



Judge dismisses three charges in appeal trial of drunk driver

St Mary's County · 11/16/2017 · By Joy Shrum

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Leonardtown, MD- A Mechanicsville man who was found guilty in District Court of hitting a St. Mary's County Sheriff's deputy with his car had three of the four charges against him dismissed during his appeal trial in Circuit Court.

In May, Michael Austin Mattingly, 22, was sentenced to three years in prison with two years suspended after he was found guilty on the charges of life threatening injury by vehicle while under the influence of alcohol. Mattingly was also ordered to participate in a substance abuse program.

In June, Mattingly requested an appeal in the case.

On Wednesday, Nov. 15, Mattingly's defense attorney, Kevin McDevitt, asked Judge Michael J. Stamm to dismiss the three charges of life-threatening injury by vehicle while under the influence of alcohol. After spending an extended amount of time in chambers with McDevitt and Assistant State's Attorney Laura Casper, Judge Stamm agreed to dismiss the charges.

Casper spoke with TheBayNet.com after the judge's ruling. "Judge Stamm has always been a judge that takes his time with the attorneys. This was an unusual amount of time we spent in chambers partly because this charge has not been used often."

The charge of life threatening injury by vehicle while under the influence of alcohol does not come with a Maryland Pattern Jury Instruction. Typically, instructions are given to jurors that define

exactly what a crime is for every single criminal count. However, there is no jury instruction for this particular charge. Casper said that made it difficult to prosecute this case, “It makes it very difficult to define what comes in and what goes out as evidence. Even different judges have different opinions and I can’t say one is right or wrong.”

Mattingly did plead guilty to DUI. “It’s not what I wanted but I’m satisfied that he pleaded and I’m anxiously to go to sentencing to close this out for Corporal Carberry.”

On Dec. 17, 2016, Corporal Shaun Carberry was helping a disabled vehicle along Chaptico Road when he was hit by a vehicle. When Corporal Carberry saw the oncoming vehicle, he pushed the driver of the disabled vehicle out of the way to avoid being hit.

The driver of that vehicle was Mattingly, who remained on scene after the collision.

McDevitt offered this official statement, “Mr. Mattingly would like to again sincerely apologize to officer Carberry and his family. He is very pleased with the judge’s decision. He is looking forward to finishing his first semester at Salisbury University where he is pursuing a degree in Chemistry and hopes to become an anesthesiologist. He is committed to bringing awareness to the dangers of drinking and driving and is hopeful that Officer Carberry has made a full recovery.”

Mattingly faces up to a year in jail when he’s sentenced for the DUI.

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