

NEWS RELEASE

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11 defendants tried by Misdemeanor Appeals Team; 19 DWI drivers convicted

CHARLOTTE, N.C. – Over the course of a three-week trial session, the Mecklenburg County District Attorney's Misdemeanor Appeals Team tried 11 defendants and convicted a total of 24 defendants. Nineteen of those defendants were impaired drivers. The convicted defendants were either found guilty by a jury, pled guilty or remanded their cases to District Court for sentencing. The proceedings were held May 2-20, 2016, in courtrooms 5130 and 5170 before The Honorable Eric L. Levinson, The Honorable Beecher R. Gray, The Honorable Gregory R. Hayes and The Honorable Hugh B. Lewis, 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. During their three weeks in court, prosecutors also made arguments in four cases appealed by the State after a District Court Judge previously ruled in favor of the defendant on a matter of law. The State's appeals were granted.

The following 11 defendants were tried:

Preston Adams, 28, was tried for driving while impaired. The jury found him *guilty*. Judge Levinson sentenced Adams to 10 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of supervised probation. As a condition of his probation, Adams must serve 50 days in jail.

Sixtus Ojiaku, 32, was tried for driving while impaired. The jury found him *guilty*. Judge Levinson sentenced Ojiaku to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 14 months of supervised probation. As conditions of his probation, Ojiaku must serve 12 days in jail and complete 72 hours of community service.

Damond Greene, 39, was tried for 1) driving while impaired and 2) speeding. The jury returned *guilty* verdicts. Judge Levinson sentenced Greene to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 14 months of unsupervised probation. As conditions of his probation, Greene must complete 24 hours of community service and pay a \$100 fine.

Anjee McNary, 27, was tried for 1) driving while impaired and 2) speeding. The jury found her *guilty*. Judge Levinson sentenced McNary to 60 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 months of unsupervised probation. As conditions of her probation, McNary must complete 24 hours of community service and pay a \$100 fine.

Charlie Norman, 47, was tried for 1) driving while impaired and 2) misdemeanor possession of marijuana. The jury found him *guilty* of misdemeanor possession of marijuana and *not guilty* of driving while impaired. Judge Levinson sentenced Norman to 15 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Demetrius Lee, 27, was tried for 1) driving while impaired and 2) speeding. The jury found him *guilty* of speeding and *not guilty* of driving while impaired. Judge Levinson imposed a \$100 fine.

Kristen Watson, 29, was tried for driving while impaired. Watson, who elected to waive her right to a jury trial in Superior Court under General Statute § 15A-1201(b), chose instead to have a bench trial before Judge Levinson. The ruling is pending.

Ivan Butler, 23, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Mario Prudencio, 51, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Morris Reynolds, 65, was tried for harassing phone calls. The jury returned a verdict of *not guilty*.

Jermichael Williams, 26, was tried for driving while impaired. The jury returned a verdict of *not guilty*.

Among those who pled guilty were:

Alexander Bell, 35, pled guilty to driving while impaired. Bell was sentenced to 2 years in prison; that sentence was suspended pending his successful completion of 2 years of supervised probation. As conditions of his probation, Bell must serve 120 days in the Mecklenburg County Jail, and upon release from jail, he must wear an alcohol monitor for 120 days and complete 80 hours of community service.

Jaray Murray, 26, pled guilty to secret peeping. Murray was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

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 is 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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