

that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 1B

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that she did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Annette Marie Bosworth did offer for filing with the Secretary of State a nominating petition nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Becky Hofer, knowing that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 1C

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that she did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Annette Marie Bosworth did

offer for filing with the Secretary of State a nominating petition nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Joseph Wipf, knowing that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 1D

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that she did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Annette Marie Bosworth did offer for filing with the Secretary of State a nominating petition nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Leonard Waldner, knowing that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 1E

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that she did offer any false or forged instrument for filing, registering or

recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Annette Marie Bosworth did offer for filing with the Secretary of State a nominating petition nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Richard W. Bandy, knowing that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 1F

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that she did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Annette Marie Bosworth did offer for filing with the Secretary of State a nominating petition nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Regan Norgaard, knowing that her signature indicating that each signer had signed said petition in her presence created a false impression; and as to

COUNT 2A

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did

commit the public offense of **PERJURY**, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one John Waldner, and filed with the Secretary of State for Annette Bosworth's name to be printed on the Republican primary election ballot, state that she circulated said petition and that each signer personally signed said petition in her presence, which she knew to be false; and as to

COUNT 2B

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of **PERJURY**, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie

Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Becky Hofer, and filed with the Secretary of State for Annette Bosworth's name to be printed on the Republican primary election ballot, state that she circulated said petition and that each signer personally signed said petition in her presence, which she knew to be false; and as to

COUNT 2C

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Joseph Wipf, and filed with the Secretary of State for Annette Bosworth's name to be printed on the Republican primary election ballot, state that she circulated said petition and that each

signer personally signed said petition in her presence, which she knew to be false; and as to

COUNT 2D

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Leonard Waldner, and filed with the Secretary of State for Annette Bosworth's name to be printed on the Republican primary election ballot, state that she circulated said petition and that each signer personally signed said petition in her presence, which she knew to be false; and as to

COUNT 2E

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath

to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a candidate for the U.S. Senate, bearing initial signer one Richard W. Bandy, and filed with the Secretary of State for Annette Bosworth's name to be printed on the Republican primary election ballot, state that she circulated said petition and that each signer personally signed said petition in her presence, which she knew to be false; and as to


COUNT 2F

That on or about the 25th day of March 2014, in the County of Hughes, State of South Dakota, Annette Marie Bosworth did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that she did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which she knew to be false, to-wit: Annette Marie Bosworth did, after verifying by her signature under oath on a nominating petition, nominating Annette Bosworth, MD, as a

candidate for the U.S. Senate, bearing initial signer one
Regan Norgaard, and filed with the Secretary of State for Annette
Bosworth's name to be printed on the Republican primary election
ballet, state that she circulated said petition and that each
signer personally signed said petition in her presence, which she
knew to be false; contrary to statute in such case made and
provided against the peace and dignity of the State of South
Dakota.

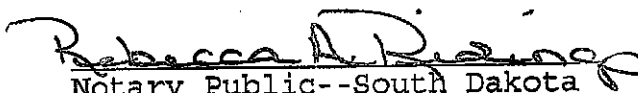
That the complainant states that this Complaint is based
upon the Affidavit of Bryan Gortmaker, attached hereto and
incorporated herein by reference.

Dated this 4th day of June, 2014, at Pierre, South Dakota.



Robert Mayer
Deputy Attorney General

Subscribed to and sworn to before me, a Notary Public, on
this 4th day of June, 2014.



Notary Public--South Dakota

My commission expires:
Rebecca A. Ridings
My Commission Expires 11/9/2018
(Seal)

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.
FILED

JUN 04 2014


By _____ Clerk
Deputy

Bosworth. Your affiant found an annettebosworth.com/Dr.Annette Bosworth blog on the internet. Some postings were entitled "Day 1 – The Adventure Begins", "Flexibility", and "Almost Home" as appearing to be written by Dr. Bosworth that all refer to being in the Philippines during this January 5 to January 15, 2014 timeframe. Copies of these postings were kept as evidence. Further review of [bosworthforsenate](https://www.facebook.com/bosworthforsenate) Facebook page had various postings by Dr. Bosworth between the January 5, 2014 to January 15, 2014 timeframe in which she indicates she was traveling to and serving in the Philippines. Again, copies were kept as evidence. Also in an Annette Bosworth Facebook page, pictures of what appears to be Dr. Bosworth are posted of her in tropical areas and stories written about the patients from that medical mission trip.

3. A Search Warrant was prepared and served upon Facebook for these accounts referred to above. Facebook did comply and provided the DCI with verified copies of these Facebook pages, to include data of Internet Provider addresses from some of the images posted. These IP addresses were researched by Agent Troy Boone of the DCI. One image found posted bears the IP address which resolved back to the Asia Pacific Network Information Centre out of South Brisbane, Australia, meaning that the image was uploaded from somewhere outside of the United States of America. This image was uploaded on 1-12-2014.

4. Agent Troy Boone further identified a Twitter Account under the name Annette Bosworth, with posting dated January 8, 2014, that also contains scenery that appears to be from a tropical location.

5. On 4-8-2014, your affiant interviewed Ethan Crisp, a past employee of the Bosworth Campaign from 9-11-2013 to 1-18-2014. Mr. Crisp coordinated and scheduled organized events for Dr. Bosworth. Mr. Crisp stated that Dr. Bosworth possibly left during the evening of January 4th from South Dakota as she flew out of Minneapolis. Mr. Crisp stated that she returned on late 1-15-2014. Mr. Crisp indicated that she went with Joel Arends and a couple other folks.

6. The U.S. Custom and Border Protection verified for this affiant that a passport assigned to Annette Bosworth shows confirmed travel records from Manilla to Guam to Honolulu on 1-14-2014.

7. In your affiant's review of Dr. Bosworth's nominating petitions filed with the SD Secretary of State Office, I found numerous petitions that appeared suspicious. Among them, four (4) of these petitions are brought into question due to the signatures being placed on the nominating petitions during the timeframe in question in January, 2014 and also bearing Dr. Annette Bosworth's signature under oath as each petition signer having personally signed the petition in her presence, when Dr. Bosworth would have been instead in the Philippines as self-proclaimed. Two (2) of these same petitions were also signed by Dr. Annette Bosworth as the circulator are suspect as these petitions have at least three different dates of signature by those signing the nominating petition, all from the same listed address, a Hutterian Colony. Your affiant finds it unlikely that candidate Bosworth would visit each of these same colonies numerous days in a row to collect these signatures. All six (6) of

these nominating petitions in question have been witnessed by Notaries in which Dr. Bosworth states that she circulated the petition and that each signer personally signed the nominating petition in her presence. All six (6) of these petitions have been filed with the Secretary of State Office by candidate Dr. Annette Bosworth, a declared candidate for a South Dakota U.S. Senate seat.

8. Your affiant and other agents went to 40361 200th Street, Huron, SD on 4-10-2014. We did visit with many members of this colony that signed one (1) nominating petition for Dr. Bosworth for U.S. Senate. None of the signatories we interviewed signed it in front of Dr. Bosworth. Most had never met Dr. Bosworth. One individual told us that their spouse signed it for them and verified the signature on the nominating petition wasn't their signature at all. These signatures were dated 1-15-2014, 1-16-2014 and 1-17-2014.

9. Your affiant and other agents went to 42021 268th Street, Parkston, SD on 4-11-2014. We did visit with many members of this colony that signed the two (2) nominating petitions for Dr. Bosworth for U.S. Senate. One of the signatories we interviewed signed it front of Dr. Bosworth, the rest had not signed it in front of Dr. Bosworth as verified from our interviews and most had never met Dr. Bosworth. These signatures on the nominating petitions were dated 1-2-2014, 1-3-2014, 1-4-2014, 1-11-2014, 1-12-2014, 1-13-2014, and 1-14-2014.

10. Your affiant went to 35350 206th Street, Miller, SD on 4-14-2014 with Sheriff Doug DeBoer. This Colony had been contacted by phone by Dr. Bosworth and one (1) nominating petition came to them by mail, asking that

the petition be signed and she would take care of the rest. A follow-up phone call was also received in which Dr. Bosworth was asking about the nominating petition as she needed them back in her office by the end of February. None of the signatories on the nominating petition that I interviewed signed it in front of Dr. Bosworth, and one individual signed for several others on the nominating petition before it was mailed back to her. These signatures on the nominating petition were dated 2-19-2014, 2-20-2014, 2-21-2014, and 2-23-2014.

11. Agent Brian Schnabel spoke with an individual living at 1320 Lincoln Street in Vermillion, SD and asked about one (1) nominating petition that she had signed on 1-7-2014. This individual initially stated that she had signed the nominating petition in front of Dr. Bosworth, indicating that she thought the date was correct, but couldn't remember the location where she had signed it. She further stated that she knew Dr. Bosworth personally. This individual later contacted Agent Schnabel and stated that she in fact did not sign it in front of Dr. Bosworth. This individual had contacted Dr. Bosworth after our first interview and was told by Dr. Bosworth that Dr. Bosworth was out of the country on that date. This individual worked part time for Dr. Bosworth. This nominating petition was sitting on the front reception desk of Dr. Bosworth's clinic in Sioux Falls. This individual was encouraged to ask patients to sign the nominating petition outside of the physical presence of Dr. Annette Bosworth.

12. Agent Dave Stephan spoke with five individuals that signed one (1) nominating petition in question. Four of them had signed this nominating petition in question on 1-5-2014 during a National Guard drill weekend when it was passed around. Dr. Annette Bosworth was not there to see them sign the nominating petition. The fifth individual received the nominating petition from his brother and signed it on 1-28-2014, Dr. Bosworth was not present.

13. Your affiant states that in all six (6) of these petitions described above, Dr. Annette Bosworth did, under oath, state each signer personally signed the nominating petition in her presence and signed these six (6) nominating petitions as the "Circulator".

14. Your affiant states that these six (6) nominating petitions have been examined by a forensic document examiner, Janis Tweedy, to determine the authenticity of the circulator's signature. Two (2) petitions are identified as having been produced by the person said to be Annette Bosworth when compared against known Dr. Annette Bosworth signatures that various State entities had on file. Four (4) of the petitions are found to be highly probable as having been produced by the person said to be Annette Bosworth when compared against known Dr. Annette Bosworth signatures.

15. Your affiant states that I have verified that all six (6) of these nominating petitions were filed with the South Dakota Secretary of State Office. On 3-25-2014, Dr. Annette Bosworth and others, to include an individual named Patrick Davis who signed the Guest Book, came to the Secretary of State Office and filed a "mass quantity" of petitions according to Ashley Klapperich, the

receptionist at the Secretary of State Office. Dr. Annette Bosworth introduced herself to Ms. Klapperich. The campaign then published a press release stating, "Dr. Annette Bosworth submitted 2750 signatures to the Secretary of State today to qualify for the June Republican Primary ballot as a candidate for US Senate..."

16. On 4-17-2014, Dr. Annette Bosworth did appear on the Greg Belfrage show on KELO A.M. Radio. In your affiant's review of the recorded program, I note that Dr. Bosworth said she was in the Philippines and further stated that this was about "37 signatures". When asked again about these nominating petitions, Dr. Bosworth was asked if she made a mistake and swear-off on these 37 signatures? Dr. Bosworth responded, "...under counsel, when I said, checked to see is that person the real person and did you sign my petition, do I need to have her sign it again? No, they didn't think I did."

17. On 5-27-2014, Dr. Annette Bosworth held a press conference. In this press conference she stated that she did go to the Philippines. She again referred to "37 signatures" that were presented to her. She further stated that her sister signed a nominating petition when Dr. Annette Bosworth was in the Philippines.


18. Your affiant states that probable cause exists for six (6) counts of Offering a False or Forged Instrument for Filing, SDCL 22-11-28.1, with the South Dakota Secretary of State Office on 3-25-2014 in Hughes County, South Dakota. Dr. Annette Bosworth did cause these nominating petitions to be filed with the Secretary of State Office as she is a declared candidate for US Senate

for the State of South Dakota and was seeking to get on the primary election ballot. Dr. Annette Bosworth did falsely swear, under oath, that each signer personally signed the nominating petition in her presence, making them a false instrument. SDCL 22-11-28.1 states, "Any person who offers any false or forged instrument, knowing that the instrument is false or forged, for filing, registering, or recording in a public office, which instrument, if genuine, could be filed, registered, or recorded under any law of this state or of the United States, is guilty of a Class 6 felony."

19. Your affiant states that probable cause exists for six (6) counts of Perjury, as defined by SDCL 22-29-1, SDCL 22-29-8 and SDCL 22-29-10 in that Dr. Annette Bosworth did file with the South Dakota Secretary of State Office on 3-25-2014 in Hughes County, South Dakota, six (6) nominating petitions as a declared candidate for U.S. Senate for the State of South Dakota and was seeking to get on the primary election ballot. Dr. Annette Bosworth did falsely swear, under oath, that each signer personally signed the nominating petition in her presence. This oath was declared by completing the "Verification By Person Circulating Petition" to a SD Notary Public. SDCL 22-29-1 states, "Any person who, having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, states, intentionally and contrary to the oath, any material matter which the person knows to be false, is guilty of perjury." SDCL 22-29-8 states, "The term oath, as used in this chapter, includes any affirmation, and

every other mode of attesting the truth of that which is stated, which is authorized by law. It is no defense that the oath was administered or taken in an irregular manner. " SDCL 22-29-10 states, "The making of any deposition or certificate is deemed to be complete, within the provisions of this chapter, from the time when it is delivered by the accused to any other person with intent that it be uttered or published as true."

Dated this 3 day of June, 2014.



Signature of Affiant
Bryan Gortmaker

Subscribed and sworn to before me, a notary public, this 3 day of June, 2014.



Notary Public - South Dakota

(SEAL)

My commission expires: 8 Aug 2014

p1d_BM State v. Annette Bosworth- Affidavit (mad)

STATE OF SOUTH DAKOTA
Sixth Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

JUN 03 2014

Kelli Sitzman
Hughes County Clerk of Courts
By: 
Deputy

STATE OF SOUTH DAKOTA)
) : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT

SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
 Plaintiff,)
)
v.)
)
CLAYTON GARRY WALKER,)
DOB: 11/23/1980,)
)
 Defendant.)

Crim. No. 14-306

AMENDED
COMPLAINT:

COUNT 1A-1F:

OFFERING FALSE OR FORGED
INSTRUMENT FOR FILING
(SDCL 22-11-28.1)
(CLASS 6 FELONY)

COUNT 2A-2F:

PERJURY
(SDCL 22-29-1; 22-29-8; 22-29-10)
(CLASS 6 FELONY)

The undersigned being duly sworn upon oath charges:

COUNT 1A

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of OFFERING FALSE OR FORGED INSTRUMENT FOR FILING, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Bart Bowles, knowing that his signature

indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 1B

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Jane Virginia, knowing that his signature indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 1C

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing

with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one (illegible) Moleson, knowing that his signature indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 1D

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Mark Kline, knowing that his signature indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 1E

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of **OFFERING FALSE OR FORGED INSTRUMENT FOR FILING**, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording

in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Nicole Dopper, knowing that his signature indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 1F

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of OFFERING FALSE OR FORGED INSTRUMENT FOR FILING, in violation of SDCL 22-11-28.1, in that he did offer any false or forged instrument for filing, registering or recording in a public place, knowing that the instrument was false or forged, which instrument, if genuine, could be filed under any law of the state, to-wit: Clayton G. Walker did offer for filing with the Secretary of State a nominating petition nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Shawn Schilling, knowing that his signature indicating that each signer had signed said petition in his presence created a false impression; and as to

COUNT 2A

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit

the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that he did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which he knew to be false, to-wit: Clayton G. Walker did, after verifying by his signature under oath on a nominating petition, nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Bart Bowles, and filed with the Secretary of State for Clayton G. Walker's name to be printed on the Republican primary election ballot, state that he circulated said petition and that each signer personally signed said petition in his presence, which he knew to be false; and as to

COUNT 2B

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that he did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which he knew to be false, to-wit: Clayton G. Walker did, after verifying by his signature under oath on a nominating petition,

nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one Jane Virginia, and filed with the Secretary of State for Clayton G. Walker's name to be printed on the Republican primary election ballot, state that he circulated said petition and that each signer personally signed said petition in his presence, which he knew to be false; and as to

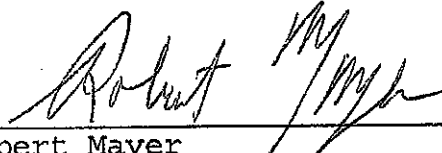
COUNT 2C

That on or about the 29th day of April 2014, in the County of Hughes, State of South Dakota, Clayton Garry Walker did commit the public offense of PERJURY, in violation of SDCL 22-29-1; 22-29-8; 22-29-10, in that he did, after having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, state intentionally and contrary to such oath, any material matter which he knew to be false, to-wit: Clayton G. Walker did, after verifying by his signature under oath on a nominating petition, nominating Clayton G. Walker as a candidate for the U.S. Senate, bearing initial signer one (illegible) Moleson, and filed with the Secretary of State for Clayton G. Walker's name to be printed on the Republican primary election ballot, state that he circulated said petition and that each signer personally signed said petition in his presence, which he knew to be false; and as to

petition in his presence, which he knew to be false; contrary to statute in such case made and provided against the peace and dignity of the State of South Dakota.

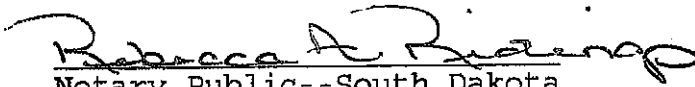
That the complainant states that this Complaint is based upon the Affidavit of Pat West, attached hereto and incorporated herein by reference.

Dated this 4th day of June, 2014, at Pierre, South Dakota.



Robert Mayer
Deputy Attorney General

Subscribed to and sworn to before me, a Notary Public, on this 4th day of June, 2014.



Notary Public--South Dakota

My commission expires:

Rebecca A. Ridings
~~My Commission Expires 11/9/2018~~
(Seal)

STATE OF SOUTH DAKOTA
CIRCUIT COURT, HUGHES CO.
FILED

JUN 04 2014

 Clerk
By _____ Deputy

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
v.)
)
CLAYTON GARRY WALKER,)
DOB: 11/23/1980,)
)
Defendant.)

Crim. No. 14-300

AFFIDAVIT OF
PAT WEST

STATE OF SOUTH DAKOTA)
 : SS
COUNTY OF PENNINGTON)

Pat West, being first duly sworn upon his oath, deposes and states:

1. Your Affiant (SSA Pat West) states that he is an Agent with the Division of Criminal Investigation, (DCI), Office of Attorney General, for the State of South Dakota. I have been an Agent for 19 years and am currently a Supervisor with the South Dakota Division of Criminal Investigation. In my years of investigation, I have investigated many felony crimes, to include crimes of filing of false documents and perjury. I state the following:
2. On 5-2-14, I (SSA Pat West) was contacted by DCI Director Bryan Gortmaker and advised that a complaint had been received from the South Dakota Secretary of State Office on a potential nominating petition fraud case. The original information was obtained from Mary Perpich, a Brookings County resident, who provided a notarized affidavit disputing several hundred signatures obtained by Clayton Walker, as well as signatures obtained several hundred miles apart on the same day. Specifically, Clayton Walker, who is running as an Independent for the US Senate seat had signed under oath on the second page of each petition that he personally circulated these petitions and each signer personally signed the petition in his presence. There were two dates in which Walker obtained signatures in several different counties on the same day. The two dates are

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identified as 3-13-14 and 4-6-14. (please refer to notarized affidavit signed by Mary Perpich attachment "E")

3. The nominating petition dated 3-13-14, has signatures from the Counties of Butte, Lawrence Pennington and Minnehaha. The nominating petition dated 4-6-14 has signatures from the Counties of Pennington and Minnehaha. All of the nomination petitions on these two dates were signed by Clayton Walker as the "signature of collector" and that each signer personally signed the petition in his presence.
4. On 5-5-14, while attempting to locate Clayton Walker, I observed him driving a white vehicle, stop at the address of 5445 Medallion Drive and enter the residence. A short time later, I approached the residence and knocked on the door. An older gentleman emerged and walked onto the porch. At that time, I asked to speak with Clayton Walker. This older gentleman stated that he was not there (even though I saw Clayton Walker enter the residence five minutes earlier). The older male asked me what this was in reference to and I explained to him that I needed to speak with Clayton Walker to verify some information and signatures on a nomination signature form. I asked if I could get a phone number to call Clayton. The older gentleman told me to hold on and at that time he re-entered the residence.

A short time later, he re-emerged and stated that he was not going to give me Clayton's phone number and I then offered my phone number to him. I then gave my cell phone number to him and told him to have Clayton Walker call me so that we could visit about these nomination signature forms. Approximately two minutes later, I received a phone call from an older female, which I recorded the conversation. This older female asked who I was and what I wanted. I explained to her the same thing I explained to the older gentleman. She responded saying she would let Clayton talk with me so he was not worried about what I wanted.

At that time, a male subject who identified himself as Clayton Walker got on the phone and began speaking with me. I continued to record this conversation. I explained to Walker that the Secretary of State Office wanted me to clarify a few things on his nomination petition signature forms. Walker stated okay. I asked if he would be willing to meet with me to discuss this matter. Walker then began

asking me several times what it was that I wanted to know. I explained to him that I needed him to look at the documents that I had and to verify the dates that he actually signed those documents and personally gathered those signatures that are on the individual nomination form. Walker stated that he did not want to meet with me. I then explained to Walker the two dates when the signatures were collected on the nomination form and was signed by him, Clayton Walker, as the "Signature of Circulator", which the dates identified were 3-13-14 and 4-6-14. Specifically, I asked Walker about the signatures that were collected on 3-13-14 in Pennington County and Minnehaha County. I explained that the Secretary of State wanted to verify that he (Walker) was in Pennington and Minnehaha Counties on the same day and collected those signatures. Walker stated, "No, I had hired other people in certain counties to collect those signatures." I then asked him about the 4-6-14 date in which there were signatures from Butte, Lawrence, Pennington and Minnehaha counties that were collected on the same day and signed by him (Clayton Walker) as the "Signature of Circulator". Walker stated, "I had some employees and other people that I had hired. Must have got out and got those signatures." I specifically asked Walker about those dates in question and whether he signed the nomination form as the "Signature of Circulator". Walker would not answer the question. He then requested that I fax him the forms so that he could look at them. I told him that I was just down the street and would be glad to come right over and show them to him. He stated, "I don't have time right now." Walker advised that he did not want to talk with me anymore and asked to speak with an attorney. He then continued to rant; stating that I was picking on him and not investigating anyone else. Walker then hung up on me.

On 5-8-14, I attempted to confirm several addresses that are listed on the nomination petition forms dated 3-13-14 and 4-6-14, in Pennington County. I found several addresses and person listed on the nomination petition form dated 3-13-14 in Pennington County that did exist and signed the form. I then checked addresses listed on the nomination petition dated 4-6-14 and found the following:

- The name and signature of Nicole Dopper with an address of 106 Anne Rapid City-no such address exists. There is a 106 St. Anne St. Rapid City, but the person living there is Theresa Hill.

- The name and signature of Larson Lytle (illegible) with an address of 6886 Indiana Rapid City-no such address exists. The numbers do not go that high.
- The name and signature of Anthony Ireland (illegible) with an address of 1312 Sun Valley Rapid City-no such address exists.
- The name and signature of Dale Jenson with an address of 5440 N. Maple Rapid City-no such address exist. The numbers do not go that high.

I drove by these addresses and checked with the Rapid City Police Department dispatch records and confirmed that they do not exist. (See Attachment "F")

5. On 5-9-14, SA Steve Ardis attempted to verify addresses and signatures found on the nomination petitions signed in Lawrence County dated 4-6-14. He did the following:

- He traveled to 627 E. Colorado and found that it was vacant. He identified that Mary Herrboldt previously lived at the address. He made contact with Herrboldt and she stated that the signature of the form listed as "Mary Hawks" is the name of her dead aunt, who passed away 10 years ago. Herrboldt stated that she did not sign this nomination petition form and was in Sioux Falls on that particular date. She also confirmed that she did not sign a petition form while in Sioux Falls.
- He then made contact with a female at the address of 631 E. Colorado Boulevard. Her name is Lindsey Roberts. 631 E. Colorado appears to be listed on the nomination petition with the name of Sara (Last name is illegible). Roberts advised that she did not sign the petition and there is no Sara that lives at her address.
- After speaking with Herrboldt, SA Ardis conducted a check of the addresses listed on the document with dispatchers at the Spearfish Police Department. Upon reviewing the list of addresses, most of the addresses did not exist. He

physically drove to the addresses listed on the petition but the numerical listings for the street name did not exist with the exception of 127 Washington Street in Spearfish.

- Upon arriving at 127 Washington Street in Spearfish, He made contact with Joan Schanzenbach, phone number 605-722-1026. Schanzenbach advised that she had been living at that residence for two years and rents the residence. Schanzenbach advised that she lives there with her husband, Ernest Schanzenbach. He asked Schanzenbach if anyone living at her residence goes by the name of Darrell Porter which was listed on the petition. She advised that no one else lives or stays at her residence and she did not sign a petition. He showed Schanzenbach a photograph of Clayton Walker. Schanzenbach advised that she did not recognize the man and again said she had not signed a petition. After meeting with Schanzenbach, SA Ardis returned to the Spearfish PD and had a dispatcher conduct a check of all of the names on the Petition for Nomination for Independent Candidate. None of the names listed were located in records at the Spearfish PD. (See Attachment "G")

6. On 5-9-14 SA Elbert Andress attempted to verify 4 addresses and signatures found on the nomination petitions signed in Butte County dated 4-6-14. He traveled to 221 8th Avenue, Belle Fourche, SD and made contact with a male, who identified himself as Toby Jones. Toby stated they have lived at 221 8th Avenue, Belle Fourche, SD since September, 2013. SA Andress asked him if he knew Shawn Schilling or Shawn Schilding. Toby stated he didn't know anyone by that name or who the previous renter was of the residence. The Butte County Sheriff's Office couldn't find anyone by the names of Shawn Schilling or Shawn Schilding in their records or in Butte County. The Butte County Sheriff's Office had the occupant of 221 8th Avenue as Toby Jones at the time the petition was allegedly signed.
7. SA Andress traveled to 228 8th Avenue, Belle Fourche, SD. The address on the petition appears to possibly be 225 8th

Avenue, but the writing is illegible. Upon making contact at 228 8th Avenue, a male introduced himself as Wayne. I asked Wayne if there was a Ron or Ronald Collins who resided at the residence. Wayne stated there was not anyone at that address by that name and he did not know anyone by that name. Wayne was living at the residence at the time the signature was allegedly signed. He then checked with the Butte County Sheriff's Office, who had the current resident at 228 8th Avenue, Belle Fourche, Butte County, SD as Wayne Stensby. SA Address confirmed there is not an address of 225 8th Avenue.

8. SA Address attempted to locate 306 8th Street, (Ron Collins) and 319 8th Street (Edward Dakota). These addresses do not exist in Belle Fourche, SD. It should be noted there isn't any numerical street names in Belle Fourche, SD, such as 8th Street or 9th Street. SA Address also checked and there isn't a 306 8th Avenue or a 319 8th Avenue. The Butte County Sheriff's Office didn't have any records of a Edward Dakota in their system or in Butte County, SD. The Butte County Sheriff's Office did find a Ronald Lee Collins who lives at 19295 Whitewood Valley Road, Whitewood, Butte County, SD. On May 29, 2014, SA Address contacted Ronald Collins at phone number 605-569-0906. During the conversation, Ronald confirmed he lives at 19295 Whitewood Valley Road. Ronald stated he doesn't live in Belle Fourche and hasn't been at 228 8th Avenue, Belle Fourche, SD or 306 8th Street, Belle Fourche, SD. Ronald stated he hasn't signed any papers for anyone collecting signatures to run for any political office. (See Attachment "G")
9. On 5-29-14, SA Dave Stephen reviewed four petitions, which he designated A, B, C and D. It appears that all the signatures, writings and printing were similar in nature. He also noticed that many of the addresses were not written in the standard format you would see when writing down an address. In an attempt to verify several of the addresses and names listed Petition "A", he found the following:

Line 1—the name and signature of Bart Bowles—
lists an address of 308 1st Avenue—no such address
exists.

Line 2—the name and signature of Annette Shell-lists an address of 311 1st-no such address exists. The actual Federal Building is on this whole west side of the 300 block of 1st Avenue.

Line 3—the name and signature of Marge Lot-lists an address of 313 1 Avenue—no such address exists. The actual Federal Building is on this whole west side of the 300 block of 1st Avenue.

Line 7—the name and signature of Sara Braxden-lists an address of 341 1st Avenue—no such address exists. The actual Federal Building is on this whole west side of the 300 block of 1st Avenue.

For complete details of this Petition "A", see copy included as enclosure.

In an attempt verify several of the addresses and names listed Petition "B", he found the following:

Line 6—the name and signature of Shelly Andreison-lists an address of 819 S. Western—no such address exists.

Line 7—the name and signature of Pete Darling-lists an address of 822 S. Western—no such address exists.

Line 8—the name and signature of Norma Glenn-lists an address of 3107 Lake—no such address exists.

Line 10—the name and signature of Michael Baron-lists an address of 3248 Lake—no such address exists.

In an attempt verify several of the addresses and names listed Petition "C", he found the following:

Line 1—the name and signature of Mitch Molesen-lists an address of 1311 E. 26th St.— no such address exists.

Line 2—the name and signature of Suzanne Little-lists an address of 1316 E. 26th St. A check of

the SFPD database revealed that there was not a Suzanne Little affiliated with this address. We stopped at this address and attempted to make contact, however, no one came to the door. The vehicle with the plate of 1BLW97 was parked in the driveway. This comes back to a 2002 Chevrolet Venture van registered to an Alex Zeeb. No other person's name on the registration.

Line 3--the name and signature of Jessie Jane- lists an address of 1313 E. 26th St.--no such address exists.

Line 4--the name and signature of Allen Anderson- lists an address of 1369 E. 26th St.--no such address exists.

In an attempt verify several of the addresses and names listed Petition "D", he found the following:

Line 16--the name and signature of Jack Collins- lists an address of 242 5th Avenue--no such address exists.

Line 17--the name and signature of Dwayne Densen- lists an address of 286 5th Avenue--no such address exists.

Line 20--the name of Vance Crawford-lists an address of 339 5th Avenue--no such address exists.

All the above addresses were allegedly in Sioux Falls, South Dakota in Minnehaha County. All the above addresses were personally checked by driving by where the addresses were supposed to be. Only one out of the above listed 15 addresses existed, and this was 1316 East 26th Street. However, as described above, the person whose name was on the petition that listed this address did not appear to be living at the address.

10.I, SSA Pat West states that probable cause exists for six (6) counts of Filing a False Document, SDCL 22-11-28.1, with the South Dakota Secretary of State Office on or about 5-8-14 in Hughes County, South Dakota. Clayton Walker did cause these nominating petitions to be filed with the Secretary of State Office as he is a declared candidate for US Senate for the State of South Dakota and was seeking to get on the general election ballot. Clayton Walker did

falsely swear, under oath, that each signer personally signed the nominating petition in his presence, making them a false instrument. In addition, Clayton Walker did admit that: a) he hired other people in certain counties to collect the signatures dated 3-13-14 and; b) some employers and other people he hired must have collected these signatures dated 4-6-14. The falsity of many of the addresses associated with those signatures has a tendency to corroborate that the signers did not personally sign the nominating petition in Clayton Walker's presence. SDCL 22-11-28.1 states, "Any person who offers any false or forged instrument, knowing that the instrument is false or forged, for filing, registering, or recording in a public office, which instrument, if genuine, could be filed, registered, or recorded under any law of this state or of the United States, is guilty of a Class 6 felony."

11. I, SSA Pat West states that probable cause exists for six (6) counts of Perjury, SDCL 22-29-1, 22-24-8 and 22-29-10, in that Clayton Walker did file with the South Dakota Secretary of State Office on or about 5-8-14 in Hughes County, South Dakota, six (6) nominating petitions as a declared candidate for US Senate for the State of South Dakota and was seeking to have his name placed on the general election ballot as an Independent candidate. Clayton Walker did falsely swear, under oath, that each signer personally signed the nominating petition in his presence. Your affiant submits that this was false as demonstrated above. The oath was declared by completing the "Verification By Person Circulating Petition" to a SD Notary Public. SDCL 22-29-1 states, "Any person who, having taken an oath to testify, declare, depose, or certify truly, before any competent tribunal, officer, or person, in any state or federal proceeding or action in which such an oath may by law be administered, states, intentionally and contrary to the oath, any material matter which the person knows to be false, is guilty of perjury." SDCL 22-29-8 states, "The term oath, as used in this chapter, includes any affirmation, and every other mode of attesting the truth of that which is stated, which is authorized by law. It is no defense that the oath was administered or taken in an irregular manner. " SDCL 22-29-10 states, "The making of any deposition or certificate is deemed to be complete, within the provisions of this chapter, from the time when it is delivered by the accused to any other person with intent that it be uttered or published as true."

Dated this 2nd day of June, 2014.

Pat West
Signature of Affiant
Pat West

Subscribed to and sworn before me, this 2nd day of June, 2014.

Christine Johnson
Notary Public
My Commission expires _____



STATE OF SOUTH DAKOTA
Sixth Judicial Circuit Court
I hereby certify that the foregoing instrument
is a true and correct copy of the original as the
same appears on file in my office on this date:

JUN 03 2014

Kelli Sitzman
Hughes County Clerk Of Courts
By: *Andrea Healey*
Deputy

Attachment "E"

I, Mary Perpich, swear that the following statements are, to the best of my knowledge as of Thursday, May 8, 2014, true and accurate. I offer these statements and attached supporting documents as a formal challenge, per SDCL 12-1-13, to the nominating petition ("Petition") of Mr. Clayton Walker ("Walker") as Independent Candidate for United States Senate as submitted to the South Dakota Secretary of State on May 8, 2014, and as supplemented by petition sheets delivered by registered mail to the Secretary of State on March 9, 2014.

On Friday, May 2nd, the Secretary of State provided a copy of the 386 sheets submitted for the petition of Mr. Clayton Walker to be candidate for the United States Senate. The 386 sheets contained 3,860 signature lines. Every line on every petition, regardless of whether it was blank or signed, was counted as a line. Therefore, all sheet and line numbers herein refer to that copy of those petitions. Note: For your convenience, I have included a hard copy of those petitions in the package sent to the Secretary of State's Office, today, May 8th, 2014 in the event that there should be any confusion surrounding the order of the petitions and the signature lines referred to in this affidavit.

Upon review of Mr. Walker's petitions there were, approximately, 3,860 signature lines, 386 sheets of paper which included 3,429 total signatures, 52 of which the Secretary of State dismissed as invalid during its initial review, leaving 3,377 valid signatures in the Petition. South Dakota Election law requires a minimum of 3,171 VALID signatures to qualify as an Independent Candidate for U.S. Senate in the 2014 election cycle. Mr. Walker's Petition is, therefore, only, 161 signatures above the 3,171 minimum thresholds to qualify being listed as a candidate on this year's ballot.

As a resident of Brookings County, I would like to formally dispute 1833 of Mr. Walker's signatures under the following grounds: (1) Unregistered voter at the time of signing the petition, (2) the petitions signer was registered in a different county than what was listed on the petitions, (3) the petition signer gave an address that did not match the address of their voter registration, and (4) the information contained on the signatures line is of such poor quality that it is impossible to verify registration status or any other pertinent information surrounding that individual. All four of these charges are grounds for disqualification of the individual signature.

The information is formatted in the following way: Line 1 corresponds with the first signature on the first page provided by the Secretary of State. Line 21 corresponds to the first signature on page 3 (or the first page of petition 2). The entirety of the document is arranged in that matter. Each line also includes the page number – as provided by the Secretary of State – for ease of verification.

For "unregistered" line challenges (see attached sheet "A" for itemized names and other information): this refers to individuals that cannot be found in the voter file. When looking through the voter file for the person, the name, if legible, was first checked. Then the address was checked. If neither the name nor the address provided a possible registered voter match, it was marked as unregistered. In an attempt to give Mr. Walker the full benefit of the doubt, the most recent voter file from Pennington County, where the vast majority of signatures came from, was purchased in the case that the circulator was also registering voters at the same time as having them sign the petition. This proved to not be the case because the people listed did not appear in the Pennington County voter file, which was last updated in

May 5, 2014 – well after Mr. Walker stopped circulating petitions. If the name was illegible but the address was legible, the address was checked in the voter file. If no registered voter lived at the address given, the line was marked as “unregistered” as no additional information existed to show the signer was in fact a registered voter. All 1,230 lines should be thrown out in the entirety as they cannot be proven to be registered voters.

For “Wrong County” line challenges (see attached sheet “B” for itemized names and other information), this refers to petition signers that can be found in the voter file but are not registered in the county listed. Many of the people found in the wrong county lived on the other side of South Dakota. In addition, many of the names were so common that they could not be marked as unregistered due to the many possible matches. These lines were only marked as “Wrong County” if no possible match existed in the county provided. All 298 lines should be thrown out because it cannot be proven that they are the registered voters who lived in the county provided who signed the petition.

For “Wrong Address” line challenges (see attached sheet “C” for itemized names and other information), this refers to petition signers that can be found in the voter file but do not live at the address given. If multiple possible matches existed, and any of which live in the county listed, we marked these lines as “Wrong Address” as they could not be shown to live at the address given. All 289 lines should be thrown out because it is demonstrated that they do not live at the address provided on the signature.

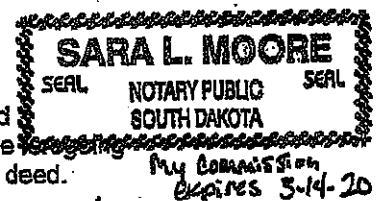
For “Illegible” line challenges (see attached sheet “D” for itemized names and other information), these lines were of such poor quality that neither the name nor the address could be read. All 16 lines should be thrown out because it can't be demonstrated that the petition signers are registered voters in South Dakota.

I would like to thank you for your time and attention on this very important matter and look forward to hearing from you soon. It is my belief, that upon reviewing these signatures, you will find well beyond the 162 additional invalid signatures necessary to remove Mr. Walker from the ballot.

I would also like to note, for your records, the odd nature of Mr. Walker's petitions: Mr. Walker appears to have circulated all of the petitions except for 2 which, if true, is a remarkable achievement. Having circulated MANY petitions myself over the years the amount of time and effort a SINGLE individual needs to put into collecting 3500 VALID, signatures would amount to multiple work weeks. I would also like to note that several of the sheets (pages 173, 174, 335, 336, 165, 166, 179, 180, 181, 182) appear to show Mr. Walker collecting petition signatures, in person, several hundred miles apart. In addition, there are multiple pages that have uniform handwriting and appear to be filled out by the same person. There are also multiple examples of possibly fictitious or celebrity names. Some examples of which are: Dusty Cover, Jeff Bridges, Ryan Reynolds, Bambi Lake, Cherry Drop, and Black Notes.

Mary Perpich
Mary Perpich

5-8-2014
Date



On this 8 day of May, 2014, before me personally appeared Mary Perpich, to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same of his own free act, and deed.

Subscribed and sworn to (or affirmed) before me this 8th day of May, 2014.

Sara L. Moore