

IN THE MAGISTRATE COURT OF CABELL COUNTY, WEST VIRGINIA

State of West Virginia

Case No. 17-Mo6m-04916

v.

Misdemeanor/  Felony

Tuttle, Carson Lec  
Defendant (Full Name)  
11655 E. Meadows Ct.  
Address  
Pickerington, OH 43147  
City, State & Zip Code

XXX-XX-3397  
Social Security Number  
6/16/69  
Date of Birth  
OH - UR930854 AND WV - F779124  
Driver's License / Identification Number  
309-756-6621  
Phone Number(s)

**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 11/08/2016, in Cabell County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* 3-9-17 Illegal Voting, the defendant did *(state statutory language of the offense)*

If any person knowingly votes when not legally entitled; or votes more than once in the same election... he shall be guilty of a misdemeanor; and on conviction thereof shall be fined not more than \$1000 or confined not more than 1 year or both

I further state that this complaint is based upon the following facts: On April 8, 2017, the Ohio Secretary of State referred information to the WV Secretary of State's office indicating their crosscheck of records showed Carson Lee Tuttle voted in Cabell County, WV and Franklin County, Ohio in the general election of 2016. The WV statewide voter registration database confirmed the information. The undersigned was requested to investigate the matter. I traveled to the

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):

Paul Cross  
Complainant Name (Full Name)  
Office of the Secretary of State  
Address  
Charleston, WV 25305  
City, State & Zip Code  
877-FRAUD-WV (877-372-8398)  
Phone Number(s)

Investigator  
Office or Title, if any

7/24/17 Paul E. Cross  
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:

- |  |  |
|--|--|
| <u>Finding</u>   | <u>Issuance</u>                                    |
| <input type="checkbox"/> No probable cause found         | <input type="checkbox"/> Summons issued            |
| <input checked="" type="checkbox"/> Probable cause found | <input checked="" type="checkbox"/> Warrant issued |
|  | <input type="checkbox"/> Warrantless arrest        |

July 24, 2017 Date Magistrate Signature

**CRIMINAL COMPLAINT (Page 2)**

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Cabell County Clerk's office on May 23, 2017 and learned Mr. Tuttle had voted an absentee ballot in Cabell County. According to their records, he obtained the absentee ballot on or about October 26, 2016 and it was received by their office on or about November 3, 2016. I obtained six (6) records from their office related to his obtaining the ballot and the signatures. According to the records sent from Ohio, Mr. Tuttle registered to vote in Franklin County on or about October 7, 2016 and voted on Election Day in-person on November 8, 2016.

I obtained copies of Mr. Tuttle's WV and OH driver's license signatures for comparison value. I also obtained copies of Mr. Tuttle's voter registration information for the signatures as well. On May 25, 2016, I submitted the question documents to the State Police Lab for handwriting analysis.

On May 30, 2017, I traveled to Columbus, Ohio to obtain additional records and to interview Mr. Tuttle. I was unable to locate him at his listed address.

On or about June 13, 2017, I reached Mr. Tuttle by phone and he denied having double voted. I then contacted the State Police Lab and learned the examiner needed additional signature exemplars for comparison. I worked to obtain other representative items for analysis.

On July 18, 2017, I again traveled to Columbus, Ohio and was able to locate Mr. Tuttle at 11655 E. Meadows Ct., Pickerington, OH 43147. After explaining to Mr. Tuttle the allegations and his rights, he confessed to having double voted in the 2016 general election. He claimed he did an absentee ballot in WV in probably August or September. He moved to Ohio in September. He admitted he had voted in Ohio on Election Day. He stated, "I had no idea it was illegal since I lived in Ohio."

On July 19, 2017, Carson Tuttle emailed the Elections Director of the WV Secretary of State's Office saying, "...I was informed that I am being investigated for voter fraud and I need help getting this cleared up. Last year in 2016 I was a resident of WV but I was in the process of moving to Ohio in September. I didn't think I would be able to vote in Ohio by election time so in September I filed an absentee ballot in WV. I ended up moving to Ohio and when I got my new drivers license I registered to vote. I didn't think nothing of it and when election time came in November I went to my listed polling place here in Ohio and voted. With moving and starting a new job and all the changes it didn't even dawn on me that I had actually voted twice or done anything wrong. Then a couple of months ago I received a call from an investigator he said I had voted in Ohio and WV. I still didn't really think I had done anything wrong because I definitely didn't do this on purpose. Then yesterday this investigator came to Ohio to interview me and informed me that this was a misdemeanor crime."

IN THE MAGISTRATE COURT OF CABELL COUNTY, WEST VIRGINIA

Case ID: 17-M06M-04916 (MW)

State of West Virginia

v.

Carson Lee Tuttle
11655 E. Meadows Ct.
Pickerington, OH 43147

SSN: XXXXX DOB: 06/16/1969
DL Number: UR930854 DL State: OH

CRIMINAL JUDGMENT ORDER

Judgment of Guilty-Plea Agreement for 1 count of 03-09-17: Illegal voting; deceiving voters. Violation date of 11/08/2016.

Assessed amounts for charge listed above are Fine: \$100.00 Costs and Fees: \$160.25 Restitution: \$0.00

Total Case balance of \$260.25 due by 03/27/2018

Hereby ORDERED and ADJUDGED on this the 28 day of Sept 20 17.

Mike J. Woelfel, Magistrate

CERTIFICATION BY CLERK (For Court Use Only)

17-M06M-04916 (Mag. 1 - 03-09-17)

I hereby certify the above is a true and correct record of the Judgment in this proceeding filed in my office.

Given under my hand on the day of , 20.

Seal

Magistrate Court Clerk