

NEWS RELEASE

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November 22, 2011

Domestic Violence Misdemeanor Appeals Team tries 3 defendants, 8 plead guilty

CHARLOTTE, N.C. – The DA's Domestic Violence Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office called three defendants for trial in courtroom 5170 the week of November 14, 2011 before The Honorable A. Robinson Hassell, Superior Court Judge.

Marco Ochoa, 36, was charged with assault on a female. The defendant pled not guilty and was tried in front of a jury. The jury returned a verdict of *not guilty*.

Yontu Johnson, 36, was charged with misdemeanor child abuse. The defendant pled not guilty and was tried in front of a jury. The jury returned a verdict of *not guilty*.

Robert Porter, 25, was charged with assault by strangulation and communicating threats. The defendant pled not guilty. After a jury was selected and empanelled and opening statements were completed, the defendant chose to plead guilty to both charges. The defendant was sentenced to 6-8 months in prison. That sentence was suspended pending his successful completion of 24 months of supervised probation.

Eight defendants pled guilty before their cases were called for trial:

Derek Jackson, 43, pled guilty to assault on a female. Jackson was sentenced by Judge Hassell to 150 days in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation.

Shawn Smith, 38, pled guilty as charged to assault on a female. Smith was sentenced by Judge Hassell to 150 days in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation.

Milton Delgadotoscanos, 39, pled guilty to assault on a female. Delgadotoscanos was sentenced by Judge Hassell to 150 days in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation.

David Williams, 30, pled guilty to assault on a female. Williams was sentenced by Judge Hassell to 75 days in prison; that sentence was suspended pending successful completion of 18 months of supervised probation.

Gary Roseborough, 59, pled guilty to assault on a female and communicating threats. Roseborough was sentenced by Judge Hassell to 75 days in prison. Roseborough must serve the first 30 days of that

sentence in jail and the remaining days are suspended pending successful completion of 18 months of supervised probation.

Brunell Parker, 41, pled guilty to violation of a domestic violence protective order. Parker was sentenced to 60 days in prison; that sentence was suspended pending successful completion of 12 months of supervised probation.

Christopher Craft, 42, pled guilty to assault by strangulation. Craft was sentenced by Judge Hassell to 4-5 months in prison; that sentence was suspended pending successful completion of 24 months of supervised probation. The first 21 days of that sentence are to be served in prison.

Juan Genao, 26, pled guilty to assault on a female. Judge Hassell sentenced Genao to 75 days in prison; that sentence was suspended pending successful completion of 18 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 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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