

# NEWS RELEASE

R. Andrew Murray  
District Attorney

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## Misdemeanor Appeals Team convicts 6 defendants

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted six defendants during a recent trial session in Superior Court. The proceedings were held October 2-11, 2017, before The Honorable Lisa C. Bell and The Honorable Daniel A. Kuehnert, Superior Court Judges. Those convicted pled guilty or remanded their cases to District Court for sentencing.

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.

Jeffrey Wilburn, 39, was tried for misdemeanor death by vehicle. The jury found Wilburn *not guilty*.

Steven Rigsbee, 48, pled guilty to driving while impaired. Judge Bell sentenced Rigsbee to 12 months in prison; that sentence was suspended pending Rigsbee's successful completion of 18 months of supervised probation. As a condition of his probation, he must serve 30 days in the Mecklenburg County Jail.

Jamal Richmond, 31, pled guilty to assault on a government official. Judge Bell sentenced Richmond to 7 days in the Mecklenburg County Jail.

Mary Montgomery, 41, pled guilty to driving while license revoked for an impaired driving conviction. Montgomery was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of supervised 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 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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