

# NEWS RELEASE

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## **Misdemeanor Appeals Team convicts 16 impaired drivers**

CHARLOTTE, N.C. – A total of 17 defendants were recently convicted by the Mecklenburg County District Attorney's Misdemeanor Appeals Team. Of those defendants, 16 were convicted of driving while impaired. The proceedings were held November 2-6, 2015, in courtrooms 5170 and 6150 before The Honorable Jeffrey P. Hunt 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.

Jessie Ortega, 34, was tried for driving while impaired. The jury returned a verdict of *guilty*. Judge Levinson sentenced Ortega to 60 days in the Mecklenburg County Jail; that sentence was suspended pending Ortega's successful completion of 16 months of unsupervised probation.

Lyndsee Mabe, 27, and Paul Mabe, 53, were joined for trial. Lyndsee Mabe was tried for two counts of simple assault, and Paul Mabe was tried for one count of simple assault. The jury returned verdicts of *not guilty*.

The following defendants are among those who pled guilty:

Nathaniel Scott, 40, pled guilty to felony habitual impaired driving. Scott was sentenced to 13-25 months in prison. He was also ordered to pay a fine of \$500.

Brandy Perry, 29, pled guilty to driving while impaired. Perry was sentenced to 18 months in prison; that sentence was suspended pending Perry's successful completion of 18 months of supervised probation. As a condition of probation, Perry must serve 60 days in the Mecklenburg County Jail.

Zierah Banks, 24, pled guilty to driving while impaired. Banks was sentenced to 30 days in the Mecklenburg County Jail; that sentence was suspended pending her successful completion of 24 hours of community service and payment of a \$100 fine.

Gregory Gilchrist, 59, pled guilty to driving while impaired. Gilchrist was sentenced to 3 days in the Mecklenburg County Jail; that sentence was suspended pending his successful completion of 12 months of supervised probation. He must also complete 72 hours of community service and attend weekly Alcoholics Anonymous meetings.

*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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