

NEWS RELEASE

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Misdemeanor Appeals Team convicts 11, including 7 DWI drivers

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted 11 defendants, including seven impaired drivers, during a recent trial session in Superior Court. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held August 7-10, 2017, in courtroom 5170 before The Honorable Martin B. McGee, 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.

Travis Crockett, 31, was tried for simple assault. A jury returned a verdict of *not guilty*.

Aaron Bradley, 29, pled guilty to misdemeanor larceny. Bradley was sentenced to 120 days in the Mecklenburg County Jail. That sentence is to be served concurrently with the sentence imposed for Bradley's recent conviction of habitual larceny.

Allan Spencer, 31, pled guilty to misdemeanor carrying a concealed weapon. Spencer was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. Judge McGee ordered that the gun illegally possessed by Spencer be forfeited.

Sarah Livingston, 36, pled guilty to driving while license revoked. Livingston was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 months of unsupervised probation.

Another defendant filed two separate motions to suppress certain evidence seized or obtained by law enforcement, alleging violations of the defendant's legal rights. Judge McGee, who heard arguments from the defense and an Assistant District Attorney, denied both motions.

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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