

NEWS RELEASE

R. Andrew Murray
District Attorney

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9 impaired drivers among 14 convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – Over the course of a week, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried one defendant and convicted 14 others who pled guilty or remanded their cases to District Court for sentencing. The proceedings were held December 8-12, 2014, before The Honorable Timothy S. Kincaid, The Honorable Lindsay R. Davis, Jr. and The Honorable Hugh B. Lewis, 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 14 defendants convicted, nine were convicted of driving while impaired offenses.

Prosecutors also made arguments in two cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. A judge granted one of the State's appeals, and the other was denied.

Four defendants filed motions to dismiss charges, alleging violations of the defendants' legal rights. After testimony and arguments from both Assistant District Attorneys and the defense, a judge granted two motions and denied two motions.

Lenwood Martin, 55, was tried for driving while impaired. A jury found him *not guilty*.

Among those who pled guilty were:

Nicole Smith, 31, pled guilty to driving while impaired. She was sentenced to 30 days in the Mecklenburg County jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As a condition of her probation, she must serve 8 days in jail.

Wesley Lucas, 37, pled guilty to driving while impaired. He was sentenced to 60 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, Lucas must serve 2 days in jail.

Lerace McCorkle, 29, pled guilty to 1) possession of drug paraphernalia and 2) resisting a public officer. He was sentenced to 7 days in the Mecklenburg County jail.

William Slater, 44, pled guilty to driving while impaired. Slater was sentenced to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 24 months of unsupervised probation. As a condition of his probation, Slater must perform 48 hours of community service.

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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