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September 11, 2013: Linda Earlette Wells Agreed Statement of Facts

September 11, 2013

STATE OF MARYLAND * IN THE CIRCUIT COURT

V. * FOR MONTGOMERY COUNTY

LINDA EARLETTE WELLS * CASE NO: 123206-C

* * * * *

AGREED STATEMENT OF FACTS

It is agreed by and between the State of Maryland, by Emmet C. Davitt, State Prosecutor and Nicolle Norris, Senior Assistant State Prosecutor, and the Defendant, Linda Earlette Wells and her attorney Debbie Levi, Esquire, that if this matter were called for trial, the State would have produced witness testimony, documentary evidence, including but not limited to the death certificate of Beatrice Wells, the provisional

ballot signed by a Beatrice Wells, and various other election records. The aforementioned evidence would have established the following:

Voting in the Maryland 2012 Presidential General Election concluded on November 6, 2012 at 8 p.m.

The defendant, Linda Earlette Wells, is the adult daughter of Beatrice Moore Wells. Until Beatrice Moore Wells' death on or about June 22, 2011, Beatrice Moore Wells was duly registered as a Maryland voter in Montgomery County. The defendant Linda Earlette Wells, was not registered to vote in Maryland at the time of the operative facts in this indictment. At the time, Linda Earlette Wells was duly registered to vote in Broward County Florida.

On November 5, 2012 Linda Earlette Wells phoned the Montgomery County Board of Elections and spoke to Phillip Olivetti. Ms. Linda Earlette Wells identified herself to Mr. Olivetti as Beatrice Moore Wells, her deceased mother, and informed the Montgomery County Board of Elections that she was not dead and wanted to vote. The Montgomery County Board of Elections, through Mr. Olivetti, advised Ms. Linda Earlette Wells, whom he believed to be Beatrice Wells, to go to the polls and cast a provisional ballot.

Mr. Philip Olivetti, then consulted with his supervisor, Ms. Betty Ann Lucy, and based on Ms. Linda Earlette Wells' false representation that she was in fact Beatrice Wells and alive, the Montgomery County Board of Elections changed Beatrice Wells' voter registration from cancelled due to death to active.

On November 6, 2012, Linda Earlette Wells, impersonating Beatrice Wells cast a provisional ballot at polling place number 929 Roberto Clemente Middle School in Montgomery County, Maryland as Beatrice Wells. In casting her provisional ballot as Beatrice Wells, Linda Earlette Wells signed an oath stating, in pertinent part, "I am a registered voter in Maryland and eligible to vote in this election."

On November 8, 2012, Linda Earlette Wells, called the Montgomery County Board of Elections and informed them that she took her mother's id to the polls and voted in her mother's name. By chance, Ms. Wells spoke again with Mr. Olivetti. In this same conversation, Linda Earlette Wells asked the Montgomery County Board of Elections to retrieve her ballot and "rip it up." Mr. Olivetti of the Montgomery County Board of Elections informed Linda Earlette Wells that he did not have authority to do that. At that time, the employee explained to Linda Earlette Wells that if she wanted her provisional ballot not to be counted she needed to write a letter to the President of the Board of Elections and provided Linda Earlette Wells with the contact information to supply the letter. The Montgomery County Board of Elections never received the letter from Linda Earlette Wells requesting that her provisional ballot be cancelled.

On May 28, 2013, Linda Earlette Wells admitted to investigators of the Office of State Prosecutor that she did vote using her mother's id and name. Linda Earlette Wells stated to Investigative Assistant O'Connor that she realized her actions were wrong several days after casting the provisional ballot as her mother, and she called to ask that the provisional ballot be destroyed. Wells admitted that she was informed the ballot could not be destroyed unless she requested to do so in writing. Ms. Wells also told investigators that she did not follow up her request to have the ballot destroyed in writing as required by the State Board of Elections.

Linda Earlette Wells' ballot, cast as Beatrice Wells' ballot, was not counted in the Maryland 2012 Presidential General Election.

If called to testify, Investigative Assistant O'Connor could identify the defendant as Linda Earlette Wells. All events occurred in Montgomery County, State of Maryland.

Contact Us

300 East Joppa Road, Suite 410, Towson, MD 21286

(800) 695-4058 (toll free) | (410) 321-4067 | (410) 321-3851 (Fax)

info.osp@maryland.gov