

District Attorney's Office

State of North Carolina

26th Prosecutorial District

Mecklenburg County

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NEWS RELEASE

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District Attorney

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DA's Office works with court partners to correct state computer error

CHARLOTTE, N.C. – As part of ongoing efforts to address massive case backlogs in Mecklenburg County District Court caused by court closures during the pandemic, the District Attorney's Office engaged in a process with the N.C. Administrative Office of the Courts (AOC) last month to dismiss a number of low-priority traffic and low-level misdemeanor cases, allowing prosecutors to focus resources on more serious traffic and misdemeanor matters. Last week, the DA's Office became aware that more than 16,000 charges were dismissed by the AOC as a result of a computer error, without approval from the DA's Office.

As soon as the computer error was detected, the DA's Office took immediate action to halt the process, and the office has had AOC's full support and cooperation in resolving this matter.

Since the pandemic began, [the DA's Office has worked to review pending traffic and misdemeanor cases](#), many of them with offense dates that date back more than three years, to determine whether they should be prioritized for prosecution or whether those cases should be dismissed to make certain that limited court time is being used to focus on priority cases. The recent increase in vehicular homicides comes at a time when, due to court closures, there are more than 10,000 pending cases in which drivers are charged with speeding 25 mph or more over the speed limit, as well as more than 1,000 pending cases in which drivers are charged with driving at speeds of 100 mph or more. DA Spencer Merriweather identifies those cases as prosecution priorities. Without action to address the backlogs, it would take years to resolve currently pending cases, which would then delay all future District Court proceedings, creating a cycle of delays in priority cases and for victims for years to come.

As a result, the DA's Office chose not to proceed in many minor traffic citations and some low-level misdemeanors, allowing prosecutors to more timely prosecute cases that most directly impact public safety in our community, including domestic violence, dangerously excessive speeding, and DWI cases. The DA's Office has previously worked with AOC since 2020 – without incident – to gather data about pending charges and dismiss low-priority cases on a smaller scale.

This summer, the DA's Office began working on a larger project with AOC, which provided technical help. The project would involve the dismissal of approximately 97,000 minor traffic citations and low-

level misdemeanors, such as compliance matters (expired registration and expired tag) and trespassing, some of which date back to 2019.

On September 26, 2022, the DA's Office began to receive reports from some court system stakeholders of case outcomes that were inconsistent with the technical direction that prosecutors had provided to AOC. Immediately, DA Merriweather reached out to the AOC Director and called for a halt to those dispositions. The DA's Office has been working with AOC staff consistently since then to diagnose the extent of the errors, the reasons for the errors, and what solutions may remedy them.

On September 30, 2022, it was brought to our attention that more than 16,000 charges were erroneously dismissed due to a computer error at the AOC. Of that number, approximately 300 were DWI charges, and some others include dangerously high speeds, which are charges the DA's Office clearly did not approve to be dismissed during this project. DA Merriweather has notified the AOC Director and his staff of his intention to reinstate as many of these erroneously dismissed charges as plausible.

Clerical and computer errors in a system with the case volume that exists in a county of our size do occur, and when they do, reinstatement of affected cases occurs as a matter of course. We would not expect a different outcome in these circumstances.

We appreciate the promptness with which the AOC Director and his staff and our own local court stakeholders have responded to this incident, and we look forward to prompt resolution.

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