

STATE OF NORTH CAROLINA

FILED

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 10 CRS 18277

COUNTY OF WAKE

2010 NOV 23 AM 11: 39

STATE OF NORTH CAROLINA

WAKE CO., N.C.

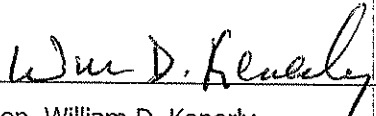
v.

BY \_\_\_\_\_ )  
\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_)

INFORMATION

MICHAEL F. EASLEY,  
Defendant.

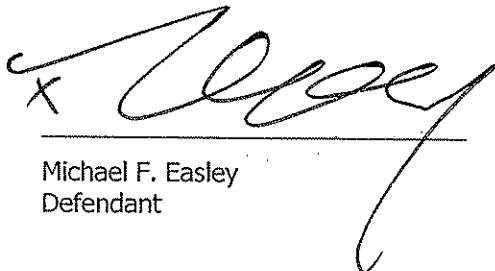
I, the undersigned prosecutor, upon information and belief, allege that on or about April 17, 2009, in Wake County, the defendant named above did feloniously cause the Mike Easley Committee, a candidate committee constituted under Article 22A of Chapter 163 of the North Carolina General Statutes, to certify as true and correct an amended campaign finance report required to be certified and filed with the North Carolina State Board of Elections, when the defendant knew the amended report was not true and correct: to wit, the amended report failed to include, as an in-kind contribution to the Committee or an expenditure by the Committee, the \$1,600 value of a helicopter flight provided to the Committee for the defendant to attend a fundraising event for another candidate. This conduct constituted a Class I felony in violation of G.S. 163-278.9(5a), 163-278.9(g), 163-278.11(a)(1), 163-278.11(b), 163-278.27(a1), and 163-278.32.

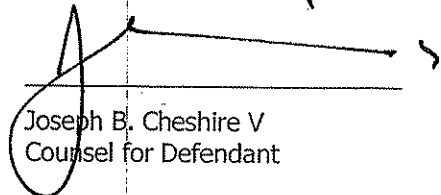
  
\_\_\_\_\_  
Hon. William D. Kenerly  
District Attorney, Prosecutorial District 19C

WAIVER

I, the undersigned defendant, waive the finding and return of a Bill of Indictment into Court and agree that the case may be tried upon the above information.

11/23/2010  
Date

  
\_\_\_\_\_  
Michael F. Easley  
Defendant

  
\_\_\_\_\_  
Joseph B. Cheshire V  
Counsel for Defendant

**STATE OF NORTH CAROLINA**

File No.

10 CRS 18277

Wake County

In The General Court Of Justice  
 District  Superior Court Division

**STATE VERSUS**

Name Of Defendant  
 Michael F. Easley  
 DOB 03/23/1950 Age 60 Highest Level Of Education Completed Graduate School

**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:

- |  | <b>Answers</b>         |
|--|------------------------|
| 1. Are you able to hear and understand me?   | (1) <u>Yes</u>         |
| 2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?   | (2) <u>Yes</u>         |
| 3. At what grade level can you read and write?   | (3) <u>Grad School</u> |
| 4. (a). Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other substances?   | (4a) <u>No</u>         |
| (b). When was the last time you used or consumed any such substance?   | (4b) <u>LAST NIGHT</u> |
| 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) <u>Yes</u>         |
| 6. (a). Have you and your lawyer discussed the possible defenses, if any, to the charges?  | (6a) <u>Yes</u>        |
| (b). Are you satisfied with your lawyer's legal services?  | (6b) <u>Yes</u>        |
| 7. (a). Do you understand that you have the right to plead not guilty and be tried by a jury?  | (7a) <u>Yes</u>        |
| (b). Do you understand that at such trial you have the right to confront and to cross examine witnesses against you?   | (7b) <u>Yes</u>        |
| (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) <u>N/A</u>        |
| (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) <u>Yes</u>        |
| 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) <u>N/A</u>         |
| <input checked="" type="checkbox"/> 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) <u>Yes</u>         |
| 10. Do you understand that following a plea of guilty or no contest there are limitations on your right to appeal?   | (10) <u>Yes</u>        |
| 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) <u>Yes</u>        |

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
	G	10 CRS 18277	1	Certification of false campaign finance report	04/17/2009	163-278.27(a1)	F	I		15 months

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

\*G = Guilty  
 NC = No Contest

**TOTAL MAXIMUM PUNISHMENT**

15 months imprisonment

**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) N/A

(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) N/A

(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) Yes

(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) Yes

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) N/A

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) N/A

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.

10 CRS 18277

Name Of Defendant

Michael F. Easley

- 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

Pursuant to a Criminal Information, the Defendant will plead guilty under State v. Alford to the Class I felony of certifying a campaign finance reporting knowing information in the report was not true and correct. In exchange, the Defendant will receive a Community punishment of \$1,000 fine plus the costs of court. The Defendant has also entered this plea based on the agreement of the United States Department of Justice to conclude its investigation of the Defendant and decline federal prosecution of the Defendant as set out in the attached letter from counsel for the United States to counsel for the Defendant dated November 22, 2010.

- 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

11/23/2010

Date

11-23-10

Signature

*George Cuddeker*

Signature Of Defendant

*[Signature]*

- Deputy CSC
- Assistant CSC
- Clerk Of Superior Court

Name Of Defendant (Type Or Print)

Michael F. Easley

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

11/23/2010

Name Of Lawyer For Defendant (Type Or Print)

Joseph Cheshire V, Richard T. Gammon, Bradley Bannon

Signature Of Lawyer For Defendant

*[Signature]*

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

11/23/2010

Name Of Prosecutor (Type Or Print)

William D. Kenerly

Signature Of Prosecutor

*[Signature]*

**PLEA ADJUDICATION**

Upon consideration of the record proper, evidence or factual presentation offered, answers of the defendant, statements of the lawyer for the defendant, and statements of the prosecutor, the undersigned finds that:

- 1. There is a factual basis for the entry of the plea (and for the admission as to aggravating factors and/or sentencing points);
- 2. The defendant is satisfied with his/her lawyer's legal services;
- 3. The defendant is competent to stand trial;
- 4.  The State has provided the defendant with appropriate notice as to the aggravating factors and/or points;  The defendant has waived notice as to the aggravating factors and/or points; and
- 5. The plea (and admission) is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea (and admission) is hereby accepted by the Court and is ordered recorded.

Date 11/23/2010	Name Of Presiding Judge (Type Or Print) W. Osmond Smith III	Signature Of Presiding Judge 
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**SUPERIOR COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

File No.	Count No.(s)	Offense(s)

**DISTRICT COURT DISMISSALS PURSUANT TO PLEA ARRANGEMENT**

File No.	Count No.(s)	Offense(s)

**CERTIFICATION BY PROSECUTOR**

The undersigned prosecutor enters a dismissal to the above charges pursuant to a plea arrangement shown on this Transcript Of Plea.

Date	Name Of Prosecutor (Type Or Print) William D. Kenerly	Signature Of Prosecutor
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STATE OF NORTH CAROLINA

WAKE

County

RALEIGH

Seat of Court

File No.

10CRS018277

51

NOTE: [This form is to be used for (1) felony offense(s), and (2) misdemeanor offense(s), that are consolidated for judgment with any felony offense(s). Use AOC-CR-310 for DWI offense(s).]

In The General Court Of Justice

District Superior Court Division

STATE VERSUS

JUDGMENT SUSPENDING SENTENCE - FELONY

- IMPOSING AN INTERMEDIATE PUNISHMENT
IMPOSING A COMMUNITY PUNISHMENT (STRUCTURED SENTENCING)

G.S. 15A-1341, -1342, -1343, -1343.2, -1346

Name Of Defendant

EASLEY, MICHAEL, F

Race

W

Sex

M

DOB

Attorney For State

KENERLY, WILLIAM

Def. Found Not Indigent

Def. Waived Attorney

Attorney For Defendant

CHESIRE; BANNON; GAMMON

Appointed Retained

Crt Rptr Initials LCB

The defendant pled guilty to was found guilty by a jury of pled no contest to

Table with columns: File No.(s), Off., Offense Description, Offense Date, G.S. No., F/M, CL., Pun. CL.

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

The Court:

- has determined, pursuant to G.S. 15A-1340.14, the prior record points of the defendant to be 0. Any prior record level point under G.S. 15A-1340.14(b)(7) is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
makes no prior record level finding because none is required.

PRIOR RECORD LEVEL: I III V II IV VI

The Court (NOTE: Block 1 or 2 MUST be checked.):

- 1. makes no written findings because the prison term imposed is within the presumptive range of sentences authorized under G.S. 15A-1340.17(c).
2. makes the aggravating and mitigating factors Determination as set forth on the attached AOC-CR-605.
3. makes the Findings of Extraordinary Mitigation set forth on the attached AOC-CR-606.
4. finds the defendant has provided substantial assistance pursuant to G.S. 90-95(h)(5).
5. finds enhancement pursuant to: G.S. 90-95(e)(3) (drugs), G.S. 14-3(c) (hate crime), G.S. 50B-4.1 (domestic violence), G.S. 14-50.22 (gang), Other: . This finding is based on the jury's determination of this issue beyond a reasonable doubt or the defendant's admission to this issue.
6. imposes the punishment pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
7. finds the above designated offense(s) is a reportable conviction. G.S. 14-208.6 and therefore
a. imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two, and
b. makes the additional findings and orders on the attached AOC-CR-615, Side Two.
8. finds the above-captioned offense(s) involved the (check all that apply) physical or mental sexual abuse of a minor. (If No. 7 not found) and therefore imposes the special conditions of probation set forth on the attached AOC-CR-603, Page Two, Side Two.
9. finds that a motor vehicle commercial motor vehicle was used in the commission of the offense and this conviction shall be reported to DMV
10. finds this is an offense involving assault or communicating a threat, and the defendant had a personal relationship as defined by G.S. 50B-1(b) with the victim.
11. finds above-designated offense(s) involved criminal street gang activity. G.S. 14-50.25.

The Court, having considered evidence, arguments of counsel and statement of defendant, Orders that the above offenses, if more than one, be consolidated for judgment and the defendant be imprisoned

for a minimum term of months for a maximum term of months in the custody of N.C. DOC.

This sentence shall run at the expiration of sentence imposed in file number

The defendant shall be given credit for days spent in confinement prior to the date of this Judgment as a result of this charge(s) to be applied toward the sentence imposed above. imprisonment required for special probation set forth on AOC-CF-603, Page Two.

SUSPENSION OF SENTENCE

Subject to the conditions set out below, the execution of this sentence is suspended and the defendant is placed on supervised unsupervised probation for months.

- 1. The Court finds that a longer shorter period of probation is necessary than that which is specified in G.S. 15A-1343.2(d).
2. The Court finds that it is NOT appropriate to delegate to the Division of Community Corrections in the Department of Correction the authority to impose any of the requirements in G.S. 15A-1343.2(e) if the offender is sentenced to a community punishment, or G.S. 15A-1343.2(f) if the offender is sentenced to an intermediate punishment.
3. The above period of probation shall begin when the defendant is released from incarceration in the case referred to below.
4. The above period of probation shall begin at the expiration of the sentence in the case referred to below.

Table with columns: File Number, Offense, County, Court, Date

- 5. The defendant shall comply with the conditions set forth in file number
6. The defendant shall provide a DNA sample pursuant to G.S. 15A-266.4. (AOC-CR-319 required)

MONETARY CONDITIONS

The defendant shall pay to the Clerk of Superior Court the "Total Amount Due" shown below, plus the probation supervision fee, pursuant to a schedule determined by the probation officer. set out by the court as follows:

Table with columns: Court Costs, Miscellaneous, Fine, Restitution\*, Attorney's Fee, Comm. Service Fee, EHA Fee, SBM Fee, Total Amount Due

\*See attached "Restitution Worksheet, Notice And Order (Initial Sentencing)" AOC-CR-611, which is incorporated by reference.

- All payments received by the Clerk shall be distributed pro rata among the persons entitled to restitution in this priority: first among all G.S. 7A-304(d) priorities and before payment of community service and probation supervision fees.
Upon payment of the "Total Amount Due," the probation officer may transfer the defendant to unsupervised probation.

**REGULAR CONDITIONS OF PROBATION - G.S. 15A-1343(b)**

**NOTE:** Any probationary judgment may be extended pursuant to G.S. 15A-1342. The defendant shall: (1) Commit no criminal offense in any jurisdiction. (2) Possess no firearm, explosive device or other deadly weapon listed in G.S. 14-269. (3) Remain gainfully and suitably employed or faithfully pursue a course of study or vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) Satisfy child support and family obligations, as required by the Court.  
 If the defendant is on supervised probation, the defendant shall also: (5) Remain within the jurisdiction of the Court unless granted written permission to leave by the Court or the probation officer. (6) Report as directed by the Court or the probation officer to the officer at reasonable times and places and in a reasonable manner, permit the officer to visit at reasonable times, answer all reasonable inquiries by the officer and obtain prior approval from the officer for, and notify the officer of, any change in address or employment. (7) Notify the probation officer if the defendant fails to obtain or retain satisfactory employment. (8) At a time to be designated by the probation officer, visit with the probation officer a facility maintained by the Division of Prisons.  
 If the defendant is to serve an active sentence as a condition of special probation, the defendant shall also: (9) Obey the rules and regulations of the Department of Correction governing the conduct of inmates while imprisoned. (10) Report to a probation officer in the State of North Carolina within seventy-two (72) hours of the defendant's discharge from the active term of imprisonment.

11. The Court finds that the defendant is responsible for acts of domestic violence and  there is an abuser treatment program, approved by the Domestic Violence Commission, reasonably available to the defendant, and the defendant shall attend and complete that program.  there is not an approved abuser treatment program reasonably available.  it would not be in the best interests of justice to order the defendant to complete an abuser treatment program because \_\_\_\_\_

**NOTE:** See Page Two, Side Two, for Additional Conditions For Persons Convicted Of Domestic Violence.

**SPECIAL CONDITIONS OF PROBATION - G.S. 15A-1343(b1), 143B-262(c)**

The defendant shall also comply with the following special conditions which the Court finds are reasonably related to the defendant's rehabilitation:

- 12. Surrender the defendant's drivers license to the Clerk of Superior Court for transmittal/notification to the Division of Motor Vehicles and not operate a motor vehicle for a period of \_\_\_\_\_ or until relicensed by the Division of Motor Vehicles, whichever is later.
- 13. Submit at reasonable times to warrantless searches by a probation officer of the defendant's person, and of the defendant's vehicle and premises while the defendant is present, for the following purposes which are reasonably related to the defendant's probation supervision:  
 stolen goods  controlled substances  contraband  child pornography  \_\_\_\_\_
- 14. Not use, possess or control any illegal drug or controlled substance unless it has been prescribed for the defendant by a licensed physician and is in the original container with the prescription number affixed on it; not knowingly associate with any known or previously convicted users, possessors or sellers of any illegal drugs or controlled substances; and not knowingly be present at or frequent any place where illegal drugs or controlled substances are sold, kept or used.
- 15. Supply a breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol, when instructed by the defendant's probation officer.
- 16. Successfully pass the General Education Development Test (G.E.D.) during the first \_\_\_\_\_ months of the period of probation.
- 17. Complete \_\_\_\_\_ hours of community or reparation service during the first \_\_\_\_\_ days of the period of probation, as directed by the community service coordinator and pay the fee prescribed by G.S. 143B-262.4(b).  pursuant to the schedule set out under monetary conditions above.  within \_\_\_\_\_ days of this Judgment and before beginning service.
- 18. Report for initial evaluation by \_\_\_\_\_ participate in all further evaluation, counseling, treatment or education programs recommended as a result of that evaluation, and comply with all other therapeutic requirements of those programs until discharged.
- 19. Not assault, threaten, harass, be found in or on the premises or workplace of, or have any contact with \_\_\_\_\_ "Contact" includes any defendant-initiated contact, direct or indirect, by any means including but not limited to telephone, personal contact, e-mail, pager, gift-giving, telefacsimile machine or through any other person, except \_\_\_\_\_
- 20. Other

**THE COURT ORDERS THE DEFENDANT TO SUBMIT TO A DNA SAMPLE**

21. Comply with the Special Conditions Of Probation which are set forth on AOC-CR-603, Page Two.

A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

**ORDER OF COMMITMENT/APPEAL ENTRIES**

- 1. It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.
- 2. The defendant gives notice of appeal from the judgment of the trial court to the appellate division. Appeal entries and any conditions of post conviction release are set forth on form AOC-CR-350.

**SIGNATURE OF JUDGE**

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
11/23/2010	W.OSMOND SMITH	

**CERTIFICATION**

I certify that this Judgment and the attachment(s) marked below is a true and complete copy of the original which is on file in this case.

<input type="checkbox"/> 1. Appellate Entries (AOC-CR-350)	<input type="checkbox"/> 5. Restitution Worksheet, Notice And Order [Initial Sentencing] (AOC-CR-611)
<input type="checkbox"/> 2. Judgment Suspending Sentence, Page Two [Special Conditions Of Probation] (AOC-CR-603, Page Two)	<input type="checkbox"/> 6. Judicial Findings As To Required DNA Sample (AOC-CR-319)
<input type="checkbox"/> 3. Felony Judgment Findings Of Aggravating And Mitigating Factors (AOC-CR-605)	<input type="checkbox"/> 7. Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Lifetime Monitoring/Judicial Findings And Order As To Satellite-Based Monitoring For Sex Offenders - Court-Determined Monitoring Period (AOC-CR-615)
<input type="checkbox"/> 4. Extraordinary Mitigation Findings (AOC-CR-606)	

Date Of Certification	Signature	<b>SEAL</b>
Date Certified Copies Delivered To Sheriff	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	