

SUPERIOR COURT OF N.J.
FILED

SEP 07 2007

Andre J. Kelly
Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ540-07-1(3)
Superior Court
Docket Number 07-09-00126-S

STATE OF NEW JERSEY)
v.)
WESLEY KELLY)
and)
MICHAEL GUNTHER)

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 7th day of September, 2007, 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.


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

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State Grand Jury
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STATE OF NEW JERSEY)

v.)

WESLEY KELLY)

and)

MICHAEL GUNTHER)

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

COUNT ONE

(Possession of a Controlled Dangerous Substance - Third Degree)

WESLEY KELLY

between on or about December 18, 2006, and on or about January 7, 2007, at the City of Asbury Park, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did possess a controlled dangerous substance, that is, cocaine, a Schedule II controlled dangerous substance, said crime being committed while the said WESLEY KELLY was knowingly involved in criminal street gang related activities as defined in N.J.S.A. 2C:44-3(h), contrary to the provisions of N.J.S.A. 2C:35-10(a)(1), and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Distribution of a Controlled
Dangerous Substance - Second Degree)

WESLEY KELLY


between on or about December 18, 2006, and on or about January 7, 2007, at the City of Asbury Park, in the County of Monmouth, elsewhere, and within the jurisdiction of this Court, knowingly or purposely did distribute a controlled dangerous substance, that is, cocaine, in an aggregate quantity of one-half ounce or more including any adulterants or dilutants, said crime being committed while the said WESLEY KELLY was knowingly involved in criminal street gang related activities as defined in N.J.S.A. 2C:44-3(h) contrary to the provisions of N.J.S.A. 2C:35-5a(1), N.J.S.A. 2C:35-5b(2), and N.J.S.A. 2C:35-5c, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Possession of a Controlled
Dangerous Substance - Third Degree)

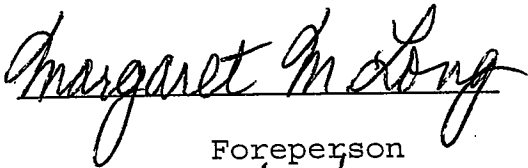
MICHAEL GUNTHER

between on or about December 18, 2006, and on or about January 7,
2007, at the City of Asbury Park, in the County of Monmouth,
elsewhere, and within the jurisdiction of this Court knowingly or
purposely did possess a controlled dangerous substance, that is,
cocaine, a Schedule II controlled dangerous substance, contrary
to the provisions of N.J.S.A. 2C:35-10(a)(1), and against the
peace of this State, the government and dignity of the same.



Gregory A. Paw, Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

Dated: 9/7/07