

FILED

OCT 15 2008

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ563-08-14

Superior Court 08-10-00241-S
Docket Number

STATE OF NEW JERSEY

)

v.

)

INDICTMENT

JOSE BRETON

)

The Grand Jurors of and for the State of New Jersey, upon
their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

JOSE BRETON

who is named as a defendant herein, and other individuals whose
identities are both known and unknown to the Grand Jurors, who
are named as co-conspirators but not as defendants herein,
between on or about January 1, 2007, and on or about January 30,
2007 at the Town of Kearny, in the County of Hudson, at the City
of East Orange, in the County of Essex, elsewhere, and within the
jurisdiction of this Court, with the purpose of promoting or
facilitating the commission of the crime of distribution of a
controlled dangerous substance, did agree that:

A. One or more of them would engage in conduct which would
constitute the aforesaid crime, or

B. One or more of them would aid in the planning,
solicitation or commission of the said crime, that is:

1. Knowingly or purposely to distribute a controlled dangerous substance, that is, heroin, in a quantity of five ounces or more including any adulterants or dilutants, contrary to the provisions of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(1).

All in violation of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Distribution of a Controlled
Dangerous Substance - First Degree)

JOSE BRETON

on or about January 26, 2007, at the City of East Orange, in the
County of Essex, elsewhere, and within the jurisdiction of this
~~Court, knowingly or purposely did distribute a controlled~~
dangerous substance, that is, heroin, in a quantity of five
ounces or more including any adulterants or dilutants, contrary
to the provisions of N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(1),
and N.J.S.A. 2C:2-6, and against the peace of this State, the
government and dignity of the same.

COUNT THREE

(Possession with Intent to Distribute
a Controlled Dangerous Substance - First Degree)

JOSE BRETON

on or about January 26, 2007, at the City of East Orange, in the
County of Essex, elsewhere, and within the jurisdiction of this

Court, knowingly or purposely did possess with intent to

distribute a controlled dangerous substance, that is, heroin, in
a quantity of five ounces or more including any adulterants or
dilutants, contrary to the provisions of N.J.S.A. 2C:35-5a(1),
N.J.S.A. 2C:35-5b(1), and N.J.S.A. 2C:2-6, and against the peace
of this State, the government and dignity of the same.

COUNT FOUR

(Distribution of a Controlled Dangerous Substance
within 1000 Feet of School Property - Third Degree)

JOSE BRETON

on or about January 26, 2007, at the City of East Orange, in the
County of Essex, elsewhere, and within the jurisdiction of this
~~Court, knowingly or purposely did distribute a controlled~~

dangerous substance, that is, heroin, in violation of N.J.S.A.


2C:35-5a, while within 1000 feet of Dionne Warwick Institute,
which is owned by or leased to the East Orange Board of Education
and used for school purposes, contrary to the provisions of
N.J.S.A. 2C:35-7 and N.J.S.A. 2C:2-6, and against the peace of
this State, the government and dignity of the same.

COUNT FIVE

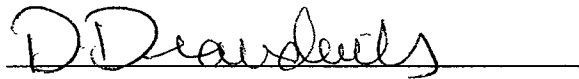
(Possession with Intent to Distribute
a Controlled Dangerous Substance - First Degree)

JOSE BRETON

on or about January 30, 2007, at the Town of Kearny, in the
County of Hudson, elsewhere, and within the jurisdiction of this
Court, knowingly or purposely did possess with intent to
distribute a controlled dangerous substance, that is, heroin, in
a quantity of five ounces or more including any adulterants or
dilutants, contrary to the provisions of N.J.S.A.
2C:35-5a(1), N.J.S.A. 2C:35-5b(1), and N.J.S.A. 2C:2-6, and
against the peace of this State, the government and dignity of
the same.


AAG Boris Moczula
Acting Director
Division of Criminal Justice

A TRUE BILL:


Foreperson

Dated: _____

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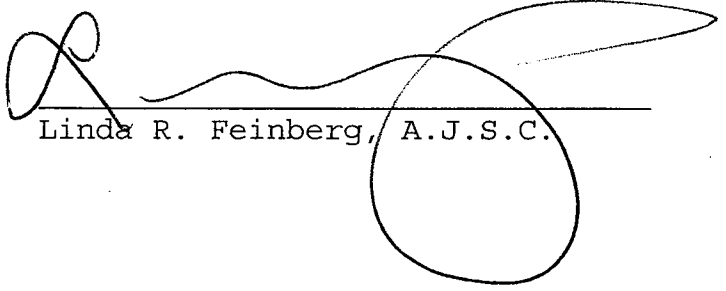
ORDER OF VENUE

JOSE BRETON)

An Indictment having been returned to this Court by the
State Grand Jury in the above captioned matter,

IT IS ORDERED on this 15th day of October, 2008,
pursuant to paragraph 8 of the State Grand Jury Act, that the
County of Hudson be and hereby is designated as the County of venue
for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court
shall transmit forthwith the Indictment in this matter and a
certified copy of this Order to the Criminal Division Manager of
the County of Hudson for filing.



Linda R. Feinberg, A.J.S.C.