

Court allows immediate release of DWI defendants

By **CRYSTAL BERNSTEIN**
Staff Writer

People charged with driving while impaired violations are being released from jail immediately after charges are filed in larger numbers than usual because of three recent N.C. Supreme Court rulings, court officials say.

The rulings require magistrates to release them so they can gather evidence for their defenses.

The three cases involved people convicted of DWI with breathalyzer readings of more than .10 blood-

alcohol content. People convicted of a .10 alcohol content lose their driver's licenses for 10 days.

In two of the Supreme Court cases, magistrates did not allow the convicted drivers to leave the jail with sober adults who had come to take them home. In the third case, a magistrate did not allow the defendant to take a taxi to his home 30 minutes away where his wife could supervise his actions.

Robert Farb, a criminal law expert at the UNC Institute of Government,

sent a memo to state magistrates to notify them that they are required to release people who are sober enough not to do others harm. But magistrates may keep in jail defendants who are so physically or mentally impaired that they could harm themselves or others — unless they can be released on bail to responsible people who can supervise their actions.

The court ruled that defendants have a constitutional right to be released from jail to gather evidence for their defense. People charged with

DWI have the right to get their breath and blood tested for alcohol content elsewhere. Defendants also have the right to have others witness and judge their levels of intoxication.

"The point of it was that if you don't allow other witnesses to see that person, you're denying them the right to that evidence," said Richard Bircher, a Chapel Hill lawyer.

Lawyers agreed that problems usually arise when magistrates misinterpret the law and hold DWI offenders in jail for too long.

Several DWI cases have been dismissed following the Supreme Court decisions. Joel Oakley, a Greensboro attorney, had one such case dismissed, but said he expects he can have almost all of his cases pertaining to the ruling dismissed.

"The lawyers are waking up now," Oakley said. "To hold somebody in jail, to me, is a punishment . . . you can't punish somebody until they're convicted."

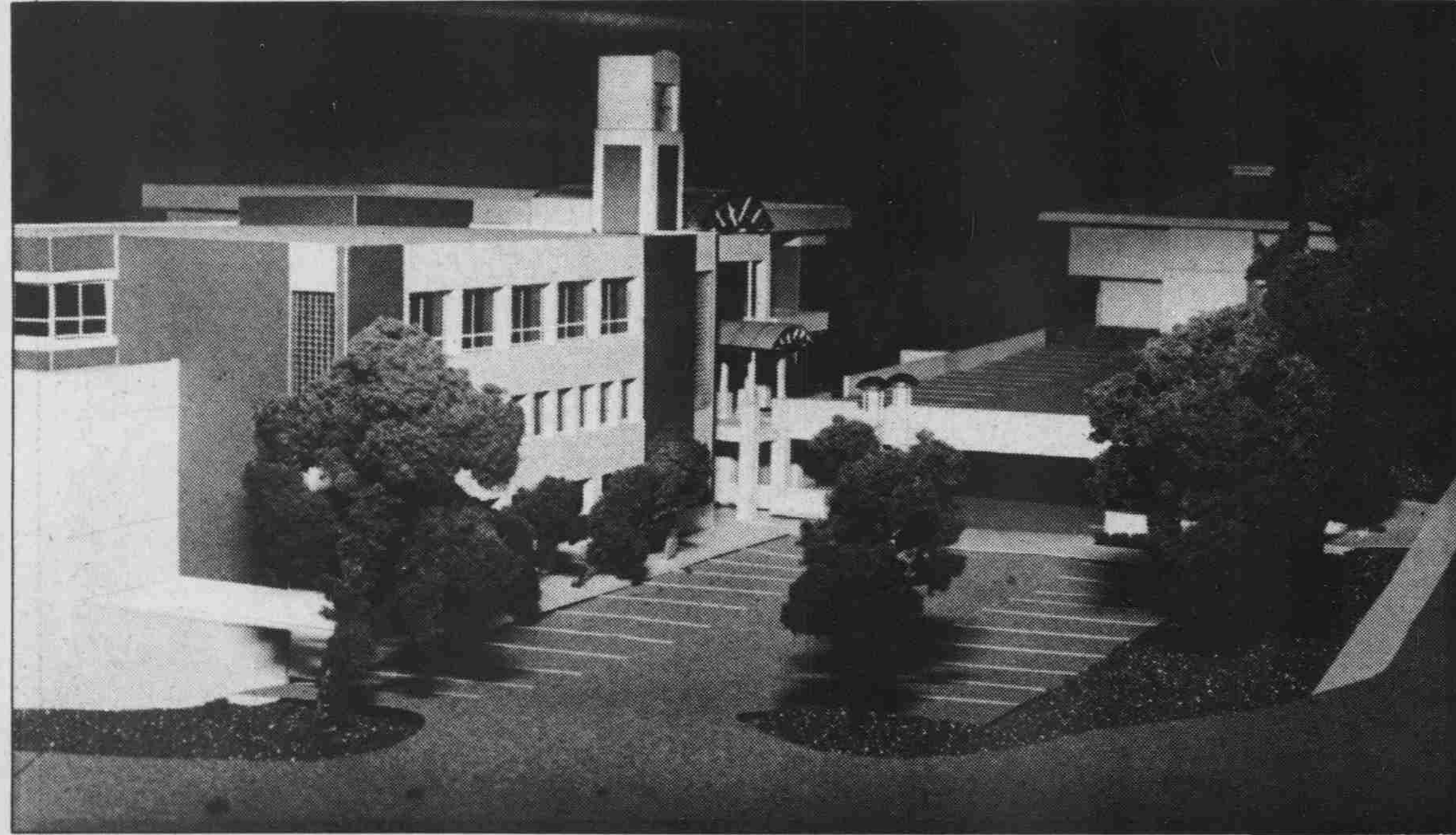
Franklin Freeman, director of the N.C. Administrative Office of the Courts, said few existing cases would be affected by the Supreme Court ruling.

"In the long run, I don't see it affecting the administration of justice and particularly the administration of the DWI law adversely," he said.

Critics say they fear the rulings will prompt magistrates to release DWI offenders prematurely. Several cases have been reported in which defendants have been released while still intoxicated and have driven themselves home.

But Oakley said the rulings were good. "In my opinion, it should have always been that way."

Magistrates had been given too much power over DWI offenders, he added. "As DWIs have become looked upon with more scrutiny by the public, as the punishment has gotten greater, the rights of defendants have been reduced . . . What other crime can they lock you up for before you've been convicted?"



DTH/David Surowiecki

A model of the municipal building expansion project sits on display in the Chapel Hill Town Hall meeting room

Town hall expansion plan nears completion

By **JESSICA LANNING**
Staff Writer

Members of the Hager, Smith and Huffman Group of Raleigh continue to work on finalizing plans for the expansion of the Chapel Hill municipal building, according to the chairwoman of the Town Hall Expansion Committee.

"At the moment, architects are working on final drawings to put out for bid for construction," said Nancy Preston, committee chairwoman and Chapel Hill Town Council member.

Because the building operates under the state, bidding will be open to any construction company interested in working on the project. The company with the best bid will be hired, she said.

The building's expansion will add 16,500 square feet of space for offices, meeting rooms and a new council

chamber, Preston said.

Project manager Tim Simmons of the Hager, Smith and Huffman Group said the three-story addition will have a main entrance connection made of glass.

"There will be a continuation of balconies and lots of space dedicated to pedestrians," Simmons said.

The design was created by a team effort of members of the architectural company, he said.

A model for the building is on display in the municipal building meeting room. "Unless we make changes because of cost, that's how it will look," Preston said.

The expansion committee has met to decide on colors and schemes for the interior but has not finalized the plans, she said. She said she hopes to have a board presentation of the recommended scheme.

In addition to the new building, the old space will be renovated to be more efficient, she said.

Preston said she thinks construction will take a year or more.

According to a memorandum issued by Preston on July 5, a construction estimate of \$2.5 million dollars was proposed.

"The estimate is still in that range," Simmons said. The architectural company has done some preliminary pricing, but they will not know the exact cost for the project until they receive bids, he added.

Simmons predicted drawings would be submitted for construction companies' bidding by the end of October.

Bids should be back by the end of November or early December and construction could begin as soon as Christmas, he said.

Assistant town manager Sonya Loewenthal said the new addition should make the functioning of the people who work in the town hall more efficient and friendlier.

The new building will have a waiting area for visitors and more room to accommodate interns and jobs for University students, she said.

"The new building will make a statement that it is an inviting town hall," Loewenthal said.

"Right now, most people in the town don't know where the town hall is," she said. But she said she hopes the new building will be more visible to the public.

The people who are most affected by the construction look forward to its completion, Loewenthal added. "I think people who work in this building are looking forward to the time they'll finally have space."

Parking

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Monday through Thursday, were defeated by the committee.

Students should not have to pay to park so they can use the library because they already pay to use the library with student fees, Lindsley said. "Evening parking is a big issue," she said. "The fact that students may have to pay \$2 to come and use the library is something I think is ridiculous."

The committee also resolved to "encourage" University departments to use a two-mile radius when determining holders of parking permits. No one living within the radius would be given a parking permit except in hardship cases.

Faculty members noted that most departments already have stringent requirements for determining permit ownership. "Most departments are already dealing with a parking shortage," said John Florin, geography department chairman and substitute for committee member Audrey Johnson at Friday's meeting.

"I very much favor a radius for faculty, staff and commuting students alike," said Jay Rosenberg, philosophy department chairman. "The point I want to stress is that resident students fall within any such radius," Rosenberg said.

"For faculty, staff and commuting students, it is not simply a quality-of-life issue. We have duties and responsibilities that we cannot fulfill unless we have access to our workplace. Resident students are able to fulfill their obligations without a car."

Resident students should be allowed to have their cars near their residence halls, Lindsley said.

"The only problem I have with that is that he didn't consider that dorms are students' homes," Lindsley said. She pointed out that faculty members are not required to park several miles from their homes, as sophomores will have to next year.

The mandatory inclusion of new parking into building projects, either including it in the building project or paying for the loss of spaces, was the first proposal on the committee's list.

The committee proposed to establish either parking fees for Rams Club members or a parking fund supported by the Rams Club. This would allow the Rams Club members to help replace parking spaces and create new spaces, in return for the parking they use during special events.

The committee recommended that the concerns of all deck users (staff, faculty and students) should be considered when allocating parking spaces on the decks.

The committee passed a proposal to recover permit fees being used for non-transportation activities and use the funds for a parking deck and to set up an account solely for parking construction.

Student proposals to eliminate the Carroll or the Bynum/Caldwell Lot as a trial night parking lot where main campus permit holders would park free and all others would be charged \$2 to park between 5 p.m. and 9 p.m.,

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A102
Intro. to The Short Story

When Carla told me that my date was a little short, I thought she was talking dollars and cents, not feet and inches. So there I was at the door, in my spiked heels, staring at the top of my date's head.

All I could think was, how do I get myself out of this? I could imagine how my legs would ache if I had to walk around with my knees bent all evening. So to stall for time, while figuring out how to fake malaria, I made us some Double Dutch Chocolate.

When I brought it into the living room, I discovered that Gary was a chocolate lover too. Ahh, a man after my own heart. Okay, I decided I'd give him a chance. So we sat down and saw each other face-to-face for the first time. He had a nice smile.

After some small talk—I mean conversation—I discovered that we both love Updike, hate the winter weather, and both have miniature schnauzers. So, we made a date to introduce Shadow and Schatzi next week.

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