

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Grafton Superior Court
3785 Dartmouth College Highway
North Haverhill NH 03774

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. Vincent Joseph Marzello
Case Number: 215-2020-CR-00327

Name: Vincent Joseph Marzello, [REDACTED] Lebanon NH 03784
DOB: [REDACTED]

Charging document: Indictment

Offense: Voter Fraud - RSA 659:34, I(b) GOC: Charge ID: 1787763C RSA: 659:34,II Date of Offense: November 08, 2016

Disposition: Guilty/Chargeable By: Plea

A finding of GUILTY/CHARGEABLE is entered.

Conviction: Felony

Sentence: see attached

February 17, 2021
Date

Hon. Peter H. Bornstein
Presiding Justice

David P. Carlson
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the Grafton 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 Grafton 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 Renee A. Sargent, ESQ
 Sex Offender Registry Other _____ _____ Dist Div. _____

THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
http://www.courts.state.nh.us

Court Name: Grafton Superior Court
Case Name: State v. Vincent Joseph Marzello
Case Number: 215-2020-CR-00327 Charge ID Number: 1787763C
(if known)

HOUSE OF CORRECTIONS SENTENCE

Plea/Verdict: Guilty	
Crime: Voter Fraud - RSA 659:34, I(b)	Date of Crime: 11/08/2016

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 90 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 2 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.

Case Name: State v. Vincent Joseph Marzello

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HOUSE OF CORRECTIONS 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, or immediately upon release, 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 \$ _____, plus a statutory penalty assessment of \$ 0.00 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: _____

- C. **Appointed Counsel: NOTE:** Financial Obligations, Section C is NOT a term and condition of the sentence.
 The Court finds that the defendant has the ability to pay:
counsel fees and expenses in the amount of \$ 825.00
payable through OCC in the amount of \$ 375.18 per month.
 The Court finds that the defendant has no ability to pay counsel fees and expenses.

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Case Number: 215-2020-CR-00327

HOUSE OF CORRECTIONS SENTENCE

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.
- I. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution, the defendant shall no longer have the right to vote in New Hampshire under the Constitution of this State. See Addendum A for additional conditions.

For Court Use Only

/s/ Peter H. Bornstein
Honorable Peter H. Bornstein
February 17, 2021

THE STATE OF NEW HAMPSHIRE

GRAFTON, SS.

SUPERIOR COURT

215-2020-CR-00327

State of New Hampshire

v.

Vincent Marzello

ADDENDUM A

1. The defendant shall pay \$300.00 of the civil penalty previously imposed by the State in the amount of \$3,000.00 on September 2, 2020 for the defendant's violation of RSA 659:34, I(c).
2. The balance of the penalty - \$2,700.00 – shall be suspended for a period of 5 years from the date of sentencing.
3. The parties agree to a payment plan for the \$300.00. The defendant shall pay \$20.00 per month according to the following schedule in Paragraph 4, until the \$300.00 penalty is paid in full. Failure to make timely payments outlined below may result in the State initiating a collection action for the remaining balance of the unpaid penalty.
4. The defendant shall make timely payments as follows:

	Date	Payment Amount
Payment 1 received no later than:	March 17, 2021	\$20.00
Payment 2 received no later than:	April 16, 2021	\$20.00
Payment 3 received no later than:	May 17, 2021	\$20.00
Payment 4 received no later than:	June 17, 2021	\$20.00
Payment 5 received no later than:	July 16, 2021	\$20.00
Payment 6 received no later than:	August 17, 2021	\$20.00
Payment 7 received no later than:	September 17, 2021	\$20.00
Payment 8 received no later than:	October 18, 2021	\$20.00
Payment 9 received no later than:	November 17, 2021	\$20.00
Payment 10 received no later than:	December 17, 2021	\$20.00

Payment 11 received no later than:	January 17, 2022	\$20.00
Payment 12 received no later than:	February 17, 2022	\$20.00
Payment 13 received no later than:	March 17, 2022	\$20.00
Payment 14 received no later than:	April 18, 2022	\$20.00
Payment 15 received no later than:	May 17, 2022	\$20.00
TOTAL:		\$300.00

5. The payments shall be made by check drawn in the name of "Treasurer, State of New Hampshire," and shall be mailed to the Office of the Attorney General, 33 Capitol Street Concord, New Hampshire 03301, Attn: Assistant Attorney General Nicholas A. Chong Yen.

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THE STATE OF NEW HAMPSHIRE
INDICTMENT

1787763C

GRAFTON, SS.
STATEWIDE GRAND JURY
HOLDEN AT CONCORD

OCTOBER TERM, 2020

At the Superior Court, holden at Concord, convened a statewide grand jury, upon the 2nd day of November, in the year of our Lord two thousand and twenty

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

VINCENT JOSEPH MARZELLO



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

WRONGFUL VOTING
RSA 659:34, I(b) & RSA 659:34, II

in that, Vincent Joseph Marzello, knowingly voted more than once for any office or measure, to wit, Marzello voted twice in the City of Lebanon, during the November 8, 2016 General Election by voting once as Vincent Marzello and once as Helen Elizabeth Ashley, DOB 01/23/1984.

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.

James T. Boffetti, NH Bar #948
Associate Attorney General

This is a true bill.

Foreperson

Name: Vincent J. Marzello
DOB:
Address: West Lebanon, NH 03784
RSA: RSA 659:34, I(b)
Offense level: Class B Felony
Dist/Mun Ct: N/A

Plea of Guilty
Entered February 17, 2021
/s/ Peter H. Bornstein
Honorable Peter H. Bornstein

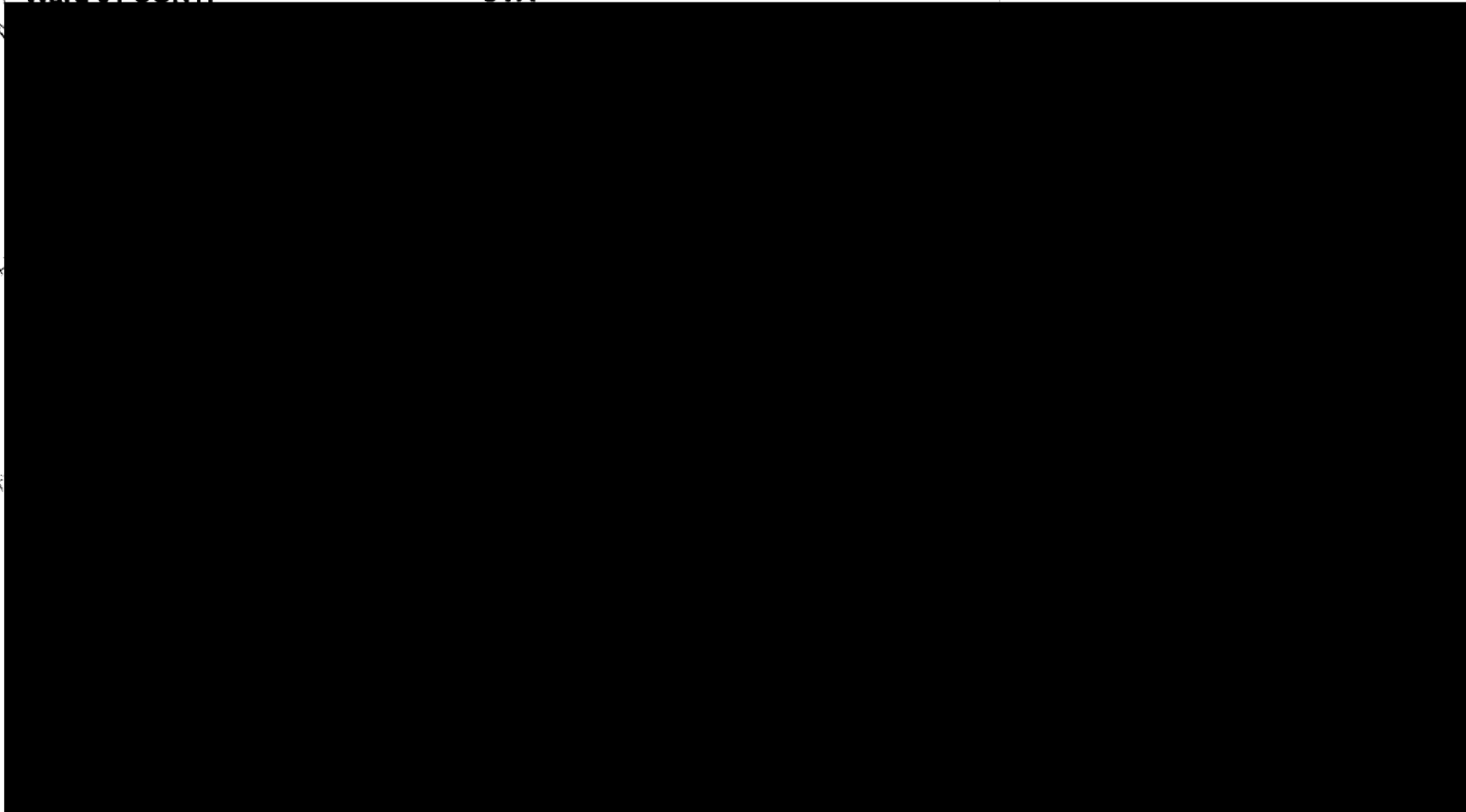
City LEBANON, NH
Official Checklist

Print Date : 11/02/2016

STATE GENERAL ELECTION - 11/08/2016

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Party	Voter Name	Identity	Domicile Address	Mailing Address	Ward	Voter ID	Barcode
	Ward 01 CONT.		CVA				



DEM ~~ASHLEY, HELEN~~
ELISABETH

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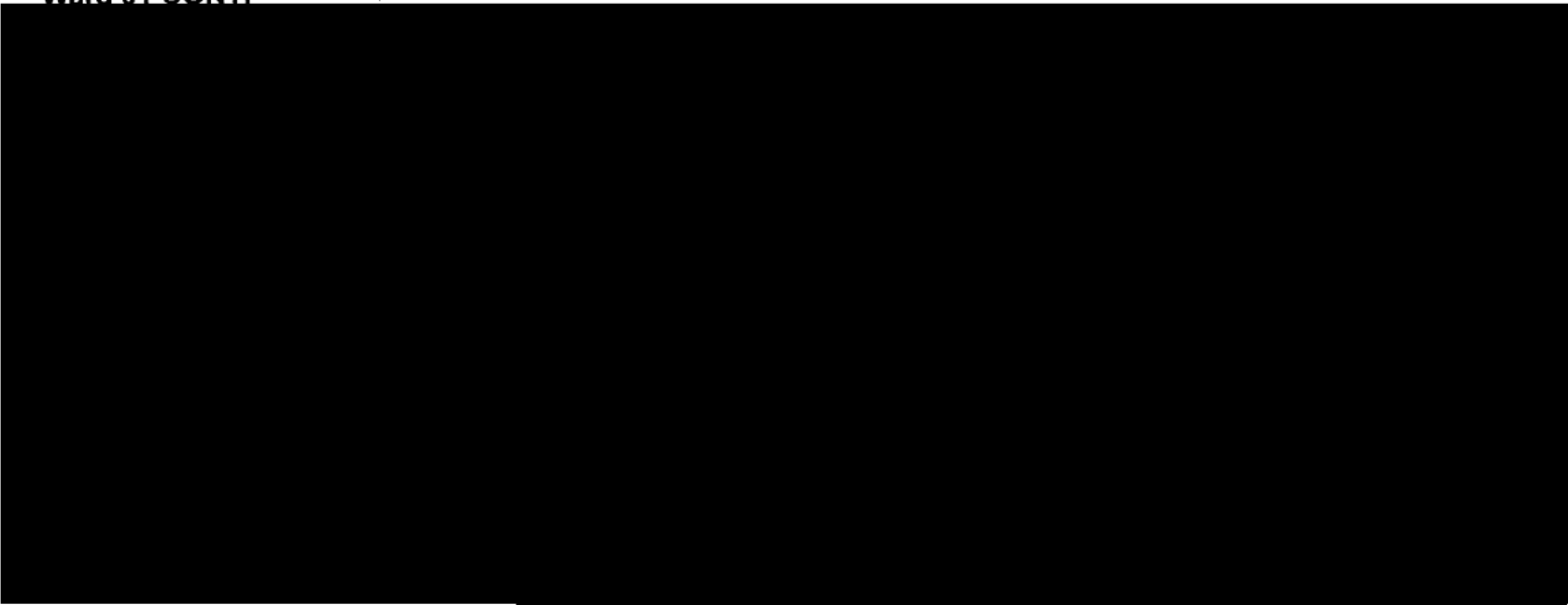
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STATE GENERAL ELECTION - 11/08/2016

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	Ward 01 CONT.		CVA				



UND MARZELLO, VINCENT
JOESPH

