

NEWS RELEASE

R. Andrew Murray
District Attorney

November 11, 2011

Misdemeanors appealed, prosecuted in superior courtroom 5170 last week

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 31, 2011. The Superior Court Judge presiding was The Honorable Linwood O. Foust.

The following pleas, remands, motions, and trials were done throughout the week:

Rahsaan Abdul-Rahim, 37, was convicted of driving while impaired. Abdul-Rahim remanded his case for sentencing in district court on November 2, 2011 in courtroom 4310.

Mary Afework, 50, pled guilty to reckless driving. Judge Foust sentenced Afework to 20 days in the county jail; that sentence was suspended pending Afework's successful completion of 12 months of unsupervised probation.

Thomas Babb, 30, was charged with driving while impaired. Babb filed a motion to suppress. The motion was denied. Babb remanded his case for sentencing in district court on November 2, 2011 in 4150.

Ross Baker, 21, was convicted of possession of drug paraphernalia. He remanded his case for sentencing in district court on October 31, 2011 in courtroom 4150.

Brett Bauer, 24, was convicted of driving while impaired. He remanded his case for sentencing in district court on November 2, 2011 in courtroom 4310.

Santonio Boyd, 40, was convicted of driving while impaired. He remanded his case for sentencing in district court on November 10, 2011 in courtroom 4310.

Andrew Chalson, 43, was convicted of driving while impaired. He remanded his case for sentencing in district court on November 4, 2011 in courtroom 4170.

Albert Davis Jr., 40, was charged with driving while impaired. Davis filed a motion to suppress. The motion was denied. Davis remanded his case for sentencing in district court on November 4, 2011 in courtroom 4150.

Royce Dubois, 34, was convicted of driving while impaired. He remanded his case for sentencing in district court on October 31, 2011 in courtroom 4170.

Blake Dulin, 24, pled guilty to reckless driving. Judge Foust sentenced Dulin to 30 days in the county jail; that sentence was suspended pending Dulin's successful completion of 12 months of unsupervised probation.

Marcus Hobgood, 40, pled guilty to driving while impaired. Judge Foust sentenced Hobgood to 18 months in prison.

Kourtney Hogan, 27, pled guilty to reckless driving. Judge Foust sentenced Hogan to 10 days in the county jail; that sentence was suspended pending Hogan's successful completion of 12 months of unsupervised probation.

Roger Pelchat, 27, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Jason Prescott, 30, was convicted of driving while impaired. He remanded his case for sentencing in district court on November 2, 2011 in courtroom 4170.

Hee Soh, 46, was charged with driving while impaired. Davis filed a motion to suppress. The motion was granted.

Robert Starnes, 30, pled guilty to driving while impaired. Judge Foust sentenced Hobgood to 18 months in prison.

William Sweezy, 20, was convicted of driving while impaired. He remanded his case for sentencing in district court on at a date to be determined.

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 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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