

NEWS RELEASE

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Misdemeanor Appeals Team tries defendant in Superior Court

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried one defendant in Superior Court. Another defendant entered a guilty plea, and five defendants remanded their cases to District Court for sentencing. The proceedings were held during the week of March 12, 2018, in courtroom 5170 before The Honorable Robert T. Sumner, Superior Court Judge.

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.

Andru Marable, 26, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Jennabou Touray, 25, pled guilty to resisting a public officer. Judge Sumner sentenced Touray to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As conditions of her probation, Touray must perform 24 hours of community service and complete 6 months in an anger management program. Judge Sumner also authorized a conditional discharge of the offense pursuant to N.C. General Statute § 15A-1341.

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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