

NEWS RELEASE

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Misdemeanor appeals prosecuted in superior court

CHARLOTTE, N.C. – The Misdemeanor Appeals Team for the Mecklenburg County District Attorney's Office held court in Courtroom 5170 for the week of December 5, 2011. The Superior Court Judge presiding was The Honorable Larry G. Ford.

Monday was designated as an administrative day in this courtroom. In the morning, the State called the trial calendar for the week. The court then heard felony probation violation probable cause hearings and arraignments for misdemeanor appeals cases.

The following pleas, remands, motions, and trials were done throughout the week:

Rogeric Alligood, 27, was convicted of driving while impaired. Alligood remanded his case for sentencing in district court on December 7, 2011 in courtroom 4310.

Kevin Dahlquist, 38, made a motion to dismiss based on pre-trial procedures. Judge Ford reserved his ruling pending proposed orders from both the defense and the State.

Dimitrios Kakouras, 53, was convicted of driving while impaired. Kakouras remanded his case for sentencing in district court on December 7, 2011 in courtroom 4310.

Lamuel Moore, 35, pled guilty to driving while impaired. Moore was sentenced to minimum/maximum of 330 days in the county jail and given credit for 330 days time served.

Rahmel Morris, 33, pled guilty to simple possession of marijuana. Morris was sentenced pursuant to N.C.G.S. 90-96 and will receive a dismissal by the court upon successful completion of the program.

Ronald Patterson, 31, was tried for driving while impaired. The jury returned a verdict of *guilty*. Patterson was sentenced to 60 days in the county jail; that sentence is suspended pending his successful completion of 12 months unsupervised probation.

Dolored Platero, 39, was convicted of driving while impaired. Platero remanded her case for sentencing in district court on December 8, 2011 in courtroom 1130.

Charles Robinson, 41, made a motion to suppress based on lack of probable cause. Judge Ford denied the defendant's motion and Robinson remanded his case for sentencing in district court on December 12, 2011 in courtroom 4150.

Willie Ray Smith, 39, pled guilty to driving while license revoked. Smith was sentenced to 45 days in the 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.

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