

CRIMINAL COMPLAINT

STATE OF WISCONSIN

DA Case No. 2010ML005178

Plaintiff,

vs.

Complaining Witness:

Special Agent Peter Thelen

Henderson, Michael S.
2772 N. 15th Street
Milwaukee, WI 53206
DOB: 05/20/1969

Court Case No.

Defendant,

THE ABOVE NAMED COMPLAINING WITNESS BEING DULY SWORN, ON INFORMATION AND BELIEF STATES THAT:

COUNT 1: ELECTION FRAUD - VOTING BY DISQUALIFIED PERSON

The above-named defendant on November 4, 2008, at 1101 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally vote at an election when he did not have the necessary elector qualifications, to wit, he was a convicted felon who had not yet completed his term of imprisonment, contrary to sec. 12.13(1)(a), 6.03(1)(b) and 12.60(1)(a), Wis. Stats.

COUNT 2: ELECTION FRAUD - PROVIDING FALSE INFORMATION TO ELECTION OFFICIAL

The above-named defendant on November 4, 2008, at 1011 West Center Street, in the City of Milwaukee, Milwaukee County, Wisconsin, did intentionally make a false statement to an election official, contrary to sec. 12.13(1)(b) and 12.60(1)(a), Wis. Stats.

AS TO EACH COUNT:

Upon conviction of these offenses, Class I Felonies, the defendant may be fined not more than Ten Thousand Dollars (\$10,000), or imprisoned not more than three (3) years and six (6) months, or both, AS TO EACH COUNT

Complainant states that he is a Wisconsin Department of Justice Division of Criminal Investigation ("DCI") Special Agent, and bases this complaint upon the following information and belief:

Relevant Wisconsin Statutory Provisions

Wisconsin Statutes §12.13(1)(a) provides:

12.13(1) Whoever intentionally does any of the following violates this chapter:

(a) Votes at any election or meeting if that person does not have the necessary elector qualifications and residence requirements.

Wisconsin Statutes §§6.02(1) and 6.03(1)(b) provide:

6.02(1) Every U.S. citizen age 18 or older who has resided in an election district or ward for 10 days before any election where the citizen offers to vote is an eligible elector.

* * *

6.03(1) The following persons shall not be allowed to vote in any election and any attempt to vote shall be rejected:

* * *

(b) Any person convicted of treason, felony or bribery, unless the person's right to vote is restored through a pardon or under s. 304.078 (3).

Wisconsin Statutes §304.078(3) provides:

304.078(3) If a person is disqualified from voting under s. 6.03 (1) (b), his or her right to vote is restored when he or she completes the term of imprisonment or probation for the crime that led to the disqualification. The department or, if the person is sentenced to a county jail or house of correction, the jailer shall inform the person in writing at the time his or her right to vote is restored under this subsection.

Henderson Is a Felon

Based upon a review of circuit court records, complainant states the defendant Michael Henderson was convicted of the felony offense of Bail Jumping (two counts) on August 19, 2005, in Rock County Case No. 03CF001997. Complainant further states that on the same day, the defendant was sentenced to a term of 5 years probation on each felony count. Complainant states that based upon a review of these records as well as records from the Department of Corrections, Henderson will not discharge from this supervision until August 19, 2010. Because he had not completed his felony sentence as of November 4, 2008, he was not eligible to vote on that date. Certified copies of these documents have been requested and will be provided to the court when they are received.

The DOC Advised Henderson that, as a Felon, He Could Not Vote

DCI Special Agent Thomas Gorecki interviewed Department of Corrections Probation/Parole Agent Jaclyn Meulbroek on March 5, 2010. Meulbroek stated that she has been Henderson's supervision agent since October 2007, and was his agent at the time of this incident on November 4, 2008.

Meulbroek told SA Gorecki that she had a conversation with Henderson prior to the November 2008 election in which she told him that he could not vote and that "they were checking records." During the interview, SA Gorecki noted 4 signs posted in the probation office advising felon probationers of the prohibition against voting. SA Gorecki was informed that those signs had been in place since the office opened in November 2007.

Meulbroek produced a DOC-10 Rules of Community Supervision form from Henderson's file signed on September 26, 2005, by Henderson and his then-agent Jeb Searls. Henderson's signature appears below the bolded text "**I have received a copy of these rules.**" Rule 13 on that form states:

You shall not, as a convicted felon, and until you have successfully completed the terms and conditions of your sentence, vote in any federal, state or local election as outlined in Wisconsin Statutes s. 6.03(1)(b)

SA Gorecki spoke with Jeb Searls on March 5, 2010. Searls stated that his signature and Henderson's signature signified that he and Henderson went over the rules on that form.

Henderson Voted in the November 2008 Election

The information contained in this section of the complaint is based upon Special Agent Gorecki's review of records of the City of Milwaukee Election Commission. SA Gorecki has

reviewed copies of election records for the City of Milwaukee, Aldermanic District 15, Ward 109, specifically a Voter Registration Application. SA Gorecki knows that this record is held by the commission in the normal course of its business. SA Gorecki knows that electors for Ward 109 cast ballots on November 4, 2008, at North Division High School, 1011 W. Center Street, Milwaukee, Wisconsin.

SA Gorecki states that according to the record entitled "Voter Registration Application", the defendant Michael Henderson registered to vote on November 4, 2008, and cast a ballot as Voter #822 at Ward 109 on November 4, 2008. SA Gorecki also reviewed a "Supplemental Election Day Registered Voter List" for District 15 Ward 109. That list shows that Michael Henderson registered to vote on November 4, 2008, using the address of 2772 N. 15th Street, and was assigned voter number 822.

SA Gorecki spoke to the defendant on February 2, 2010. At that time, SA Gorecki identified the above defendant Michael Henderson using a Department of Corrections photograph. Defendant Henderson admitted that he did in fact register to vote and cast a ballot in the November 2008 election at North Division High School on November 4, 2008.

Henderson Misrepresented his Supervision Status to Poll Workers

SA Gorecki reports that he has examined a copy of the Voter Registration Application that was produced by the City Election Commission. SA Gorecki reports that the signature of "Michael Henderson" appears on this document. Immediately above Henderson's signature, the following appears:

I certify that I am a qualified elector, a U.S. citizen, a permanent (not a temporary) resident of Wisconsin, at least 18 years old, having resided at the above residential address for at least 10 days immediately proceeding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct. If I have provided false information I may be subject to fine or imprisonment under State and Federal laws. If completed on election day: I further certify that I have not voted at this election. (Please fill in circle)

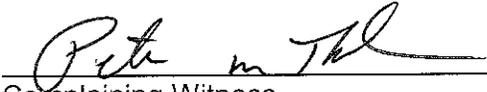
(Emphasis added). The circle next to this statement is checked. This form was presented to Election Official Marylynn Hudson, as signified by Ms. Hudson's signature on the Voter Registration Application as the Election Day Registrar.

****End of Complaint****

Subscribed and sworn to before me and approved for filing this 8 day of March, 2010.



David W. Maas
Assistant Attorney General
State Bar No. 1025522



Complaining Witness

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