

NEWS RELEASE

R. Andrew Murray
District Attorney

April 28, 2015

Juries convict 6 impaired drivers

CHARLOTTE, N.C. – Juries convicted each of the six impaired drivers recently tried in Superior Court by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. The proceedings were held April 6- 24, 2015, in courtrooms 5130 and 5170 before The Honorable Daniel A. Kuehnert, The Honorable Eric L. Levinson and The Honorable Forrest D. Bridges, Superior Court Judges.

The team also convicted 10 defendants who entered guilty pleas and 14 defendants who remanded their cases to District Court for sentencing. Of those defendants, 21 were convicted of driving while impaired. Prosecutors also made arguments in a case appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. The Superior Court judge ruled in the favor of the State.

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.

Mariel Talavere, 45, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Kuehnert sentenced Talavere to 18 months in prison; that sentence was suspended pending her successful completion of 24 months of supervised probation. As conditions of her probation, Talavere must serve 30 days in the Mecklenburg County Jail and submit to continuous alcohol monitoring for 120 days.

Hasielm Payne, 35, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Kuehnert sentenced Payne to 60 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.

Tameka Johnson, 43, was tried for 1) driving while impaired, 2) failure to heed lights or sirens, and 3) possession of an open container of alcohol. The jury returned verdicts of *guilty*. Judge Kuehnert sentenced Johnson to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of supervised probation and 24 hours of community service. She was also sentenced to an additional 45 days in jail; that sentence was suspended pending her successful completion of 24 months of supervised probation.

Christopher Anzalone, 36, was tried for driving while impaired. The jury found him *guilty*. Judge Kuehnert sentenced Anzalone to 30 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.

Shamika Hornes, 33, was tried for driving while impaired. The jury found her *guilty*. Judge Kuehnert sentenced Hornes to 12 months in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Kristina Beck, 37, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Bridges sentenced her to 20 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 24 months of unsupervised probation and 40 hours of community service.

The following defendants are among those who pled guilty:

Sheirmarle Adams, 28, pled guilty to driving while impaired. Adams was sentenced to 7 days in the Mecklenburg County Jail.

Harry Kelly, 55, pled guilty to driving while impaired. Kelly was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Kelly must serve 30 days in the Mecklenburg County Jail.

Broderick James, 32, pled guilty to driving while impaired. James was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. As a condition of his probation, James must serve 7 days in the Mecklenburg County Jail.

Tonya Fuentes, 51, pled guilty to driving while impaired. Fuentes was sentenced to 3 months in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of supervised probation and 72 hours of community service.

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.

// End //