

EXHIBIT A

Declaration of District Attorney Lorrin Freeman

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

HOGARTH,

Plaintiff,

V.

BRINSON BELL, ET AL.,

Defendants.

Civil Action No. 5:24-cv-00481-FL

**DECLARATION OF LORRIN FREEMAN, DISTRICT ATTORNEY OF NORTH
CAROLINA'S 10TH PROSECUTORIAL DISTRICT**

I, Lorrin Freeman, hereby declare and affirm as follows:

1. I am over 18 years of age and legally competent to testify, upon personal knowledge, to the facts set forth herein.

2. I am the elected District Attorney of North Carolina's 10th Prosecutorial District, which is comprised of Wake County.

3. Among my duties as District Attorney is prosecuting in a timely manner all criminal actions requiring prosecution in my prosecutorial district. N.C. Gen. Stat. § 7A-61.

4. I am responsible for prosecutions of violations arising in Wake County under Article 22 of Chapter 163 of the North Carolina General Statutes. N.C. Gen. Stat. § 163-278.

5. I have read Susan Jane Hogarth's complaint and motion for preliminary injunction.

6. Other than reading her pleadings, I am not familiar with Hogarth or the alleged facts.

7. Upon information and belief, I did not communicate with the State Board of Elections about Hogarth or any of the facts alleged in her complaint.

8. Upon information and belief, I did not communicate with the State Board of Elections about the March 13, 2024 letter, either before or after it was sent to Hogarth, and I was not involved in drafting the letter. [DE 11-3]

9. I have not threatened Hogarth with criminal prosecution for taking a "ballot selfie," nor have any members of my staff.

10. A district attorney's discretion when to prosecute is firmly rooted in American law and vital to the function of our criminal justice system.

11. Exercising this discretion, and pending determination of the constitutionality of the challenged statutory provisions, I will not prosecute Hogarth under N.C. Gen. Stat. §163-166.3(c) for photographing, videotaping or otherwise recording an image of her own voted official ballot in the voting enclosure, provided said photograph, video or recording does not include the image of any other person or another person's voted ballot.

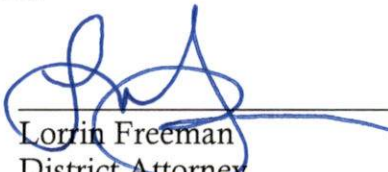
12. Exercising this discretion, and pending determination of the constitutionality of the challenged statutory provisions, I will not prosecute Hogarth under § 163-273(a)(1) for allowing her own ballot to be seen by any person.

13. Exercising this discretion, and pending determination of the constitutionality of the challenged statutory provisions, I will not prosecute Hogarth under § 163-165.1(e) for disclosing her own voted ballot.

14. Exercising this discretion, and pending determination of the constitutionality of the challenged statutory provisions, I will not prosecute Hogarth under § 163-274(b)(1) for taking past or future photographs of her own completed ballot.

I hereby affirm, under penalty of perjury, that the contents of the foregoing are true and correct.

This the 17th day of September 2024.



Lorrin Freeman
District Attorney