

Monroe A. Miller Jr.
19 Big Spruce Lane
Waynesville, NC 28786
April 2, 2015

Subject: CyberStalking Case Dismissed.

I was arrested on 1/23/2015 for Cyberstalking (§ 14-196.3), a Class 2 misdemeanor, Case File 15CR066789. A criminal court hearing was held on 3/24/2015 in Guilford County Courthouse, Judge Samet presiding. After hearing testimony, and specifically, having all e-mails read aloud leading up to the arrest, Judge Samet ruled that this was all political in nature. "People should have read the statute in it's entirety prior to making the charges", he said. Specifically, he read from the statute:

(e) This section does not apply to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

"Case Dismissed", he said.

The original **Warrant for Arrest and Disposition of the Case** is appended to the end of this document.

My experience of being arrested on Cyberstalking charges is now going to be translated into a teaching experience for the Taxpayers of Haywood County.

No one likes to get arrested. Especially if the charges were concocted and politically motivated.

The following are some important considerations, in no particular order, if this ever happens to you. By the way, throughout this experience, it is surprising the number of people that stepped forward and related their experiences of having been arrested on false charges, or charges that have been dismissed. I almost feel as though this is some kind of badge of honor to join the ranks.

- **Get a good lawyer.** In this particular instance, charges were brought in Guilford County. From a practical point of view, it made sense to hire a lawyer in Guilford County, otherwise, there is travel expenses to incur having a Haywood County lawyer travel to Guilford County. Additionally, and more important, a Guilford lawyer is likely to know all the players, i.e. Judge, ADA, etc.
- **Don't hesitate to fire a lawyer.** If you don't feel a lawyer is acting in your best interest, fire him and get a new one, which is what I wound up doing. Spend some time researching lawyers who win.
- **Provide the lawyer with ample documentation.** The lawyer is only as good as the ammunition you supply to him. Don't forget, no surprises - don't leave anything out.

- **Be prepared to fork out some money.** This process was not cheap. This kind of nonsense can set you back several thousand dollars.
- **Expunge the case.** It is my understanding that you can expunge one (1) case in your lifetime. Expunging a case means that it is taken off the books. Even though my case was dismissed, the criminal file is still there, i.e. you have a “jacket”. Expunging petitions the court to remove the file completely, i.e., I am again as clean as the driven snow.
- Go after a plaintiff that commits perjury on a **CRIMINAL COMPLAINT AND AFFIDAVIT**, and **WARRANT FOR ARREST**? It was brought to my attention that about sixty (60%) percent of the people that file Warrants for Arrest commit perjury in one form or another. North Carolina is a State that allows people to do this and get away with it. You can go after these people with a counter lawsuit, but there are so many instances, that most do not follow through. It is a matter of principle, and some lawyers steer away from cases like this. Of course, this is still a matter of consideration in this case.

Politically inspired? The Cast of Characters.

[**Editors Note:** For clarity, I will adopt what I use in Haywood County Toeprints here to highlight certain names: Legend: If any name is in **bold**, it can't be a good thing.]

For over two years, **Pat Carr** has ruled HCGOP as Chair with an iron fist, for whatever reason. In my view, she has intimidated people and abused her power as chair, which is the point where I stepped in. **Pat Carr** and all the other Executive Committee Officers were thrown out of office at the last HCGOP County Convention. HCGOP is now on a new track.

There was a concerted effort to attempt to silence me and others during this process, and then came the Warrant for Arrest by the Plaintiff. The cast of characters in this politically motivated fiasco is wide ranging, from all the way to nearly the top of the NCGOP (North Carolina GOP) feeding chain down through a husband of Haywood County District Judge.

Here we go...

- **Todd Poole.** NCGOP Executive Director. Time and again, **Pat Carr** referenced **Todd Poole** as providing her with legal advice as chair of HCGOP [re: multiple audio recordings of meetings]. The Plaintiff, indicated under sworn oath at the Criminal Court Hearing on 3/24/2015, that her boss, **Todd Poole**, told her it was not necessary to write a letter of resignation for resigning her position as Executive Committee Member of HCGOP.
- **Pat Carr**, former chair, HCGOP. Present at the 3/24/2015 to testify against me during the hearing. In retrospect, based on her performance on the stand, she should have stayed home that day.
- **Ted Carr**, Executive Committee Member, HCGOP. Also present at the 3/24/2015 criminal court hearing, sworn in, but did not testify. See: [The Complete Ted Carr Confession, leading to a Rebuke of Ted Carr by the HCGOP Executive Committee, 11/13/2014. 1/7/2015...](#), or http://haywoodtp.net/pubII/141113_001_2_1.MP3 .

- **Matthew Hebb**. The Plaintiff's significant other. Hired by NCGOP for a position evidently created for him. Testified at the No Contact hearing and sworn in at the Criminal Court hearing on 3/24/2015, but did not testify. Campaign Manager for **Hunter Murphy's** failed campaign for Judge during the last election. At this point, I certainly have to question **Hunter Murphy's** judgement in hiring this guy as a campaign manager.
- **David Sawyer**, lawyer. District Chair of NCGOP District 11. Provided the Plaintiff with legal advice for the Warrant for Arrest. [**Editors Note:** Free advice? I guess you get what you pay for.]
- **Nathan Earwood**, lawyer. Husband of a Haywood County District Court Judge, and prior Vice Precinct Chair of Haywood County precinct WS2, **Matthew Hebb's** and the Plaintiff's old precinct. Provided the Plaintiff with legal advice for the Warrant for Arrest. [**Editors Note:** Free advice? I guess you get what you pay for.]
- **Michael Lyons**, Executive at large from Macon County, a NCGOP Resolution Delegate. The Plaintiff described Michael Lyons as a friend under sworn testimony at the Criminal Court hearing. See: <http://haywoodtp.net/pubII/150117Lyons.pdf> .
- **Vicki Hyatt**, editor, the Mountaineer. Democrat leaning newspaper, and was quick to write the article indicating I was arrested, but slow (and never did write the follow-up article) that the case was dismissed. Follow-up article delegated to **Kevin Fuller**. [**Editor's Note:** I have to admit, someone picked about the best file photo of me they could for the on-line article.]
See: <http://themountaineer.villagesoup.com/p/cyberstalking-charges-dropped-for-gop-official/1325014>
- **Becky Johnson**, reporter, the Smoky Mountain News. Another Democrat leaning newspaper, wrote front page article about me getting arrested which contained numerous errors, and never posted any corrections. Sloppy follow up article, again loaded with numerous errors (i.e. "... Miller had to remove his posts about Tedesco from his website as a result ...". I did **not have to** remove anything.) See: <http://smokymountainnews.com/news/item/15477-judge-rules-harassing-emails-not-tantamount-to-cyber-stalking-in-haywood-gop-drama>.

One thing **Becky Johnson** did get correct is my new disclaimer on e-mails of a political nature, and I have the Plaintiff to thank for bringing this N.C.G.S. to my attention.

Monroe A. Miller Jr.
Haywood County Taxpayer
(Still) Allens Creek Precinct Chair.

Pursuant to Proper Etiquette and N.C.G.S. § 14-196.3, this e-mail conforms to Section (e) which applies to any peaceable, nonviolent, or nonthreatening activity intended to express political views or to provide lawful information to others. This section shall not be construed to impair any constitutionally protected activity, including speech, protest, or assembly.

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File No. 15CR 066789		Law Enforcement Case No.	LID No.	SID No.	FBI No.
WARRANT FOR ARREST		STATE OF NORTH CAROLINA			
Offense I M-CYBERSTALKING		GUILFORD County In The General Court Of Justice District Court Division			
THE STATE OF NORTH CAROLINA VS.		To any officer with authority and jurisdiction to execute a warrant for arrest for the offense(s) charged below: I, the undersigned, find that there is probable cause to believe that on or about the date of offense shown and in the county named above the defendant named above unlawfully and willfully did electronically communicate to SAVANNAH SIMONE TEDESCO repeatedly for the purpose of abusing, annoying, threatening, terrifying, harassing and embarrassing SAVANNAH SIMONE TEDESCO TO WIT: THE DEFENDANT SENT THE VICTIM NUMEROUS EMAILS STATING HOW "PREVIOUS PEOPLE WHO ATTEMPTED TO GET HIM TO STOP EMAILING THEM WERE UNABLE TO SUCCEED, LOST THEIR JOBS AND HOMES BECAUSE OF IT, AND IMPLIED HARM TO HER REPUTATION. THE DEFENDANT STATED THAT HE IS SENDING THE VICTIM'S INFORMATION TO THE FBI. THE DEFENDANT ALSO FORWARDED EMAILS TO THE VICTIM THAT HE HAD SENT TO OTHER PEOPLE." ALL EMAILS ORIGINATED FROM THE DEFENDANTS EMAIL ADDRESS..			
Name And Address Of Defendant MONROE A. MILLER 19 BIG SPRUCE LANE WAYNESVILLE NC 28786 HAYWOOD COUNTY					
Race W	Sex M	Date Of Birth [REDACTED]	Age 67		
Social Security No./Tax ID No.		Drivers License No. & State			
Name Of Defendant's Employer					
Offense Code(s) I 5337		Offense In Violation Of G.S. I 14-196.3			
Date Of Offense 01/08/2015 through 01/19/2015					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card)					
Complainant (Name, Address Or Department) SAVANNAH SIMONE TEDESCO 12 OLEANDER POINT GREENSBORO NC 27407 GUILFORD COUNTY (828) 989-1394					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)					
This act(s) was in violation of the law(s) referred to in this Warrant. This Warrant is issued upon information furnished under oath by the complainant listed. You are DIRECTED to arrest the defendant and bring the defendant before a judicial official without unnecessary delay to answer the charge(s) above.					
<input type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 01/22/2015		Signature M A WILLIAMS	
				Location Of Court Guilford County Courthouse; GB1B 201 SOUTH EUGENE ST GREENSBORO, NC 27401	
				Court Date	
				Court Time <input type="checkbox"/> AM <input type="checkbox"/> PM	
				<input checked="" type="checkbox"/> Magistrate <input type="checkbox"/> Deputy CSC <input type="checkbox"/> Assistant CSC <input type="checkbox"/> Clerk Of Superior Court	

AOC-CR-100, Rev. 5/13 (Structured Sentencing)
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(over)
ORIGINAL COPY

If this Warrant 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. The officer must state all steps taken by the department in attempting to execute the Warrant and any information obtained about the whereabouts of the defendant.

RETURN OF SERVICE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	AM	PM	Date Returned
1-22-2015	1-22-2015	2:42	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-22-2015

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official: J. Bayson

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return: [Signature] Name Of Officer (Type Or Print): John Ryan

Department Or Agency Of Officer: HCSO

REDELIVERY/REISSUANCE

Date: _____ Signature: _____ Dep. CSC Assist. CSC CSC

RETURN FOLLOWING REDELIVERY/REISSUANCE

I certify that this Warrant was received and served as follows:

Date Received	Date Served	Time Served	AM	PM	Date Returned
			<input type="checkbox"/>	<input type="checkbox"/>	

By arresting the defendant and bringing the defendant before:

Name Of Judicial Official: _____

This Warrant WAS NOT served for the following reason:

Signature Of Officer Making Return: _____ Name Of Officer (Type Or Print): _____

Department Or Agency Of Officer: _____

APPEAL ENTRIES

The defendant, in open court, gives notice of appeal to the Superior Court.

The current pretrial release order is modified as follows:

Date: _____ Signature Of District Court Judge: _____

WAIVER OF PROBABLE CAUSE HEARING

The undersigned defendant, with the consent of his/her attorney, waives the right to a probable cause hearing.

Date Waived: _____ Signature Of Defendant: _____

Signature Of Attorney: _____

District Attorney: AWW Waived Not Indigent A. Wellman Attorney For Defendant Appointed Retained

PLEA: guilty no contest guilty no contest not guilty

VERDICT: guilty guilty guilty not guilty

PRIOR CONVICTIONS: No./Level: 0 I (0) II (1-4) III (5+)

M.C.L. A1 1 2 3
M.C.L. A1 1 2 3
M.C.L. A1 1 2 3

JUDGMENT: The defendant appeared in open court and freely, voluntarily and understandingly entered the above plea, on the above verdict, it is ORDERED that the defendant: pay costs and a fine of \$ _____

be imprisoned for a term of _____ days in the custody of the sheriff, MCP, DAC.* Pretrial credit _____ days served.

Work release is recommended. is not recommended. is ordered. (use form AOC-CR-602)

The Court finds that a longer shorter period of probation, than that which is specified in G.S. 15A-1343.2(d) is necessary.

Execution of the sentence is suspended and the defendant is placed on unsupervised probation* for _____ months, subject to the following conditions: (1) commit no criminal offense in any jurisdiction. (2) possess no firearm, explosive or other deadly weapon listed in G.S. 14-269. (3) remain gainfully and suitably employed or faithfully pursue a course of study or of vocational training, that will equip the defendant for suitable employment, and abide by all rules of the institution. (4) satisfy child support and family obligations, as required by the Court. (5) pay to the Clerk the costs of court and any additional sums shown below.

Fine	Restitution**	Attorney's Fee	Community Service Fee	Other
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

**Name(s), address(es), and amount(s) for aggrieved party(ies) to receive restitution: (Note To Clerk: Record SSN or Tax ID No. of aggrieved party(ies) on AOC-CR-382. *Certification Of Identity (Victims' Restitution/Certification Of Identity (Witness Attendance).)

- 6. complete _____ hours of community service during the first _____ days of probation, as directed by the community service coordinator, and pay the fee prescribed by G.S. 143B-708 within _____ days.
- 7. not be found in or on the premises of the complainant or _____
- 8. not assault, communicate with or be in the presence of the complainant or _____
- 9. provide a DNA sample pursuant to G.S. 15A-265.4 (AOC-CR-319)

D. Other: Dismissed by Court

It is ORDERED that this: Judgment is continued upon payment of costs. case be consolidated for judgment with _____ sentence is to run at the expiration of the sentence in _____

COMMITMENT: It is ORDERED that the Clerk deliver two certified copies of this Judgment and Commitment to the sheriff and that the sheriff cause the defendant to be retained in custody to serve the sentence imposed or until the defendant shall have complied with the conditions of release pending appeal.

PROBABLE CAUSE: Probable cause is found as to all Counts except _____, and the defendant is bound over to Superior Court for action by the grand jury. No probable cause is found as to Count(s) _____ of this Warrant, and the Count(s) is dismissed.

Date: 3/24/15 Name Of District Court Judge (Type Or Print): Jan Samet Signature Of District Court Judge: [Signature]

CERTIFICATION

I certify that this Judgment is a true and complete copy of the original which is on file in this case.

Date: _____ Date Delivered To Sheriff: _____ Signature: _____ Deputy CSC Assist. CSC CSC