

NEWS RELEASE

R. Andrew Murray
District Attorney

February 4, 2015

Trials, guilty pleas lead to convictions of 13 DWI drivers

CHARLOTTE, N.C. – During the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried eight defendants and convicted another 10 defendants who pled guilty or remanded their cases to District Court. The proceedings were held January 12-30, 2015, before The Honorable Robert T. Sumner, The Honorable Gregory R. Hayes and The Honorable Richard L. Doughton, 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 16 defendants convicted, 13 were convicted of driving while impaired.

Prosecutors also made arguments in two 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 the other was denied.

The following defendants were tried:

Thomas Cooney, 21, was tried for 1) possession of drug paraphernalia, 2) misdemeanor possession of marijuana and 3) resisting a public officer. The jury returned verdicts of *guilty*. Judge Sumner sentenced Cooney to a total of 110 days in the Mecklenburg County Jail.

Tayona Fraylon, 27, was tried for 1) driving while impaired and 2) possession of an open container. Fraylon, who elected to waive her right to a jury trial in Superior Court under N.C. General Statute § 15A-1201(b), chose to have a bench trial before Judge Sumer. Judge Sumner found Fraylon *guilty* of driving while impaired and *not guilty* of possession of an open container. Judge Sumner sentenced Fraylon to 6 months in the Mecklenburg County Jail; that sentence was suspended pending the successful completion of 12 months of unsupervised probation. As a condition of her probation, Fraylon must serve 7 days in the Mecklenburg County Jail. This is the first time in Mecklenburg County that a defendant has waived his or her right to a jury trial in Superior Court under the new law and only the second time it has occurred in North Carolina.

Robert Adler, 37, was tried for driving while impaired. The jury found him *guilty*. Judge Sumner sentenced Adler to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation and 24 hours of community service.

Brittany Pilarski, 27, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Sumner sentenced her to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation and 24 hours of community service.

Jamie Strong, 32, was tried for driving while impaired. The jury found her *guilty*. Judge Sumner sentenced Strong to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation and 24 hours of community service.

Richard White, 31, was tried for driving while impaired. The jury found him *guilty*. Judge Sumner sentenced White to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation and 24 hours of community service.

Kelly Smith-Harrison, 50, was tried for driving while impaired. Judge Hayes declared a mistrial when the jury was unable to return a unanimous verdict.

Amanda Gaddy, 29, was tried for simple assault. A jury returned a verdict of *not guilty*.

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.

// End //