

NEWS RELEASE

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January 10, 2018

Jury convicts impaired driver

CHARLOTTE, N.C. – During the week of January 2, 2018, the Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted five defendants. One defendant was found guilty by a jury, two pled guilty and three remanded their cases to District Court for sentencing. The proceedings were held in courtroom 5170 before The Honorable Lisa C. Bell, Superior Court Judge. Court was not held on January 1, 2018, in observance of New Year's Day.

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.

Kenneth Philson, 48, was tried for driving while impaired. A jury found him *guilty* as charged. Judge Bell sentenced Philson to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. In December 2015, Charlotte-Mecklenburg police were dispatched to a two-vehicle wreck. Philson was determined to have been driving one of the vehicles involved in the wreck, and officers believed he might be impaired. Philson performed poorly on the standardized field sobriety tests. A breath sample revealed an alcohol concentration of .08.

Guadalupe Ramirez, 29, pled guilty to possession of drug paraphernalia. Judge Bell sentenced Ramirez to 41 days in the Mecklenburg County Jail.

Jesus Trujillo, 26, pled guilty to speeding 82 mph in a 60 mph zone. Trujillo received a prayer for judgment continued upon payment of costs.

Prosecutors also made arguments in a case appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. Judge Bell granted the State's appeal. The case remains pending.

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 is 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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