

NEWS RELEASE

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Misdemeanor appeals prosecuted in superior court

CHARLOTTE, N.C. – The DA's Misdemeanor Appeals Team held court in Courtroom 5170 for the week of October 3, 2011. The Superior Court Judge presiding was The Honorable H. William Constangy.

Monday was designated as an administrative day in this courtroom. In the morning, the State called the trial calendar for the week. The court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases.

Meldreca Brown, 26, was tried for driving while impaired. The jury returned a verdict of *guilty*. Brown was sentenced to six months in the county jail; that sentence was suspended pending her successful completion of 24 months of supervised probation.

Mark Honeycutt, 43, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Four defendants pled guilty before trial:

Milton Davis, 24, pled guilty to habitual driving while impaired. Davis was sentenced to 32-40 months in prison.

Paula Kleffner, 47, pled guilty to driving while license revoked. Kleffner was sentenced to 120 days in the county jail; that sentence was suspended pending her successful completion of 18 months of supervised probation.

Robert McCullough, 50, pled guilty to 1) reckless driving and 2) resisting a public officer. McCullough was sentenced to 120 days in the county jail with pretrial credit for 78 days; the remainder of his sentence was suspended pending his successful completion of 12 months of supervised probation.

Kimyan Williamson, 37, pled guilty to driving while license revoked. Williamson received a prayer for judgment continued upon payment of court costs.

Two defendants remanded their cases before trial. In this context, when a case is remanded, the case is sent back to the district court for a sentencing hearing and the defendant's appeal of the district court conviction is no longer pending in the superior court.

Linwood Long, 26, was convicted of driving while impaired. Long remanded his case for sentencing in district court on October 7, 2011 in courtroom 1130.

Alexander Velasquez, 24, was convicted of driving while impaired. Velasquez remanded her case for sentencing in district court on October 5, 2011 in courtroom 4310.

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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