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, Immigration and Customs Enforcement, Homeland Security Investigations ("HSI"), 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 12-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 Yupeng SUN for violations of 52 U.S.C. § 20511(2)(A) (fraudulent voter registration) and 52 U.S.C. § 20511(2)(B) (fraudulent voting) (collectively, the "TARGET OFFENSES"). As set forth below, there is probable cause to believe that SUN 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 (18 U.S.C. § 1015(f); 52 U.S.C. § 20511(2)(A)) and non-citizen voting in federal elections (18 U.S.C. § 611; 52 U.S.C. § 20511(2)(B)).

7. In or about April 2026, HSI received two anonymous tips through its Internet website (https://www.ice.gov/tipline) alleging that a non-citizen committed voter fraud in Massachusetts during the 2024 U.S. presidential election. The two anonymous tips were identical and stated as follows:

> *The subject illegally voted in the 2024 U.S. presidential election. He is not a U.S. citizen but a permanent resident. He registered to vote via a Massachusetts government website and voted in person at Malden City Hall. His name is : [J.L.]. Date of birth : XX/XX/1956. His social security number is :XXX-XX-0990. His voter*

registration address is : XX Bartlett Street, Malden, MA 02148. His Voting record is contained in the government system of the Commonwealth of Massachusetts.[1]

8. On or about April 6, 2026, two anonymous tips were mailed utilizing the United States Postal Service ("USPS"). The first tip was addressed to 15 New Sudbury St, Room E-160, Boston, MA 02203, John F. Kennedy Federal Building, and directed towards the United States Citizenship and Immigration Services ("USCIS") Boston Field Office. USCIS is a component of the Department of Homeland Security responsible for overseeing lawful immigration to the United States, including processing applications and adjustments for lawful permanent residency ("LPR") status—also known as a "Green Card."

9. The second envelope was mailed via USPS to 10 Causeway St, Room 722, Boston, MA 02222, Homeland Security Investigations.

[1] The identity of victim J.L. is known to the government. To protect the victim's privacy, only the initials "J.L." and partially redacted identifiers are used in this affidavit. Similarly, the government knows the identities of J.L.'s wife, Y.L., and adult daughter, Z.L., which are also partially redacted herein to protect their privacy.

10. On or about May 26, 2026, a third anonymous tip was mailed via USPS to USCIS Headquarters located at 5900 Capital Gateway Drive, Camp Springs, MD, and addressed to "immigration office."

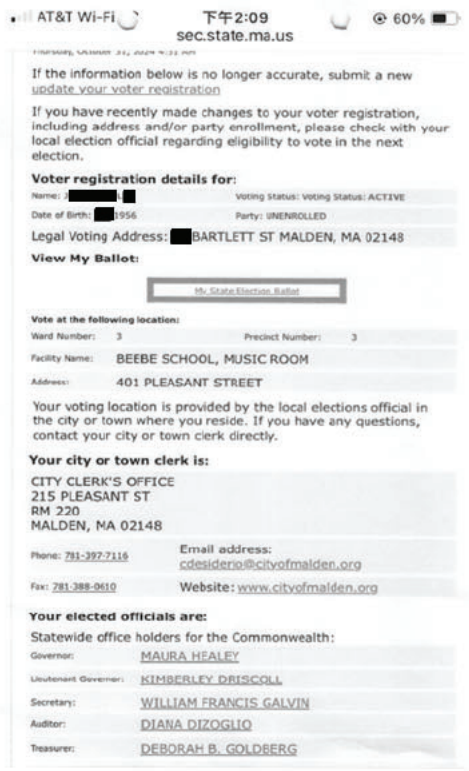
11. As depicted above, the return address for all three mailed anonymous tips was listed as 112 Southampton Street, Boston, MA 02228, which is a homeless shelter. However, the

originating post office zip code for the first two mailings was based in Chelsea, MA 02150, and the third mailing originated from the post office zip code in Andover, MA 01810.

12. All three mailed anonymous tips contained the same information as the web-based tips HSI received. Specifically, each mailing consisted of two pages. The first page was a printout of the same text submitted twice to HSI via its website. The second page was a printout of a screenshot from an electronic device that displayed a result from the Massachusetts Secretary of the Commonwealth's website to check voter registration status. *See* https://www.sec.state.ma.us/voterregistrationsearch/. In order to check voter registration status on that website, the following identifiers are required: name; date of birth; and zip code of residential address associated with the voter registration.

Anonymous Report:

The subject illegally voted in the 2024 U.S. presidential election. He is not a U.S. citizen but a permanent resident. He registered to vote via a Massachusetts government website and voted in person at Malden City Hall. His name is: J[redacted] L[redacted] Date of birth: [redacted]1956. His social security number is: [redacted]0990. His voter registration address is: [redacted] Bartlett Street, Malden, MA 02148. His Voting record is contained in the government system of the Commonwealth of Massachusetts. Anonymous doesn't know his current address.


AT&T Wi-Fi 下午2:09 60%
sec.state.ma.us

If the information below is no longer accurate, submit a new update your voter registration

If you have recently made changes to your voter registration, including address and/or party enrollment, please check with your local election official regarding eligibility to vote in the next election.

Voter registration details for:

Name: J[redacted] Voting Status: Voting Status: ACTIVE

Date of Birth: [redacted]1956 Party: UNENROLLED

Legal Voting Address: [redacted]BARTLETT ST MALDEN, MA 02148

View My Ballot:

My State Election Ballot

Vote at the following location:

Ward Number: 3 Precinct Number: 3

Facility Name: BEEBE SCHOOL, MUSIC ROOM

Address: 401 PLEASANT STREET

Your voting location is provided by the local elections official in the city or town where you reside. If you have any questions, contact your city or town clerk directly.

Your city or town clerk is:

CITY CLERK'S OFFICE
215 PLEASANT ST
RM 220
MALDEN, MA 02148

Phone: 781-397-7116 Email address: cdesiderio@cityofmalden.org

Fax: 781-388-0610 Website: www.cityofmalden.org

Your elected officials are:

Statewide office holders for the Commonwealth:

Governor: MAURA HEALEY

Lieutenant Governor: KIMBERLEY DRISCOLL

Secretary: WILLIAM FRANCIS GALVIN

Auditor: DIANA DIZOGLIO

Treasurer: DEBORAH B. GOLDBERG

SUMMARY OF PROBABLE CAUSE

13. As described herein, during the course of my investigation, I discovered that: (1) SUN was an acquaintance of J.L.; (2) SUN submitted a fraudulent form to USCIS in the name of

J.L., seeking to abandon J.L.'s LPR status; (3) SUN fraudulently submitted a voter registration in J.L.'s name; (4) SUN fraudulently submitted a ballot in J.L.'s name in the November 2024 presidential election; and (5) SUN submitted the anonymous tips to HSI and USCIS regarding the fraudulent voter registration and voting seeking to have J.L. investigated.

Background Information Regarding SUN

14. SUN is a citizen and national of the People's Republic of China and was born in Huayin County, Shaanxi Province, China.

15. SUN last arrived in the United States on or about September 22, 2020, under a B-2 tourist visa, which expired March 21, 2021. He has deferred action status based on a U-Visa application submitted on or about February 11, 2022.

16. SUN is currently a resident of Andover, Massachusetts.

SUN's Relationship with J.L. and His Family

17. From approximately January 1, 2021, through August 1, 2021, and September 16, 2021, through May 27, 2023, SUN rented a room in the residence of J.L. and his family on Bartlett Street in Malden, MA. J.L. is a Chinese citizen and national with LPR status.

18. On or about May 27, 2023, SUN was arrested by Malden Police and charged with assault and battery on Z.L., J.L.'s adult daughter. [redacted] A restraining order against SUN was issued on or about May 30, 2023. The charges were dismissed on or about September 10, 2024.

19. On or about May 31, 2023, SUN filed a civil action against Z.L. claiming he had been unlawfully evicted. [redacted]

20. On or about July 4, 2023, Z.L. contacted Malden Police after two vehicles belonging to her that were parked in front of her residence had all their tires punctured. Z.L. stated

that she believed SUN was responsible for the damage as J.L. had seen SUN walking by their residence earlier that morning and no other vehicles in the neighborhood had been damaged.

Submission of Fraudulent I-407 Forms for J.L. and His Wife

21. On or about April 8, 2024, USCIS processed and approved a Form I-407, Record of Abandonment of Lawful Permanent Resident Status for J.L. The first page of this form included J.L.'s full name, date of birth, and alien registration number. On the second page of the form, the individual submitting the form certified under penalty of perjury that J.L. was not returning his LPR card because it was lost and no longer in his possession. The Form I-407 was purportedly signed by J.L. on January 8, 2024. Attached to the form was a copy of both sides of J.L.'s LPR card.

22. On that same date, April 8, 2024, USCIS processed and approved a Form I-407, Record of Abandonment of Lawful Permanent Resident Status for J.L.'s wife, Y.L., who is also a Chinese citizen and national with LPR status. The first page of this form included Y.L.'s full name, date of birth, and alien registration number. On the second page of the form, the individual submitting the form certified under penalty of perjury that Y.L. was not returning her LPR card because it was lost and no longer in her possession. The Form I-407 was purportedly signed by Y.L. on January 8, 2024. Attached to the form was a copy of both sides of Y.L.'s LPR card.

Removal Proceedings for J.L. and his Wife Resulting from Fraud

23. On or about June 3, 2024, J.L. and Y.L. arrived at Logan International Airport in Boston, Massachusetts, after returning from an international trip.

24. Upon their arrival, J.L. and Y.L. were encountered by Customs and Border Protection ("CBP") at Logan Airport because of their abandoned LPR statuses.

25. J.L. and Y.L. were subjected to secondary inspection by CBP Boston, which included having their pictures taken, an interview, fingerprinting, and a DNA collection. At the conclusion of the encounter, J.L. and Y.L. were placed into removal proceedings and issued a Notice to Appear before an Immigration Judge. Their LPR cards were also confiscated.

26. On or about June 18, 2025, J.L. and Y.L. filed an Emergency Motion and Memorandum to Continue Removal Proceedings at the Boston Immigration Court. In that filing, J.L. and Y.L. represented the following through counsel: "Respondents' personal information was stolen and misused by their previous tenant without their knowledge or consent. The tenant aimed to retaliate against them. The two Form I-407s filed under the names of Respondents were forged by the previous tenant."

27. On or about July 15, 2025, J.L. and Y.L. filed a Motion and Memorandum to Terminate Removal Proceedings at the Boston Immigration Court. Within that filing, J.L. and Y.L. represented through counsel that the Forms I-407 were "forged and fraudulent" because they "were not executed or authorized" by J.L. or Y.L.

28. On or about January 21, 2026, an Immigration Judge held a remote hearing on removability. During that hearing, J.L. and Y.L. testified under oath and subject to cross-examination that they did not file the I-407 forms. When asked who could have submitted the fraudulent forms, both J.L. and Y.L. testified that their former roommate had access to their personal information from when he had helped them to complete paperwork in English to apply for medical insurance. When asked why their former roommate would submit the fraudulent forms, J.L. and Y.L. testified that their relationship had soured after he stopped living with them. Additionally, a certified forensic document examiner issued a report and provided expert testimony

in support of J.L. and Y.L. stating that she had concluded that J.L. and Y.L. had not executed the I-407 forms based on a handwriting analysis.

29. At the conclusion of the hearing, the Immigration Judge issued an oral decision finding that J.L. and Y.L.'s testimony was credible and issued an order restoring J.L. and Y.L.'s LPR status.

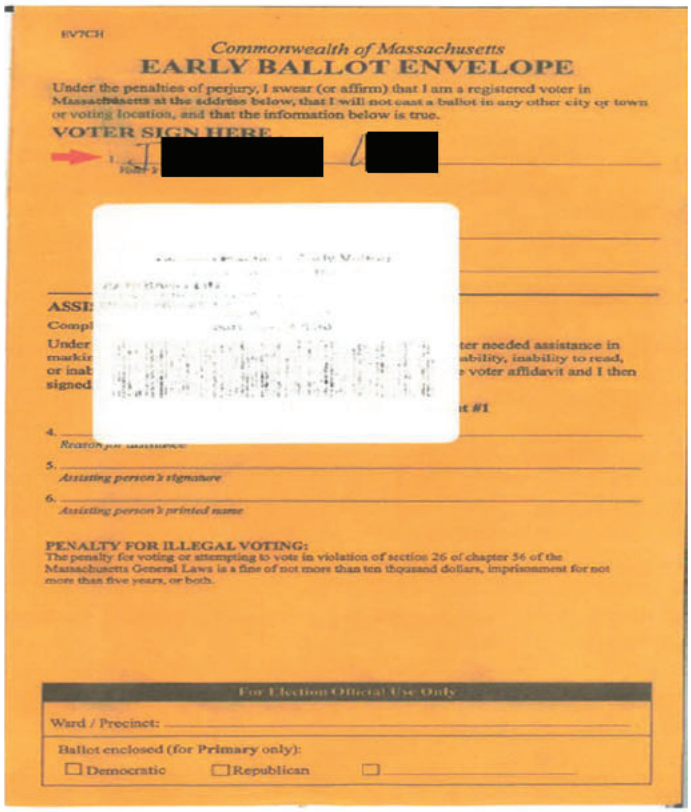
Fraudulent Voter Registration and Voting

30. On or about October 10, 2024, an online voter registration for J.L. was submitted through the Massachusetts Secretary of the Commonwealth's website.

31. The voter registration included J.L.'s name; J.L.'s previous address on Bartlett Street in Malden, Massachusetts; and J.L.'s Massachusetts driver's license number as verification for identification.

32. Because J.L. is an LPR and not a United States Citizen, he is ineligible to register to vote and vote in any election.

33. On or about October 31, 2024, an individual went to Malden City Hall's early voting for the 2024 presidential election. The individual identified himself as J.L. and was issued an early voting ballot for the 2024 presidential election. The individual voted in the 2024 presidential election and signed J.L.'s name on the Early Ballot Envelope. The envelope language above the signature block, states "Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true." The envelope also included a warning advising the signatory of the criminal penalties for illegal voting under Mass. Gen. Laws c. 56 § 26.



BV7CH

Commonwealth of Massachusetts

EARLY BALLOT ENVELOPE

Under the penalties of perjury, I swear (or affirm) that I am a registered voter in Massachusetts at the address below, that I will not cast a ballot in any other city or town or voting location, and that the information below is true.

VOTER SIGN HERE

1. [redacted]

ASSI

Compl

Under ter needed assistance in makir ability, inability to read, or inab voter affidavit and I then signed

t #1

4. *Reason for assistance*

5. *Assisting person's signature*

6. *Assisting person's printed name*

PENALTY FOR ILLEGAL VOTING:
The penalty for voting or attempting to vote in violation of section 26 of chapter 56 of the Massachusetts General Laws is a fine of not more than ten thousand dollars, imprisonment for not more than five years, or both.

For Election Official Use Only

Ward / Precinct: _____

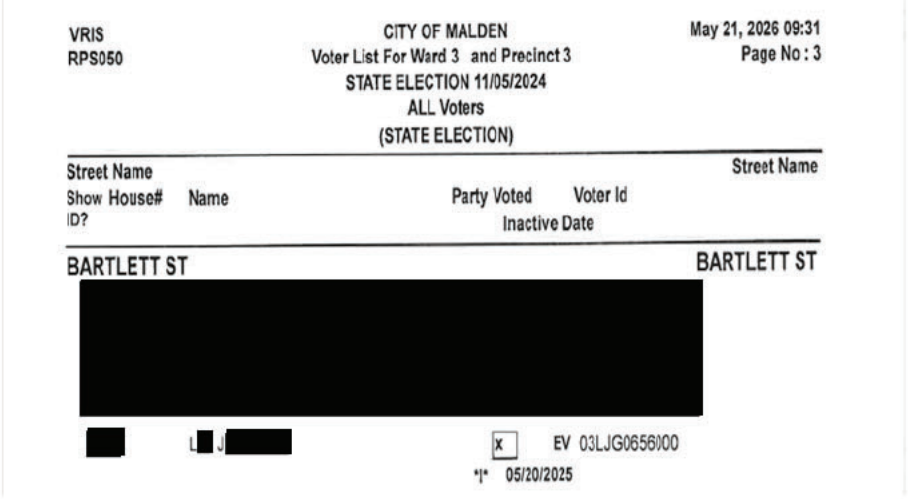
Ballot enclosed (for Primary only):

☐ Democratic ☐ Republican ☐ _____

34. According to the Massachusetts Voter Registration Information System ("VRIS"), the ballot cast under J.L.'s name, on or about October 31, 2024, was recorded as being accepted for the 2024 presidential election.[2]

Voter Id	03LJG0656000	L[redacted] J[redacted]		
Election Type		Election Date	Party Voted	City/Town Voted
STATE ELECTION		11/05/2024		MALDEN

[2] Although VRIS labeled the November 2024 election as a "STATE ELECTION," candidates for federal office, including President of the United States, appeared on the ballot.



VRIS
RPS050

CITY OF MALDEN
Voter List For Ward 3 and Precinct 3
STATE ELECTION 11/05/2024
ALL Voters
(STATE ELECTION)

May 21, 2026 09:31
Page No : 3

Street Name	Show House# ID?	Name	Party Voted	Voter Id / Inactive Date	Street Name
BARTLETT ST					BARTLETT ST
[redacted]		[redacted]			
[redacted]		L[redacted] J[redacted]		x EV 03LJG0656000 *I* 05/20/2025	

J[redacted]L[redacted]	03LJG0656000	[redacted]1956	[redacted]BARTLETT ST 02148	Malden City Hall - Early	10/31/24 3:27 PM

Interview of J.L. and Z.L.

35. On or about June 30, 2026, law enforcement officers conducted a non-custodial recorded interview of J.L. and his adult daughter, Z.L., inside of J.L.'s residence. J.L.'s wife and Z.L.'s mother, Y.L., was also present. During this interview, J.L. denied registering to vote and voting in the 2024 presidential election. Z.L. stated it was possible SUN registered to vote and voted in J.L.'s name in retaliation for SUN's previous arrest involving Z.L.

Interview of SUN

36. On or about July 23, 2026, law enforcement officers conducted a recorded non-custodial interview of SUN in the hallway outside of his residence in Andover, Massachusetts.

37. During the interview, SUN confirmed that he previously rented a room from J.L. and his family in Malden, Massachusetts. He stated that he had been wrongly arrested because of the adult daughter, Z.L. When asked whether he still had bad feelings toward Z.L., SUN responded, "very, very." When asked about J.L. and Y.L., SUN stated, "they treat me as not good" and explained that was the reason he left the apartment immediately after his arrest. When asked if he was mad at just Z.L. or also J.L. and Y.L., SUN replied, "both."

38. Law enforcement officers showed SUN the anonymous tip that was submitted to USCIS and HSI via USPS. SUN stated that he submitted the anonymous tips: "I went to post office and, uh, to report the father vote."

39. Law enforcement officers also showed SUN the printout of the screenshot from the Massachusetts Secretary of the Commonwealth's website displaying J.L.'s voter registration status that was included with the anonymous tips. SUN stated that he registered J.L. to vote online: "I tell you the truth, I register."

40. Law enforcement officers also showed SUN a photograph of the Early Voting Ballot Envelope that was cast at Malden City Hall during Early Voting, on or about October 31, 2024, for the 2024 presidential election. SUN further stated he went to Malden City Hall and voted in J.L.'s name: "I used his name to vote."

41. Additionally, law enforcement officers showed SUN the Form I-407, Record of Abandonment of Lawful Permanent Resident Status submitted in J.L.'s name. SUN stated he forged J.L.'s signature on the the I-407: "I signature."

Text Messages from SUN

42. Approximately two hours after the interview on July 23, 2026, SUN sent two text messages to one of the law enforcement officers that conducted the interview. In the first message, SUN stated in part, "I know I have a high chance to be charged." In the second message, SUN stated in part that "[t]he sub-landlord abuse me" and reiterated his earlier statement that Z.L. caused him to be wrongfully arrested and charged.

Electronic Evidence

43. Following the interview of SUN, law enforcement officers obtained subscriber records from T-Mobile for the phone number from which SUN had texted law enforcement officers, and which SUN had also identified as his phone number during the interview. The T-Mobile subscriber records provided an IMEI device number associated with SUN's phone number. Open sources revealed that this IMEI number is associated with an Apple iPhone SE (2nd Generation).

44. Law enforcement officers subsequently obtained Apple Inc. records related to SUN's iPhone. The Apple records revealed that an iPad associated with SUN's Apple account utilized an Internet connection assigned Internet protocol ("IP") address 71.184.130.204 on May 4 and 5, 2026.[3] An IP address is a unique number assigned to an electronic device when it accesses the Internet and can be used to determine where an electronic device is located.

[3] According to Apple records, in one instance on May 5, 2026, SUN's iPad utilized an Internet connection with a different IP address of 50.212.46.193. However, the other 13 recorded connections on May 5, 2026, all bore the 71.184.130.204 IP address.

45. According to USPS records, an individual accessed the usps.com Internet website on May 4, 2026, and queried the tracking number for the priority mail envelope containing the anonymous tip mailed to HSI on April, 6, 2026, as described above. The IP address for that query was the same used by SUN's iPad on May 4, 2026: 71.184.130.204.

46. Similarly, USPS records show that an individual also queried the tracking number for the priority mail envelope containing the anonymous tip mailed to USCIS on April 6, 2026, as described above, on two occasions on May 4, 2026, and once on May 5, 2026. Again, the IP addresses for those queries was the same used by SUN's iPad on those same dates: 71.184.130.204.

47. According to open sources, 71.184.130.204 is an IP address assigned by Verizon Business in Andover, Massachusetts—the town where SUN resides.

CONCLUSION

48. For the reasons above, I submit there is probable cause to believe that on or about October 10, 2024, Yupeng SUN knowingly and willfully deprived, defrauded, and attempted to deprive and defraud the residents of the Commonwealth of Massachusetts of a fair and impartially conducted election process, by the procurement and submission of a voter registration application that he knew to be materially false, fictious, and fraudulent under the laws of the state in which the election was held, that is, SUN posing as J.L., a non-citizen of the United States, submitted or caused to be submitted an online voter registration form in the name of J.L. through a website of the Secretary of the Commonwealth, which he knew to be materially false, fictitious, and fraudulent under the laws of the Commonwealth of Massachusetts, in violation of 52 U.S.C. § 20511(2)(A).

49. I further submit that there is probable cause that on or about October 31, 2024, Yupeng SUN knowingly and willfully deprived, defrauded, and attempted to deprive and defraud

the residents of the Commonwealth of Massachusetts of a fair and impartially conducted election process, by the procurement, casting, and tabulation of a ballot that he knew to be materially false, fictious, and fraudulent under the laws of the state in which the election was held, that is, SUN posing as J.L., a non-citizen of the United States, submitted or caused to be submitted a ballot in the name of J.L., which he knew to be materially false, fictitious, and fraudulent under the laws of the Commonwealth of Massachusetts, and caused this ballot to be delivered to the City of Malden Clerk's Office, in violation of 52 U.S.C. § 20511(2)(B).

Andrew DePatto
Special Agent
Homeland Security Investigations

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

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