

# NEWS RELEASE

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## **Misdemeanor Appeals Team convicts 10 of DWI**

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 during the week of May 14, 2012. The Superior Court Judge presiding was The Honorable Yvonne Mims Evans. Cases were also called in courtroom 5370 before The Honorable Eric L. Levinson, Superior Court Judge, and in courtroom 5150 before The Honorable W. Robert Bell, Superior Court Judge.

Monday 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:

Keith Edward Bailey, 48, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Evans sentenced Bailey to 60 days in the county jail; that sentence is suspended pending his successful completion of 12 months supervised probation.

Danielle Louise Calderon, 29, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Bell sentenced Calderon to 30 days in the county jail; that sentence is suspended pending her successful completion of 24 months unsupervised probation.

Joshua Edward Dailey, 30, pled guilty to driving while impaired. Judge Bell sentenced Dailey to 30 days in the county jail; that sentence is suspending pending his successful completion of 12 months unsupervised probation.

Terrell Felder, 25, pled responsible to speeding 80 m.p.h. in a 60 m.p.h. zone. Judge Evans fined Felder \$300 and ordered him to pay court costs.

Ruhiyyih Gomez, 38, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Evans sentenced Gomez to a maximum of 30 days in the county jail; that sentence is suspended pending her successful completion of 12 months unsupervised probation.

Elizabeth Lavern Hawk, 62, pled guilty to driving while license revoked. Judge Bell sentenced Hawk to 120 days in the county jail; that sentence is suspended pending her successful completion of 12 months supervised probation.

Michael Andrew Hoppa, 17, pled responsible to speeding 60 m.p.h. in a 45 m.p.h. zone. Judge Bell fined Hoppa \$10 and ordered him to pay court costs.

Anita Sue Hyatt, 46, was charged with (1) driving while impaired and (2) failure to comply with license restrictions. Hyatt pled guilty to driving while impaired and Judge Bell sentenced her to 12 months in the county jail; that sentence is suspended pending her successful completion of 24 months supervised probation. As one of her conditions of probation, Hyatt must serve 8 days in the county jail.

Dennis Andrew Magitas, 38, was charged with (1) driving while impaired, (2) no operator license, (3) failure to comply with license restrictions and (4) contributing the delinquency of a juvenile. Magitas pled guilty to driving while impaired and Judge Bell sentenced him to 24 months in prison; that sentence is suspended pending his successful completion of 24 months supervised probation. As one of his conditions of probation, Magitas must serve 40 days in the county jail.

Sharon Denise McCray, 42, pled responsible to speeding 45 m.p.h. in a 40 m.p.h. zone. Judge Bell fined McCray \$10 and ordered her to pay court costs.

Ahkeem McDonalds, 18, pled guilty to simple assault. Judge Bell sentenced McDonalds to 30 days in the county jail.

Richard William Raines, 24, was charged with (1) two counts of driving while impaired, and (2) driving while license revoked. Raines pled guilty to 2 counts of driving while impaired and Judge Bell sentenced him to 14 days in the county jail on the first charge. On the second charge of driving while impaired, Raines was sentenced to 24 months in prison; that sentence is suspended pending his successful completion of 24 months supervised probation. As one of his conditions of probation, Raines served 30 days in an inpatient treatment facility.

Carl Iquan Southerland, 35, pled guilty to driving while license revoked. Judge Bell sentenced Southerland to 25 days in the county jail.

Darrel James Stevens, 34, was tried for impersonating a law enforcement officer. The jury returned a verdict of *not guilty*.

April Michelle Tedder, 30, was charged with (1) driving while impaired, (2) driving while license revoked, (3) expired registration and (4) contributing to the delinquency of a juvenile. Tedder pled guilty to driving while impaired and Judge Bell sentenced her to 24 months in prison; that sentence is suspended pending her successful completion of 24 months supervised probation. As one of the conditions of her probation, Tedder must serve 120 days in the county jail.

Robin Joseph Vinesett, 51, pled guilty to assault on a female. Judge Bell sentenced Vinesett to 75 days in the county jail; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Stanley Tyrone Wallace, 42, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Levinson sentenced Wallace to 150 days in the county jail; that sentence was suspended pending his successful completion of 18 months supervised probation. As one of the conditions of his probation, Wallace must serve 14 days in the county jail.

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 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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