

# NEWS RELEASE

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## Domestic Violence cases prosecuted on appeal

CHARLOTTE, NC – Domestic Violence cases on appeal from the district court division were prosecuted in superior court during the week of August 8, 2011. The Honorable H. William Constangy, Superior Court Judge, presided over Courtroom 5170 at the Mecklenburg County Courthouse.

Rodrekus Blakeney, 40, pled guilty to Assault on a Female. Blakeney was sentenced to 150 days in jail; this sentence was suspended and Blakeney was placed on 18 months of supervised probation. The defendant was ordered to complete the NOVA program and was ordered not to have any contact with the victim. He was also ordered to complete 100 hours of community service and be screened for substance abuse.

On Monday afternoon, the case of AuguKemar Powell, 29, was called for jury trial. Powell was charged with Assault on a Female. After a two-day trial, the jury returned a *not guilty* verdict.

David Hobson, 34, was next called for jury trial. Hobson was charged with Assault on a Female. The jury returned a *not guilty* verdict.

Jonta Bailey, 26, pled guilty to Assault on a Female. Bailey was sentenced to 75 days in jail; this sentence was suspended and the defendant was placed on 18 months of supervised probation. Bailey was ordered to comply with the Duke University Relationship Counseling program, in which he is currently enrolled, and was ordered not to assault, threaten, or harass the prosecuting witness.

*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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