

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No. 2010ML015292

Plaintiff,

vs.

Complaining Witness:

Special Agent Ricardo Tijerino

Martinez, Ramon  
1412 W. Lincoln Ave.  
Milwaukee, WI 53215  
DOB: 04/30/1960

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 971 West Windlake Avenue, 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 probation, contrary to sec. 12.13(1)(a), 6.03(1)(b) and 12.60(1)(a), Wis. Stats.

Upon conviction for this offense, a Class I Felony, 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.

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 Statute § 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 Statute § 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.

### **Martinez Is a Felon**

Based upon a review of circuit court records, complainant states the defendant Ramon Martinez was convicted of the felony offense of Theft-Business (>\$10,000) in violation of Wis. Stat. § 943.20(1)(b) on September 10, 2008, in Milwaukee County Case No. 2008CF002297. Complainant further states that on October 7, 2008, the defendant was sentenced to a withheld sentence and a term of 1 year of probation. Certified copies of these documents have been requested and will be provided to the court when they are received.

Complainant states that based upon a review of these records as well as records from the Department of Corrections, Martinez was discharged from his probation on October 9, 2009. Because Martinez did not complete his felony supervision sentence until October 9, 2009, he was not eligible to vote on November 4, 2008.

### **The DOC Advised Martinez that, as a Felon, He Could Not Vote**

DCI Special Agents Timothy Gray and Neil McGrath interviewed Department of Corrections Probation/Parole Agent Jill Brezovar on March 8, 2010. According to the Department of Corrections Chronological log, Brezovar has been Martinez's supervision agent since October 2008 and was his agent at the time of this incident on November 4, 2008.

Brezovar told SAs Gray and McGrath that she had a phone conversation with Martinez a week prior to the November 2008 election in which Martinez informed Brezovar that he was working to help register voters for the election. Brezovar stated that during this conversation she advised Martinez that he would be unable to vote due to being a convicted felon. Brezovar stated that Martinez acknowledged that he would be unable to vote and said he would not be voting. Brezovar provided a Chronological Log that shows that on October 31, 2008, she completed an entry stating "Offender called agent- is working with helping registering voters for the election. Agent informed him about not voting, being a convicted felon, etc." During the interview, SAs Gray and McGrath noted three signs posted in the probation office advising probationers of the prohibition against voting and were informed that those signs had been in place prior to October 2008.

Brezovar produced a DOC-10 Rules of Community Supervision form from Martinez's file signed on October 15, 2008, by Martinez. Martinez'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).

Brezovar also provided SAs Gray and McGrath with a DOC-2352/CR 218 Ineligible Voting Notice & Acknowledgment form from Martinez's file signed on October 15, 2008, by Martinez. That form provides:

NOTICE

This notice is to inform you that under Wisconsin State Statute § 6.03(1)(b) you are ineligible to vote in any election until your civil rights are restored.

Your civil rights will be restored when the department has determined that you have satisfied all sentences and terms of probation on all felony cases and you are absolutely discharged from the Wisconsin Department of Corrections. This will occur when you have completed all of your felony sentences, including any terms of parole, extended supervision or probation.

ACKNOWLEDGMENT

I understand that I may not vote in any election until all of my civil rights are restored, and I have completed all of my felony sentences including any terms of parole, extended supervision or probation.

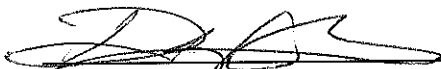
**Martinez Voted in the November 2008 Election**

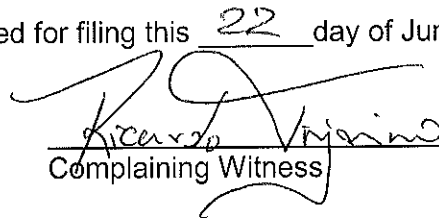
The information contained in this section of the complaint is based upon SA Gray's review of records of the Wisconsin Voter Public Access Website, the City of Milwaukee Poll Book and the County of Milwaukee Poll Book. SA Gray reviewed State of Wisconsin Voter Public Access information from which SA Gray learned that on November 4, 2008, Ramon Martinez voted in the 2008 Presidential and General Election at Kosciuszko Middle School located at 971 West Windlake Avenue, Milwaukee, Wisconsin. SA Gray reviewed Poll Book excerpts from both the City and County of Milwaukee which indicated that Ramon Martinez was voter number 1 on November 4, 2008, with the voter I.D. number 0009155076.

SAs McGrath and Gray interviewed Ramon Martinez on March 8, 2010. During this interview Martinez admitted that he did in fact cast a ballot in the November 4, 2008, election. He stated he was first in line that morning at the Kosciuszko polling place. Martinez recalled signing two forms on October 15, 2008 indicating that he could not vote. Martinez also stated that he recalled seeing signs at the Probation and Parole office indicating that felons on probation could not vote.

\*\*\*\*End of Complaint\*\*\*\*

Subscribed and sworn to before me and approved for filing this 22 day of June, 2010.

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

  
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Ricardo Vignino  
Complaining Witness

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-- Felony Complaint --