

NEWS RELEASE

R. Andrew Murray
District Attorney

May 18, 2017

3 impaired drivers convicted in Superior Court

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted three impaired drivers during a trial session in Superior Court during the week of May 8, 2017. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held in courtroom 5170 before The Honorable Hugh B. Lewis, Superior Court Judge.

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.

Among those convicted were:

Antoinette Foster, 34, was tried for 1) driving while impaired and 2) three counts of contributing to the neglect of a minor. A jury found Foster *guilty* as charged. Judge Lewis sentenced Foster to 24 months in prison; that sentence was suspended pending her successful completion of 24 months of supervised probation. As a condition of her probation, she must serve 30 days in the Mecklenburg County Jail. In March 2012, Foster was driving at midnight with her three young children in the car when she arrived at a DWI checkpoint on North Sharon Amity Road. The police officer at the checkpoint noticed beer dripping down the driver's side door of the car. Foster smelled of alcohol and later performed poorly on field sobriety tests. She refused to provide a breath sample for testing of her alcohol concentration.

Wesley Meyers, 55, was tried for driving while impaired. Before the conclusion of the State's evidence, Meyers decided to plead guilty. Judge Lewis sentenced Meyers to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. As conditions of his probation, Meyers must pay a \$200 fine, perform 48 hours of community service and receive an alcohol assessment and treatment, if recommended.

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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