

FILED

AUG 19 2011

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ605-11-1

Superior Court

Docket Number ~~11-08-00092-S~~

STATE OF NEW JERSEY

)

v.

)

INDICTMENT

JOSEPH SPICUZZO,

)

DARRIN DIBIASI,

)

and

)

PAUL LUCARELLI.

)

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

COUNT ONE

(Conspiracy - Second Degree)

JOSEPH SPICUZZO,

DARRIN DIBIASI,

and

PAUL LUCARELLI

and other persons whose identities are known and unknown to the Grand Jurors, who are co-conspirators but who are not named as defendants herein, between in or about March 1996 and on or about June 30, 2011, at the City of New Brunswick, in the County of

Middlesex, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Official Misconduct, Pattern of Official Misconduct, and Bribery in Official and Political Matters, did agree that:

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

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

A. Official Misconduct, in that one or more of them, being a public servant, would, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, 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 committed such an act in an unauthorized manner or would refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, contrary to the provisions of N.J.S.A. 2C:30-2;

B. Pattern of Official Misconduct, in that one or more of them, being a public servant, would, acting with the purpose to obtain a benefit for himself or another in excess of \$200 or to injure or to deprive another of a benefit in excess of

\$200, commit two or more acts of Official Misconduct, each in violation of N.J.S.A. 2C:30-2; and

C. Bribery in Official and Political Matters, in that one or more of them would knowingly directly or indirectly solicit, accept or agree to accept from another, or knowingly directly or indirectly offer, confer or agree to confer on another any benefit as consideration for a violation of an official duty of a public servant or any benefit as consideration for the performance of official duties by a public servant, contrary to the provisions of N.J.S.A. 2C:27-2.

THE DEFENDANTS AND CO-CONSPIRATORS

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

1. Defendant JOSEPH SPICUZZO was the Middlesex County Sheriff.
2. Defendant DARRIN DIBIASI was either an Investigator for the Middlesex County Sheriff's Office or a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.
3. Defendant PAUL LUCARELLI was a Sheriff's Officer for the Middlesex County Sheriff's Office.
4. Co-conspirator #1 ("T.U.") was a Sheriff's Officer for the Middlesex County Sheriff's Office.

5. Co-conspirator #2 ("R.M.") was a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

6. Co-conspirator #3 ("N.D.") was a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

7. Co-conspirator #4 ("E.S.") was a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

8. Co-conspirators #5 ("A.J.") and #6 ("A.T.") were family members of a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

9. Co-conspirator #7 ("C.J.") was a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

10. Co-conspirator #8 ("J.V.") was a Sheriff's Officer for the Middlesex County Sheriff's Office.

11. Co-conspirator #9 ("D.L.") was a civilian employee of the Middlesex County Sheriff's Office who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

12. Co-conspirator #10 ("T.V.") was a private citizen who applied and was hired as an Investigator for the Middlesex County Sheriff's Office.

PURPOSE OF THE CONSPIRACY

13. The purpose of the conspiracy was for the aforesaid co-conspirators to broker, solicit, accept, offer, or confer bribes as consideration for employment actions at the Middlesex County Sheriff's Office.

OVERT ACTS OR OMISSIONS

In furtherance of the conspiracy and to achieve its purposes, the aforesaid conspirators committed the following overt acts, among others:

14. DARRIN DIBIASI paid approximately \$5,000 through Co-conspirator #1 ("T.U.") to JOSEPH SPICUZZO in or about 1996 or 1997, and DARRIN DIBIASI was hired on March 15, 1999.

15. Co-conspirator #2 ("R.M.") paid approximately \$10,000 through DARRIN DIBIASI to JOSEPH SPICUZZO in or about October 2002, and Co-conspirator #2 was hired on December 16, 2002.

16. Co-conspirator #3 ("N.D.") paid approximately \$12,500 through DARRIN DIBIASI to JOSEPH SPICUZZO in or about June 2003, and Co-conspirator #3 was hired on August 4, 2003.

17. Co-conspirator #4 ("E.S.") paid approximately \$12,500 through DARRIN DIBIASI to JOSEPH SPICUZZO in or about September 2004, and Co-conspirator #4 was hired on January 10, 2005.

18. Co-conspirator #5 ("A.J.") paid approximately \$10,000 through Co-conspirator #6 ("A.T.") to JOSEPH SPICUZZO in or about

January 2003, and Co-conspirator #7 ("C.J.") was hired on January 10, 2005.

19. Co-conspirator #8 ("J.V.") paid approximately \$7,000 directly to JOSEPH SPICUZZO in or about May 2007, and Co-conspirator #8 was promoted on June 4, 2007.

20. Co-conspirator #8 ("J.V.") paid approximately \$5,000 directly to JOSEPH SPICUZZO in or about December 2007, and Co-conspirator #8 was promoted on January 3, 2008.

21. Co-conspirator #9 ("D.L.") paid approximately \$25,000 through PAUL LUCARELLI to JOSEPH SPICUZZO in or about February 2008, and Co-conspirator #9 was hired on March 24, 2008.

22. Co-conspirator #10 ("T.V.") paid approximately \$25,000 directly to JOSEPH SPICUZZO in or about October 2008, and Co-conspirator #10 was hired on November 25, 2008.

23. Between on or about March 15, 1999, and on or about June 30, 2011, DARRIN DIBIASI refrained from reporting, investigating, detecting, or arresting one or more the aforesaid violations of the criminal laws of the State of New Jersey.

24. Between in or about January 2005, and on or about March 14, 2011, PAUL LUCARELLI refrained from reporting, investigating, detecting, or arresting one or more the aforesaid violations of the criminal laws 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 the dignity of the same.

COUNT TWO

(Official Misconduct - Second Degree)

JOSEPH SPICUZZO,

DARRIN DIBIASI,

and

PAUL LUCARELLI

between in or about March 1996, and on or about November 25, 2008, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, did commit the offense of Official Misconduct, in that the said JOSEPH SPICUZZO, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, did commit one or more acts relating to his office, but constituting unauthorized exercises of his official functions, knowing that such acts were unauthorized or that he was committing such acts in an unauthorized manner or did refrain from performing one or more duties imposed upon him by law or clearly inherent in the nature of his office, that is, the said JOSEPH SPICUZZO, then and there being a public servant, to wit: the Middlesex County Sheriff, thereby having the functions and duties, among others, to hire Investigators for the Middlesex County Sheriff's Office, to make promotional decisions concerning the Sheriff's Officers in the Middlesex County Sheriff's Office, to perform his duties in a legal and proper manner, to display

good faith, honesty, and integrity, and to be impervious to corrupting influences, did knowingly solicit or accept one or more bribes in excess of \$200 from one or more applicants or employees, either directly from the applicants, including the said DARRIN DIBIASI, or employees or indirectly through one or more middlemen, including the said DARRIN DIBIASI and PAUL LUCARELLI, as consideration for hiring or promising to hire one or more applicants as Investigators for the Middlesex County Sheriff's Office, including the said DARRIN DIBIASI, or as consideration for promoting or promising to promote Co-conspirator #8, contrary to the provisions of N.J.S.A. 2C:30-2, N.J.S.A. 2C:2-6, and against the peace of this State, the government and the dignity of the same.

COUNT THREE

(Official Misconduct - Second Degree)

JOSEPH SPICUZZO

DARRIN DIBIASI,

and

PAUL LUCARELLI

between on or about March 15, 1999, and on or about June 30, 2011, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, did commit the offense of Official Misconduct, in that the said DARRIN DIBIASI, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, 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 an act in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said DARRIN DIBIASI, then and there being a public servant, to wit: a Middlesex County Sheriff's Investigator, thereby having the functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to report violations of the laws of the State of New Jersey, to perform his duties in a legal and proper manner, to display good faith, honesty, and integrity, and

to be impervious to corrupting influences, did knowingly refrain from reporting, investigating, detecting, or arresting a violation of the criminal laws of the State of New Jersey, to wit: the payment of one or more bribes in excess of \$200 from one or more applicants or employees, either directly from the applicants or employees or indirectly through one or more middlemen, including the said PAUL LUCARELLI, to the said JOSEPH SPICUZZO, as consideration for hiring or promising to hire one or more applicants as Investigators for the Middlesex County Sheriff's Office or as consideration for promoting or promising to promote Co-conspirator #8, contrary to the provisions of N.J.S.A. 2C:30-2, N.J.S.A. 2C:2-6, and against the peace of this State, the government and the dignity of the same.

COUNT FOUR

(Official Misconduct - Second Degree)

JOSEPH SPICUZZO

DARRIN DIBIASI,

and

PAUL LUCARELLI

between in or about January 2005, and on or about March 14, 2011, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, did commit the offense of Official Misconduct, in that the said PAUL LUCARELLI, acting with purpose to obtain a benefit for himself or another in excess of \$200 or to injure or deprive another of a benefit in excess of \$200, 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 an act in an unauthorized manner or did refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said PAUL LUCARELLI, then and there being a public servant, to wit: a Middlesex County Sheriff's Officer, thereby having the functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to report violations of the laws of the State of New Jersey, to perform his duties in a legal and proper manner, to display good faith, honesty, and integrity, and to be

impervious to corrupting influences, did knowingly refrain from reporting, investigating, detecting, or arresting a violation of the criminal laws of the State of New Jersey, to wit: the payment of one or more bribes in excess of \$200 from one or more applicants or employees, either directly from the applicants or employees or indirectly through one or more middlemen, including the said DARRIN DIBIASI, to the said JOSEPH SPICUZZO, as consideration for hiring or promising to hire one or more applicants as Investigators for the Middlesex County Sheriff's Office or as consideration for promoting or promising to promote Co-conspirator #8, contrary to the provisions of N.J.S.A. 2C:30-2, N.J.S.A. 2C:2-6, and against the peace of this State, the government and the dignity of the same.

COUNT FIVE

(Pattern of Official Misconduct - Second Degree)

JOSEPH SPICUZZO

between on or about March 14, 2003, and on or about November 25, 2008, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, did commit the offense of Pattern of Official Misconduct in that he did commit two or more acts of Official Misconduct, each in violation of N.J.S.A. 2C:30-2, that is, the said JOSEPH SPICUZZO, then and there being a public servant, to wit: the Middlesex County Sheriff, having thereby the official functions and duties, among others, to hire Investigators for and to make promotional decisions concerning Sheriff's Officers in the Middlesex County Sheriff's Office, to perform his 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 described in Count Two, Count Three, and 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, N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

and

DARRIN DIBIASI

between in or about September 2004, and on or about January 10, 2005, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #4 ("E.S.") through DARRIN DIBIASI did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #4 ("E.S.") through DARRIN DIBIASI a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

between in or about January 2003, and on or about January 10, 2005, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #5 ("A.J.") through Co-conspirator #6 ("A.T.") did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #5 ("A.J.") through Co-conspirator #6 ("A.T.") a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT EIGHT

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

between in or about May 2007, and on or about June 4, 2007, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #8 ("J.V.") did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #8 ("J.V.") a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

between in or about December 2007, and January 3, 2008, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #8 ("J.V.") did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #8 ("J.V.") a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TEN

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

and

PAUL LUCARELLI

between in or about February 2008, and on or about March 24, 2008, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #9 ("D.L.") through PAUL LUCARELLI did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #9 ("D.L.") through PAUL LUCARELLI a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

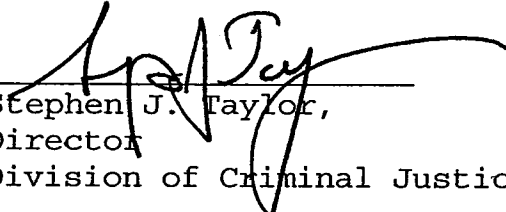
COUNT ELEVEN

(Bribery In Official and Political Matters - Second Degree)

JOSEPH SPICUZZO

between in or about October 2008, and on or about November 25, 2008, at the City of New Brunswick, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, knowingly did directly or indirectly solicit, accept or agree to accept from another, or knowingly did directly or indirectly offer, confer or agree to confer on another, that is, Co-conspirator #10 ("T.V.") did offer, confer or agree to confer a benefit, that is, money in excess of \$200, to JOSEPH SPICUZZO, or, that is, JOSEPH SPICUZZO did solicit, accept or agree to accept from Co-conspirator #10 ("T.V.") a benefit, that is, money in excess of \$200, as consideration for violation of JOSEPH SPICUZZO's official duty as a public servant, that is, the Middlesex County Sheriff, or as consideration for the performance of his official duty as a public servant, contrary to the provisions of N.J.S.A. 2C:27-2(c) and (d), N.J.S.A. 2C:2-6, and against the peace of

this State, the government and dignity of the same.



Stephen J. Taylor,
Director
Division of Criminal Justice

A TRUE BILL:

 Foreperson

Dated: 8/19/11

FILED

AUG 19 2011

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ605-11-1
Superior Court
Docket Number 11-08-00092-S

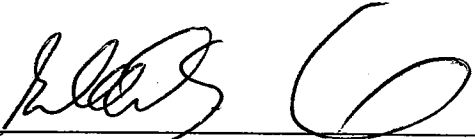
STATE OF NEW JERSEY)
v.)
JOSEPH SPICUZZO)
DARRIN DIBIASI)
and)
PAUL LUCARELLI)

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 19th day of August, 2011, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Monmouth 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 Monmouth for filing.


GERALD J COUNCIL, PJCR