

# NEWS RELEASE

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## Misdemeanor Appeals Team tries 7 defendants; 6 habitual impaired drivers plead guilty

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried seven defendants and convicted a total of 51 defendants in Mecklenburg County Superior Court. More than half of the defendants were convicted of impaired driving. The proceedings were held October 28-November 15, 2013, in courtrooms 5130, 5170 and 5310 before The Honorable Gary M. Gavenus, The Honorable A. Robinson Hassell, The Honorable Yvonne Mims Evans, The Honorable Linwood O. Foust and The Honorable Lisa C. Bell, 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 51 defendants convicted, 27 were convicted of driving while impaired, and another six were convicted of habitual driving while impaired. Other convictions were for misdemeanor charges such as assault on a government official, resisting a public officer, simple assault and driving with a revoked license. Five of the defendants were convicted at trial while 26 pled guilty, and another 20 were convicted when they remanded their cases to District Court.

The team tried the following defendants:

Michael Lasiter, 30, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Hassell sentenced Lasiter to 6 months in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of probation, Lasiter must serve 8 days in jail.

Hiep Truong, 45, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Gavenus sentenced Truong to 60 days in the Mecklenburg County jail; that sentence was suspended pending the successful completion of 12 months of supervised probation. As a condition of probation, Truong must serve 3 days in jail.

William Godwin, 33, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Gavenus sentenced Godwin to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. As a condition of probation, Godwin must serve 3 days in jail.

Robert Battle, 70, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Gavenus sentenced Battle to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 36 months of supervised probation. As a condition of probation, Battle must serve 2 days in jail.

Abraham Mallobe, 51, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Foust sentenced Mallobe to 30 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. As a condition of his probation, Mallobe must serve 7 days in jail.

Derrick Fennell, 34, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Joshua Wilburn, 28, was tried for failing to stop for a stopped school bus. The jury returned a verdict of *not guilty*.

The following defendants were among those who pled guilty:

Samuel Smith, 43, pled guilty to habitual impaired driving. Judge Gavenus sentenced Smith to 28-43 months in prison.

Craig Moore, 38, pled guilty to habitual impaired driving. Judge Evans sentenced Moore to 20-24 months in prison.

Angie Blakeney, 47, pled guilty to habitual impaired driving. Judge Hassell sentenced Blakeney to 17-30 months in prison.

Erik Whitmore, 33, pled guilty to habitual impaired driving. Judge Gavenus sentenced Whitmore to 15-27 months in prison.

William Parker, 53, pled guilty to habitual impaired driving. Judge Foust sentenced Parker to 13-25 months in prison.

Gregory Alsobrooks, 55, pled guilty to habitual impaired driving. Judge Hassell sentenced Alsobrooks to 12-24 months in prison.

*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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