

Printed on 08/26/2019 02:44:38 PM

File No. 19CR 052613		Law Enforcement Case No. WPD1901391	LID No.	SID No.	FBI No.
WARRANT FOR ARREST		WAYNESVILLE POLICE DEPARTMENT			
Offense I F-ABUSE DISABLE/ELDER WITH INJ		STATE OF NORTH CAROLINA		In The General Court Of Justice District Court Division	
THE STATE OF NORTH CAROLINA VS.		HAYWOOD County		OCT 18 2019	
Name And Address Of Defendant VIRGINIA BERTRAND BOYER 720 SMATHERS ST WAYNESVILLE NC 28786 HAYWOOD COUNTY		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, willfully and feloniously did knowingly and with malice aforethought, as a caretaker of a disabled adult and elder adult, RICHARD LEWIS BOYER, who was residing in a domestic setting, fail to provide medical care to that adult. and confine and restrain that adult in a place and under a condition that was cruel and unsafe. As a result of the defendant's failure to act, the adult suffered physical injury.			
Race W	Sex F	Date Of Birth 12/07/1970	Age		
Social Security No./Tax ID No. 238-51-2947		Drivers License No. & State 7671046 NC			
Name Of Defendant's Employer					
Offense Code(s) I 1381		Offense In Violation Of G.S. I 14-32.3(A)			
Date Of Offense 08/12/2019 through 08/12/2019					
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 9/26/19 3275Q56					
Complainant (Name, Address Or Department) P T TRANTHAM WAYNESVILLE POLICE DEPARTMENT 9 SOUTH MAIN ST WAYNESVILLE NC 28786 HAYWOOD COUNTY (828) 456-5363					
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)					
Signature R. S. TAYLOR		Location Of Court Haywood County Courthouse; 0001 285 N MAIN ST SUITE 1500 WAYNESVILLE, NC 28786		Court Date 9/10/19 Court Time 8:30 AM	
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan	Date Issued 08/26/2019	<input checked="" type="checkbox"/> Magistrate	<input type="checkbox"/> Deputy CSC	<input checked="" type="checkbox"/> AM	
		<input type="checkbox"/> Assistant CSC	<input type="checkbox"/> Clerk Of Superior Court	<input type="checkbox"/> PM	

(over)

ORIGINAL COPY

VRA Case

STATE OF NORTH CAROLINA	File No. 19CR 052613	
HAYWOOD County	In The General Court Of Justice <input checked="" type="checkbox"/> District <input type="checkbox"/> Superior Court Division	
STATE VERSUS	CONDITIONS OF RELEASE AND RELEASE ORDER	
Name And Address Of Defendant VIRGINIA BERTRAND BOYER 720 SMATHERS ST WAYNESVILLE NC 28786		# 19RO1038507 G.S. Chapter 15A, Art. 25, 26 Amount Of Bond \$ 5,000.00

Offenses And Additional File Numbers
19CR52613 WFA; F-ABUSE DISABLE/ELDER WITH INJ

See Attachment

Location Of Court Haywood County Courthouse; 0001	<input checked="" type="checkbox"/> District <input type="checkbox"/> Superior	Date 09/10/2019	Time 08:30 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
--	--	--------------------	--

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
HAVE NO CONTACT WITH RICHARD LEWIS BOYER

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 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-270. Other: _____

Additional Information

Date 08/26/2019	Signature Of Judicial Official R. S. TAYLOR	<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"/> District Court Judge <input type="checkbox"/> Superior Court Judge
--------------------	--	---

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-534.1 (domestic violence) or 15A-534.7 (threat of mass violence)] 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 (enter date and time 48 hours after time of arrest) _____
 AM PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility HAYWOOD COUNTY DETENTION CENT	Date 08/26/2019	Signature Of Judicial Official R. S. TAYLOR
---	--------------------	--

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.

Date	Signature Of Defendant	Signature Of Person Agreeing To Supervise Defendant
Name Of Person Agreeing To Supervise Defendant (type or print)		Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL

Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Signature Of Jailer
------	---	---------------------

STATE OF NORTH CAROLINA

File No.

19CR 052613

HAYWOOD County

In The General Court Of Justice

District Superior Court Division

Name And Mailing Address Of Defendant
VIRGINIA BERTRAND BOYER
720 SMATHERS ST

APPEARANCE BOND
FOR
PRETRIAL RELEASE

WAYNESVILLE NC 28786

Telephone No. Of Defendant

Total Bond Required
\$ \$5,000.00

Amount Of This Bond
\$ \$5,000.00

19AB1038529

G.S. 15A-531, 15A-534, 15A-544.2

Offenses And Additional File Numbers

19CR52613 F-ABUSE DISABLE/ELDER WITH INJ

See Attachment

Unsecured Appearance Bond - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.

Cash Appearance Bond By Defendant (See note on reverse side.) - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations.

Defendant's Property Appearance Bond - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side, and as security for said Bond have executed a mortgage or deed of trust to real or personal property, payable to the State of North Carolina and with power of sale conditioned upon the breach of any condition of this Bond.

Surety Appearance Bond - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side. Any undersigned professional bondsman, bail agent, or runner attests that the AFFIDAVIT on the reverse side is complete and true. If a cash deposit is indicated below, surety(ies) has deposited the cash to secure the obligation as surety(ies) on this bond with the understanding that the deposit will be returned to the surety(ies) upon termination of that obligation as provided by law, and that it will NOT be available to satisfy defendant's obligations. (For cash bond, see note on reverse side.)

Date Of Execution Of Bond

08/26/2019

Signature Of Defendant

ACCOMMODATION BONDSMAN

See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.

Name And Address Of Accommodation Bondsman

Name And Address Of Accommodation Bondsman

Telephone No.

Telephone No.

PROFESSIONAL BONDSMAN

Name Of Bondsman

Name Of Runner, If Applicable

License No. Of Bondsman

Telephone No.

License No. Of Runner

Telephone No.

INSURANCE COMPANY

Name Of Insurance Company

Name Of Bail Agent

Power Of Appointment No. Of Bail Agent

License No. Of Bail Agent

Telephone No.

SIGNATURE

Signature Of Surety

Signature Of Surety

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date
08/26/2019

Signature
R. S. TAYLOR

Date

Signature

Magistrate Deputy CSC Assistant CSC Clerk Of Superior Court
 Custodian Of Detention Facility [G.S. 15A-537(c)]

Magistrate Deputy CSC Assistant CSC Clerk Of Superior Court
 Custodian Of Detention Facility [G.S. 15A-537(c)]

COMPLETE IF CASH DEPOSITED

Signature Of Official Accepting Cash

Name Of Official Accepting Cash (type or print)

Receipt No.

NOTE: If cash deposited, see note on reverse side.

ORIGINAL COPY

VRA Case

HAYWOOD County

19CR 52013
In The General Court Of Justice
 District Superior Court Division

STATE VERSUS

Name Of Defendant

Virginia Boyer

WAIVER OF COUNSEL

G.S. 7A-457; 15A-1242

Additional File No.(s) And/Or Offense(s)

Abuse Disable/Elder w/ Inj.

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned party in this action, I freely and voluntarily declare that I have been fully informed of the charges against me, the nature of and the statutory punishment for each such charge, and the nature of the proceedings against me; that I have been advised of my right to have counsel assigned to assist me and my right to have the assistance of counsel in defending against these charges or in handling these proceedings, and that I fully understand and appreciate the consequences of my decision to waive the right to assigned counsel and the right to assistance of counsel.

I freely, voluntarily and knowingly declare that:

(check only one)

- 1. I waive my right to assigned counsel and that I, hereby, expressly waive that right.
- 2. I waive my right to all assistance of counsel which includes my right to assigned counsel and my right to the assistance of counsel. In all respects, I desire to appear in my own behalf, which I understand I have the right to do.

SWORN AND SUBSCRIBED TO BEFORE ME

Date

9/10/19

By

Signature

Signature Of Defendant

Alidia Brathen Francis Virginia Boyer

- Judge
- Clerk Of Superior Court
- Asst. CSC
- Deputy CSC
- Magistrate

CERTIFICATE OF JUDICIAL OFFICIAL

I certify that the above named defendant has been fully informed of the charges against him/her, the nature of and the statutory punishment for each charge, and the nature of the proceeding against the defendant and his/her right to have counsel assigned by the court and his/her right to have the assistance of counsel to represent him/her in this action; that the defendant comprehends the nature of the charges and proceedings and the range of punishments; that he/she understands and appreciates the consequences of his/her decision and that the defendant has voluntarily, knowingly and intelligently elected in open court to be tried in this action:

(check only one)

- 1. without the assignment of counsel.
- 2. without the assistance of counsel, which includes the right to assigned counsel and the right to assistance of counsel.

NOTE: For a waiver of assigned counsel only, both blocks numbered "1" must be checked. For a waiver of all assistance of counsel, both blocks numbered "2" must be checked.

Date

9/10/19

Signature Of Judicial Official

Name Of Judicial Official (Type Or Print)

Donna Forga
Hon. Donna Forga

NOTE: A magistrate may accept waivers of counsel if designated to do so by the Chief District Court Judge. See G.S. 7A-146(11) and G.S. 7A-292(15).

HAYWOOD County

File No.

In The General Court Of Justice
District Court Division

STATE VERSUS

Name Of Defendant

DEFENDANT'S PLEA OF GUILTY OR
NO CONTEST IN DISTRICT COURT

Plea (GU=GUILTY NC=No Contest GA=Alford plea)	Offense(s)	G.S. No.	Class	Maximum Punishment

TOTAL MAXIMUM PUNISHMENT

MANDATORY MINIMUM FINES & SENTENCES (If any)

Terms Of Plea Agreement (If Any)

DEFENDANT'S STATEMENT WITH PLEA OF (GUILTY) (NO CONTEST)

I plead guilty (pursuant to Alford) no contest to the charge(s) listed above. I understand that by entering this plea I am giving up the following constitutional rights, among others: (1) the right to plead not guilty and to be tried in district court by a judge, and to confront and to cross-examine the witnesses against me; and (2) the right to remain silent and not be compelled to incriminate myself. I understand that I have the right to appeal to superior court and to be tried by a jury.

I am not now under the influence of any impairing substance. I understand the nature and elements of the charge(s) against me. I understand the maximum sentence(s) for the charge(s) against me and the minimum sentence(s), if applicable. I understand if I am not a citizen of the United States of America, my plea(s) of guilty or no contest may result in my deportation from this country, my exclusion from admission to this country, or the denial of my naturalization under federal law. Other than any plea agreement between the State and me, no one has made any promises or threats against me in any way to cause me to enter this plea. I enter this plea of my own free will, fully understanding what I am doing.

Date

Signature Of Defendant

Witnessed By (if not represented)

CERTIFICATION BY LAWYER (If Any) FOR DEFENDANT

I certify that I have explained to the defendant and the defendant has acknowledged to me that the defendant understands the constitutional rights that the defendant waives by entering the plea shown above, the nature and elements of the charge(s) shown above, and the maximum sentence(s) and any mandatory minimum sentence(s) that may be imposed for the charge(s) shown above. I certify that the defendant signed this document in my presence and has acknowledged to me that: (1) the defendant is not now under the influence of any impairing substance; (2) other than any plea agreement between the State and the defendant, the defendant has not been made any promise or threatened to enter this plea against the defendant's wishes; and (3) the defendant enters this plea of the defendant's own free will, fully understanding what the defendant is doing.

Date

Signature Of Lawyer For Defendant

PLEA ADJUDICATION

Upon consideration of the statement of the defendant set out in this form, the certification set out in this form by the attorney (if any) for the defendant, evidence presented in court, and statements by the District Attorney, defendant, and the defendant's attorney (if any) in open court, the undersigned finds that there is a factual basis for the entry of the plea and that the plea is the informed choice of the defendant and is made freely, voluntarily, and understandingly. The defendant's plea is accepted by the Court and is ordered recorded.

Date

Name Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge

9/10/19 Hon. Donna Forga

File No. **19 CR 52613**

STATE OF NORTH CAROLINA

HAYWOOD County

In The General Court Of Justice
District/Superior Court Division

SEARCH WARRANT

IN THE MATTER OF

720 Smathers Street, Waynesville N.C.

Date Issued 08/16/2019 Time Issued 9:50 AM PM

Name Of Applicant
Lt. Tyler Trantham, Waynesville Police Department

Name Of Additional Affiant

Name Of Additional Affiant

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received 8/16/19 Time Received 9:50 AM PM

Date Executed 8/16/19 Time Executed 10:27 AM PM

I made a search of 720 SMATHERS STREET

WAYNESVILLE N.C. 28786

as commanded.

I seized the items listed on the attached inventory.

I did not seize any items.

This Warrant WAS NOT executed within forty-eight (48) hours of the date of issuance and I hereby return it not executed.

Name Of Officer Making Return (Type Or Print)

TYLER TRANTHAM

Signature Of Officer Making Return

[Signature]

Department Or Agency Of Officer
Waynesville Police Department

Incident Number
WPD1901391

Date 8/26/19 Time 1:59 AM PM

Name Of Clerk (Type Or Print)
Sarah Davis

Signature Of Clerk
[Signature]

Dep CSC
 Asst CSC
 CSC

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath or affirmation by the person(s) shown.

HAYWOOD CO., N.C.
CLERK OF SUPERIOR COURT
JIM HIGGS, JR.
26 F. 100
50

Date 8/16/19 Name (Type Or Print) R S TAYLOR Signature *[Signature]*

Deputy CSC Assistant CSC CSC Magistrate District Ct. Judge Superior Ct. Judge

This Search Warrant was delivered to me on the date and at the time shown below when the Office of the Clerk of Superior Court is closed for the transaction of business. By signing below, I certify that I will deliver this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next business day.

Date _____ Time AM PM Name Of Magistrate (Type Or Print) _____ Signature Of Magistrate _____

This Search Warrant was returned to the undersigned clerk on the date and time shown below.

In the matter of: 720 Smathers Street, Waynesville N.C.

ATTACHMENT A

Property to be seized:

1. Pictures of the interior conditions of the home including where Richard Boyer was found.
2. Documents/Writings indicating ownership and/or occupancy, dominion, and control of the premises to be searched.
3. Documents/Writings indicating others that may be occupying and or has control of the premises.
4. Evidence related to medical care and hygienic conditions inside the home.
5. Any writings, logs, or journals documenting the care, conditions, and or history of care for Richard Boyer.

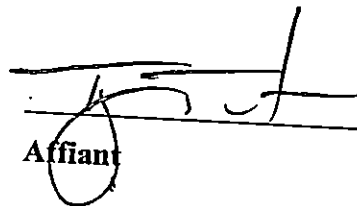
SUBSCRIBED AND SWORN TO BEFORE ME:



Magistrate

8/16/19

Date



Affiant

8/16/19

Date

In the matter of: 720 Smathers Street, Waynesville N.C.

ATTACHMENT B

Premises to Be Searched:

Leaving the Waynesville Police Department turn right onto Pigeon Street. Then travel east to Main St. At the red light take a left and travel approximately 100 yards taking a right onto Academy Street. Travel down Academy Street and at the intersection of Haywood Street take a left. Then travel approximately 100 yards and take a right on Boyd Ave. Then travel west on Boyd Ave for .9 of a mile to the intersection of Smathers Street. There take a right and travel approximately 20 feet taking the first gravel driveway to your left. This gravel driveway leads you past a large house to your left and circles around to the back portion of the property. There you find 720 Smathers Street. Below is a picture of the premises to be searched:



SUBSCRIBED AND SWORN TO BEFORE ME:

[Signature]
Magistrate

8/16/19
Date

[Signature]
Affiant

8/16/19
Date

In the matter of: 720 Smathers Street, Waynesville N.C.

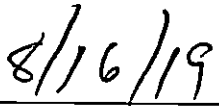
PROBABLE CAUSE AFFIDAVIT
THE APPLICANT SWEARS TO THE FOLLOWING FACTS TO ESTABLISH
PROBABLE CAUSE FOR THE ISSUANCE OF A SEARCH WARRANT:

1. I, Tyler Trantham, being a duly-sworn law enforcement officer with the Waynesville Police Department, do hereby make the following statement to establish probable cause. I have been in Law Enforcement for 15 years and 8 months. I am currently a Lieutenant assigned to the Criminal Investigations Division at the Waynesville Police Department. I have a Bachelor's Degree in Criminal Justice from Western Carolina University where I majored in Criminal Justice, with a minor in Political Science. I have completed over 500 hours of in-service investigative training in Criminal Investigations which includes the completion the Criminal Investigation Certificate Program at the North Carolina Justice Academy. That training included the following programs: Police Law Institute; Interview and Interrogations; Investigator Ethics; Death Investigations; and, numerous other investigative-based courses. I have also completed Narcotic Investigation courses including DEA Basic Narcotics Investigators School, the North Carolina S.B.I. Basic Narcotics Investigators School, and Undercover Drug Enforcement Techniques taught at the Institute of Police Technology and Management. In addition, I have been awarded my Advanced Law Enforcement Certificate. In the past 15 years I have investigated a broad range of felony crimes which have been successfully prosecuted in both State and Federal Court.
2. On August 12th, 2019 at approximately 7:45 p.m. the Waynesville Police Department was dispatched to an animal complaint in the area of 720 Smathers Street. Upon responding to that call for service the Officers went to the home at 720 Smathers Street in an attempt to make contact with the property owner.

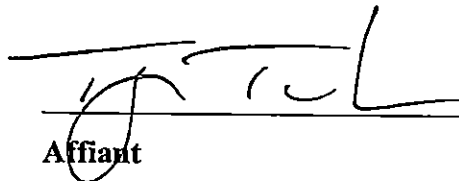
SUBSCRIBED AND SWORN TO BEFORE ME:



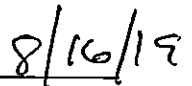
Magistrate



Date



Affiant



Date

In the matter of: 720 Smathers Street, Waynesville N.C.

3. Upon doing so, Officer Banks with the Waynesville Police Department observed an elderly male subject through a small basement window. According to Officer Banks the subject was lying in a recliner and appeared to be in distress. It was at this time that EMS was called to the scene and entry was made into the residence to provide assistance to the subject.
4. The elderly subject was identified as Richard Boyer. The Waynesville Police Department is familiar with Mr. Boyer due to past calls for service at this residence. EMS was also familiar with Mr. Boyer and his condition. Mr. Boyer has been suffering from dementia for several years. In the past EMS has responded to this location in reference to Mr. Boyer needing medical attention.
5. It should be noted that at this time Mr. Boyer was the only subject in the home and the conditions of the basement was described as hot and muggy. There was a single window that was left cracked but very little air was circulating in the room. It should also be noted that Mr. Boyer can not care for himself and is not able to walk without assistance. Due to this, it is fair to conclude that someone had to have placed or carried Mr. Boyer to the basement of this home and placed him in the recliner.
6. Upon arrival of EMS, Mr. Boyer was transported to Haywood Regional Medical Center for further treatment. It was later found that Mr. Boyer was severely dehydrated. Because of this he was admitted to the hospital. He remains there as of the writing of this document.

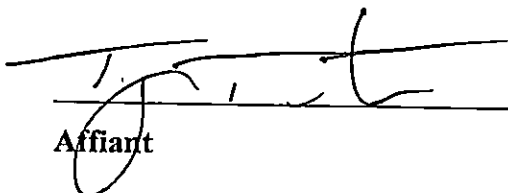
SUBSCRIBED AND SWORN TO BEFORE ME:



Magistrate

8/16/19

Date



Affiant

8/16/19

Date

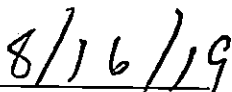
In the matter of: 720 Smathers Street, Waynesville N.C.

7. At 9:52 p.m. Fred Baker, Ginny Boyer's boyfriend called the Waynesville Police Department asking about the whereabouts of Mr. Boyer. He wanted to know where he was at so that they "could put him back where he belongs." During this phone call Ginny Boyer got on the phone and spoke with Officer Banks. Mr. Banks asked Ginny Boyer who was responsible for Mr. Boyer's care and she stated that she was. Officer Banks then asked Ginny Boyer why Mr. Boyer was left in the basement while it was hot and humid. Ginny Boyer told Officer Banks that she did not like his line of questions and that she was going to contact an attorney.
8. Upon finding Mr. Boyer in this condition DSS was contacted and notified of the circumstances and condition in which Mr. Boyer was found. While speaking with DSS the worker asked if Mr. Boyer was capable of taking care of himself. Officer Banks referred this question to the ER Doctor, Dr. Torres who at that time stated "No". The question was then asked if Mr. Boyer was able to feed himself or drink on his own. Again, Dr. Torres stated "No".
9. At 11:24 p.m. Ginny Boyer called the Police Department wanting to know which DSS worker had been contacted about Mr. Boyer. She was advised at this time. It should be noted that at this time Ginny Boyer had not been to see Mr. Boyer at the ER. She had sent her children there to see him. Officer Banks encountered these individuals at the Hospital at which time they told him that their mother told them not to talk to the police.
10. On 8/13/2019 I was contacted by Shannon Bradshaw, the DSS Worker assigned to this case. At this time, she was attempting to get in touch with Ginny Boyer but had not been successful. Bradshaw advised that she was going to the hospital to see Mr. Boyer and check on his condition. Upon doing so, she obtained additional information. This included that Mr. Boyer was admitted due to dehydration. In addition, Mr. Boyer had seen his primary care Doctor on 7/12/2019. At that time, he weighed 126 lbs. Upon his visit to the ER on 8/12/2019 Mr. Boyer weighed 100 lbs. It was later found that from 7/12/2019 – 8/10/2019 that Mr. Boyer had been staying at the Hermitage, an assisted living and memory care facility.

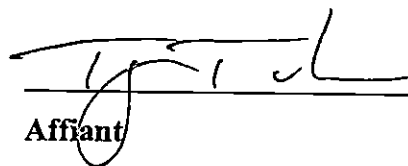
SUBSCRIBED AND SWORN TO BEFORE ME:



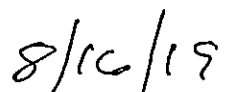
Magistrate



Date



Affiant



Date

In the matter of: 720 Smathers Street, Waynesville N.C.

11. It is unclear at this time why Mr. Boyer was at the Hermitage and why he left that facility and came home. It should be noted that Shannon Bradshaw advised me at this time that while speaking to Mr. Boyer's primary care doctor, Dr. ~~STEVEN~~ She stated that other than Mr. Boyer suffering from Dementia he had no other medical problems.
12. Bradshaw also informed me that she had received Mr. Boyer's toxicology report. At the time he was admitted Mr. Boyer had alcohol in his system. It is unclear at this time how this is possible or who may have provided him with alcohol.
13. On 8/14/2019 at 1:00 p.m. myself, Det. Shell, and Bradshaw went to HRMC to speak with Ginny Boyer who was reportedly at the hospital to see Mr. Boyer. Upon arriving there Bradshaw received a call from the nurse stating that Ginny Boyer was leaving. At this time, we waited at the exit of the hospital to speak with her. After several minutes she did not exit. At this time, I waited at the exit while Det. Shell and Bradshaw went up to Mr. Boyer's floor. A short time later I saw Ginny Boyer walking near the east side of the hospital toward the parking lot. She then got into a small white car. At this time, I attempted to get to her before she left but was not successful. I was however able to get the tag number of the vehicle that she was driving. The vehicle she was in came back to Fred Baker. It was clear that Boyer was avoiding contact with us at this time. We then left the hospital and checked Baker's residence as well as the residence on Smathers Street in attempt to find Ginny Boyer. She was not located. Shannon Bradshaw then called Boyer, but she did not answer.
14. On 8/14/2019 at Shannon Bradshaw notified me that Ginny Boyer had called her back. However, she refused to meet with DSS, she refused to answer any questions, and she refused to tell DSS if she had a plan for Mr. Boyer's care. At this time, I was advised that DSS would be doing a protective order for taking custody of Mr. Boyer.
15. On 8/15/2019 I spoke with Shannon Bradshaw again. At this time, she advised that she had made contact with Ginny Boyer. Bradshaw again asked for Ginny Boyer to answer questions and provide information in regard to Mr. Boyer's condition. Bradshaw stated that her response was the same and that she showed no emotion.

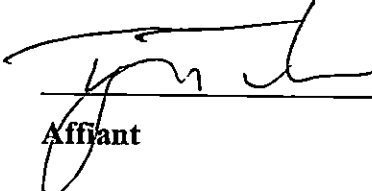
SUBSCRIBED AND SWORN TO BEFORE ME:



Magistrate

8/16/19

Date



Affiant

8/16/19

Date

In the matter of: 720 Smathers Street, Waynesville N.C.

16. On 8/15/2019 at 5:31 p.m. I spoke with Bradshaw. At this time, she advised me that the Judge had signed the protective order and that DSS had taken custody of Mr. Boyer. Based upon the facts of this case at this time DSS had established neglect.
17. Therefore, the affiant respectfully requests of the Court that a search warrant be issued allowing the affiant and other detectives involved in the investigation access to the information detailed in the property to be seized section of this affidavit to further investigate the neglect and or abuse of Richard Boyer.

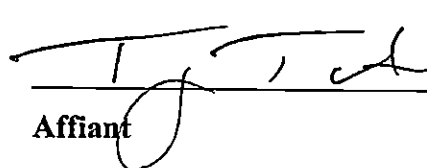
SUBSCRIBED AND SWORN TO BEFORE ME:



Magistrate

8/16/19

Date



Affiant

8/16/19

Date

STATE OF NORTH CAROLINA

File No.

Haywood County

In The General Court Of Justice
District Superior Court Division

IN THE MATTER OF: CHED

Name

720 Smathers Street, Waynesville N.C.

2019 AUG 26 P 59

INVENTORY OF ITEMS SEIZED PURSUANT TO SEARCH

G.S. 15A-223, -254, -257

I, the undersigned officer, executed a search of: HAYWOOD CO., C.S.C.

Person, Premises Or Vehicle Searched

720 Smathers Street, Waynesville N.C.

BY SD

Date Of Search

08/16/2019

This search was made pursuant to

- 1. a search warrant issued by: Magistrate Reid Taylor
2. consent to search given by:
3. other legal justification for the search:

The following items were seized:

- 1 - Paper Calendars - January 2019 - July 2019
2 - Plastic container containing green leafy substance - Marijuana
3 - Wooden Smoking Pipe

*In addition to the items seized. Numerous photographs of inside and outside of the residence were taken.

Original - File

Copy - For Search by Warrant of a Person, to Person from Whom Items Taken

Copy - For Search by Warrant of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

Copies - For Search by Consent, to Person Giving Consent and Owner of Vehicle/Premises Searched, if Known

Printed on 08/26/2019 02:44:04 PM

File No. 19CR 052614		Law Enforcement Case No. WPD1901391	LID No.	SID No.
WARRANT FOR ARREST		WAYNESVILLE POLICE DEPARTMENT		
Offense I F-FELONY AID AND ABET		STATE OF NORTH CAROLINA		
THE STATE OF NORTH CAROLINA VS.		In The General Court Of Justice District Court Division OCT 18 2019		
Name And Address Of Defendant FREDERICK LEE BAKER 720 SMATHERS STREET WAYNESVILLE NC 28786 HAYWOOD COUNTY		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, willfully and feloniously did AID AND ABET VIRGINIA BERTRAND BOYER IN UNLAWFULLY, WILLFULLY, AND FELONIOUSLY DID KNOWINGLY AND WITH MALICE AFORETHOUGHT, AS A CARETAKER OF A DISABLED ADULT AND ELDER ADULT, RICHARD LEWIS BOYER, WHO WAS RESIDING IN A DOMESTICE SETTING, FAIL TO PROVIDE MEDICAL CARE TO THAT ADULT AND CONFINE AND RESTRAIN THAT ADULT IN A PLACE AND UNDER A CONDITION THAT WAS CRUEL AND UNSAFE. AS A RESULT OF THE DEFENDANT'S FAILURE TO ACT, THE ADULT SUFFERED PHYSICAL INJURY.		
Race W	Sex M	Date Of Birth 07/11/1951	Age	
Social Security No./Tax ID No. 245-86-2497		Drivers License No. & State 7782484 NC		
Name Of Defendant's Employer				
Offense Code(s) I 9914		Offense In Violation Of G.S. I COMMON LAW		
Date Of Offense 08/12/2019				
Date Of Arrest & Check Digit No. (As Shown On Fingerprint Card) 8/26/19 3276 QSC				
Complainant (Name, Address Or Department) P T TRANTHAM WAYNESVILLE POLICE DEPARTMENT 9 SOUTH MAIN ST WAYNESVILLE NC 28786 HAYWOOD COUNTY (828) 456-5363				
Names & Addresses Of Witnesses (Including Counties & Telephone Nos.)				
Signature R. S. TAYLOR		Location Of Court Haywood County Courthouse; 0001 285 N MAIN ST SUITE 1500 WAYNESVILLE, NC 28786		Court Date 9/10/19
<input checked="" type="checkbox"/> Misdemeanor Offense Which Requires Fingerprinting Per Fingerprint Plan		Date Issued 08/26/2019		Court Time 8:30
<input checked="" type="checkbox"/> Magistrate		<input type="checkbox"/> Deputy CSC		<input checked="" type="checkbox"/> AM
<input type="checkbox"/> Assistant CSC		<input type="checkbox"/> Clerk Of Superior Court		<input type="checkbox"/> PM

(over)
ORIGINAL COPY

STATE OF NORTH CAROLINA

HAYWOOD County

File No. 19CR 052614

In The General Court Of Justice
[X] District [] Superior Court Division

Name And Mailing Address Of Defendant
FREDERICK LEE BAKER
720 SMATHERS STREET

WAYNESVILLE NC 28786
Telephone No. Of Defendant

APPEARANCE BOND FOR PRETRIAL RELEASE

19AB1038524

G.S. 15A-531, 15A-534, 15A-544.2

Total Bond Required \$ 5,000.00
Amount Of This Bond \$ 5,000.00

Offenses And Additional File Numbers
19CR52614 F-FELONY AID AND ABET

[] See Attachment

[X] Unsecured Appearance Bond - I, the undersigned defendant, acknowledge that my personal representatives and I are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side.
[] Cash Appearance Bond By Defendant (See note on reverse side.) - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, and hereby deposit the cash identified below as security with the understanding that the deposit will be returned upon the Court's determination that the conditions of release have been performed, subject to the conditions of this Bond stated on the reverse side, and that it will be available to satisfy my obligations.
[] Defendant's Property Appearance Bond - I, the undersigned defendant, acknowledge that I am bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side, and as security for said Bond have executed a mortgage or deed of trust to real or personal property, payable to the State of North Carolina and with power of sale conditioned upon the breach of any condition of this Bond.
[] Surety Appearance Bond - We, the undersigned, jointly and severally acknowledge that we and our personal representatives are bound to pay the State of North Carolina the sum shown above, subject to the conditions of this Bond stated on the reverse side. Any undersigned professional bondsman, bail agent, or runner attests that the AFFIDAVIT on the reverse side is complete and true. If a cash deposit is indicated below, surety(ies) has deposited the cash to secure the obligation as surety(ies) on this bond with the understanding that the deposit will be returned to the surety(ies) upon termination of that obligation as provided by law, and that it will NOT be available to satisfy defendant's obligations. (For cash bond, see note on reverse side.)

Signature Of Defendant

Date Of Execution Of Bond 08/26/2019

ACCOMMODATION BONDSMAN

[] See attached AOC-CR-201A for additional accommodation bondsmen executing this bond.
Name And Address Of Accommodation Bondsman

Name And Address Of Accommodation Bondsman

Telephone No.

Telephone No.

PROFESSIONAL BONDSMAN

Name Of Bondsman

Name Of Runner, If Applicable

License No. Of Bondsman

Telephone No.

License No. Of Runner

Telephone No.

INSURANCE COMPANY

Name Of Insurance Company

Name Of Bail Agent

Power Of Appointment No. Of Bail Agent

License No. Of Bail Agent

Telephone No.

SIGNATURE

Signature Of Surety

Signature Of Surety

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME
Date 08/26/2019 Signature L. KOSIR

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE I
Date Signature

[X] Magistrate [] Deputy CSC [] Assistant CSC [] Clerk Of Superior Court
[] Custodian Of Detention Facility [G.S. 15A-537(c)]

[] Magistrate [] Deputy CSC [] Assistant CSC [] Clerk Of Superior Court
[] Custodian Of Detention Facility [G.S. 15A-537(c)]

COMPLETE IF CASH DEPOSITED

Signature Of Official Accepting Cash

Name Of Official Accepting Cash (type or print)

Receipt No.

NOTE: If cash deposited, see note on reverse side.

ORIGINAL COPY

STATE OF NORTH CAROLINA

HAYWOOD County

File No.

19CR 052614

In The General Court Of Justice
[X] District [] Superior Court Division

STATE VERSUS

Name And Address Of Defendant

FREDERICK LEE BAKER
720 SMATHERS STREET

WAYNESVILLE NC 28786

CONDITIONS OF RELEASE AND RELEASE ORDER

19RO1038508

G.S. Chapter 15A, Art. 25, 26

Amount Of Bond

\$ 5,000.00

Offenses And Additional File Numbers

19CR52614 WFA; F-FELONY AID AND ABET

[] See Attachment

Location Of Court

Haywood County Courthouse; 0001

[X] District [] Superior

Date

09/10/2019

Time

08:30

[X] AM [] PM

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.

[X] Your release is authorized upon execution of your: [] WRITTEN PROMISE to appear [X] 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

NOT TO HAVE ANY CONTACT WITH RICHARD LEWIS BOYER

[] Your release is not authorized.

[X] The defendant is required to provide (check all that apply) [X] 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) [X] 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 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-270. [] Other: _____

Additional Information

Date 08/26/2019

Signature Of Judicial Official

L KOSIR

[X] Magistrate [] Deputy CSC [] Assistant CSC

[] Clerk Of Superior Court [] District Court Judge [] Superior Court Judge

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-534.1 (domestic violence) or 15A-534.7 (threat of mass violence)] 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 (enter date and time 48 hours after time of arrest) _____

[] AM [] PM produce him/her before a magistrate of this county at that time to determine conditions of pretrial release.

Name Of Detention Facility

Date

Signature Of Judicial Official

L KOSIR

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.

Date Signature Of Defendant

Signature Of Person Agreeing To Supervise Defendant

Name Of Person Agreeing To Supervise Defendant (type or print)

Address Of Person Agreeing To Supervise Defendant

DEFENDANT RELEASED ON BAIL

Date Time

[] AM [] PM

Signature Of Jailer

HAYWOOD County

WICK 5204/15

Name Of Defendant STATE VERSUS

Frederick Baker

In The General Court Of Justice
District Superior Court Division

WAIVER OF COUNSEL

Additional File No.(s) And/Or Offense(s)
Fel. A & A, Poss Manj. Up to 1/2oz., PMP

G.S. 7A-457; 15A-1242

ACKNOWLEDGMENT OF RIGHTS AND WAIVER

As the undersigned party in this action, I freely and voluntarily declare that I have been fully informed of the charges against me, the nature of and the statutory punishment for each such charge, and the nature of the proceedings against me; that I have been advised of my right to have counsel assigned to assist me and my right to have the assistance of counsel in defending against these charges or in handling these proceedings, and that I fully understand and appreciate the consequences of my decision to waive the right to assigned counsel and the right to assistance of counsel.

I freely, voluntarily and knowingly declare that:

- 1. I waive my right to assigned counsel and that I, hereby, expressly waive that right.
2. I waive my right to all assistance of counsel which includes my right to assigned counsel and my right to the assistance of counsel. In all respects, I desire to appear in my own behalf, which I understand I have the right to do.

SWORN AND SUBSCRIBED TO BEFORE ME

Signature of Defendant: [Signature]
Judge Clerk Of Superior Court Assl CSC Deputy CSC Magistrate

CERTIFICATE OF JUDICIAL OFFICIAL

I certify that the above named defendant has been fully informed of the charges against him/her, the nature of and the statutory punishment for each charge, and the nature of the proceeding against the defendant and his/her right to have the counsel assigned by the court and his/her right to have the assistance of counsel to represent him/her in this action; that the defendant comprehends the nature of the charges and proceedings and the range of punishments; that he/she understands and appreciates the consequences of his/her decision and that the defendant has voluntarily, knowingly and intelligently elected in open court to be tried in this action:

- 1. without the assignment of counsel.
2. without the assistance of counsel, which includes the right to assigned counsel and the right to assistance of counsel.

NOTE: For a waiver of assigned counsel only, both blocks numbered "1" must be checked. For a waiver of all assistance of counsel, both blocks numbered "2" must be checked.

NOTE: A magistrate may accept waivers of counsel if designated to do so by the Chief District Court Judge. See G.S. 7A-146(11) and G.S. 7A-292(15).

STATE OF NORTH CAROLINA

HAYWOOD County

In The General Court District Court Div

Name Of Defendant STATE VERSUS

DEFENDANT'S PLEA OF GUILTY NO CONTEST IN DISTRICT COURT

Table with columns: Plea (GU=Guilty, NC=No Contest, GA=Alford plea), Offense(s), G.S. No., Class, Maximum Punishment

TOTAL MAXIMUM PUNISHMENT
MANDATORY MINIMUM FINES & SENTENCES (if any)

Terms Of Plea Agreement (if any)

DEFENDANT'S STATEMENT WITH PLEA OF (GUILTY) (NO CONTEST)

I plead guilty (pursuant to Alford) no contest to the charge(s) listed above. I understand that by entering plea I am giving up the following constitutional rights, among others: (1) the right to plead not guilty and to be tried in court by a judge, and to confront and to cross-examine the witnesses against me; and (2) the right to remain silent and be compelled to incriminate myself. I understand that I have the right to appeal to superior court and to be tried by a

I am not now under the influence of any impairing substance. I understand the nature and elements of the charge(s) against me. I understand the maximum sentence(s) for the charge(s) against me and the minimum sentence(s), if applicable. I understand if I am not a citizen of the United States of America, my plea(s) of guilty or no contest may result in my deportation from this country, my exclusion from admission to this country, or the denial of my naturalization under federal law. Other than any plea agreement between the State and me, no one has made any promises or threats against me in any way to cause me to enter this plea. I enter this plea of my own free will, fully understanding what I am doing

Signature Of Defendant

Witnessed By (if not represented)

CERTIFICATION BY LAWYER (If Any) FOR DEFENDANT

I certify that I have explained to the defendant and the defendant has acknowledged to me that the defendant understands the constitutional rights that the defendant waives by entering the plea shown above, the nature and elements of the charge(s) shown above, and the maximum sentence(s) and any mandatory minimum sentence(s) that may be imposed for the charge(s) shown above. I certify that the defendant signed this document in my presence and has acknowledged to me that: (1) the defendant is not now under the influence of any impairing substance; (2) other than any plea agreement between the State and the defendant, the defendant has not been made any promise or threatened to enter this plea against the defendant's wishes; and (3) the defendant enters this plea of the defendant's own free will, fully understanding what the defendant is doing.

Date

Signature Of Lawyer For Defendant

PLEA ADJUDICATION

Upon consideration of the statement of the defendant set out in this form, the certification set out in this form by the attorney (if any) for the defendant, evidence presented in court, and statements by the District Attorney, defendant, and the defendant's attorney (if any) in open court, the undersigned finds that there is a factual basis for the entry of the plea and that the plea is the informed choice of the defendant and is made freely, voluntarily, and understandingly. The defendant's plea is accepted by the Court and is ordered recorded.

Date

Signature Of Presiding Judge (Type Or Print)

Signature Of Presiding Judge