

NEWS RELEASE

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19 of 25 convicted by DA's Misdemeanor Appeals Team are impaired drivers

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently convicted 25 defendants. Of those defendants, 19 were impaired drivers. These defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held September 26-30, 2016, in courtroom 5170 before The Honorable Carla N. Archie, Superior Court Judge. Prosecutors also made arguments in two cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. Judge Archie granted the State's appeals.

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.

Kathryn Rolland, 25, was tried for 1) driving while impaired, 2) driving while license revoked and 3) rear lamp violation. Rolland, who elected to waive her right to a jury trial in Superior Court under General Statute § 15A-1201(b), chose to have a bench trial before Judge Archie. Judge Archie found her *guilty* as charged. Judge Archie sentenced Rolland to 12 months in prison; that sentence was suspended pending her successful completion of 18 months of supervised probation. As a condition of her probation, Rolland must serve 30 days in the Mecklenburg County jail.

Among those who pled guilty were:

Henry Mata, 18, pled guilty to carrying a concealed weapon. Mata was sentenced to 9 days in the Mecklenburg County Jail.

Daniel Wilson, 32, pled guilty to driving while impaired. Wilson 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, Wilson must serve 10 days in the Mecklenburg County Jail.

Robert Baer, 25, pled guilty to driving while impaired. Baer was sentenced to 30 days in custody; that sentence was suspended pending his successful completion of 6 months of unsupervised probation. As a condition of his probation, Baer must complete 24 hours of community service.

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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