

SUPERIOR COURT OF N.J.
FILED

DEC 06 2006

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

Andrew J. Kelly
Acting Clerk

State Grand Jury

Number SGJ533-06-6-S

Superior Court

Docket Number 06-12-00135-S

STATE OF NEW JERSEY)

v.)

MARCO REBELO)

ELI VASQUEZ)

DANNY DACOSTA)

ROGERIO NEVES)

ORDER OF VENUE

RUI CORREIA)

MARQUITA BEST)

CHARLES T. SMITH)

SAMAD ABDEL)

and)

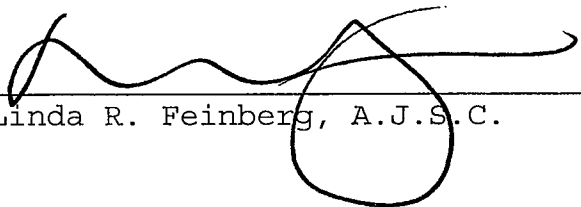
JOHN A. SMITH)

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

IT IS ORDERED on this *6th* day of *December*, 2006,
pursuant to paragraph 8 of the State Grand Jury Act, that the
County of Union 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 Union or filing.



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

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Andrew J. Bly
Clerk

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LAW DIVISION - CRIMINAL

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STATE OF NEW JERSEY

v.

MARCO REBELO

ELI VASQUEZ

DANNY DACOSTA

ROGERIO NEVES

RUI CORREIA

MARQUITA BEST

CHARLES T. SMITH

SAMAD ABDEL

and

John A. Smith

SUPERSEDING INDICTMENT

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

COUNT ONE

(Conspiracy - Second Degree)

MARCO REBELO

ELI VASQUEZ

DANNY DACOSTA

ROGERIO NEVES

RUI CORREIA

SAMAD ABDEL

and

JOHN A. SMITH

who are named as defendants herein, and others whose names are known to the Grand Jurors, who are coconspirators but not named as defendants herein, between on or about November 8, 2000 and on or about August 20, 2003, at the Borough of Roselle, at the City of Plainfield, at the City of Linden, all in the County of Union, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the crimes of theft by deception, official misconduct, and misconduct by a corporate official 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. Purposely obtain or attempt to obtain the property of another in an aggregate amount greater than \$75,000 by deception, contrary to the provisions of N.J.S.A. 2C:20-4a.

2. While a Public Servant, with purpose to gain a benefit for himself or another or to injure or deprive another of a benefit, commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act is unauthorized or is being committed in an unauthorized

manner; or knowingly refrain from performing a duty which is imposed upon him by law or is inherent in the nature of his office, contrary to the provisions of N.J.S.A. 2C:30-2.

3. Purposely or knowingly use, control, or operate a corporation for the furtherance or promotion of the crime of theft, thereby deriving a benefit greater than \$75,000, contrary to the provisions of N.J.S.A. 2C:21-9c.

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

(Theft by Deception - Second Degree)

MARCO REBELO

between on or about March 1, 2001 and on or about July 8, 2003, at the Borough of Roselle, at the City of Plainfield, at the City of Linden, all in the County of Union, at the City of Newark, in the County of Essex, elsewhere, and within the jurisdiction of this Court, purposely did obtain or attempt to obtain by deception the property of another in an amount in excess of \$75,000; that is, the said MARCO REBELO purposely did obtain or attempt to obtain the property of Progressive Insurance Company, Great American Insurance Company, Clarendon National Insurance Company, State Farm Insurance Company, and Liberty Mutual Insurance Company in excess of \$75,000 by creating or reinforcing the false impression that certain automobiles being operated by individuals whose identities are known to the Grand Jurors sustained compensable damages,

WHEREAS, IN TRUTH AND IN FACT, as the said MARCO REBELO well knew, the insurance claims submitted to the said insurance companies were not compensable, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:5-1 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Misconduct by Corporate Official - Second Degree)

MARCO REBELO

between on or about November 8, 2000, and on or about July 8, 2003, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely or knowingly did use, control or operate a corporation for the furtherance or promotion of a criminal object, thereby deriving a benefit of \$75,000 or more, that is, the said MARCO REBELO, being an Officer of Auto F/X Collision, Inc., d/b/a Creative Auto Body, did use, control or operate Auto F/X Collision, Inc. d/b/a Creative Auto Body, for the furtherance or promotion of the criminal object of Theft by Deception, in violation of N.J.S.A. 2C:20-4a, contrary to the provisions of N.J.S.A. 2C:21-9c, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Theft by Deception - Third Degree)

ELI VASQUEZ

MARQUITA BEST

and

JOHN A. SMITH

between on or about October 29, 2002 and on or about January 4, 2003, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception the property of another in an amount in excess of \$500; that is, the said ELI VASQUEZ, MARQUITA BEST and JOHN A. SMITH purposely did obtain the property of Great American Insurance Company in excess of \$500, by creating or reinforcing the false impression that purportedly an accidental automobile collision occurred on October 29, 2002, in the Borough of Roselle, County of Union, in which a 2000 BMW automobile registered in the name of the said ELI VASQUEZ sustained damage, and that the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of the said MARQUITA BEST;

WHEREAS, IN TRUTH AND IN FACT, as the said ELI VASQUEZ, MARQUITA BEST and JOHN A. SMITH well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Theft by Deception - Third Degree)

ELI VASQUEZ

DANNY DACOSTA

and

JOHN A. SMITH

between on or about December 11, 2002 and on or about January 30, 2003, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception the property of another in an amount in excess of \$500; that is, the said ELI VASQUEZ, DANNY DACOSTA and JOHN A. SMITH purposely did obtain the property of Clarendon National Insurance Company, in excess of \$500 by creating or reinforcing the false impression that a motor vehicle accident occurred on December 11, 2002, in the Borough of Roselle, County of Union, in which a 2000 BMW motor vehicle registered in the name of ELI VASQUEZ sustained damage, and that the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of DANNY DACOSTA;

WHEREAS, IN TRUTH AND IN FACT, as the said ELI VASQUEZ, DANNY DACOSTA and JOHN A. SMITH well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a 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 - Third Degree)

ELI VASQUEZ

and

CHARLES T. SMITH

between on or about February 16, 2003 and on or about March 15, 2003, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception the property of another in an amount in excess of \$500; that is, the said ELI VASQUEZ and CHARLES T. SMITH purposely did obtain the property of State Farm Insurance Company, in excess of \$500 by creating or reinforcing the false impression that a purportedly accidental automobile collision occurred on February 16, 2003, in the Borough of Roselle, County of Union, in which a 2000 BMW automobile registered in the name of the said ELI VASQUEZ sustained damage, and that the said damages were compensable pursuant to the coverage contained in the automobile insurance policy of CHARLES T. SMITH;

WHEREAS, IN TRUTH AND IN FACT, as the said ELI VASQUEZ and CHARLES T. SMITH well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Attempted Theft by Deception - Third Degree)

ELI VASQUEZ

RUI CORREIA

and

SAMAD ABDEL

between on or about March 21, 2003 and on or about August 20, 2003, at the City of Plainfield, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain or attempt to obtain by deception the property of another in an amount in excess of \$500; that is, the said ELI VASQUEZ, RUI CORREIA and SAMAD ABDEL purposely did obtain or attempt to obtain the property of State Farm Insurance Company, in excess of \$500 by creating or reinforcing the false impression that a purportedly accidental automobile collision occurred on March 21, 2003, in the City of Plainfield, County of Union, in which a 2000 Ford Expedition automobile registered in the name of Marco Rebelo sustained damage, and that the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of the said RUI CORREIA;

WHEREAS, IN TRUTH AND IN FACT, as the said ELI VASQUEZ, RUI CORREIA and SAMAD ABDEL well knew, the damage complained was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of

N.J.S.A. 2C:20-4a, N.J.S.A. 2C:5-1 and N.J.S.A. 2C:2-6, and
against the peace of this State, the government and dignity of
the same.

COUNT EIGHT

(Theft by Deception - Third Degree)

SAMAD ABDEL

between on or about December 21, 2001 and on or about February 11, 2002, at the City of Plainfield, in the County of Union, elsewhere, and within the jurisdiction of this Court,;purposely, as an accomplice to Marco Rebelo and another whose name is known to the Grand Jurors but not named herein, did obtain by deception the property of another in an amount in excess of \$500; that is, the said SAMAD ABDEL and others purposely did obtain the property of Liberty Mutual Insurance Company, in excess of \$500, by creating or reinforcing the false impression that a purportedly accidental automobile collision occurred on December 21, 2001, in the City of Plainfield, County of Union, in which a 1997 Nissan Maxima motor vehicle registered in the name of Scot L. Frasier sustained damage, thereby rendering the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of Scott L. Frasier;

WHEREAS, IN TRUTH AND IN FACT, as the said SAMAD ABDEL and others well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT NINE

(Theft by Deception - Third Degree)

DANNY DACOSTA

between on or about January 16, 2002 and on or about February 11, 2003, at the City of Linden, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain by deception the property of another in an amount in excess of \$500; that is, the said DANNY DACOSTA purposely did obtain the property of State Farm Insurance Company, in excess of \$500, by creating or reinforcing the false impression that a purportedly accidental automobile collision occurred on January 16, 2002, in the City of Linden, County of Union, in which a 1997 Nissan Maxima motor vehicle registered in the name of Scott L. Frasier sustained damage, thereby rendering the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of Tanya Correia;

WHEREAS, IN TRUTH AND IN FACT, as the said DANNY DACOSTA well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TEN

(Attempted Theft by Deception - Third Degree)

ROGERIO NEVES

between on or about March 21, 2001 and on or about October 24, 2001, at the City of Newark, in the County of Essex, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, purposely did obtain or attempt to obtain by deception the property of another in an amount in excess of \$500; that is, the said ROGERIO NEVES purposely did obtain or attempt to obtain the property of Progressive Insurance Company, in excess of \$500 by creating or reinforcing the false impression that a purportedly accidental automobile incident occurred on March 21, 2001, in the City of Newark, County of Essex, in which a 1997 Mercedes Benz automobile registered in the name of the said ROGERIO NEVES sustained damage, and that the said damage was compensable pursuant to the coverage contained in the automobile insurance policy of the said ROGERIO NEVES;

WHEREAS, IN TRUTH AND IN FACT, as the said ROGERIO NEVES well knew, the damage complained of was not compensable pursuant to the coverage contained in the automobile insurance policy aforesaid, contrary to the provisions of N.J.S.A. 2C:20-4a, N.J.S.A. 2C:5-1 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT ELEVEN

(Tampering with Public Records or Information - Third Degree)

MARCO REBELO

on or about October 9, 2002, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, with purpose to defraud or injure anyone, did knowingly make a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government; that is, the said MARCO REBELO did make a false entry in a New Jersey vehicle certificate of title for one 2000 BMW 540, Vehicle Identification Number WBADN634OYGM65687, by stating that the vehicle was sold to Joanne Kelly, knowing that said information was false, with purpose to defraud the State of New Jersey and others, contrary to the provisions of N.J.S.A. 2C:28-7a(1), and against the peace of this State, the government and dignity of the same.

COUNT TWELVE

(Official Misconduct - Second Degree)

SAMAD ABDEL

on or about December 21, 2001, at the City of Plainfield, in the County of Union, elsewhere, and within the jurisdiction of this Court, being a public servant, and acting with a purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was committed in an unauthorized manner, or knowingly refrain from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office; that is, the said SAMAD ABDEL then and there being a public servant, to wit: a Police Officer with the City of Plainfield Police Department, having thereby the official functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to perform his duties in a fair, unbiased and impartial manner, to display good faith, honesty and integrity and to be impervious to corrupting influences, and to conduct himself with undivided loyalty to his public trust, the said duties being imposed by law and clearly inherent in the nature of his office, knowingly did prepare and submit a police report containing false information, contrary to

the provisions of N.J.S.A. 2C:30-2a, and against the peace of
this State, the government and dignity of the same.

COUNT THIRTEEN

(Official Misconduct - Second Degree)

SAMAD ABDEL

on or about March 21, 2003, at the City of Plainfield, in the County of Union, elsewhere, and within the jurisdiction of this Court, being a public servant, and acting with a purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was committed in an unauthorized manner, or knowingly refrain from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office; that is, the said SAMAD ABDEL then and there being a public servant, to wit: a Police Officer with the City of Plainfield Police Department, having thereby the official functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to perform his duties in a fair, unbiased and impartial manner, to display good faith, honesty and integrity and to be impervious to corrupting influences, and to conduct himself with undivided loyalty to his public trust, the said duties being imposed by law and clearly inherent in the nature of his office, knowingly did prepare and submit a police report containing false information, contrary to

the provisions of N.J.S.A. 2C:30-2a, and against the peace of this State, the government and dignity of the same.

COUNT FOURTEEN

(Official Misconduct - Second Degree)

JOHN A. SMITH

on or about October 29, 2002, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, being a public servant, and acting with a purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was committed in an unauthorized manner, or knowingly refrain from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office; that is, the said JOHN A. SMITH, then and there being a public servant, to wit: a Police Officer with the Borough of Roselle Police Department, having thereby the official functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to perform his duties in a fair, unbiased and impartial manner, to display good faith, honesty and integrity and to be impervious to corrupting influences, and to conduct himself with undivided loyalty to his public trust, the said duties being imposed by law and clearly inherent in the nature of his office, knowingly did prepare and submit a police report containing false information, contrary to

the provisions of N.J.S.A. 2C:30-2a, and against the peace of
this State, the government and dignity of the same.

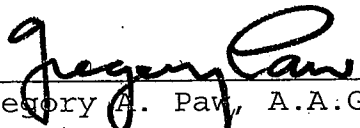
COUNT FIFTEEN

(Official Misconduct - Second Degree)

JOHN A. SMITH

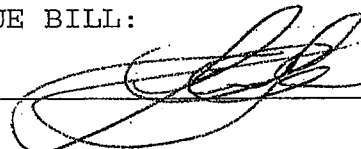
on or about December 11, 2002, at the Borough of Roselle, in the County of Union, elsewhere, and within the jurisdiction of this Court, being a public servant, and acting with a purpose to obtain a benefit for himself or another or to injure or deprive another of a benefit, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was committed in an unauthorized manner, or knowingly refrain from performing a duty which is imposed upon him by law or is clearly inherent in the nature of his office; that is, the said JOHN A. SMITH, then and there being a public servant, to wit: a Police Officer with the Borough of Roselle Police Department, having thereby the official functions and duties, among others, to obey and enforce the laws of the State of New Jersey, to perform his duties in a fair, unbiased and impartial manner, to display good faith, honesty and integrity and to be impervious to corrupting influences, and to conduct himself with undivided loyalty to his public trust, the said duties being imposed by law and clearly inherent in the nature of his office, knowingly did prepare and submit a police report containing false information, contrary to

the provisions of N.J.S.A. 2C:30-2a, and against the peace of
this State, the government and dignity of the same.



Gregory A. Paw, A.A.G.
Director
Division of Criminal Justice

A TRUE BILL:


_____, Foreperson

Dated: 12/6/06