STATE OF WISCONSIN,

Plaintiff.

v.

Sex/Race: F/H,

Case No.

YADIRA E. COLON (aka YADIRA COLON- GONZALEZ) L.K.A. York County Prison 3400 Concord Road York, PA 17402 D.O.B.: 8/15/1967

Defendant.

CRIMINAL COMPLAINT

I, Ricardo E. Tijerino, being first duly sworn, state upon information and belief that:

COUNT ONE (Election Fraud): On or about March 27, 2008, in the city of Milwaukee, Milwaukee County, Wisconsin, Yadira Colon made a false statement to the Milwaukee Election Commission by stating that she resided at 1927 South 7th Street, Apartment A, Milwaukee, Wisconsin when she did not. This is a violation of Wis. Stat. §§ 12.13(1)(b) and 12.60(1)(a), a Class I Felony, punishable under Wis. Stat. § 939.50(3)(i) by a fine of up to \$10,000 and imprisonment of up to 3 years and 6 months, or both.

COUNT TWO (Election Fraud): On or about March 27, 2008, in the city of Milwaukee, Milwaukee County, Wisconsin, Yadira Colon voted in the city of Milwaukee April 2008 Election without having the necessary residence requirements. This is a violation of Wis. Stat. §§ 12.13(1)(a) and 12.60(1)(a), a Class I Felony, punishable under Wis. Stat. § 939.50(3)(i) by a fine of up to \$10,000 and imprisonment of up to 3 years and 6 months, or both.

COUNT THREE (Falsification of Nomination Papers): On or about June 7, 2008, in the city of Milwaukee, Milwaukee County, Wisconsin, Yadira Colon falsified information in respect to nomination papers, to wit: Yadira Colon certified that she had personally obtained each of the signatures on page three of the nomination papers of Pedro A. Colon for Representative to the Assembly – 8th District, when in fact she did not. This is a violation of Wis. Stat. §§ 12.13(3)(a) and 12.60(1)(a), a Class I Felony, punishable under Wis. Stat. § 939.50(3)(i) by a fine of up to \$10,000 and imprisonment of up to 3 years and 6 months, or both.

COUNT FOUR (Falsification of Nomination Papers): On or about June 7, 2008, in the city of Milwaukee, Milwaukee County, Wisconsin, Yadira Colon falsified information in respect to nomination papers, to wit: Yadira Colon certified that she had personally obtained each of the signatures on page two of the nomination papers of Pedro A. Colon for Representative to the Assembly – 8th District, when in fact she did not. This is a violation of Wis. Stat. §§ 12.13(3)(a) and 12.60(1)(a), a Class I Felony, punishable under Wis. Stat. § 939.50(3)(i) by a fine of up to \$10,000 and imprisonment of up to 3 years and 6 months, or both.

FACTUAL BASIS

- 1. I am currently employed as a special agent with the Wisconsin Department of Justice's Division of Criminal Investigation. I have been a special agent with the Division of Criminal Investigation for eight years. In that position, I am responsible for investigating allegations of criminal activity committed in the state of Wisconsin. Prior to my employment with the Wisconsin Department of Justice, I served for a total of five years as a law enforcement officer with law enforcement agencies in Milwaukee and Florida.
- 2. As part of my duties with the Division of Criminal Investigation, I have been assigned to investigate allegations of fraud related to the nomination papers of Pedro A. Colon for Representative in the 8th Assembly District. As part of that investigation, I reviewed documents provided by the Government Accountability Board and the City of Milwaukee

Election Commission. I believe the documents received from those two agencies are accurate and reliable because they are maintained by the agencies pursuant to law in the ordinary course of their operations.

- 3. I have also reviewed reports prepared by other law enforcement officers with the Division of Criminal Investigation and the Milwaukee Police Department. I believe the reports prepared by these officers are accurate and reliable because they were prepared in the course of the officers' official duties.
- 4. I know based upon a review of Wisconsin Statute sections 6.02(1) and 6.10 that in order to vote in a particular district or ward, a person must have resided in that district or ward for at least ten days prior to the election. I further know that a person's residence for purposes of voting is the place where that individual's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return.
- 5. Based upon my review of records maintained by the City of Milwaukee Election Commission, I know that Yadira Colon, D.O.B. 8/15/1967, completed a Voter Registration Application at the City of Milwaukee Election Commission on March 27, 2008. The Milwaukee Election Commission is located at 200 East Wells Street, Milwaukee, Wisconsin. A copy of that application is attached as Exhibit 1 and hereby incorporated into this complaint. On that application, Yadira Colon listed her current address as 1927 South 7th Street, Apartment A, Milwaukee, Wisconsin. Yadira Colon also certified that she is a qualified elector who resided at that address for at least ten days immediately preceding the election. She further certified that all of the statements on the form were true and correct. Based upon the investigation conducted in this case, I know that Yadira E. Colon is not related to Pedro A. Colon.

- I have reviewed a certified copy of the absentee application ballot log for 6. Aldermanic District 12, Ward 210 in the city of Milwaukee for the April 2008 election provided by the Milwaukee Election Commission. A copy of that log is attached as Exhibit 2 and hereby incorporated into this complaint. The copy has been redacted to protect the identity of individuals unrelated to the allegations contained herein. I have also reviewed a letter provided to the Wisconsin Department of Justice by Susan Edman, Executive Director of the Milwaukee Board of Election Commissioners. According to those documents, on March 27, 2008, Yadira E. Colon, listed at 1927 South 7th Street, Milwaukee, Wisconsin, voted by absentee ballot in the city of Milwaukee in the April 2008 Election. In her letter, Ms. Edman indicates that Ms. Colon was issued an absentee ballot on March 27, 2008 and returned it the same day. Ms. Edman further indicates that the information would have been entered into the statewide voter registration system on the following business day, March 28, 2008, and that those dates are reflected on the absentee application ballot log. I believe the records provided by the Milwaukee Election Commission are accurate and reliable because they are maintained by that agency in the ordinary course of business. I further believe the information provided by Ms. Edman is truthful and reliable because it is based upon her experience and knowledge as director of that agency, as well as records maintained in the ordinary course of that agency's business.
- 7. I interviewed Sherri Miller of Steeber Properties. Miller indicated that Steeber Properties owns the property at 455 West Smith Avenue, Oshkosh, Wisconsin. Ms. Miller provided me with a copy of a rental application and lease agreement for 455 West Smith Avenue #202, Oshkosh, both of which were completed by Yadira Colon on October 26, 2007. On the rental application for apartment #202, Yadira Colon listed her present address as 1927 South 7th Street, Milwaukee. She also indicated her reason for leaving that address as "Relocating." Ms.

Miller stated that Yadira Colon began renting apartment #202 in November 2007. I believe the information provided by Ms. Miller is accurate and reliable because she is a citizen witness with personal knowledge of the information she provided. I believe the records she provided are accurate and reliable because they are maintained by her in the ordinary course of business.

- 8. On July 3, 2008, the Wisconsin Government Accountability Board (GAB) received nomination papers filed for candidate Pedro Colon who is running for the office of State Assembly Representative in the Eighth District. I obtained from the Government Accountability Board the original nomination papers filed for Pedro Colon. I believe the records provided by the Government Accountability Board are accurate and reliable to the extent that they are original documents filed with that agency and maintained by that agency in the ordinary course of its business.
- 9. I have reviewed page three of Pedro Colon's nomination papers. A copy of that document is attached as Exhibit 3 and hereby incorporated into this complaint. The copy has been redacted to protect the identity of individuals unrelated to the allegations contained herein. At the bottom of Exhibit 3, there is a certification dated June 7, 2008, that reads:
 - I, Yadira Colon, certify: I reside at 1927 S 7th St MKE, WI. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under s. 12.13(a) Wis. Stats.

Exhibit 3 also contains a number of purported signatures of electors requesting that Pedro Colon be placed on the November 4, 2008, ballot. Included in the purported signatures are "Gladys Torres," "Cinthia Orosco," "Ismael Torres," "Ismael Torres, Jr." "Gladys M. Torres," "Kristina"

Ilk," "Brad Ilk," "Sylvia Orozco," and "Ferdinand Orozco." The address listed for each of these purported signers is 1927 South 7th Street, Milwaukee, Wisconsin.

- 10. I have reviewed an affidavit signed by Cynthia Torres that was submitted to the Government Accountability Board. It is dated July 10, 2008. In that affidavit, Ms. Torres swears that she resides at 1927 South 7th Street in the city of Milwaukee. She further swears that she owns the home at that address. She swears that she has been shown nomination papers submitted on behalf of Pedro Colon as a candidate for the 8th Assembly District in Wisconsin. Ms. Torres swears that as of the date of that affidavit, Yadira Colon did not live at the address listed on the nomination papers and had not lived there for the past year.
- 11. I have listened to a recording of an interview with Cynthia Torres. Based on my review of that recording and the corresponding police report, I know that Detective Michael Sandvick and Officer Michael Perez of the Milwaukee Police Department interviewed Ms. Torres at her residence at 1927 South 7th Street, Milwaukee, Wisconsin. She provided the officers with the following information. Ms. Torres owns the property at 1927 South 7th Street. She resides there with her husband, Ismael Torres, Jr. and several of her children, including her son Ismael Torres. Cynthia Torres indicated that her mother-in-law, Gladys Torres, lives upstairs in the residence at 1927 South 7th Street. Gladys Torres' apartment is designated as 1927A South 7th Street. Cynthia Torres stated that her maiden name is Orozco. She reviewed a copy of the nomination paper identified as Exhibit 3 and informed the officers that her name is spelled "Cynthia," not "Cinthia." She further told me that she did not sign a nomination paper for Pedro Colon. She stated that the signature purporting to be that of "Cinthia Orosco" on line 2 of Exhibit 3 is not her signature. She also stated that while Yadira Colon stayed with Gladys

Torres in the upstairs apartment at 1927A South 7th Street for a short period in 2007, Yadira Colon did not reside at 1927 South 7th Street in June 2008.

- 12. I have interviewed Ismael Torres, Jr. at his residence at 1927 South 7th Street, Milwaukee, Wisconsin. During that interview, Ismael Torres, Jr. indicated that he is the husband of Cynthia Torres. He and Cynthia have owned the home at 1927 South 7th Street for seven years. Mr. Torres stated that Yadira Colon is a distant relative. She stayed at their home for a short time around April 2007. Ismael Torres, Jr. did not recognize the nomination papers of Pedro Colon, and did not sign those nomination papers. When shown a copy of Exhibit 3, Ismael Torres, Jr. stated that the signature of "Ismael Torres, Jr." was not his signature.
- Ismael Torres, Jr. and Cynthia Torres. Ismael Torres resides at 1927 South 7th Street, Milwaukee, Wisconsin. Ismael Torres indicated he did not recognize the nomination papers of Pedro Colon, and did not sign those nomination papers. When shown a copy of Exhibit 3, Ismael Torres stated that the signature of "Ismael Torres" was not his signature.
- Based upon that interview, I know that Gladys Torres is approximately 66 years old and is the mother of Ismael Torres, Jr. Gladys Torres resides in the upstairs apartment of the residence at 1927 South 7th Street, Milwaukee. That apartment is designated as 1927A. During that interview, Gladys Torres stated that Yadira Colon was a distant cousin of Gladys Torres' late husband. Gladys Torres indicated that Yadira Colon stayed with Gladys Torres for several weeks in April 2007. Gladys Torres further indicated that Yadira Colon stayed at 1927A until Yadira Colon moved to the house next door. I know that the address next door is 1929 South 7th Street. Gladys Torres stated that Yadira Colon stayed at 1929 South 7th Street until there was a

fire at that residence. The date of the fire was June 15, 2007. Gladys Torres indicated she did not sign the nomination papers for Pedro Colon and her handwriting is not on page three of the nomination papers.

- 15. I have shown Gladys Torres a sequential photo lineup made up of photographs of seven females. Included in that photo lineup was a photograph of an individual I believe to be Yadira E. Colon, D.O.B. 8/15/1967. Ms. Torres identified the photograph of Yadira E. Colon, D.O.B. 8/15/1967, as the individual that she knows as Yadira Colon.
- Torres-Ilk. Based on my review of that recording and upon the corresponding police report, I know that Detective Sandvick and Officer Perez interviewed Bradley Ilk and Kristina Torres-Ilk at the Ilk's home on 42nd Street, in the city of Milwaukee. Kristina Torres-Ilk is the daughter of Ismael Torres, Jr. and Cynthia Torres. Kristina Torres-Ilk is married to Bradley Ilk. Kristina and Bradley reside on 42nd Street in the city of Milwaukee and have resided there since 2006. They indicated that they did not reside at 1927 South 7th Street, Milwaukee, Wisconsin in June 2008. They further indicated they did not sign the nomination papers of Pedro Colon and the signatures of Brad Ilk and Kristina Ilk on page three of those papers are not their signatures. Kristina Torres-Ilk stated she met Yadira Colon some time in 2007 when Yadira Colon was staying with Kristina's grandmother, Gladys Torres. Kristina Torres-Ilk further indicated that their 42nd Street residence is not in the 8th Assembly District.
- 17. I have interviewed Gladys Marie Torres, age 22, at 1927 South 7th Street, Milwaukee. Based upon that interview, I know that Gladys Marie Torres is the daughter of Ismael Torres, Jr. and Cynthia Torres. Gladys Marie Torres is the granddaughter of Gladys Maria Torres who resides at 1927A South 7th Street. Gladys Marie Torres indicated she had met

Yadira Colon through her grandmother but did not really know her. Gladys Marie Torres indicated that Yadira Colon lived with Gladys Maria Torres for a short time and then lived next door until there was a fire. Gladys Marie Torres indicated that she did not sign the nomination papers of Pedro Colon.

- 18. I have reviewed an affidavit signed by Sylvia Cervera on July 10, 2008. In that affidavit, Ms. Cervera stated that she resides on Walker Avenue, Milwaukee, Wisconsin. Ms. Cervera further stated that she was shown her name and purported signature on the nomination papers of Pedro Colon. Ms. Cervera stated that she did not sign those nomination papers.
- 19. I have listened to a recording of an interview with Sylvia Cervera. Based on my review of that recording and the corresponding police report, I know that Detective Sandvick and Officer Perez interviewed Sylvia Cervera at her residence on Walker Avenue. Ms. Cervera indicated her maiden name is Sylvia Orozco. She reviewed a copy of page three of the nomination papers of Pedro Colon. Ms. Cervera stated that she did not reside at 1927 South 7th Street. She further stated that is the residence of her sister, Cynthia Torres. Ms. Cervera indicated she had met Yadira Colon when Yadira Colon was staying with Gladys Torres. Ms. Cervera further indicated she did not know Yadira Colon well. Ms. Cervera stated that the signature of Sylvia Orosco on page three of the nomination papers is not her signature.
- 20. Ms. Cervera indicated she has a son by the name of Fernando Orozco. I have listened to a recording of an interview with Fernando Orozco. Based upon my review of that recording and the corresponding police report, I know that Detective Sandvick and Officer Perez interviewed Fernando Orozco at his mother's residence. Mr. Orozco indicated he has never resided at 1927 South 7th Street, his name is "Fernando" not "Ferdinand," and he never signed the nomination papers of Pedro Colon.

- 21. I have reviewed page two of Pedro Colon's nomination papers. A copy of that document is attached as Exhibit 4 and hereby incorporated into this complaint. The copy has been redacted to protect the identity of individuals unrelated to the allegations contained herein. At the bottom of Exhibit 4, there is a certification dated June 7, 2008, that reads:
 - I, Yadira Colon, certify: I reside at 1927 S 7th St MKE, WI. I personally circulated this nomination paper and personally obtained each of the signatures on this paper. I know that the signers are electors of the jurisdiction or district the candidate seeks to represent. I know that each person signed the paper with full knowledge of its content on the date indicated opposite his or her name. I know their respective residences given. I intend to support this candidate. I am aware that falsifying this certification is punishable under s. 12.13(a) Wis. Stats.

Exhibit 4 also contains a number of purported signatures of electors requesting that Pedro Colon be placed on the November 4, 2008, ballot. Included in the electors who purportedly signed that nomination paper is "Miguel Arce" at 1929 South 7th Street, Milwaukee, Wisconsin.

- 22. I have interviewed Miguel Arce and his wife, Migdalia Arce. Based on that interview, I know that Miguel and Migdalia Arce reside on South 24th Street, Milwaukee, Wisconsin. They own the property at 1929 South 7th Street, Milwaukee and rent it to tenants. They have never resided at 1929 South 7th Street. They produced two leases, signed by Yadira Colon, for the apartment at 1929 South 7th Street. The first lease was dated May 1, 2007. The second was dated June 10, 2007. Migdalia Arce indicated that there was a second lease because the first got misplaced for a short time. Miguel and Migdalia Arce indicated that Yadira Colon resided at 1929 South 7th Street until there was a fire at that residence in June 2007. At that time, Yadira Colon moved out.
- 23. Miguel Arce was shown a copy of page two of Pedro Colon's nomination papers, which is referenced herein as Exhibit 4. He stated that he did not sign the nomination papers of

Pedro Colon and his signature is not on page two of those papers. He has not seen Yadira Colon since she left the apartment at 1929 South 7th Street in June 2007.

24. I have shown Miguel and Migdalia Arce a sequential photo lineup made up of photographs of seven females. Included in that photo lineup was a photograph of an individual I believe to be Yadira E. Colon, D.O.B. 8/15/1967. Both Miguel and Migdalia Arce identified the photograph of Yadira E. Colon, D.O.B. 8/15/1967, as the individual that they each know as Yadira Colon. The photograph that Miguel and Migdalia Arce each identified as Yadira Colon is the same photo identified by Gladys Torres as Yadira Colon.

25. I believe the information provided by Cynthia Torres, Ismael Torres, Jr. Gladys Maria Torres, Ismael Torres, Bradley Ilk, Kristina Torres-Ilk, Gladys Marie Torres, Sylvia Cervera, Fernando Orozco, Miguel Arce and Migdalia Arce is truthful and reliable because these individuals are citizen witnesses with personal knowledge of the information they have provided.

Dated this 3/5t day of August, 2009.

RICARDO E. TUERINO

Special Agent, Division of Criminal Investigation

Wisconsin Department of Justice

Subscribed and sworn to before me, and approved for filing, this _314 day of August, 2009.

BARBARA L. OSWALD

Assistant Attorney General and Special Prosecutor for Milwaukee County State Bar No. 10201541
My commission is permanent.

Wisconsin Department of Justice Post Office Box 7857 Madison, Wisconsin 53707-7857 (608) 266-3067

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City of Milwaukee Absentee Application Ballot Log

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NOMINATION PAPER FOR PARTISAN OFFICE

the undersigned, request the name of

Residing at 821 S 3rd Street, Milwaukse, W1 53204, in the City of Milwaukse, be placed on the ballot at the general election to be held November 4, 2008 as a candidate representing the Democratic Party, so that voters will have the apportunity to vote for him for the office of

REPRESENTATIVE TO THE ASSEMBLY - 8TH DISTRICT

am eligible to vote in the 8th Assembly District. I have not signed the nomination paper of any other candidates for the same office at this election.

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EXHIBIT 3

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NOMINATION PAPER FOR PARTISAN OFFICE the undersigned, request the name of

Residing at 821 S 3rd Street, Milwaukee, Wi 53204, in the City of Milwaukee, be placed on the ballot at the general election to be held November 4, 2008 as a candidate representing the Democratic Party, so that voters will have the appointurity to vote for him for the office of REPRESENTATIVE TO THE ASSEMBLY - 8TH DISTRICT

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