

NEWS RELEASE

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Misdemeanor Appeals Team convicts 31, including 27 impaired drivers

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted 31 defendants. Of those defendants, 27 were impaired drivers. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held October 31-November 18, 2016, in courtrooms 5130 and 5170 before The Honorable Hugh B. Lewis, The Honorable Lindsay R. Davis, Jr., and the Honorable Casey M. Viser, Superior Court Judges.

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.

Prosecutors also made arguments in two cases appealed by the State after a District Court Judge previously ruled in favor of the defendants on a matter of law. The State's appeals were granted, and the matters were remanded for further proceedings in District Court.

Donald Johnson, 33, was tried for habitual impaired driving. A jury found Johnson *guilty* as charged. Judge Lewis sentenced Johnson to 18-31 months in prison.

Shadarryl Bennett, 32, was tried for driving while impaired. A jury found Bennett *guilty*. Judge Lewis sentenced Bennett to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of supervised probation.

Cesar Figueroa, 43, was tried for driving while impaired. A jury found Figueroa *guilty*. Judge Viser sentenced Figueroa to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation.

Amanda Payne, 34 was tried for driving while impaired. A jury found Payne *guilty*. Judge Viser sentenced Payne to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Robert Pittman, 27, was tried for driving while impaired. A jury found Pittman *guilty*. Judge Lewis sentenced Pittman to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Chavis Seegars, 25, was tried for driving while impaired. Seegars, who elected to waive his right to a jury trial in Superior Court under General Statute 15A-1201(b), chose to have a bench trial before Judge Lewis. Judge Lewis found him *guilty* and sentenced him to 30 days in

the Mecklenburg County Jail; that sentence was suspended pending Seegar's successful completion of 12 months of unsupervised probation.

Jeffrey Stahl, 52, was tried for driving while impaired. The jury found him *guilty*. Judge Davis sentenced Stahl to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of supervised probation.

Tyler Williams, 25, was tried for driving while impaired. The jury found him *not guilty*.

Christian Scott, 25, was tried for 1) driving while impaired and 2) transporting an open container after consuming alcohol. The jury found him *not guilty*.

David Richter, 44, was tried for driving while impaired. The jury found him *not guilty*.

Among those who entered guilty pleas were:

Catarina Weston, 25, pled guilty to driving while impaired. Judge Viser sentenced Weston to 12 months in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of supervised probation. As a condition of her probation, Weston must serve 10 days in the Mecklenburg County Jail.

Rodney McNall, 37, pled guilty to driving while impaired. Judge Lewis sentenced McNall to 75 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Larry Marshall, 26, pled guilty to driving while impaired. Judge Davis sentenced Marshall to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 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 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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