

NEWS RELEASE

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9 DWI offenders among 15 convicted in Misdemeanor Appeals Team's trial week

CHARLOTTE, N.C. – During the week of December 16, 2013, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried one defendant for driving while impaired and convicted another 14 defendants who pled guilty or remanded their cases to District Court. The Union County District Attorney's Office also tried a case during the week. The Mecklenburg County DA's Office requested an out-of-county prosecutor to handle the case to avoid any potential conflict of interest in the matter. The proceedings were held in courtroom 5170 before The Honorable Julia L. Gullett, Superior Court Judge.

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 15 defendants convicted, nine were convicted of driving while impaired charges. Prosecutors also made arguments in a case appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. Judge Gullett reversed the District Court Judge's decision.

Brooks Gaddy, 28, was tried for habitual driving while impaired. During the course of the trial, Judge Gullett ruled that there was insufficient evidence to establish that Gaddy had the necessary prior driving while impaired convictions to be convicted of habitual driving while impaired. Following this ruling, Gaddy pled guilty to driving while impaired. Judge Gullett sentenced Gaddy to 24 months in prison.

Among the 14 who were convicted when they pled guilty or remanded their cases to District Court were:

David Clausen, 43, pled guilty to habitual driving while impaired. He was sentenced to 13-16 months in prison.

Johnny Day, 30, pled guilty to driving while impaired. He was sentenced to 106 days in the Mecklenburg County jail.

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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