

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 ALFREDA FRANCESCA LOUISE HART)
 _____)

DOCKET NO. 1:18CR6
FACTUAL BASIS

NOW COMES the United States of America, by and through R. Andrew Murray, United States Attorney for the Western District of North Carolina, and hereby files this Factual Basis in support of the plea agreement filed simultaneously in this matter.

This Factual Basis is filed pursuant to Local Criminal Rule 11.2 and does not attempt to set forth all of the facts known to the United States at this time. By their signatures below, the parties expressly agree that there is a factual basis for the guilty plea(s) that the defendant will tender pursuant to the plea agreement, and that the facts set forth in this Factual Basis are sufficient to establish all of the elements of the crime(s). The parties agree not to object to or otherwise contradict the facts set forth in this Factual Basis.

Upon acceptance of the plea, the United States will submit to the Probation Office a "Statement of Relevant Conduct" pursuant to Local Criminal Rule 32.4. The defendant may submit (but is not required to submit) a response to the Government's "Statement of Relevant Conduct" within seven days of its submission. The parties understand and agree that this Factual Basis does not necessarily represent all conduct relevant to sentencing. The parties agree that they have the right to object to facts set forth in the presentence report that are not contained in this Factual Basis. Either party may present to the Court additional relevant facts that do not contradict facts set forth in this Factual Basis.

1. The defendant, Alfreda Hart, is an enrolled member of the Eastern Band of Cherokee Indians (EBCI), and the mother of three children, including a daughter (hereinafter identified as SH), who was over the age of 12 but less than 16 years of age during the time described in this Factual Basis Statement. The three children lived with her on the Cherokee Reservation until September of 2016.

2. Before August of 2016, the defendant had borrowed money on multiple occasions from Phillip S. Armachain, Sr., another enrolled member of the EBCI, by agreeing to repay him twice the amount of the loan, by signing her semi-annual EBCI per capita check over to him.

3. Beginning in or about August of 2016, when the defendant informed Armachain that she again wanted to borrow money from him, he insisted that she bring her daughter SH with her, so that he could hand the cash over to SH rather than directly to the defendant. The defendant agreed to this, and on at least three occasions in August or September of 2016, she drove SH to

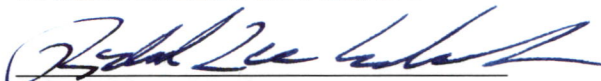
buildings owned by Armachain on the EBCI reservation and sent SH in to meet with Armachain and to get the cash. The defendant would stay outside the building while her daughter and Armachain were inside. After a period of time, SH would return with the cash from Armachain.

4. During this time, the defendant believed that Armachain might be engaging or attempting to engage in some sort of sexual activity with SH. SH told her that Armachain had said he wanted to have sex with her. Then, on later occasions, SH told her that Armachain was feeling her breasts and her buttocks when she would go in to get the cash from him.

5. The defendant never notified any authorities that she had learned that Armachain, who was more than four years older than SH, had been engaging in abusive sexual contact with SH. These events instead came to the attention of law enforcement when they were reported by SH's father to authorities in Yancey County, North Carolina, after SH and her siblings moved out of the defendant's residence on the reservation and into their father's home in Yancey County. The report included that Armachain touched SH's genitals inside her clothing.

6. When a Federal Bureau of Investigation special agent who was investigating the allegations of criminal sexual acts committed by Armachain against SH interviewed the defendant on March 29, 2017, at her residence on the reservation, the defendant concealed her knowledge of those sexual activities. She told the agent that Armachain had called SH a beautiful girl, and that she had a "gut feeling" that Armachain was sexually abusing SH, but she said that SH had never told her about any abusive sexual contact committed by Armachain against her.

R. ANDREW MURRAY
UNITED STATES ATTORNEY



RICHARD LEE EDWARDS
ASSISTANT UNITED STATES ATTORNEY

Defendant's Counsel's Signature and Acknowledgment

I have read this Factual Basis, the Bill of Information, and the plea agreement in this case, and have discussed them with the defendant. Based on those discussions, I am satisfied that the defendant understands the Factual Basis, the Bill of Information, and the plea agreement. I hereby certify that the defendant does not dispute this Factual Basis.



EMILY M. JONES, Attorney for Defendant

DATED: 1/12/18