

young drivers in court



TODD SUMLIN - STAFF PHOTO

Christopher Rice, 19, was killed in July when he was thrown from the back seat of an SUV. The driver is charged with driving while impaired. "Our lives have been changed forever," says Rice's father, Henry. "There are daily emotional breakdowns. We can't sleep. Most routine activities are now a challenge ... We just hope kids learn from this."

Drinking from previous page

chances - they get three, four or more breaks in court.

And some repeat offenders are never punished.

A Davidson resident was stopped three times before age 21 and slipped through Mecklenburg courts in different ways each time.

On the first stop, in 2002, he was 19 when police pulled him over for burning rubber in heavy Huntersville traffic. His alcohol level was 0.06.

In court, the teen struck a deal: Prosecutors dropped the alcohol charge in exchange for his guilty plea to reckless driving - then a judge gave him a PJC.

A year later, the youth was stopped again in Huntersville. He pleaded guilty to driving after consuming. And he got another PJC.

Mecklenburg judges frequently don't see driving or criminal histories for people facing driving-after-consuming charges. So they don't know whether a defendant has a clean record or has already gotten deals in court.

In this case, the youth got a third break - even with two prior PJs.

Police stopped him in Davidson. He couldn't recite the alphabet or count to 15, they said. His alcohol breath test was 0.10, and he was charged with driving while impaired.

At trial, the arresting officer didn't show up. He had resigned from the force and because his testimony was crucial, prosecutors dismissed charges.

Now 21, the young man says he quit drinking and driving and works for a construction company. He asked not to be named for fear of losing his job. The Observer verified the facts of his case through court records.

Looking back, the young man says the courts should have been tougher. He and his friends repeatedly drank and drove.

"We thought we kept it under control ... You don't think about the consequences."

A conviction that yanked his license would have made him pay attention, he says. "Truthfully, I might have stopped drinking altogether."

Drinking as a way of life

Teens live in an alcohol-soaked culture, experts say.

Use of most drugs is down among middle and high school students in

Outcomes

The Observer studied 50,307 cases of drinking and driving among youths statewide between 1999 and early 2004. Here are outcomes statewide and in Mecklenburg.

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Total	50,307	3,755
Guilty	61%	41%
PJC	9%	30%
Dismissed	28%	28%
Not guilty	2%	1%

Mecklenburg. But drinking - especially binge drinking - is alarmingly high, say prevention specialists.

Almost one in five students reported they tried binge drinking at least once, according to one recent survey. And one in 10 said they binged at least monthly. White youths report a much higher rate of alcohol use than minorities.

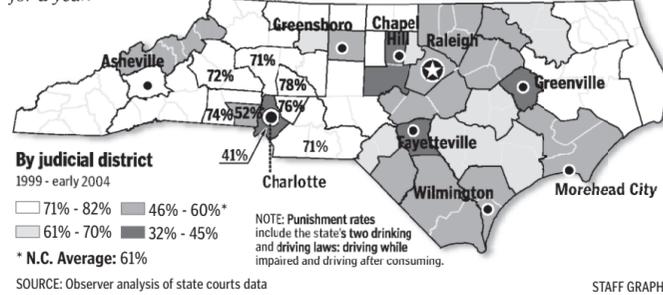
It's easy for kids to get alcohol. One place they drink is at house parties when adults are away - or when adults are home and allow drinking to take place. Parents may not endorse youth drinking but tell themselves: "At least I know where they are. Or at least they're not in a car," says prevention expert Findlan.

There should be no negotiation of any under-21 drinking, says abuse educator Joanne Jenkins.

But too often, she says: "The alarm doesn't go off until the teenager is lying dead in the car. Then the candles are lit, the kids do their mourning and it goes away until the next time."

Punishment Rates

Here's a look at the percentages of drivers, ages 16 to 20, who were stopped for drinking and driving, then found guilty and punished in court. Punishment includes fines, probation and teens' most dreaded penalty - loss of driver's license for a year.



Drinking as a way of death

The problem shook Charlotte on July 17, when two youths died in separate alcohol-related crashes.

James Cippoletti, 17, who graduated from Weddington High School just a few weeks earlier, went out drinking with nine friends, authorities said.

They got served at the Wild Wing Cafe in Pineville. He was headed home alone about 3 a.m. when his car ran off Providence Road in Union County and hit a tree, killing him.

"It's a life sentence. Your heart is broken and it will never be repaired," said Cippoletti's father, Joe. His son made A's and B's, loved the New York Yankees and charmed people with his dry wit.

That same morning, about 3:20 a.m., an SUV carrying four teenage boys left a Charlotte house party. The driver, 19-year-old Christian Kingery, lost control on Sharon View Road and his SUV rolled over, according to police.

Christopher Rice, 19, a Charlotte Country Day School graduate, was thrown from the back seat and killed.

Kingery has been charged with DWI and investigators are considering additional charges.

None of the teens involved in the two wrecks had previous drinking-and-driving charges - but there were red flags.

The Observer found that four of the five teens - excluding Rice - had been cited for alcohol violations.

Experts say alcohol possession and



Cippoletti

Asleep at the Wheel

At 19, a former Myers Park High School athlete was stopped for speeding 86 mph on I-77. He was also charged with driving after consuming alcohol. A Mecklenburg judge granted him a prayer for judgment continued, withholding punishment that could have taken him off the road.

A year later, police discovered the youth asleep behind the wheel at a stoplight on Rea Road. His car was in drive, his foot on the brake, and an open can of beer sat in his lap. Officers banged on his window but couldn't wake him. They summoned Medic. When the young man finally awoke, police said he did poorly on sobriety tests and his alcohol level measured 0.15 - nearly twice the limit considered driving while impaired.

At trial, the arresting officer never showed up. So prosecutors dismissed the case.

"We continually tell him, he may not have gotten punished by the law, but it was the Lord that protected him from hurting himself or hitting someone else," the youth's mother said.

underage drinking signal risky choices that might escalate into drinking and driving.

Cippoletti was charged in 2003 with being intoxicated and disruptive in his high school parking lot, court records show. A Union County judge granted him a PJC.

In the other accident, driver Kingery and passenger Clay Slaughter, 19, had been charged in 2003 with underage possession of beer or wine. Both charges were dismissed after they performed 24 hours of community service.

Passenger Hunter Dawkins, also 19, was ticketed in late 2002 for trying to buy alcohol with a false I.D. in Boone, records show. He could have lost his driver's license for a year, but he, too, did community service and got his charge dismissed.

Most of the teens' families declined to be interviewed for this story.

But Christopher Rice's father wants people to understand how families are forever devastated by drunken driving. His family struggles every day to cope with what happened.

Chris was home for the summer, working at a law firm and practicing golf in hopes of making his college team. He'd just finished his freshman year at the University of South Carolina, where he'd been accepted into Sigma Chi.

To pledge the fraternity, Chris had to spend much of his first college year acting as a designated driver for brothers who were too drunk to drive.

"No words can describe our loss," says Chris' father, Henry, a Charlotte chiropractor. "There's a constant heaviness in the chest, and at times you have difficulty breathing. It's just a deep, deep heartache ..."

"What I hope people realize is that there are real people attached to these tragedies ... If the judicial system does not act in these cases, we'll never stop the horrible consequences." - STAFF WRITERS TED MELLNIK AND AMES ALEXANDER CONTRIBUTED TO THIS ARTICLE.

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How Stories Were Done

For these stories, the Observer compiled information from interviews, court files and state computer records of drinking-and-driving charges against people under 21, from January 1999 through February 2004.

The cases involved either or both of these offenses:

- Driving while impaired, defined as driving under the influence of an impairing substance, or with a blood-alcohol concentration of 0.08 percent or higher.
- Driving after consuming. By law, people under 21 may not drive after drinking any alcohol.

Based on the dispositions of these cases, the Observer calculated a punishment rate for the state and its judicial districts. A punishment rate is the percentage of charges that lead to a guilty verdict, which requires sanctions.

Federal highway safety officials recommend using a punishment rate to evaluate and compare how judicial systems handle drinking-and-driving charges.

The Observer analysis involved 50,000 cases. A case resulting in punishment was defined as any case that ended in a guilty verdict on either charge.

For people charged with violating both drinking-and-driving laws at the same time, the analysis considered the charges together.

Some drivers also may have been charged with crimes in addition to drinking and driving. They were counted as punished only if they received sanctions for the alcohol offense.

Statewide, 61 percent of cases resulted in punishment.

Less than 2 percent resulted in not guilty verdicts.

About 26 percent were dismissed for no probable cause for the charge.

And 9 percent of cases ended with a prayer for judgment continued. In these cases, a defendant acknowledges guilt, but the judge withholds punishment and the state doesn't suspend his driver's license. The judge may not impose conditions for a PJC. However, before granting a PJC, the judge may expect defendants to show they received an alcohol evaluation, education, treatment or performed community service. The Observer did not count those cases as punishment because the defendant kept his license.

The DWI Series

In "DWI: Sobering Acquittals," published in August, the Observer found judges in North Carolina let off more than a third of drunken driving suspects who test over the legal alcohol limit but fight the charges in court.

Also, the odds of escaping a conviction depend largely on where a driver is arrested and who the judge is.

In "DWI Dismissals: Wrecked Lives," published in November, the Observer found that N.C. prosecutors dismiss more than 10,000 DWI cases a year involving suspects who test over the legal limit or who refuse tests.

The charges mostly are tossed out because either the police officers, or the suspects themselves, don't show up for court.

Since then, a series of changes have occurred:

- The Governor's Task Force on Driving While Impaired is recommending a change in the law to make it clear that a reading of 0.08 or more on the Intoxilyzer is enough for a conviction. The panel also recommends the state stiffen punishment for suspects who fail to appear in court.
- North Carolina's chief Supreme Court justice issued a memo to the state's chief District Court judges, telling them not to make prosecutors' burden of proof on DWI cases unnecessarily high.
- The Mecklenburg County judge with the lowest DWI conviction rate has told court officials he no longer wants to hear such cases.
- Mecklenburg's chief district judge has changed which judges regularly hear most criminal cases, including DWIs - a step aimed at resolving cases faster and discouraging "judge shopping" by attorneys.

Read the entire series online at www.charlotte.com/mlc/charlotte/news/special_packages/dwi/

Breath Test Registers 0.19

An 18-year-old Charlotte woman was slurring her words, her eyes were glassy and she failed field sobriety tests, a police report said.

Police found five beers in her car.

State law says drivers under 21 can't have any alcohol in their bodies. Her alcohol breath test registered 0.19 - more than twice the limit considered driving while impaired.

Many N.C. judges will grant a PJC to withhold punishment only for drivers with alcohol levels of 0.02 or lower.

But in Mecklenburg, when the South Charlotte teen went to court, she pleaded guilty and was granted a PJC.

Answers lie largely with adults

BY LIZ CHANDLER
Staff Writer

How do you reduce drinking and driving among youths?

Stop them from drinking in the first place, experts say.

"Teens live in an alcohol-soaked world created by adults ... We need to change the culture," says Barbara Alvarez Martin, a researcher at Wake Forest University's School of Medicine.

Serious change, she says, starts with adults - including parents, alcohol providers, police, judges and lawmakers.

Among solutions experts suggest:

- 1) Reduce youth access to alcohol.
 - Educate parents and prosecute those who allow youth drinking.
 - Target servers and sellers with compliance checks and prosecution.
 - Pass or strengthen liability laws for people who provide alcohol to youths.

- Require keg buyers to get permits so they can be held accountable if the kegs show up at underage drinking parties.
- Increase the price of alcohol through excise taxes.

2) Increase enforcement of minimum legal drinking age.

- Increase sobriety checkpoints.
- Ensure swift and certain sanctions for young drinking drivers.
- Educate and punish youths caught drinking, possessing or trying to obtain alcohol. Such behaviors can escalate into drinking and driving.
- Eliminate prayers for judgment, which allow a judge to withhold punishment against youths who are guilty of driving after consuming alcohol.

3) Create barriers and offer help for young drinkers.

- Identify and break up teen drinking parties. Hold hosts accountable.

- Increase access to treatment services for young drinkers who need help.

4) Streamline judicial procedures.

- Allow immediate driver's license revocation after a youth is charged, even if the trial hasn't happened.
- Allow road-side alcohol tests to be admissible in court as evidence that youths violated the state's driving after consuming law. Currently, prosecutors can only use results from Intoxilyzer or blood tests - taken an hour or more after an arrest - to show the presence and level of alcohol.

- 5) Reduce alcohol marketing to youth.
 - Pass laws similar to federal regulations that limit marketing of tobacco.