

NEWS RELEASE

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Misdemeanor Appeals Team tries 4 defendants in Superior Court

CHARLOTTE, N.C. – Over the course of two trial sessions, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried four defendants in Superior Court. Another three defendants entered guilty pleas, and three others remanded their cases to District Court for sentencing. Motions were also heard in other matters. The proceedings were held January 13-17, 2020, and January 27-31, 2020, before The Honorable Louis A. Trosch, Jr., The Honorable Casey M. Viser and The Honorable Daniel A. Kuehnert, 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.

Chrystal Hargett, 44, was tried for 1) driving while impaired and 2) speeding. A jury found Hargett *guilty* as charged. Judge Trosch sentenced Hargett to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Douglas Welsh, 46, was tried for driving while impaired. The jury was unable to reach a unanimous verdict. As a result, Judge Viser declared a mistrial.

Casey Cheek, 41, was tried for communicating threats. The jury was unable to reach a unanimous verdict. As a result, Judge Kuehnert declared a mistrial.

Brett McMillan, 55, was tried for assault on a female. A jury returned a verdict of *not guilty*.

Tanzania Craig, 47, pled guilty to misdemeanor animal cruelty. Judge Trosch sentenced Craig to 11 days in the Mecklenburg County Jail.

William Danner, 50, pled guilty to false imprisonment. Judge Trosch sentenced Danner to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation.

Garrett Williams, 29, pled guilty to driving while impaired. Judge Viser sentenced Williams to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised 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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