

NEWS RELEASE

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Impaired drivers among those convicted in Superior Court trials

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried seven defendants in Superior Court. Another four defendants entered guilty pleas, and two defendants remanded their cases to District Court for sentencing. The proceedings were held before The Honorable Hugh B. Lewis, The Honorable Donnie Hoover and The Honorable Gregory R. Hayes, 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.

Dwane Walton, 63, was tried for sexual battery. A jury found him *guilty*. Judge Lewis sentenced Walton to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of supervised probation. Walton was ordered to register as a sex offender for 30 years.

Scott Sadler, 54, was tried for driving while impaired. A jury found him *guilty*. Judge Hoover sentenced Sadler to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Ryan Staudt, 26, was tried for driving while impaired. A jury found him *guilty*. Judge Hayes sentenced Staudt to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation.

Ante Pavkovic, 52, was tried for resisting a public officer. Pavkovic waived his right to a jury trial and chose to have the trial before Judge Lewis. Judge Lewis found Pavkovic *guilty* and sentenced him to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 24 months of supervised probation.

Bryan Oliver, 34, was tried for driving while impaired. A jury found him *guilty*. Judge Lewis sentenced Oliver to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Anthony Dixon, 37, was tried for driving while impaired. A jury found him *guilty*. Judge Lewis sentenced Dixon to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Shaun Helms, 38, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Aasim Wesley, 25, pled guilty to prostitution. Judge Lewis sentenced Wesley to 8 days in the Mecklenburg County Jail.

Wen Chen, 35, pled guilty to misdemeanor larceny. Judge Lewis sentenced Chen to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Alexandria Bailey, 30, pled guilty to driving while impaired. Judge Lewis sentenced Bailey to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

James Salley, 31, pled guilty to driving while license revoked (due to a driving while impaired revocation). Judge Lewis sentenced Salley to 120 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 16 months of supervised 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 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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