

NEWS RELEASE

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Forty-eight (48) convicted of driving while impaired during three-week trial term

CHARLOTTE, N.C. – The DA's Misdemeanor Appeals Team held court in Courtroom 5130 for the weeks of February 20, February 27 and March 5, 2012 before The Honorable Jerry Cash Martin, Superior Court Judge.

During the week of February 20, 2012, cases were also called before The Honorable Hugh B. Lewis, Superior Court Judge, in courtroom 5150 and before The Honorable Jesse B. Caldwell, III, Superior Court Judge, in courtroom 5170.

During the week of March 5, 2012, cases were also called in courtroom 5170 before The Honorable H. William Constangy, Jr., Superior Court Judge. In courtroom 5370, The Honorable Eric L. Levinson, Superior Court Judge, heard cases from this calendar on March 8-9, 2012.

On Monday, February 20 the State called the trial calendar in courtroom 5130. The court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases for the remainder of that day and the following day.

The following trials, motions, pleas and remands were done throughout the three-week term:

Stanley Stoney Bennett, 44, was charged with driving while impaired. Bennett made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion. Bennett was tried for driving while impaired, and the jury returned a verdict of *guilty*. Bennett was sentenced to 12 months in prison.

Rachel Leigh Bowers, 24, was tried for driving while impaired. The jury returned a verdict of *guilty*. Bowers was sentenced to 60 days in prison; that sentence was suspended pending her successful completion of 12 months unsupervised probation. As a condition of probation, Bowers must serve 24 hours in the county jail. Bowers pled

guilty to driving with a revoked license and was granted a prayer for judgment continued upon payment of court costs.

Anthony Tyrone Burroughs, 51, was charged with driving while impaired. Burroughs made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion. Burroughs was then tried for driving while impaired. The jury returned a verdict of *guilty*. Burroughs was sentenced to 60 days in prison; that sentence was suspended pending his successful completion of 12 months unsupervised probation. As one of his conditions of probation, Burroughs must serve 24 hours in the county jail.

Darius ONeal Culbert, 20, was charged with 1) assault on a government official and 2) disorderly conduct. The jury returned a verdict of *not guilty* on the assault on a government official charge and *guilty* on the disorderly conduct charge. Culbert was sentenced to 45 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation. As one of his conditions of probation, Culbert must serve 3 days in the county jail.

Kevin James Dahlquist, 38, was charged with driving while impaired. Dahlquist made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion. Dahlquist was tried for driving while impaired. The jury returned a verdict of *guilty*. Dahlquist was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As one of his conditions of probation, Dahlquist must serve 7 days in the county jail.

Constantine G. Doulaveris, 31, was tried for 1) driving while impaired and 2) no operator's license. The jury returned verdicts of *guilty* on both charges. On the driving while impaired charge Doulaveris was sentenced to 60 days in prison; that sentence was suspended pending his successful completion of 12 months unsupervised probation. On the charge of no operator's license. Doulaveris was granted a prayer for judgment continued upon payment of court costs.

Devin Tyler McNellie, 28, was charged with driving while impaired. McNellie made a motion to dismiss based on arrest processing procedures. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion. McNellie was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Josue Aguilera, 27, was charged with driving while impaired. Aguilera made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion and Aguilera pled guilty. Aguilera was sentenced to 120 days in prison; that sentence was suspended pending his successful completion of 12 months unsupervised probation. As a condition of probation, Aguilera must serve 24 hours in the county jail.

Keith Edward Bailey, 48, was charged with driving while impaired. Bailey made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights, and a motion to dismiss the charges based on arrest processing procedures. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Lewis denied the motions. The case will proceed to jury trial at a later date.

Gail Y. Bowens, 48, was charged with driving while impaired. Bowens made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of her legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied the defendant's motion and Bowens pled guilty. Bowens was sentenced to 12 months in prison; that sentence was suspended pending her successful completion of 18 months supervised probation. As one of her conditions of probation, Bowens must serve 7 days in the county jail.

Jason Travis Brown, 28, was charged with driving while impaired. Brown made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Caldwell denied the motion and Brown pled guilty. Brown was sentenced to 60 days in prison; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Kelly Louise Costin, 22, was charged with driving while impaired. Costin made motions to suppress certain evidence seized or obtained by law enforcement, alleging violations of her legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Martin denied both motions and Costin pled guilty. Costin was sentenced to 60 days in prison; that sentence was suspended pending her successful completion of 12 months unsupervised probation. As one of her conditions of probation, Costin must serve 24 hours in the county jail.

Joseph J. Palladino, 34, was charged with driving while impaired. Palladino made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. Judge Levinson heard testimony and arguments from the defense and the Assistant District Attorney, then reserved ruling on the motion and took the case under advisement.

Dawn Rierson, 46, was charged with driving while impaired. Rierson made motions to suppress certain evidence seized or obtained by law enforcement, alleging violations of her legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Constangy denied the motions. The case will proceed to jury trial at a later date.

Jason Richard Sanza, 24, was charged with driving while impaired. Sanza made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Lewis denied the motion and the case was continued for additional pre-trial motions.

Robert William Smith, 32, was charged with driving while impaired. The State appealed a previous district court judgment granting the defendant's motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Lewis overruled the district court decision and ruled for the State. The case was remanded to district court for additional proceedings.

Lashaunta Danielle Williams, 26, was charged with driving while impaired. Williams made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of the defendant's legal rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Levinson reserved ruling on the motion and took the case under advisement.

Linzie Adams, 63, pled guilty to driving while impaired. Adams was sentenced to 180 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation.

Kazario Fitzgerald Bishop, 47, pled guilty to driving while license revoked. Bishop was sentenced to 2 days in the county jail.

Dayrel Lotez Blakeney, 25, pled guilty to resisting a public officer. Blakeney was sentenced to 60 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation.

Case previously published has been subsequently expunged

Ashley Marie Brooks, 27, pled guilty to driving while impaired. Brooks was sentenced to 12 months in prison; that sentence was suspended pending her successful completion of 18 months supervised probation. As one of his conditions of probation, Brooks must serve 30 days in the county jail.

Jacqueline Ann Cross, 32, pled guilty to driving while impaired. Cross was sentenced to 90 days in prison; that sentence was suspended pending her successful completion of 12 months unsupervised probation.

Thomas Fludd, 53, pled guilty to driving while license revoked. Fludd was sentenced to 30 days in prison; that sentence was suspended pending his successful completion of 12 months unsupervised probation.

Tammy Marie Folson, 54, pled guilty to driving while impaired. Folson was sentenced to 90 days in prison; that sentence was suspended pending her successful completion of 12 months unsupervised probation.

Eric Lionel Garmon, 43, pled guilty to driving while license revoked. Garmon was sentenced to 120 days in the county jail.

Charles Edward Gaston, 28, pled guilty to driving while impaired. Gaston was sentenced to 180 days in prison; that sentence was suspended pending his successful completion of 18 months supervised probation. As one of his conditions of probation, Gaston must serve 3 days in the county jail.

Belinda M. Gutierrez, 33, pled guilty to driving while license revoked. Gutierrez was sentenced to 120 days in prison; that sentence was suspended pending her successful completion of 12 months supervised probation. As one of her conditions of probation, Gutierrez must serve 5 days in the county jail.

Wendell Bernard Henderson, 45, pled guilty to habitual driving while impaired. Henderson was sentenced to 15 to 18 months in prison.

Mark Christopher Horsley, 25, pled guilty to possession of drug paraphernalia. Horsley was sentenced to 30 days in the county jail.

Willie James Kirkley, 50, pled guilty to driving while impaired. Kirkley was sentenced to 150 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation. As one of his conditions of probation, Kirkley must serve 3 days in the county jail.

Christina Ann-Marie Loftin, 25, pled guilty to possession of drug paraphernalia. Loftin was sentenced to probation under N.C.Gen. Stat. § 90-96 and will be released from probation after she completes drug treatment.

Felecia Tomakia McGill, 28, pled guilty to driving while impaired. McGill was sentenced to 12 months in prison; that sentence was suspended pending her successful completion of 18 months supervised probation.

Shayla L. Miller, 22, pled guilty to assault on a government official. Miller was sentenced to 30 days in prison; that sentence was suspended pending her successful completion of 18 months supervised probation. As one of her conditions of probation, Miller must serve 2 days in the county jail.

Tiffany Nicole Nixon, 33, pled guilty to second degree trespass. Nixon was sentenced to 3 days in the county jail.

Alvaro Torres Roman, 35, pled guilty to driving while impaired. Roman was sentenced to 2 years in prison; that sentence was suspended pending his successful completion of 24 months supervised probation. As one of his conditions of probation, Roman must serve 30 days in the county jail.

Robert Antwone Sturdivant, 31, pled guilty to driving while impaired. Sturdivant was sentenced to 24 months in prison.

David Lee Tarlton, 46, pled guilty to assault by pointing a gun. Tarlton was sentenced to 75 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation.

Travis Martindale Williams, 30, pled guilty to misdemeanor larceny. Williams was sentenced to 120 days in prison; that sentence was suspended pending his successful completion of 12 months supervised probation. As one of his conditions of probation, Williams must serve 1 day in the county jail.

In addition, 27 defendants were convicted of driving while impaired when they remanded their cases 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 is 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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