

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Rockingham Superior Court
Rockingham Cty Courthouse/PO Box 1258
Kingston NH 03848-1258

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. John S. Fleming, JR.**
Case Number: **218-2018-CR-01290**

Name: **John S. Fleming, JR.**, [REDACTED]
DOB: [REDACTED]

Charging document: Indictment

Offense: Vote in More than 1 State GOC: Charge ID: 1541406C RSA: 659:34-a Date of Offense: November 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

December 16, 2019
Date

Hon. Daniel I. St. Hilaire
Presiding Justice

Marshall A. Buttrick
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Rockingham County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: _____
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Rockingham County House of Corrections** and gave a copy of this order to the Superintendent.

Date

Sheriff

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff Office of Cost Containment
 Prosecutor James T. Boffetti, ESQ Defendant Defense Attorney Philip M. Kalil, ESQ
 Sex Offender Registry Other _____ _____ Dist Div. _____

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HOUSE OF CORRECTIONS SENTENCE

Case Name: State v. John S. Fleming, JR.
Case Number: 218-2018-CR-01290
Charge ID: 1541406C

Plea: Guilty	Clerk: Buttrick
Crime: Vote in More than 1 State	Date of Crime: 11/08/2016
Monitor: Wise	Judge: St. Hilaire

A finding of GUILTY/TRUE is entered.

CONVICTION

This conviction is for a Felony

- A. The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.
- B. The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:

OR The defendant is cohabiting or cohabited with victim as a _____
OR A person similarly situated to _____

CONFINEMENT

- A. The defendant is sentenced to the House of Corrections for a period of 60 days.
Pretrial confinement credit is _____ days.
- B. This sentence is to be served as follows:
- Stand committed Commencing _____
- Consecutive weekends from _____ PM Friday to _____ PM Sunday beginning _____
- All _____ of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 1 years from today or release on charge ID number _____.
- _____ of the sentence is deferred for a period of _____.
- The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of _____.
- Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.
- Other: _____
- C. The sentence is consecutive to case number and charge ID _____
 concurrent with case number and charge ID _____
- D. The court recommends to the county correctional authority:
- Work release consistent with administrative regulations.
- Drug and alcohol treatment and counseling.
- Sexual offender program.
- _____

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Case Number: 218-2018-CR-01290

HOUSE OF CORRECTION SENTENCE

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

PROBATION

- A. The defendant is placed on probation for a period of _____ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.
Effective: Forthwith Upon release from _____
The defendant is ordered to report immediately to the nearest Probation/Parole Field Office.
- B. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.

Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.

FINANCIAL OBLIGATIONS

A. **Fines and Fees:**

Fine of \$ 1000.00, plus a statutory penalty assessment of \$ 240.00 to be paid:

Today

By _____

Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed by DOC for the collection of fines and fees, other than supervision fees.

\$ _____ of the fine and \$ _____ of the penalty assessment is suspended for _____ year(s).

A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.

B. **Restitution:**

The defendant shall pay restitution of \$ _____ to _____

Restitution shall be paid through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.

At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.

Restitution is not ordered because: _____

OTHER CONDITIONS

A. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.

B. The defendant's _____ in New Hampshire is revoked for a period of _____ effective _____

C. Under the direction of the Probation/Parole Officer, the defendant shall tour the _____

D. The defendant shall perform _____ hours of community service and provide proof to _____ within _____ of today's date.

E. The defendant is ordered to have no contact with _____ either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.

F. Law enforcement agencies may destroy the evidence return evidence to its rightful owner.

G. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.

H. Other:

December 16, 2019

Date


Judge Daniel I. St. Hilaire

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Case Name: **State v. John S. Fleming, JR.**
Case Number: **218-2018-CR-01290**

Name: **John S. Fleming, JR.,** [REDACTED]

DOB: [REDACTED]

Charging document: Indictment

Offense: Voter Fraud - RSA 659:34, I(b)	GOC:	Charge ID: 1541407C	RSA: 659:34,II	Date of Offense: November 08, 2016
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Disposition: Nolle Pros

Date: December 17, 2019

Action taken: By Prosecutor

Pursuant to plea agreement.

Nicholas Chong Yen, ESQ.

J-ONE: State Police DMV

C: Dept. of Corrections Offender Records Sheriff Office of Cost Containment
 Prosecutor James T. Boffetti, ESQ Defendant Defense Attorney Philip M. Kalil, ESQ
 Other _____ _____ Dist Div. _____

THE STATE OF NEW HAMPSHIRE
INDICTMENT

ROCKINGHAM, SS.

SEPTEMBER TERM, 2018

At the Superior Court, holden at Brentwood, within and for the County of ROCKINGHAM aforesaid, on the 6th day of September in the year of our Lord two thousand and eighteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that

JOHN S. FLEMING, JR.
[REDACTED]


of Hampton, New Hampshire, in the State of New Hampshire, on or about November 8, 2016, did commit the crime of

VOTING IN MORE THAN ONE STATE IN THE SAME ELECTION
(RSA 659:34-a)

in that, John S. Fleming, Jr., knowingly checked in at the checklist and cast a New Hampshire ballot in Hampton for the November 8, 2016, General Election by means of submitting an absentee ballot, and said ballot contained one or more federal or statewide offices listed on the ballot, and he also cast a ballot in Belchertown, Massachusetts during the same November 8, 2016 General Election, and said ballot contained one or more federal or statewide offices listed on the out-of-state ballot.

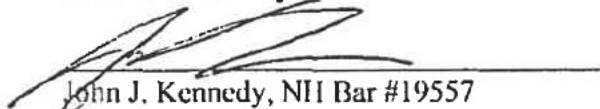
Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

Plea of Guilty
Entered December 16, 2019


Honorable Daniel I. St. Hilaire



Matthew T. Broadhead, NH Bar #19808
Assistant Attorney General

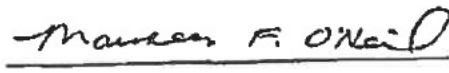


John J. Kennedy, NH Bar #19557
Assistant Attorney General

This is a true bill.


Foreperson

FORMAL ARRAIGNMENT WAIVED AND
PLEAS OF NOT GUILTY ENTERED.


CLERK

Charge ID: 1541786C

218-2018-CR-1290

Name: John S. Fleming, Jr.

DOB: [REDACTED]

Address: [REDACTED]

RSA: RSA 659:34-a

Offense level: Class B Felony

Dist/Mun Ct: N/A

VRIS
RPS020

A TRUE COPY

TOWN OF BELCHERTOWN
Voter List By Ward/Precinct/Street Name
STATE ELECTION 11/08/2016

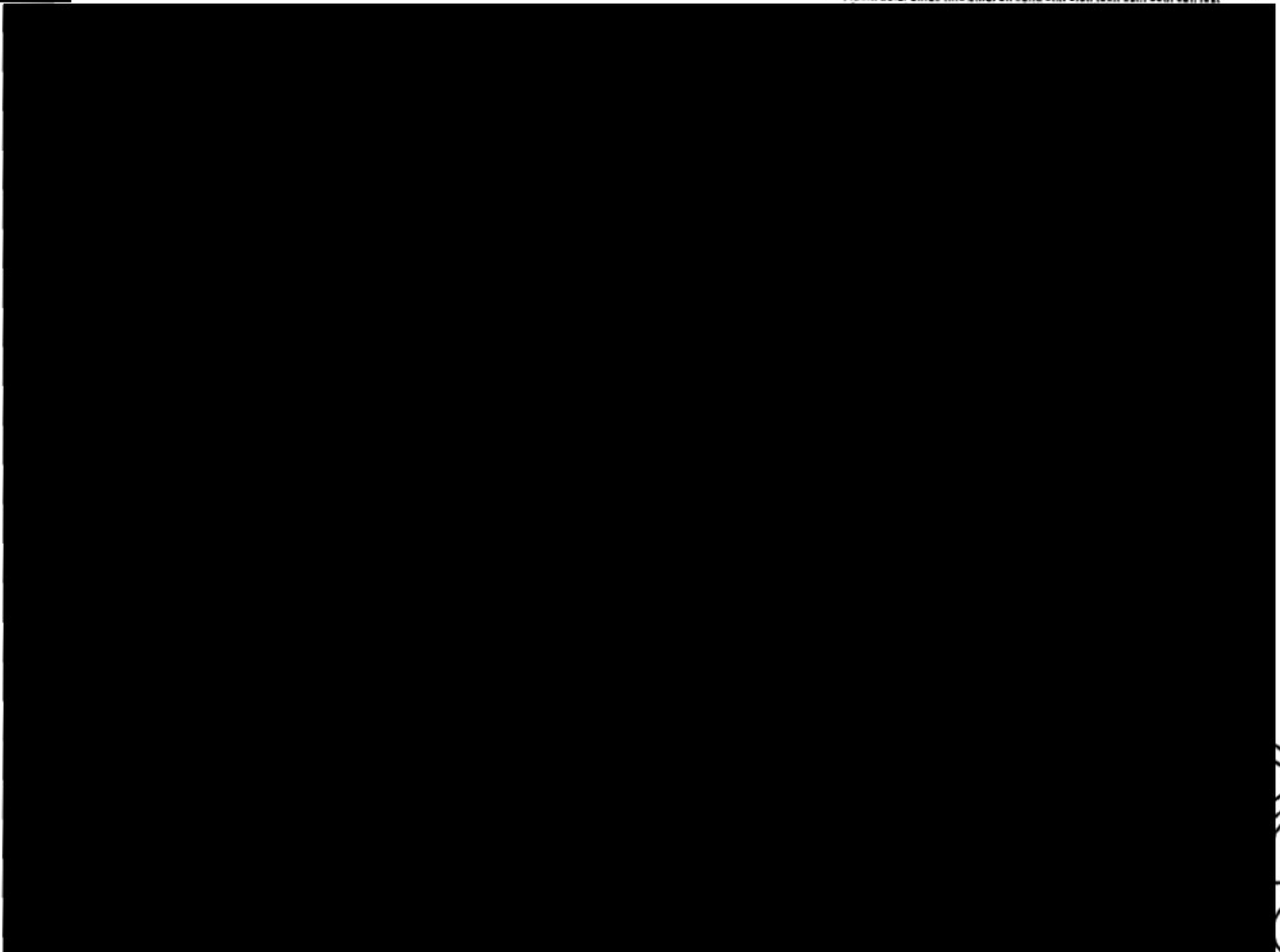
Total 459
YMB
J. J. Maciver
11/8/16
8:14 PM

Attest *Callan K. Mitchell*
Town Clerk, Town of Belchertown
Active Voters
(STATE ELECTION)

Ward	Pct	Street Name	Party Voted	AV	EV	Voter Id	Inactive Date
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FLEMING, GRACE E	R	<input checked="" type="checkbox"/>	EV
FLEMING, JOHN S JR	R	<input checked="" type="checkbox"/>	EV



COPY

Town of HAMPTON, NH

Official Checklist

Print Date : 11/01/2016

STATE GENERAL ELECTION - 11/08/2016

Page 282

Party	Voter Name	Identity Domicile Address	Mailing Address	Ward Voter ID	Barcode
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Ward 00 CONT.

CVA

~~UND FLEMING, GRACE E~~

~~UND FLEMING, JOHN S JR~~