired offenses by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held April 18-22, 2016, in courtroom 5170 before The Honorable Forrest D. Bridges, 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.

Rodney Whiteside, 48, was tried for 1) driving while impaired and 2) speeding. The jury found him *guilty*. Judge Bridges sentenced Whiteside to 15 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.

Jason Jenkins, 28, was tried for driving while impaired. Judge Bridges declared a mistrial when the jury was unable to reach a unanimous verdict.

The following defendants are among those who pled guilty:

Dilmer Rivera, 50, pled guilty to habitual driving while impaired. Smith was sentenced to 20-33 months in prison.

Chad McClure, 47, pled guilty to driving while impaired. McClure was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As conditions of his probation, McClure must serve 7 days in the Mecklenburg County Jail and perform 24 hours of community service.

Saic Aquino-Chavez, 35, pled guilty to driving while impaired. Aquino-Chavez was sentenced to 120 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. As a condition of his probation, Aquino-Chavez must serve 48 hours in the Mecklenburg County Jail.

*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*

*novus* 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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