

# NEWS RELEASE

Spencer B. Merriweather III  
District Attorney

March 7, 2019

## Misdemeanor Appeals Team tries 2, another pleads guilty

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. The proceedings were held February 25-March 1, 2019, in courtroom 5170 and 5110 before The Honorable Donnie Hoover and The Honorable Karen Eady-Williams, Superior Court Judges.

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

Michael Harrelson, 35, pled guilty to driving while impaired. Judge Hoover sentenced Harrelson to 12 months in prison; that sentence was suspended pending his successful completion of 12 months of supervised probation. As a condition of his probation, Harrelson must serve 30 days in the Mecklenburg County Jail.

Albert Davis, 48, was tried for 1) driving while impaired, 2) possession of an open container and 3) speeding in excess of 15 mph over the posted speed limit. A jury found him *guilty* of speeding and *not guilty* of driving while impaired and possession of an open container. Judge Hoover continued prayer for judgment for the speeding violation.

Serena Loudermilk, 26, was tried for driving while impaired. A jury returned a verdict of *not guilty*.

*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.*

// End //