

**STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF ANTRIM**

WILLIAM BAILEY

Plaintiff

Case No. 20-9238-CZ

v.

ANTRIM COUNTY

HON. KEVIN A. ELSENHEIMER

Defendant

SECRETARY OF STATE JOCELYN
BENSON

Intervenor-Defendant.

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PLAINTIFF'S SUPPLEMENTAL BRIEF

Plaintiff, WILLIAM BAILEY ("Plaintiff"), by and through his attorney, DePerno Law Office, PLLC, submits the following Supplemental Brief for the following matters:

1. Plaintiff's Brief in Support of Plaintiff's Response to Joint Motion for Summary Disposition Pursuant to MCR 2.116(C)(4) and (8)
2. Plaintiff's Motion to Amend Complaint
3. Plaintiff's Collective Response to Defendant' and Non-Party Townships' Motions to Quash and for Protective Order

Plaintiff submits for consideration the report attached as Exhibit 1 by expert witness Jeffrey Lenberg dated 05/09/2021 titled *Preliminary Report of Subversion in Antrim County Election Management System, Results Tallying and Reporting Application*.

On November 3, 2020, in 9 of the 16 precincts in Antrim County the votes flipped directly from Jorgenson to Trump, Trump to Biden, and Biden's votes went into an under vote category for adjudication.

Jorgenson ➡ **Trump** ➡ **Biden** ➡ **Undervote**

On March 26, 2021, J. Alex Halderman authored a report and provided an explanation of the vote shift. Continued testing by Plaintiff's expert Jeffrey Lenberg demonstrates the shift to "undervote" occurred as a result of fraud and subversion. Therefore, the J Alex Halderman report is DEBUNKED. Indeed, the ballot mapping and election program does not permit a shift to "undervote," but instead requires the vote to be placed in the next in a series of 5,744 mapped ballot coordinates for the Antrim County election. In the presidential election, for example, this new report makes clear that the November 3, 2020 results "should have resulted in Biden's votes being shifted to the Natural Law Party, Straight Party Vote, which in turn would have resulted in

Rocky De La Fuente (the Natural Law Party Candidate) receiving a large number of votes as a result." This did not occur. Instead, the votes shifted to an unmapped "undervote" category.

This new report further states that under normal conditions a transfer of votes to the "undervote" category would have "properly reported a critical error and shut down the tabulator when there were votes shifted between contests." That did not happen. Instead, the tabulators continued to function and shift votes improperly to "undervote." Mr. Lenberg explains that the critical errors are being intercepted and subverted to undervote.

'Testing of related scenarios has shown the ImageCast Precinct (ICP) tabulator properly reported a critical error and shut down the tabulator when there were votes shifted between contests. However, when the EMS/RTR was presented with the same results file processed on the tabulator, it reported no errors, but instead erroneously reported those vote choices as blanks (undervotes) instead of generating a critical error.'

Lenberg Report, (05/09/2021), at 1

It is important to note that this subversion affected every single race on the entire ballot, from Presidential election, through Michigan Supreme Court election, and continuing to the bottom of the ticket and the local school board races and Proposals 20-1 and 20-2. Every race was subverted.

This discovery of subversion demonstrates that the Defendants and Election Source understand the boundaries of each race category. If they did not, the critical errors would have shut down the election. Instead, the critical errors were dealt with internally and discarded, allowing the election to continue. The subversion is, by its very definition, FRAUD; fraud in the coding, fraud in the election process, and fraud in the election results reporting. The election errors were readily known and publicized on November 4, 2020. Defendant Benson holds the source code in trust and must have (or should have) tested the errors against the source code in order to understand the error handling routines. Instead of advising the county, state, and country

that subversion occurred in the ballot mapping routines and election coding and processing, both her and Antrim County Clerk Sheryl Guy fraudulently stated that this was the result of "human error" and was "the safest election in the country's history." These statements demonstrate fraud in the investigation and reporting process.

Respectfully submitted

DePERNO LAW OFFICE, PLLC

Dated: May 10, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622)

Attorney for Plaintiff

PROOF OF SERVICE

On the date set forth below, I caused a copy of the following documents to be served on all attorneys of record at the addresses listed above

1. Plaintiff's Supplemental Brief

Service was electronically using the MiFile system which will send notification of such filing of the foregoing document to all attorneys of record.

Dated: May 10, 2021

/s/ Matthew S. DePerno

Matthew S. DePerno (P52622)