

File No. **16CRS000620**  See Attachment

# ORDER FOR ARREST

# 16OFA863025

Offense  
I F-VOTING MORE THAN 1 TIME PRIMARY ELECT

**THE STATE OF NORTH CAROLINA VS.**

Name, Address & Telephone No. Of Defendant  
**DEWEY GEORGE GIDCUMB JR.**

172 BLUFF HOLLOW RD

WAYNESVILLE  
HAYWOOD COUNTY

NC 28786

Race	W	Sex	M	Date Of Birth	07/18/1964	Age
Social Security No.	Drivers License No. & State					

Name And Address Of Defendant's Employer

Date Defendant Failed To Appear

Amount Of Bond	\$5,000.00	Type Of Bond	SECURED
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**TRUE BILL OF INDICTMENT ONLY**

Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)

Offense Code	1 2699	Offense In Violation Of G.S.	1163-275(7)
Date Of Offense	03/15/2016	Date Issued	07/11/2016

Law Enforcement Case No. LJD No. SID No. FBI No.

**STATE OF NORTH CAROLINA**  
HAYWOOD County

In The General Court Of Justice  
 District  Superior Court Division

To any officer with authority and jurisdiction to serve an Order For Arrest:  
The Court finds that:

1. FTA - RELEASE ORDER [G.S. 15A-305(b)(2)]  
the defendant has been arrested and released from custody and has failed on the date shown to appear as required by the Release Order.  This is the defendant's second or subsequent failure to appear on these charges.

2. FTA - CRIMINAL SUMMONS OR CITATION (Do not use for infraction.) [G.S. 15A-305(b)(3)]  
the defendant has failed on the date shown to appear as required by a duly executed Criminal Summons or by a Citation that charged the defendant with a misdemeanor.

3. TRUE BILL OF INDICTMENT [G.S. 15A-305(b)(1)]  
a Grand Jury has returned a true bill of indictment against the defendant, a copy of which is attached. [Note To Arresting Officer: If this option is checked, defendant must be fingerprinted. G.S. 15A-502(a).]

4. FTA - SHOW CAUSE AFTER FTC [G.S. 15A-305(b)(8)]  
the defendant has failed on the date shown to appear as required in a Show Cause Order entered in this criminal proceeding.

5. FTA - SHOW CAUSE ORDER IN ORIGINAL CRIMINAL JUDGMENT  
[G.S. 15A-305(b)(8); -1362(c); -1364(a)]  
the defendant has failed by the date shown to pay a fine or costs or both as required by a judgment entered in this case and has also failed, as required upon such failure, to appear on that date and show cause why the defendant should not be imprisoned.

6. PROBABLE CAUSE THAT DEFENDANT MAY FAIL TO APPEAR - CRIMINAL CONTEMPT  
[G.S. 15A-305(b)(9); 5A-16]  
this Court has initiated plenary proceedings for contempt against the defendant under G.S. 5A-16, has issued a show cause order and finds probable cause to believe that the defendant will not appear as required in response to that order.

7. PROBATION VIOLATION [G.S. 15A-305(b)(4); -1345(a)]  
the probation officer has provided the court with a written statement, signed by the probation officer, alleging that the defendant has violated specified conditions of the defendant's probation and a copy of the written statement is attached.

8. Other. (specify)

You are DIRECTED to take the defendant into custody and bring the defendant before a judicial official for the purpose of:

determining conditions of release, and for commitment if the defendant is unable to comply.  
 commitment since release of the defendant is not authorized.

Signature  
**JUNE L RAY**

Magistrate  Deputy CSC  DC Judge  
 Asst. CSC  Clerk Of Superior Court  SC Judge

Location Of Court  
Haywood County Courthouse; ADMN  
285 N MAIN ST SUITE 1500  
WAYNESVILLE, NC 28786

Court Date  
08/29/2016

Court Time  
10:00 AM  AM  PM

STATE OF NORTH CAROLINA

File No.

16 CRS 000620

HAYWOOD County

In The General Court Of Justice  
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

GIDCUMB, DEWEY, GEORGE, JR  
172 BLUFF HOLLOW RD

WAYNESVILLE NC 28786

NOTICE OF RETURN OF  
BILL OF INDICTMENT

G.S. 15A-630, 15A-941(d)

To The Defendant Named Above:

Take notice that the grand jury of the county named above has returned the attached True Bill(s) of Indictment charging you with the offense(s) specified.

You are informed that there are important time limitations on your right to discovery of the evidence against you. (See G.S. 15A-902, which is printed on the reverse.)

This Notice is issued upon the order of the presiding judge.

You will be arraigned on the charges contained in this Indictment only if you file a written request for arraignment with the Clerk of Superior Court not later than twenty-one (21) days after the Indictment is served on you. If you do not file a written request for arraignment within that time, the court will enter a not guilty plea on your behalf.

You must appear in Superior Court at the date, time and place shown below to answer the charges in this Indictment.

NOTE: If an earlier court date is set in a release order, you must appear at that time also.

Date Of Hearing 8/29/16	Time Of Hearing 10:00 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM	Place Of Hearing Haywood County Justice Center
NOTE: Attach True Bill(s) of Indictment and a copy of the Order of Arrest, if appropriate.		Date Issued 20160720
		Signature Melissa Boyd
		<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court

CERTIFICATE OF NOTICE

I certify that I issued a copy of this Notice to the defendant named above at the address shown by:

- 1. Mailing it through the U.S. Postal Service.
- 2. Attaching it to an Order for Arrest to be served on the defendant.

3. Other: (specify)

sending it to the Magistrate's Office to be served on Defendant with Order for Arrest.

Date 7/20/16	Signature Melissa Boyd	<input type="checkbox"/> Deputy CSC <input checked="" type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
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## **G.S. 15A-902 Discovery Procedure**

- "(a) A party seeking discovery under this Article must, before filing any motion before a judge, request in writing that the other party comply voluntarily with the discovery request. A written request is not required if the parties agree in writing to voluntarily comply with the provisions of Article 48 of Chapter 15A of the General Statutes. Upon receiving a negative or unsatisfactory response, or upon the passage of seven days following the receipt of the request without response, the party requesting discovery may file a motion for discovery under the provisions of this Article concerning any matter as to which voluntary discovery was not made pursuant to request.
- (b) To the extent that discovery authorized in this Article is voluntarily made in response to a request or written agreement, the discovery is deemed to have been made under an order of the court for the purposes of this Article.
- (c) A motion for discovery under this article must be heard before a superior court judge.
- (d) If a defendant is represented by counsel, the defendant may as a matter of right request voluntary discovery from the State under subsection (a) of this section not later than the tenth working day after either the probable-cause hearing or the date the defendant waives the hearing. If a defendant is not represented by counsel, or is indicted or consents to the filing of a bill of information before the defendant has been afforded or waived a probable-cause hearing, the defendant may as a matter of right request voluntary discovery from the State under subsection (a) of this section not later than the tenth working day after the later of:
- (1) The defendant's consent to be tried upon a bill of information, or the service of notice upon the defendant that a true bill of indictment has been found by the grand jury, or
  - (2) The appointment of counsel.

For the purposes of this subsection a defendant is represented by counsel only if counsel was retained by or appointed for the defendant prior to or during a probable-cause hearing or prior to execution by the defendant of a waiver of a probable-cause hearing.

- (e) The State may as a matter of right request voluntary discovery from the defendant, when authorized under this Article, at any time not later than the tenth working day after disclosure by the State with respect to the category of discovery in question.
- (f) A motion for discovery made at any time prior to trial may be entertained if the parties so stipulate or if the judge for good cause shown determines that the motion should be allowed in whole or in part."

## **G.S. 15A-941(d) Arraignment Before Judge Only Upon Written Request**

- "(d) A defendant will be arraigned in accordance with this section only if the defendant files a written request with the clerk of superior court for an arraignment not later than 21 days after service of the bill of indictment. If a bill of indictment is not required to be served pursuant to G.S. 15A-630, then the written request for arraignment must be filed not later than 21 days from the date of the return of the indictment as a true bill. Upon the return of the indictment as a true bill, the court must immediately cause notice of the 21-day time limit within which the defendant may request an arraignment to be mailed or otherwise given to the defendant and to the defendant's counsel of record, if any. If the defendant does not file a written request for arraignment, then the court shall enter a not guilty plea on behalf of the defendant."

**STATE OF NORTH CAROLINA**  
 HAYWOOD County  
 In The General Court Of Justice  
 Superior Court Division

**STATE VERSUS**  
 Name And Address Of Defendant  
 DEWEY GEORGE GIDCUMB, JR.

**INDICTMENT**

This is a superseding indictment.

Race	Sex	Date Of Birth	Offense(s)	Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
W	M	07/18/1964	I. FELONY VOTING MORE THAN ONE TIME IN PRIMARY ELECTION	03/15/2016	163-275(7)	I
			II.			

I. The jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

KNOWINGLY AND WITH FRAUDULENT INTENT VOTE MORE THAN ONE TIME IN THE SAME PRIMARY ELECTION BY PRESENTING HIMSELF AND VOTING IN THE MARCH 15, 2016 FEDERAL, NORTH CAROLINA, AND LOCAL PRIMARY ELECTIONS, AS COMBINED IN ONE BALLOT, WHEN IN FACT DEFENDANT HAD PREVIOUSLY VOTED IN THAT SAME PRIMARY ELECTION ON MARCH 3, 2016 AS AN ABSENTEE VOTER DURING A "ONE-STOP" VOTING OPPORTUNITY AS DEFINED AND DESCRIBED IN N.C. GEN. STAT. 163-227.2.

II. And the jurors for the State upon their oath present that on or about the date(s) of offense shown and in the county named above the defendant named above unlawfully, willfully and feloniously did

Signature Of Prosecutor



WITNESSES	
<input checked="" type="checkbox"/> Joan Fleming, N.C. State Board of Elections	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The Witnesses marked "X" were sworn by the undersigned Foreperson of the Grand Jury and, after hearing testimony, this Bill was found to be:

A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreperson of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

Date: July 11, 2016  
 Signature Of Grand Jury Foreperson: Paul A. Luster