

NEWS RELEASE

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June 9, 2015

18 impaired drivers among 22 convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – A total of 22 defendants were recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. The team convicted one defendant at trial, and 21 others were convicted when they pled guilty or remanded their cases to District Court for sentencing. Of those defendants, 18 were convicted of driving while impaired. The proceedings were held June 1-5, 2015, in courtrooms 5170 and 5370 before The Honorable Linwood O. Foust 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 appealed his or her conviction to Superior Court for a jury trial, as allowed under North Carolina law.

Gilbert Williams, 59, was tried for 1) driving while impaired and 2) driving the wrong direction on a dual lane highway. The jury found Williams *guilty* of the driving while impaired charge and *not responsible* for the infraction of driving the wrong direction on a dual lane highway. Judge Foust sentenced Williams to 35 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

The following defendants are among those who pled guilty:

Charles Tate, 64, pled guilty to driving while impaired. Tate was sentenced to 18 months in prison; that sentence was suspended pending his successful completion of 12 months of supervised probation. As a condition of his probation, Tate must serve 90 days in the Mecklenburg County Jail.

Jordan McElhany, 25, pled guilty to driving while impaired. McElhany was sentenced to 24 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, McElhany must serve 30 days in the Mecklenburg County Jail.

Amy Jones, 41, pled guilty to driving while impaired. Jones was sentenced to 6 months in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. As a condition of her probation, Jones must serve 30 days 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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