

NEWS RELEASE

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Jury convicts man in misdemeanor appeal case; 6 impaired drivers convicted

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently convicted 13 defendants, including six 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 18-21, 2016, in courtroom 5170 before The Honorable Jeff P. Hunt, Superior Court Judge.

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.

Joseph Blakeney, 79, was tried for communicating threats. The jury found him *guilty*. Judge Hunt sentenced Blakeney to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of supervised probation. As conditions of his probation, Blakeney must serve 8 days in jail, have no contact with the victim, complete a mental health evaluation and comply with treatment.

Among those who pled guilty were:

Joshua Bartlett, 29, pled guilty to carrying a concealed gun. Bartlett was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. Bartlett was ordered to forfeit the firearm.

Heather Harmon, 39, pled guilty to driving while impaired. Harmon was sentenced to 3 months 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, Harmon must serve 7 days in jail.

Tyler McHugh, 24, pled guilty to simple assault. McHugh was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

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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