

NEWS RELEASE

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D.A.'s Misdemeanor Appeals team tries cases for three weeks

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of October 15, 2012. The Superior Court Judge presiding was the Honorable Beverly T. Beal. In addition, cases were also called in Courtroom 5150 with the Honorable Eric L. Levinson, Superior Court Judge, and in Courtroom 5370 with the Honorable Yvonne Mims Evans, Superior Court Judge.

Monday, October 15 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, pleas and motions were done throughout the week in three courtrooms:

Jamar Edward Augustus, 19, was tried for assault on a school employee. The jury returned a verdict of *guilty*. Judge Evans sentenced Augustus to 60 days in the county jail; that sentence was suspended pending the successful completion of 12 months supervised probation.

Joshua Satterfield, 19, was tried for 1) possession of drug paraphernalia and 2) possession of marijuana up to half an ounce. The jury returned a verdict of *guilty* to the possession of drug paraphernalia and *not guilty* to the charge of possession of marijuana. Judge Evans sentenced Satterfield to 30 days in the county jail; that sentence was suspended pending the successful completion of 18 months supervised probation.

Roger Bedoya, 29, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Levinson sentenced Bedoya to 30 days in the county jail; that sentence was suspended pending the successful completion of 12 months unsupervised probation.

Lenardo Planter, 32, pled guilty to driving while impaired. Judge Beal sentenced Mr. Planter to one hundred and eighty days in the county jail.

Layne Jordan Rathbun, 26, pled guilty to driving while impaired. Judge Beal sentenced Mr. Rathbun to 24 months in prison; that sentence was suspended pending the successful completion of 48 months supervised probation.

Edith Sanchez, 31, pled guilty to driving while impaired. Judge Beal sentenced Ms. Sanchez to 60 days in the county jail; that sentence was suspended pending the successful completion of 12 months unsupervised probation.

Jamarcus Wray, 25, pled guilty to driving while impaired. Judge Beal sentenced Mr. Wray to 60 days in the county jail; that sentence was suspended pending the successful completion of 24 months supervised probation.

Ronald Jason Butler, 41, pled guilty to 1) driving while impaired and 2) open container. Judge Evans sentenced Butler to 12 months in the county jail; that sentence was suspended pending the successful completion of 24 months supervised probation.

Titus Gaddy, 50, pled guilty to possession of drug paraphernalia. Judge Levinson sentenced Gaddy to 30 days in the county jail; that sentence was suspended pending the successful completion of 12 months unsupervised probation.

Joseph Negron, 27, pled guilty to 1) assault on a government official and 2) resisting a public officer. Judge Evans sentenced Negron to 75 days in the county jail; that sentence was suspended pending the successful completion of 12 months supervised probation.

Christopher Singer, 30, pled guilty to speeding 150 m.p.h. in a 55 m.p.h. zone. Judge Evans sentenced Singer to 60 days in the county jail; that sentence was suspended pending the successful completion of 12 months supervised probation.

Patrick Little, 29, pled guilty to possession of drug paraphernalia. Judge Evans sentenced Little to 60 days in the county jail; that sentence was suspended pending the successful completion of 18 months supervised probation.

Anne Imbriano, 50, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of her legal rights. The motion was granted by the District Court and the State appealed to the Superior Court. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Beal denied the defendant's motion. The case was scheduled in district court for further proceedings.

Paul Moore, 27, was charged with driving while impaired. The defendant filed a motion to dismiss alleging violations of his constitutional rights. The motion was granted by the District Court and the State appealed to the Superior Court. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Beal denied the defendant's motion. The case was scheduled in district court for further proceedings.

Matthew Barfield, 26, was charged with driving while impaired. The defendant filed a motion to suppress alleging violations of the defendant's legal rights and a motion to dismiss alleging violations of his constitutional rights. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Beal denied the defendant's motions. The case was continued to the week of February 18, 2013 for further proceedings.

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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