

# NEWS RELEASE

Spencer B. Merriweather III  
District Attorney

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## Misdemeanor Appeals Team tries driving while impaired case

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried a defendant in Superior Court; two other defendants pled guilty. The proceedings were held June 4 through June 8, 2018 in courtroom 5170 before The Honorable Casey M. Viser, 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.

Jemel Richardson, 42, was tried for driving while impaired. A jury found him *not guilty*.

Nicholas Almonte, 28, pled guilty to injury to personal property. Judge Viser sentenced Almonte to 20 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

William Brooks, 28, pled guilty to driving while impaired. Judge Viser sentenced Brooks to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Two defendants filed motions, alleging violation of their legal rights. Judge Viser, who heard arguments from the defense and the Assistant District Attorney, granted both of those motions. As a result of the rulings, the State dismissed the cases.

Two defendants remanded their cases to District Court for sentencing.

*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 is 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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