

# NEWS RELEASE

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**R. Andrew Murray**  
District Attorney

**August 26, 2011**

## **Drunk-driving cases prosecuted in Superior Court after appeal from District Court**

CHARLOTTE, NC – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of August 22, 2011. The Superior Court Judge presiding was The Honorable Richard D. Boner.

Monday is designated as an administrative day in this courtroom. 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 pleas and remands were taken throughout the week:

Eddie Alameda, 29, was convicted of Driving While Impaired and No Operators License. He remanded his case for sentencing on August 25, 2011 in courtroom 4150.

Timoth Allen, 43, was convicted of Driving While Impaired and Driving While License Revoked. He pled guilty to Driving While License Revoked and was sentenced to 45 days in the Mecklenburg County Jail. He was given credit for 10 days.

Carter Bolln, 25, was convicted of Driving While Impaired and remanded his case for sentencing on August 25, 2011 in courtroom 1130.

Gary Hairston, 35, pled guilty to Resisting a Public Officer. He was granted a prayer for judgment continued upon payment of court costs.

Renek McIlwaine, 38, was convicted of Driving While Impaired and remanded his case for sentencing on August 24, 2011 in courtroom 4170.

Stephen Patterson, 37, was convicted Driving While Impaired and remanded his case for sentencing on August 26, 2011 in courtroom 4310.

Tony Wentz, 46, was convicted of Driving While Impaired, Fail to Heed Light or Siren, No Liability Insurance, and Open Container after Consuming. He remanded his cases for sentencing on August 24, 2011 in courtroom 4170.

Santo Vasquez, 33, pled guilty to Driving While Impaired. He was sentenced to 30 days in the Mecklenburg County Jail and given credit for 30 days.

Rebecca Blackwelder, 54, was charged with Driving While Impaired. The defendant made a motion to dismiss based on the constitutionality of the checkpoint she was stopped at. Judge Boner denied the defendant's motion and the case was remanded for sentencing on August 29, 2011 in courtroom 4150.

Jared Carpenter, 24, was charged with Driving While Impaired. The defendant made a motion to dismiss based on lack of probable cause. Judge Boner denied the defendant's motion and the case was remanded for sentencing on August 26, 2011 in courtroom 4310.

Heidi Haynes, 23, was charged with Driving While Impaired. The defendant made a motion to suppress based on lack of reasonable suspicion and a motion to dismiss based on lack of probable cause. Judge Boner denied both of the defendant's motions and the case was remanded for sentencing on August 25, 2011 in courtroom 4170.

Michael Jones, 33, was charged with Driving While Impaired. The defendant made a motion to dismiss based on lack of probable cause. Judge Boner granted the defendant's motion and the case was dismissed.

Brandy Mace, 27, was charged with Driving While Impaired and Speeding 64/45. The defendant made a motion to dismiss based on pre-trial release procedures at the Mecklenburg County Jail. Judge Boner denied the defendant's motion and the case was remanded for sentencing on August 25, 2011 in courtroom 4310.

Elizabeth Miller, 32, was charged with Driving While Impaired. The defendant made a motion to dismiss and motion to suppress based on the lack of a witness to the intoxilyzer test. Judge Boner denied the defendant's motion and the case was remanded for sentencing on August 25, 2011 in courtroom 4150.

Amanda Parker, 28, was charged with Driving While Impaired. The defendant made a motion to suppress based on lack of reasonable suspicion to stop his vehicle. Judge Boner granted her motion and her case was dismissed.

Parke Raider, 24, was charged with Driving While Impaired. The defendant made a motion to suppress based on lack of reasonable suspicion and a motion to dismiss based on lack of probable cause. Judge Boner denied both motions and the case was continued for trial.

Heidi Schmidt, 24, was charged with Driving While Impaired. The defendant made a motion to dismiss and a motion to suppress based on the lack of a witness to the intoxilyzer test. Judge Boner denied the defendant's motion and the case was continued for remand on September 6, 2011 in courtroom 5170.

Pathik Shah, 28, was charged with Driving While Impaired and Reckless Driving. The defendant made a motion to dismiss based on lack of probable cause. Judge Boner denied the defendant's motion and the case was remanded for sentencing on August 25, 2011 in courtroom 1130.

*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.*

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