

# NEWS RELEASE

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September 25, 2014

## 11 DWI offenders among 24 defendants convicted during 3-week trial period

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried nine defendants and convicted a total of 24 defendants. The proceedings were held September 2-19, 2014, in courtrooms 5130 and 5170 before The Honorable C. Thomas Edwards, The Honorable Jeffrey P. Hunt, The Honorable Eric L. Levinson and The Honorable Linwood O. Foust, Superior Court Judges.

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. Of the 24 defendants convicted, 10 were convicted of driving while impaired, and one was convicted of habitual driving while impaired. Others were convicted of charges such as sexual battery, misdemeanor larceny and driving while license revoked. Seven of the defendants were convicted at trial, while 17 others were convicted when they pled guilty or remanded their cases to District Court for sentencing.

During the three-week term, prosecutors also made arguments in three cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. A judge granted one of the State's appeals and denied another. A ruling has not yet been made in the third appeal.

The following nine defendants were tried:

Ruben Vanzant, 35, was tried for assault inflicting serious injury. The jury returned a verdict of *guilty*. Judge Hunt sentenced Vanzant to 150 days in the Mecklenburg County jail.

Gregory Drayton, 50, was tried for sexual battery. The jury returned a verdict of *guilty*. Judge Edwards sentenced Drayton to 75 days in the Mecklenburg County jail.

Chester Soder, 56, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Edwards sentenced him to 24 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Soder must serve 30 days in the Mecklenburg County jail.

Michael Moore, 29, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Edwards sentenced him to 18 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Moore must serve 30 days in the Mecklenburg County jail.

Jeremy Bradford, 33, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Edwards sentenced Bradford to 30 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Jose Flores, 41, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Edwards sentenced Flores to 30 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Lisa Chambless, 25, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Foust sentenced Chambless to 1 day in the Mecklenburg County jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

James Austell, 38, was tried for 1) driving while impaired and 2) speeding. The jury returned a verdict of *not guilty* to the driving while impaired offense, and the jury found him *responsible* for exceeding the posted speed. Judge Edwards sentenced Austell to a \$50 fine.

Leroy Warner, 48, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Among those who pled guilty were:

Ramon Martinez, 33, pled guilty to habitual driving while impaired. Martinez was sentenced to 15-27 months in prison.

Antoine Massey, 41, pled guilty to driving while licensed revoked. Massey was sentenced to 75 days in the Mecklenburg County jail.

Joseph Dewey, 54, pled to misdemeanor larceny. Dewey was sentenced to 80 days 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 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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