

STATE OF NORTH CAROLINA
COUNTY OF HOKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
15-CRS-550

STATE OF NORTH CAROLINA

v.

ROGER ADAM HERRES

INDICTMENT

VOTER REGISTRATION FRAUD

VOTING FRAUD

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 26th day of April, 2007, in the county named above the defendant named above unlawfully, willfully, and feloniously did fraudulently cause his name to be placed upon the voter registration books of more than one election precinct by registering to vote in Hoke County, North Carolina, when he remained a registered voter in Hillsborough County, Florida. This act was in violation of North Carolina General Statutes Section 163-275(1).

AND THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about October 30, 2012, in the county named above the defendant named above unlawfully, willfully, and feloniously with the intent to commit a fraud did vote in the North Carolina General Election when he also voted in the Florida General Election by absentee ballot. This act was in violation of North Carolina General Statutes Section 163-275(7).


Assistant District Attorney

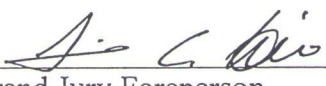
WITNESSES:

☒ D. Newton, HCSO

☐ _____

The witnesses marked "X" were sworn by the undersigned Foreman and examined before the Grand Jury, and this Bill was found to be ✓ a True Bill with twelve or more jurors concurring; Not a True Bill.

This the 21 day of September, 2015.


Grand Jury Foreperson

STATE OF NORTH CAROLINA

HOKE

County

File No.

15CRS000550

In The General Court Of Justice

☐ District ☒ Superior Court Division

STATE VERSUS

Name And Address Of Defendant
ROGER ADAM HERRES

6433 ROCKFISH RD

RAEFORD

NC 28376

CONDITIONS OF RELEASE
AND RELEASE ORDER

15RO1186350

G.S. Chapter 15A, Art. 25, 26

Amount Of Bond

\$ \$20,000.00

Offenses And Additional File Numbers

15CRS550 OFA;BOI;09/29/2015; F-VOTER REGISTRATION FRAUD; F-VOTER FRAUD

☐ See
Attachment

Location Of Court

Hoke County Courthouse; 0001

☐ District ☒ Superior

Date

10/26/2015

Time

10:00

☒ AM ☐ PM

To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.

The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.

☒ Your release is authorized upon execution of your: ☐ WRITTEN PROMISE to appear ☒ UNSECURED BOND in the amount shown above
☐ CUSTODY RELEASE ☐ SECURED BOND in the amount shown above
☐ HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of ☐ employment ☐ counseling ☐ course of study ☐ vocational training

☐ Your release is not authorized.

☐ The defendant is required to provide (check all that apply) ☐ fingerprints under G.S. 15A-502(a1) or (a2). ☐ a DNA sample under G.S. 15A-266.3A.
Prior to release, the defendant shall provide his/her (check all that apply) ☐ fingerprints. ☐ DNA sample.

☐ The defendant has been ☐ (i) charged with a felony while on probation (complete AOC-CR-272, Side One). ☐ (ii) arrested for violation of probation with a pending felony charge or prior conviction requiring registration under G.S. 14, Article 27A (complete AOC-CR-272, Side Two).

☐ This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Order dated _____.

☐ The defendant was arrested or surrendered after failing to appear as required under a prior release order.

☐ This was the defendant's second or subsequent failure to appear in this case.

☐ Your release is subject to the conditions as shown on the attached ☐ AOC-CR-270. ☐ Other: _____

Additional Information

Date

10/02/2015

Signature Of Judicial Official

D M BARRINGTON JR

☒ Magistrate☐ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court☐ District Court Judge☐ Superior Court Judge

ORDER OF COMMITMENT

To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: ☒ produce him/her in Court as provided above.

☐ hold him/her ☐ as provided on the attached AOC-CR-272. ☐ for the following purpose: _____

☐ [Check in all domestic violence and stalking cases covered by G.S. 15A-534.1(b)] produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before (enter date and time 48 hours after time of arrest) _____, _____

☐ AM ☐ PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility

Date

Signature Of Judicial Official

D M BARRINGTON JR

WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE

I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.

Date

Signature Of Defendant

Signature Of Person Agreeing To Supervise Defendant

Name Of Person Agreeing To Supervise Defendant (Type Or Print)

Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL

Date

Time

☐ AM ☐ PM

Signature Of Jailer

AOC-CR-200, Rev. 12/12

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COURT COPY

STATE OF NORTH CAROLINA

File No.

15-CRS-550

HOKE

County

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

ROGER ADAM HERRES

DOB

02/21/1962

Age

54

Highest Level Of Education Completed

Masters Degree

TRANSCRIPT OF PLEA

G.S. 15A-1022, 15A-1022.1

NOTE: Use this section *ONLY* when the Court is rejecting the plea arrangement.

☐ The plea arrangement set forth within this transcript is hereby rejected and the clerk shall place this form in the case file. (Applies to plea arrangements disclosed on or after December 1, 2009.)

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

The undersigned judge, having addressed the defendant personally in open court, finds that the defendant (1) was duly sworn or affirmed, (2) entered a plea of ☒ guilty ☐ guilty pursuant to *Alford* decision ☐ no contest, and (3) offered the following answers to the questions set out below:

Answers

1. Are you able to hear and understand me? (1) YES
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you? (2) YES
3. At what grade level can you read and write? (3) 16
4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other substances? (4a) NO
 (b). When was the last time you used or consumed any such substance? (4b) NEVER
5. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge? (5) YES
6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges? (6a) YES
 (b). Are you satisfied with your lawyer's legal services? (6b) YES
7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury? (7a) YES
 (b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you? (7b) YES
 (c). Do you understand that at a jury trial you have the right to have a jury determine the existence of any aggravating factors that may apply to your case (and, if applicable, additional sentencing points not related to prior convictions) beyond a reasonable doubt? (7c) YES
 (d). Do you understand that by your plea(s) you give up these and other valuable constitutional rights to a jury trial (and, if applicable, rights related to sentencing)? (7d) YES
8. Do you understand that, if you are not a citizen of the United States of America, your plea(s) of guilty or no contest may result in your deportation from this country, your exclusion from admission to this country, or the denial of your naturalization under federal law? (8) YES
- ☒ 9. Do you understand that upon conviction of a felony you may forfeit any State licensing privileges you have in the event that you refuse probation or that your probation is revoked? (9) YES
10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal? (10) YES
11. Do you understand that your plea of guilty may impact how long biological evidence related to your case (for example, blood, hair, skin tissue) will be preserved? (11) YES

(Over)

12. Do you understand that you are pleading ☒ guilty ☐ no contest to the charges shown below?
(Describe charges, total maximum punishments, and applicable mandatory minimums for those charges.)

(12) YES

PLEAS

✓	Plea*	File Number	Count No.(s)	Offense(s)	Date Of Offense	G.S. No.	F/M	CL.	#Pun. CL.	Maximum Punishment
X	G	15-CRS-550	1	Voter Registration Fraud	04/26/2007	163-275(1)	F	I		25 MOS
X	G	15-CRS-550	1	Voter Fraud	04/26/2007 16/36/12	163-275(7)	F	I		24 MOS

☐ See attached AOC-CR-300A, for additional charges.

*G = Guilty GA = Alford plea
NC = No Contest

TOTAL MAXIMUM PUNISHMENT

34 MOS.

MANDATORY MINIMUM FINES & SENTENCES (if any)

✓ NOTE TO CLERK: If this column is checked this is an added offense or reduced charge.

‡ NOTE: Enter punishment class if different from underlying offense class (punishment class represents a status or enhancement).

13. Do you now personally plead ☒ guilty ☐ no contest to the charges I just described?

(13) YES

14. ☒ (a) Are you in fact guilty?

(14a) YES

☐ (b) (no contest plea) Do you understand that, upon your plea of no contest, you will be treated as being guilty whether or not you admit that you are in fact guilty?

(14b)

☐ (c) (Alford guilty plea)

(1) Do you now consider it to be in your best interest to plead guilty to the charges I just described? (14c1)

(2) Do you understand that, upon your "Alford guilty plea," you will be treated as being guilty whether or not you admit that you are in fact guilty? (14c2)

☐ 15. (Use if aggravating factors are listed below) Have you admitted the existence of the aggravating factors shown below, have you agreed that there is evidence to support these factors beyond a reasonable doubt, have you agreed that the Court may accept your admission to these factors, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these aggravating factors ☐ agree that the State has provided you with appropriate notice about these aggravating factors? (If so, review the aggravating factors with the defendant.)

(15)

☐ 16. (Use if sentencing points are listed below) Have you admitted the existence of the sentencing points not related to prior convictions shown below, have you agreed that there is evidence to support these points beyond a reasonable doubt, have you agreed that the Court may accept your admission to these points, and do you ☐ understand that you are waiving any notice requirement that the State may have with regard to these sentencing points ☐ agree that the State has provided you with appropriate notice about these sentencing points? (If so, review the sentencing points with the defendant.)

(16)

17. Do you understand that you also have the right during a sentencing hearing to prove to the Court the existence of any mitigating factors that may apply to your case?

(17) YES

18. Do you understand that the courts have approved the practice of plea arrangements and you can discuss your plea arrangement with me without fearing my disapproval?

(18) YES

STATE VERSUS

File No.

15-CRS-550

Name Of Defendant

ROGER ADAM HERRES

19. Have you agreed to plead ☒ guilty ☐ no contest as part of a plea arrangement? (If so, review the terms of the plea arrangement as listed in No. 20 below with the defendant.) (19) YES
20. The prosecutor, your lawyer and you have informed the Court that these are all the terms and conditions of your plea:

PLEA ARRANGEMENT

UPON THE DEFENDANT'S PLEAS OF GUILTY, THE CASES SHALL BE CONSOLIDATED INTO A SINGLE JUDGMENT OF COMMUNITY PUNISHMENT WITH A SENTENCE OF NOT LESS THAN 4 OR MORE THAN 14 MONTHS, WHICH SENTENCE SHALL BE SUSPENDED AND THE DEFENDANT PLACED ON SUPERVISED PROBATION FOR A TERM OF ONE YEAR, UNDER THE USUAL AND REGULAR TERMS AND CONDITIONS OF PROBATION. THE DEFENDANT SHALL PAY THE COSTS OF THIS ACTION AND SHALL PAY SUPERVISION FEES AS THEY BECOME DUE. PROBATION CAN BE TRANSFERRED TO UNSUPERVISED PROBATION AFTER A PERIOD OF SIX MONTHS IF THE DEFENDANT HAS COMPLIED WITH ALL TERMS AND CONDITIONS OF SUPERVISED PROBATION AND PAID ALL COSTS AND SUPERVISION FEES.

- ☐ The State dismisses the charge(s) set out on Page Two, Side Two, of this transcript.
- ☐ The defendant stipulates to restitution to the party(ies) in the amounts set out on "Restitution Worksheet, Notice And Order (Initial Sentencing)" (AOC-CR-611).

21. Is the plea arrangement as set forth within this transcript and as I have just described it to you correct as being your full plea arrangement? (21) YES
22. Do you now personally accept this arrangement? (22) YES
23. (Other than the plea arrangement between you and the prosecutor) has anyone promised you anything or threatened you in any way to cause you to enter this plea against your wishes? (23) NO
24. Do you enter this plea of your own free will, fully understanding what you are doing? (24) YES
25. Do you agree that there are facts to support your plea ☐ and admission to aggravating factors ☐ and sentencing points not related to prior convictions, and do you consent to the Court hearing a summary of the evidence? (25) YES
26. Do you have any questions about what has just been said to you or about anything else connected to your case? (26) NO

ACKNOWLEDGEMENT BY DEFENDANT

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. No one has told me to give false answers in order to have the Court accept my plea in this case. The terms and conditions of the plea as stated within this transcript, if any, are accurate.

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

11-9-16

Date

11/9/16

Signature

Kim C

Signature Of Defendant

Roger Adam Herres

☒ Deputy CSC☐ Assistant CSC☐ Clerk Of Superior Court

Name Of Defendant (Type Or Print)

ROGER ADAM HERRES

CERTIFICATION BY LAWYER FOR DEFENDANT

I hereby certify that the terms and conditions stated within this transcript, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself. I further certify that I have fully explained to the defendant the nature and elements of the charges to which the defendant is pleading, and the aggravating and mitigating factors and prior record points for sentencing, if any.

Date

11-8-16

Name Of Lawyer For Defendant (Type Or Print)

H. GERALD BEAVER

Signature Of Lawyer For Defendant

H. Gerald Beaver

CERTIFICATION BY PROSECUTOR

As prosecutor for this Prosecutorial District, I hereby certify that the conditions stated within this transcript, if any, are the terms and conditions agreed to by the defendant and his/her lawyer and myself for the entry of the plea by the defendant to the charges in this case.

Date

11/9/16

Name Of Prosecutor (Type Or Print)

J. H. H. Thompson

Signature Of Prosecutor

CRIMINAL BILL OF COSTS

File Number:	15CRS000550	In the General Court of Justice:	SUPERIOR
Defendant Name:	HERRES, ROGER, ADAM	Disposed/Court Date:	11/09/2016
Defense Attorney:	BEAVER, G, H	Clerk Name:	

Total:	\$505.00	Full Payment	Probation: Supervised	To Be Paid Date:	11/09/2017
Surrender License:				Assessment:	

Costs and Fines: CRSC				
Category	Receiver	Amount	GL Number	
Offense 52				
GCJF SUPERIOR		\$152.05	21110	
GCJF SUPERIOR-LAA		\$2.45	21112	
LEOB-RF		\$7.50	21700	
LE CERT & TRAINING - SUPERIOR		\$2.00	21706	
TELECOM & DATA FEE SUPERIOR		\$4.00	24682	
SERVICE FEE	HOKE COUNTY SHERIFFS OFFICE	\$5.00	22500	
FACILITIES FEE SUPERIOR	HOKE COUNTY COURTHOUSE	\$30.00	22110	
STATE DNA FEE SUPERIOR		\$2.00	24323	
PROBATION SUPERVISION FEE		\$40.00 per month	24110	
FINE		\$300.00	22700	

NOTE: This bill of costs does not reflect amounts you may owe outside the criminal judgment, such as civil revocation fee or an administrative fee owed to another agency
Some General Ledger (GL) codes may not match the GL codes in Cash Receiving. Please use Cash Receiving GL codes in case of discrepancies.