

Rodanthe man acquitted of DWI; no Intoxilyzer result

Leonard Sutphin, 39, Rodanthe, was found not guilty of driving while impaired by Judge William Henderson, Trenton, in the February 17 session of Dare County Criminal District Court.

Assistant District Attorney Eula Reid prosecuted for the state while Kris Felthousen acted as Sutphin's defense counsel.

The incident occurred last September 17, on U.S. 158 in Kill Devil Hills. Sutphin was arrested by Kill Devil Hills police officer Wesley Liverman, who testified that Sutphin emitted a "strong odor of alcohol" and that his speech was "slightly slurred."

Liverman told the court that he pulled Sutphin over because his vehicle was weaving within its lane of travel as it headed south at approximately 1:50 a.m.

Sutphin refused to take the Intoxilyzer test. Liverman also testified that Sutphin had "peed himself." When asked by Felthousen how he knew the wetness on Sutphin's pants was caused by urination, Liverman replied, "I know what pee smells like."

Felthousen successfully lobbied the court in declaring that Sutphin's wetness was attributable to a can of soda he had spilled on himself. Felthousen also intimated that the weaving in the lane of traffic was caused by the beverage spill.

Henderson found Sutphin not guilty and said that there was not enough evidence to convict him of DWI with no Intoxilyzer result.

Appearing displeased with the verdict, Liverman stormed out of the courtroom. However, another DWI case remained on the docket in which Liverman was the arresting officer. As a result, the state had to dismiss the pending DWI charge after Felthousen, who also represented the defendant in the pending case, objected to the state's motion to continue.