

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO: <u>20-210</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: _____</b>
<b>MICHAEL "OZZIE" MYERS</b>	<b>:</b>	<b>VIOLATIONS:</b> <b>18 U.S.C. § 241 (conspiracy to deprive persons of civil rights - 2 counts)</b> <b>18 U.S.C. § 1952 (Travel Act - 2 counts)</b> <b>18 U.S.C. § 1519 (falsification of records - 4 counts)</b> <b>52 U.S.C. § 10307(e) (voting more than once in federal election - 2 counts)</b> <b>52 U.S.C. § 10307(c) (conspiring to illegally vote in federal election - 2 counts)</b> <b>18 U.S.C. § 1512(b)(3) (obstruction – 1 count)</b> <b>18 U.S.C. § 2 (aiding and abetting)</b>

**SUPERSEDING INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this superseding indictment:

1. Defendant MICHAEL "OZZIE" MYERS was a political consultant and former Member of the United States House of Representatives. As a political consultant, defendant MYERS held himself out as an effective and successful political operative capable of ensuring his clients' electoral success. Defendant MYERS exercised influence and control in Philadelphia's 39<sup>th</sup> Ward by distributing cash payments and supporting family, friends, and allies for elective office in the 39<sup>th</sup> Ward, and installing Ward Leaders, Judges of Elections, and

Democratic State Committee Persons. Through the scheme described below, MYERS advanced his political and financial interests through fraudulent and corrupt means by engaging in a “ballot stuffing” scheme that enabled him to take credit for the electoral success of his Philadelphia-based clients and preferred candidates, secure his standing in local party politics that enabled him to control and influence the 39<sup>th</sup> Ward, and influence the distribution of local patronage jobs.

2. Domenick J. Demuro, charged elsewhere, was a Judge of Elections for Philadelphia’s 39<sup>th</sup> Ward, 36<sup>th</sup> Division. Demuro also served as a Committee Person for the Democratic Party and the Democratic Chairman of Ward 39a in the City of Philadelphia.

3. The Judge of Elections is an elective office and a paid position in which the election official earns approximately \$120.00 per election. The Judge of Elections is responsible for overseeing the entire election process and voter activities of his Division. Each Judge of Elections is charged with overseeing the Division’s polling place in accordance with federal and state election laws. The Judge of Elections is required to attend Election Board Training conducted by the Philadelphia City Commissioners. Election officials are specifically trained that it is against the law to make false entries on official documents, alter results receipts/tapes, or any other official records, or tamper with voting machines.

4. The Judge of Elections is assisted by other Election Board Officials in his or her Division, including the Majority Inspector, Minority Inspector, Clerk, and Machine Inspector. The Majority Inspector and Minority Inspector are elective offices. The Clerk is appointed by the Minority Inspector, and the Machine Inspector is appointed by Philadelphia’s City Commissioners. The Majority Inspector, Minority Inspector, and Clerk assist the Judge of Elections in overseeing the election process at a particular polling place, and they receive

assignments from the Judge of Elections to enforce voting regulations and procedures. The Machine Inspector sets up the Voting Machines, resets the machines after each voter, and instructs voters in the use of the Voting Machines.

5. Each polling station, including the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, and the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, maintains a District Register (“Pollbook”) which documents the eligibility of a potential voter and a List of Voters and Party Enrollment, which documents the name, party affiliation, and order of appearance of each voter who appears at the polling station to cast his or her ballot in the election. The Pollbook, Lists of Voters, and Party Enrollment are maintained as official records by the Philadelphia City Commissioners.

6. The Voting Machines at each polling station, including the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, and the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, generate records in the form of a printed receipt (“results receipt”) documenting the use of each Voting Machine that contain: a) the Opening Zero Count; b) the Election Board Officials’ Opening Certification signatures, c) any Write-in Votes, and d) Vote Totals. The Judge of Elections and the Election Board Officials at each polling place attest to the accuracy of machine results by affixing their signatures to the last page of the results receipt.

7. The results receipt from each Voting Machine documenting the ballots cast in an election, is placed in a vinyl Cartridge-Results Bag for pickup by a Philadelphia Police Officer after the close of the polls. At the end of Election Day, the Cartridge-Results Bag contains: a) the paper results receipt; b) the memory cartridge from each Voting Machine; and, c) Absentee Voter Lists. These official election records are transported by a Philadelphia Police Officer to a regional center where the voting data is downloaded and tabulated. After the

election, the records transported in the Cartridge-Results Bag are stored and maintained at the office of the Philadelphia City Commissioners at Riverview Place, Delaware Avenue and Spring Garden Streets in Philadelphia.

8. Judicial Candidates #1, #2, and #3 were candidates running for Judge of the Court of Common Pleas in the First Judicial District of Pennsylvania. Judicial Candidates #1, #2, and #3 hired defendant MICHAEL "OZZIE" MYERS to help them get elected to the Court of Common Pleas.

9. Defendant MICHAEL "OZZIE" MYERS gave Domenick J. Demuro directions and paid him money to add votes to candidates supported by defendant MYERS, including candidates for judicial office whose campaigns actually hired MYERS, and other candidates for various federal, state, and local elective offices preferred by MYERS for a variety of reasons. During the 2015 primary election, MYERS paid Demuro to fraudulently add votes on behalf of Judicial Candidates #1, #2, and #3, among others.

10. From at least in or about April 2014 through at least in or about June 2016, in the Eastern District of Pennsylvania, and elsewhere, defendant

**MICHAEL "OZZIE" MYERS**

conspired and agreed with Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, while acting under color of law, to willfully injure, impede, impair, and oppress certain legally qualified electors of the United States, being all voters of the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, in the City of Philadelphia, in the free exercise and enjoyment of their right and privilege, secured under the Constitution and laws of the United States, of exercising their

right to vote in primary elections for candidates for federal, state, and local offices undiluted by false and fraudulent ballots and tallies in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, in the City of Philadelphia.

**MANNER AND MEANS**

It was part of the conspiracy that:

11. Defendant MICHAEL “OZZIE” MYERS would solicit monetary payments from his clients, candidates for elective office, in the form of cash or checks as “consulting fees.” Defendant MYERS would then take portions of these funds from his clients and make payments to Election Board Officials, including Domenick J. Demuro, in return for Demuro and other Election Board officials tampering with the election results.

12. After receiving payments ranging from between \$300 to \$5,000 per election from defendant MICHAEL “OZZIE” MYERS, Domenick J. Demuro would add fraudulent votes - also known as “ringing up” votes – for defendant MYERS’ clients and preferred candidates in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, thereby diluting the ballots cast by actual voters.

13. Defendant MICHAEL “OZZIE” MYERS would relay instructions to Domenick J. Demuro via cellular telephones capable of interstate transmissions regarding which candidates defendant Demuro should “ring up” or add fraudulent votes to their totals during Election Day in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division.

14. After the polls closed on Election Day, Domenick J. Demuro would falsely certify the Voting Machine results from the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, by attesting to the accuracy of the paper results receipt placed in the Cartridge-Results Bag with the memory cartridge from each Voting Machine for delivery to the City Commissioners.

15. Defendant MICHAEL “OZZIE” MYERS protected the scheme from detection and prosecution by law enforcement officials as well as from exposure by political candidates and the news media, through means that included the falsification of documents and obstruction of justice.

### **OVERT ACTS**

In furtherance of this conspiracy, defendant MICHAEL “OZZIE” MYERS, along with Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

1. On or about May 20, 2014, Domenick J. Demuro, and others known and unknown to the grand jury, added 27 fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to federal, state, local, and party offices.

2. On or about May 20, 2014, Domenick J. Demuro, and others known to the grand jury, falsely certified the results receipt documenting 118 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, even though only 91 voters physically appeared at the polling station to cast ballots.

3. On or about May 20, 2014, after the polls closed, Domenick J. Demuro, and others known to the grand jury, turned in to the office of the Philadelphia City Commissioners the results receipts from voting Machine #021873 and Machine #021874 documenting 118 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, even though only 91 voters physically appeared at the polling station to cast ballots.

4. In May of 2015, defendant MICHAEL "OZZIE" MYERS gave Domenick J. Demuro approximately \$1000 in cash in exchange for Demuro adding fraudulent votes during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of Judicial Candidate #1 running for Judge of the Court of Common Pleas in the First Judicial District of Pennsylvania.

5. In May of 2015, defendant MICHAEL "OZZIE" MYERS gave Domenick J. Demuro approximately \$500 in exchange for Demuro adding fraudulent votes during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of Judicial Candidate #2 running for Judge of the Court of Common Pleas in the First Judicial District of Pennsylvania.

6. In May of 2015, defendant MICHAEL "OZZIE" MYERS gave Domenick J. Demuro approximately \$1000 in exchange for Demuro adding fraudulent votes during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of Judicial Candidate #3 running for Judge of the Court of Common Pleas in the First Judicial District of Pennsylvania.

7. On or about May 19, 2015, defendant MICHAEL "OZZIE" MYERS called Domenick J. Demuro immediately prior to the opening of the polls on primary Election Day to discuss their plans to add fraudulent votes.

8. On or about May 19, 2015, Domenick J. Demuro, and others known and unknown to the grand jury, added 40 fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of defendant MICHAEL "OZZIE" MYERS' client candidates running for Judge of the Court of Common Pleas in the First Judicial District of Pennsylvania, and on behalf of defendant MICHAEL "OZZIE" MYERS' preferred candidates for other state and local offices.

9. On or about May 19, 2015, defendant MICHAEL “OZZIE” MYERS called Domenick J. Demuro shortly after the polls closed on primary Election Day to confirm that fraudulent votes had been added to support defendant MYERS’ clients and preferred candidates.

10. On or about May 19, 2015, after the polls closed, Domenick J. Demuro, and others known to the grand jury, turned in to the office of the Philadelphia City Commissioners the results receipts from voting Machine #021873 and Machine #021874 documenting 259 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, even though only 219 voters physically appeared at the polling station to cast ballots.

11. On or about April 26, 2016, defendant MICHAEL “OZZIE” MYERS called Domenick J. Demuro soon after the opening of the polls on primary Election Day to discuss their plans to add fraudulent votes.

12. On or about April 26, 2016, Domenick J. Demuro, and others known and unknown to the Grand Jury, added 46 fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to federal, state, and local offices.

13. On or about April 26, 2016, defendant MICHAEL “OZZIE” MYERS called Domenick J. Demuro multiple times shortly after the polls closed on primary Election Day to confirm that fraudulent votes had been added to support defendant MYERS’ clients and preferred candidates.

14. On or about April 26, 2016, after the polls closed, Domenick J. Demuro, and others known to the grand jury, turned in to the office of the Philadelphia City



Commissioners the results receipts from voting Machine #021873 and Machine #021874 documenting 266 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, even though only 220 voters physically appeared at the polling station to cast ballots.

All in violation of Title 18, United States Code, Section 241.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 10 of Count One are incorporated herein by reference.

2. The laws of the Commonwealth of Pennsylvania, specifically, 18 Pa.C.S.A. § 4701, provide that bribery is a violation of the laws of the Commonwealth of Pennsylvania.

3. On or about May 19, 2015, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, used a facility in interstate and foreign commerce, namely a cellular telephone, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of an unlawful activity, that is, bribery in violation of 18 Pa.C.S.A. § 4701, and thereafter committed and attempted to commit an act of bribery by fraudulently adding votes in exchange for money to further such unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(3), and Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 12 of Count One are incorporated herein by reference.

2. On or about May 19, 2015, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by, and willfully caused, Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, to knowingly conceal, cover up, falsify, and make false entries in documents and records, specifically, the results receipts from voting Machine #021873 and Machine #021874 documenting 259 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter, and in relation to and contemplation of such matter, which was within the jurisdiction of a department and agency of the United States, specifically, the U.S. Department of Justice (“DOJ”) and the Federal Bureau of Investigation (“FBI”).

In violation of Title 18, United States Code, Section 1519, and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 14 of Count One, and Paragraph 2 of Count Two are incorporated herein by reference.

2. On or about April 26, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by Domenick J. Demuro, charged elsewhere, and others, known and unknown to the grand jury, used a facility in interstate and foreign commerce, namely a cellular telephone, with the intent to promote, manage, establish, carry on, and facilitate the promotion, management, establishment, and carrying on, of an unlawful activity, that is, bribery in violation of 18 Pa.C.S.A. § 4701, and thereafter committed and attempted to commit an act of bribery by fraudulently adding votes in exchange for money to further such unlawful activity.

In violation of Title 18, United States Code, Section 1952(a)(3), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 14 of Count One are incorporated herein by reference.

2. On or about April 26, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by, and willfully caused, Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, to knowingly conceal, cover up, falsify, and make false entries in documents and records, specifically, the Results Receipts from voting Machine #021873 and Machine #021874 documenting 266 ballots cast during the primary election in the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter, and in relation to and contemplation of such matter, which was within the jurisdiction of a department and agency of the United States, specifically, the DOJ and the FBI.

In violation of Title 18, United States Code, Section 1519, and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 14 of Count One are incorporated herein by reference.

2. On or about April 26, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by, and willfully caused, Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, to vote more than once in a primary election held solely or in part for the purpose of selecting and electing any candidate for the office of Member of the United States House of Representatives.

In violation of Title 52, United States Code, Section 10307(e), and Title 18, United States Code, Section 2.

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 14, and Overt Acts 1 through 14 of Count One are incorporated herein by reference.

2. On or about April 26, 2016, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

conspired with Domenick J. Demuro, charged elsewhere, and others known and unknown to the grand jury, to illegally vote more than once in a primary election held solely or in part for the purpose of selecting and electing any candidate for the office of Member of the United States House of Representatives.

In violation of Title 52, United States Code, Section 10307(c), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 through 9, 11 through 15, and Overt Acts 1 through 14 of Count One are incorporated herein by reference.

2. From on or about April 12, 2017 through on or about May 8, 2017, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

knowingly engaged in misleading behavior towards another person with the intent to hinder, delay, and prevent the communication to law enforcement officers, that is, agents of the FBI, information relating to the commission and possible commission of a federal offense, and attempted to do so, by among other things:

a. Instructing Domenick J. Demuro, charged elsewhere, not to discuss the “ballot stuffing” over the telephone;

b. Advising Domenick J. Demuro to conceal the receipt of bribes by providing fictitious names to be listed as the payee on checks drawn on the campaign accounts of defendant MYERS’ preferred candidates and unwitting clients by telling Demuro, “I’m gonna get you a couple checks there’s no question about that. If you want to give me a - a different name than Domenick Demuro that’s your business....”;

c. Advising Domenick J. Demuro that defendant MYERS would hand Demuro bribe payments in the form of checks after the deadline for the last campaign finance report prior to the May 2017 primary election because, “you don’t wanna - you don’t wanna be on any [candidate’s campaign finance] report May 7<sup>th</sup> when the election is May 16<sup>th</sup>”;



d. Having Domenick J. Demuro sign receipts for bribe payments in the form of cash and instructing Demuro that “if there was ever a question Dom . . . you know you’d say well I gave the money out Election Day [to get out the vote]”;

e. Providing a check to Domenick J. Demuro drawn on the campaign account of defendant MYERS’ client candidate and made payable to Demuro’s spouse and later falsely characterized on the unwitting candidate’s campaign finance report as supporting a “get out the vote” effort.

In violation of Title 18, United States Code, Section 1512(b)(3) and Title 18, United States Code, Section 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, 3 through 7, and 15 of Count One are incorporated herein by reference.

2. In approximately 1988, Marie Beren, charged elsewhere, was recruited by defendant MICHAEL “OZZIE” MYERS to serve as Judge of Elections for Philadelphia’s 39<sup>th</sup> Ward, 2<sup>nd</sup> Division. Approximately four years prior, defendant MYERS had recruited and installed Beren as a Committee Person for the Democratic Party in the 39<sup>th</sup> Ward in the City of Philadelphia.

3. Marie Beren formally served as the Judge of Elections for Philadelphia’s 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, from 1988 through 2015. Beginning in approximately 2010, the polling location for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, moved to the Seafarer’s Union Hall located at 4<sup>th</sup> and Shunk Streets in Philadelphia, Pennsylvania. The Seafarer’s Union Hall was also the polling location for the 39<sup>th</sup> Ward, 11<sup>th</sup> Division, and the 39<sup>th</sup> Ward, 16<sup>th</sup> Division. Maire Beren became the *de facto* Judge of Elections for all three divisions.

4. Following the 2015 Primary Election, Marie Beren “stepped down” from her formal role as Judge of Elections for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division. Beren became a certified poll watcher and installed a new Judge of Elections known to the grand jury. In her new capacity, Beren maintained access to the polling locations at Seafarer’s Union Hall for Philadelphia’s 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, the 39<sup>th</sup> Ward, 11<sup>th</sup> Division, and the 39<sup>th</sup> Ward, 16<sup>th</sup> Division. Although election records for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, identified another person serving as Judge of Elections, in reality, Beren continued to effectively perform the responsibilities of the Judge of Elections by overseeing the entire election process and voter

activities of all three Divisions located at the Seafarer's Union Hall from 2015 through at least 2019.

5. Marie Beren recruited and installed the other Election Board Officials for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division.

6. While Marie Beren effectively ran the polling places for Philadelphia's 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, the 39<sup>th</sup> Ward, 11<sup>th</sup> Division, and the 39<sup>th</sup> Ward, 16<sup>th</sup> Division, defendant MICHAEL "OZZIE" MYERS gave Beren directions to add votes to candidates supported by defendant MYERS, including candidates for judicial office whose campaigns actually hired MYERS, and other candidates for various federal, state, and local elective offices preferred by MYERS for a variety of reasons.

7. From at least in or around May 2015 through at least in or around May 2019, in the Eastern District of Pennsylvania, and elsewhere, defendant

**MICHAEL "OZZIE" MYERS**

conspired and agreed with Marie Beren, charged elsewhere, and others known and unknown to the grand jury, while acting under color of law, to willfully injure, impede, impair, and oppress certain legally qualified electors of the United States, being all voters of the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, in the City of Philadelphia, in the free exercise and enjoyment of their right and privilege, secured under the Constitution and laws of the United States, of exercising their right to vote undiluted by false and fraudulent ballots and tallies in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, in the City of Philadelphia.

**MANNER AND MEANS**

It was part of the conspiracy that:

8. On Election Day, defendant MICHAEL “OZZIE” MYERS transported Marie Beren to the polling station for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, to open the polls. During the drive to the polling station, defendant MYERS would advise Beren which candidates he was supporting so that Beren knew which candidates should be receiving fraudulent votes.

9. While the polls were open, Marie Beren would advise actual in-person voters to support defendant MICHAEL “OZZIE” MYERS’ candidates. Beren would also cast fraudulent votes in support of defendant MYERS’s preferred candidates on behalf of voters she knew would not physically appear at the polls in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, thereby diluting the ballots cast by actual voters.

10. On Election Day, defendant MICHAEL “OZZIE” MYERS would confer with defendant Marie Beren, often via cellular telephone, while she was at the polling station for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, about the number of votes cast for his preferred candidates. Beren would report to defendant MYERS how many “legit votes,” meaning actual voters, had reported and cast ballots. If actual voter turnout was high, Beren would add fewer fraudulent votes in support of MYERS’ preferred candidates. From time to time, MYERS would instruct Beren to shift her efforts from one of MYERS’ preferred candidates to another. Specifically, MYERS would instruct Beren “to throw support” behind another candidate during Election Day if MYERS concluded that his first choice was comfortably ahead.

11. Marie Beren would also permit and encourage individual voters from the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, to cast ballots on behalf of absent family members who had not appeared at the polling station in person. Beren would use her influence with those voters to steer them

towards casting ballots for their absent family members in support of candidates supported by defendant MICHAEL "OZZIE" MYERS.

12. Marie Beren, and others known and unknown to the grand jury, would falsify the List of Voters and Party Enrollment for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, by recording the names, party affiliation, and order of appearances for voters who had not physically appeared at the polling station to cast his or her ballot in the election. Beren, and others known and unknown to the grand jury, would then cast fraudulent ballots, purportedly on behalf of these eligible voters who had not, in fact, appeared in person to cast ballots themselves.

13. After the polls closed on Election Day, Marie Beren, and others known and unknown to the grand jury, would certify the Voting Machine results from the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, by attesting to the accuracy of the paper results receipt placed in the Cartridge-Results Bag with the memory cartridge from each Voting Machine for delivery to the City Commissioners.

#### **OVERT ACTS**

In furtherance of this conspiracy and to achieve its objects, defendant MICHAEL "OZZIE" MYERS, along with Marie Beren, charged elsewhere, and others known and unknown to the grand jury, committed the following overt acts, among others, in the Eastern District of Pennsylvania:

1. On or about May 19, 2015, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL "OZZIE" MYERS' preferred candidates running for election to state and local offices.

2. On or about November 3, 2015, Marie Beren, and others known and

unknown to the grand jury, added fraudulent ballots during the general election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to state and local offices.

3. On or about April 26, 2016, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to federal, state, and local offices.

4. On or about November 6, 2016, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the general election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to federal, state, and local offices.

5. On or about May 16, 2017, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to state and local offices.

6. On or about November 7, 2017, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the general election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE” MYERS’ preferred candidates running for election to state and local offices.

7. On or about May 15, 2018, Marie Beren arranged for others, known and unknown to the grand jury, to add at least approximately fifteen (15) fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL “OZZIE”

MYERS' preferred candidates running for election to federal, state, and local offices.

8. On or about November 6, 2018, Marie Beren, and others known and unknown to the grand jury, added at least approximately fourteen (14) fraudulent ballots during the general election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL "OZZIE" MYERS's preferred candidates running for election to federal, state, and local offices.

9. On or about May 21, 2019, Marie Beren, and others known and unknown to the grand jury, added at least approximately ten (10) fraudulent ballots during the primary election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL "OZZIE" MYERS' preferred candidates running for election to state and local offices.

10. On or about November 5, 2019, Marie Beren, and others known and unknown to the grand jury, added fraudulent ballots during the general election in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, on behalf of defendant MICHAEL "OZZIE" MYERS' preferred candidates running for election to state and local offices.

In violation of Title 18, United States Code, Section 241.

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, and 3 through 7 of Count One, Paragraph 2 of Count Eight, and Paragraphs 2 through 6, 8 through 13, and Overt Act 6 of Count Nine are incorporated herein by reference.

2. On or about November 7, 2017, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL “OZZIE” MYERS,**

aided and abetted by, and willfully caused, Marie Beren, charged elsewhere, and others known and unknown to the grand jury, to knowingly conceal, cover up, falsify, and make false entries in documents and records, specifically, the District Register (“Pollbook”) for the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter, and in relation to and contemplation of such matter, which was within the jurisdiction of a department and agency of the United States, specifically, the U.S. Department of Justice (“DOJ”) and the Federal Bureau of Investigation (“FBI”).

In violation of Title 18, United States Code, Section 1519, and Title 18, United States Code, Section 2.



**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, and 3 through 7 of Count One, Paragraphs 2 through 6, 8 through 13, and Overt Act 8 of Count Nine are incorporated herein by reference.

2. In 2018, the general election ballot in the 39<sup>th</sup> Ward, 2<sup>nd</sup> Division, contained candidates for the office of Member of the United States Senate and Member of the United States House of Representatives.

3. On or about November 6, 2018, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL "OZZIE" MYERS,**

aided and abetted by, and willfully caused, Marie Beren, charged elsewhere, and others known and unknown to the grand jury, to vote more than once in a primary election held solely or in part for the purpose of selecting and electing any candidate for the office of Member of the United States Senate and Member of the United States House of Representatives.

In violation of Title 52, United States Code, Section 10307(e), and Title 18, United States Code, Section 2.

**COUNT TWELVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, and 3 through 7 of Count One, Paragraphs 2 through 6, 8 through 13, and Overt Act 8 of Count Nine, and Paragraph 2 of Count Eleven are incorporated herein by reference.

2. On or about November 6, 2018, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL "OZZIE" MYERS**

conspired with Marie Beren, charged elsewhere, and others known and unknown to the grand jury, to illegally vote more than once in a primary election held solely and in part for the purpose of selecting and electing any candidate for the office of Member of the United States Senate and Member of the United States House of Representatives.

In violation of Title 52, United States Code, Section 10307(c).

**COUNT THIRTEEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1, and 3 through 7 of Count One, Paragraph 2 of Count Eight, Paragraphs 2 through 6, and 8 through 13, and Overt Act 10 of Count Nine are incorporated herein by reference.

2. On or about November 5, 2019, in the Eastern District of Pennsylvania and elsewhere, defendant

**MICHAEL "OZZIE" MYERS,**

aided and abetted by, and willfully caused, Marie Beren, charged elsewhere, and others known and unknown to the grand jury, to knowingly conceal, cover up, falsify, and make false entries in documents and records, specifically, the District Register ("Pollbook") for the 39<sup>th</sup> Ward, 36<sup>th</sup> Division, with the intent to impede, obstruct, and influence the investigation and proper administration of a matter, and in relation to and contemplation of such matter, which was within the jurisdiction of a department and agency of the United States, specifically, the U.S. Department of Justice ("DOJ") and the Federal Bureau of Investigation ("FBI").

In violation of Title 18, United States Code, Section 1519, and Title 18, United States Code, Section 2.

A TRUE BILL.



  
for  
**JENNIFER ARBITTIER-WILLIAMS**  
**ACTING UNITED STATES ATTORNEY**

No. \_\_\_\_\_

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**UNITED STATES DISTRICT COURT**

Eastern District of Pennsylvania  
Criminal Division

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THE UNITED STATES OF AMERICA

vs.

MICHAEL "OZZIE" MYERS

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**SUPERSEDING INDICTMENT**

Counts

**18 USC Section 241 (Conspiracy to Deprive Persons of Civil Rights – 2 counts)**

**18 USC Section 1952 (Travel Act -2 counts)**

**18 U.S.C. § 1519 (falsification of records - 4 counts)**

**52 U.S.C. § 10307(e) (voting more than once in federal election - 2 counts)**

**52 U.S.C. § 10307(c) (conspiring to illegally vote in federal election - 2 counts)**

**18 U.S.C. § 1512(b)(3) (obstruction – 1 count)**

**18 U.S.C. § 2 (aiding and abetting)**

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Filed in open court this \_\_\_\_\_ day,

Of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

\_\_\_\_\_  
Clerk

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Bail, \$ \_\_\_\_\_

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