

# NEWS RELEASE

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## 25 DWI offenders among 33 defendants convicted during 3-week trial period

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried eight defendants and convicted a total of 33 defendants. The proceedings were held September 14-October 2, 2015, in courtrooms 5130, 5170 and 5370 before The Honorable Julia L. Gullett, The Honorable Gregory R. Hayes, and The Honorable W. Todd Pomeroy, 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 33 convicted, 25 were convicted of driving while impaired, and others were convicted of charges such as possession of marijuana, driving while license revoked, resisting a public officer and misdemeanor larceny. Four were convicted at trial, while 21 others were convicted when they pled guilty or remanded their cases to District Court for sentencing.

Prosecutors also made arguments in cases appealed by the State after a District Court judge previously ruled in favor of the defendant on a matter of law. The judge denied those appeals.

Tilat Mansur, 28, was tried for 1) driving while impaired, 2) reckless driving and 3) speeding. The jury returned a verdict of *guilty* on the driving while impaired and speeding charges and *not guilty* on the reckless driving charge. Judge Hayes sentenced Mansur to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Mansur must complete 48 hours of community service. Mansur was also sentenced to 45 days in the Mecklenburg County Jail on the speeding charge; that sentence was suspended pending his successful completion of 24 months of supervised probation.

The following defendants were tried:

William Jackson, 43, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Hayes sentenced Jackson to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of unsupervised probation and 24 hours of community service.

Tabitha Ivey, 32, was tried for 1) driving while impaired and 2) speeding. The jury found her *guilty*. Judge Gullett sentenced Ivey to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation and 24 hours of community service.

Laura Adams, 30, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Pomeroy sentenced Adams to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation and 24 hours of community service.

Randy Nesbitt, 28, was tried for 1) driving while impaired, 2) possession of drug paraphernalia, 3) misdemeanor possession of marijuana and 4) speeding. The jury found him *guilty* of speeding and *not guilty* of the remaining charges. Judge Hayes sentenced Nesbitt to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. Nesbitt was also ordered not to drive with any alcohol in his system during the length of his probation.

Lisa Brandt, 49, was tried for driving while impaired. The jury found her *not guilty*.

Gurgen Stepanyan, 26, was tried for driving while impaired. The jury found him *not guilty*.

Mary James, 53, was tried for driving while impaired. The jury found her *not guilty*.

The following defendants are among those who pled guilty:

Nickolas Hunt, 32, pled guilty to 1) driving while impaired and 2) two counts of assault on a female. For the driving while impaired offense, Hunt was sentenced to 12 months in the Mecklenburg County Jail. Hunt was sentenced to a total of 60 days in jail for the assault charges.

Shadon Giles, 42, pled guilty to misdemeanor larceny. Giles was sentenced to 60 days in the Mecklenburg County Jail.

Jose Ornelas, 20, pled guilty to misdemeanor possession of marijuana. Ornelas was sentenced to 10 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation, a drug education class and 50 hours of community service.

*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 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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