

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 22-60205-CR-RUIZ

UNITED STATES OF AMERICA

vs.

JOSHUA DAVID LUBITZ,

Defendant.

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**FACTUAL PROFFER**

During the week of August 14, 2022, early voting was being conducted at the Sunrise Senior Center (hereinafter “Center”) on West Oakland Park Boulevard in Broward County, Florida in an election that contained federal offices on the ballot.

On August 17<sup>th</sup>, several poll workers were stationed at the Center when Joshua David Lubitz joined a short line to enter the polling station at the Center where, at most, there were six or seven voters and approximately ten election workers.

As Lubitz entered the Center to vote, Lubitz was directed to an Electronic Voter Identification (EVID) operator to be checked in. Lubitz declined to go to the EVID operator to which he was directed, and instead approached the first EVID operator. During the check-in process, this EVID operator heard Lubitz counting election workers and saying “should I kill them one by one or should I blow the place up.” After Lubitz had presented his identification and signature at the first station, was sent to the next station.

At the second station, the poll worker there encountered Lubitz and heard him state, “my dad would love this. It would be easy” and “this would be nice and sweet.”

The first EVID operator reported the incident to the poll supervisor as soon as Lubitz left her station and went to the second station. The poll supervisor then went outside to alert the two poll deputies who were stationed outside. The poll deputies have no law enforcement powers, and their usual responsibilities were to keep the candidates’ poll workers the required distance from the polling place, and to inform voters to have their identification ready to present once they directed the voters to enter the polling station. The poll supervisor told the poll deputies that one of them needed to go inside the polling station to keep an eye on Lubitz. As a result, one of the poll deputies remained outside while the other went inside to surreptitiously observe Lubitz. After Lubitz voted, the poll deputy who was inside the polling station thanked Lubitz for voting, to which Lubitz uttered an obscenity.

The poll worker then exited the polling station behind Lubitz to continue to watch him as he went to the parking lot to leave. As Lubitz drove past the entrance to the polling site, he extended his arm toward the two poll workers and made a threatening gesture toward them with his hand.

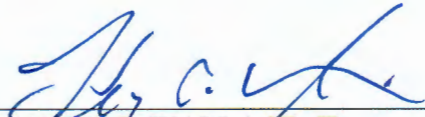
The defendant agrees that his comments and actions at the polling site at the Center occurred during an election for federal office, that he knowingly and willfully intimidated,

threatened, or coerced election workers, or attempted to do so, simply because they were urging or aiding a person to vote or to attempt to vote.

Respectfully submitted,

MARKENZY LAPOINTE  
UNITED STATES ATTORNEY


Date 5/10/23

By:   
HARRY C. WALLACE, JR.  
ASSISTANT UNITED STATES ATTORNEY

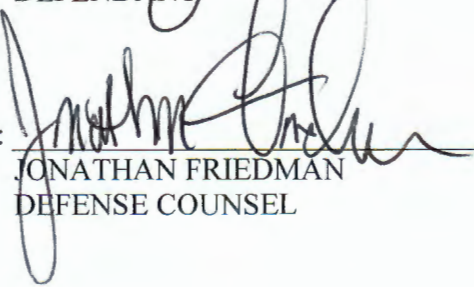
Date 5/10/23

By:   
JEREMY THOMPSON  
ASSISTANT UNITED STATES ATTORNEY

Date 05/10/23

By:   
JOSHUA DAVID LUBITZ  
DEFENDANT

Date 5/10/23

By:   
JONATHAN FRIEDMAN  
DEFENSE COUNSEL