

# NEWS RELEASE

R. Andrew Murray  
District Attorney

April 3, 2014

## DWI offenders among 18 convicted during Misdemeanor Appeals Team's trial week

CHARLOTTE, N.C. – During the week of March 24, 2014, the Mecklenburg County District Attorney's Misdemeanor Appeals Team convicted one defendant at trial and convicted 17 others who pled guilty or remanded their cases to District Court. The proceedings were held before The Honorable H. William Constangy, The Honorable Lisa C. Bell and The Honorable W. Robert Bell, Superior Court Judges.

The Misdemeanor Appeals Team prosecutes cases in which the defendant was convicted in District Court and then appealed his or her conviction to Superior Court for a jury trial, as allowed under North Carolina law. Of the 18 defendants convicted, five were convicted of driving while impaired and two were convicted of habitual driving while impaired. Over the course of the week, prosecutors also made arguments in a case appealed by the State after a District Court judge previously ruled in favor of the defendant on a matter of law.

McKinley Barnes, 31, was tried for 1) hit and run causing property damage and 2) reckless driving. The jury returned verdicts of *guilty* as charged. Judge Constangy sentenced Barnes to a total of 6 months in the Mecklenburg County jail.

Taylor Wood, 30, was called for trial for the charge of driving while impaired. The defendant filed a motion to suppress evidence, alleging violations of the defendant's legal rights. After hearing arguments from the defense and the Assistant District Attorney, Judge Constangy granted the defendant's motion, and the case was dismissed.

Among the 15 defendants who pled guilty were:

Roddy Anderson, 44, pled guilty to driving while impaired. He was sentenced to 18 months in prison. He was also ordered to wear a continuous alcohol monitoring device for 4 months upon his release.

Barry Hinson, 72, pled guilty to habitual impaired driving. He was sentenced to 12-24 months in prison.

Akiviaya Jackson, 33, pled guilty to habitual impaired driving. Jackson was sentenced to 12-24 months in prison.

Monte Grandon, 54, pled guilty to driving while impaired. Grandon was sentenced to 12 months in prison; that sentence was suspended pending the successful completion of 24 months

of supervised probation. As conditions of his probation, Grandon must serve 6 months in prison and wear a continuous alcohol monitoring device for 6 months upon his release.

Alfredo Ibanez, 35, pled guilty to driving while impaired. He was sentenced to 166 days in the Mecklenburg County jail.

Richard Weimer, 44, pled guilty to driving while impaired. Weimer was sentenced to 12 months in prison; that sentence was suspended pending the successful completion of 24 months of supervised probation. As a condition of his probation, Weimer must serve 2 months in the Mecklenburg County jail.

*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 //