

FILED

NOV 10 2011

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ 609-11-14

Superior Court
Docket Number 11 - 11 - 00145 - S

STATE OF NEW JERSEY)

v.)

INDICTMENT

MARTIN MARTINEZ,)

JOHN CEPEDA,)

FRANCISCO TORRES,)

HECTOR LOZADA,)

DENIS JAQUEZ,)

IGNACIO PEREZ,)

RAFAEL LOPEZ,)

JULIO ROZON,)

VICTOR ESTEVEZ,)

ANDRES RODRIGUES,)

JESUS M. MARTINEZ,)

RAMON G. CHECO,)

ASHVIN C. PATEL,)

and)

ANGEL FERNANDEZ)

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

COUNT ONE

(Conspiracy - First Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

who are named as defendants herein, and other persons, whose identities are both known and unknown to the Grand Jurors, who are coconspirators but not named as defendants herein, between in or about July 2004 and on or about April 10, 2007, at the City of Newark, the City of East Orange and the Township of Irvington, in the County of Essex, at the City of Camden, in the County of Camden, at the City of Perth Amboy, in the County of Middlesex,

at the City of Elizabeth, in the County of Union, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting the crimes of financial facilitation of criminal activity (money laundering), official misconduct, theft by deception and receiving stolen property did agree that:

A. One or more of them would engage in conduct which would constitute the aforesaid crimes or an attempt or solicitation to commit such crimes; or

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

1. Financial Facilitation of Criminal Activity (money laundering), in that one or more of them would engage in transactions involving property 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 the criminal activity, that is, engage in the transaction of WIC food instruments (vouchers), known or believed to be derived from criminal activity, in an amount in excess of \$500,000, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25b2a;

2. Financial Facilitation of Criminal Activity (money laundering), in that one or more of them would direct, organize,

finance, plan, manage, supervise, or control the transportation of or transactions in property known or which a reasonable person would believe to be derived from criminal activity, that is, direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in WIC food instruments (vouchers) known or which a reasonable person would believe to be derived from criminal activity, in an amount in excess of \$500,000, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25c;

3. Official Misconduct, in that one or more of them would, with the purpose of promoting or facilitating the commission of the offense of official misconduct, solicit public servants to commit, or did aid or agree or attempt to aid said public servants in planning or committing, an act relating to the said public servants' office but constituting an unauthorized exercise of said public servants' official functions, knowing that such act was committed in an unauthorized manner, with the purpose of obtaining a benefit for themselves or another, that is, either directly or indirectly, receive the said fraudulent WIC food instruments, having a value in excess of \$200, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6;

4. Theft by Deception, in that one or more of them would purposely obtain the property of another by deception, that

is, purposely obtain the property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, by deception, in an amount in excess of \$75,000, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:20-4a; and

5. Receiving Stolen Property, in that one or more of them would knowingly receive or bring into this State movable property of another knowing that it had been stolen or believing that it was probably stolen, that is, knowingly receive WIC food instruments (vouchers), knowing they had been stolen or believing they had probably been stolen, in an amount in excess of \$75,000, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:20-7.

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

It was part of the conspiracy that public servants, that is, employees of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, whose identities are known to the Grand Jurors, in conspiracy with one another, did unlawfully produce and issue fraudulent WIC food instruments (vouchers) for sale in bulk to unauthorized persons, either directly or indirectly, whose identities are known to the Grand Jurors.

It was further part of the conspiracy that the said

unauthorized persons, whose identities are known to the Grand Jurors, did sell or give in bulk the fraudulent WIC food instruments (vouchers) unlawfully received from the said public servants to various vendors authorized by the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, including the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ.

It was further part of the conspiracy that the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ, in their role as vendors authorized by the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, did receive from the said unauthorized persons, whose identities are known to the Grand Jurors, fraudulent WIC food instruments (vouchers) for deposit to bank accounts in the names of their respective businesses.

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

(Financial Facilitation of Criminal Activity - First Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

between in or about July 2004 and on or about April 10, 2007, at the City of Newark, the City of East Orange and the Township of Irvington, in the County of Essex, at the City of Camden, in the County of Camden, at the City of Perth Amboy, in the County of Middlesex, at the City of Elizabeth, in the County of Union, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did engage in transactions

involving property, in the amount of \$500,000 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, public servants, employees of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, whose identities are known to the Grand Jurors, did produce and issue fraudulent WIC food instruments (vouchers) and did improperly sell or give the said fraudulent WIC food instruments, either directly or indirectly, to unauthorized persons, whose identities are known to the Grand Jurors, who, in turn, did improperly sell or give the said fraudulent WIC food instruments to various vendors authorized by the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, to conduct WIC business, including the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ, who, in turn, deposited the said fraudulent WIC food instruments into various bank accounts, thereby converting the said fraudulent WIC food instruments to cash, knowing that the transactions were designed in whole or in part to conceal or disguise the nature,

location, source, ownership or control of the said WIC food instruments, in the amount of \$500,000 or more, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25b2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Financial Facilitation of Criminal Activity - First Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

between in or about July 2004 and on or about April 10, 2007, at the City of Newark, the City of East Orange and the Township of Irvington, in the County of Essex, at the City of Camden, in the County of Camden, at the City of Perth Amboy, in the County of Middlesex, at the City of Elizabeth, in the County of Union, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, did direct, organize,

finance, plan, manage, supervise, or control the transportation of or transactions in property, in the amount of \$500,000 or more, known or which a reasonable person would believe to be derived from criminal activity, that is, the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ did direct, organize, finance, plan, manage, supervise, or control the transportation of or transactions in WIC food instruments (vouchers) known or which a reasonable person would believe to be derived from criminal activity, in the amount of \$500,000 or more, to wit, in excess of \$1,000,000, contrary to the provisions of N.J.S.A. 2C:21-25c and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Official Misconduct - Second Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

between in or about July 2004 and on or about January 2, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did, with the purpose of promoting or facilitating the commission of the offense of official misconduct, solicit public servants to commit, or did aid or agree or attempt to aid said public servants in planning or committing, an act relating to the said public servants'

office but constituting an unauthorized exercise of said public servants' official functions, knowing that such act was committed in an unauthorized manner, with the purpose of obtaining a benefit for themselves or another, that is, the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ did solicit or aid or agree or attempt to aid public servants, that is, employees of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, whose identities are known to the Grand Jurors, who are coconspirators but not named as defendants herein, having thereby the official functions and duties, among others, to produce and issue WIC food instruments (vouchers) on behalf of participants in the said WIC Supplemental Food Program, to perform their duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, to knowingly produce and issue fraudulent WIC food instruments (vouchers), and the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ did, either directly or indirectly, receive the said fraudulent WIC food instruments, having a value in excess of

\$200, 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 FIVE

(Pattern of Official Misconduct - Second Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

between in or about July 2004 and on or about January 2, 2007, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit two or more acts of Official Misconduct, in violation of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, that is, the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES,

JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ did, with the purpose of promoting or facilitating the commission of the offense of official misconduct, solicit public servants, that is, employees of the City of Newark, Department of Health and Human Services, WIC Supplemental Food Program, whose identities are know to the Grand Jurors, who are coconspirators but not named as defendants herein, having thereby the official functions and duties, among others, to produce and issue WIC food instruments (vouchers) on behalf of participants in the said WIC Supplemental Food Program, to perform their duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, to commit, or did aid or agree or attempt to aid said public servants in planning or committing, 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 and omissions described in 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 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Theft by Deception - Second Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

ANGEL FERNANDEZ

between in or about July 2004 and on or about April 10, 2007, at the City of Newark, the City of East Orange and the Township of Irvington, in the County of Essex, at the City of Camden, in the County of Camden, at the City of Perth Amboy, in the County of Middlesex, at the City of Elizabeth, in the County of Union, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, purposely did obtain by

deception the property of another in an amount in excess of \$75,000, that is, the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ purposely did obtain the property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, in excess of \$75,000, by creating or reinforcing the false impression that MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ, as authorized WIC vendors, did sell food products to various WIC participants and that information contained in numerous WIC food instruments (vouchers) reflecting those alleged sales was true and correct, contrary to the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Receiving Stolen Property - Second Degree)

MARTIN MARTINEZ

JOHN CEPEDA

FRANCISCO TORRES

HECTOR LOZADA

DENIS JAQUEZ

IGNACIO PEREZ

RAFAEL LOPEZ

JULIO ROZON

VICTOR ESTEVEZ

ANDRES RODRIGUES

JESUS M. MARTINEZ

RAMON G. CHECO

ASHVIN C. PATEL

and

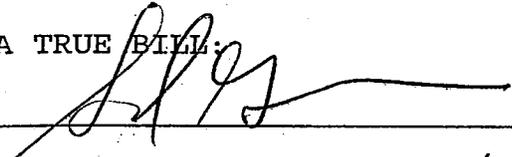
ANGEL FERNANDEZ

between in or about July 2004 and on or about April 10, 2007, at the City of Newark, the City of East Orange and the Township of Irvington, in the County of Essex, at the City of Camden, in the County of Camden, at the City of Perth Amboy, in the County of Middlesex, at the City of Elizabeth, in the County of Union, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, knowingly did receive or

bring into this State movable property of another knowing that it had been stolen, or believing that it had probably been stolen, in an amount in excess of \$75,000, that is, the said MARTIN MARTINEZ, JOHN CEPEDA, FRANCISCO TORRES, HECTOR LOZADA, DENIS JAQUEZ, IGNACIO PEREZ, RAFAEL LOPEZ, JULIO ROZON, VICTOR ESTEVEZ, ANDRES RODRIGUES, JESUS M. MARTINEZ, RAMON G. CHECO, ASHVIN C. PATEL and ANGEL FERNANDEZ knowingly did receive property of the State of New Jersey, Department of Health and Senior Services, Office of WIC Services, that is, WIC food instruments (vouchers), knowing that the said property had been stolen, or believing that it had probably been stolen, contrary to the provisions of N.J.S.A. 2C:20-7 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.


Boris Moczula, Deputy Director
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: 4/10/11

FILED

NOV 10 2011

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury Judge

State Grand Jury
Number SGJ609-11-14
Superior Court
Docket Number 11-11-00145-S

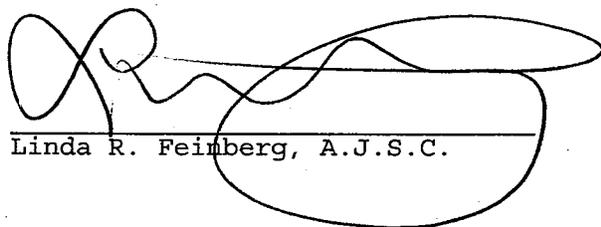
STATE OF NEW JERSEY)
v.)
MARTIN MARTINEZ,)
JOHN CEPEDA,)
FRANCISCO TORRES,)
HECTOR LOZADA,)
DENIS JAQUEZ,)
IGNACIO PEREZ,)
RAFAEL LOPEZ,)
JULIO ROZON,)
VICTOR ESTEVEZ,)
ANDRES RODRIGUES,)
JESUS M. MARTINEZ,)
RAMON G. CHECO,)
ASHVIN C. PATEL,)
and)
ANGEL FERNANDEZ)

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 10th day of November, 2011, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Essex 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 Essex for filing.


Linda R. Feinberg, A.J.S.C.