

19SL-CR06952

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI  
TWENTY-FIRST JUDICIAL CIRCUIT

POLICE NO. : 56E-SL-2602324  
PROSECUTOR NO. : 095456094  
OCN:

FILED

STATE OF MISSOURI, )

PLAINTIFF, )

vs. )

THEODORE HOSKINS )

8424 January Ave. )

Berkeley, MO 63134 )

DOB: 06/15/1938 )

Race/Sex: B/M )

[Redacted] )

DEFENDANT. )

NOV 21 2019

JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY

CASE NO.

DIVISION

COMPLAINT  
SUMMONS REQUESTED

Count I. Committed Class One Election Offense (115.631-002Y19785999.0)

The Special Prosecuting Attorney of the County of St. Louis, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 115.631(9), RSMo, committed the **Unclassified Felony of Class One Election Offense**, punishable upon conviction under Section 115.631, RSMo, in that on or between March 14, 2018, and March 19, 2018, in the County of St. Louis, State of Missouri, the Defendant, acting alone or in concert with another, received an absentee ballot purporting to be from Zenobia Lanos and altered that absentee ballot by marking votes for candidates that had not been marked prior to the receipt of the ballot and which markings were not made at the direction of Zenobia Lanos and mailed the ballot and such conduct was a substantial step toward the commission of the offense of class one election offense, and was done for the purpose of committing such offense.

The range of punishment for a class one election offense is imprisonment for a term of years not more than five (5) years or by a fine not less than two thousand five hundred dollars (\$2,500) but not more than ten thousand dollars (\$10,000) or by both imprisonment and fine.

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**Count II. Forgery (570.090-001Y20172589.0)**

The Special Prosecuting Attorney of the County of St. Louis, State of Missouri, upon information and belief, charges that the Defendant, in violation of Section 570.090.1(1), RSMo, committed the **Class D Felony of Forgery**, punishable upon conviction under Sections 558.002 and 558.011, RSMo, in that on or about February 27, 2018, in the County of St. Louis, State of Missouri, the Defendant, acting alone or in concert with another, with the purpose to defraud, completed a writing, namely an absentee ballot application, so that it purported to have been made by another.

The range of punishment for a class D felony is imprisonment in the custody of the Missouri Department of Corrections for a term of years not less than two (2) years and not to exceed seven (7) years; or by imprisonment for a special term not to exceed one (1) year in the county jail or other authorized penal institution; or by a fine not to exceed ten thousand dollars (\$10,000); or by both imprisonment and a fine. If money or property has been gained through the commission of the crime, any fine imposed may be not more than double the amount of the offender's gain from the commission of the crime.

**Count III. Committed Class One Election Offense (115.631-002Y19785999.0)**

The Special Prosecuting Attorney of the County of St. Louis, State of Missouri, upon information and belief, charges that the defendant, in violation of Sections 115.279.4 and 115.631(23), RSMo, committed the **Unclassified Felony of Class One Election Offense**, punishable upon conviction under Section 115.631, RSMo, in that on or about February 27, 2018, in the County of St. Louis, State of Missouri, the Defendant, acting alone or in concert with another, knowingly made a fraudulent absentee ballot application by marking on the absentee ballot application of Marie Tate that Marie Tate expected to be prevented from going to the polls on April 3, 2018, due to incapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability, when Marie Tate did not expect to be absent from the polls on April 3, 2018, for such reasons and knowing that the marking was made without Marie Tate's knowledge, authority, or ratification.

The range of punishment for a class one election offense is imprisonment for a term of years not more than five (5) years or by a fine not less than two thousand five hundred dollars (\$2,500) but not more than ten thousand dollars (\$10,000) or by both imprisonment and fine.

**Count IV. Committed Class One Election Offense (115.631-002Y19785999.0)**

The Special Prosecuting Attorney of the County of St. Louis, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 115.631(4), RSMo, committed the **Unclassified Felony of Class One Election Offense**, punishable upon

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conviction under 115.631, RSMo, in that on or about February 27, 2018, in the County of St. Louis, State of Missouri, the Defendant, acting alone or in concert with another, applied for an absentee ballot in the name of Marie Tate, knowing Marie Tate did not authorize or ratify such an application being made on her behalf.

The range of punishment for a class one election offense is imprisonment for a term of years not more than five (5) years or by a fine not less than two thousand five hundred dollars (\$2,500) but not more than ten thousand dollars (\$10,000) or by both imprisonment and fine.

**Count V. Committed Class One Election Offense (115.631-002Y19785999.0)**

The Special Prosecuting Attorney of the County of St. Louis, State of Missouri, upon information and belief, charges that the defendant, in violation of Section 115.631(9), RSMo, committed the **Unclassified Felony of Class One Election Offense**, punishable upon conviction under Section 115.631, RSMo, in that on or about March 21, 2018, in the County of St. Louis, State of Missouri, the Defendant, acting alone or in concert with another, received an absentee ballot sent to Marie Tate and altered that absentee ballot by marking votes for candidates that had not been marked prior to the receipt of the ballot and which markings were not made at the direction of Marie Tate and mailed the ballot and such conduct was a substantial step toward the commission of the offense of class one election offense, and was done for the purpose of committing such offense.

The range of punishment for a class one election offense is imprisonment for a term of years not more than five (5) years or by a fine not less than two thousand five hundred dollars (\$2,500) but not more than ten thousand dollars (\$10,000) or by both imprisonment and fine.

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The facts that form the basis for this information and belief are contained in the statement of facts filed contemporaneously herewith, made a part hereof, and submitted as a basis upon which this court may find the existence of probable cause.

Wherefore, the Special Prosecuting Attorney prays that a summons be issued as provided by law.

**JEAN PETERS BAKER**  
Prosecuting Attorney  
Jackson County, Missouri  
by,

*/S/ Nicholas P. Heberle*  
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**WITNESSES:**

1. Joe Clark, 2222 Market St, St. Louis, MO 63103
2. Brian Teixeira, 2222 Market St, St. Louis, MO 63103
3. Joseph Jensen, 2222 Market St, St. Louis, MO 63103
4. Megan Holcomb, 2222 Market St, St. Louis, MO 63103
5. Emily Hoffman, 2222 Market St, St. Louis, MO 63103
6. Marcus Burzota, 2222 Market St, St. Louis, MO 63103
7. Shaun Young, 2222 Market St, St. Louis, MO 63103
8. Audrey Marie Epps, 2222 Market St, St. Louis, MO 63103
9. Donald Lassing, 2222 Market St, St. Louis, MO 63103
10. Amber Atkins, 2222 Market St, St. Louis, MO 63103
11. Timothy Loeh, 2222 Market St, St. Louis, MO 63103
12. Ryan Schlueter, 2222 Market St, St. Louis, MO 63103
13. Brett Steinhoff, 2222 Market St, St. Louis, MO 63103
14. Brittany Tabbert, 2222 Market St, St. Louis, MO 63103
15. Ryan Kanoy, 2222 Market St, St. Louis, MO 63103
16. Princess Slagel-Bushon, 2222 Market St, St. Louis, MO 63103
17. S Bergman, 2222 Market St, St. Louis, MO 63103
18. W. Rene' Kleinheider, 2222 Market St, St. Louis, MO 63103
19. Stephanie Stoehner, 2222 Market St, St. Louis, MO 63103
20. Lisa Papes, 2222 Market St, St. Louis, MO 63103

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21. Gwendolyn Verges, 2222 Market St, St. Louis, MO 63103
22. Delores Broadnax, 2222 Market St, St. Louis, MO 63103
23. Zenobia Lanos, 2222 Market St, St. Louis, MO 63103
24. Eric Fey, 2222 Market St, St. Louis, MO 63103
25. Rick Stream, 2222 Market St, St. Louis, MO 63103
26. Peggy Kochner, 2222 Market St, St. Louis, MO 63103
27. Marie Tate, 2222 Market St, St. Louis, MO 63103
28. Gerald Sain, 2222 Market St, St. Louis, MO 63103
29. Don Lock, 2222 Market St, St. Louis, MO 63103

**FILED**

**NOV 21 2019**

**PROBABLE CAUSE STATEMENT FORM**

**JOAN M. GILMER  
CIRCUIT CLERK, ST. LOUIS COUNTY**

**COUNTY OF ST. LOUIS**

**STATE OF MISSOURI  
CASE: 56E-SL-2602324**

19SL-CR06952

**Date: November 20, 2019**

I, Joseph Clark, DSN 2454, Federal Bureau of Investigation Task Force, Special Federal Officer and St. Louis County Police Detective, knowing that false statements on this form are punishable by law, state that the facts contained herein are true. I have probable cause to believe that Theodore Hoskins (B/M, DOB: 06/15/1938) committed one or more criminal offenses. The facts supporting this belief are as follows:

Introduction and Background

1. The City of Berkeley is a municipality in St. Louis County, Missouri, with a reported population of 8,978. According to its Charter, the City of Berkeley has a "Council-Manager government" where the powers of the city are vested in an elected council who appoints a city manager to execute the laws and administer the government of the city. The council consists of seven members – six councilmen and one mayor. One councilman, known as the councilman-at-large, and the mayor are selected through a city-wide election, while the five other councilmen are selected through an election in each of the five wards comprising the geographic limits of Berkeley.
2. Theodore Hoskins is currently the Mayor of the City of Berkeley. Hoskins was elected mayor in April 2012, receiving 517 votes to his opponent's 418 votes. Hoskins was reelected mayor in April 2016, receiving 485 votes to his closest opponent's 472 votes. As mayor, according to Berkeley's Charter, Hoskins is vested with the authority to preside at all meetings of the council, is recognized as the official head of the City of Berkeley for legal and ceremonial purposes, and has the right to vote on all matters before the council.
3. On April 3, 2018, a municipal election was held in which Berkeley's councilman-at-large position, first-ward council position, third-ward council position, and fifth-ward council position were on the ballot.
4. In past Berkeley elections, a number of suspect absentee ballots have been received by the St. Louis County Board of Election Commissioners. Investigation into these suspect ballots found evidence to support the possibility that absentee voters' ballots had been altered after leaving their possession. Over a number of years, Hoskins and his associates have engaged in a strategy of pursuing absentee votes in an effort to elect Hoskins and his allies to positions on the council. It is known that Hoskins's associate, D.B., has solicited absentee voters, collected absentee ballot applications, and collected absentee ballots under the direction of Hoskins.
5. Chapter 115, of the Revised Statutes of Missouri, outlines the process for absentee voting in Missouri elections. A person wishing to vote absentee must first complete an application for an absentee ballot, which, in part, requires the voter to indicate the reason they will be unable to vote at the polls on Election Day. Once the application is completed and received by the appropriate election authority, an absentee ballot and absentee ballot envelope will be delivered

to the voter in person or by mail. Such delivery shall occur within three days of the election authority receiving the application, or, if absentee ballots are not available at the time the application is received, within five days of the election authority receiving the appropriate absentee ballots. Once received, the voter shall mark the absentee ballot in secret, place the absentee ballot in the absentee ballot envelope, seal the envelope, and complete the necessary statement on the envelope. Once completed by the voter, an absentee ballot may be returned by the voter, by a relative within statutorily specified degrees of consanguinity or affinity, by United States Mail or other registered carrier, or by a team of deputy election authorities.

6. Section 115.279.4, RSMo, (Application for absentee ballot, how made) in conjunction with Section 115.631(23), RSMo, (Class one election offenses) declares it is a felony crime for a person to knowingly make, deliver, or mail a fraudulent absentee ballot application.

7. Section 115.631(4), RSMo, (Class one election offenses) declares it is a felony crime for a person to apply for a ballot in the name of any other person.

8. Section 115.631(9), RSMo, (Class one election offenses) declares it is a felony crime for a person to knowingly place or attempt to place or cause to be placed any false or fraudulent or bogus ballot in a ballot box at any election.

9. Section 570.090, RSMo, (Forgery) declares it is a felony crime for a person to, with the purpose to defraud, make, complete, alter, or authenticate any writing so it purports to have been made by another, at another time or place, or by authority of one who did not give such authority.

#### H.T. and M.T.

10. On approximately February 27, 2018, Hoskins went to the home of H.T. and M.T., located in Berkeley, Missouri. At the time, H.T. was approximately 88 years old and M.T. was approximately 84 years old. Hoskins instructed H.T. and M.T. to each sign a form. H.T. and M.T. did not know what they were signing at the time, but they signed their names and gave the signed forms to Hoskins.

11. The St. Louis County Board of Election Commissioners received absentee ballot applications signed by H.T. and M.T. With exception to the signatures, the applications appear to have been filled out by a person other than H.T. and M.T. On each absentee ballot application, the box is checked indicating that the voter expects to be prevented from voting at the polls on Election Day due to “[i]ncapacity or confinement due to illness or physical disability, including caring for a person who is incapacitated or confined due to illness or disability.” An employee of the St. Louis County Board of Election Commissioners who is very familiar with the handwriting and signature of Hoskins identified the handwriting on the absentee ballot applications of H.T. and M.T. as Hoskins’s handwriting.

12. On or about March 21, 2018, Hoskins went back to the home of H.T. and M.T. and requested that they sign another document. When interviewed, on April 20, 2018, H.T. and M.T. were shown copies of absentee ballot return envelopes bearing their signatures. Both H.T. and M.T. identified their signatures on the bottom on the ballot envelopes. H.T. and M.T. stated that during his visits, Hoskins spoke to them about a city program where they could receive up to \$1,000 in improvements to their property. Neither H.T. nor M.T. realized they were signing election-related documents for Hoskins.

13. On March 23, 2018, the St. Louis County Board of Election Commissioners received absentee ballots purporting to be from H.T. and M.T. in the mail. Each ballot was voted and each ballot had the same candidate selections. When interviewed, H.T. and M.T. were shown copies of

their ballots, and both stated they had not voted in the April 3, 2018, municipal election, absentee or otherwise, and that they had never seen the ballots, purportedly voted by them, before.

Z.L.

14. On March 3, 2018, Hoskins's associate, D.B., approached 92-year-old Z.L. and her neighbor, G.V., on Gardner Lane in Berkeley, Missouri. After approaching, D.B. explained that Hoskins had instructed her to provide Z.L. with absentee ballot paperwork, to help Z.L. complete the absentee ballot paperwork, and to collect the completed absentee ballot paperwork from Z.L. and take it to Hoskins. D.B. also told Z.L. and G.V. that Hoskins had a person in each ward collecting absentee ballot applications and absentee ballots. D.B. further stated, that after being collected, the applications and ballots were to be taken to Hoskins. G.V. informed D.B. that Z.L. was not interested in filling out an absentee ballot and that she planned to vote at the polls on Election Day.

15. On March 7, 2018, G.V. informed investigators of the interaction between D.B. and Z.L. With the agreement of Z.L., a covert operation was initiated. Specifically, investigators, coordinating with personnel from the St. Louis County Board of Election Commissioners, obtained a replica absentee ballot for Z.L.

16. On March 13, 2018, the ballot and corresponding return envelope were marked utilizing an INVIS-ID permanent invisible ink security marking pen. Once dry, the ink from the pen can be viewed only through utilizing an ultra-violet light. The return envelope was signed and the ballot was voted in a controlled environment using a light-blue ink pen. The ballot contained four municipal races. Votes were made, indicated by light-blue ink markings, for only two of the four races on the ballot.

17. On March 14, 2018, an investigator, posing as a family member of Z.L., called D.B. and informed D.B. that an absentee ballot completed by Z.L. would be left on the porch of her home, located on Gardner Lane, Berkeley, Missouri, for pickup. Surveillance was initiated on the home upon the replica absentee ballot being placed in a chair on the porch at the designated address. Several hours later, D.B. arrived at the home, collected the replica absentee ballot from the porch, and drove the ballot to the home of Hoskins, located on January Avenue, Berkeley, Missouri. When interviewed, D.B. told investigators that she handed the ballot, which she believed had been voted by Z.L., to Hoskins at his home.

18. On March 19, 2018, investigators were notified, by personnel with the St. Louis County Board of Election Commissioners, that the replica absentee ballot, in the name of Z.L., had been received. Upon reviewing the ballot envelope and ballot with an ultra-violet light, the previously-made INVIS-ID permanent invisible ink security pen markings were located. The ballot was reviewed and compared with the pre-operation photos of the ballot. This comparison revealed that the ballot had been significantly altered after coming into the possession of Hoskins. Specifically, the light-blue ink used to initially fill out the ballot had been clearly marked over with black ink, and three additional selections, or votes, had been made on the ballot.

Interview of Hoskins

19. On April 10, 2018, Hoskins was interviewed at his home. Upon being questioned regarding his activity in campaigns leading up to the April 3, 2018, municipal election, Hoskins stated that he had only worked to get his wife elected and that he had little or no interaction with any of the other municipal campaigns. When asked about his knowledge of campaign activity conducted by D.B. regarding the April 3, 2018, municipal election, Hoskins stated D.B. had only put campaign



signs out in the first ward. Hoskins also stated that he had not coordinated with D.B. with regard to the April 3, 2018, municipal election.

20. When asked about his campaign activity with regard to absentee voting, Hoskins stated that while he had mailed absentee voting applications in the past, he had never mailed a ballot and that no one had ever given him a ballot. Hoskins then stated that on two occasions he had actually mailed absentee ballots, but only upon being given the individual voter's written consent. When asked to see the written documentation showing the voter's consent, Hoskins stated he had thrown the documents in the trash. Hoskins stated on those occasions, he had taken the ballot straight to the post office. Hoskins then stated that he had never brought a ballot to his home and that he had never received a ballot from anyone else at his home.

21. When Hoskins was made aware of a complaint alleging he was bringing ballot envelopes and ballots to voters' homes, Hoskins stated that he had never taken an absentee ballot envelope to anyone's home.

Printed Name Joseph M. Clark Signature J M Clark 2454  
The Court finds probable cause and directs the issuance of a ~~warrant~~ summons this 21<sup>st</sup> day of November, 2019

Dean P. Weber  
Judge

Circuit Court of St. Louis County, State of Missouri