

June 28, 2015

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North Dakota State University Football Players Plead Guilty To Election Fraud

AP | By DAVE KOLPACK

Posted: 10/03/2012 9:16 am EDT | Updated: 10/07/2012 11:20 am EDT



FARGO, N.D. -- Ten football players at North Dakota State pleaded guilty Tuesday to misdemeanor election fraud and were sentenced to community service for faking signatures on ballot measure petitions they were hired to collect.

Among the players on the nation's top-ranked Football Championship Subdivision team who pleaded guilty were starters Samuel Ojuri, Joshua Colville, Marcus Williams and Brendin Pierre. The other players were Lucas Albers, Aireal Boyd, Demetrius Gray, Bryan Shepherd, Antonio Rogers and Charles Smith III.

Without enough legitimate signatures, both proposed ballot measures – one to set up a state conservation fund and the other to legalize medical marijuana usage – were kept off the November ballot.

Each player was ordered to serve 360 days of unsupervised probation, complete 50 hours of community service and pay \$325 in fees. All of the sentences were deferred, meaning the crime will be expunged from a player's record if he completes the conditions of his sentence.

Judge Douglas Herman said during sentencing that the defendants were "not smart enough, grown up enough or sophisticated enough" to understand the consequences of their actions, and should not be penalized for being football players.

"I don't want to treat them adversely, to make special examples of them," Herman said.

Birch Burdick, the Cass County state's attorney, echoed those thoughts outside the courtroom.

"We took no consideration of what they do outside the courthouse here other than the activity that we were charging them with," Burdick said. "It's irrelevant to me whether they are football players, baseball players or clerical workers in some office. It's the behavior that we're looking at.

"If they've got some administrative sanctions that they have to face because of their activity, that's up to the university to figure out," he said.

The players declined to comment after the hearing. Defense attorney Bruce Quick deferred questions to NDSU officials, who said late Tuesday that they considered the matter closed.

Ojuri will be suspended for this weekend's game against Youngstown State, but not specifically because of the petition incident, Bison football coach Craig Bohl said. He declined to elaborate.

No other players will sit out.

Prosecutors and defense attorneys agreed to the sentences for seven of the 10 players. The state had recommended 1-year suspended sentences for Ojuri, Williams and Albers because of prior misdemeanors.

Burdick said the sentencing recommendation was based on past cases in the county and state, most recently in 2008 in Grand Forks.

"Those were all deferred sentences," he said. "As a result we were looking for that same disposition here on most cases."

Ojuri, a starting running back, had prior convictions for possession of a controlled substance and a minor alcohol violation. Williams, an All-American cornerback, had prior convictions for possession of alcohol by a minor and driving with a suspended license and without insurance. Albers, a backup tight end, had previous citation for underage possession of alcohol.

When Ojuri came before Herman, the judge said to the defense attorney, "All right Mr. Quick, this is going to be a hard one." Quick told Herman he believed all the players deserved the same sentence, in part because they quickly admitted wrongdoing and cooperated with investigators.

"Having this on your record is a lot different than having the other offenses on your record, just because of the taint of fraud," he said.

The judge interrupted prosecutor Tracy Peters when she began to talk about the impact of the crime.

"If you want to be a zealot with this case you don't come in here with deferred impositions in hand," Herman said.

Before finishing with the players, Herman emphasized that they needed to complete the community service by April 15, which would give them about three months after a possible appearance in the FCS championship game. "Must means must," he said, telling them they would go to jail if they don't follow orders.

The current players are among 15 people charged in the case.

Two other people also entered pleas Tuesday. Jennifer Krahn pleaded guilty and received the same sentence as the 10 players. William Brown pleaded not guilty and requested a public defender. Three former Bison players – Don Carter, Joshua Gatlin and D.J. McNorton – had their first court appearances rescheduled to Thursday

An Iowa company, Terra Strategies, reportedly hired the players and others for \$9 an hour to gather signatures for two citizen initiatives. Attorney General Wayne Stenehjem said last month that many of the petition signatures submitted were copied from phone books or fabricated.

Quick said in court the players were quoted a daily rate of between \$65 and \$90 but were told they'd get paid only if they obtained 60 signatures per day.

Herman questioned whether the practice was legal and criticized the quota system.

"I think that may have been pushed on these individuals," he said.

North Dakota Secretary of State Al Jaeger said workers checking the petitions noticed repeated Zip code mistakes, names "signed" in the same hand and other indications the signatures were faked. In one instance, a person signed the name of Hillary Rodham, who is better known as Secretary of State Hillary Rodham Clinton, and listed her as living at the White House, he said.

Bureau of Criminal Investigation agents interviewed the circulators, who said they could not say which signatures on their petitions were genuine and which were not, Stenehjem said. Petition circulators are required to sign a statement declaring the signatures they gathered were properly obtained.

With the suspect petitions disqualified, neither initiative had enough valid signatures to qualify for the ballot, Jaeger said.

The No. 1-ranked Bison play No. 3-rated Youngstown State Saturday at the Fargodome.

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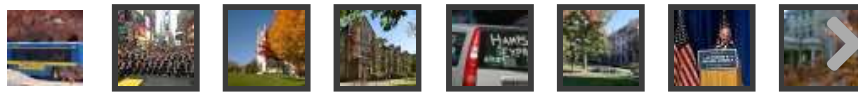


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