

NEWS RELEASE

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Jury convicts driver of impaired driving

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried one defendant in Superior Court. Motions were held in other matters, and one matter was remanded to District Court. The proceedings were held June 3-7, 2019, in courtroom 5170 before The Honorable Jesse B. Caldwell, III, 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.

Tyrone Bristol, 53, was tried for driving while impaired. A jury found Bristol *guilty* as charged. Judge Caldwell sentenced Bristol to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. Before the trial, Bristol pled guilty to speeding. Judge Caldwell continued judgment in the speeding matter.

Hellen Kousouris, 32, filed a pretrial motion to suppress evidence seized or obtained by law enforcement, alleging violations of her legal rights. Judge Caldwell, who heard arguments from the defense and an Assistant District Attorney, denied the motion. Kousouris then pled guilty to driving while impaired. Judge Caldwell sentenced Kousouris to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Colt Moser, 28, pled guilty to driving while license revoked. Judge Caldwell continued judgment.

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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