

# NEWS RELEASE

Spencer B. Merriweather III  
District Attorney

October 10, 2018

## Misdemeanor Appeals Team tries 2 defendants

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried two defendants in Superior Court. Three defendants pled guilty, and another four defendants remanded their cases to District Court for sentencing. The proceedings were held October 1-5, 2018, in courtroom 5170 before The Honorable W. Todd Pomeroy, 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.

Chazz Roberts, 25, pled guilty to assault on a female. He was sentenced to 75 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation.

Carla Rogers, 52, pled guilty to driving while impaired. She was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 12 months of unsupervised probation.

Victor Lopez, 28, was tried for 1) misdemeanor violation of a domestic violence protective order and 2) communicating threats. A jury found him *not guilty*.

Mahad Farah, 28, was tried for 1) driving while impaired and 2) failing to stop at a steady red light. A jury found him *guilty* of failing to stop at a steady red light. The jury was unable to reach a unanimous verdict on the driving while impaired charge, and as a result, Judge Pomeroy declared a mistrial as to that charge. Farah was ordered to pay court costs and a fine.

Another defendant filed motions, alleging violations of their legal rights. Judge Pomeroy, who heard arguments from the defense and an Assistant District Attorney, granted the defendant's motion and dismissed the case.

*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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