

NEWS RELEASE

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October 21, 2014

12 impaired drivers convicted by DA's Misdemeanor Appeals Team

CHARLOTTE, N.C. – Impaired drivers were among the 17 defendants convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team during the week of October 13, 2014. Eleven defendants pled guilty, and six others were convicted when they remanded their cases to District Court for sentencing. The proceedings were held in courtroom 5170 before The Honorable Lucy N. Inman, Superior Court Judge.

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. Of the 17 defendants convicted, 12 were convicted of driving while impaired offenses.

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. The judge granted one of the State's appeals and denied the other.

Among those who pled guilty were:

Dwight Green, 31, pled guilty to habitual driving while impaired. Green was sentenced to 12-24 months in prison.

Glenn Faircloth, 51, pled guilty to two counts of driving while impaired. He was sentenced to a total of 27 months in prison; that sentence was suspended pending his successful completion of 24 months of supervised probation. As a condition of his probation, Faircloth must serve 37 days in the Mecklenburg County jail.

Jeffrey Pomerleau, 43, pled guilty to driving while impaired. Pomerleau was sentenced to 45 days in the Mecklenburg County jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. As a condition of his probation, he must serve 7 days in the Mecklenburg County jail.

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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