

## Deputy Pleads To Misdemeanors

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HARRISONBURG - A sheriff's deputy cut a deal in a drunk-driving case Wednesday that allows him to continue driving in a limited capacity and stay off probation.

Craig Herring pleaded guilty to a reduced charge of reckless driving and a hit-and-run charge, both misdemeanors, in a hearing in Rockingham County General District Court on Wednesday.

Herring, 44, of the Rockingham County Sheriff's Office, was arrested on a driving while intoxicated charge in September after leaving a party attended by local law enforcement, police have said. When leaving the Avalon Woods townhouse complex off Reservoir Street in Harrisonburg, Herring hit a parked car, police say.

For his convictions, Herring received a one-year suspended jail sentence and a \$1,500 fine. He lost his license for six months, but was given a conditional one that allows him to drive for work and to meet certain family responsibilities.

The reckless driving charge was reduced from DWI and an additional misdemeanor charge of refusing to take a sobriety test was dropped, according to the deal Herring signed with Special Prosecutor Albert Mitchell, the commonwealth's attorney in Shenandoah County.

### The Arrest And Prosecution

A Harrisonburg police officer arrested Herring Sept. 30 in the parking lot of the Hampton Inn on University Boulevard and charged him with DWI and refusal, police have said.

Although the facts of the case were not discussed in the hearing, Mitchell explained the charges and the reason for the deal after the hearing.

Soon after Herring left the Avalon Woods party, and hit a parked car, Mitchell said, an off-duty officer noticed he was driving erratically and informed police.

Herring pulled into the Hampton Inn parking lot and was arrested when an on-duty officer arrived, Mitchell said. Because the arresting officer did not witness the crime or obtain a warrant from a magistrate before arresting Herring on the misdemeanor, Mitchell said, he could have lost the DWI case on a legal technicality.

"This case turns on the stop itself," Mitchell said. "If the court had ruled the arrest was illegal, [we] couldn't have convicted him of anything."

Mitchell also said that during his investigation, he heard conflicting statements about Herring's level of sobriety or intoxication. Also, the owner of the damaged car did not want to pursue the case, he said.

### Learned From The Mistake

After the hearing, Herring's attorney, John C. Holloran, said his client had been drinking but did not concede he'd been driving drunk.

If the case had been tried, Holloran said, he thought Herring could have prevailed against the DWI charge. But he took the deal because the refusal charge would have been harder to defend, he said.

Also, a refusal conviction carries a one-year mandatory license suspension - a risk that Herring, as a single-father, couldn't take, Holloran said.

Although he received a six-month license suspension, he received a restricted license as part of the deal.

Holloran said the ordeal was difficult for his client, who had been punished at work and embarrassed in the community.

Herring no longer performs law enforcement duties and also has received a cut in pay at the Sheriff's Office as a result of the arrest, Holloran said.

"This mistake has come at a great personal loss [for him]," Holloran said. "People make choices and learn from them."