

# NEWS RELEASE

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## 11 impaired drivers convicted by the DA's Misdemeanor Appeals Team

CHARLOTTE, N.C. – Impaired drivers were among the 13 defendants recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. One defendant was convicted at trial, seven remanded their cases to District Court and five others pled guilty. The proceedings were held July 20-24, 2015, in courtroom 5170 before The Honorable W. Todd Pomeroy and The Honorable Yvonne Mims Evans, Superior Court Judges.

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.

Jessica Horner, 21, was tried for driving while impaired. The jury found her *guilty*. She will be sentenced at a later date.

Kenneth Zeigler, 60, was tried for driving while impaired. The jury was unable to reach a unanimous verdict. As a result, Judge Evans declared a mistrial.

The following defendants are among those who pled guilty:

Ronald Stewart, 29, pled guilty to driving while impaired. Stewart was sentenced to 24 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Stewart must serve 10 days in the Mecklenburg County Jail and wear an alcohol monitoring device for 120 days.

Taylor Berry, 24, pled guilty to driving while impaired. Berry was sentenced to 45 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, Berry must perform 48 hours of community service.

James Barber, 38, pled guilty to driving while impaired. Barber was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. As a condition of his probation, Barber must perform 48 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*

*novο* 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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