

NEWS RELEASE

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DWI drivers among 18 convicted by Misdemeanor Appeals Team

CHARLOTTE, N.C. – A total of 18 defendants were recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. Of those defendants, 13 were convicted of driving while impaired. The proceedings were held August 17-21, 2015, in courtrooms 5170 and 6150 before The Honorable Julia L. Gullett and The Honorable Eric L. Levinson, 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.

The following defendants are among those who pled guilty:

Jorge Aguilar, 34, pled guilty to 1) driving while impaired, 2) driving while license revoked and 3) misdemeanor hit and run. For the charge of driving while impaired, Aguilar was sentenced to 6 months in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 18 months of supervised probation. As conditions of his probation, Aguilar must serve 14 days in jail and complete 72 hours of community service. For the hit and run and driving while license revoked offenses, Aguilar was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation.

Brian Murdock, 54, pled guilty to driving while impaired. Murdock was sentenced to 60 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of unsupervised probation. As a condition of his probation, Murdock must perform 30 hours of community service.

Tiffany Schreffler, 24, pled guilty to operating a boat in a reckless manner. Schreffler was sentenced to 45 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 18 months of supervised probation.

Taylor Thompson, 22, pled guilty to two counts of assault with a deadly weapon. Thompson was sentenced to 75 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 24 months of supervised probation. As a condition of her probation, Thompson must complete 48 hours of community service.

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.

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