

# NEWS RELEASE

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District Attorney

**July 22, 2011**

## **On appeal, drunk driving and other misdemeanors prosecuted in Superior Court**

CHARLOTTE, NC – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of July 11, 2011. The Superior Court Judge presiding was The Honorable Yvonne Mims Evans.

Monday is designated as an administrative day in this courtroom. In the morning, the State called the trial calendar for the week. At that time Richard Lutzel, convicted of Driving While Impaired, remanded his case and sentencing was heard in District Court on July 13, 2011. The court then heard felony probation violation probable cause hearings, as well as arraignments for misdemeanor appeals cases, for the remainder of the day.

During the week, the following cases were heard:

Antonio Anthony, 35, pled guilty to Driving While License Revoked. He was sentenced to 75 days in jail with 22 days credit. The remainder is suspended pending his successful completion of 12 months supervised probation.

Jorge Garcia, 26, pled guilty to Speeding 49/35 mph zone. He was fined \$50 plus the costs of court.

Mario Giuria, 29, pled guilty to Reckless Driving. He was fined \$250 plus the costs of court.

David Linder, 41, pled guilty to Habitual Driving While Impaired and Driving with License Revoked. He was sentenced to 18-22 months in prison with credit for 219 days.

Reginald Young, 42, pled guilty to Habitual Driving While Impaired. He was sentenced to 16-20 months in prison with credit for 169 days.

Gail Bowens, 48, was charged with Driving While Impaired. His case was heard based on a State's Appeal from a decision made by the District Court. The Superior Court reversed the lower court and found reasonable suspicion. The case was remanded to District Court for further proceedings.

Nicholas Upchurch, 31, was charged with Driving While Impaired. He remanded his case after the Court found probable cause for the defendant's arrest. His case was sentenced on July 14, 2011 in District Court.

Alan Wray, 39, was charged with Driving While Impaired. He made a motion to suppress based on lack of reasonable suspicion to stop his vehicle. The Court granted his motion and his case was dismissed.

Justin Valenti, 31, was tried for Driving While Impaired. The jury returned a verdict of *guilty*. Judge Evans sentenced Valenti to 60 days in jail; that sentence is suspended pending his successful completion of 12 months unsupervised probation and payment of \$250 in fines.

Denise Howle, 43, was charged with Driving While Impaired. Judge Evans denied the defendant's motion to dismiss based on lack of probable cause and Ms. Howle remanded her case to district court for sentencing. Sentencing was heard on July 18, 2011.

Jackie Paisley, 47, was charged with Driving While Impaired. His case was heard based on a State's Appeal from a decision made by the District Court. The Superior Court reversed the lower court and found exigent circumstances allowing the defendant's blood to be drawn without a warrant. The case was remanded to District Court for further proceedings.

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