

COMPLAINT

Docket No. \_\_\_\_\_

THE STATE OF TEXAS }

332<sup>nd</sup> DISTRICT COURT }

COUNTY OF HIDALGO }

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

I, Sergeant John Waits, SOLEMNLY SWEAR THAT I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE, THAT HERETOFORE, ON OR ABOUT THE 21st DAY OF August, 2017, IN THE COUNTY OF HIDALGO AND STATE OF TEXAS, DALIA MOLINA HEREINAFTER CALLED DEFENDANT, DID THEN AND THERE COMMIT THE OFFENSE OF ILLEGAL VOTING – TEXAS ELECTION CODE 64.012 (a) (1) SECOND DEGREE FELONY.....

TO WIT: ACTING WITH INTENT TO PROMOTE OR ASSIST THE COMMISSION OF ILLEGAL VOTING, DEFENDANT SOLICITED, ENCOURAGED, DIRECTED, AIDED, OR ATTEMPTED TO AID A PERSON IN FALSELY REPORTING SAID PERSON’S VOTER REGISTRATION RESIDENTIAL ADDRESS IN ORDER TO QUALIFY SAID PERSON TO ILLEGALLY VOTE IN THE NOVEMBER 7, 2017 EDINBURG MUNICIPAL ELECTION, AN ELECTION IN WHICH BOTH SAID PERSON AND DEFENDANT KNEW SAID PERSON WAS NOT ELIGIBLE TO VOTE.

PROBABLE CAUSE: Affiant, John D. Waits, is a Peace Officer under the laws of the State of Texas, and is employed in good standing with the Texas Attorney General’s Office, and is assigned to the Criminal Investigations Division, Election Fraud Unit in Austin, Texas as a Sergeant Investigator. Affiant has more than 29 years of law enforcement experience and training and has received specialized training and first-hand experience in election fraud criminal investigations. Affiant knows, based on Affiant’s training and experience, that in order to qualify to vote in any election, a voter must establish a residence which is located within a precinct or geographic area covered by said election. Affiant knows that the Texas election code defines a residence as a domicile, that is, one’s home and fixed place of habitation to which one intends to return after any temporary absence. For the purposes of this complaint, the names and addresses of cooperating witnesses/co-conspirators will be concealed in order to protect them and their family members from threats, intimidation and coercion which may result from their cooperation in this criminal investigation.

Affiant has received records from the Hidalgo County Elections Office which reflect that on three separate occasions, on August 21<sup>st</sup>, 2017, September 18, 2017, and October 10, 2017, a cooperating witness/co-conspirator, hereinafter referred to as PERSON A, falsely reported PERSON A’s voter registration residential address by completing voter registration applications on which PERSON A reported PERSON A’s residential address to be an address where PERSON A did not reside, an address which will hereinafter be referred to as PERSON A’s FALSE ADDRESS.

Affiant interviewed PERSON A on both August 14, 2018 and August 30, 2018 during which PERSON A provided statements against PERSON A’s penal interest by admitting that PERSON A did not reside at PERSON A’s FALSE ADDRESS at any time between approximately August 2, 2012 and August 14, 2018 and that during that time, PERSON A’s only residence was PERSON A’s current residence located at

an address which will hereinafter be referred to as PERSON A's TRUE ADDRESS. PERSON A also admitted that PERSON A voted on October 23, 2017 during early voting, in the November 7, 2017 Edinburg Municipal Election knowing Person A was not eligible to vote. Affiant knows that given the location of PERSON A's true residence outside the city limits of Edinburg, Texas, that PERSON A was not eligible to vote in the November 7, 2017 Edinburg Municipal Election.

PERSON A stated that on August 21, 2017, Defendant Dalia Molina, Defendant's husband, Richard Molina, and PERSON A attended an event at a residence in Edinburg, Texas. PERSON A stated that at the event, Defendant Dalia Molina and Richard Molina, approached PERSON A and requested and encouraged PERSON A to falsely report PERSON A's voter registration address at a residence where PERSON A did not reside in order to (fraudulently) qualify PERSON A to illegally vote for Richard Molina for mayor in the November 7, 2017 Edinburg Municipal Election. PERSON A stated that PERSON A knew with certainty that Defendant Dalia Molina, knew that PERSON A's true residence was located at PERSON A's TRUE ADDRESS because PERSON A had hosted a social gathering at PERSON A's true residence in the past for Richard Molina and that Defendant Dalia Molina had been to PERSON A's true residence on more than two occasions in the past.

PERSON A stated that after Defendant Dalia Molina encouraged and requested PERSON A to falsely report PERSON A's FALSE ADDRESS as PERSON A's voter registration residential address, that Dalia Molina provided PERSON A with a blank voter registration application form for PERSON A to complete in order to falsely report PERSON A's voter registration address. PERSON A admitted that Defendant Dalia Molina told PERSON A to change PERSON A's voter registration address to PERSON A's FALSE ADDRESS because that address was located inside the city limits of Edinburg, Texas which would allow PERSON A to vote for Richard Molina in the upcoming City of Edinburg Mayoral election. PERSON A completed and signed the voter registration application, which falsely reported PERSON A's FALSE ADDRESS as PERSON A's voter registration residential address, at that time. PERSON A stated that PERSON A would have never falsely reported PERSON A's voter registration residential address at an address where PERSON A did not reside if PERSON A had not been requested to do so.

On a subsequent occasion, PERSON A told Dalia Molina that PERSON A had reported PERSON A's TRUE ADDRESS on a document which PERSON A was required to complete when serving on jury duty. PERSON A admitted this information was conveyed to Dalia Molina out of concern that doing so would change PERSON A's voter registration address to PERSON A's true residential address, and would disqualify PERSON A from voting in the upcoming November 7, 2017 Edinburg Municipal Election. Defendant Dalia Molina then assisted PERSON A, as a voter registrar, in completing another voter registration application on October 10, 2017 on which PERSON A again falsely reported PERSON A's voter registration residential address as PERSON A's FALSE ADDRESS.

Affiant obtained a certified copy of said voter registration application which is signed by PERSON A and also displays a signature represented to be Defendant Dalia Molina's signature, and Defendant's voter registrar number "111" signifying that Defendant Dalia Molina was the assisting voter registrar who assisted PERSON A in falsely reporting PERSON A's voter registration residential address on October 10, 2017. Affiant obtained a certified copy of a third voter registration application dated September 18, 2017, on which PERSON A also falsely reported PERSON A's voter registration residential address as PERSON A's FALSE ADDRESS. Said voter registration application also displays PERSON A's signature and a signature represented as Dalia Molina's signature and the voter registrar number "111" of Defendant, Dalia Molina, signifying that on 9-18-2017, Dalia Molina, acting as a voter registrar, assisted PERSON A in falsely reporting PERSON A's voter registration residential address as PERSON A's FALSE ADDRESS.

Affiant interviewed a second cooperating witness/co-conspirator, hereinafter referred to as PERSON B, who stated that during a conversation between PERSON B and Defendant's husband, Richard Molina, Richard Molina told PERSON B that he was going to use a strategy of changing voter registration addresses for people who live outside the city limits to addresses located inside the city limits of Edinburg, Texas, where people did not actually reside, in an effort to increase the number of voters who could vote for Richard Molina and to win elections. PERSON B stated that during a conversation with Defendant Dalia Molina, she instructed PERSON B to change PERSON B's voter registration residential addresses to a residential address where PERSON B's parents' lived since the parents' address was located inside the city limits of Edinburg, Texas so that PERSON B could vote for Richard Molina, in the upcoming November 7, 2017 Edinburg Mayoral election. During said interview, PERSON B made a statement against penal interest by admitting that Person B had voted in the November 7, 2017 Edinburg Municipal Election and provided Affiant with information revealing that PERSON B was not eligible to vote in said election.

Affiant interviewed a third cooperating witness/co-conspirator, hereinafter referred to as PERSON C, who provided Affiant with a statement against PERSON C's penal interest. PERSON C stated that on an occasion prior to 2017, Defendant Dalia Molina, and Dalia Molina's husband, Richard Molina, solicited, encouraged, and assisted PERSON C in falsely reporting PERSON C's voter registration residential address at an address of a residence where PERSON C did not reside. PERSON C stated that PERSON C told Defendant and Richard Molina, that PERSON C did not reside at the address where Defendant and Richard Molina were soliciting, and encouraging PERSON C to falsely report as PERSON C's voter registration residential address. PERSON C stated that after PERSON C told Defendant Dalia Molina that PERSON C did not reside at said address, Defendant Dalia Molina told PERSON C that PERSON C could report PERSON C's voter registration residential address at the residence where PERSON C stated that PERSON C did not reside. PERSON C stated that afterwards, Dalia Molina assisted PERSON C in falsely reporting PERSON C's voter registration residential address at an address where PERSON C admittedly did not reside on a voter registration application. Affiant obtained a certified copy of a voter registration application which PERSON C was referring to, on which PERSON C falsely reported PERSON C's voter registration residential address at an address where PERSON C admittedly had not lived during the 4 years prior to completing the voter registration application. PERSON C's signature is displayed on the voter registration application, as is another signature which is represented as Defendant Dalia Molina's signature.

The evidence documented in this affidavit shows probable cause that on August 21, 2017, Defendant, Dalia Molina, acting with intent to promote or assist the commission of the offense of Illegal Voting, solicited, encouraged, aided, or attempted to aid PERSON A in falsely reporting PERSON A's voter registration residential address at a residence where PERSON A did not reside and where Defendant knew that PERSON A did not reside, in an effort to fraudulently qualify PERSON A to illegally vote in the November 7, 2017 Edinburg Municipal Election. The facts documented in this affidavit shows probable cause that Defendant, Dalia Molina, acting as a party to the offense as defined by Texas Penal Code Chapter 7.02, committed the crime of Illegal Voting.

**SUSPECT: DALIA MOLINA**

**D.O.B.: 03/03/1973**

AGAINST THE PEACE AND DIGNITY OF THE STATE.

  
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AFFIANT

SWORN TO AND SUBSCRIBED BEFORE ME THIS 29 DAY OF April, 2019.

  
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Mario E. Ramirez Jr., 332<sup>nd</sup> District Judge