

NEWS RELEASE

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20 impaired drivers convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – Twenty of the 25 defendants recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team were convicted of impaired driving. During the week of July 6, 2015, the team tried three defendants. Other defendants, including a habitual impaired driver, were convicted when they pled guilty or remanded their cases to District Court. Over the course of the week, prosecutors also made arguments in a case appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. The judge ruled in the State's favor. The proceedings were held before The Honorable Lindsay R. Davis, Jr., The Honorable Eric L. Levinson, The Honorable Richard D. Boner, The Honorable Carla N. Archie and The Honorable Robert C. Ervin, 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.

Michael Davis, 33, was tried for driving while impaired. The jury found him *guilty*. Judge Archie sentenced Davis to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of unsupervised probation. As conditions of his probation, Davis must spend 72 hours in jail and complete 72 hours of community service.

Sedrick Rowe, 32, was tried for driving while impaired. The jury found him *not guilty*.

Gerald Summer, 50, was tried for driving while impaired. The jury found him *not guilty*.

Among the defendants who pled guilty were:

Stanley Bates, 40, pled guilty to habitual driving while impaired. Bates was sentenced to 17-30 months in prison.

George Kinlaw, 54, pled guilty to driving while impaired. Kinlaw was sentenced to 12 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, Kinlaw must serve 7 days in jail.

Kaitlyn Prewitt, 26, pled guilty to driving while impaired. Prewitt was sentenced to 6 months in the Mecklenburg County Jail; that sentence was suspended pending her successful

completion of 12 months of supervised probation. As conditions of her probation, Prewitt must serve 10 days in jail and wear an alcohol monitoring device for 120 days.

Marie Boyd, 30, pled guilty to communicating threats. Boyd was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 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 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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