

FILED

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

NOV 29 2011

State Grand Jury Judge

State Grand Jury
Number SGJ612-11-13-S
Superior Court
Docket Number 11-11-00158-S

STATE OF NEW JERSEY)	
)	
v.)	SUPERCEDING INDICTMENT
)	
DANNI RIVERA)	
)	
and)	
)	
DAVID SANTANA)	

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

COUNT ONE

(Conspiracy - Second Degree)

DANNI RIVERA

and

DAVID SANTANA

who are named as the defendants herein, and other persons whose identities are known to the Grand Jurors who are named as coconspirators but not as defendants herein, on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or

facilitating the commission of the crime of kidnapping, did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crime, or

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

1. Knowingly or purposely did remove Juan Avalos a substantial distance from 546 Jacques Street, in the Township of Perth Amboy, and/or unlawfully confine Juan Avalos for a substantial period, with the purpose to inflict bodily injury and/or terrorize him, contrary to the provisions of N.J.S.A. 2C:13-1b(2) and N.J.S.A. 2C:2-6.

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

(Kidnapping - First Degree)

DANNI RIVERA

and

DAVID SANTANA

on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did remove Juan Avalos a substantial distance from 546 Jacques Street, in the Township of Perth Amboy, and/or unlawfully confine Juan Avalos for a substantial period, with the purpose to inflict bodily injury and/or terrorize him, contrary to the provisions of N.J.S.A. 2C:13-1b(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Unlawful Possession of a Weapon - Second Degree)

DAVID SANTANA

on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did possess a certain weapon, that is, a handgun, without having first obtained a permit to carry same as provided in N.J.S.A. 2C:58-4, contrary to the provisions of N.J.S.A. 2C:39-5(b), and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Possession of a Weapon for Unlawful Purpose - Second Degree)

DAVID SANTANA

on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did possess a certain weapon, that is, a handgun, with a purpose to use it unlawfully against the person of Juan Avalos, contrary to the provisions of N.J.S.A. 2C:39-4(a), and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Aggravated Assault - Second Degree)

DANNI RIVERA

and

DAVID SANTANA

on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did attempt to cause serious bodily injury, and/or knowingly and purposely did cause serious bodily to Juan Avalos, contrary to the provisions of N.J.S.A. 2C:12-1b(1) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

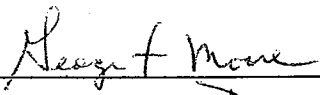
(Terroristic Threats - Third Degree)

DAVID SANTANA

on or about December 5, 2009, at the Township of Perth Amboy, and at the Borough of Sayreville, both in the County of Middlesex, elsewhere, and within the jurisdiction of this Court, did threaten to kill Juan Avalos with the purpose to put him in imminent fear of death under circumstances reasonably causing the victim to believe the immediacy of the threat and the likelihood that it will be carried out, contrary to the provisions of N.J.S.A. 2C:12-3b, and against the peace of this State, the government and dignity of the same.


AAG Stephen J. Taylor
Director
Division of Criminal Justice

A TRUE BILL:



Deputy Foreperson

Dated: 11/29/11

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STATE OF NEW JERSEY)	
v.)	
DANNI RIVERA)	ORDER OF VENUE
and)	
DAVID SANTANA)	

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

IT IS ORDERED on this *29th* day of *November*, 2011, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Middlesex 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 Middlesex for filing.



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