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**NOV 04 2011**

Judge Pedro J. Jimenez, Jr.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ610-11-12

Superior Court

Docket Number

11-11-00143-S

STATE OF NEW JERSEY

)

INDICTMENT

v.

)

MICHAEL W. KWASNIK

)

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

COUNT ONE

(Theft by Failure to Make Required Disposition of Property Received - Second Degree)

MICHAEL W. KWASNIK

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between on or about September 19, 2006, and on or about December 6, 2006, at the Township of Cherry Hill, in the County of Camden, elsewhere, and within the jurisdiction of this Court, purposely did commit theft by purposely obtaining or retaining property belonging to K.L., the beneficiary of the Estate of H.M.G., whose identities are known to the Grand Jurors, that is, the proceeds from the Estate of H.M.G., having a value of \$75,000 or more, upon agreement or subject to a known legal obligation to make specified payment or other disposition of such property, and did deal with said property as his own and did fail to make the

required payment or disposition, that is, the said MICHAEL W. KWASNIK, an attorney at law in the State of New Jersey, in administering the Estate of H.M.G., purposely did obtain or retain checks, cash and other proceeds in an amount of \$75,000 or more, upon agreement or subject to a known legal obligation to make specified payment or other disposition of such property, and did fail to make the required payment or disposition of said proceeds to the beneficiary of said Estate, contrary to the provisions of N.J.S.A. 2C:20-9, and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Misapplication of Entrusted Property - Second Degree)

MICHAEL W. KWASNIK

between on or about September 19, 2006, and on or about December 6, 2006, at the Township of Cherry Hill, in the County of Camden, elsewhere, and within the jurisdiction of this Court, knowingly did apply or dispose of property that is, proceeds from the Estate of H.M.G., whose identity is known to the Grand Jurors, that had been entrusted to him as a fiduciary, in a manner which he knew to be unlawful and that involved substantial risk of loss or detriment to K.L., the beneficiary of said Estate, whose identity is known to the Grand Jurors, and for whose benefit the property was entrusted, and did derive a benefit therefrom of \$75,000 or more, that is, the said MICHAEL W. KWASNIK, in his capacity as an attorney administering the Estate of H.M.G.,

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knowingly did apply or dispose of proceeds from the Estate of H.M.G., that had been entrusted to him as a fiduciary, in a manner which he knew to be unlawful and that involved substantial risk of loss or detriment to K.L., the beneficiary of said Estate, whose identity is known to the Grand Jurors, and for whose benefit the property was entrusted, thereby deriving a benefit of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C:21-15 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Unlawful Taking - Second Degree)

MICHAEL W. KWASNIK

between on or about September 19, 2006, and on or about December 6, 2006, at the Township of Cherry Hill, in the County of Camden, elsewhere, and within the jurisdiction of this Court, knowingly did unlawfully take, or exercise unlawful control over, movable property of another with purpose to deprive her thereof, in an amount of \$75,000 or more, that is, the said MICHAEL W. KWASNIK, in his capacity as an attorney administering the Estate of H.M.G., whose identity is known to the Grand Jurors, knowingly did unlawfully take, or exercise unlawful control over the proceeds from the Estate of H.M.G., with the purpose to deprive K.L., the beneficiary of said Estate, whose identity is known to the Grand Jurors, in an amount of \$75,000 or more, contrary to the provisions of N.J.S.A. 2C:20-3 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

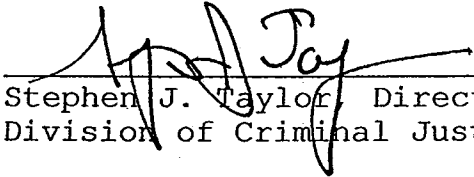
(Financial Facilitation of Criminal Activity - Second Degree)

MICHAEL W. KWASNIK

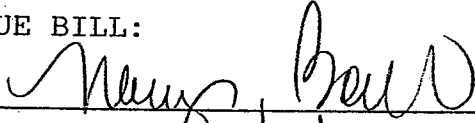
between on or about September 21, 2006, and on or about December 4, 2006, at the Township of Cherry Hill, in the County of Camden, elsewhere, and within the jurisdiction of this Court, did engage in transactions involving property, in an amount of \$75,000 or more, known or which a reasonable person 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 MICHAEL W. KWASNIK, a New Jersey licensed attorney, did engage in transactions involving the Estate of H.M.G., whose identity is known to the Grand Jurors, in an amount of \$75,000 or more, known 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 which he knew to be derived

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from criminal activity, namely, his unlawful use of proceeds of the Estate, contrary to the provisions of N.J.S.A. 2C:21-25b(2) (a), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

  
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Stephen J. Taylor Director  
Division of Criminal Justice

A TRUE BILL:

  
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Dated: 01/14/11 Foreperson

