

SUPERIOR COURT OF NEW JERSEY
FILED

JUL 31/2007

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

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IN THE MATTER OF)
STATE GRAND JURY INDICTMENT) ORDER TO UNSEAL INDICTMENT
NUMBER SGJ545-07-3)
STATE OF NEW JERSEY)
v.)
CHARLES JYAMFI)
AIAD SAMAN)
and)
PEDRO DIAZ)

Linda Rinaldi, Deputy Attorney General of the State of New Jersey, having on this date made written and oral application for an order to unseal State Grand Jury Indictment Number SGJ545-07-3, and to unseal the Order of Venue designating a county of venue for the purpose of trial of the said Indictment;

IT IS HEREBY ORDERED on this 31st day of *July* 2007, that the Clerk of the Superior Court unseal and release State Grand Jury Indictment Number SGJ545-07-3 and the Order of Venue designating a county of venue for the purpose of the trial of the said Indictment.

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Maria Marinari Sypek, J.S.C.

SUPERIOR COURT OF N.J.
FILED

JUL 31 2007

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

[Signature]
IN THE MATTER OF)
STATE OF NEW JERSEY)
COUNTY OF MERCER)
NUMBER SGJ545-07-3)

VERIFIED PETITION

STATE OF NEW JERSEY)
COUNTY OF MERCER) SS.)

Linda Rinaldi, of full age, being duly sworn according to law, upon her oath, respectfully petitions the Court as follows:

1. I am a Deputy Attorney General assigned to the Division of Criminal Justice.

2. On July 27, 2007, an Indictment in the above-captioned matter was returned to this Court. On that date the said Indictment and Order of Venue designating a county of venue for the purpose of trial were sealed by Order of this Court dated July 27, 2007.

3. The investigative reasons which supported the sealing of the Indictment and order described in paragraph 2, pursuant to R.3:6-8, no longer prevail.

4. Therefore, I respectfully petition this Court to order the above-captioned Indictment and Order of Venue be unsealed and released as public documents.

[Signature]

Linda Rinaldi
Deputy Attorney General
Division of Criminal Justice

Sworn and subscribed to before me
this 31st day of July, 2007.

[Signature]
Kelley Rotondo, Notary Public NJ
My commission expires May 11, 2012
(ID #2200797)

SUPERIOR COURT, N.J.

FILED

SUPERIOR COURT OF N.J.

REC'D

JUL 31 2007

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

JUL 27 2007

State Grand Jury

Number SGJ545-07-3

Superior Court

Docket Number 07-07-00100-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

CHARLES JYAMFI)

AIAD SAMAN)

and)

PEDRO DIAZ)

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

COUNT ONE

(Racketeering Conspiracy - First Degree)

CHARLES JYAMFI

AIAD SAMAN

and

PEDRO DIAZ

who are named as defendants herein, and other persons whose
identities are both known and unknown to the Grand Jurors, who are
named as conspirators but not as defendants herein (hereinafter
"unindicted co-conspirators"), at the times and places herein
specified, with the purpose of promoting and facilitating the

commission of the crime of racketeering, did commit the crime of conspiracy, that is, the defendants and the unindicted co-conspirators did agree that:

- a. One or more of them knowingly would engage in conduct which would constitute the crime of racketeering, and
- b. One or more of them knowingly would aid the others in the planning, solicitation, and commission of the crime of racketeering, that is:

One or more of the defendants and the unindicted co-conspirators, being persons employed by and associated with an enterprise, which enterprise was engaged in and the activities of which affected trade and commerce, would conduct and participate, directly and indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity, in violation of N.J.S.A. 2C:41-2c and N.J.S.A. 2C:5-2, all as hereinafter described.

The Relevant Times

1. The conspiracy occurred between on or about August 22, 2002, and on or about October 26, 2004.

The Relevant Places

2. The conspiracy took place at the Cities of Newark and East Orange, in the County of Essex, at the city of Elizabeth, in the County of Union, at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court.

The Enterprise

3. Ojah Corporation doing business as Ojah Pharmacy was, during the relevant time period, a New Jersey Corporation, which engaged in and the activities of which affected trade and commerce, and constituted an enterprise within the meaning of N.J.S.A. 2C:41-1(c).

The Enterprise's Affairs

4. Ojah Corporation doing business as Ojah Pharmacy was, during the relevant time period, a pharmacy licensed by the State of New Jersey to publicly operate and dispense medication to the public, and was an authorized provider of health services under the New Jersey Division of Medical Assistance and Health Services Program, also known as Medicaid.

5. Ojah Corporation doing business as Ojah Pharmacy did, during the relevant time period, through its agents and employees, dispense various medications to the public and to beneficiaries of the Medicaid program.

Conduct of the Enterprise's Affairs through a Pattern of

Racketeering

6. One or more of the conspirators did engage in a pattern of racketeering activity, as defined at N.J.S.A. 2C:41-1, including at least two instances of Receiving Stolen Property (N.J.S.A. 2C:20-7) or two instances of Fencing (N.J.S.A. 2C:20-7.1) or two instances of Money Laundering (N.J.S.A. 2C:21-25) from approximately August 22, 2002, to October 26, 2004, all as described herein and in Counts

Three, Five, and Six of this Indictment.

7. The activities of Receiving Stolen Property, Fencing, and Money Laundering involved the same method of commission, that is, the activities involved one or more defendants and unindicted co-conspirators bringing stolen medication, including Sustiva, Viread, Epivir, Kaletra, and others known to the Grand Jurors, in the form of bottles and loose pills (hereinafter "Stolen Medication"), and exchanging the Stolen Medication with the said CHARLES JYAMFI and other unindicted co-conspirators, known to the Grand Jurors, for cash in an amount of approximately 25% to 40% of the value of the Stolen Medication.

8. The affairs of the enterprise were conducted through the aforementioned pattern of receiving Stolen Medication, dealing in Stolen Medication, and Money Laundering, that is, one or more defendants and unindicted co-conspirators used the Stolen Medication at Ojah Pharmacy to dispense medication to the public and to beneficiaries of the Medicaid program.

The Role of the Conspirators

9. The defendants and the unindicted co-conspirators did agree that they would participate, directly and indirectly, in the conduct of the affairs of the enterprise in the following ways:

a. During the relevant time period, the said CHARLES JYAMFI was a licensed pharmacist, owner and president of Ojah Corporation doing business as Ojah Pharmacy.

b. Beginning in approximately 2000 until approximately 2004, the said CHARLES JYAMFI did purchase Stolen Medication from an unindicted co-conspirator, whose identity is known to the Grand Jurors, and did tell that unindicted co-conspirator which medication he the said CHARLES JYAMFI wanted to buy. That unindicted co-conspirator did steal medication from a hospital, and, from approximately September 20, 2002, to July 1, 2004, on approximately 48 occasions, did bring Stolen Medication to Ojah Pharmacy with a total value of approximately \$106,094.

c. Beginning in approximately May, 2003, until approximately 2004, the said CHARLES JYAMFI did repeatedly ask another unindicted co-conspirator, whose identity is known to the Grand Jurors, to steal medication from a hospital, did tell that unindicted co-conspirator exactly which medications to steal, did pay that unindicted co-conspirator 40% of the average wholesale price of the Stolen Medication, and did state to that unindicted co-conspirator that he the said CHARLES JYAMFI only paid the said PEDRO DIAZ 25%. That unindicted co-conspirator did steal medication from a hospital, and, from approximately May 1, 2003, to October 13, 2004, on approximately 29 instances, did bring Stolen Medication with a total value of approximately \$190,499 to Ojah Pharmacy.

d. During the relevant time period, the said AIAD SAMAN was employed as a pharmacist at Ojah Pharmacy, and, from approximately November 23, 2002, to September 24, 2004, on approximately 86

occasions, did bring Stolen Medication to Ojah Pharmacy, with a total value of approximately \$330,984. The said AIAD SAMAN did routinely place the stolen loose pills he brought to Ojah Pharmacy into medication bottles at Ojah Pharmacy, and these bottles were dispensed to the public and beneficiaries of the Medicaid program.

e. From approximately August 22, 2002, to October 26, 2004, the said PEDRO DIAZ, on approximately 178 occasions, did bring Stolen Medication, with a total value of approximately \$1,408,406 to Ojah Pharmacy.

f. In approximately 2002, the said CHARLES JYAMFI did tell an unindicted co-conspirator, whose identity known to the Grand Jurors, who managed the affairs of Ojah Pharmacy, to call the said AIAD SAMAN and PEDRO DIAZ to order medication if Ojah Pharmacy needed Acquired Immune Deficiency Syndrome (AIDS) medication, to purchase Stolen Medication from the said AIAD SAMAN, PEDRO DIAZ, and other unindicted co-conspirators, whose identities are known to the Grand Jurors, pay them cash from the cash register or safe, and to replace the money taken from the cash register or safe by writing Ojah Pharmacy business checks made payable to individuals, known to the Grand Jurors, who cashed the checks.

g. That unindicted co-conspirator, who managed the affairs of Ojah Pharmacy, did, approximately once per week, speak on the telephone with the said PEDRO DIAZ regarding the medication that the said PEDRO DIAZ should bring to Ojah Pharmacy, did purchase Stolen

Medication from the said AIAD SAMAN, PEDRO DIAZ, and other unindicted co-conspirators, known to the Grand Jurors, did pay them cash, did replace the cash by writing Ojah Pharmacy checks, and did maintain a record of these transactions in notebooks.

r. The said CHARLES JYAMFI, PEDRO DIAZ, AIAD SAMAN, and other unindicted co-conspirators, whose identities are known to the Grand Jurors, did transact in Stolen Medication to supply Ojah Pharmacy with medication to dispense and sell to the public.

All in violation of N.J.S.A. 2C:41-2d and N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Racketeering - First Degree)

CHARLES JYAMFI

AIAD SAMAN

and

PEDRO DIAZ

between on or about August 22, 2002, and on or about October 26, 2004, at the Cities of Newark and East Orange, both in the County of Essex, at the City of Elizabeth, in the County of Union, and at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did commit the crime of racketeering, that is, the defendants and other persons employed by and associated with an enterprise engaged in, and the activities of which affected, trade and commerce, purposely and knowingly did conduct and participate, directly and indirectly, in the conduct of the enterprise's affairs through a pattern of racketeering activity.

The Enterprise

3. Ojah Corporation doing business as Ojah Pharmacy was, during the relevant time period, a New Jersey Corporation, which engaged in and the activities of which affected trade and commerce, and constituted an enterprise within the meaning of N.J.S.A. 2C:41-1(c).

The Enterprise's Affairs

4. Ojah Corporation doing business as Ojah Pharmacy was, during the relevant time period, a pharmacy licensed by the State of New

Jersey to publicly operate and dispense medication to the public, and was an authorized provider of health services under the New Jersey Division of Medical Assistance and Health Services Program, also known as Medicaid.

5. Ojah Corporation doing business as Ojah Pharmacy did, during the relevant time period, through its agents and employees, dispense various medications to the public and to beneficiaries of the Medicaid program.

Conduct of the Enterprise's Affairs through a Pattern of
Racketeering

6. One or more of the conspirators did engage in a pattern of racketeering activity, as defined at N.J.S.A. 2C:41-1, including at least two instances of Receiving Stolen Property (N.J.S.A. 2C:20-7) or two instances of Fencing (N.J.S.A. 2C:20-7.1) or two instances of Money Laundering (N.J.S.A. 2C:21-25) from approximately August 22, 2002, to October 26, 2004, all as described herein and in Counts Three, Five, and Six of this Indictment.

CHARLES JYAMFI

did commit the racketeering conduct of Receiving Stolen Property (N.J.S.A. 2C:20-7), Fencing (N.J.S.A. 2C:20-7.1), and Money Laundering (N.J.S.A. 2C:21-25), all of which are the subjects of Counts Three, Five, and Six of this Indictment.

PEDRO DIAZ

did commit the racketeering conduct of Receiving Stolen Property

(N.J.S.A. 2C:20-7) and Fencing (N.J.S.A. 2C:20-7.1) all of which are the subjects of Counts Five and Six of this Indictment.

AIAD SAMAN

did commit the racketeering conduct of Receiving Stolen Property (N.J.S.A. 2C:20-7) and Fencing (N.J.S.A. 2C:20-7.1) all of which are the subjects of Counts Five and and Six of this Indictment.

All in violation of N.J.S.A. 2C:41-2c and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Money Laundering - First Degree)

CHARLES JYAMFI

between on or about August 22, 2002, and on or about October 26, 2004, at the cities of Newark and East Orange, in the County of Essex, at the City of Elizabeth, in the County of Union, and at the Town of Morristown, in the county of Morris, elsewhere, and within the jurisdiction of this Court, did 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 the said CHARLES JYAMFI instructed his employee, whose identity is known to the Grand Jurors, to transact in stolen property by obtaining Stolen Medication from the said AIAD SAMAN, PEDRO DIAZ, and others whose identities are known to the Grand Jurors, and to the said AIAD SAMAN, PEDRO DIAZ, and others for the Stolen Medication with cash from Ojah Pharmacy and to replace the cash by writing and cashing Ojah Pharmacy checks, and the total amount involved is \$500,000 or more, contrary to the provisions of N.J.S.A. 2C:21-25c and N.J.S.A. 2C:21-27, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Conspiracy - Second Degree)

CHARLES JYAMFI

AIAD SAMAN

and

PEDRO DIAZ

between on or about August 22, 2002, and on or about October 26, 2004, at the Cities of Newark and East Orange, in the County of Essex, and at the City of Elizabeth, in the County of Union, and at the Town of Morristown, in the county of Morris, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of fencing and receiving stolen property, did agree that:

- a. one or more of them knowingly would engage in conduct which would constitute the crime of fencing and receiving stolen property, and
- b. one or more of them knowingly would aid the others in the planning, solicitation, and commission of the crime of fencing and receiving stolen property contrary to the provisions of N.J.S.A. 2C:20-7(a) and N.J.S.A. 2C:20-7.1(b).

Among the means by which the aforesaid defendants and unindicted conspirators did carry out the conspiracy are the following:

It was a part of the conspiracy that the said CHARLES JYAMFI,

PEDRO DIAZ, and AIAD SAMAN did buy and sell or aid in the buying or selling of Stolen Medication, and did traffic in, initiate, organize, plan, finance, direct, manage or supervise the trafficking in, or aid in the trafficking, initiating, organizing, planning, financing, directing, managing, or supervising the trafficking in Stolen Medication, where the Stolen Medication had a total approximate value in excess of \$2,000,000.

It was further a part of the said conspiracy that the said CHARLES JYAMFI was, during the relevant time periods, the owner and president of Ojah Corporation doing business as Ojah Pharmacy, and he was a licensed New Jersey pharmacist and the pharmacist-in-charge of Ojah Pharmacy.

It was further a part of the said conspiracy that beginning in approximately 2000 until approximately 2004, the said CHARLES JYAMFI did purchase Stolen Medication from an unindicted co-conspirator, known to the Grand Jurors, and did tell that unindicted co-conspirator which medication he, the said CHARLES JYAMFI, wanted to buy.

It was further a part of the said conspiracy that the unindicted co-conspirator did steal medication from a hospital, whose identity is known to the Grand Jurors, and, from approximately September 20, 2002, to July 1, 2004, on approximately 48 occasions, did bring Stolen Medication to Ojah Pharmacy with a total value of approximately \$106,094.

It was further a part of the said conspiracy that beginning in approximately May, 2003, until approximately 2004, the said CHARLES JYAMFI did repeatedly ask another unindicted co-conspirator, whose identity is known to the Grand Jurors, to steal medication from a hospital, did tell that unindicted co-conspirator exactly which medications to steal, did pay that unindicted co-conspirator 40% of the average wholesale price of the Stolen Medication, and did state to that unindicted co-conspirator that he, the said CHARLES JYAMFI only paid the said PEDRO DIAZ 25%.

It was further a part of the said conspiracy that the unindicted co-conspirator did steal medication from a hospital, and, from approximately May 1, 2003, to October 13, 2004, on approximately 29 instances, did bring Stolen Medication with a total value of approximately \$190,499 to Ojah Pharmacy.

It was further a part of the said conspiracy that during the relevant time period, the said AIAD SAMAN was employed as a pharmacist at Ojah Pharmacy, and, from approximately November 23, 2002, to September 24, 2004, on approximately 86 occasions, did bring Stolen Medication to Ojah Pharmacy, with a total value of approximately \$330,984.

It was further a part of the said conspiracy that the said AIAD SAMAN did routinely place the stolen loose pills he brought to Ojah Pharmacy into medication bottles at Ojah Pharmacy, and these bottles were dispensed to the public and beneficiaries of the Medicaid

program.

It was further a part of the said conspiracy that from approximately August 22, 2002, to October 26, 2004, the said PEDRO DIAZ, on approximately 178 occasions, did bring Stolen Medication, with a total value of approximately \$1,408,406 to Ojah Pharmacy.

It was further a part of the said conspiracy that in approximately 2002, the said CHARLES JYAMFI did tell another unindicted co-conspirator, whose identity is known to the Grand Jurors, who managed the affairs of Ojah Pharmacy, to call the said AIAD SAMAN and PEDRO DIAZ to order medication if Ojah Pharmacy needed Acquired Immune Deficiency Syndrome (AIDS) medication, to purchase Stolen Medication from the said AIAD SAMAN, PEDRO DIAZ, and other unindicted co-conspirators, whose identities are known to the Grand Jurors, and pay them cash.

It was further a part of the said conspiracy that the unindicted co-conspirator, who managed the affairs of Ojah Pharmacy, did, approximately once per week, speak on the telephone with the said PEDRO DIAZ regarding the medication that he, the said PEDRO DIAZ, should bring to Ojah Pharmacy, did purchase Stolen Medication from the said AIAD SAMAN, PEDRO DIAZ, and other unindicted co-conspirators, known to the Grand Jurors, did pay them cash, did replace the cash by writing Ojah Pharmacy checks, and did maintain a record of these transactions in notebooks.

It was further a part of the said conspiracy that the said

CHARLES JYAMFI, PEDRO DIAZ, AIAD SAMAN, and other unindicted co-conspirators, whose identities are known to the Grand Jurors, did transact in Stolen Medication to supply Ojah Pharmacy with medication to dispense and sell to the public.

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 FIVE

(Fencing - Second Degree)

CHARLES JYAMFI

AIAD SAMAN

and

PEDRO DIAZ

between on or about August 22, 2002, and on or about October 26, 2004, at the Cities of Newark and East Orange, both in the County of Essex, at the City of Elizabeth, in the County of Union, and at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did knowingly traffic in, initiate, organize, plan, finance, direct, manage or supervise the trafficking in stolen property, that is, the said CHARLES JYAMFI, AIAD SAMAN, and PEDRO DIAZ did traffic in, and aided one another in the trafficking in Stolen Medications, including Sustiva, Viread, Epivir, Kaletra, and others known to the Grand Jurors, with a total value of in excess of \$75,000, contrary to the provisions of N.J.S.A. 2C:20-7.1(b), N.J.S.A. 2C:20-2b(4), and N.J.S.A. 2C:2-6 and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Receiving Stolen Property - Second Degree)

CHARLES JYAMFI

AIAD SAMAN

and

PEDRO DIAZ

between on or about August 22, 2002, and on or about October 26, 2004, at the Cities of Newark and East Orange, in the County of Essex, and at the City of Elizabeth, in the County of Union, and at the Town of Morristown, in the County of Morris, elsewhere, and within the jurisdiction of this Court, did knowingly receive movable property of another knowing that it had been stolen, or believing that it is probably stolen, that is, the said CHARLES JYAMFI did receive Stolen Medication, including Sustiva, Viread, Epivir, Kaletra, and others known to the Grand Jurors, from the said AIAD SAMAN, PEDRO DIAZ, and others, whose identities are known to the Grand Jurors, with a total value in excess of \$75,000, which the said CHARLES JYAMFI, AIAD SAMAN, and PEDRO DIAZ knew had been stolen, or which they believed was probably stolen, contrary to the provisions of N.J.S.A. 2C:20-7(a), N.J.S.A. 2C:20-2b(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

(Perjury - Third Degree)

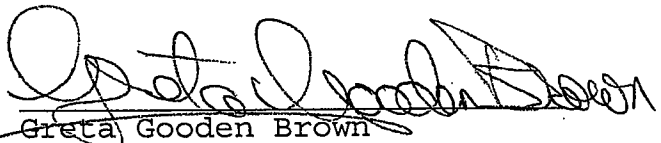
AIAD SAMAN

on February 9, 2005, at the City of Trenton, in the County of Mercer, elsewhere, and within the jurisdiction of this Court, in an official proceeding, that is, in the matter of a State Grand Jury investigation, knowingly did make false statements under oath when such statements were material and which the said AIAD SAMAN did not believe to be true, that is:

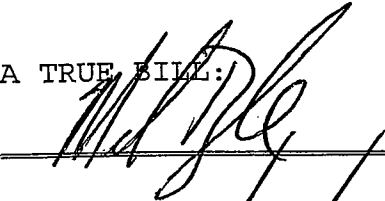
(a) that he (AIAD SAMAN) did not see any baggies of pills at Ojah Pharmacy;

(b) and that he (AIAD SAMAN) did not see anyone filling bottles of medication with pills at Ojah Pharmacy;

which statements the said AIAD SAMAN did not believe to be true, contrary to the provisions of N.J.S.A. 2C:28-1, and against the peace of this State, the government and dignity of the same.


Greta Gooden Brown
Insurance Fraud Prosecutor
Division of Criminal Justice

A TRUE BILL:


_____, Foreperson

Dated: 2/27/07

SUPERIOR COURT OF N.J.
REC'D

SUPERIOR COURT OF N.J.
FILED

JUL 27 2007

JUL 31 2007

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

Andrew J. Filly
Acting Clerk

Andrew J. Filly
Clerk

State Grand Jury

Number SGJ545-07-3

Superior Court

Docket Number

07-07-00100-S

STATE OF NEW JERSEY)

v.)

CHARLES JYAMFI)

AIAD SAMAN)

and)

PEDRO DIAZ)

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 *27th* day of *July*, 2007,
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.

Maria Marinari Sypek
Maria Marinari Sypek, J.S.C.