

NEWS RELEASE

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Jury convicts impaired driver; 7 others convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted eight defendants during a recent trial session in Superior Court. Six were impaired drivers. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held July 10-13, 2017, in courtroom 5170 before The Honorable Jeffrey P. Hunt, 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:

Renita Marsh, 43, was tried for driving while impaired. A jury found her *guilty* as charged. Judge Hunt sentenced Marsh to 48 hours in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 months of supervised probation. As conditions of her probation, Marsh must perform 48 hours of community service and pay a \$200 fine. In 2014, Charlotte-Mecklenburg police stopped Marsh for speeding on South Tryon Street. Officers noticed a strong odor of alcohol coming from Marsh and asked her to perform field sobriety tests to determine whether she was impaired. She performed poorly on those tests and was arrested. After her arrest, Marsh submitted to a breath sample, which revealed an alcohol concentration of .14.

Bianca James, 26, pled guilty to misdemeanor larceny. Judge Hunt sentenced James to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As a condition of her probation, James must perform 24 hours of community service.

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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