

NEWS RELEASE

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Juries find 2 impaired drivers guilty

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently convicted two impaired drivers at trial in Superior Court, and another defendant remanded his case to District Court for sentencing. The proceedings were held June 4-8, 2018, in courtroom 5170 before The Honorable Stanley L. Allen, Superior Court Judge.

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.

Alyssa Schwartz, 26, was tried for driving while impaired. A jury found her *guilty*. She was sentenced to 12 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Rodrigo Novoa, 39, was tried for driving while impaired. A jury found him *guilty*. He was sentenced to 14 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Another defendant filed motions, alleging violations of her legal rights. Judge Allen, who heard arguments from the defense and an Assistant District Attorney, denied those motions. The case remains pending.

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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