

NEWS RELEASE

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Misdemeanor Appeals Team convicts 3 impaired drivers at trial

CHARLOTTE, N.C. – A total of 12 impaired drivers were recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. The team tried four defendants and convicted 13 other defendants who pled guilty or remanded their cases to District Court. The proceedings were held March 9-13, 2015, in courtrooms 5170 and 5130 before The Honorable Daniel A. Kuehnert and The Honorable Carla N. Archie, 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.

Lisa Bottle, 47, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Archie sentenced Bottle 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.

Walter Peterson, 41, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Kuehnert sentenced Peterson 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.

Brian Barr, 30, was tried for driving while impaired. The jury found him *guilty*. Judge Kuehnert sentenced Barr 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.

Henry Douglas, 33, was tried for driving while impaired. The jury found him *not guilty*.

The following defendants are among those who pled guilty:

Andrew Durgan, 46, pled guilty to assault by pointing a gun. Durgan was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation.

Nicholas Ramsey, 23, pled guilty to driving while impaired. Ramsey was sentenced to 30 days in the Mecklenburg County Jail.

Randy Keppel, 45, pled guilty to driving while impaired. Keppel was sentenced 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.

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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