

NEWS RELEASE

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Misdemeanor Appeals Team convicts defendants of DWI

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried two defendants in Superior Court. Another defendant entered a guilty plea, and one defendant remanded his case to District Court for sentencing. The proceedings were held December 10-20, 2018, in courtrooms 5170 and 5110 before The Honorable Donnie Hoover and The Honorable Lora C. Cabbage, Superior Court Judges.

The Misdemeanor Appeals Team prosecutes cases in which the defendant was convicted in District Court, and then appeals his or her conviction to Superior Court for a jury trial as allowed under North Carolina law.

Casey McCoy, 47, was tried for 1) driving while impaired and 2) speeding. A jury found McCoy *guilty* as charged. Judge Cabbage sentenced McCoy to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. Judge Cabbage also imposed a fine for the speeding conviction.

Christopher Lanik, 40, was tried for assault on a female. A jury returned a verdict of *not guilty*.

After Judge Hoover denied his pre-trial motion, Andrew Cuppett, 34, pled guilty to driving while impaired. Judge Hoover sentenced Cuppett to 20 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Note: Misdemeanors and infractions are originally prosecuted in district court in North Carolina. In criminal district court, a judge determines guilt, not a jury; this is commonly referred to as a "bench trial." However, defendants have a right to appeal a conviction from the district court to the superior court for a trial de novo. The new trial in superior court must be a jury trial, not a bench trial. In a de novo trial, the jury cannot be informed that a district court judge previously found the defendant guilty; further, a record of any evidence, including testimony, from district court may not be introduced. While the DA's Office prosecutes nearly 225,000 misdemeanors and infractions each year in district court in Mecklenburg County, each defendant is entitled to exercise his/her right to appeal to the superior court. When a misdemeanor or infraction occupies the limited time available in our superior courtrooms, it the intent of the DA's Office to keep the public informed of the results through news releases like this one. Due to the volume of misdemeanors and infractions prosecuted in district court each day, reports like this are not possible for all of those cases.

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