

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

VS.

CASE NO. 23-M-1

OFFENSE:

Illegal Voting

W.Va. Code § 3-9-17

MICHAEL QUICK-BORGARD
CHARITY QUICK-BORGARD,
Defendant.

INDICTMENT

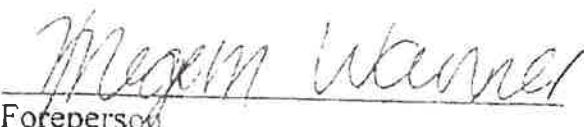
The Grand Jurors of the State of West Virginia, in and for the citizens of Monongalia County, upon their oaths, charge that during and between September 2020 and October 2020, MICHAEL QUICK-BORGARD and CHARITY QUICK-BORGARD, in Monongalia County, West Virginia, committed the offense of "Illegal Voting" by unlawfully, intentionally, and knowingly voting in Monongalia when not legally entitled or by voting more than once in the same election in violation of W.Va. Code § 3-9-17, as amended, against the peace and dignity of the State.

Found upon the sworn testimony of Tpr. C. Smith, adduced before the Grand Jury this 11 day of January, 2023.

A TRUE BILL



Perri Jo DeChristopher
Prosecuting Attorney
Monongalia County, West Virginia



Megan Warner
Foreperson

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Case No. 23-M-1

MICHAEL QUICK-BORGARD,
Defendant.

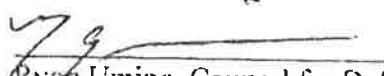
PLEA AGREEMENT

On this 23rd day of March, 2023, came the State by Assistant Prosecuting Attorney Robert J. Zak, and came the defendant, Michael Quick-Borgard, in person and with his attorney, Ryan Umina, and enters into a plea agreement in the above-styled case, and hereby agree as follows:

1. The Defendant will enter a plea of no contest to **Illegal Voting**, pursuant to West Virginia Code § 3-9-17 (1963), a misdemeanor as charged in the Indictment.
2. The Defendant has been informed that the maximum penalty for Illegal Voting is a fine not more than one thousand (\$1,000.00) dollars or confined in the county jail for not more than one (1) year, or both, in the discretion of the court.
3. The State will leave sentencing in the discretion of the Court but reserves the right to provide a recitation of facts at sentencing.
4. The Defendant will make a sentence recommendation.


Michael Quick-Borgard, Defendant


Robert J. Zak, Asst. Prosecutor


Ryan Umina, Counsel for Defendant


Clerk

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Case No. 23-M-1

MICHAEL QUICK-BORGARD,
Defendant.

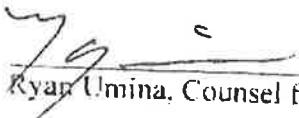
NO CONTEST PLEA

In the presence of Ryan Umina, my counsel, who has fully explained the charge contained in the Indictment, and who has informed me of the maximum penalty provided by law, and who has informed me that I have a right to plead not guilty, or to persist in that plea if it has already been made, and who has informed me that if I plead no contest there will not be a further trial of any kind, so that by pleading no contest, I hereby waive my right to trial, and having received a copy of the Information before being called upon to plead, I hereby plead no contest to the following:

Illegal Voting, pursuant to West Virginia Code § 3-9-17 (1963), a misdemeanor as charged in the Indictment

Dated this 23rd day of March, 2023.

WITNESS:



Ryan Umina, Counsel for Defendant



Michael Quick-Borgard, Defendant



Clerk

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No. 2

STATE OF WEST VIRGINIA

Vs.

CASE NO. 23-M-1

MICHAEL QUICK-BOGARD,
Defendant.

PLEA/SENTENCING ORDER

On March 23, 2023, came the State of West Virginia by and through Assistant Prosecuting Attorney Robert J. Zak, Jr. The defendant appeared in person with his attorney, Ryan Umina, for a hearing with the Honorable Cindy S. Scott presiding. The Court was informed that the purpose of the hearing was to present to the Court a proposed plea agreement and no contest plea.

The Court placed the defendant under oath and advised the defendant that he must answer the Court's questions honestly and completely. The Court first inquired as to the defendant's name, age, education, residence, medical condition and if the defendant was currently under the influence of alcohol or a controlled substance. The Court determined that the defendant is both mentally and physically fit to voluntarily participate in these proceedings.

The Court then reviewed with the defendant his constitutional and statutory rights waived by entry of plea, to which the defendant indicated he understood and then indicated to the Court he wished to waive said rights.

The proposed plea and plea agreement were then presented to the Court, and the Court made inquiry of the defendant designed to determine whether or not the defendant was voluntarily and knowingly participating in the proceedings. After questioning as to the defendant's understanding of the charge against him and the potential penalty for the offense, and further questioning of the defendant as to his understanding of his right to trial and all

attendant rights thereto, the Court is persuaded that the defendant understands the charge against him and the potential penalty, and that he understands his right to trial on the charge, and that the defendant also understands the charge to which he is offering his plea and the penalty for the offense. The Court is further persuaded that the defendant is knowingly and voluntarily waiving his right to trial on the charge contained within the Indictment.

Thereafter, the defendant entered his oral plea of no contest to **Illegal Voting**, pursuant to West Virginia Code §3-9-17 (1963), a **misdemeanor** as charged in the Indictment. After offering his plea to the Court, the defendant and all parties signed the written plea agreement and plea of no contest pertaining to the charge, and these documents are hereby ORDERED filed and made a part of the record. The Court finds that the defendant's plea is freely and voluntarily given. The Court then determined after inquiry of the defendant and of the State that there exists a factual basis in support of the plea to the charge.

Based upon all of the foregoing, the Court announced the following findings concerning the plea hearing:

1. The defendant and his attorney have received a copy of the Indictment in this case, and further the defendant understands the nature and meaning of the charge contained in said Indictment;
2. The defendant has an attorney who is competent in criminal matters, and the defendant is totally satisfied with the representation and advice he has received from his attorney;
3. The defendant has consulted with and the defendant has been advised by his attorney with respect to his constitutional rights and his waiver thereof;
4. The defendant understands that he has a right to a trial by an impartial jury of twelve persons and a right to have the State prove its case against him beyond a reasonable

doubt, but by pleading no contest, he understands that he waives such a trial and he would not receive a trial.

5. The Court also finds that the defendant understands that he has the following constitutional rights prior to and during a trial:

- (a) the right to stand silent during all proceedings,
- (b) the right to confront and cross-examine his accusers,
- (c) the right to present witnesses in his own defense and to testify in his own defense,
- (d) the right to petition to appeal any conviction for any errors of law, and
- (e) the right to move to suppress illegally obtained evidence and illegally obtained confessions, if any, and a right to challenge in the trial court and on appeal all pre-trial proceedings.

6. The Court further finds:

- (f) that the defendant also understands that by pleading no contest he waives all pre-trial defects with regard to, among others, his arrest, the gathering of evidence and prior confessions, as well as all non-jurisdictional defects in the criminal proceedings,
- (g) that any plea agreement that appears in the record of this case is not binding on this Court with respect to punishment or probation, and
- (h) that he may be sentenced to serve a term of up to one (1) year in the Regional Jail or a fine up to One Thousand Dollars (\$1,000.00), or both, in the discretion of the court, for the offense of Illegal Voting, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Indictment, the charge for which he has entered his plea.

7. The Court further finds that the defendant has knowingly and intelligently waived all of his constitutional rights, and that he has freely, voluntarily, intelligently, knowingly and understandingly tendered to the Court both his written and oral plea of no contest to the charge of Illegal Voting, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Indictment.

8. There is a factual basis for the no contest plea.

9. The plea agreement is consistent with the fair administration of justice.

Therefore, the Court accepted the defendant's plea of no contest tendered to the Court.

Accordingly, the defendant was ORDERED and ADJUDGED GUILTY of Illegal Voting, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Indictment.

The defendant waived the pre-sentence investigation and the Court proceeded to sentencing. The Court informed the defendant of his right of allocution before sentencing, whereupon the Court heard representations of both parties, all of which are more fully set forth on the record.

After hearing all representations, the Court ORDERED the defendant sentenced for the offense of **Illegal Voting**, pursuant to **West Virginia Code §3-9-17 (1963)**, a misdemeanor as charged in the Indictment, a Five Hundred Dollar (\$500.00) fine, plus court costs.

CONVICTION/SENTENCE DATE: March 23, 2023

A copy of this Order shall be provided by the Clerk of Court to counsel for the defendant, Ryan Umina, and the Prosecuting Attorney's Office.

ENTERED:

April 5, 2023
Cindy Scott

JUDGE CINDY S. SCOTT

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

VS.

CASE NO. 23-M-2
OFFENSE:
Illegal Voting
W.Va. Code § 3-9-17

MICHAEL QUICK-BORGARD
CHARITY QUICK-BORGARD,
Defendant.

INDICTMENT

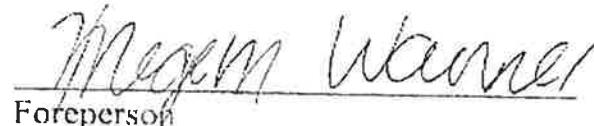
The Grand Jurors of the State of West Virginia, in and for the citizens of Monongalia County, upon their oaths, charge that during and between September 2020 and October 2020, MICHAEL QUICK-BORGARD and CHARITY QUICK-BORGARD, in Monongalia County, West Virginia, committed the offense of "Illegal Voting" by unlawfully, intentionally, and knowingly voting in Monongalia when not legally entitled or by voting more than once in the same election in violation of W.Va. Code § 3-9-17, as amended, against the peace and dignity of the State.

Found upon the sworn testimony of Tpr. C. Smith, adduced before the Grand Jury this 11 day of January, 2023.

A TRUE BILL



Perri Jo DeChristopher
Prosecuting Attorney
Monongalia County, West Virginia



Foreperson

**IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA**

vs.

CASE NO. 23-M-2

CHARITY QUICK-BORGARD,
Defendant

ORDER GRANTING MOTION TO DISMISS

The State has filed a motion with this Court requesting the above-styled case be dismissed.

Based upon the circumstances set forth in the State's Motion, the Court ORDERS
the case is hereby DISMISSED.

A copy of this Order shall be provided by the Clerk of Court to counsel for the defendant, and to the Prosecuting Attorney.

ENTER: March 23, 2023

JUDGE CINDY SCOTT

JUDGE SWEET

ENTERED Mar. 13 2003
DOCKET LINE 302, Regina Hidcock, Clerk

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Prosecutor Information No. 23-M- 5

MICHAEL QUICK-BORGARD,
Defendant.

Offense:

Illegal Voting
W.Va. Code § 3-9-17 (1963)

PROSECUTOR'S INFORMATION

The Prosecuting Attorney charges:

During and between September 2020 and October 2020, **MICHAEL QUICK-BORGARD**, in Monongalia County, West Virginia, committed the offense of "Illegal Voting" by unlawfully, intentionally and knowingly procuring or assisting in procuring an illegal vote to be admitted, or received, at an election, knowing the same to be illegal, in violation of W. Va. Code § 3-9-17 (1963), as amended, against the peace and dignity of the State.

DATE: March 23, 2023.



Robert J. [unclear] (WVSB No. 11726)
Assistant Prosecuting Attorney

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Prosecutor Information No. 23-M-5

MICHAEL QUICK-BORGARD,
Defendant.

Offense:

Illegal Voting
W.Va. Code § 3-9-17

WAIVER OF INDICTMENT

The Defendant, in the presence of his attorney, Ryan Umina, Esq., having been advised of his constitutional right to have his case proceed by presentment to the Grand Jury, hereby waives such right in open Court and agrees that the above-referenced charge may be filed against him by way of Prosecutor's Information.

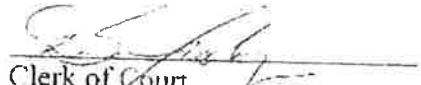
Dated this 23rd day of March, 2023.


MICHAEL QUICK-BORGARD
Defendant

Witnessed by:


Ryan Umina, Esq.
Counsel for Defendant

Witnessed by:


Clerk of Court

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Prosecutor Information No. 23-M- 5

MICHAEL QUICK-BORGARD,
Defendant.

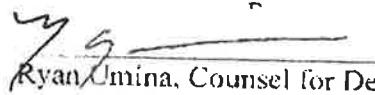
PLEA AGREEMENT

On this 23rd day of March, 2023, came the State by Assistant Prosecuting Attorney Robert J. Zak, and came the defendant, Michael Quick-Borgard, in person and with his attorney, Ryan Umina, and enters into a plea agreement in the above-styled case, and hereby agree as follows:

1. The Defendant will enter a plea of no contest to **Illegal Voting**, pursuant to West Virginia Code § 3-9-17 (1963), a misdemeanor as charged in the Information.
2. The Defendant has been informed that the maximum penalty for **Illegal Voting** is a fine not more than one thousand (\$1,000.00) dollars or confined in the county jail for not more than one (1) year, or both, in the discretion of the court.
3. The State will leave sentencing in the discretion of the Court but reserves the right to provide a recitation of facts at sentencing.
4. The Defendant will make a sentence recommendation.


Michael Quick-Borgard, Defendant


Robert J. Zak, Asst. Prosecutor


Ryan Umina, Counsel for Defendant


Clerk

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
STATE OF WEST VIRGINIA

Vs.

Prosecutor Information No. 23-M-5

MICHAEL QUICK-BORGARD,
Defendant.

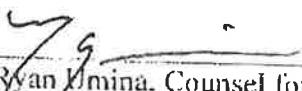
NO CONTEST PLEA

In the presence of Ryan Umina, my counsel, who has fully explained the charge contained in the Indictment, and who has informed me of the maximum penalty provided by law, and who has informed me that I have a right to plead not guilty, or to persist in that plea if it has already been made, and who has informed me that if I plead no contest there will not be a further trial of any kind, so that by pleading no contest, I hereby waive my right to trial, and having received a copy of the Information before being called upon to plead, I hereby plead no contest to the following:

Illegal Voting, pursuant to West Virginia Code § 3-9-17 (1963), a misdemeanor as charged in the Information.

Dated this 23rd day of March, 2023.

WITNESS:



Ryan Umina, Counsel for Defendant



Clerk



Michael Quick-Borgard, Defendant

IN THE CIRCUIT COURT OF MONONGALIA COUNTY, WEST VIRGINIA
Division No. 2

STATE OF WEST VIRGINIA

Vs.

CASE NO. 23-M-5

**MICHAEL QUICK-BOGARD,
Defendant.**

INFORMATION/PLEA/SENTENCING ORDER

On March 23, 2023, came the State of West Virginia by and through Assistant Prosecuting Attorney Robert J. Zak, Jr. The defendant appeared in person with his attorney, Ryan Umina, for a hearing with the Honorable Cindy S. Scott presiding. The Court was informed that the purpose of the hearing was to present to the Court a Prosecutor's Information, a proposed plea agreement and no contest plea.

The Court placed the defendant under oath and advised the defendant that he must answer the Court's questions honestly and completely. The Court first inquired as to the defendant's name, age, education, residence, medical condition and if the defendant was currently under the influence of alcohol or a controlled substance. The Court determined that the defendant is both mentally and physically fit to voluntarily participate in these proceedings.

U/cm/n
The Court then inquired of him whether he had received a copy of the Prosecutor's Information, and had an opportunity to discuss the same with his attorney. The defendant indicated that he had discussed the Prosecutor's Information and all aspects of his case with his attorney.

The Court then reviewed with the defendant his constitutional and statutory rights waived by entry of plea, to which the defendant indicated he understood and then indicated to the Court he wished to waive said rights.

The proposed plea and plea agreement were then presented to the Court, and the Court made inquiry of the defendant designed to determine whether or not the defendant was voluntarily and knowingly participating in the proceedings. After questioning as to the defendant's understanding of the charge against him and the potential penalty for the offense, and further questioning of the defendant as to his understanding of his right to trial and all attendant rights thereto, the Court is persuaded that the defendant understands the charge against him and the potential penalty, and that he understands his right to trial on the charge, and that the defendant also understands the charge to which he is offering his plea and the penalty for the offense. The Court is further persuaded that the defendant is knowingly and voluntarily waiving his right to trial on the charge contained within the Prosecutor's Information.

Thereafter, the defendant entered his oral plea of no contest to **Illegal Voting**, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Prosecutor's Information. After offering his plea to the Court, the defendant and all parties signed the written plea agreement and plea of no contest pertaining to the charge, and these documents are hereby ORDERED filed and made a part of the record. The Court finds that the defendant's plea is freely and voluntarily given. The Court then determined after inquiry of the defendant and of the State that there exists a factual basis in support of the plea to the charge.

Based upon all of the foregoing, the Court announced the following findings concerning the plea hearing:

1. The defendant and his attorney have received a copy of the Prosecutor's Information in this case, and further the defendant understands the nature and meaning of the charge contained in said Prosecutor's Information;

2. The defendant has an attorney who is competent in criminal matters, and the defendant is totally satisfied with the representation and advice he has received from his attorney;
3. The defendant has consulted with and the defendant has been advised by his attorney with respect to his constitutional rights and his waiver thereof;
4. The defendant understands that he has a right to a trial by an impartial jury of twelve persons and a right to have the State prove its case against him beyond a reasonable doubt, but by pleading no contest, he understands that he waives such a trial and he would not receive a trial.
5. The Court also finds that the defendant understands that he has the following constitutional rights prior to and during a trial:
 - (a) the right to stand silent during all proceedings,
 - (b) the right to confront and cross-examine his accusers,
 - (c) the right to present witnesses in his own defense and to testify in his own defense,
 - (d) the right to petition to appeal any conviction for any errors of law, and
 - (e) the right to move to suppress illegally obtained evidence and illegally obtained confessions, if any, and a right to challenge in the trial court and on appeal all pre-trial proceedings.
6. The Court further finds:
 - (f) that the defendant also understands that by pleading no contest he waives all pre-trial defects with regard to, among others, his arrest, the gathering of

evidence and prior confessions, as well as all non-jurisdictional defects in the criminal proceedings,

(g) that any plea agreement that appears in the record of this case is not binding on this Court with respect to punishment or probation, and

(h) that he may be sentenced to serve a term of up to one (1) year in the Regional Jail or fined up to One Thousand Dollars (\$1,000.00), or both, in the discretion of the court, for the offense of Illegal Voting, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Prosecutor's Information, the charge for which he has entered his plea.

7. The Court further finds that the defendant has knowingly and intelligently waived all of his constitutional rights, and that he has freely, voluntarily, intelligently, knowingly and understandingly tendered to the Court both his written and oral plea of no contest to the charge of Illegal Voting, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Prosecutor's Information.

8. There is a factual basis for the no contest plea.

9. The plea agreement is consistent with the fair administration of justice.

Therefore, the Court accepted the defendant's plea of no contest tendered to the Court.

Accordingly, the defendant was ORDERED and ADJUDGED GUILTY of **Illegal Voting**, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Prosecutor's Information.

The defendant waived the pre-sentence investigation and the Court proceeded to sentencing. The Court informed the defendant of his right of allocution before sentencing.

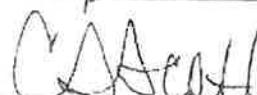
whereupon the Court heard representations of both parties, all of which are more fully set forth on the record.

After hearing all representations, the Court ORDERED the defendant sentenced for the offense of **Illegal Voting**, pursuant to West Virginia Code §3-9-17 (1963), a misdemeanor as charged in the Prosecutor's Information, a Five Hundred Dollar (\$500.00) fine, plus court costs.

CONVICTION/SENTENCE DATE: March 23, 2023

A copy of this Order shall be provided by the Clerk of Court to counsel for the defendant, Ryan Umina, and the Prosecuting Attorney's Office.

ENTERED: April 5, 2023



JUDGE CINDY S. SCOTT

ENTERED: April 15 2023
DOCKET LINE 14, Donna Hidcock, Clerk

