

FILED

AUG 28 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ575-09-15

Superior Court

Docket Number 09-08-00178-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

JOSEPH STACK)

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

COUNT ONE

(Official Misconduct - Second Degree)

JOSEPH STACK

between on or about August 1, 2005 and August 31, 2006, 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 JOSEPH STACK, acting with the purpose to obtain a benefit for himself or another or to deprive another of a benefit or to injure or to deprive another of a benefit in excess of \$200.00, did 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 did knowingly refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, and the said JOSEPH STACK, then and there

being a public servant, to wit: an investigator with the State of New Jersey Division of Taxation, having thereby the official functions and duties, among others, to investigate matters relating to the collection of tax revenues, to access taxpayer information ~~by computer or otherwise only in connection with his official~~ duties, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and or to be impervious to corrupting influences, did, with purpose to secure a benefit for himself or another or to injure or to deprive another of a benefit in excess of \$200, access the New Jersey Division of Taxation's computer system accounts of one or more taxpayers for the purpose of transferring approximately \$6,630.12 to one or more individuals and/or did make or present a false New Jersey 1040 tax return, 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

(Computer Theft - Second Degree)

JOSEPH STACK

between on or about August 1, 2005 and August 31, 2006, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did purposely or knowingly and without authorization, or in excess of authorization, access or attempt to access any data, data base, computer, computer storage medium, computer program, computer software, computer equipment, computer system or computer network for the purpose of executing a scheme to defraud, or to obtain services, property, personal identifying information, or money, from the owner of a computer or any third party in excess of \$5,000, that is, the said JOSEPH STACK, purposely or knowingly and in violation of the Standard Operating Procedures of the Divisions of Taxation and Revenue did access the New Jersey Division of Taxation's computer system accounts of one or more taxpayers for the purpose of transferring approximately \$6,630.12 to one or more individuals, contrary to the provisions of N.J.S.A. 2C:20-25(c), and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft By Unlawful Taking - Third Degree)

JOSEPH STACK

between on or about August 1, 2005 and August 31, 2006, 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 movable property of one or more
taxpayers and/or the New Jersey Division of Taxation, that is,
money in the approximate amount of \$6,630.12, with the purpose to
deprive the owner thereof, contrary to the provisions of N.J.S.A.
2C:20-3(a), and against the peace of this State, the government and
dignity of same.

COUNT FOUR

(Tampering with Public Records or False Information-Third Degree)

JOSEPH STACK

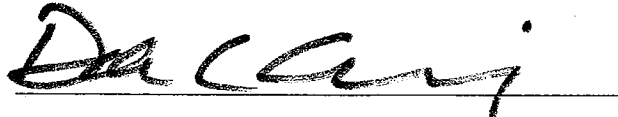
between on or about August 1, 2005 and August 31, 2006, at the City
~~of Trenton, in the County of Mercer, elsewhere, and within the~~
jurisdiction of this Court, with purpose to defraud or injure, did
make, present, offer for filing or use any record, document or
thing knowing it to be false, and with the purpose that it be taken
as a genuine part of information or records belonging to, received
or kept by, the government for information or record, or required
by law to be kept by others for information of the government, that
is, the said JOSEPH STACK, did make, present, offer for filing or
use, false New Jersey 1040 tax return(s) for one or more taxpayer,
contrary to the provisions of N.J.S.A. 2C:28-7(a)(2), and against
the peace of this State, the government and dignity of same.

COUNT FIVE

(Falsifying or Tampering with Records - Fourth Degree)

JOSEPH STACK

between on or about August 1, 2005 and August 31, 2006, at the
City of Trenton, in the County of Mercer, elsewhere, and within
the jurisdiction of this Court, with purpose to deceive or injure
another or to conceal a wrongdoing, did falsify or utter one or
more writings or records, that is, State of New Jersey 1040 tax
return(s), knowing that the return(s) contained a false statement
or information, contrary to the provisions of N.J.S.A. 2C:21-4a,
and against the peace of this State, the government and dignity
of same.



Deborah L. Gramiccioni, Director
Division of Criminal Justice

A TRUE BILL:


Foreperson

Dated: 8/28/2009

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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 28th 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.