

SUPERIOR COURT OF N.J.
FILED

JUN 19 2008

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ554-08-9
Superior Court
Docket Number 08-06-00143-S

Christine P. Higgins
Acting Clerk

STATE OF NEW JERSEY)

v.)

FRANCESCO PAGANO)

INDICTMENT

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

COUNT ONE

(Official Misconduct - Second Degree)

FRANCESCO PAGANO

on or about January 11, 2007, at the Township of Pohatcong, in the County of Warren, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANCESCO PAGANO, acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it in an unauthorized manner or did refrain from performing a

duty imposed upon him by law or clearly inherent in the nature of his office; that is, the said FRANCESCO PAGANO, then and there being a public servant, to wit; a police officer of the Pohatcong Township Police Department, having thereby the official functions and duties of an officer of the law, among them to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did write and file a complaint report describing the motor vehicle stop and arrest of ORION GRAY, which the said FRANCESCO PAGANO knew to be false, contrary to the provisions of N.J.S.A. 2C:30-2, and against the peace of this State, the government and dignity of same.

COUNT TWO

(Official Misconduct - Second Degree)

FRANCESCO PAGANO

on or about May 16, 2007, at the Township of Belvidere, in the County of Warren, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANCESCO PAGANO, acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office; that is, the said FRANCESCO PAGANO, then and there being a public servant, to wit; a police officer of the Pohatcong Township Police Department, having thereby the official functions and duties of an officer of the law, among them to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did testify untruthfully, knowing that the testimony was false, while under oath, in criminal proceedings against ORION GRAY, to wit; a Grand Jury Hearing before the Warren County Grand Jury on May 16, 2007, contrary to the provisions of

N.J.S.A. 2C:30-2, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Official Misconduct - Second Degree)

FRANCESCO PAGANO

on or about August 27, 2007, and/or September 21, 2007, at the Township of Belvidere, in the County of Warren, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANCESCO PAGANO, acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office; that is, the said FRANCESCO PAGANO, then and there being a public servant, to wit; a police officer of the Pohatcong Township Police Department, having thereby the official functions and duties of an officer of the law, among them to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did testify untruthfully, knowing that the testimony was false, while under oath, in criminal proceedings against ORION GRAY, to wit; a Motion to Suppress before the Honorable John H. Pursel, J.S.C., on August

27, 2007, and/or September 21, 2007, contrary to the provisions of N.J.S.A. 2C:30-2, and against the peace of this State, the government and dignity of same.

COUNT FOUR

(Official Misconduct - Second Degree)

FRANCESCO PAGANO

between on or about January 11, 2007, and September 21, 2007, at the Township of Pohatcong and Belvidere, in the County of Warren, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said FRANCESCO PAGANO, did commit two or more acts of official misconduct, each in violation of N.J.S.A. 2C:30-2, that is, the said FRANCESCO PAGANO, then and there being a public servant, to wit: a police officer for the Township of Pohatcong, having thereby the official functions and duties of an officer of the law, among them to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did falsify a complaint report and testify falsely in an official proceeding, as set forth in Counts One, Two and Three of this indictment, the provisions of which are incorporated as if set forth fully herein, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:30-7, and against the peace of this State, the government and dignity of same.

COUNT FIVE

(Perjury - Third Degree)

FRANCESCO PAGANO

on or about May 16, 2007, at the Township of Belvidere, in the County of Warren, elsewhere, and within the jurisdiction of this Court, in an official proceeding, knowingly made a false, material statement under oath or equivalent affirmation, or swore or affirmed the truth of a material statement previously made, not believing the statement to be true, that is, the said FRANCESCO PAGANO did testify in an official proceeding, to wit: the Warren County Grand Jury, in the matter of the motor vehicle stop and subsequent arrest of ORION GRAY on or about January 9, 2007, making sworn or affirmed material statements that the said FRANCESCO PAGANO believed to be false, contrary to the provisions of N.J.S.A. 2C:28-1, and against the peace of this State, the government and dignity of same.

COUNT SIX

(Perjury - Third Degree)

FRANCESCO PAGANO

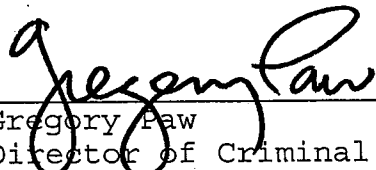
on or about August 27, 2007, and/or September 21, 2007 at the Township of Belvidere, in the County of Warren, elsewhere, and within the jurisdiction of this Court, in an official proceeding, knowingly made a false, material statement under oath or equivalent affirmation, or swore or affirmed the truth of a material statement previously made, not believing the statement to be true, that is, the said FRANCESCO PAGANO did testify in an official proceeding, to wit: a motion to suppress evidence before the Honorable John H. Pursel, J.S.C., in the matter of the motor vehicle stop and subsequent arrest of ORION GRAY on or about January 9, 2007, making sworn or affirmed material statements that the said FRANCESCO PAGANO believed to be false, contrary to the provisions of N.J.S.A. 2C:28-1, and against the peace of this State, the government and dignity of same.

COUNT SEVEN

(Falsifying or Tampering With Public Records - Third Degree)

FRANCESCO PAGANO

on or about January 11, 2007, at the Township of Pohatcong, in the County of Warren, elsewhere, and within the jurisdiction of this Court, with purpose to defraud or injure another, did make a false entry in, or false alteration of, or did make, present and offer for filing any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information of the government, that is, the said FRANCESCO PAGANO, knowing the same to be false, did make, present, offer for filing or use a false complaint report pertaining to the motor vehicle stop and subsequent arrest of ORION GRAY in the Township of Pohatcong on or about January 9, 2007, contrary to the provisions of N.J.S.A. 2C:28-7a(1) and/or 2C:28-7a(2), and against the peace of this State, the government and dignity of same.



Gregory Paw
Director of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: _____

6/19/2008

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Christina P. Hughes
Acting Clerk

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ORDER OF VENUE

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

IT IS ORDERED on this 19th day of June, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Warren 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 Warren for filing.



Maria Marinari Sypek, J.S.C.