



# The Charlotte Observer

SUNDAY, NOVEMBER 14, 2004

www.charlotte.com

C D E F • • • Price varies by county | \$1.50

## DWI DISMISSALS:

# WRECKED LIVES

N.C. prosecutors toss out about one in five DWI cases – mostly because police or suspects don't show up for court ...

... That's more than 10,000 cases a year.

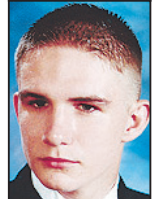
### FIRST OF TWO PARTS

BY AMES ALEXANDER  
AND TED MELLNIK  
Staff Writers

Late one night last month, 28-year-old Zeppelin Hopper roared down a two-lane road in his SUV.

Hopper had been drinking, Mint Hill police say, and headed into a sharp right turn at about 60 miles per hour. He crossed into the oncoming lane.

Nineteen-year-old Ryan Yoho, a recent high school graduate from Mint Hill, drove into the turn from the opposite direction.



Ryan Yoho

Hopper's Chevy Blazer slammed into Yoho's Mazda sedan head-on, knocking the car backward more

than 40 feet, police say. Within an hour, Yoho was dead.

Police charged Hopper with driving while impaired.

But not for the first time.

In September 2002, police charged Hopper with DWI and speeding in a small town outside Fayetteville, but he didn't have to face the charge. The arresting officer had left the department and didn't appear in court. So the case was dismissed.

"The court system has failed Ryan," his father, Robert, said.

More than 10,000 times a year, N.C. prosecutors dismiss DWI cases involving suspects who test over the legal alcohol limit or refuse tests, an Observer investigation found.

SEE DWI | 6A



GAYLE SHOMER - STAFF PHOTO

The Yoho family is creating a memorial to their son Ryan in the garden of their Mint Hill home. Ryan, 19, was killed after a driver, who police say was impaired, crossed into his lane and hit him head-on.

### Staggering Drunk, but No Conviction

IN MARCH 2003, police arrived at an accident and saw a man get out of a car from the driver's seat, stagger and fall backward into his vehicle. The suspect admitted driving the vehicle, police said. An Intoxilyzer test showed his alcohol level was 0.23, nearly three times the legal limit. And the 44-year-old suspect had at least three prior DWI convictions. Prosecutors dismissed the case when the officer didn't show in court. | MORE DISMISSAL STORIES, 6-7A

### OBSERVER INVESTIGATION

This two-part Observer special report continues an occasional series examining what happens when people drink and drive in the Carolinas.

READ THE ORIGINAL SERIES, DWI: SOBERING ACQUITTALS, ONLINE AT [www.charlotte.com/mld/charlotte/news/special\\_packages/dwi/](http://www.charlotte.com/mld/charlotte/news/special_packages/dwi/)

2A | Observer editor provides an inside look at the DWI investigation.

### FALLOUT FROM '04

## Objective: Averting election fiascos

N.C. to look at machines,  
early voting, human error

BY MICHELLE CROUCH  
AND ANN DOSS HELMS  
Staff Writers

As exhausted election staffs catch their breath, federal and state officials are circling to pick apart North Carolina's vote-counting errors and figure out how to fix them.

A state study commission will convene as early as this week to decide how North Carolina's hodgepodge of voting machines – including the one that lost about 4,500 votes in coastal Carteret County, enough to potentially change the outcome of one statewide race – should be overhauled.

Federal auditing officials will meet Monday to review a request from six congressional Democrats, including Mel Watt of Charlotte, for an investigation of voting problems in North Carolina and other states.

N.C. election officials are pondering whether problems created by the state's early voting season – including overworked and error-prone election workers – outweigh the convenience that drew almost a million people to the polls in October.

As recounts and protests go on, the quest to restore voter confidence takes center stage.

"I think the voters and the citizens

SEE VOTING | 8A

### 'A TRUE MARLBORO MAN'



LUIS SINCO - LOS ANGELES TIMES PHOTO

Marine Lance Cpl. James Blake Miller, aka the Marlboro Man.

## A Marine, a Marlboro, and an idol is born

Photo makes man famous;  
he just wants more smokes

BY PATRICK J. McDONNELL  
Los Angeles Times

FALLUJAH, Iraq — The Marlboro man was angry: He has a war to fight, and he's running out of smokes.

"If you want to write something," he tells an intruding reporter, "tell Marlboro I'm down to four packs, and I'm here in Fallujah till who knows when. Maybe they can send some. And they can bring down the price a bit."

Those are the unfettered sentiments of Marine Lance Cpl. James Blake Miller, 20, a country boy from Kentucky who has been thrust unwittingly and somewhat unwillingly into the role of poster boy for a war on the other side of the world from his home on the farm.

"I just don't understand what all the fuss is about," Miller draws on Friday as

SEE CIGARETTE | 4A

### COMMITTEE CONSIDERS WHO PICKS, HOW TO PAY

## Debate spotlights public art, Charlotte style

BY RICHARD MASCHAL  
Staff Writer

It's the kind of attention Charlotte once craved: mention in a national newspaper. But the recent story in USA Today was about something the city would rather not be known for – yet another public art controversy.

Other cities have public art disputes. Art comes with risks, art professionals say, and a city with a public art program should expect a certain amount of fuss.

But for almost 30 years, Charlotte repeatedly has fallen into disagree-

ments about what art to put where – or even if the city should have a public art program. Now, spurred by Mayor Pat McCrory's objection to how a proposed display at the new uptown arena was handled, public art supporters and critics are debating whether to change the way public art is selected and how much input elected officials should have.

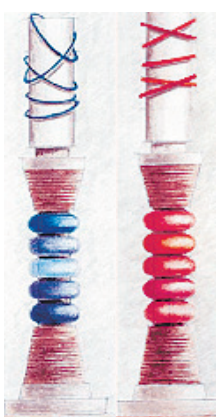
On Thursday, a City Council committee looking at the program will meet for the last time before recommending any changes to the full council.

Patsy Kinsey, a committee member, said elected officials should choose artwork. McCrory said he doesn't want to prejudice the committee's recommendations. But he does want the program, and a similar one run by the Charlotte Area Transit System, changed.

"It's not a fight I was looking for, but it's my job to ask if we are using the right process in spending public money," McCrory said.

Some observers see Charlotte's inability to get a handle on public art,

SEE PUBLIC | 12A



### SPINNING A CONTROVERSY

A rendering of two of four proposed 35-foot columns by Andrew Leicester for the arena.

12A | Four pieces of Charlotte public art and how they became infamous.