

IN RE COMPLAINT & APPLICATION : SUPERIOR COURT
FOR ARREST OF :
:
ENEIDA MARTINEZ : JUDICIAL DISTRICT OF FAIRFIELD
:
AT FAIRFIELD
:
:
: NOVEMBER 7, 2023

CRIMINAL COMPLAINT & APPLICATION FOR ARREST WARRANT PURSUANT TO
CONN. GEN. STAT. § 9-368

Pursuant to Conn. Gen. Stat. § 9-368, _____,
_____, and _____,

electors of the City of Bridgeport, by and through their undersigned attorney, hereby petition the Court to issue an arrest warrant for Eneida Martinez for violations of Connecticut laws relating to elections.

JURISDICTION

1. Conn. Gen. Stat. § 9-368 provides as follows:

Upon the written complaint of any three electors of a town in which a violation of any law relating to elections has occurred to any judge of the superior court for the judicial district within which the offense has been committed, supported by oath or affirmation that the complainants have good reason to believe and do believe that the allegations therein contained are true and can be proved, such judge shall issue a warrant for the arrest of the accused.

2. Under Conn. Gen. Stat. § 9-368, the Court must consider the electors' criminal complaint and issue an arrest warrant if it finds probable cause to do so.

ALLEGATIONS OF FACT AND LAW APPLICABLE TO ALL COUNTS

3. Conn. Gen. Stat. § 9-140b(a) requires absentee ballots to be cast at a primary, election, or referendum only if:

(1) It is mailed by (A) the ballot applicant, (B) a designee of a person who applies for an absentee ballot because of illness or physical disability, or (C) a member of the immediate family of an applicant who is a student, so that

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

it is received by the clerk of the municipality in which the applicant is qualified to vote not later than the close of the polls; (2) it is returned by the applicant in person to the clerk by the day before a regular election, special election or primary or prior to the opening of the polls on the day of a referendum; (3) it is returned by a designee of an ill or physically disabled ballot applicant, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (4) it is returned by a member of the immediate family of the absentee voter, in person, to said clerk not later than the close of the polls on the day of the election, primary or referendum; (5) in the case of a presidential or overseas ballot, it is mailed or otherwise returned pursuant to the provisions of section 9-158g; or (6) it is returned with the proper identification as required by the Help America Vote Act, P.L. 107-252,1 as amended from time to time, if applicable, inserted in the outer envelope so such identification can be viewed without opening the inner envelope. A person returning an absentee ballot to the municipal clerk pursuant to subdivision (3) or (4) of this subsection shall present identification and, on the outer envelope of the absentee ballot, sign his name in the presence of the municipal clerk, and indicate his address, his relationship to the voter or his position, and the date and time of such return. As used in this section, "immediate family" means a dependent relative who resides in the individual's household or any spouse, child, parent or sibling of the individual.

4. A "designee" for purposes of this section means:

(1) a person who is caring for the applicant because of the applicant's illness or physical disability, including, but not limited to, a licensed physician or a registered or practical nurse, (2) a member of the applicant's family, who is designated by an absentee ballot applicant and who consents to such designation, or (3) a police officer, registrar of voters, deputy registrar of voters or assistant registrar of voters in the municipality in which the applicant resides.

Conn. Gen. Stat. § 9-140b(b).

5. "Mailed" for purposes of this section means "(A) sent by the United States Postal Service or any commercial carrier, courier or messenger service recognized and approved by the Secretary of the State, or (B) deposited in a secure drop box designated by the municipal clerk for such purpose, in accordance with instructions prescribed by the Secretary." Conn. Gen. Stat. § 9-140b(c)(1).

REVIEWED (JUDGE, SUPERIOR COURT): _____

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6. Conn. Gen. Stat. 9-140b(d) provides as follows:

No person shall have in his possession any official absentee ballot or ballot envelope for use at any primary, election or referendum except the applicant to whom it was issued, the Secretary of the State or his or her authorized agents, any official printer of absentee ballot forms and his designated carriers, the United States Postal Service, any other carrier, courier or messenger service recognized and approved by the Secretary of the State, any person authorized by a municipal clerk to receive and process official absentee ballot forms on behalf of the municipal clerk, any authorized primary, election or referendum official or any other person authorized by any provision of the general statutes to possess a ballot or ballot envelope.

7. The City of Bridgeport held a primary for the Democratic nomination for Mayor on September 12, 2023.

8. To facilitate this election in accordance with state law, the City of Bridgeport used four Drop Boxes located at Lyon Terrace (City Hall), 999 Broad Street, Boston Avenue Firehouse, and Ocean Terrace Firehouse.

9. The Bridgeport Police Department maintains cameras that record any activity at each of the four Drop Box locations.

10. Eneida Martinez is a Democratic candidate for Bridgeport City Counsel.

11. At no point during the 2023 election cycle and the Democratic primary for Mayor did Eneida Martinez register as an absentee ballot distributor.

12. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S,¹ Martinez testified that she has been politically active as a member of the Bridgeport Democratic Town Committee.

¹ The Court's findings from that case are attached to this criminal complaint as **Exhibit A**.

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

**COUNT ONE – ILLEGAL RETURN OF ABSENTEE BALLOTS IN VIOLATION OF
CONN. GEN. STAT. § 9-140b(a)**

13. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S, video evidence showed that, on August 27, 2023 at 5:01 PM, Martinez made approximately ten deposits of absentee ballots at the Boston Avenue Drop Box.

14. Martinez is not a proper designee to cast absentee ballots under Connecticut election law.

15. Martinez did knowingly and wilfully commit a Class D felony under Conn. Gen. Stat. § 9-359(5) in violation of Conn. Gen. Stat. § 9-140b(a) by illegally depositing at least ten absentee ballots in a Ballot Drop Box in the City of Bridgeport on August 27, 2023 at 5:01 P.M.

**COUNT TWO –ILLEGAL RETURN OF ABSENTEE BALLOTS IN VIOLATION OF
CONN. GEN. STAT. § 9-140b(a)**

16. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S, video evidence showed that, on August 29, 2023, Martinez made approximately two deposits of absentee ballots at the Boston Avenue Drop Box.

17. Martinez is not a proper designee to cast absentee ballots under Connecticut election law.

18. Martinez did knowingly and wilfully commit a Class D felony under Conn. Gen. Stat. § 9-359(5) in violation of Conn. Gen. Stat. § 9-140b(a) by illegally depositing at least two ballots in a Ballot Drop Box in the City of Bridgeport on August 29, 2023.

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

**COUNT THREE – ILLEGAL RETURN OF ABSENTEE BALLOTS IN VIOLATION OF
CONN. GEN. STAT. § 9-140b(a)**

19. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S, video evidence showed that, on September 2, 2023, Martinez made approximately five deposits of absentee ballots at the Boston Avenue Drop Box.

20. Martinez is not a proper designee to cast absentee ballots under Connecticut election law.

21. Martinez did knowingly and wilfully commit a Class D felony under Conn. Gen. Stat. § 9-359(5) in violation of Conn. Gen. Stat. § 9-140b(a) by illegally depositing at least five absentee ballots in a Ballot Drop Box in the City of Bridgeport on September 2, 2023.

**COUNT FOUR – ILLEGAL RETURN OF ABSENTEE BALLOTS IN VIOLATION OF
CONN. GEN. STAT. § 9-140b(a)**

22. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S, video evidence showed that, on September 4, 2023, Martinez made approximately six deposits of absentee ballots at the Boston Avenue Drop Box.

23. Martinez is not a proper designee to cast absentee ballots under Connecticut election law.

24. Martinez did knowingly and wilfully commit a Class D felony under Conn. Gen. Stat. § 9-359(5) in violation of Conn. Gen. Stat. § 9-140b(a) by illegally depositing at least six absentee ballots in a Ballot Drop Box in the City of Bridgeport on September 4, 2023.

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SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

**COUNT FIVE – ILLEGAL RETURN OF ABSENTEE BALLOTS IN VIOLATION OF
CONN. GEN. STAT. § 9-140b(a)**

25. During evidence presented in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S, video evidence showed that, on September 6, 2023, Martinez made approximately four deposits of absentee ballots at the Boston Avenue Drop Box.

26. Martinez is not a proper designee to return absentee ballots under Connecticut election law.

27. Martinez did knowingly and wilfully commit a Class D felony under Conn. Gen. Stat. § 9-359(5) in violation of Conn. Gen. Stat. § 9-140b(a) by illegally depositing at least four absentee ballots in a Ballot Drop Box in the City of Bridgeport on September 6, 2023.

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SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

Based on the foregoing and pursuant to Conn. Gen. Stat. § 9-368,
_____, _____, and
_____, electors of the City of Bridgeport, by and through their
undersigned attorney, hereby submit that there is probable cause for the Court to issue
an arrest warrant for Eneida Martinez for the above violations of Connecticut laws relating
to elections.

THE ELECTORS,

By: /s/ Cameron L. Atkinson /s/
Cameron L. Atkinson (442289)
ATKINSON LAW, LLC (443770)
122 Litchfield Rd, Ste. 2
P.O. Box 340
Harwinton, CT 06791
Tel: 203-677-0782
Fax: 203-672-6551
catkinson@atkinsonlawfirm.com

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

OATH OF ELECTOR

I, _____, having been duly sworn and depose, do hereby state under oath as follows:

1. I am over the age of 18 and understand and believe in the obligation of an oath to tell the truth.

2. I am a registered elector who lives in the City of Bridgeport.

3. I have reviewed the foregoing criminal complaint and application for an arrest warrant to be issued for Eneida Martinez for violations of Connecticut election law.

4. I have also reviewed the November 1, 2023 memorandum of decision of the Connecticut Superior Court in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S.

5. Based on that review, I have good reason to believe and do believe that the allegations against Eneida Martinez contained herein are true and can be proven in a court of law.

6. I respectfully request the Court to issue an arrest warrant for Eneida Martinez.

Subscribed and sworn to before me, this _____ day of _____, 2023

Notary Public/Commissioner of Superior Court

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

OATH OF ELECTOR

I, _____, having been duly sworn and depose, do hereby state under oath as follows:

7. I am over the age of 18 and understand and believe in the obligation of an oath to tell the truth.

8. I am a registered elector who lives in the City of Bridgeport.

9. I have reviewed the foregoing criminal complaint and application for an arrest warrant to be issued for Eneida Martinez for violations of Connecticut election law.

10. I have also reviewed the November 1, 2023 memorandum of decision of the Connecticut Superior Court in the case of *John Gomes v. Charles Clemons, Jr., et al.*, FBT-CV-23-6127336-S.

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17. Based on that review, I have good reason to believe and do believe that the allegations against Eneida Martinez contained herein are true and can be proven in a court of law.

18. I respectfully request the Court to issue an arrest warrant for Eneida Martinez.

19.

Subscribed and sworn to before me, this _____ day of _____, 2023

Notary Public/Commissioner of Superior Court

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____

ORDER

The foregoing application for an arrest warrant for Eneida Martinez, having duly being presented to the Court, is hereby ordered (circle one):

GRANTED / DENIED

The Court hereby finds probable cause and issues an arrest warrant for Eneida Martinez on the following counts (check all that apply):

- Count One
- Count Two
- Count Three
- Count Four
- Count Five

The Court orders that a copy of the foregoing order be delivered to the Bridgeport Police Department for execution forthwith.

Dated: _____

Judge, Connecticut Superior Court

REVIEWED (JUDGE, SUPERIOR COURT): _____

SIGNED (JUDGE, SUPERIOR COURT): _____ Date: _____