

# NEWS RELEASE

Spencer B. Merriweather III  
District Attorney

July 17, 2019

## Misdemeanor Appeals Team tries 3 defendants; 2 plead guilty

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried three defendants in Superior Court. Another two defendants entered guilty pleas, and one remanded his case to District Court for sentencing. The proceedings were held in courtroom 5170 during the weeks of June 24, 2019 and July 8, 2019, before The Honorable Donnie Hoover and The Honorable Louis A. Trosch, Jr., Superior Court Judges.

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.

Kevin Church, 63, was tried for 1) driving while impaired and 2) speeding. Church waived his right to a jury trial in favor of a bench trial. Judge Trosch found Church *guilty* of speeding and *not guilty* of driving while impaired. Judge Trosch ordered Church to pay a fine and the costs of court.

Antonio Hernandez was tried for simple assault. A jury returned a verdict of *not guilty*.

Luis Almeida-Chavez, 57, was tried for indecent exposure. A jury returned a verdict of *not guilty*.

Roscoe Brown, 31, pled guilty to possession of drug paraphernalia. Judge Trosch sentenced Brown to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Quantaja McInnis, 20, pled guilty to misdemeanor carrying a concealed gun. Judge Trosch sentenced McInnis to 45 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation. Judge Trosch authorized a conditional discharge of the offense and ordered that the gun be destroyed.

*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.*

*// End //*

