

NEWS RELEASE

R. Andrew Murray
District Attorney

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Three-week court session leads to convictions of 23 impaired drivers

CHARLOTTE, N.C. – Over the course of a three-week period, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried five defendants and convicted a total of 24 defendants. Of those 24 defendants, 23 were convicted of impaired driving offenses. The proceedings were held November 30-December 18, 2015, before The Honorable Carla N. Archie, The Honorable R. Stuart Albright, and The Honorable Lisa C. Bell, Superior Court Judges.

Two defendants were convicted at trial, while 22 others were convicted when they pled guilty or remanded their cases to District Court for sentencing. Prosecutors also made arguments in a case appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. The judge granted the State's appeal.

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.

Alan Hoffman, 54, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Archie sentenced Hoffman 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.

Gregorio Reyes, 28, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Archie sentenced Reyes to 6 months in prison; that sentence was suspended pending his successful completion of 12 months of supervised probation. As conditions of his probation, Reyes must serve 3 days in the Mecklenburg County Jail and complete 72 hours of community service.

Dersiree Deville, 26, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Mari Klos, 52, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Mehul Gadhia, 41, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

The following defendants are among those who pled guilty:

Jeffrey Hovis, 27, pled guilty to felony habitual impaired driving. Hovis was sentenced to 15-27 months in prison.

Dawn Rierson, 49, pled guilty to felony habitual impaired driving. Rierson was sentenced to 13-25 months in prison.

Avis Honeycutt, 37, pled guilty to driving while impaired. Honeycutt was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Honeycutt must serve 7 days in the Mecklenburg County Jail.

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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