

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT

Strafford Superior Court  
259 County Farm Road, Suite 301  
Dover NH 03820

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
http://www.courts.state.nh.us

RETURN FROM SUPERIOR COURT – HOUSE OF CORRECTIONS

Case Name: **State v. Spencer W McKinnon**  
Case Number: **219-2018-CR-00691**

Name: **Spencer W McKinnon,** [REDACTED]  
[REDACTED]

Charging document: Complaint

<b>Offense:</b> Voter Fraud	<b>GOC:</b>	<b>Charge ID:</b> 1596919C	<b>RSA:</b> 659:34	<b>Date of Offense:</b> October 26, 2016
--------------------------------	-------------	-------------------------------	-----------------------	---

Disposition: Guilty/Chargeable By: Plea

**A finding of GUILTY/CHARGEABLE is entered.**

Conviction: Misdemeanor

Sentence: see attached

February 28, 2019  
Date

Hon. Tina L. Nadeau  
Presiding Justice

Kimberly T. Myers  
Clerk of Court

MITTIMUS

In accordance with this sentence, the Sheriff is ordered to deliver the defendant to the **Strafford County House of Corrections**. Said institution is required to receive the Defendant and detain him/her until the Term of Confinement has expired or s/he is otherwise discharged by due course of law.

Attest: \_\_\_\_\_  
Clerk of Court

SHERIFF'S RETURN

I DELIVERED THE DEFENDANT TO THE **Strafford County House of Corrections** and gave a copy of this order to the Superintendent.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff

J-ONE:  State Police  DMV

C:  Dept. of Corrections  Offender Records  Sheriff  Office of Cost Containment  
 Prosecutor John J. Kennedy, ESQ and Matthew Broadhead, ESQ  Defendant  Defense Attorney P. Scott  
Bratton, ESQ  Sex Offender Registry  Other Strafford HOC  \_\_\_\_\_ Dist  
Div. \_\_\_\_\_

# The State of New Hampshire SUPERIOR COURT COMPLAINT

Case Number: 219-2018-CR-00691

Charge ID:

<input type="checkbox"/> VIOLATION	MISDEMEANOR	<input checked="" type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> UNCLASSIFIED (non-person)
	FELONY	<input type="checkbox"/> CLASS A	<input type="checkbox"/> CLASS B	<input type="checkbox"/> SPECIAL <input type="checkbox"/> UNCLASSIFIED (non-person)

You are to appear at the: **Strafford Superior Court**  
 address: **259 County Farm Road Dover NH 03820**  
 in: **Strafford County**  
 at: **11:45**  
 on: **February 28, 2019**

Under penalty of law to answer to a complaint charging you with the following offense:

**THE UNDERSIGNED COMPLAINS THAT:**

<u>McKinnon</u>	<u>Spencer</u>	<u>W</u>
Last Name	First Name	Middle
Address	City	State
		Zip

<u>Male</u>	<u>White</u>	<u>6'</u>	<u>brown</u>	<u>brown</u>
Sex	Race	Height	Weight	Hair Color

<u> </u>	<u>Massachusetts</u>
DOB	OP License State

COMM. VEH.     
  COMM. DR. LIC.     
  HAZ. MAT.     
  16+ PASSENGER

AT: **Durham, NH**

On or about     Between **October 26, 2016**                      in the above county and state, did  
 commit the offense of:

RSA Name: **Wrongful Voting - False Statement on Voter Registration Form**

Contrary to RSA: **659:34, I (a) & II**

Inchoate:

And the laws of New Hampshire for which the defendant should be held to answer, in that the defendant did:  
**register to vote on October 26, 2016 in the Town of Durham, after already casting an absentee ballot in the town of Dracut, MA on October 24, 2016. In doing so, he knowingly, signed and submitted an election day registration affidavit when registering to vote, and the affidavit contained false material information regarding his qualifications to vote. To wit, he signed an affidavit statement under the penalties of voting fraud that provided "By registering or voting today, I am acknowledging that I am not domiciled or voting in any other state or city/town."**

*guilty plea  
 produced  
 2/28/19*

Additional allegations are attached.  
 against the peace and dignity of the State.

Date: 02/28/2018

	<b>19808</b> <b>Matthew T. Broadhead</b>	<b>NH Attorney General</b>
Prosecutor's Signature	NH Bar ID # Printed Name	Prosecuting Attorney's Office

Assistant Attorney General

CIN#1596919C

**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

http://www.courts.state.nh.us

Court Name: Strafford County Superior Court  
 Case Name: State v. Spencer McKinnon  
 Case Number: 219-2018-CR-691 Charge ID Number: 1596919C  
(if known)

**HOUSE OF CORRECTIONS SENTENCE**

Plea/Verdict: <u>Guilty</u>	Clerk: <u>A. COTE</u>
Crime: <u>Wrangful Voting - False Statement</u> <small>RSA 654:310</small>	Date of Crime: <u>October 26, 2016</u>
Monitor: <u>COOK</u>	Judge: <u>T. Nadeau</u>

A finding of GUILTY/TRUE is entered.

- This conviction is for a  Felony  Misdemeanor  Violation of Probation
- The defendant has been convicted of Domestic Violence contrary to RSA 631:2-b or of an offense recorded as Domestic Violence. See attached Domestic Violence Sentencing Addendum.
- The defendant has been convicted of a misdemeanor, other than RSA 631:2-b or an offense recorded as Domestic Violence, which includes as an element of the offense, the use or attempted use of physical force or threatened use of a deadly weapon, and the defendant's relationship to the victim is:
- (1) Current or former spouse  (2) Parent  (3) Guardian  (4) Child in common  
 OR Cohabiting or cohabited with victim as a  (5) spouse  (6) parent  (7) guardian  
 OR A person similarly situated to  (8) spouse  (9) parent  (10) guardian

1. The defendant is sentenced to the House of Corrections for a period of 6 months
2. This sentence is to be served as follows:
- Stand committed  Commencing \_\_\_\_\_
- Consecutive weekends from \_\_\_\_\_ PM Friday to \_\_\_\_\_ PM Sunday beginning \_\_\_\_\_
- 6 months of the sentence is suspended during good behavior and compliance with all terms and conditions of this order. Any suspended sentence may be imposed after hearing at the request of the State. The suspended sentence begins today and ends 1 years from  today or  release on \_\_\_\_\_  
(Charge ID Number)

\_\_\_\_\_ of the sentence is deferred for a period of \_\_\_\_\_  
 The Court retains jurisdiction up to and after the deferred period to impose or terminate the sentence or to suspend or further defer the sentence for an additional period of \_\_\_\_\_  
 Thirty (30) days prior to the expiration of the deferred period, the defendant may petition the Court to show cause why the deferred commitment should not be imposed. Failure to petition within the prescribed time will result in the immediate issuance of a warrant for the defendant's arrest.

- Other: \_\_\_\_\_
3. The sentence is  consecutive to \_\_\_\_\_  
(Charge ID Number)
- concurrent with \_\_\_\_\_  
(Charge ID Number)

4. Pretrial confinement credit: \_\_\_\_\_ days.
5. The court recommends to the county correctional authority:
- Work release consistent with administrative regulations.
- Drug and alcohol treatment and counseling.
- Sexual offender program.
- \_\_\_\_\_

If required by statute or Department of Corrections policies and procedures, the defendant shall provide a sample for DNA analysis.

Case Name: State v. Spencer McKinner  
Case Number: 29-2018-CR-691

**HOUSE OF CORRECTIONS SENTENCE**

**PROBATION**

- 6. The defendant is placed on probation for a period of \_\_\_\_\_ year(s), upon the usual terms of probation and any special terms of probation determined by the probation/parole officer.  
Effective:  Forthwith  Upon Release \_\_\_\_\_  
The defendant is ordered to report immediately to the nearest Probation/Parole Field Office.
- 7. Subject to the provisions of RSA 504-A:4, III, the probation/parole officer is granted the authority to impose a jail sentence of 1 to 7 days in response to a violation of a condition of probation, not to exceed a total of 30 days during the probationary period.
- 8. **Violation of probation or any of the terms of this sentence may result in revocation of probation and imposition of any sentence within the legal limits for the underlying offense.**

**OTHER CONDITIONS**

- 9. Other conditions of this sentence are:
  - A. The defendant is fined \$ 2,000, plus statutory penalty assessment of \$ 480.00 ~~240~~  
 The fine, penalty assessment and any fees shall be paid:  Now  By \_\_\_\_\_ OR  
 Through the Department of Corrections as directed by the Probation/Parole Officer. A 10 % service charge is assessed for the collection of fines and fees, other than supervision fees.  
 \$ 0 of the fine and \$ All of the penalty assessment is suspended for 1 year(s).  
**A \$25.00 fee is assessed in each case file when a fine is paid on a date later than sentencing.**
  - B. The defendant is ordered to make restitution of \$ \_\_\_\_\_ to \_\_\_\_\_  
 Through the Department of Corrections as directed by the Probation/Parole Officer. A 17% administrative fee is assessed for the collection of restitution.  
 At the request of the defendant or the Department of Corrections, a hearing may be scheduled on the amount or method of payment of restitution.  
 Restitution is not ordered because: \_\_\_\_\_
  - C. The defendant is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer.
  - D. The defendant's  license  privilege to operate in New Hampshire is revoked for a period of \_\_\_\_\_ effective \_\_\_\_\_
  - E. Under the direction of the Probation/Parole Officer, the defendant shall tour the  
 New Hampshire State Prison  House of Corrections
  - F. The defendant shall perform 200 hours of community service and provide proof to  
 the State or  probation within 1 yr of today's date.
  - G. The defendant is ordered to have no contact with \_\_\_\_\_  
either directly or indirectly, including but not limited to contact in-person, by mail, phone, e-mail, text message, social networking sites and/or third parties.
  - H. Law enforcement agencies may  destroy the evidence  return evidence to its rightful owner.
  - I. The defendant is ordered to be of good behavior and comply with all the terms of this sentence.
  - J. Other:

Pursuant to Part I, Article 11 of the New Hampshire Constitution, The defendant shall no longer have the right to vote under the Constitution of This State in New Hampshire

Date 2/28/19

Tina L. Nadeau  
Presiding Justice  
Tina L. Nadeau  
Presiding Justice

\* Parties have also entered into a cooperation agreement.

THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH  
SUPERIOR COURT

Strafford Superior Court  
259 County Farm Road, Suite 301  
Dover NH 03820

Telephone: 1-855-212-1234  
TTY/TDD Relay: (800) 735-2964  
<http://www.courts.state.nh.us>

RETURN FROM SUPERIOR COURT

Case Name: **State v. Spencer W McKinnon**  
Case Number: **219-2018-CR-00691**

Name: **Spencer W McKinnon.** [REDACTED]

Charging document: Indictment

<b>Offense:</b> Vote in More than 1 State	<b>GOC:</b>	<b>Charge ID:</b> 1544268C	<b>RSA:</b> 659:34-a	<b>Date of Offense:</b> November 08, 2016
--	-------------	-------------------------------	-------------------------	--

Disposition: Nolle Pros

Date: February 28, 2019

Action taken: By Prosecutor

**Pursuant to plea deal**

Matthew Broadhead

J-ONE:  State Police  DMV

C:  Dept. of Corrections  Offender Records  Sheriff  Office of Cost Containment  
 Prosecutor John J. Kennedy, ESQ  Defendant  Defense Attorney P. Scott Bratton, ESQ  
 Other \_\_\_\_\_  \_\_\_\_\_ Dist Div. \_\_\_\_\_

THE STATE OF NEW HAMPSHIRE  
INDICTMENT

STRAFFORD, SS.

SEPTEMBER TERM, 2018

At the Superior Court, holden at Dover, within and for the County of STRAFFORD aforesaid, on the 20<sup>th</sup> day of September in the year of our Lord two thousand and eighteen

THE GRAND JURORS FOR THE STATE OF NEW HAMPSHIRE, upon oath, present that


**SPENCER WILLIAM MCKINNON**  
[REDACTED]

of Durham, New Hampshire, in the State of New Hampshire, on or about November 8, 2016, did commit the crime of

**VOTING IN MORE THAN ONE STATE IN THE SAME ELECTION**  
(RSA 659:34-a)

in that, Spencer William McKinnon, knowingly checked in at the checklist and cast a New Hampshire ballot in Durham for the November 8, 2016 General Election, and said ballot contained one or more federal or statewide offices listed on the ballot, and he also cast a ballot in Dracut, Massachusetts during the same November 8, 2016 General Election, and said ballot contained one or more federal or statewide offices listed on the out-of-state ballot.

Said acts being contrary to the form of the Statute, in such case made and provided, and against the peace and dignity of the State.

  
John J. Kennedy, NH Bar# 19557  
Assistant Attorney General

*Note prosecution pursuant to plea deal.*  
*MWB*  
*2/28/19*

This is a true bill.

 9-20-18

Foreperson

SSC#219 2018 CR 691  
CHG ID# 1544268C

---

Name: Spencer William McKinnon  
DOB: [REDACTED]  
Address: [REDACTED]  
RSA: RSA 659:34-a  
Offense level: Class B Felony  
Dist/Mun Ct: N/A

---

---

VRIS  
RPS020

TOWN OF DRACUT  
Voter List By Ward/Precinct/Street Name  
STATE ELECTION 11/08/2016  
ALL Voters  
(STATE ELECTION)

Ward Pct	Street Name	Ward Pct	Street Name
Show House# ID?	Name	Party Voted	AV EV Voter Id Inactive Date



MCKINNON, SPENCER



AV



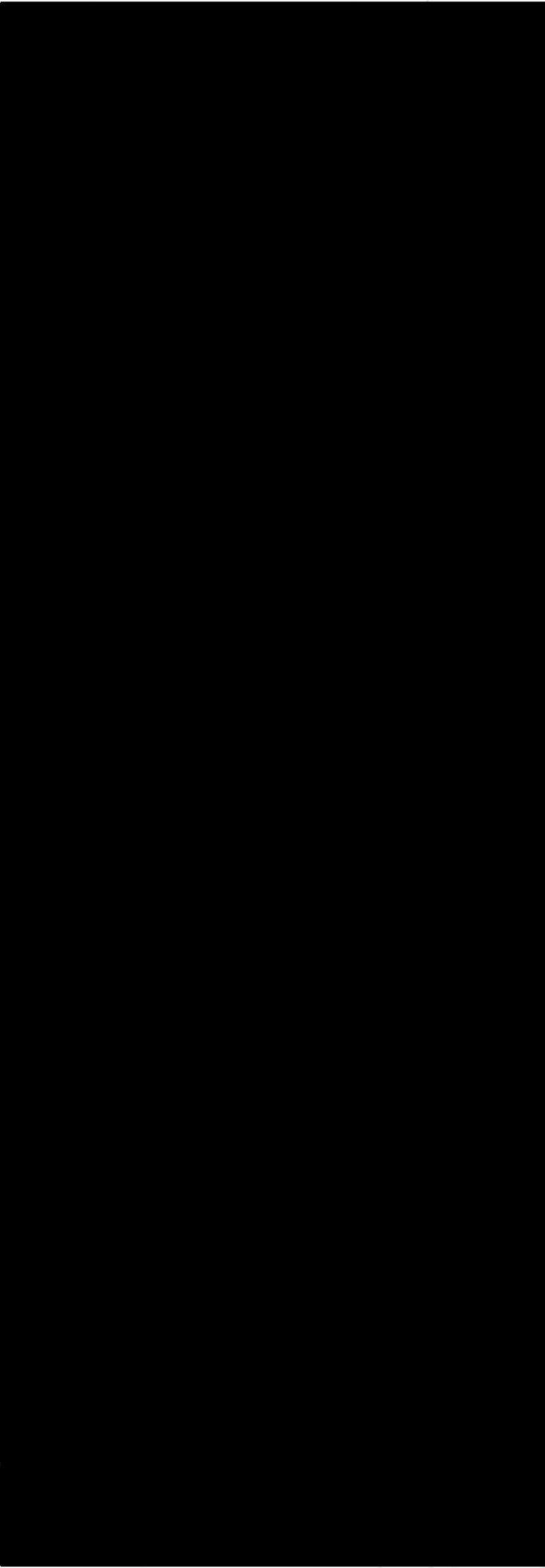


STATE GENERAL ELECTION - 11/08/2016

Print Date : 11/01/2016

Identity Domicile Address Mailing Address Ward Voter ID Barcode

Party Voter Name



FUND MCKINNON, SPENCER  
WILLIAM

