

NEWS RELEASE

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April 13, 2017

Habitual impaired driver among 10 convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted 10 defendants during a trial session this week in Superior Court. Five of those defendants were impaired drivers. They were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held in courtroom 5170 before The Honorable Forrest D. Bridges, Superior Court Judge. Court is closed on April 14, 2017, in observance of Good Friday.

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.

Milton Sojo, 26, was tried for driving while impaired. A jury returned a verdict of *guilty* as charged. Judge Bridges sentenced Sojo to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of unsupervised probation.

Wendell McFadden, II, 29, was tried for driving while impaired. A jury returned a verdict of *not guilty*.

Timothy Brittain, 31, pled guilty to habitual impaired driving. He was sentenced to 17-30 months in prison. In December 2016, a security guard called Charlotte-Mecklenburg police after seeing Brittain hit a parked car in a parking lot on Central Avenue in Charlotte. When officers arrived, they found that Brittain was noticeably impaired. He was arrested, and an alcohol breath testing instrument determined his blood alcohol concentration was .15. Brittain has three prior DWI convictions from 2008, 2011 and 2012.

Kenneth Green, Jr., 38, pled guilty to driving while impaired. Judge Bridges sentenced Green to 72 hours 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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