

NEWS RELEASE

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Misdemeanor Appeals Team tries defendants in Superior Court

CHARLOTTE, N.C. – The Mecklenburg County District Attorney's Misdemeanor Appeals Team recently tried four defendants in Superior Court while several other defendants entered guilty pleas. The proceedings were held October 21-25, 2019, and November 4-8, 2019, before The Honorable George C. Bell and The Honorable Donnie Hoover, Superior Court Judges.

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.

Immanuel Patterson, 34, pled guilty to driving while impaired. Judge Bell sentenced Patterson to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Arthur Knight, 46, was tried for driving while impaired. Knight waived his right to a jury trial and opted for a bench trial. Judge Bell found Knight *not guilty*.

Zedrick Hill, 27, pled guilty to resisting a public officer. Judge Hoover sentenced Hill to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Rajbir Rai, 23, was tried for driving while impaired. Rai waived his right to a jury trial and opted for a bench trial. Judge Bell found Rai *not guilty*.

Eric Price, 25, pled guilty to assault on a female. Judge Hoover sentenced Price to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Anthony Abraham, 54, was tried for 1) communicating threats and 2) assault by pointing a gun. A jury returned verdicts of *not guilty*.

Adrian Velasquez, 28, was tried for 1) driving while impaired, 2) motor vehicle headlights violation and 3) motor vehicle rear lamps violation. A jury found him *not guilty* of driving while impaired and the motor vehicle headlights violation. The jury found him *responsible* for the motor vehicle rear lamps violation. Judge Hoover ordered Velasquez to pay a fine.

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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