

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 vs.) 17-
)
 WILBON PERRY)

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CLERK OF THE CIRCUIT COURT
SIXTH JUDICIAL DISTRICT
JANET M. WILSON

PEOPLE'S FACTUAL PROFFER IN SUPPORT OF SETTING BOND

NOW COME the People of the State of Illinois, by and through, their attorney KIMBERLY M. FOXX, State's Attorney of Cook County, by her Assistant Thomas Simpson, hereby present their factual proffer in support of setting bond.

I. INTRODUCTION

Section 5/110-5 of the Illinois Code of Criminal Procedure sets forth criteria relevant to determining the amount of bail and conditions of release. 725 ILCS 5/110-5. The information used by the Court in its findings with regard to setting the amount of bail may be presented by way of written proffer based upon reliable information offered by the State. 725 ILCS 5/110-5.

II. DEFENDANT

Wilbon Perry is 49 years old and a resident of Ford Heights. Perry has two previous felony convictions for Possession of a Controlled Substance with Intent to Deliver under case numbers 96CR-7213 and 98C6-61868 for which he was sentenced to four years in custody in each case.

III. CHARGES

Perry is charged by way of complaint for preliminary hearing with multiple counts of election code violations, 10 ILCS 5/29-20(4) (Class 3), which are punishable by either probation or a sentence of at least two but not more than five years' incarceration.

IV. FACTS

The Cook County State's Attorney's Office and the United States Postal Inspection Service ("USPIS") investigated this case as part of their ongoing efforts to identify and prosecute violations of election law and fraud involving the United States mail. The Cook County Clerk's Office provided necessary cooperation and assistance during the investigation.

In March 2015, the Clerk's Office's Election Department discovered irregularities regarding applications for mail ballots for the upcoming municipal election in April. The application for a mail ballot requires a voter to fill out their name, registered voting address, the address to send the ballot, and affix their signature. The Clerk then sends the voter a ballot and a ballot return envelope, which requires the voter to affirm their name, address and signature on the ballot return envelope. The applications for the suspicious ballots were purportedly for twelve registered voters with different addresses in the Village of Ford Heights. Ford Heights had three trustee positions up for election in the April 2015 election. The Clerk observed that the signatures on the applications did not match the signatures on file for those voters. Additionally, all the applications requested that the Clerk send the ballots to the same address in Ford Heights.

On April 3, 2015, a postal inspector acting in an undercover capacity as a letter carrier attempted to make a controlled delivery of the twelve mail ballots to the return address identified on the applications. The address is actually a vacant lot immediately adjacent to the campaign office of Candidate A, then a candidate for a Ford Heights trustee position. The postal inspectors discovered that the address was an empty lot when they attempted to deliver the ballots and could find no address to make the delivery. The inspectors circled the block and parked the postal vehicle at the nearest corner to the delivery address, a few steps from the vacant lot. When the undercover postal inspector exited the postal vehicle, Perry approached the undercover postal inspector and told the postal inspector that he had been waiting for the ballot delivery. Perry then signed his own name to a postal service form acknowledging the delivery of the twelve ballots. Perry was then observed taking the ballots directly into the building adjacent to the vacant lot, which housed the campaign office of Candidate A.

On January 7, 2016, postal inspectors interviewed Perry. Perry admitted his involvement in a scheme to engage in election fraud on behalf of Candidate A. Perry stated that he worked for Candidate A's 2015 campaign for Ford Heights trustee. Perry admitted that his job for the campaign was to vote absentee ballots for individuals that were on the list of Ford Heights registered voters that he knew no longer lived in Ford Heights. Perry said that he took names and information of people from the list of registered voters that he knew no longer resided in Ford Heights and requested an absentee ballot in their names. Perry stated that he filled out the applications asking that the ballots be sent to Candidate A's campaign office. Perry stated that he thought Candidate A's campaign office address was the address of the vacant lot next door. Perry stated that he voted the ballots he received from the undercover postal inspector for Candidate A, signed the ballot envelopes and mailed the ballots to the Clerk.

Eleven of the twelve ballots were ultimately returned to the Clerk through the mail. Each of those ballots had votes for Candidate A. Based on the evidence uncovered during the

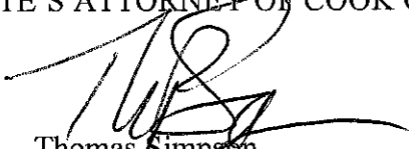
investigation, those votes were not counted by the Clerk in the election results for the April 2015 election.

V. BOND RECOMMENDATION

Section 5/110-5 of the Illinois Code of Criminal Procedure sets forth criteria relevant to determining the amount of bail and conditions of release. 725 ILCS 5/110-5. In particular, the Court may take into account the likelihood of conviction, the sentence applicable upon conviction, whether there exists motivation or ability to flee, financial resources, and the amount of unrecovered proceeds lost as a result of the alleged offense.

Based upon matters discussed herein, the People of the State of Illinois recommend that this Honorable Court release Perry on his own recognizance, and that this Court, as a special condition of release, order Perry to refrain from having contact with the witnesses.

Respectfully submitted,
KIMBERLY M. FOXX
STATE'S ATTORNEY OF COOK COUNTY


BY: Thomas Simpson
Assistant State's Attorney