

Video helps acquit KDH woman in Dare court

Dare County District Court held regular session on Friday, Sept. 20, in Manteo.

Judge William A. Christian of Sanford presided over courtroom two while Allan Grimsley prosecuted for the state and Daniel Tillett served as courtroom clerk.

The only trial for the day ended somewhat surprisingly.

Anne Patrick Tull, 47, of Kill Devil Hills, pleaded not guilty to driving while impaired (DWI).

Defense attorney Kris Felthousen represented Tull and waived all state's evidence in the case except for the video of the arrest provided by officer H.L. Williams of the Kill Devil Hills Police Department.

During the 10-minute video shown in a darkened courtroom, the DWI traffic stop initiated by Williams started when he began following Tull near Prospect Avenue and U.S. 158, eventually stopping her just after she made a right turn onto Colington Road.

During the recorded stop, Williams admitted to Tull that her driving wasn't bad. During that same conversation, Tull hesitantly told Williams that she had had three drinks along with a large spaghetti dinner.

Also on the video, a statement Felthousen successfully had stricken from the record, was that Tull had a prior DWI conviction.

As far as Tull's appearance on the video, she was polite and cooperative with the officer and didn't appear to be impaired, although she did sway slightly on the finger-to-nose test that law enforcement officers often use to assess sobriety.

"Please don't do this to me," she pleaded on the tape.

"The mailman gets paid to deliver mail, a carpenter gets paid to build houses, and I get paid to enforce the law," Williams replied.

After the video concluded, Grimsley called Williams to the witness stand and asked him to tell the court what the Intoxilyzer test revealed. He said, without any objection from Felthousen, that Tull registered a 0.12.

The legal limit in North Carolina is 0.08.

After closing arguments from both sides, Judge Christian didn't hesitate to enter a verdict of not guilty.

The evidence seemed pretty cut-and-dry to the unbiased observer, but the judge felt she wasn't "appreciably impaired" enough to find her guilty, which is one of several factors the state must prove beyond a reasonable doubt before someone can be convicted of the offense.

A few minutes after the lengthy proceeding, Felthousen was scheduled for another DWI trial that also consisted of showing a video. However, since the day's precedent already had been set by Tull's verdict, a last-minute plea bargain by the state had the charge reduced to a lesser offense.

Sunday, October 6, 2002.

Roy James Hogan, 55, Jamesville, entered a first appearance on a fugitive warrant from Tennessee on a worthless check more than \$1,000. Defense attorney Kris Felthousen was appointed counsel and will assist with two pending misdemeanor charges. Hogan waived extradition.