

# NEWS RELEASE

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## Misdemeanor appeals prosecuted in superior court

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5130 for the week of January 3, 2012. The Superior Court Judge presiding was The Honorable Hugh B Lewis.

The following pleas, remands, motions, and trials were done throughout the week:

Wesley Broome, 40, pled guilty to habitual driving while impaired. Judge Lewis sentenced him to 20-24 months in prison.

Uyiekpen Igbinador, 47 was tried for sexual battery. The jury returned a verdict of not guilty.

Yul Truesdale, 40, was tried for secret peeping. The jury returned a verdict of guilty. Judge Lewis sentenced Truesdale to 90 days in the county jail; that sentence was suspended pending his successful completion of 18 months of supervised probation. As conditions of probation, Truesdale was placed on house arrest for 9 months, electronic monitoring for 18 months, and banned from going within 1500 feet of the victim's home.

*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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