



which would constitute the aforesaid crime(s), or

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

1. that the said DAVID WINKLER AND THOMAS SUNDSTROM, each acting with the purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit in excess of \$200, would each commit acts relating to his office, but constituting ~~unauthorized exercises of his official functions, knowing that such~~ acts were unauthorized or that he was committing them in an unauthorized manner, or would knowingly refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office; that is, the said DAVID WINKLER AND THOMAS SUNDSTROM, each then and there being a public servant, to wit, respectively: a Building Management Services Specialist with the New Jersey Division of Property Management and Construction and a Management Improvement Specialist with the New Jersey Division of Property Management and Construction, each having thereby the official functions and duties, among others, to handle property belonging to the State of New Jersey, to manage other persons who handle property belonging to the State of New Jersey, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, would a) apply or dispose of property and/or funds belonging to the government, to wit: the State of New Jersey, in a manner which the

said DAVID WINKLER AND THOMAS SUNDSTROM knew was unlawful and involved substantial risk of loss or detriment to the owner of the property or (b) knowingly unlawfully take or exercise unlawful control over movable property to which he was not entitled, to wit: computer equipment, scrap metal, funds and/or other property, from the State of New Jersey for his personal gain or the benefit of another, with the purpose to secure a benefit to himself or another in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2;

2. knowingly would unlawfully take or exercise unlawful control over the movable property of the State of New Jersey that is, computer equipment, scrap metal, funds and/or other property with an aggregate value in excess of \$500, with purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3(a), N.J.S.A. 2C:20-2(b)(2)(a) and N.J.S.A. 2C:20-2(b)(4); and/or

3. knowingly would apply or dispose of property, to wit: computer equipment, scrap metal, funds and/or other property, belonging to the government, to wit: the State of New Jersey, in a manner which the said DAVID WINKLER AND THOMAS SUNDSTROM knew was unlawful and involved substantial risk of loss or detriment to the owner of the property, thereby deriving a benefit in excess of \$1,000, contrary to the provisions of N.J.S.A. 2C:21-15 and N.J.S.A. 2C:21-8.1(b).

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

COUNT TWO

(Official Misconduct - Second Degree)

DAVID WINKLER

AND

THOMAS SUNDSTROM

between on or about July 1, 2005 and on or about April 13, 2007,  
at the Township of Hamilton, in the County of Mercer, at the City  
~~of Trenton, in the County of Mercer, elsewhere, and within the~~  
~~jurisdiction of this Court, did commit the offense of official~~  
misconduct, in that the said DAVID WINKLER AND THOMAS SUNDSTROM,  
each acting with the purpose to obtain a benefit for himself or  
another or to injure or deprive another of a benefit in excess of  
\$200, 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 DAVID WINKLER, then and there being a public  
servant, to wit: a Building Management Services Specialist with  
the New Jersey Division of Property Management and Construction,  
and the said THOMAS SUNDSTROM, then and there being a public  
servant, to wit: a Management Improvement Specialist with the New  
Jersey Division of Property Management and Construction, each  
having thereby the official functions and duties, among others,

to handle property belonging to the State of New Jersey, to manage other persons who handle property belonging to the State of New Jersey, 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: (a) apply or dispose of property and/or funds belonging to the government, to wit: the State of New Jersey, in a manner which the said DAVID WINKLER AND THOMAS SUNDSTROM knew was unlawful and involved substantial risk of loss or detriment to the owner of the property or (b) knowingly unlawfully take or exercise unlawful control over movable property to which he was not entitled, to wit: computer equipment, scrap metal, funds and/or other property, from the State of New Jersey for his personal gain or the benefit of another, with the purpose to secure a benefit to himself or another in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Official Misconduct - Second Degree)

DAVID WINKLER

AND

THOMAS SUNDSTROM

between on or about April 14, 2007 and on or about December 13, 2007, at the Township of Hamilton, in the County of Mercer, at ~~the City of Trenton, in the County of Mercer, elsewhere, and~~ within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said DAVID WINKLER AND THOMAS SUNDSTROM, each acting with the purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit in excess of \$200, 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 DAVID WINKLER, then and there being a public servant, to wit: a Building Management Services Specialist with the New Jersey Division of Property Management and Construction, and the said THOMAS SUNDSTROM, then and there being a public servant, to wit: a Management Improvement Specialist with the New Jersey Division of Property Management and Construction, each having thereby the official functions and

duties, among others, to handle property belonging to the State of New Jersey, to manage other persons who handle property belonging to the State of New Jersey, 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:

(a) apply or dispose of property and/or funds belonging to the government, to wit: the State of New Jersey, in a manner which

~~the said DAVID WINKLER AND THOMAS SUNDSTROM knew was unlawful and involved substantial risk of loss or detriment to the owner of~~

the property or (b) knowingly unlawfully take or exercise unlawful control over movable property to which he was not entitled, to wit: computer equipment, scrap metal, funds and/or other property, from the State of New Jersey for his personal gain or the benefit of another, with the purpose to secure a benefit to himself or another in excess of \$200, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT FOUR

(Theft By Unlawful Taking - Third Degree)

DAVID WINKLER

AND

THOMAS SUNDSTROM

between on or about July 1, 2005 and on or about December 13, 2007, at the Township of Hamilton, in the County of Mercer, at ~~the City of Trenton, in the County of Mercer, elsewhere, and~~ within the jurisdiction of this Court, knowingly did unlawfully take or exercise unlawful control over the movable property of the State of New Jersey that is, computer equipment, scrap metal, funds and/or other property with an aggregate value in excess of \$500, with purpose to deprive the owner thereof, contrary to the provisions of N.J.S.A. 2C:20-3(a), N.J.S.A. 2C:20-2(b)(2)(a), N.J.S.A. 2C:20-2(b)(4) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.



COUNT FIVE

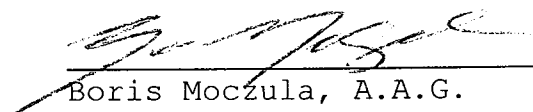
(Misapplication of Entrusted Property and Property of Government  
- Third Degree)

DAVID WINKLER

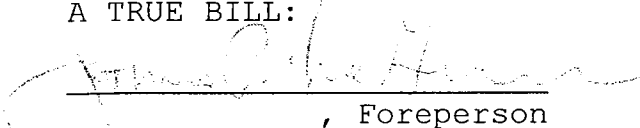
AND

THOMAS SUNDSTROM

between on or about July 1, 2005 and on or about December 13, 2007, at the Township of Hamilton, in the County of Mercer, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, knowingly did apply or dispose of property, to wit: computer equipment, scrap metal, funds and/or other property, belonging to the government, to wit: the State of New Jersey, in a manner which the said DAVID WINKLER AND THOMAS SUNDSTROM knew was unlawful and involved substantial risk of loss or detriment to the owner of the property, thereby deriving a benefit in excess of \$1,000, contrary to the provisions of N.J.S.A. 2C:21-15, N.J.S.A. 2C:21-8.1(b) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

  
Boris Moczula, A.A.G.  
Acting Director  
Division of Criminal Justice

A TRUE BILL:

  
\_\_\_\_\_  
, Foreperson

Dated: 11/24/05

**FILED**

NOV 20 2008

**SUPERIOR COURT  
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ564-08-8

Superior Court

Docket Number 08-11-00262-S

STATE OF NEW JERSEY )

v. )

ORDER OF VENUE

DAVID WINKLER )


and )

THOMAS SUNSTROM )

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

IT IS ORDERED on this *20<sup>th</sup>* day of *November*, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Mercer 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 Mercer for filing.

  
\_\_\_\_\_  
Maria Marinari Sypek, J.S.C.