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Subject: Robert Gary Nicholson, 14CR54829 - 15CR26, Guilty, Holly Fletcher's boyfriend.

[**Editor's Note:** I strongly encourage every Haywood County Taxpayer to take a day off and spend the day at Traffic Court. It will be an enlightening experience.]

Holly Fletcher's Day in Court.

Holly Fletcher, niece of Haywood County Clerk of Superior Court June Ray, was supposed to have her day in court on Tuesday, 2/16/2016 [re: Case File 15CR51713].

Never happened. What happened?

Well, I decided I would spend as much time on 2/16/2016, as long as it took, to hear the case against Holly Fletcher. Turns out the prosecuting attorney was ADA (Assistant District Attorney) Jeff Jones, who was covering for another ADA, Reid Taylor, out on sick leave. Holly Fletcher's lawyer was a guy named Bill Jones, no relation to Jeff Jones. The Judge's name was Walker. Walker had been assigned this court date in advance for some period of time, and is standard procedure, and was on the court calendar. This was in District Court, as opposed to Superior Court.

[**Editors Note:** This was similar to my experience in Guildford County when I attended my own criminal court case, now expunged from my record - re: <http://haywoodtp.net/pubII/151222Expunction.pdf>].

Court starts promptly at 9:00 am when everyone who has a court appointment is supposed to be present. Then, the DA (Jeff Jones in this case) calls everyone's name (alphabetical order) to see if they are present, need a lawyer, will represent themselves, move to a different court date, etc. Holly Fletcher was #47, and Jeff Jones list reached #215. This process took until 10:54am.

An individual seen during this period, who shook my hand as I was walking in, was none other than Chuck Francis, Chair of the Haywood County School Board, accompanied by a woman and a younger male. The name Francis was never called by Jeff Jones during the early morning roll call. Chuck Francis and his School Board recently voted to close Central Elementary School [re: Gross mismanagement' prompted Central Elementary closure, <http://themountaineer.villagesoup.com/p/gross-mismanagement-prompted-central-elementary-closure/1484364>].

Break time. Resumed at 11:34 am.

For the next hour or so, the Judge listened to various individuals and their lawyers regarding the judging and disposition of their cases. Cases ranged from DWI (Driving While Impaired), not paying fines, driving while license suspended, every imaginable thing you could think of...

Guess what?

ALL CASES WERE SUSPENDED, those that were not moved to a new date!

In each case, Walker cited the penalty for each infraction, which usually included some number of days in jail at the Sheriff's Office, and each was methodically suspended. Pay the fine, no driving in the state of North Carolina, follow all Federal, State and Local laws, see the clerk, and in some cases see a Parole Officer on the way out the door, etc.

Every case. What the [Expletive Deleted]? I am thinking to myself, if I were a law enforcement officer making these traffic stops, what would be the point?

During this period, North Carolina Highway Patrol Officers started showing up and began to occupy the jury seats. First two (2), eventually up to six (6) Troopers throughout the day, plus an IMAX guy and a lab technician. Here you have up to six fully uniformed HP guys sitting around in a courtroom, waiting to testify, while otherwise they could be out doing their thing.

People who were driving with suspended licenses - no problem - Case Suspended.

People who were delinquent with paying fines - no problem - Cases Suspended (I mean, how can a person pay a fine if he is in jail and can't make money?)

If you have a DWI or anything related to a DWI, you be sure to arrange it so that you get Judge Walker.

Another break at 12:35pm, to resume at 2:20pm (actually, doors opened at 2:40pm).

This is when the court cases of individuals were heard. I thought, great, Holly Fletcher is finally up.

But no. A Hispanic commercial truck driver from Florida was called for DWI on I-40. Evidently, there are different blood alcohol levels for different classifications -

- .08 for an individual
- .04 for a commercial driver
- .01 for underage

[**Editor's Note:** Double check these numbers, as I have not looked them up to confirm, the point is that there is some sort of scale].

This commercial truck driver got off with a case suspended. Pay the fine, don't drive in North Carolina again, etc., i.e. he walked. Needless to say, his employer fired him, according to his lawyer.

Now, finally, Holly Fletcher. No.

Another guy named Nicholson was next in the queue. Big guy. Interestingly enough, he had the same lawyer as Holly Fletcher - Bill Jones, no relation to Jeff Jones. This case started at 3:30 pm. [re: 14CR54829 - 15CR26].

[**Editor's Note:** I did not take a whole lot of notes, as I thought this case would end as quickly as the commercial truck driver. It lasted until 8:30 pm. I could only stay until 7:00 pm as it was starting to snow in the upper mountain area's and I thought I might have trouble getting home.]

During this interval, there were two HP Officers and an IMAX guy (one of the people who works I-40 in the Yellow or Orange truck) as a witness.

Remember, the HP Troopers Holcombe and Jones, have years of experience. Holcombe testified (under oath) he had eighteen (18) years with the NCHP. The next 3.5 hours were the worst grilling/interrogation I have ever seen from a defense lawyer in my life. There are so many adjectives I could use to describe this piece of work, but you know all the lawyer phrases, and can fill them in.

If you have ever watched the program COPS (Fox Network), you have seen multiple times how a cop makes a traffic stop, speaks to a driver, performs sobriety tests if there is a suspicion of DWI, apprehends the suspect, places the suspect in the cop car and carts him off to booking. That is about what happened in this case. However, this guy Bill Jones started raising objection after objection. So many objections I lost mental count. He objected to everything. If Jeff Jones said "The sun is setting", Bill Jones would object to that.

One example that stands out most in my memory is the sobriety test Holcombe performed on Nicholson (the one test he did not refuse). You have all seen it on COPS, where the cop asks the suspect to stand, and either takes his finger, a pen, or a special lighted little stick, and moves it sideways back and forth in front of the suspect. The suspect keeps his head still, and follows the object with his eyes. Normally, there would be a smooth movement of both eyes until the point is reached on each side where you can't move your eyes further. If a suspect is intoxicated, movement becomes jerky. As Trooper Holcombe explained, it is like a sticky windshield wiper that jerks along as it is wiping the windshield, rather than a smooth and continuous flowing motion. Bill Jones started in on Holcombe, asking why he thought this was a valid test. Holcombe explained that is how the Highway Patrol trains officers. There is a course taught, and is periodic, every year or so, for about an hour in this technique. What is the scientific basis for this test, Bill Jones asked Holcombe? Holcombe could not explain the scientific principle, but knew that is how he was trained. Bill Jones started to read some convoluted statute, relating to his question about the scientific bases for this test, Jeff Jones countered. Bill Jones objected to the results of this test being admitted in this case, and the Judge sustained the objection.

[Editors Note: When a judge sustains something like an objection, the objection stands. If the judge overrules the objection, then the objection goes away.]

This is where I blew my circuit breaker. How can a judge sustain a time tested sobriety test based on a convoluted argument?

This judge sustained more objections Bill Jones made than I care to count. It seemed like the Judge and Bill Jones were feeding off each other.

A second example that this character (Bill Jones) objected to was the issue of the Paramedics taking blood samples. When the suspect (Nicholson) was taken to the Sheriff's Office, Holcombe went over to the Magistrate and obtained a search warrant to draw blood, a fairly standard procedure for uncooperative suspects who refuse to blow and other sobriety tests. A warrant was obtained, paramedics were called and arrived shortly. This piece of work Bill Jones started in again on Holcombe, asking him how he knew they were paramedics? Did he ask for their ID? Did he see them come in from the truck they arrived in outside? What was the second paramedics name? Etc., etc., etc... Bill Jones was relentless, I would call it to the point of badgering the witness, and this is a Highway Patrol Officer.

After I left at around 7:00pm, a medical technician testified who performed the blood analysis, Kristi Raschka, and indicated “The blood ethanol concentration is 0.16 grams of alcohol per 100 millimeters, as defined by NCGS 20-4.01 (1b)”. [Re: 14CR54829]. Thus, confirming Holcombe’s basis for the sobriety test and confirming his opinion about DWI, and Raschka would never have been able to perform the lab test unless there was a proper chain of evidence with the collected blood samples.

Judge Walker ruled Nicholson guilty at about 8:30 pm, after I left. That would have been the first time I heard the word “guilty” all day.

Bill Jones filed an Appeal.

“The defendant was found guilty by the Court, and imposed the following punishment level: Level Two.”

“As a condition of special probation, the defendant shall serve an active term of 60 days in the custody of the Sheriff of this County”. [Re: 14CR54829].

During my presences in this courtroom, various people were sitting in the public seating area. Up to about 5:30 pm, about a dozen and a half people were patiently waiting for word as to when their cases were to be scheduled. At about 5:30 pm, the Judge instructed lawyers to release these people, and for lawyers to give them further instruction.

It was brought to my attention that one of the people that came in to observe these proceedings was Lamar Daniel Wingate, a.k.a. Danny Wingate. Danny Wingate, as you all must know is the husband of the Clerk of Superior Court, June Ray.

Another individual who remained was none other than Holly Fletcher. I recognized her from her booking photo: [re: [UPDATE! Holly Fletcher Mug Shot and Booking Report. 15CR51713 - Speeding and DWI. Holly Fletcher, niece of Clerk of Court June Ray, has a son, Cody Fletcher with eight \(8\) Criminal Case Files related to DWI. June Ray has her hands full trying to clear up all of this. 2/9/2016..., http://haywoodtp.net/pubII/160210UPDATEDFletcherMugShot.pdf](http://haywoodtp.net/pubII/160210UPDATEDFletcherMugShot.pdf)]

One more individual that remained throughout the entire day was Ellen Pitt, MADD.

It was not until sometime after the verdict, that Jeff Jones, Ellen Pitt, and all of the Highway Patrol Officers present (some waiting to testify in Holly Fletchers case), that Robert Gary Nicholson was Holly Fletcher’s boyfriend. Wow.

They both have the same lawyer - Bill Jones.

They both indicate the same address in their case files - 330 Sutton Branch Road.

They both are in constant contact with Cody Fletcher, Holly Fletcher’s son.

They both have two high powered people to guide them through this whole court process - June Ray, Clerk of Superior Court and Danny Wingate (will be looking into his background shortly, but seems to have a connection with Haywood Builders Supply and the Waynesville Planning Board) . How lucky can you get?

The moral of this story is that if you are caught dead to rights with a DWI, make a bee-line to the law office of Bill Jones.

As a handy reference, I have compiled the most recent list of criminal case files for the following people:

- Holly Fletcher
- Robert Gary Nicholson
- Cody Fletcher
- Jackee Brown (not related to the first three people, other than has a grand jury indictment, Felony DWI), wife of Waynesville Mayor Gavin Brown.

Monroe Miller
Haywood County Taxpayer.

CASE	Issued	Witness	Status	Charge
Holly Fletcher				
5CR1123	2/27/05	Mackey	Disposed	
7CR4202	12/21/07	Schick	Dismissal	
11CR51250	4/17/11	Carver	Dismissal	
15CR51713	5/13/15	Hooper	Pending	
Cody Fletcher				
14CR701364	3/16/14		Dismissed	Consume Alcohol
16CR700159	1/11/16		Pending	Failure to wear Seat Belt
16CR50249	1/26/16		Pending	DWI
15CR701075	3/16/15		Pending	Unauthorized use of vehicle
15CR701074	3/16/15		Pending	Drive after consuming
15CR701703	3/16/15		Pending	Failure to wear Seat Belt
15CR323	3/16/15		Pending	DWI
13CR53481	8/25/13		Disposed	Consume Alcohol under 19
Robert Gary Nicholson				
15CRS26	3/7/16		Pending	Passenger side open container
14IFS5130	3/7/16		Convicted	Driving wrong way
14CR704202		Strader	Disposed	DWLR Impaired
14CRS54829	2/16/16	Holcombe	Pending	DWI, Refused Blood Test
14CR54705		Ramsey	Pending	DWI, Refused test, Fail Maintain Lane DL revoked
14CR1516		Ramsey	Pending	Poss/DISP/Fict/Revd DR Lic
14CR1516		Ramsey	Pending	DWLR Impaired
12CR51529			Disposed	Worthless check
Jackee Brown				
15CRS54674			Pending	Grand Jury Indictment, DWI
16CRS79			Pending	Grand Jury Indictment, Felony DWI
(Just thought I would throw this one in...)				
Becky Johnson				
04CR1674	4/7/04		Disposed	Speeding, Convicted
15IF313	10/21/15	Embler		Failure to reduce speed
15CR167	1/13/15	Howell		Expired Registration