

NEWS RELEASE

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Jury convicts impaired driver; Misdemeanor Appeals Team convicts 8 others

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried two defendants in Superior Court. Four defendants entered guilty pleas, and another four defendants remanded their cases to District Court for sentencing. The proceedings were held November 5-12, 2018, in courtroom 5170 before The Honorable Donnie Hoover, Superior Court Judge.

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.

Matthew Smith, 43, was tried for driving while impaired. A jury found him *guilty*. Judge Hoover sentenced him to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Jose Campos, 36, was tried for driving while impaired. A jury was unable to reach a unanimous verdict. As a result, Judge Hoover declared a mistrial.

Nilson Polucho-Ramous, 19, pled guilty to driving after consuming alcohol under the age of 21. Judge Hoover granted a prayer for judgment continued.

Michael Trelles, 20, pled guilty to 1) assault on a female and 2) two counts of misdemeanor violation of a domestic violence protective order. He was sentenced to 75 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Jessica Johnson, 25, pled guilty to communicating threats. She was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 months of unsupervised probation.

Reginald Howard, 31, pled guilty to resisting a public officer. Judge Hoover sentenced Howard to 12 months of unsupervised probation and authorized a conditional discharge of the offense pursuant to N.C. General Statute § 15A-1341(a4).

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

novο 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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