

IN THE DISTRICT COURT OF THE UNITED STATES **FILED**  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA **IN COURT**  
ASHEVILLE, N.C.  
ASHEVILLE DIVISION  
MAR 7 2008  
1:07cr122  
U.S. DISTRICT COURT  
W. DIST. OF N.C.

UNITED STATES OF AMERICA, )  
 )  
Vs. ) RULE 11 INQUIRY and  
 ) ORDER OF  
 ) ACCEPTANCE OF  
RONNIE EUGENE DAVIS. ) UNWRITTEN PLEA  
 )  
 )  
\_\_\_\_\_ )

The court is advised that you have decided to change your plea of not guilty to guilty. The court is required by the Federal Rules of Criminal Procedure to inquire and advise you concerning your plea. The court must ask you some questions and you will be required to personally respond to those questions under oath. I will now ask the Clerk to administer the oath to you.

1. Have you and your attorney reviewed the bill of indictment?

YES: X NO: \_\_\_\_\_

2. Do you understand that you are now under oath and that all answers may be used against you later in a prosecution for false statement or perjury, if committed?

YES: X NO: \_\_\_\_\_

3. Are you able to hear and understand my questions?

YES: X

NO: \_\_\_\_\_

4. Do you understand that you have the right to have a United States District Judge conduct this proceeding?

YES: X

NO: \_\_\_\_\_

5. Recognizing your right to proceed before a district judge, do you expressly consent to proceed in this court, that is, before a United States Magistrate Judge?

YES: X

NO: \_\_\_\_\_

6. Please state your full name, age, and education. *Completed The 10th Grade at Ronnie Eugene Davis 60 Reynolds High School in Boncombe Center, North Carolina. Later the defendant took classes at Lee H. Edwards High School and obtained his GED.*
7. Are you presently under the influence of any intoxicating liquors? *The defendant then completed basic law enforcement center courses at Asheville - Buncombe Technical College.*

YES: \_\_\_\_\_

NO: X

Are you presently under the influence of any narcotics?

YES: \_\_\_\_\_

NO: X

Are you presently under the influence of any medicines or drugs of any kind?

YES: \_\_\_\_\_

NO: X

If so, have you taken any of these medications within the last 48 hours?

YES: X

NO: \_\_\_\_\_

If so, what medications have you taken within the last 48 hours?

- ① Protonix - taken for acid reflux      ④ Prozac - for nerves  
 ② Diabon - blood pressure      ⑤ Coltinipin - for nerves  
 ③ Zocor - cholesterol      ⑥ Tylenol - headache  
 all are taken as prescribed

8. Are you currently under the care of a physician?

YES: X NO: \_\_\_\_\_

*Dr. Ryan Robertson*  
Have you ever been treated for mental illness?

YES: \_\_\_\_\_ NO: X

Have you ever been treated for substance abuse?

YES: \_\_\_\_\_ NO: X

9. Is your mind clear and do you understand that you are here today to enter a guilty plea that may not later be withdrawn?

YES: X NO: \_\_\_\_\_

10. Do you understand that you have the right to be represented by an attorney at every stage of the proceeding and, if necessary, one will be appointed to represent you?

YES: X NO: \_\_\_\_\_

Have you reviewed the bill of indictment with your attorney?

YES: X NO: \_\_\_\_\_

11. To what are you offering to plead guilty?

The offense(s) to which you are pleading guilty, the essential elements of such offense(s), and the maximum and minimum penalties prescribed by law for these offense(s) are:

**Count One:**

1. That you did conspire with others to obtain property from another with that person's consent;
2. That the object of that conspiracy was to obtain money under color of official right;
3. That the conspiracy occurred in such a way as to interfere with or affect interstate commerce;
4. That you committed at least one of the overt acts alleged in the superseding bill of indictment; and
5. That all such acts were done knowingly, intentionally, unlawfully and illegally.

The maximum penalties are as follows: a term of imprisonment of not more than 20 years', a fine not to exceed the sum of \$250,000, or both, a term of supervised release of not more than 3 years' and a \$100 special assessment.

**Count Two:**

1. That you did conspire with others to commit mail fraud;
2. That the object of that conspiracy was to obtain money to which you were not entitled through the abuse of your position with the Buncombe County Sheriff's Office;
3. That you committed at least one of the overt acts alleged in the superseding bill of indictment; and
4. That all such acts were done knowingly, intentionally, unlawfully and illegally.

The maximum penalties are a term of imprisonment of not more than 20 years', a fine not to exceed the sum of \$250,000, or both, a term of supervised release of not more than 3 years' and a \$100 special assessment.

**Counts Three, Four, Five, Six, and Seven:**

The essential elements and maximum possible penalties for each of the six counts are:

1. That you knowingly devised, or intended to devise, a scheme or artifice to defraud, or to attempt to defraud, the Citizens of Buncombe County and the Buncombe County Sheriff's Office of their right to the honest services of the defendants, performed free from deceit, favoritism, bias, self-enrichment, self-dealing, concealment, and conflict of interest *to obtain for* certain persons ~~out of~~ money or property;
2. That such act or acts were accomplished by means of false or fraudulent pretenses, representations, or promises;
3. That you did such acts with the intent to defraud;
4. That in advancing or furthering or carrying out this scheme, you knowingly took ~~an~~ received items and matters delivered by an interstate carrier, according to the directions thereon, official North Carolina video poker registration stickers, which had been shipped from Raleigh, North Carolina, to Asheville, North Carolina;
5. That you aided and abetted one another in the commission of such offenses; and
6. That the acts were done on the dates specified in each count willfully, knowingly and with the specific intent to carry out some essential step in the scheme or artifice to defraud or attempt to defraud.

The maximum possible penalty for each separate count of the superseding bill of indictment is a term of imprisonment of not more than 20 years', a fine not to exceed the sum of \$250,000, or both, a term of supervised release of not more than 3 years' and a \$100 special assessment.

**Count Eight:**

1. That you conducted or attempted to conduct a financial transaction affecting interstate commerce involving the proceeds of some unlawful activity, to wit, mail fraud and extortion under color of law;
2. That you conducted or attempted to conduct said transaction with the knowledge that the property involved represented the proceeds of specified unlawful activity;
3. That you conducted or attempted to conduct said transaction with the further knowledge that the transaction was intended in whole or in part, to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; and
4. That you did all such acts intentionally, knowingly, wilfully, and unlawfully.

The maximum possible penalty for such offense is 20 years imprisonment, a fine of \$500,000, or twice the value of the property involved, whichever is greater, or both fine and imprisonment, and a term of supervised release of not more than 3 years' and a \$100 special assessment.

**Count Nine:**

1. That you made a statement or representation;
2. That the statement or representation was false, fictitious, or fraudulent;
3. That the statement was material;
4. That such statement or representation was made unlawfully, knowingly, and wilfully; and
5. That such statement or representation was made in a matter within the jurisdiction of a department or agency of the United States,

The maximum penalty for such offense is a \$250,000 fine, 5 years imprisonment, or both, and a term of supervised release of not more than 1 year and a \$100 special assessment.

**Count Ten:**

1. That you did conspire with others to obstruct the enforcement of the criminal laws of the State of North Carolina, to wit, N.C.Gen.Stat. § 14-301;
2. That you did so with the intent to facilitate an illegal gambling business;
3. That at all times during the course of the conspiracy, defendant Medford was the elected sheriff of Buncombe County, and as such, an official of the State of North Carolina;
4. That at all times another co-conspirator, JP, conducted, managed, supervised, and directed all or part of an illegal gambling business in violation of North Carolina law;
5. That at all times during the course of the conspiracy such illegal gambling business involved 5 or more persons who conducted, financed, managed, supervised, directed and owned all or part of said business and said business remained in substantially continuous operation for a period of in excess of 30 days;
6. That such conspiracy remained in substantially continuous operation for a period of in excess of 30 days and had gross revenues of \$2,000.00 or more in a single day;
7. That you committed at least one of the overt acts alleged in the superseding bill of indictment; and
8. That all such acts were done knowingly, intentionally, unlawfully and illegally.

The maximum penalties are as follows: a term of imprisonment of not more than 5 years, a fine not to exceed the sum of \$250,000, or both, a term of supervised release of not more than 1 year and a \$100 special assessment.

**Count Eleven:**

1. That you did conspire with others to conduct, finance, manage, supervise and direct an illegal gambling business involving the operation of video poker machines;
2. That said illegal gambling business involved the operation of video poker machines in violation of the laws of the State of North Carolina;
3. That said illegal gambling business involved five or more persons who conducted, financed, managed, supervised, directed or owned all or a part thereof;
4. That said gambling business remained in substantially continuous operation for a period in excess of thirty days or had a gross revenue in excess of \$2,000 in any single day; and
5. That all such acts were done knowingly, intentionally, unlawfully and illegally.

A term of imprisonment of not more than 5 years, a fine not to exceed the sum of \$250,000.00, or both, a term of supervised release of not more than 1 years and a \$100 special assessment.

(12) Do you fully understand the charges including the maximum and minimum penalties? yes NO

12. a) Do you understand each element of the offense charged?

YES: X

NO:     

- b) Do you understand that upon a plea of not guilty the government would be required to prove each element of the offense charged beyond a reasonable doubt?



YES: X

NO: \_\_\_\_\_

- c) Do you understand that the government would be required to prove that the unlawful act(s) were committed knowingly, wilfully, intentionally, and unlawfully?

YES: X

NO: \_\_\_\_\_

13. If the court imposes an active term of imprisonment of more than one year, the court is required also to order a term of "supervised release," and a term of supervised release may be ordered in other circumstances. This means that after a defendant is released from prison, there are certain terms and conditions they will be required to follow. The length of supervised release usually ranges from one to five years, but may be more or less than that for certain offenses. Do you understand the terms "supervised release" as the court has explained <sup>it</sup> to you?

YES: X

NO: \_\_\_\_\_

14. Do you understand that if you violate the terms and conditions of supervised release, you could be returned to prison for an additional period of time?

YES: X

NO: \_\_\_\_\_

15. Do you understand that parole has been abolished in the federal system; and if you are sentenced to a term of imprisonment, you will not be released on parole?

YES: X

NO: \_\_\_\_\_

16. This court has the discretion, in appropriate circumstances, to order you to make restitution to any victim of the offense. This court may also, in the appropriate circumstance, require you to pay the costs of your confinement in prison or supervision and special investigative costs. The court may also require you to forfeit property involved in the offense. Do you understand these requirements as I have explained them to you?

YES:   X   NO:       

17. Do you understand that by entering a plea of guilty, you forfeit and waive your right to plead not guilty, to a trial by jury, and at that trial the right to assistance of counsel, the right to confront and cross-examine witnesses against you, and the right against compelled self-incrimination or any other rights associated with a jury trial?

YES:   X   NO:       

18. Do you understand by entering this plea of guilty you are waiving (or giving up) all of these rights; there will be no trial; and that if your plea of guilty is accepted, there will be one more hearing where the district court will determine ~~whether there is a factual basis for your plea and~~ what sentence to impose?

YES:   X   NO:       

19. Are you entering this plea of guilty because you are in fact guilty of the crime charged, that you committed the act(s) charged in the bill of indictment?

YES:   X   NO:       

[If answer is NO, see attached written addendum signed by defendant and counsel.]

20. Is your plea of guilty [~~not a contender/Alford~~] voluntary and not the result of coercion, threats or promises in any way?

YES:   X   NO:       

21. Are you entirely satisfied with the services of your attorney?

YES:   X   NO:       

[If answer is NO, see attached written addendum signed by defendant and counsel.]

22. Do you understand that entering a plea of guilty to a felony charge may deprive you, at least for a time, of certain civil rights such as the right to vote, hold a public office, serve on a jury and possess a firearm?

YES:   X   NO:       

23. Is your willingness to plead guilty [~~not a contender/Alford~~] the result of prior discussions between your attorney and the attorney for the government?

YES:        NO:   X  

24. Do you understand that in the event the sentence imposed is harsher than expected, you are still bound by the guilty plea?

YES:   X   NO:       

25. Have the government and defendant entered a plea agreement of any kind or nature in this case?

YES: \_\_\_\_\_ NO: X

26. Have you had ample time to discuss with your attorney any possible defenses you may have to this charge, and have you told your attorney everything you want such attorney to know about this case?

YES: X NO: \_\_\_\_\_

27. Are you telling the court that you know and understand fully what you are doing; that you heard and understood all parts of this proceeding; and want the court to accept your plea of guilty?

YES: X NO: \_\_\_\_\_

28. Do you have questions, statements, or comments to make about anything brought up or discussed in the course of the proceeding?

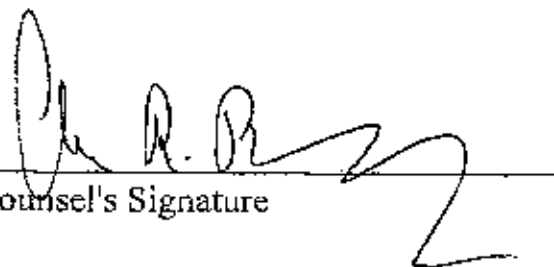
YES: \_\_\_\_\_ NO: X

If so, bring those matters to the attention of the court at this time.

On advice and in the presence of counsel, the defendant respectfully requests the Magistrate Judge to accept his or her guilty plea. By signing below, the defendant (and counsel) certify and affirm that the answers given to the questions propounded by the court, as recorded above and on the record, are true and accurate to the best of their knowledge.

Connie E. Davis  
Defendant's Signature

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Ch. R. Brown  
Counsel's Signature


  
Counsel's Signature

Based upon the representations and answers given by the defendant (and counsel) in the foregoing Rule 11 proceeding, the court finds that the defendant's plea is knowingly and voluntarily made; and that the defendant understands the charges, potential penalties, and consequences of said plea. Accordingly, the defendant's plea is hereby accepted.

**SO ORDERED**, this the 7<sup>th</sup> day of March, 2008.

  
**DENNIS L. HOWELL**  
**UNITED STATES MAGISTRATE JUDGE**

The Court, in the case of United States against Rome Eugene Davis, finds that the defendant is fully competent and capable of entering an informed plea, that his plea of guilty is a knowing and voluntary plea, that it is supported by an independent basis in fact containing each of the elements of the offenses charged in counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 charged in the superseding bill of indictment. accordingly the Court accepts his plea and adjoints that the defendant is now guilty of the offenses contained in counts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 & 11 of the superseding 13 bill of indictment.

  
United States Magistrate Judge