

NEWS RELEASE

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September 30, 2013

6 DWI offenders among 16 convicted during Misdemeanor Appeals trial week

CHARLOTTE, N.C. – During the week of September 23-27, 2013, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried three defendants, all of whom were convicted by a jury. Thirteen other defendants were convicted when they pled guilty or remanded their cases to District Court. The proceedings were held in courtrooms 5170 and 5350 before The Honorable Bradley B. Letts 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. Of the 16 defendants convicted, six were convicted of driving while impaired. Prosecutors also handled a pre-trial motion and made arguments in three cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. In two of the three cases, a Superior Court Judge reversed the District Court Judge's decision.

Rachel Grant, 34, was tried for assault on a government official. The jury returned a verdict of *guilty*. Judge Evans sentenced Grant to 150 days in the Mecklenburg County jail; that sentence was suspended pending her successful completion of 18 months of supervised probation. As a condition of her probation, Grant must serve 6 days in the Mecklenburg County jail.

Evan Felton, 25, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Letts sentenced Felton to 120 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 24 months of unsupervised probation.

Richard Stutts, 58, was tried for failure to work after being paid. The jury returned a verdict of *guilty*. Judge Letts sentenced Stutts to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Among those who pled guilty was Robert McMillan, 35, who pled guilty to habitual impaired driving. Judge Letts sentenced him to 15-27 months in prison.

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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