

Hersh 3/26

IN THE MAGISTRATE COURT OF BERKELEY COUNTY, WEST VIRGINIA

State of West Virginia

Case No. 18-M02F-00194

v.

Misdemeanor/ Felony

Isac L. Dakuyo

XXX-XX-3994

09-08-1971

Defendant (Full Name)

Social Security Number

Date of Birth

147 Garden Driv Apt. 201

Driver's License / Identification Number

Address

204-596-4999

Martinsburg, WV 25404

Phone Number(s)

City, State & Zip Code

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3, 4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09-27-2016, in Berkeley County, West Virginia, in violation of West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) Perjury, the defendant did (state statutory language of the offense)

See attached code sections cited

I further state that this complaint is based upon the following facts: See attached

Check if continued on an attached sheet?

(If this complaint involves misdemeanor assault/battery [West Virginia Code § 61-2-9] or misdemeanor domestic assault/battery [West Virginia Code § 61-2-28], check all that apply.)

The defendant

- is/was the victim's spouse. is/was living with the victim as a spouse, parent, or guardian.
 is/was a parent or guardian of the victim. is a person who is like a spouse, parent, or guardian of the victim.
 has a child in common with the victim. has none of the above connections to the victim.

Complainant (who appears before Magistrate):

Gary Harmison

Complainant Name (Full Name)

959 Shape Charge Road

Address

Martinsburg, WV 25404

City, State & Zip Code

304-582-7906

Phone Number(s)

Investigator, Secretary of State Office

Office or Title, if any

3-7-18

Date

Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

Issuance

No probable cause found

Summons issued

Probable cause found

Warrant issued

Warrantless arrest

03/07/18

Date

Charles C. Bles

Magistrate Signature

§3-2-36. Crimes and offenses relating to applications for registration or change of registration; penalties.

(a) A person who willfully provides false information concerning a material matter or thing on an application for registration or change of registration, under oath, affirmation or attestation, shall be deemed guilty of perjury; one who induces or procures another person to do so shall be deemed guilty of subordination of perjury.

(b) A person who knowingly offers any application for registration or transfer of registration when the applicant therein is not qualified to register or transfer his registration, or any person who knowingly administers an oath or affirmation to an applicant for registration or change of registration when the application contains false information concerning a material matter or thing, or any person who falsely represents that an oath or affirmation was executed by an applicant for registration or change of registration, shall be guilty of a felony and, upon conviction thereof, shall be imprisoned in the penitentiary not less than one year nor more than three years, or fined not less than \$500 nor more than \$5,000, or both fined and imprisoned, or, in the discretion of the court, be confined in the county jail for not more than one year, or fined not less than \$500 nor more than \$5,000, or both fined and imprisoned.

§61-5-1. Perjury and subornation of perjury defined.

(a) Any person who is under an oath or affirmation which has been lawfully administered and who willfully testifies falsely regarding a material matter in a trial of any person, corporation or other legal entity for a felony, or before any grand jury which is considering a felony indictment, shall be guilty of the felony offense of perjury.

(b) Any person who induces or procures another person to testify falsely regarding a material matter in a trial of any person, corporation or other legal entity for a felony, or before any grand jury which is considering a felony indictment, shall be guilty of the felony offense of subornation of perjury.

§61-5-3. Penalties for perjury, subordination of perjury, and false swearing.

A person convicted of perjury or subordination of perjury shall be confined in the penitentiary not less than one nor more than ten years, and a person convicted of false swearing shall be fined not more than \$1,000, and, in the discretion of the court, confined in jail not more than one year. And in either case the person convicted shall be adjudged forever incapable of holding any office of honor, trust or profit in this state, or of serving as a juror.

Case No.: _____

IN THE MAGISTRATE COURT OF BERKELEY COUNTY, WEST VIRGINIA

**MAGISTRATE COURT CRIMINAL COMPLAINT
CONTINUATION SHEET**

The defendant is currently in this county on a green card as a permanent resident. He is from the country of Burkina Faso in Western Africa.

On 9-27-2016, The Berkeley County Clerk's Office received an on line voter registration form. The form was filled out by the defendant. He did obtain his voter registration card and did vote in the General Election held in November 2016. In December 2016, he received a letter from the Berkeley County Clerk's Office stating that he had voted illegally and his voter registration was canceled. In October 2017, he once again registered to vote this time through DMV. He did not receive a voter registration card this time.

During the course of the investigation, the defendant admitted to this investigator that he registered on line through vote.gov in 2016. I went to this site and there are FAQ and one is who can and cannot vote. It clearly states non-citizens, including permanent legal residents cannot vote. To register, he would have been directed to the WV Secretary of State site to continue the registration process. During the process, he would have had to answer yes to the question, are you a United States citizen to continue. If he had answered no, it would not have allowed him to continue. It clearly states on the bottom of the registration process, knowingly providing false information is perjury, punishable on conviction by confinement in a penitentiary for not less than one nor more than ten years.

Even after receiving the letter from the Berkeley County Clerk's Office in December 2016, he again registered through DMV to vote. He denies registering a second time.

I do believe that he committed the offense of perjury at least once and possibly twice, but at this time, I ask for one felony county of perjury be issued against the defendant.

Date

03/07/18

Charles C. Blos
Magistrate's Signature