

NEWS RELEASE

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Jury trials and pleas for drunk drivers

CHARLOTTE, NC – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of May 23, 2011. The Superior Court Judge presiding was The Honorable Jesse B. Caldwell, III.

Monday is designated as an administrative day in this courtroom. In the morning, the State called the trial docket for the week. After the docket call, the court remanded three cases back to District Court for sentencing. The court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases.

The following cases were remanded to District Court: Jeffrey Bunton was convicted of Driving While Impaired and sentencing in his case was heard in District Court on May 25, 2011. Fiorella Chirinos was convicted of Driving While Impaired and sentencing in her case was heard in District Court on May 26, 2011. Stephen Mihalick was convicted of Driving While Impaired and sentencing in his case was heard in District Court on May 26, 2011. Sandra Parks was convicted of Driving While Impaired and sentencing in her case was heard in District Court on May 27, 2011. Nancy Truesdale was also convicted of Driving While Impaired and sentencing in her case was heard in District Court on May 25, 2011.

Steven Becker, 43, pled guilty to Habitual Driving While Impaired. He was sentenced to 12-15 months in prison.

Jillian Maguire, 33, pled guilty to Driving While Impaired. She received a sentence of 60 days in jail; that sentence is suspended pending her successful completion of 12 months of supervised probation.

Joshua Winstead, 30, pled guilty to Possession of Drug Paraphernalia. He was sentenced to 82 days in the county jail.

Miles Carpenter, 33, was tried for Driving While Impaired. The jury returned a verdict of *guilty*. Judge Caldwell sentenced Carpenter to 30 days in jail; that sentence is suspended pending his successful completion of 12 months of supervised probation.

Jeffrey Pomerleau, 39, was tried for Driving While Impaired. The jury returned a verdict of *not guilty*.

Brandon Froehlich, 33, was tried for Driving While Impaired. The 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.

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