

# NEWS RELEASE

**R. Andrew Murray**  
District Attorney

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## **DA's Habitual Felon Team convicts 22 defendants**

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Habitual Felon Team convicted 22 defendants March 19, March 20 and March 22, 2013, in Mecklenburg County Superior Court. The defendants entered their guilty pleas in courtroom 5350 before The Honorable W. Robert Bell, Superior Court Judge. Eleven of the defendants were sent to prison; some were not habitual felons under North Carolina law.

Among those convicted were:

Brandon Payne, 25, pled guilty to 1) felony breaking or entering, 2) larceny after breaking or entering, 3) possession of a firearm by a convicted felon, 4) three counts of felony malicious conduct by a prisoner, 5) misdemeanor assault of emergency personnel, and 6) being a habitual felon. Payne was sentenced to 50-67 months in prison. In October 2012, Payne broke into The Ephiphany School of Charlotte and stole three laptop computers. Three weeks later, Payne fired three gunshots into the walls of a woman's home in Huntersville. No one was injured. When officers responded to the shooting, Payne fled but was later apprehended. After being placed in a police car, Payne kicked out a window and spat on officers. He also attacked an emergency medical technician who was trying to help him. He later spat on a sheriff's deputy while being transported to jail. Payne has prior convictions that include felony breaking or entering, larceny after breaking or entering, larceny from the person, burning a church and attempting to escape prison.



**Brandon Payne**

Darrin Miller, 41, pled guilty to 1) possession of a firearm by a convicted felon and 2) being a habitual felon. Miller was sentenced to 76-104 months in prison. Miller has prior convictions that include assault with a deadly weapon, possession of cocaine with intent to sell or deliver, and six counts of possession of marijuana with intent to sell or deliver.

William Phillip, 40, pled guilty to 1) larceny from the person and 2) being a habitual felon. Phillip was sentenced to 67-93 months in prison. Some of Phillip's prior convictions include felony breaking or entering, larceny after breaking or entering and felony possession of stolen goods.

Justin Aldrich, 35, pled guilty to 1) two counts of felony breaking or entering and 2) two counts of larceny after breaking or entering. Aldrich was sentenced to 56-68 months in prison. Aldrich has prior convictions that consist of grand larceny, burglary, multiple forgeries and felony drug charges.

Rodney Jones, 53, pled guilty to 1) indecent exposure, 2) being a sex offender unlawfully on school property and 3) being a habitual felon. Jones was sentenced to 51-74 months in prison. Jones has prior convictions that include taking indecent liberties with a child and failure to properly register as a sexual offender.

Terrell Tate, 44, pled guilty to 1) felony breaking or entering and 2) larceny after breaking or entering. Tate was sentenced to 40-66 months in prison. Tate has prior convictions that include possession of cocaine, felony breaking or entering and larceny after breaking or entering.

Lee Funderburk, 41, pled guilty to 1) possession of a firearm by a convicted felon and 2) possession of drug paraphernalia. Funderburk was sentenced to 35-51 months in prison. Some of Funderburk's prior convictions include second-degree burglary and identity theft.

Andre Dutton, 44, pled guilty to 1) second-degree burglary and 2) larceny after breaking or entering. Dutton was sentenced to 31-47 months in prison. Dutton's prior convictions include robbery and robbery with a dangerous weapon.

Ricky Chisholm, 52, pled guilty to 1) possession of cocaine with intent to sell or deliver and 2) being a habitual felon. Chisholm was sentenced to 30-46 months in prison. Chisholm has prior convictions that include felony larceny, felony breaking or entering and sale of cocaine.

Eric Penley, 33, pled guilty to 1) five counts of uttering a forged instrument and 2) being a habitual felon. Penley was sentenced to 26-44 months in prison. Penley's prior convictions include possession of a firearm by a convicted felon, assault by strangulation and felony breaking or entering.

James Gripper, 27, pled guilty to 18 counts of breaking or entering a motor vehicle. Gripper was sentenced to 36-57 months in prison; that sentence was suspended pending his successful completion of 36 months of supervised probation. As a condition of his probation, Gripper must serve 9 months in prison. When he is released, he will be required to wear an electronic monitor during the first 12 months of his probation. Gripper was on probation for a previous felony breaking or entering a motor vehicle conviction at the time of this offense.

*Note: Almost all guilty pleas entered in criminal administrative court are the result of an agreed upon plea arrangement between the State and the defendant, which is then approved by the sentencing judge. For more information about why most cases must be resolved by plea negotiation instead of jury trial, please visit the "Understanding Criminal Court" section of the DA's website at [www.charmeckda.com](http://www.charmeckda.com).*

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