NEWS RELEASE

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Drunk drivers have jury trials and are convicted; others plead guilty

CHARLOTTE, NC – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of April 25, 2011. The Superior Court Judge presiding was The Honorable Robert T. Sumner.

Monday is designated as an administrative day in this courtroom. In the morning, the State called the trial calendar for the week. After calendar call, the State requested that any defendant not present as required be issued an order for his or her arrest. Judge Sumner issued two such orders for Teddy Badio and Roger Dent. Badio is charged with Driving While Impaired and Dent is charged with Misdemeanor Larceny. Once the orders were issued, the Court heard probation probable cause hearings and arraignments.

On Tuesday, Charles Gunter, 62, pled guilty to Assault on a Female. He was sentenced to 50 days in the county jail, that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Christopher Case, 21, pled guilty to Consume Beer/Wine Underage. He was given a Prayer for Judgment Continued.

Jeffery Gregory, 47, pled guilty to Assault on a Female. He was sentenced to 100 days in the county jail, that sentence was suspended for 18 months of supervised probation that can be transferred to unsupervised probation after 12 months upon completion of an anger management class.

George Cook, 58, pled guilty to Driving While Impaired, Level 1. He was sentenced to 24 months in the county jail, that sentence was suspended for 24 months of supervised probation. Cook was also sentenced to serve 30 days in county jail as a condition of his probation.

Jamie Stewart, 28, remanded her Driving While Impaired case back to District Court. Stewart's sentencing was held in Mecklenburg County District Courtroom 1130 on May 2.

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Justin Valenti, 29, filed a motion to suppress evidence in his Driving While Impaired case. After hearing arguments from the prosecutor and defense attorney, Judge Sumner denied the defendant's motion.

On Wednesday, the State called the trial of Zsuzsanna Morvay, 58. Morvay was charged with Driving While Impaired and Possession of an Open Container in the Passenger Area. On Friday, a jury found Morvay *guilty* of both charges. Morvay had a prior conviction for Driving While Impaired. Morvay was sentenced to 12 months in the county jail, that sentence was suspended for 24 months of supervised probation. Morvay was also sentenced to serve 14 days in the county jail as a condition of probation.

On Friday, Paul Hee, 49, filed a motion to dismiss his Driving While Impaired charge. The motion was argued, but Judge Sumner did not immediately issue a ruling.

On Tuesday, April 26, the DA's Office was permitted to call cases in Superior Courtroom 6130, usually reserved for the hearing of civil cases, not criminal cases. The presiding judge was the Chief Resident Superior Court Judge for Mecklenburg County, Richard D. Boner.

On Tuesday, Angie Blakeney, 44, pled guilty to Habitual Impaired Driving. She had prior convictions for driving while impaired on: March 31, 2009; May 11, 2009; and January 22, 2009. She was sentenced to 12 to 15 months in prison.

Samuel Vance, 35, pled guilty to Habitual Impaired Driving. He had prior convictions for driving while impaired on: October 25, 2007; July 30, 2007; and September 7, 2001. He was sentenced to 40 to 48 months in prison.

The State then called the trial of Robert Melton, 51. Melton was charged with Driving While Impaired. On Wednesday, the jury returned a verdict of *guilty*. Melton was sentenced to 45 days in the county jail; that sentence was suspended for 18 months of unsupervised probation. Melton was also sentenced to serve 24 hours in jail as part of his probation.

On Wednesday, the State then called the trial of Steven Rouse, 41. Rouse was charged with Driving While Impaired (DWI) and Driving While License Revoked (DWLR). On Friday, the jury returned a verdict of *guilty* on both counts. Rouse had a prior conviction for driving while impaired. Rouse was given an active sentence of 2 years for the DWI and 120 days for the DWLR.

The Misdemeanor Appeals team was allowed to call cases in Courtroom 5130 on Friday, April 29th. The Superior Court Judge Presiding in Courtroom 5130 was The Honorable Christopher Collier.

The State argued a State's Appeal in the matter of Randy Edwards, 24. A State's Appeal is filed when the District Attorney's Office appeals a pre-trial decision by a District Court Judge in a Driving While Impaired case. After hearing evidence and arguments, Judge Collier ruled in favor of the State, overturning the District Court's ruling, and sent the case back to District Court for trial.

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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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