

STATE OF NORTH CAROLINA
COUNTY OF WAKE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
19CRS001943

STATE OF NORTH CAROLINA

v.

INDICTMENT-

KELLY HENDRIX

I. CONSPIRACY TO COMMIT FELONIOUS
OBSTRUCTION OF JUSTICE
II. POSSESSION OF ABSENTEE BALLOT

- I. The jurors for the State upon their oath present that on or between September 17, 2016 through November 6, 2016, in Wake County the defendant named above unlawfully, willfully, and feloniously did conspire with Leslie McCrae Dowless, with deceit and intent to defraud, obstruct public and legal justice by submitting or causing to be submitted by mail absentee ballots and container return envelopes for those ballots to the Bladen County Board of Elections in such a manner so as to make it appear that those ballots had been voted and executed in compliance with the provisions of Article 21 of the North Carolina General Statutes Chapter 163A pertaining to absentee ballots when they in fact had not been so executed, to wit: ballots were collected from voters and taken into possession unlawfully, witness certifications were signed indicating the signor had witnessed the voter vote the absentee ballot when he or she had not, and the ballots were mailed in such a manner to conceal the fact that the voter had not personally mailed it himself. These spoiled absentee ballots were counted by the local Board of Election and the total tally thereof forwarded to the North Carolina State Board of Elections in Wake County, North Carolina pursuant to N.C.G.S. 163A-1315(7) (fmr 163-234) who has the duty under N.C.G.S. 163A-741 (fmr 163-22) to tabulate primary and general election returns and to declare results for those offices which according to State law shall be tabulated by the North Carolina State Board of Elections. This act did obstruct public justice by resulting in the counting of spoiled absentee ballots that had not been executed in compliance with State law. It thereby served to undermine the integrity of the

absentee ballot process and the public's confidence in the outcome of the electoral process. This offense was done with deceit and intent to defraud and against the peace and dignity of the State. This act was done in violation of the Common Law and punishable pursuant to N.C.G.S. 14-2.4.

- II. The jurors for the State upon their oath present that on or between September 12, 2016 through September 17, 2016 in Bladen County the defendant named above unlawfully, willfully and feloniously did take into her possession for return to the Bladen County Board of Elections the absentee ballot of a voter, including, but not limited to, voters Chris Eason and Joshua Evans. Defendant was neither the voters' near relative nor the voters' verifiable legal guardian. This act was done in violation of N.C.G.S. 163A-1298(5) (fmr 163-226.3).



N. Lorrin Freeman
District Attorney



Agent Scott Faircloth, NCSBI
Witness

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

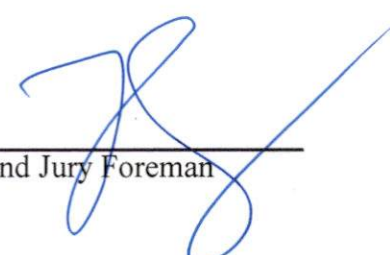


A TRUE BILL by twelve or more grand jurors, and I the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more grand jurors in this Bill of Indictment.

NOT A TRUE BILL.

JUL 30 2019

Date



Grand Jury Foreman

STATE OF NORTH CAROLINA

File No.

19 CRS 001943

WAKE

County

In The General Court Of Justice
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

HENDRIX, KELLY
1568 TAR HEEL ROAD

TAR HEEL NC 28392

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

Time Of Hearing

☐ AM ☐ PM

Place Of Hearing

NOTE: Attach True Bill(s) of Indictment and a copy of the Order of Arrest if appropriate.

Date Issued

20190730

Signature

☐ Deputy CSC☒ Assistant CSC☐ 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)

Date

Signature

7-30-19

☐ Deputy CSC☒ Assistant CSC☐ Clerk Of Superior Court

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."