

# NEWS RELEASE

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## Domestic violence survivor's testimony helps send abuser to prison

CHARLOTTE, N.C. – A domestic violence survivor courageously took the stand in Mecklenburg County Superior Court last week resulting in a jury finding her abuser guilty of multiple crimes. The Mecklenburg County District Attorney's Felony Special Victims Team tried the case. The trial, which began October 21, 2024, was held in courtroom 5170 before the Honorable Reggie E. McKnight, Superior Court Judge.

Wesley Smith, 40, was tried for 1) assault with a deadly weapon inflicting serious injury, 2) assault by strangulation, and 3) assault on a female. The jury found him *guilty as charged*. Judge McKnight sentenced Smith to 60 days in prison for the assault on a female charge and a consecutive sentence of 25-42 months for the remaining charges.

On August 1, 2021, the survivor arrived at the apartment she shared with Smith, with whom she'd had a dating relationship. They began arguing that night about a post the defendant saw on social media that upset him. While the survivor was using the bathroom, Smith punched her so hard her head hit the shower wall. He then continued to assault her with his hands, a belt, and a metal shower rod. He also stomped on her back with such force it left a bruise in the shape of his boot and strangled her twice causing her to pass out. She was able to run to her landlord's apartment where the landlord dialed 911. At the hospital, she was diagnosed with two subconjunctival hemorrhages, the result of the strangulation, as well as two compression fractures in her spine along with the other bruising and pain.

While October is Domestic Violence Awareness Month, the District Attorney's Office works year-round on the important issues surrounding domestic abuse. Nationally, one in four women and one in nine men experience severe physical violence, sexual violence, or stalking at the hands of an intimate partner. Strangulation is one of the most lethal forms of domestic abuse, and research shows that it may be a significant predictor of future lethal violence. Often mischaracterized as "choking" (getting something lodged in your throat, blocking your airway), strangulation is most commonly understood as an intentional act committed when a person externally applies pressure to the throat of another to restrict breathing or the circulation of blood. Under current North Carolina law, the prohibition on strangulation does not specifically include acts of suffocation (means of breathing restriction other than pressure to the throat), as other states do, and NC law requires a display of physical injury, which often is not apparent for hours—and sometimes even days---after the offense. In our state, Assault by Strangulation (a Class H felony) carries a maximum punishment of 39 months in prison, but, depending on a person's criminal conviction history, such offenders can often be sentenced to a term of probation.

Essentially, an offender who seeks to take someone's air and blood supply away could receive the same punishment demanded for breaking into a toolshed. As awareness of the inherent dangerousness of strangulation increases, we are hopeful that policymakers will look to expand legal prohibitions on strangulation and enhance penalties for commission of these acts.

*Note: For more information about the District Attorney's Office, visit [www.charmeckda.com](http://www.charmeckda.com). For updates and other information, follow @CharMeckDA on [Facebook](#), [X](#), & [Instagram](#).*

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