



# FROM THE DESK OF DA MERRIWEATHER

The District Attorney's Office is responsible for the prosecution of criminal offenses in Mecklenburg County. Each month, this newsletter provides information about court happenings, initiatives being used to combat crime, the DA's work in the community, and more.



Mecklenburg  
County  
District  
Attorney's  
Office

## COURT PROCESS

### Bond and DA Merriweather's reform efforts

There has been much discussion lately about bond and its impact on public safety, so we would like to offer information about the process, as well as DA Merriweather's support of preventative detention, a more equitable approach that removes money as the determining factor for a defendant's pre-trial custody status.

People often assume prosecutors set bond amounts, but actually, that is done first by magistrates and then by judges. When someone is arrested, they go before a magistrate, who sets the initial conditions of pre-trial release, including bond. A prosecutor is not present at that time. The first opportunity for a prosecutor to advocate for pre-trial release conditions comes in court, often at the defendant's first appearance in court or at a later bond hearing. Prosecutors may argue for a different bond, but that decision rests with the judge. State law requires that a bond be set for all defendants —except for those charged with first-degree murder or for those who meet other aggravated circumstances enumerated in state statutes. Years ago, the DA's Office worked with court officials to develop a [local bail policy](#) centering on the idea that defendants who do not pose a threat to the community should not receive bonds that keep them in custody and defendants who do pose a safety risk should receive bonds that protect the community from harm. The DA's Office stands by those beliefs. But the policy points are recommendations, as magistrates and judges have the authority to use their own discretion in setting conditions of pre-trial release.

DA Merriweather believes there is a better way to achieve both equity and public safety. In fact, he believes money or a defendant's ability to pay should play no role in determining whether someone is released from custody. Someone accused of a minor crime should not be kept in custody simply because he cannot afford bail. Similarly, a violent offender should not be able to buy his way out of custody. That's why DA Merriweather advocates for a change in state law to create a [preventative detention](#) system similar to the one used in federal courts and a growing number of states across the nation.

## PARTNERSHIPS

DA Merriweather was invited to Washington, D.C. this month by the White House Office of National AIDS Policy. Joining prosecutors from across the nation, he participated in discussions about criminal cases related to HIV and infectious diseases and how criminal justice and public health entities can work together to eliminate stigma and advance science-based outcomes for those who suffer with these illnesses.



## IN COURT

Over the last month, our prosecution teams have been busy in Superior Court trial sessions. In late June, the [Violent Crimes Team](#) tried one defendant and secured the convictions of four others who pled guilty to robbery and firearm offenses. During a trial session led by the [Habitual Felon Team](#), a habitual felon found with cocaine hidden in his underwear was convicted of drug trafficking by a jury. The [Felony Special Victims Team](#) tried two defendants, including a man who raped a 13-year-old girl. The survivor, now 18, showed incredible bravery as she took the stand to tell her story and be cross-examined by her rapist, who chose to represent himself. The jury found him guilty as charged. Our Homicide Team is currently in trial.

## FAQ: Why can't prosecutors talk about pending cases?

If you ever see prosecutors decline to discuss a pending case, the reason is based in ethical duty. We must protect the integrity of a case and protect a defendant's right to a fair trial. All N.C. lawyers must follow the State Bar's [Rules of Professional Conduct](#), which include rules specific to prosecutors and publicity surrounding a case. While we can share case details in court before a judge, the rules say prosecutors cannot make "extrajudicial comments that have a substantial likelihood of heightening public condemnation of the accused." Once a case is closed, we can speak more openly.

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