AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

District of Massachusetts

United States of America v. Sunny Manhertz	)	Case No. 26-MJ-1280-DLC

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 5, 2024 in the county of Essex in the _____ District of Massachusetts, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 611	Unlawful voting by aliens
52 U.S.C. § 20511(2)(b)	The procurement, casting, or tabulation of ballots that are known to be materially false, fictitious, or fraudulent under state law

This criminal complaint is based on these facts:

See attached affidavit of HSI Special Agent Andrew DePatto

☑ Continued on the attached sheet.

Andrew DePatto SCC

Complainant's signature

Andrew DePatto, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: 05/18/2026

Judge's signature

City and state: Boston, MA

Donald L. Cabell, Chief U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Special Agent Andrew DePatto, being sworn, state as follows:

INTRODUCTION

1. I am a Special Agent with the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement, Homeland Security Investigations, in Boston, Massachusetts. I have been employed by the United States government as a Special Agent since May 19, 2024. I attended and completed the Criminal Investigator Training Program, which is a twelve-week basic program for all Federal criminal investigators held at the Federal Law Enforcement Training Center. I also attended and completed Homeland Security Investigations Special Agent Training, which is an additional 13 weeks of training. I successfully completed blocks of instruction given on subjects including basic investigative techniques, federal controlled substance laws, money laundering techniques, electronic and physical surveillance techniques, and constitutional law.

2. Prior to becoming a Special Agent with Homeland Security Investigations, I served as the Election Coordinator for the Town of Saugus. As the Election Coordinator for the Town of Saugus my duties included but were not limited to the following: processing voter registration forms; processing absentee/early voting ballot applications; mailing out ballots to registered voters; assisting the Town Clerk and Assistant Town Clerk with organizing, supervising, and executing all Local, State, and Federal Elections. I am generally familiar with the procedures and records associated with voter registration and voting in Massachusetts.

3. My duties as a Special Agent include investigating both criminal and administrative violations of federal laws. During investigation of cases, I have participated in the execution of

search and arrest warrants and have seized evidence as evidence, fruits, and/or instrumentalities of violations of federal law.

PURPOSE OF AFFIDAVIT

4. I submit this affidavit in support of a criminal complaint against Sunny Manhertz ("MANHERTZ") for violations of 18 U.S.C. § 611 (unlawful voting by aliens) and 52 U.S.C. § 20511(2)(b) (the procurement, casting, or tabulation of ballots that are known to be materially false, fictitious, or fraudulent under state law[1]) (collectively, the "TARGET OFFENSES"). As set forth below, there is probable cause to believe that MANHERTZ committed the TARGET OFFENSES.

5. The facts in this affidavit come from my personal observations and review of records, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is probable cause for the requested criminal complaint and does not set forth all my knowledge about this matter.

INVESTIGATIVE BACKGROUND

6. I am aware that, under federal law, the right to vote in federal elections is reserved exclusively to citizens of the United States. Federal law criminalizes both non-citizen registration to vote (52 U.S.C. § 20511(2)(A)) and non-citizen voting in federal elections (52 U.S.C. § 20511(2)(B), 18 U.S.C. § 611).

[1] *See* Mass. Gen. Laws. C. 56 § 26. "Whoever, knowing that he is not a qualified voter in any place, willfully votes or attempts to vote therein; whoever votes or attempts to vote more than once on his own name, his name having been registered more than once; whoever votes or attempts to vote in more than one voting precinct or town, his name having been registered in more than one voting precinct or town; whoever votes or attempts to vote in any name other than his own, or knowingly casts or attempts to cast more than one ballot at one time of balloting; or whoever votes or attempts to vote otherwise illegally, shall be punished by a fine of not more than ten thousand dollars or by imprisonment for not more than five years, or both."

7. As part of continuing efforts to investigate criminal violations of federal law, Homeland Security Investigations has examined voter rolls for certain Massachusetts communities to identify non-citizen registration to vote and non-citizen voting in federal elections. Among those communities is the Town of Saugus.

8. According to records, as of February 12, 2026, there were approximately 22,880 registered voters in the Town of Saugus. Investigative efforts have focused on the subset of these voters who are non-citizens.

9. Homeland Security Investigations has also identified, and continues to investigate, non-citizens who have registered to vote and/or voted in other Massachusetts communities.

SUMMARY OF PROBABLE CAUSE

10. MANHERTZ is a resident of Saugus, Massachusetts.

11. MANHERTZ is a citizen of Canada and was born in Kirkland, Canada. MANHERTZ became a United States lawful permanent resident ("LPR") on February 25, 1987.

12. MANHERTZ has never applied for United States citizenship.

13. On or about March 1, 2016, MANHERTZ submitted a Massachusetts Official Voter Registration Form under his own name. I believe that MANHERTZ submitted the Voter Registration Form based on the information on the form and the signature, which is similar to other documents that MANHERTZ has signed.

14. On the form, MANHERTZ listed his name, his Saugus address, his date of birth, and his phone number.

15. When asked "Address at which you were last registered to vote," MANHERTZ listed his former address in Everett, Massachusetts.

16. On the Voter Registration Form, in response to the question, "Are you a Citizen of the United States of America?" MANHERTZ checked "Yes."

1	**Check all that apply:**	Are you a Citizen of the United States of America? ☑ Yes ☐ No Will you be 18 years of age or older on or before Election Day? ☑ Yes ☐ No	NOTE: If you checked "no" to **either** of these questions, do not complete this form.

17. Towards the bottom of the form, the Voter Registration Form read:

> **I hereby swear (affirm)** that I am the person named above, that the above information is true, that **I AM A CITIZEN OF THE UNITED STATES,** that I am not a person under a guardianship which prohibits my registering to vote, that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, that I am not currently incarcerated for a felony conviction, and that I consider this residence to be my home. Signed under the penalty of perjury.

18. MANHERTZ signed under penalties of perjury he was a United States citizen.

12	**I hereby swear (affirm)** that I am the person named above, that the above information is true, that **I AM A CITIZEN OF THE UNITED STATES,** that I am not a person under a guardianship which prohibits my registering to vote; that I am not temporarily or permanently disqualified by law from voting because of corrupt practices in respect to elections, that I am not currently incarcerated for a felony conviction, and that I consider this residence to be my home. Signed under the penalty of perjury.		
13	Today's date: *month* 3 *day* 1 *year* 16	14 Signed: *Sign your name here:*	Agency Designation: Saugus

19. MANHERTZ's polling station is 39 Hurd Avenue, which is the Veterans Memorial Elementary School. The location is approximately .6 miles from MANHERTZ's Saugus address.

20. On or about June 1, 2024, MANHERTZ filled out a form returned to Saugus for registered voters, confirming his address prior to the 2024 federal election. On the form, MANHERTZ checked the box that stated, "I am still living in the Town of Saugus at the same address." MANHERTZ then signed and dated the form.

2024 PLEASE DETACH BEFORE MAILING 2024

PLEASE CHECK THE APPROPRIATE BOX AND RETURN IMMEDIATELY

JUN 1 1 2024

☑ I am still living in the Town of Saugus at the same address.

☐ My new address in Saugus is _____

☐ I am no longer living in the Town of Saugus.
My new address is City/Town of _____ State _____
Please remove my name from the voting list.

Sunny Shawn Manhertz
Print Name Here

Sign Your Name On This Line

June 1, 2024
Today's Date

Sunny Shawn Manhertz [redacted] PRE 006 [redacted]

21. MANHERTZ has voted in multiple federal elections, including the 2024, 2020, 2016, and 2012 federal elections. MANHERTZ has also voted in the presidential primary in March 2024 as well as numerous state elections:[2]

Voter Id [redacted] MANHERTZ, SUNNY SHAWN

Election Type	Election Date	Party Voted	City/Town Voted
STATE ELECTION	11/05/2024		SAUGUS
PRESIDENTIAL PRIMARY	03/05/2024	DEMOCRAT	SAUGUS
STATE ELECTION	11/08/2022		SAUGUS
STATE ELECTION	11/03/2020		SAUGUS
STATE PRIMARY	09/01/2020	DEMOCRAT	SAUGUS
STATE ELECTION	11/06/2018		SAUGUS
STATE ELECTION	11/08/2016		SAUGUS
STATE ELECTION	11/04/2014		EVERETT
LOCAL ELECTION	11/05/2013		EVERETT
SPECIAL STATE	06/25/2013		EVERETT
SPECIAL STATE PRIMARY	04/30/2013	DEMOCRAT	EVERETT
STATE ELECTION	11/06/2012		EVERETT

22. I obtained cell site records from MANHERTZ's cellular provider confirming that MANHERTZ was near his polling station on November 5, 2024. On that day, MANHERTZ flew into Logan Airport and was back in Saugus by approximately 7:19 p.m. After returning to Saugus,

[2] Although Saugus labeled the November 2012, 2016, 2020, and 2024 elections as "STATE ELECTION," federal candidates appeared on the ballot.

MANHERTZ's cellular phone pinged off towers approximately .8 and .9 miles away from 39 Hurd Street, which is MANHERTZ's polling location.

23. At the time MANHERTZ voted, MANHERTZ knew he is not a United States citizen. On or about February 13, 2019, or approximately three years after registering to vote in Saugus but before the 2020 and 2024 federal elections, MANHERTZ submitted to DHS an I-90 form, or an "Application to Replace Permanent Resident Card." On the form, MANHERTZ provided his Alien Registration Number, his name, his Saugus address as his mailing and physical address, his phone number, and his date of birth.

24. In response to a question regarding his legal status, MANHERTZ checked the box "Lawful Permanent Resident."

My status is (Select **only one** box):

1.a. ☑ Lawful Permanent Resident (Proceed to **Section A.**)

25. MANHERTZ checked the box confirming he could read and understand English.

1.a. ☑ I can read and understand English, and I have read and understand every question and instruction on this application and my answer to every question.

26. MANHERTZ signed and dated the application.

27. On or about June 27, 2024, or approximately a little over four months before MANHERTZ voted in the 2024 federal election, MANHERTZ signed another I-90 Form with his Alien Registration Number, his name, his Saugus address as his mailing and physical address, his phone number, and his date of birth. MANHERTZ also signed and dated the application.

28. Even after the 2024 federal election, MANHERTZ has continued to represent himself as a legitimate registered voter. On or about March 4, 2026, MANHERTZ attended a political event.

29. While at the event, two political candidates collected signatures for their "State Primary Nomination Paper."

30. The nomination paperwork included detailed "Instructions to Signers," including, "For your signature to be valid, you must be a registered voter in the city or town named below and your signature should be written substantially as registered."

31. The nomination paperwork further included the "Signer's Statement," which stated, "We are qualified voters of the commonwealth and of the district for which the nomination is made; we are either enrolled in the party whose nomination the candidate seeks or not enrolled in any party, and in according with the provisions of law, we make the above nomination to be voted for at the primary to be held on: Tuesday, September 1, 2026".

32. Despite the "Instructions to Signers" and "Signer's Statement" on the nomination paperwork, which required the singers to be "qualified voters," MANHERTZ signed both candidates' nomination papers.

33. On May 11, 2026, law enforcement officers interviewed MANHERTZ outside of his Saugus residence. During the interview, MANHERTZ confirmed that he signed the March 1, 2016, Voter Registration Form. MANHERTZ further confirmed that he signed the nomination paperwork for both candidates on March 4, 2026.

34. When shown the list of elections he had previously voted in (shown in Paragraph 19), MANHERTZ confirmed that the list was accurate and further added that he has been voting since 2008. MANHERTZ added that his current polling location is a school.

CONCLUSION

35. Therefore, there is probable cause to believe that on or about November 5, 2024, MANHERTZ, a non-citizen of the United States, voted in the 2024 federal election, and knowingly and willfully deprived and defrauded the residents of Massachusetts of a fair and impartially conducted election process by the procurement, casting, or tabulation of ballots that are known by MANHERTZ to be materially false, fictitious, or fraudulent under the laws of Massachusetts in which the election was held, in violation of 18 U.S.C. § 611 and 52 U.S.C. § 20511(2)(b).

Andrew DePatto
Special Agent
Department of Homeland Security

ATTESTED and SWORN to before me telephonically in accordance with the requirements of Fed. R. Crim. P. 4.1 on May 18, 2026.

Hon. Donald L. Cabell
Chief United States Magistrate Judge
District of Massachusetts