

# Defendant wins case after judge finds reasonable doubt

Just because an officer arrives at the scene of a van stuck in the sand, still in gear but without a driver, while its owner is found in a semi-conscious state nearby, in no way means it indicates what one might assume it would.

This became obvious when the following cases were heard in Currituck County District Court on Friday, March 5. Judge Edgar L. Barnes presided with Eula Reid prosecuting for the state.

On October 10, 1998, officer Chris Merithew, formerly with the Manteo Police Department and currently serving with the Nags Head Police Department, arrived at the Trade Mart in Manteo following an assault. Once on the scene he found the defendant, Luis Parsons, 35, of Wanchese, lying in a pool of blood in the parking lot. His empty Chevrolet was 30 feet away, still in gear and grinding away in the sand.

Officer Merithew said Parsons smelled of alcohol and had a serious head wound. He had the defendant transported to Outer Banks Medical Center for treatment.

Upon inspection of the van, seven alcohol containers were found throughout the front of the vehicle. Merithew then traveled to BMC to question Parsons.

After questioning Parsons, it remained unclear as to just who was driving the vehicle at the time of the accident. Parsons stated that he was giving someone a ride that evening and that this person assaulted him in the parking lot, resulting in his injury. However, Parsons refused to press charges or name the assailant.

After five attempts to draw blood for alcohol testing, Merithew brought Parsons to headquarters for an Intoxilyzer test, which registered twice above the legal limit. Parsons' attorney, Kris Felthousen, attributed the reading to his client's low blood count and the medication he had received while under treatment.

After the defense attorney's final statement, in which it was argued that the state had not met its responsibility to prove beyond a reasonable doubt the defendant's guilt, Judge Barnes found Parsons not guilty of driving while impaired and possession of an open container after first consuming alcohol.