

NEWS RELEASE

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5 impaired drivers convicted by the DA's Misdemeanor Appeals Team

CHARLOTTE, N.C. – Impaired drivers were recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. A jury convicted one defendant at trial, and four others were convicted when they remanded their cases to District Court. The proceedings were held during the week of August 3, 2015, 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 appealed his or her conviction to Superior Court for a jury trial, as allowed under North Carolina law.

Eric Douthwright, 30, was tried for driving while impaired. Prior to calling a jury, Douthwright filed a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his rights. Judge Hunt heard testimony and arguments from the defense and the Assistant District Attorney and then denied the motion. After two and a half days of trial, the jury found him *guilty* as charged. Judge Hunt sentenced him to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation and 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 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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