

FILED

AUG 26 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ573-09-31

Superior Court

Docket Number 09-08-00177-S

STATE OF NEW JERSEY

)

v.

)

ANTHONY CHIAPPONE

)

INDICTMENT

and

)

DIANE CHIAPPONE

)

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

COUNT ONE

(Conspiracy - Second Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about April 16, 2004, and on or about April 3,
2006, at the City of Bayonne, in the County of Hudson, at the
City of Trenton, in the County of Mercer, elsewhere and within
the jurisdiction of this Court, with the purpose of promoting or
facilitating the commission of the crimes of official misconduct,
theft by deception, tampering with public records or information,
falsifying or tampering with records, and concealment or
misrepresentation of contributions or expenditures, did agree

together that:

1. One or more of them would engage in conduct which would constitute the aforesaid crimes, or

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

A. Official Misconduct, in that one or more of them, with purpose to obtain a benefit for ANTHONY CHIAPPONE, DIANE CHIAPPONE, or another, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or he committed such an act in an unauthorized manner, contrary to the provisions of N.J.S.A. 2C:30-2a;

B. Theft by Deception, in that one or more of them, purposely did obtain the property of another by deception by creating or reinforcing a false impression, including false impressions as to law, value, intention or other state of mind, contrary to the provisions of N.J.S.A. 2C:20-4;

C. Tampering with Public Records or Information, in that one or more of them, with the purpose to defraud or injure another, did knowingly make a false entry in a record, document or thing, knowing it to be false and with the purpose that it be taken as a genuine part of the information or records belonging to or received or kept by the government for information or record, or did make, present, offer for filing or use a document

knowing it to be false, and with purpose that it be taken as a genuine part of information or records belonging to or received or kept by the government for information or record, contrary to the provisions of N.J.S.A. 2C:28-7a(1), (2);

D. Falsifying or Tampering with Records, in that one or more of them, with purpose to deceive or injure another or conceal any wrongdoing, did falsify, destroy, remove, conceal any writing or record, or utter any writing or record knowing that it contained a false statement or information, contrary to the provisions of N.J.S.A. 2C:21-4a; and

E. Concealment or Misrepresentation of Contributions or Expenditures, in that one or more of them, did purposely file or prepare, assist in the preparation for filing or acquiesce in the preparation or filing of a report required under the New Jersey Campaign Contributions and Expenditures Reporting Act knowing it was false, inaccurate or incomplete in any material particular, contrary to the provisions of N.J.S.A. 19:44A-21(b).

3. At all times relevant to the allegations contained in this indictment:

a. Defendant ANTHONY CHIAPPONE was employed by the State of New Jersey as an Assemblyman for the 31st District encompassing the City of Bayonne and parts of Jersey City and was responsible for completing or causing to be completed, certifying and filing all of the campaign contribution and expenditure

reports to the State of New Jersey Election Law Enforcement Commission, and also was responsible for the procurement or distribution of legislative aide pay checks.

b. Defendant DIANE CHIAPPONE, wife of ANTHONY CHIAPPONE, completed, assisted in the completion, or caused to be completed, or filed or caused to be filed all of the campaign contribution and expenditure reports to the State of New Jersey Election Law Enforcement Commission, and also assisted in the procurement or distribution of legislative aide pay checks.

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

It was part of the conspiracy that the conspirators would use ANTHONY CHIAPPONE's legislative office to unlawfully obtain monies for personal use.

It was further part of the conspiracy that the conspirators would authorize a pay check to be issued to a legislative aide, to wit: C.M., who did not perform the services of a legislative aide.

It was further part of the conspiracy that the conspirators would deposit the legislative aide pay check issued to C.M. into their personal bank account.

It was further part of the conspiracy that the conspirators would authorize one or more pay checks to be issued to another legislative aide, to wit: G.L., but then would deposit

the pay checks into their personal bank accounts and convert the monies for personal use.

It was further part of the conspiracy that the conspirators would take other legislative aide pay checks issued to G.L. and deposit them into the 2005 Chiappone for Assembly campaign account. These legislative aide pay checks were not reported as donations in the campaign contribution and expenditure filings with the State of New Jersey Election Law Enforcement Commission.

The Grand Jurors aforesaid, upon their oaths, do further present that in pursuance of the said conspiracy, the following OVERT ACTS, among others were committed:

1. On or about the following dates, in the City of Bayonne, in the County of Hudson, the conspirators, ANTHONY CHIAPPONE and DIANE CHIAPPONE, authorized or caused to be authorized the following pay checks to be issued to legislative aide G.L, which G.L. had intended to be donated to the 2005 Chiappone for Assembly campaign, but instead were deposited into the personal bank account of ANTHONY CHIAPPONE and DIANE CHIAPPONE:

<u>Overt Act</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Deposit Date</u>	<u>Amount</u>
1	7597345	11/16/05	11/28/05	\$ 358.33
2	7553452	10/19/05	11/28/05	\$ 532.91
3	7506510	9/20/05	11/28/05	\$ 532.90

4	7457410	8/18/05	11/29/05	\$ 501.58
5	7410000	7/20/05	illegible	\$ 613.56
6	7382972	7/5/05	9/21/05	\$ 613.57
7	7255208	4/19/05	6/20/05	\$ 613.57
8	7599704	11/17/05	4/3/06	<u>\$ 532.90</u>
Total				\$4,299.32

2. On or about the following dates, in the City of Bayonne, in the County of Hudson, the conspirators, ANTHONY CHIAPPONE and DIANE CHIAPPONE, authorized or caused to be authorized the following pay checks to be issued to legislative aide G.L., which were deposited into the 2005 Chiappone for Assembly campaign account and not reported on the campaign contribution and expenditure reports filed with the State of New Jersey Election Law Enforcement Commission:

<u>Overt Act</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Deposit Date</u>	<u>Amount</u>
9	7082673	1/3/05	5/31/05	\$ 696.48
10	7109907	1/19/05	5/31/05	\$ 696.48
11	7155608	2/16/05	5/31/05	\$ 613.56
12	7207787	3/18/05	5/31/05	\$ 613.56
13	7304352	5/18/05	5/31/05	<u>\$ 613.56</u>
Total				\$3,233.64

3. On or about the following dates, in the City of Bayonne, in the County of Hudson, the conspirators, ANTHONY CHIAPPONE and DIANE CHIAPPONE, authorized or caused to be

authorized the following pay check to be issued to
legislative aide C.M., which was deposited into the personal
bank account of ANTHONY CHIAPPONE and DIANE CHIAPPONE:

<u>Overt Act</u>	<u>Check Number</u>	<u>Check Date</u>	<u>Deposit Date</u>	<u>Amount</u>
14	6673235	4/16/04	4/27/04	\$ 629.47

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

(Official Misconduct - Second Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about April 16, 2004, and on or about April 27, 2004, at the City of Bayonne, in the County of Hudson, at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with purpose to obtain a benefit for ANTHONY CHIAPPONE, DIANE CHIAPPONE, or another or to injure or to 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 such act in an unauthorized manner, that is, the said ANTHONY CHIAPPONE, who was an Assemblyman for the 31st District, having thereby the official functions and duties, among others, to authorize or cause to be authorized and distributed pay checks to legislative aides, to perform his duties in a legal and proper manner, to display good faith, honesty, and integrity, and to be impervious to corrupting influences, and the said DIANE CHIAPPONE, with purpose to obtain a benefit for ANTHONY CHIAPPONE, DIANE CHIAPPONE, or another in excess of \$200, did use his legislative office to unlawfully obtain monies for personal use, that is, the said ANTHONY

CHIAPPONE and DIANE CHIAPPONE did authorize or caused to be authorized the issuance of a legislative aide pay check to C.M. in the approximate amount of \$629.47, did obtain the endorsement of C.M. and did deposit or cause the pay check to be deposited into the personal bank account of the said ANTHONY CHIAPPONE and DIANE CHIAPPONE, 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 THREE

(Official Misconduct - Second Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about January 3, 2005, and on or about April 3, 2006, at the City of Bayonne, in the County of Hudson, at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with purpose to obtain a benefit for ANTHONY CHIAPPONE, DIANE CHIAPPONE, or another or to injure or to 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 such act in an unauthorized manner, that is, the said ANTHONY CHIAPPONE, who was an Assemblyman for the 31st District, having thereby the official functions and duties, among others, to authorize or cause to be authorized and distributed pay checks to legislative aides, to perform his duties in a legal and proper manner, to display good faith, honesty, and integrity, and to be impervious to corrupting influences, and the said DIANE CHIAPPONE, with purpose to obtain a benefit for ANTHONY CHIAPPONE, DIANE CHIAPPONE, or another in excess of \$200, did use his legislative office to unlawfully obtain monies for personal use, that is, the said ANTHONY

CHIAPPONE and DIANE CHIAPPONE did authorize or caused to be authorized the issuance of one or more legislative aide pay checks to G.L. totaling approximately \$4,299.32, knowing the pay checks were not intended for G.L., but instead were deposited into the personal bank accounts of the said ANTHONY CHIAPPONE and DIANE CHIAPPONE, 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 FOUR

(Theft by Deception - Third Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about April 19, 2005, and on or about November 29, 2005, at the City of Bayonne, in the County of Hudson, at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, purposely did obtain the property of the State of New Jersey, having a value in excess of \$500 by deception, that is, the said ANTHONY CHIAPPONE and DIANE CHIAPPONE did purposely obtain approximately \$4,299.32 from G.L. by creating or reinforcing the false impression that donations from G.L. were used for the 2005 Chiappone for Assembly campaign,

WHEREAS, in truth and in fact, as the said ANTHONY CHIAPPONE and DIANE CHIAPPONE well knew, that donations totaling approximately \$4,299.32 from G.L., which G.L. had intended for the 2005 Chiappone for Assembly campaign, were instead deposited into the personal bank accounts of ANTHONY CHIAPPONE and DIANE CHIAPPONE, contrary to the provisions of N.J.S.A. 2C:20-4, N.J.S.A. 2C:20-2b(4), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Tampering with Public Records or Information - Third Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about May 5, 2005, and on or about July 11, 2005, at the City of Bayonne, in the County of Hudson, at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with the purpose to defraud or injure another, did make, present, offer for filing or use any record, document or thing knowing it to be false, and with purpose that it be taken as a genuine part of information or record belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government, that is, the said ANTHONY CHIAPPONE and DIANE CHIAPPONE, with purpose to defraud the State of New Jersey Election Law Enforcement Commission, did complete and certify the campaign contribution and expenditure reports for the 2005 Chiappone for Assembly campaign and failed to report contributions in the form of five legislative aide pay checks in the approximate amount of \$3,233.64, contrary to the provisions of N.J.S.A. 2C:28-7a(1), (2), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Falsifying or Tampering with Records - Fourth Degree)

ANTHONY CHIAPPONE

and

DIANE CHIAPPONE

between on or about May 9, 2005, and on or about July 11, 2005, at the City of Bayonne, in the County of Hudson, at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, did falsify or utter a writing or record, knowing that it contained a false statement or information, with the purpose to deceive or injure another, that is, the said ANTHONY CHIAPPONE and DIANE CHIAPPONE, did falsify the 2005 State of New Jersey Election Law Enforcement Commission campaign contribution and expenditure reports for the 2005 Chiappone for Assembly campaign, knowing the campaign contribution and expenditure reports contained a false statement or information by failing to report campaign contributions in an approximate amount of \$3,233.64, with purpose to deceive the State of New Jersey Election Law Enforcement Commission, contrary to the provisions of N.J.S.A. 2C:21-4a, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

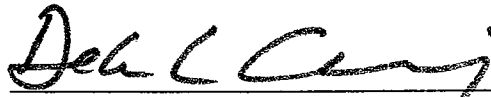
(Concealment or Misrepresentation of Contributions or
Expenditures - Fourth Degree)

ANTHONY CHIAPPONE

and

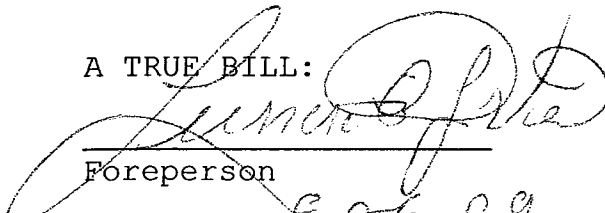
DIANE CHIAPPONE

between on or about May 9, 2005, and on or about July 11, 2005,
at the City of Bayonne, in the County of Hudson, at the City of
Trenton, in the County of Mercer, elsewhere and within the
jurisdiction of this Court, did purposely file or prepare, assist
in the preparation for filing or acquiesce in the preparation or
filing of a report required under the New Jersey Campaign
Contributions and Expenditures Reporting Act which the said
ANTHONY CHIAPPONE and DIANE CHIAPPONE knew was false, inaccurate
or incomplete in any material particular, to wit, in the
reporting of certain contributions or expenditures, contrary to
the provisions of N.J.S.A. 19:44A-21(b), 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: 8.26.09

FILED

AUG 26 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

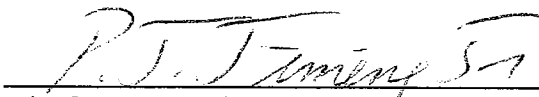
State Grand Jury
Number SGJ573-09-31
Superior Court
Docket Number 09-08-00177-S

STATE OF NEW JERSEY)
 v.)
 ORDER OF VENUE
ANTHONY CHIAPPONE)
 and)
DIANE CHIAPPONE)

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

IT IS ORDERED on this 26th day of August, 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.

by PEDRO J. JIMENEZ, JR. J.S.C.