EXHIBIT K
SPA PETITION – TABULATORS CASE [AUGUST 5TH, 2022]

STATE OF MICHIGAN

OFFICE OF THE ATTORNEY GENERAL

IN THE MATTERS OF:
Matthew DePerno
Stefanie Lambert Juntilla
Daire Rendon
Ann Howard
Ben Cotton
Jeff Lenberg
Douglas Logan
James Penrose
Dar Leaf

_____/

PETITION FOR APPOINTMENT
OF SPECIAL PROSECUTOR

NOW COMES Dana Nessel, Attorney General for the State of Michigan, and petitions the Prosecuting Attorneys Coordinating Council (PACC) for the appointment of a Special Prosecuting Attorney for the following reasons:

1. The Michigan State Police and the Michigan Department of Attorney General (MDAG) are jointly investigating a conspiracy to unlawfully obtain access to voting machines used in the 2020 General Election.
2. The Michigan State Police and the special agents with the MDAG have completed a preliminary review and it is now time for a prosecutorial review for charges that include but are not limited to Conspiracy, MCL 750.157a; Using a Computer System to Commit a Crime, MCL 752.796; Willfully Damaging a Voting Machine, MCL 168.932(b); Malicious Destruction of Property, MCL 750.377a; Fraudulent Access to a Computer or Computer System, MCL 752.795a; and False Pretenses, MCL 750.218.

3. On February 10, 2022, Michigan Secretary of State Jocelyn Benson requested the MDAG and MSP investigate third party access to vote tabulators, components and technology in Roscommon, Michigan. That investigation has now been presented to the Criminal Trials and Appeals Division seeking approval for criminal charges against the above listed individuals.
4. It is alleged that DePerno, Lambert Juntilla and Rendon orchestrated a coordinated plan to gain access to voting tabulators that had been used in Roscommon County and Richfield Township (Roscommon County), Irving Township (Barry County) and Lake City Township (Missaukee County). In Roscommon County the clerk stated she was told by Rep Rendon that the House of Representatives was conducting an investigation in election fraud.
5. All 5 tabulators were taken to hotels and/or AIRBNB's in Oakland County where Lenberg, Cotton, Penrose and Logan broke into the tabulators and performed "tests" on the equipment. It was determined during the investigation that DePerno was present at a hotel room during such "testing."
6. Howard coordinated printing of fake ballots to be run through the tabulators and recruitment of "volunteers."
7. Irving Township Clerk Sharon Olson indicated that she was asked by Barry County Sheriff Dar Leaf to cooperate with investigators regarding an election fraud investigation. Subsequent to this conversation, Olson turned over her tabulator to a third party.
8. When this investigation began there was not a conflict of interest. However, during the course of the investigation, facts were developed that DePerno was one of the prime instigators of the conspiracy.

9. DePerno is now the presumptive Republican nominee for Attorney General.

10. A conflict arises when "the prosecuting attorney has a personal interest (financial or emotional) in the litigation." *People v Doyle*, 159 Mich App 632 (1987).

11. It is hereby understood and agreed that pursuant to the provisions of MCL 49.160, if any Special Prosecutor appointed pursuant to this petition shall handle any matter on behalf of the petitioner, all costs of prosecution, other than personnel costs, shall be borne by the Michigan Department of Attorney General, who has been determined disqualified or otherwise unable to serve.

WHEREFORE, your Petitioner prays:

A. That a Special Prosecuting Attorney be appointed in this matter to review the charging request and handle any prosecution that may result against DePerno, Lambert Juntilla, Rendon, Howard, Cotton, Lenberg, Logan, Penrose and Leaf.

B. For any additional relief that law and justice may require.

Dated: August 5, 2022

Danielle Hagaman-Clark (P63017)
Division Chief
Criminal Trials and Appeals Division
Michigan Department of Attorney General