

FILED

JUN 08 2009

**SUPERIOR COURT
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ 571-09-28

Superior Court
Docket Number 09-06-00109-S

STATE OF NEW JERSEY)
)
 v.) INDICTMENT
)
 AUDREY WALKER BEY,)
)
 also known as AUDREY WALKER)
)
 BENEDICTO BERNAL,)
)
 also known as BENNY BERNAL,)
)
 also known as BENNY BERNAL-BAEZ)
)
 and)
)
 ELVIS MANUEL SANCHEZ-VASQUEZ,)
)
 also known as ELVIS SANCHEZ)

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

COUNT ONE

(Conspiracy - First Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

who are named as defendants herein, and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, between on or about December 1, 2005 and on or about April 10, 2007, at the City of Newark and the City of East Orange, in the County of Essex, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting the crimes of financial facilitation of criminal activity (money laundering), official misconduct, theft by deception and receiving stolen property did agree that:

A. One or more of them would engage in conduct which would constitute the aforesaid crimes or an attempt or solicitation to commit such crimes; or

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

1. Financial Facilitation of Criminal Activity (money laundering), in that one or more of them would engage in transactions involving property known or which a reasonable person would believe to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from the criminal activity, that is, engage in the transaction of WIC food instruments (vouchers), known or believed to be derived from criminal activity, in an

amount in excess of \$500,000, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25b2a;

2. Financial Facilitation of Criminal Activity (money laundering), in that one or more of them would direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, that is, direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in WIC food instruments (vouchers) known or which a reasonable person would believe to be derived from criminal activity, in an amount in excess of \$500,000, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25c;

3. Official Misconduct, in that one or more of them, being a public servant, would, with the purpose to obtain a benefit for himself or another, knowingly commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or was being committed in an unauthorized manner, that is, knowingly produce and issue fraudulent WIC food instruments (vouchers), with the benefit obtained or sought to be obtained of a value in excess of \$200, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:30-2;

4. Theft by Deception, in that one or more of them

would purposely obtain the property of another by deception, that is, purposely obtain the property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, by deception, in an amount in excess of \$75,000, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:20-4a; and

5. Receiving Stolen Property, in that one or more of them would knowingly receive or bring into this State movable property of another knowing that it had been stolen or believing that it was probably stolen, that is, knowingly receive WIC food instruments (vouchers), knowing they had been stolen or believing they had probably been stolen, in an amount in excess of \$75,000, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:20-7.

Among the means by which the aforesaid conspirators would carry out the conspiracy are the following:

It was part of the conspiracy that the said AUDREY WALKER BEY, in her role as a public servant, that is, an employee of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, in conspiracy with other employees of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, did unlawfully produce and issue fraudulent WIC food instruments (vouchers) for sale in bulk to unauthorized persons, either directly or indirectly, including

the said BENEDICTO BERNAL.

It was further part of the conspiracy that the said BENEDICTO BERNAL did sell or give in bulk the fraudulent WIC food instruments (vouchers) unlawfully received from the said AUDREY WALKER BEY to various vendors authorized by the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, including the said ELVIS MANUEL SANCHEZ-VASQUEZ.

It was further part of the conspiracy that the said ELVIS MANUEL SANCHEZ-VASQUEZ, in his role as a vendor authorized by the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, did receive from the said BENEDICTO BERNAL fraudulent WIC food instruments (vouchers) for deposit to a bank account in the name of Sanchez Supermarket Corp., a corporation of the State of New Jersey.

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

(Financial Facilitation of Criminal Activity - First Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

between on or about December 1, 2005 and on or about April 10, 2007, at the City of Newark and the City of East Orange, in the County of Essex, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did engage in transactions involving property, in the amount of \$500,000 or more, known or which a reasonable person would believe to be derived from criminal activity, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the property derived from criminal activity, that is, the said AUDREY WALKER BEY, in her role as a public servant, that is, an employee of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, did produce and issue fraudulent WIC food instruments (vouchers) and did improperly sell or give the said fraudulent WIC food instruments, either directly or indirectly, to the said BENEDICTO BERNAL who, in turn, did improperly sell or give the said fraudulent WIC food instruments to various vendors authorized by the State of New Jersey,

Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, including the said ELVIS MANUEL SANCHEZ-VASQUEZ, who, in turn, deposited the said fraudulent WIC food instruments into various bank accounts, thereby converting the said fraudulent WIC food instruments to cash, knowing that the transactions were designed in whole or in part to conceal or disguise the nature, location, source, ownership or control of the said WIC food instruments, in the amount of \$500,000 or more, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25b2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Financial Facilitation of Criminal Activity - First Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

between on or about December 1, 2005 and on or about April 10, 2007, at the City of Newark and the City of East Orange, in the County of Essex, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in property, in the amount of \$500,000 or more, known or which a reasonable person would believe to be derived from criminal activity, that is, the said AUDREY WALKER BEY, BENEDICTO BERNAL and ELVIS MANUEL SANCHEZ-VASQUEZ did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in WIC food instruments (vouchers) known or which a reasonable person would believe to be derived from criminal activity, in the amount of \$500,000 or more, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25c and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Official Misconduct - Second Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

between on or about December 1, 2005 and on or about January 2, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, the said AUDREY WALKER BEY being a public servant, that is, an employee of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, having thereby the official functions and duties, among others, to produce and issue WIC food instruments (vouchers) on behalf of participants in the said WIC Supplemental Food Program, to perform her duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and acting with a purpose to obtain a benefit for herself or others, did commit an act relating to her office but constituting an unauthorized exercise of her official functions, knowing that such act was committed in an unauthorized manner, that is, the said AUDREY WALKER BEY did knowingly produce and issue fraudulent WIC food instruments (vouchers), and the said BENEDICTO BERNAL and ELVIS MANUEL SANCHEZ-VASQUEZ did, either directly or indirectly, receive the

said fraudulent WIC food instruments, having a value in excess of \$200, to wit, approximately \$1,000,000, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Pattern of Official Misconduct - Second Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

between on or about December 1, 2005 and on or about January 2, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit two or more acts of Official Misconduct, in violation of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, that is, the said AUDREY WALKER BEY, being then and there a public servant, that is, an employee of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, having thereby the official functions and duties, among others, to produce and issue WIC food instruments (vouchers) on behalf of participants in the said WIC Supplemental Food Program, to perform her duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did commit two or more acts of official misconduct, at least one of which was a crime of the second degree, including, but not limited to, those acts and omissions described in Count Four, which allegations are incorporated by reference as if fully set forth herein, contrary to the provisions of N.J.S.A. 2C:30-7 and N.J.S.A. 2C:2-6, and

against the peace of this State, the government and dignity of
the same.

COUNT SIX

(Theft by Deception - Second Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

between on or about December 1, 2005 and on or about April 10, 2007, at the City of Newark and the City of East Orange, in the County of Essex, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception the property of another in an amount in excess of \$75,000, that is, the said AUDREY WALKER BEY, BENEDICTO BERNAL and ELVIS MANUEL SANCHEZ-VASQUEZ purposely did obtain the property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, in excess of \$75,000, by creating or reinforcing the false impression that ELVIS MANUEL SANCHEZ-VASQUEZ, as an authorized WIC vendor, did sell food products to various WIC participants and that information contained in numerous WIC food instruments (vouchers) reflecting those alleged sales was true and correct;

WHEREAS, IN TRUTH AND IN FACT, as the said AUDREY WALKER BEY, BENEDICTO BERNAL and ELVIS MANUEL SANCHEZ-VASQUEZ well knew, those alleged sales did not occur and the information contained in those WIC food instruments (vouchers) reflecting those alleged

sales was false, contrary to the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Receiving Stolen Property - Second Degree)

AUDREY WALKER BEY

BENEDICTO BERNAL

and

ELVIS MANUEL SANCHEZ-VASQUEZ

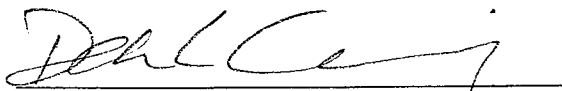
between on or about December 1, 2005 and on or about January 2, 2007, at the City of Newark and the City of East Orange, in the County of Essex, elsewhere, and within the jurisdiction of this Court, knowingly did receive or bring into this State movable property of another knowing that it had been stolen, or believing that it had probably been stolen, in an amount in excess of \$75,000, that is, the said AUDREY WALKER BEY, BENEDICTO BERNAL and ELVIS MANUEL SANCHEZ-VASQUEZ knowingly did receive or bring into this State property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, that is, WIC food instruments (vouchers), knowing that the said property had been stolen, or believing that it had probably been stolen, contrary to the provisions of N.J.S.A. 2C:20-7 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Hindering Apprehension or Prosecution - Third Degree)

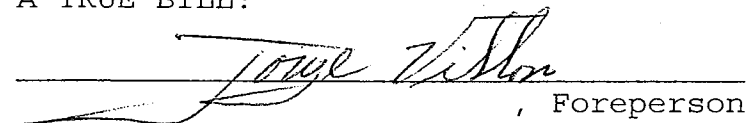
BENEDICTO BERNAL

on or about November 7, 2007, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another, did give false information to a law enforcement officer, that is, the said BENEDICTO BERNAL, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another, whose identity is known to the Grand Jurors, did give false information to law enforcement officers of the State of New Jersey, Division of Criminal Justice, thereby hindering the detention, apprehension, investigation, prosecution, conviction or punishment of another for conduct constituting crimes of the second degree or greater, contrary to the provisions of N.J.S.A. 2C:29-3a7, and against the peace of this State, the government and dignity of the same.



Deborah L. Gramiccioni, Director
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: 6-8-2009

FILED

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ571-09-28
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Docket Number 09-06-00109-S

STATE OF NEW JERSEY)

v.)

AUDREY WALKER BEY,)
also known as AUDREY WALKER)

BENEDICTO BERNAL,)
also known as BENNY BERNAL)
also known as BENNY BERNAL-BAEZ)

and)

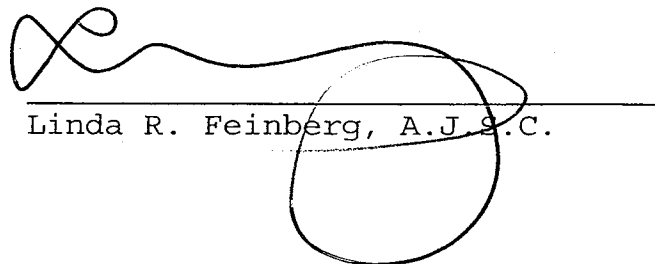
ELVIS MANUEL SANCHEZ-VASQUEZ)
also known as ELVIS SANCHEZ)

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 8th day of June, 2009, 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.


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