

STATE OF WEST VIRGINIA

v.

WVSOS File No.: 20211104.01.

SAMUEL ROBERT SINK

714 Mercer Street,

Princeton, WV 24740

DOB: 08/07/48

Soc. Sec. No.: --- -- 2342

AGREEMENT FOR PRETRIAL DIVERSION

The West Virginia Secretary of State has reported to me that you have committed an offense against the State of West Virginia on or about November 16, 2018; June 9, 2020; and October 26, 2020, in Mercer County, West Virginia, in violation of West Virginia Code, Section §3-9-17, in that you did knowingly and willfully voted more than once at the same election held in this state and another state or territory.

Upon accepting responsibility for your actions and by your signature on this Agreement, it appearing, after an investigation of the offense, and your background, that the interest of the State of West Virginia and your own interest and the interest of justice will be served by the following procedure.

Therefore, pursuant to West Virginia Code 61-11-22, prosecution in Mercer County for this offense shall be deferred for the period of 24 months from this date, provided you abide by the following conditions and requirements of this Agreement set out below.

The Prosecuting Attorney may release you from supervision at any time. However, should you violate the conditions of this Agreement, the Prosecuting Attorney may revoke or modify any conditions of this pretrial diversion program. The Prosecuting Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this Agreement. In this case he will furnish you with notice specifying the conditions of the Agreement which you have violated.

After successfully completing your diversion program and fulfilling all the terms and conditions of the Agreement, no criminal prosecution for the offense set out above in this Agreement will be instituted in Mercer County.

In the event this Agreement is revoked as a result of your violations of the conditions of this Agreement, this Agreement will not be used against you, except for

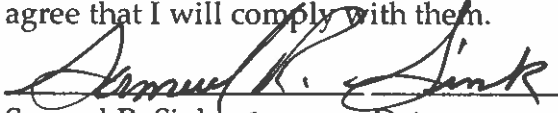
impeachment purposes, in connection with any prosecution for the above-described offense.

Conditions of Pretrial Diversion

1. You shall not violate any law (Federal/State/Local). You or your attorney shall immediately contact the Prosecuting Attorney if arrested and/or questioned by any law enforcement officer.

I assert and certify that I am aware that I have the right to a speedy and public trial. I also am aware that the West Virginia Rules of Criminal Procedure provide that the Court may dismiss an indictment, information, or complaint for unnecessary delay in presenting a charge, or in bringing a defendant to trial. I hereby request the Mercer County, West Virginia Prosecuting Attorney to defer such prosecution. I agree and consent that any delay from the date of this Agreement to the date of initiation of prosecution, as provided for in the terms expressed herein, shall be deemed to be a necessary delay at my request, and I waive any defense to such prosecution on the ground that such delay operated to deny my rights under the Rules of Criminal Procedure and the Constitutions of the United States and West Virginia to a speedy trial or to bar the prosecution by reason of the running of the statute of limitations for a period of months, (24), equal to the period of this agreement.

I hereby state I understand the conditions of my pretrial diversion program and agree that I will comply with them.

 3-27-23
Samuel R. Sink Date

 3/27/23
Randolph McGraw Date
Counsel for Sink