

NEWS RELEASE

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Seven convicted 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 May 29, 2012. The Superior Court Judge presiding was The Honorable Eric L Levinson. In addition, cases were also called in Courtroom 5150 before The Honorable Hugh B. Lewis.

Tuesday 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:

Joshua Brian Arrington, 31, was charged with (1) habitual driving while impaired, (2) driving while license revoked, and (3) resisting a public officer. Arrington pled guilty to habitual driving while impaired. Judge Levinson sentenced Arrington to 15 to 18 months in prison.

Lashandra Corvett Coleman, 32, was charged with two counts of misdemeanor larceny. Coleman pled guilty to two counts of misdemeanor larceny. Judge Levinson sentenced Coleman to 120 days in the county jail; that sentence was suspended pending the successful completion of 24 months of supervised probation.

Najib El Delvedas, 37, was tried for driving while impaired. The jury returned a verdict of guilty. Judge Lewis sentenced El Delvedas to 30 days in the county jail; the sentenced was suspended pending the successful completion of 12 months of unsupervised probation.

Earl Fields, 64, was charged with (1) two counts of misdemeanor larceny and (2) second degree trespass. Fields pled guilty to one count of misdemeanor larceny. Judge Levinson sentenced Fields to 57 days in the county jail.

Timothy Andrew Kirol, 47, was charged with assault on a female. Kirol pled guilty to the amended charge of simple assault. Judge Levinson ordered Kirol to pay restitution to the victim, a fine and cost of court.

Rakel Marina Malespin, 42, pled guilty to driving while impaired. Judge Levinson sentenced Malespin to 30 days in the county jail; the sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Dennis A. Rann, 30, was charged with (1) misdemeanor larceny and (2) possession of stolen goods. Rann pled guilty to misdemeanor larceny. Judge Levinson sentenced Rann to 45 days in the county jail; the sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Anthony J. Squirewell, 32, was charged with (1) habitual driving while impaired, (2) carrying a concealed gun, (3) felony possession of cocaine, (3) two counts of obtaining a controlled substance by fraud, and (4) reckless driving. Squirewell pled guilty to habitual driving while impaired. Judge Levinson sentenced Squirewell to 18 to 22 months in prison.

James Wayne Wallace, 46, pled guilty to driving while impaired. Judge Levinson sentenced Wallace to 90 days in the county jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation.

Dawn Creswell Warner, 47, was charged with (1) driving while impaired and (2) driving while license revoked. Warner pled guilty to driving while impaired. Judge Levinson sentenced Wallace to 18 months in the county jail; that sentence was suspended pending the successful completion of 16 months of supervised probation. As one of her conditions of probation, Warner must serve 30 days in the county jail.

Mark Daniel Wilson, 40, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Levinson sentenced Wilson to 40 days in the county jail; the sentence was suspended pending the successful completion of 12 months of unsupervised probation.

In addition, one defendant was convicted of driving while impaired when he remanded his case 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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