

STATE OF NORTH CAROLINA
COUNTY OF RUTHERFORD

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
FILE NO: 24 CRS

STATE OF NORTH CAROLINA

v.

RUSSEL E. HESTER,

DEFENDANT

MOTION FOR BOND REDUCTION

The Defendant, Russel M. Hester, by and through his undersigned counsel, hereby moves the Court for reduction of the Defendant's bond in this action and in support thereof shows the Court:

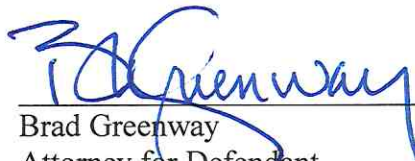
1. The Defendant is a lifelong resident of Rutherford County, North Carolina, 71 years of age, a homeowner and is not a threat to flee the jurisdiction of this Court.
2. Defendant has no prior criminal record,
3. Defendant has had no previous failures to appear.
4. Defendant's bond is currently set at FIVE HUNDRED THOUSAND AND 00/100'S DOLLARS (\$500,000.00) secured in these actions.
5. Defendant retained an attorney in November 2023 and through his attorney has been involved in plea negotiations with the State of North Carolina.
6. Neither Defendant nor his attorney were aware that a Bill of Indictment was being considered by the Grand Jury for Rutherford County, NC on January 22, 2024.
7. Defendant's arrest at his home on January 24, 2024 came as a complete surprise to the Defendant in light of ongoing plea negotiations.
8. Defendant and his attorney have been awaiting results of an ongoing audit of the Rutherfordton, NC ABC Board to determine whether Defendant might have the ability to make substantial restitution to the alleged victim in this action so that the Defendant might avoid a lengthy period of confinement, That audit is scheduled for completion on or about the end of January 2024.
9. Defendant's wife, Gilda S. Hester, is physically disabled and unable to reside alone, Defendant had been providing care for his wife prior to January 24, 2024. Gilda Hester lacks funds to procure in-home nursing care and has no one other than Defendant to provide for her care. Gilda Hester will therefore require immediate institutional care. Defendant's assistance in procuring institutional care for his wife will be necessary
10. Arrangements regarding disposition of the real and personal property of Defendant and his wife must be made. These arrangements can best be facilitated if Defendant is free on bond pending disposition of these actions.

FILED
JAN 25 P 4: 04
RUTHERFORD CO., C.S.C.
Moyes



WHEREFORE Defendant prays the Court that the amount of his bond in this action be reduced to TWENTY THOUSAND AND 00/100'S DOLLARS (\$20,000.00) secured bond, subject to such other terms and conditions as the Court may impose.

This the 25th day of January, 2023.

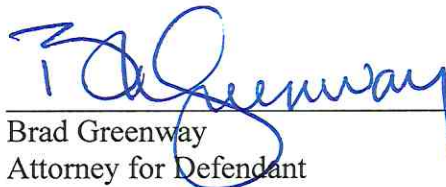


Brad Greenway
Attorney for Defendant
597 N. Washington St
Rutherfordton, NC 28139
(828) 287-8013
State Bar No: 10900

NOTICE OF HEARING

Notice is hereby given that the undersigned attorney for the Defendant intends to bring the above Motion for Bond Reduction on for hearing before the Judge presiding at the January 29, 2024 session of the District Court in Rutherford County, North Carolina at 2:00 p.m. or as soon thereafter as may be heard by the Court.

This the 25th day of January, 2024.

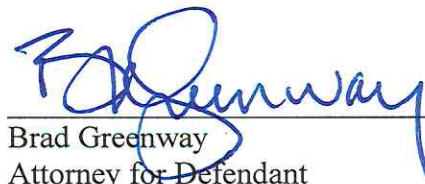


Brad Greenway
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Bond Reduction and Notice of Hearing was served upon the District Attorney for Prosecutorial District 41 by hand delivery to the office of the District Attorney in the Rutherford County Courthouse in Rutherfordton, NC.

This the 25th day of January 2024.



Brad Greenway
Attorney for Defendant



STATE OF NORTH CAROLINA		File No. 24CRS000028-800
RUTHERFORD County	In The General Court Of Justice <input type="checkbox"/> District <input checked="" type="checkbox"/> Superior Court Division	
STATE VERSUS		CONDITIONS OF RELEASE AND RELEASE ORDER
Name And Address Of Defendant RUSSELL EDWARD HESTER 145 WOODS END RD RUTHERFORDTON NC 28139		
		G.S. Chapter 15A, Art. 25, 26
Process No. # RO-24-53406		Amount Of Bond \$ 500,000.00

File Numbers And Offenses
24CRS000028-800 OFA; 01/24/2024; F - EMBEZZLEMENT >=\$100,000; F - EMBEZZLEMENT >=\$100,000; F - OBT PROH FALSE PRET >=\$100,000;

See Attachment.

Location Of Court Rutherford Co. Courthouse, Courtroom 2	<input type="checkbox"/> District <input checked="" type="checkbox"/> Superior	Date 03/27/2024	Time 9:30 AM
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To The Defendant Named Above, you are ORDERED to appear before the Court as provided above and at all subsequent continued dates. If you fail to appear, you will be arrested and you may be charged with the crime of willful failure to appear. You also may be arrested without a warrant if you violate any condition of release in this Order or in any document incorporated by reference.

The defendant has been advised of charge(s) against him/her and his/her right to communicate with counsel and friends.

Your release is authorized upon execution of your: WRITTEN PROMISE to appear UNSECURED BOND in the amount shown above
 CUSTODY RELEASE SECURED BOND in the amount shown above (NOTE: Give a copy of this order to any surety who posts bond.)
 HOUSE ARREST with ELECTRONIC MONITORING administered by (agency) _____ and the SECURED BOND above. You may leave your residence for the purpose(s) of employment counseling course of study vocational training

Your release is not authorized.

The defendant is required to provide (check all that apply) fingerprints under G.S. 15A-502. a DNA sample under G.S. 15A-266.3A. Prior to release, the defendant shall provide his/her (check all that apply) fingerprints. DNA sample.

The defendant has been (i) charged with a felony while on probation (complete AOC-CR-272, Side One). (ii) arrested for violation of probation with a pending felony charge or prior conviction requiring registration under G.S. 14, Article 27A (complete AOC-CR-272, Side Two).

This Order is entered upon defendant's warrantless arrest for violation of conditions of release entered previously for the above-captioned case in the Order dated _____.

The defendant is charged with an offense subject to G.S. 15A-534.1, and no judge has acted under that statute within 48 hours of defendant's arrest.

The defendant was arrested or surrendered after failing to appear as required under a prior release order.

This was the defendant's second or subsequent failure to appear in this case.

Your release is subject to the conditions as shown on the attached AOC-CR-242. AOC-CR-270. AOC-CR-630. AOC-CR-631. AOC-CR-660. Other: _____


Additional Information

Date 01/24/2024	Name Of Judicial Official R F MOORE	Signature Of Judicial Official 	<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court <input type="checkbox"/> DC Judge <input type="checkbox"/> SC Judge
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ORDER OF COMMITMENT

To The Custodian Of The Detention Facility Named Below, you are ORDERED to receive in your custody the defendant named above who may be released if authorized above. If the defendant is not sooner released, you are ORDERED to: produce him/her in Court as provided above.
 hold him/her as provided on the attached AOC-CR-272. for the following purpose: _____

[for charges covered by G.S. 15A-533(h), 15A-534.1, 15A-534.7, or 15A-534.8] produce him/her at the first session of District or Superior Court held in this county after the entry of this Order or, if no session is held before (for G.S. 15A-534.8, enter date and time 24 hours after arrest; for all others, 48 hours after arrest) _____, produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility RCDC	Date 01/24/2024	Name Of Judicial Official R F MOORE	Signature Of Judicial Official 
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WRITTEN PROMISE TO APPEAR OR CUSTODY RELEASE

I, the undersigned, promise to appear at all hearings, trials or otherwise as the Court may require and to abide by any restrictions set out above. I understand and agree that this promise is effective until the entry of judgment in the District Court from which no appeal is taken or until the entry of judgment in Superior Court. If I am released to the custody of another person, I agree to be placed in that person's custody, and that person agrees by his/her signature to supervise me.

<i>Date</i>	<i>Signature Of Defendant</i>	<i>Signature Of Person Agreeing To Supervise Defendant</i>
<i>Name Of Person Agreeing To Supervise Defendant (type or print)</i>		<i>Address Of Person Agreeing To Supervise Defendant</i>

DEFENDANT RELEASED ON BAIL

<i>Date</i>	<i>Time</i>	<i>Signature Of Custodian</i>
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CONDITIONS OF RELEASE MODIFICATIONS

The Conditions of Release on the reverse are modified as follows:

Modification	Date	Signature Of Judicial Official

SUPPLEMENTAL ORDERS FOR COMMITMENT

The defendant is next Ordered produced in Court as follows:

Date	Time	Place	Purpose	Signature Of Judicial Official

DEFENDANT RECEIVED BY DETENTION FACILITY

Date	Time	Signature Of Custodian

DEFENDANT RELEASED FOR COURT APPEARANCE

Date	Time	Signature Of Custodian

NOTE TO CUSTODIAN: This form shall accompany the defendant to court for all appearances.

Original

JUDICIAL DIST. 29A MAGISTRATE BAIL EXPLANATION FORM

DIRECTIONS: This form applies when setting bail for initial offenses, OFAs, fugitive warrants, other warrants (i.e., governor's warrants, interstate compact), and probation violations.

Defendant's Name	RUSSELL EDWARD HESTER	County	RUTHERFORD
Magistrate's Name	R F MOORE	Date	01/24/2024
Case #s	24CRS000028-800		

Charge	Class A-E Felony (Yes/No)	Class 2-A1 Misdemeanor or F-I Felony	Class 3 Misdemeanor (Yes/No)
EMBEZZLEMENT X 2/OBTAINING PROPERTY BY FALSE PRETENSE	No	No	No

STEP 1: OFA after FTA with conditions set by judge

- Yes
- Written Promise
 - Custody Release
 - Unsecured Bond \$ _____
 - Secured Bond \$ _____
- (FORM COMPLETE)
- No (Go to STEP 2)

STEP 2: Highest Charge

- Class 3 Misdemeanor (Go to STEP 3.5)
- Class 2-A1 Misdemeanor or Class I-F Felony (Go to STEP 3)
- Class A-E Felony (Go to STEP 4)

STEP 3: (check all that apply)

- Defendant has insufficient ties to the community to assure appearance
- Defendant has a history of FTAs
- Defendant has a prior record of
 - a felony conviction; or
 - misdemeanor convictions within the last five years demonstrating a pattern of conduct
- Charged offense was committed when Defendant was on pretrial release for a related offense or on supervised probation for any offense
- Charged offense involves domestic violence
- Charged offense is a felony & involves violence
- Charged offense is a felony & resulted in injury to a person
- Charged offense requires sex offender registration
- Charged offense is a failure to register as a sex offender offense
- Charged offense is a drug trafficking offense
- Charged offense involves distribution of drugs
- Charged offense is stalking or cyberstalking
- Charged offense is DWI and defendant has at least 1 prior DWI conviction within the last seven years
- Defendant is impaired such that immediate release is likely to cause harm to self/others/property
- Charged offense involved Defendant's use of a firearm or deadly weapon

If no box is checked, in STEP 3, go to STEP 3.5

If any box is checked in STEP 3, go to STEP 4

STEP 3.5:

- Follow bond policy recommendation and impose a
 - Written promise,
 - Custody release, or
 - Unsecured bond \$ _____ (form complete)
- Deviate from bond policy recommendation to impose a nonfinancial condition;
 - Secured bond \$ _____ if Deviate is checked, complete STEP 7 below)

From STEP 2

STEP 4: Make the statutory determination

Statute *requires* the judicial official to impose a written promise, custody release, or unsecured bond *unless* he/she determines that such release (Check any that apply and provide explanation for any checked box)

will not reasonably assure the appearance of the defendant as required

Explanation:

will pose a danger of injury to any person

Explanation:

DEF MADE COMMENT TO LAW ENFORCEMENT DURING INVESTIGATION THAT HE WAS THINKING ABOUT "ENDING IT ALL" AND HIS WIFE HAS DEMENTIA. I WAS AFRAID HE WOULD HARM HIMSELF, HER, OR BOTH.

is likely to result in destruction of evidence, subornation of perjury, or intimidation of potential witnesses

Explanation:

If no box is checked in Step 4, go to step 3.5 above. If any box is checked in Step 4, go to Step 5.

STEP 5:

Follow bond policy recommendation and impose a secured bond consistent with maximum bond tables (if this box is checked, make sure that reason is stated in STEP 4 \$500,000.00 (Form is complete)

Deviate from bond policy recommendation to impose a secured bond within maximum bond table amount and impose:

Written Promise

Custody Release

Unsecured Bond \$

Secured Bond \$ (if this box is checked, proceed to STEP 6)

STEP 6: Type of Deviation (check one)

From recommendation to impose secured bond

From maximum bond table

STEP 7: Reasons for deviating from local bond policy recommendation (check any that apply):

NC General Statute 15A-534(d3) - Bond is doubled because an offender already is released on bond for a related crime.

NC General Statute 15a-534(d2) - Probationer is charged with a new felony and is deemed to pose a danger to the public.

NC General Statute 15A-534.6 - Offender is charged with manufacturing methamphetamine or has a pattern or regular use of methamphetamine.

Other:

(Form is complete)

File No. 24CRS000028-800 See Attachment

ORDER FOR ARREST

OFA-24-53265

THE STATE OF NORTH CAROLINA VS.

Name, Address & Telephone No. Of Defendant
RUSSELL EDWARD HESTER
145 WOODS END RD

RUTHERFORDTON NC 28139

Race W Sex M Date Of Birth 02/08/1984 Age

Name And Address Of Defendant's Employer

Date Defendant Failed To Appear

Amount Of Bond \$ Type Of Bond Official's Discretion

Law Enforcement Case No.

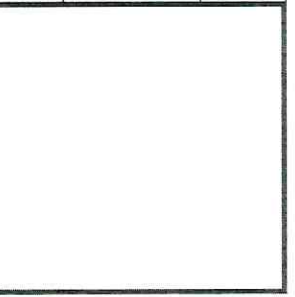
LID No.

STATE OF NORTH CAROLINA

RUTHERFORD 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/)

Notes

OFFENSE(S)

Count No.	Offense	In Violation of G.S.	Code	Count No.	Offense	In Violation of G.S.	Code
51	F - EMBEZZLEMENT >=\$100,000	14-90	2719				
52	F - EMBEZZLEMENT >=\$100,000	14-90	2719				
53	F - OBT PROP FALSE PRET >=\$100,000		2633				

TRUE BILL OF INDICTMENT ONLY

Date Of Arrest & Check Digit No. (as shown on fingerprint card)

Name Of Issuing Official

Elizabeth King, by and through Elizabeth King

Date Of Offense 01/01/2019

Date Issued 01/22/2024

Signature

Location Of Court

Court Date

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

Court Time

STATE VERSUS

RUTHERFORD

County

File No.

24CRS000028-800

Name Of Defendant

RUSSELL EDWARD HESTER

Date Of Issuance Of Order For Arrest

01/22/2024

If the Order For Arrest is not served within one hundred and eighty (180) days, it must be returned to the Clerk of Court in the county in which it was issued with the reason for the failure of service noted thereon.

RETURN OF SERVICE

I certify that the Order For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:

Date Received

1/24/24

Date Served

1/24/24

Time Served

12:17

Date Returned

1/24/24

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

The Order WAS NOT served for the following reason:

Signature Of Officer Making Return

[Handwritten Signature]

Name Of Officer (Type or print)

Freddie Eiken

Department Or Agency Of Officer

RSD

Date

REDELIVERY/REISSUANCE

Deputy CSC

Assistant CSC

Clerk Of Superior Court

I certify that the Order For Arrest issued in this case on the date noted above for the defendant named above, was received and served as follows:

Date Received

Date Served

Time Served

Date Returned

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official

The Order WAS NOT served for the following reason:

Signature Of Officer Making Return

Name Of Officer (Type or print)

Department Or Agency Of Officer

RUTHERFORD County

In The General Court Of Justice
Superior Court Division

STATE VERSUS

Name And Address Of Defendant

HESTER, RUSSELL, EDWARD
145 WOODS END RD

RUTHERFORDTON NC 28139

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	<input type="checkbox"/> AM <input type="checkbox"/> PM	Place Of Hearing
			See release order
NOTE: Attach True Bill(s) of Indictment and a copy of the Order of Arrest, if appropriate.			Date Issued
			20240123
			Signature
			<input type="checkbox"/> Deputy CSC <input 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.

NOTE TO COURT: An Order for Arrest shall **not** be issued for an indicted juvenile whose case began in juvenile court and for which the district court has not yet entered an order for transfer to superior court pursuant to G.S. 7B-2200 or G.S. 7B-2200.5(a)(1).

An Order for Arrest may be issued for a juvenile indicted and subject to adult criminal court jurisdiction:

- pursuant to G.S. 7B-1501(7)b. (indicted for Chapter 20 motor vehicle offense).
- pursuant to G.S. 7B-1604(b) (i.e., the 'once an adult, always an adult' rule), based on a prior criminal conviction as an adult for
 - (i) any felony or
 - (ii) any non-motor vehicle misdemeanor or
 - (iii) any misdemeanor or infraction involving impaired driving as defined in G.S. 20-4.01(24a).

- 3. Other: (specify)

Date	Signature	<input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court
1-23-24	[Signature]	

Original-File Copy-Defendant
(Over)

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

No. **24CR928**

RUTHERFORD County

In The General Court Of Justice
Superior Court Division

STATE VERSUS

Name And Address Of Defendant
RUSSEL EDWARD HESTER
145 WOODS END RD

INDICTMENT

RUTHERFORDTON NC 28139

This is a superseding indictment.

Race W	Sex M	Date Of Birth 02/08/1984
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Offense(s)		Date Of Offense OR Date Range Of Offense	G.S. No.	CL.
I.	EMBEZZLEMENT	01/01/2019-06/30/2023	14-90	C
II.	EMBEZZLEMENT	07/01/2023-12/31/2023	14-90	C
III.	OBTAINING PROPERTY BY FALSE PRETENSE	08/01/2023-09/30/2023	14-90	C
IV.				
V.				
VI.				
VII.				
VIII.				
IX.				
X.				

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
embezzle and fraudulently and knowingly misapply and convert to his own use, with the intent to embezzle and fraudulently and knowingly misapply and convert to his own use, take and make away with the intent to embezzle and fraudulently and knowingly misapply and convert to his own use, secrete approximately \$158,000 in U.S. Currency belonging to the Rutherfordton ABC Board. At the time the defendant was over 16 years of age and was the employee of the Rutherfordton ABC Board, and in that capacity had been entrusted to receive the property described above and in that capacity the defendant did receive and take into his care and possession that property. The value of the items described above was greater than \$100,000.

(Over)

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

embezzle and fraudulently and knowingly misapply and convert to his own use, with the intent to embezzle and fraudulently and knowingly misapply and convert to his own use, take and make away with the intent to embezzle and fraudulently and knowingly misapply and convert to his own use, secrete approximately \$184,000 in U.S. Currency belonging to the Rutherfordton ABC Board. At the time the defendant was over 16 years of age and was the employee of the Rutherfordton ABC Board, and in that capacity had been entrusted to receive the property described above and in that capacity the defendant did receive and take into his care and possession that property. The value of the items described above was greater than \$100,000.

III. 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

knowingly and designedly with the intent to cheat and defraud, obtain or attempt to obtain a loan of \$150,000 in U.S. Currency from Bitty Advance 2, LLC, by means of a false pretense which was calculated to deceive and did deceive. The false pretense consisted of the following: the Defendant represented that he was authorized to apply for and receive a loan on behalf of the Rutherfordton ABC Store when in fact, the defendant knew or should have known he was not entitled to nor authorized to apply for and receive such loan. The value of the items the Defendant received was greater than \$100,000.

IV. 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

STATE VERSUS

vs.

Name Of Defendant

RUSSEL EDWARD HESTER

V. 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

VI. 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

VII. 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

(Over)

VIII. 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

IX. 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

X. 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

Name Of Defendant

RUSSEL EDWARD HESTER

SIGNATURE OF PROSECUTOR

Signature Of Prosecutor

WITNESSES

Inv. Freddie Euten, RPD

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

1/22/24

Signature Of Grand Jury Foreperson

John M. Boyd

