

NEWS RELEASE

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January 25, 2017

Misdemeanor Appeals Team convicts 14 impaired drivers

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted 14 impaired drivers during a recent trial session in Superior Court. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held January 17-20, 2017, before The Honorable Hugh B. Lewis and The Honorable Lori I. Hamilton, Superior Court Judges. Court was not held on January 16, 2017, in observance of Martin Luther King, Jr. 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.

Kelli Brennan, 28, was tried for 1) driving while impaired and 2) reckless driving. Brennan waived her right to a jury trial pursuant to N.C. General Statute 15A-1201(b) and requested a bench trial before Judge Hamilton. Judge Hamilton found Brennan *guilty* as charged and sentenced her to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As conditions of her probation, Brennan must perform 24 hours of community service and pay a \$100 fine.

Jorge Hernandez, 45, was tried for driving while impaired. A jury was unable to reach a unanimous verdict. As a result, Judge Hamilton declared a mistrial.

Larry Burson, 39, was tried for communicating threats. A jury found Burson *not guilty*.

Alysha Demeri, 26, filed a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of her rights. After hearing arguments from the defense and an Assistant District Attorney, Judge Hamilton denied the motion. Demeri then pled guilty to driving while impaired. Judge Hamilton sentenced Demeri to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As conditions of her probation, Demeri must perform 24 hours of community service and pay a \$100 fine.

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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