

NEWS RELEASE

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Misdemeanor Appeals Team convicts defendants of DWI

CHARLOTTE, N.C. – Over the course of two court sessions, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried two defendants in Superior Court. A motion was heard in another matter, and three defendants remanded their cases to District Court for sentencing. The proceedings were held August 5-9, 2019, and August 19-23, 2019, before The Honorable Casey M. Viser and The Honorable Lisa C. Bell, Superior Court Judges.

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.

Byron McLean, 38, was tried for 1) driving while impaired, 2) speeding and 3) reckless driving. A jury found McLean *guilty* as charged. Judge Bell sentenced McLean to a total of 90 days in the Mecklenburg County Jail; that sentence was suspended pending McLean's successful completion of 12 months of unsupervised probation.

Joseph Norman, 40, was tried for 1) driving while impaired and 2) failing to reduce speed to avoid an accident. A jury found Norman *guilty* as charged. Judge Bell sentenced Norman to 60 days in the Mecklenburg County Jail; that sentence was suspended pending Norman's successful completion of 12 months of unsupervised probation.

Gina Smith, 54, pled guilty to speeding. Judge Bell continued judgment in the matter.

Misty Lester, 50, pled guilty to driving while impaired. Judge Viser sentenced Lester to 30 days in the Mecklenburg County Jail; that sentence was suspended pending Lester's successful completion of 18 months of unsupervised probation.

Kent Alleyne, 29, pled guilty to 1) misdemeanor violation of a domestic violence protective order and 2) resisting a public officer. Judge Viser sentenced Alleyne to 12 months of supervised probation. As a condition of his probation, Alleyne must complete a certified intervention program for batterers. Judge Viser authorized a conditional discharge of the offense.

After the court heard motions in the matter, Israel Rodriguez, 46, pled guilty to driving while impaired. Judge Viser sentenced Rodriguez to 10 days in the Mecklenburg County Jail; that sentence was suspended pending Rodriguez's 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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