

NEWS RELEASE

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Misdemeanor Appeals Team convicts driver of DWI in Superior Court

CHARLOTTE, N.C. – In April, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried three defendants in Superior Court. The court also heard a motion in another matter. The proceedings were held during the weeks of April 8, 2019, and April 22, 2019, before The Honorable Forrest D. Bridges and The Honorable David A. Phillips, 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.

Alexander Harward, 26, was tried for driving while impaired. Harward waived his right to a jury trial in favor of a bench trial. Judge Phillips found Harward *guilty* of driving while impaired. Judge Phillips sentenced Harward to 60 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Chicago Paskiecz, 54, was tried for misdemeanor stalking. A jury returned a verdict of *not guilty*.

Deborah Wagner, 59, was tried for driving while impaired. A jury returned a verdict of *not guilty*.

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 is 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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