

NEWS RELEASE

R. Andrew Murray
District Attorney

November 11, 2011

Misdemeanors appealed, prosecuted in superior courtroom 5130 last week

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5130 for the week of October 31, 2011. The Superior Court Judge presiding was The Honorable Hugh B. Lewis.

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.

The following pleas, remands, motions, and trials were done throughout the week:

Clarence Abney, 41, made a motion to suppress certain evidence seized or obtained by law enforcement, alleging violations of his legal rights. He also made a motion to dismiss the charges against him. After hearing testimony and arguments from the defense and the Assistant District Attorney, Judge Lewis denied the defendant's motions. The case will proceed to jury trial at a later date.

Shawn Hines, 34, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Rochelle Howard, 49, pled guilty to driving while impaired. Howard was sentenced to minimum/maximum of 90 days in the county jail; that sentence was suspended pending her successful completion of 12 months unsupervised probation.

Mark Sidi, 31, was convicted of driving while impaired. Sidi remanded his case for sentencing in district court on November 3, 2011 in courtroom 4150.

Alfred Taylor, 32, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Michelle White, 26, was convicted of driving while impaired. White remanded her case for sentencing in district court on November 2, 2011 in courtroom 1130.

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 //

