

# NEWS

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# RELEASE

**October 2, 2012**

## **Two convicted of cruelty to animals; seven convicted of driving while impaired**

CHARLOTTE, N.C. — The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of September 17, 2012 before The Honorable Linwood O. Foust , Superior Court Judge. In addition, cases were also called in courtroom 5150 before The Honorable Richard D. Boner, Superior Court Judge, in courtroom 5130 with The Honorable Richard A. Baddour, Jr., Superior Court Judge, and in courtroom 5370 with the Honorable Eric L. Levinson, Superior Court Judge.

Monday, September 17, was designated as an administrative day in Courtroom 5170. In the morning, the State called the trial calendar for the week. The Court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases.

The following trials were done throughout the week in three courtrooms:

Alvin Jasper, 65, and Javaris Black, 23, were tried together for cruelty to animals. The jury found the defendants *guilty* in that both Jasper and Black failed to provide the necessary sustenance to 6 horses when they did not provide adequate food and water for the animals. Five of the six animals have made a full recovery. Judge Levinson sentenced Black and Jasper to 30 days in the county jail, respectively; both sentences were suspended pending the successful completion of 18 months of unsupervised probation.

Jereme David Lukoskie, 27, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Foust sentenced Lukoskie to 30 days in the county jail; that sentence was suspended pending the successful completion of 12 months unsupervised probation.

Danielle Micaela Gaddy, 28, was tried for injury to personal property. The jury returned a verdict of *not guilty*.

*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 is the intent of the DA's Office to keep the public informed of the results through news releases.*

*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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