

NEWS RELEASE

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Habitual impaired driver among 7 defendants tried by Misdemeanor Appeals Team

CHARLOTTE, N.C. – Over the course of three weeks, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried seven defendants and convicted a total of 38 defendants. Nearly half of those defendants were convicted of driving while impaired offenses. The proceedings were held May 19-June 6, 2014, in multiple courtrooms before The Honorable Anna Mills Wagoner, The Honorable Jeffrey P. Hunt, The Honorable Linwood O. Foust, The Honorable Richard D. Boner, The Honorable Forrest D. Bridges, The Honorable Lisa C. Bell and The Honorable H. William Constangy, 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. Of the 38 defendants convicted, 17 were convicted of driving while impaired charges, and one was convicted of habitual impaired driving. Three of the defendants were convicted at trial while 35 others were convicted when they pled guilty or remanded their cases to District Court for sentencing.

During the three-week term, prosecutors also made arguments in three cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. A judge granted one of the State's appeals and denied two appeals.

The following defendants were tried:

David Maust, 29, was tried for habitual impaired driving. The jury found him *guilty* as charged. Judge Hunt sentenced Maust to 14-26 months in prison.

Shaheed Leftwich, 37, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Bell sentenced Leftwich to 6 months in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Leftwich must serve 7 days in the Mecklenburg County jail.

Vanessa Winger, 48, was tried for simple worthless check. The jury returned a verdict of *guilty*. Judge Wagoner sentenced Winger to 45 days in the Mecklenburg County jail; that sentence was suspended pending her successful completion of 24 months of unsupervised probation.

Jennae Grimes, 29, was tried for driving while impaired. Judge Wagoner declared a mistrial when the jury was unable to reach a unanimous verdict.

Phillip Nivens, 29, was tried for driving while impaired. Judge Wagoner declared a mistrial when the jury was unable to reach a unanimous verdict.

Lamar Strothers, 33, was tried for driving while impaired. The jury found him *not guilty*.

Charlie Ingram, 48, was tried for sexual battery. The jury returned a verdict of *not guilty*.

Among the defendants who were convicted when they pled guilty or remanded their cases to District Court were:

Johnnie Searcy, 32, pled guilty to driving while impaired. Searcy was sentenced to 12 months in prison.

Jacob Lachiusa, 23, pled guilty to driving while impaired. Lachiusa was sentenced to 12 months in prison; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Lachiusa must serve 7 days in the Mecklenburg County jail.

Christopher Johnson, 48 years old, pled guilty to three counts of misdemeanor larceny. Johnson was sentenced to 90 days in 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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