

**CRIMINAL COMPLAINT**

STATE OF WISCONSIN

DA Case No.:2010ML009413

Plaintiff,

vs.

Complaining Witness:

Detective Louis JohnsonJohnson, Edward G.  
3528 N. Port Washington Rd.  
Milwaukee, WI 53212  
DOB: 03/17/1963

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 or about Tuesday, November 04, 2008, at 3045 N. Martin Luther King Dr., 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), 939.50(3)(i) 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.

**Count 2: ELECTION FRAUD - PROVIDING FALSE INFORMATION TO ELECTION OFFICIAL**

The above-named defendant on or about Tuesday, November 04, 2008, at 3045 N. Martin Luther King Dr., 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), 939.50(3)(i) 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.

**A. Relevant Wisconsin Statutory Provisions**

Complainant is informed by the Milwaukee County District Attorney's Office that the following Wisconsin statutory provisions govern this investigation and prosecution.

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.

**B. Johnson Is a Felon**

Based upon his review of certified copies of circuit court records, attached to this complaint and incorporated herein by reference, complainant states the defendant Edward Johnson was convicted of the felony offense of Possession of Cocaine (2<sup>nd</sup>+) on January 4, 2007 in Milwaukee County Case No. 05CF004362. On that same day, in Case No. 05CF004362, the defendant was sentenced to a term of 12 months in the House of Correction. That sentence was stayed and the defendant was placed on three years probation by Judge M. Joseph Donald. Complainant states that based upon his conversation with Department of Corrections Agent Carol Donahue, the defendant's probation officer, he knows the defendant Johnson was on probation supervision and had not yet completed his felony sentence as of November 4, 2008.

**C. The DOC Advised Johnson That he Could Not Vote At Least Two Times Before the November 2008 Election**

The information contained in this section of the complaint is based upon my interview of Department of Corrections Probation/Parole Agents Carol Donahue. Ms. Donahue states that she supervised Mr. Johnson at the time of this incident on November 4, 2008.

Ms. Donahue stated that Mr. Johnson was warned that – as a felon on active community supervision - he was not eligible to vote.

Ms. Donahue's Field Unit Supervisor Ernette Griggs produced records from Johnson's file, including a Form DOC-10 (rev. 1/02), Rules of Community Supervision. Complainant states that he has reviewed these records and Item 13 provides:

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).

This form is signed by the defendant Johnson. His signature appears above the words - in bolded print - "I have received a copy of these rules." The form is dated January 11, 2007 and January 29, 2007.

Complainant further states that, at the DOC offices, there is a sign posted at the waiting area that advises that anyone convicted of a felony and still on supervision is ineligible to vote.

**D. On January 4, 2007, Johnson's Criminal Defense Attorney Advised Johnson that Johnson Could Not Vote until his Felony Sentence was Completed**

The information contained in this section of the complaint is based upon my review of a certified copy of the Guilty Plea Questionnaire submitted to the court and signed by Edward Johnson in Case No. 05CF004362.

On January 4, 2007, Edward Johnson completed a Form CR-227 known as a Plea Questionnaire / Waiver of Rights. On that form, under a section entitled "Understandings," the form provides:

I understand that if I am convicted of any felony, I may not vote in any election until my civil rights are restored.

On that form, under a section entitled "Defendant's Statement," the form provides:

I have reviewed and understand this entire document and any attachments. I have reviewed it with my attorney (if represented). I have answered all questions truthfully and either I or my attorney have checked the boxes. I am asking the court to accept my plea and find me guilty.

On that form, under a section entitled "Attorney's Statement," the form provides:

I am the attorney for the defendant. I have discussed this document and any attachments with the defendant. I believe the defendant understands it and the plea agreement. The defendant is making this plea freely, voluntarily, and intelligently. I saw the defendant sign and date this document.

This Form CR-227 bears the signature of the defendant, Edward Johnson, and his attorney Rosemary Reyes Cuevas.

**E. On January 4, 2007, Judge M. Joseph Donald Advised Johnson that Johnson Could Not Vote until his Felony Sentence was Completed**

The information contained in this section of the complaint is based upon my review of information in the Wisconsin Circuit Court Automation Project online database commonly referred to as "CCAP." I have reviewed the CCAP information for Edward Johnson in Case No. 05CF004362.

According to CCAP, the defendant Edward Johnson appeared before the Honorable M. Joseph Donald on January 4, 2007 for the purpose of his Plea and Sentencing. On that date at the time, according to CCAP, the defendant "signed Ineligible Voting Notice & Acknowledgement."

**F. On January 4, 2007, Johnson Signed an Ineligible Voter Notice & Acknowledgement Form**

Based upon his review of certified copies of circuit court records, complainant states the defendant Edward Johnson signed Ineligible Voter Notice & Acknowledgement on January 4, 2007. 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.

This Acknowledgement bears the signature of the defendant, Edward Johnson, and Milwaukee County Sheriff's Deputy Rob Applegate.

**G. Johnson Voted in the November 2008 Election**

Complainant states that he spoke to the defendant on March 18, 2010. At that time, Edward Johnson said that he did in fact vote in the November 2008 election.

**H. Johnson Misrepresented his Supervision Status to Poll Workers**

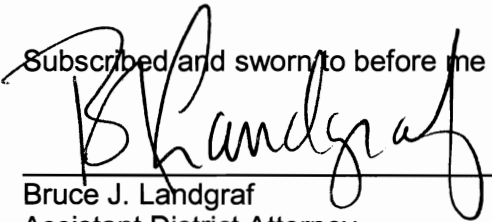
Complainant states that he has examined a copy of the Voter Registration Application that was produced by City Election Commission. Complainant states that the signature of "Edward Johnson" appears on this document. Immediately above the signature, the following appears:

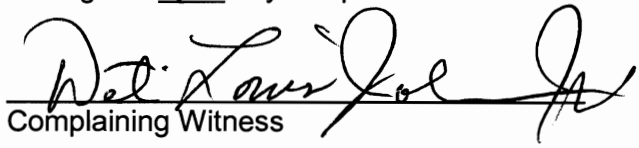
I certify that I am a qualified elector, a U.S. citizen, a permanent (not a temporary) resident of the State of Wisconsin, at least 18 years old, having resided at the above residential address for at least ten days immediately preceding this election, not currently serving a sentence including probation or parole for a felony conviction, and not otherwise disqualified from voting. I certify that all statements on this form are true and correct.

This form was processed as part of the voting taking place on November 4, 2008.

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

Subscribed and sworn to before me and approved for filing this 19 day of April 2010.

  
\_\_\_\_\_  
Bruce J. Landgraf  
Assistant District Attorney  
1009407

  
\_\_\_\_\_  
Complaining Witness

BJL/bl

State of Wisconsin vs. Edward Johnson **Judgment of Conviction**Sentence Imposed & Stayed,  
Probation Ordered

Date of Birth: 03-17-1963

Case No.: 2005CF004362

The defendant was found guilty of the following crime(s):

Ct.	Description	Violation	Plea	Severity	Date(s) Committed	Trial To	Date(s) Convicted
2	Possession of Cocaine/Coca(2nd+) [939.05 Party to a Crime]	961.41(3G)(C)	Guilty	Felony I	08-05-2005		01-04-2007

**IT IS ADJUDGED** that the defendant is guilty as convicted and sentenced as follows:

Ct.	Sent. Date	Sentence	Length	Concurrent with/Consecutive to/Comments	Agency Department of Corrections
2	01-04-2007	Probation, sent imposed	3 YR		
2	01-04-2007	License suspended	6 MO		
2		<b>Sentence(s) Stayed</b> House of Correction	12 MO	<b>Concurrent with/Consecutive to/Comments</b> Consecutive to any other sentence.	<b>Sent. Credit</b> 25 days

**Conditions of Sentence or Probation****Obligations:** (Total amounts only)

Fine	Court Costs	Attorney Fees	Restitution	Other	Mandatory Victim/Wit. Surcharge	5% Rest. Surcharge	DNA Anal. Surcharge
	55.00			8.00	85.00		250.00

**Conditions:**

Ct.	Condition	Length	Agency/Program	Begin Date	Begin Time	Comments
2	House of Correction	30 DA				STAYED: to be used at probation's discretion.

Ct.	Condition	Agency/Program	Comments
2	Costs		Pay all costs and surcharges. To be paid during probation. If not paid, civil judgment to be entered.
2	Alcohol assessment		Alcohol and drug assessment. Comply with any treatment deemed necessary by the dept. Maintain absolute sobriety. No illegal drugs. Random urine screens.

**IT IS ADJUDGED** that 0 days sentence credit are due pursuant to § 973.155, Wisconsin Statutes**IT IS ORDERED** that the Sheriff execute this sentence.

State of Wisconsin vs. Edward Johnson **Judgment of Conviction**

Sentence Imposed & Stayed,  
Probation Ordered

Date of Birth: 03-17-1963

Case No.: 2005CF004362

BY THE COURT:

M Joseph Donald-02, Judge  
Rachael Stencel, District Attorney  
Rosemary Reyes Cuevas, Defense Attorney

*[Signature]*  
Court Official

STATE OF WISCONSIN }  
MILWAUKEE COUNTY } SS.  
January 12, 2007

I, the undersigned Clerk of the Circuit Court of Milwaukee County, Wisconsin do hereby certify that I have compared this document with the original on file and that the same is a full true and correct copy of said original and of the whole thereof, as the same remains of record in my office.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the seal of said court this



JOHN BARRETT  
Clerk of Circuit Court

*[Signature]* **DEC 15 2009**