

NEWS RELEASE

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Motions, pleas, and a jury trial for misdemeanors appealed to superior court

The DA's Misdemeanor Appeals Team held trial court in superior courtroom 5170 for the week of March 14, 2011. The Honorable F. Lane Williamson, Superior Court Judge, presided.

Monday is designated as an administrative day in this courtroom. The docket for trials was called and orders for arrest were issued for those failing to appear. The State handled felony probation violation probable cause hearings. Finally, in the afternoon, the misdemeanor appeals arraignment docket was called.

In lieu of trial, Ray Bonds, 27, pled guilty to speeding. He was assessed a fine and the cost of court.

The State then called for trial the matter of Sean Jamison. Jamison, 43, was charged with 1) driving while impaired and 2) reckless driving. Prior to trial, the defense made a motion to suppress any evidence gained due to an illegal stop of Jamison's vehicle. Judge Williamson ruled that the stop was legal. After the defendant's motion was denied, Jamison's case was remanded to the district court. *Note: When a case is "remanded," the appeal of the misdemeanor offense and request for a jury trial is withdrawn and the case is sent back to district court for a re-sentencing.*

The State then called for trial the matter of Simon Dorsett. Dorsett, 35, was charged with driving while impaired. Prior to trial, the defense made a motion to suppress any evidence gained after the stop due to an illegal stop of Dorsett's vehicle. After the defendant's motion was denied, his case was remanded to the district court.

The State then called for trial the matter of Navneet Hasija. Hasija, 34, was charged with 1) driving while impaired and 2) reckless driving. Prior to trial, the defense made a motion to suppress the results of the Intox EC/IR-II breath test. Judge Williamson ruled that the breath test was admissible after hearing testimony from the testing officer as to how the breath test was administered. After the defendant's motion was denied, his case was remanded to the district court.

Joel Cinnamon, 26, pled guilty to driving while impaired. Cinnamon was sentenced to 24 months in jail which was suspended for 24 months of supervised probation. As part

of his probation, he will have to serve 6 months in the county jail, attend AA meetings on a weekly basis, and follow any treatment recommendations.

The State called for trial the matter of Frederick Gates. Gates, 41, was charged with resisting a public officer. The case was presented to a jury and he was convicted. Gates had a previous conviction for assault on a female. Gates was sentenced to 45 days in jail which was suspended for 18 months of supervised probation with the first 6 of those months to be intensive supervised probation. Gates was also ordered to attend anger management classes.

The State called for trial the matter of Jonathan McGlothlin. McGlothlin, 28, was charged with driving while impaired. Prior to trial, the defense made a motion to dismiss the case based upon statutory and constitutional violations surrounding the defendant's right to post bond and be seen by a witness. After hearing testimony of a police officer, a Sheriff's deputy, the witness, and McGlothlin, Judge Williamson took the ruling under advisement. On Friday, Judge Williamson granted the defense's motion and dismissed the case.

The State then called for trial the matter of Michelle Holguin. Holguin, 27, was charged with 1) driving while impaired and 2) driving left of center. Prior to trial, the defense made a motion to suppress any evidence gained due to an illegal stop of Holguin's vehicle. After a hearing, Judge Williamson agreed that the stop was improper and granted the motion. The State dismissed the case because all evidence that would have been presented to the jury was no longer allowed.

The State then called for trial the matter of Jason Shankle. Shankle, 27, was charged with 1) driving while impaired and 2) speeding. Prior to trial, the defense made a motion to suppress any evidence gained after the arrest due to an improper arrest. After hearing testimony from the police officers, Judge Williamson ruled that the arrest was legal. After the defendant's motion was denied, his case was remanded to the district court.

Nisheem Fields, 25, pled guilty to resisting a public officer. He was sentenced to 60 days in jail which was suspended for 12 months of unsupervised probation.

Brian Johnson, 23, remanded his driving while impaired case to district court.

Joseph Cardarelli, 39, pled guilty to driving while impaired. The Defendant was sentenced to 60 days in jail which was suspended for 18 months of unsupervised probation.

Tron McNair, 26, remanded his second degree trespass case to district court.

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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