

SUPERIOR COURT OF N.J.  
FILED

MAR 26 2007



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 536-07-8

Superior Court

Docket Number 07-03-00025-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

MICHAEL P. KELLY )

and )

KATHRYN E. TEMPLE )

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

COUNT ONE

(Theft by Failure to Make Required Disposition - Third Degree)

MICHAEL P. KELLY

and

KATHRYN E. TEMPLE

between on or about July 22, 2005, and on or about August 1,  
2005, at the Township of Mount Olive, in the County of Morris,  
elsewhere, and within the jurisdiction of this Court, purposely  
did obtain or retain property having a value of \$500 or more upon  
agreement or subject to a known legal obligation to make  
specified payment or other disposition and did deal with the  
property as his or her own and did fail to make the required  
payment or disposition, that is, the said MICHAEL P. KELLY and

KATHRYN E. TEMPLE purposely did obtain or retain money in the approximate amount of \$51,531 from the Coleman Spohn Corporation on agreement and subject to a known legal obligation to transmit those funds to an insurance carrier or other surety for the purpose of obtaining a valid Payment and Performance Bond to assure the work of Coleman Spohn Corporation, and did deal with the funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Theft by Failure to Make Required Disposition - Second Degree)

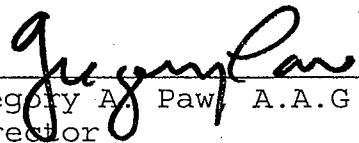
MICHAEL P. KELLY

and


KATHRYN E. TEMPLE

between on or about August 29, 2005, and on or about September 19, 2005, at the Township of Mount Olive, in the County of Morris, elsewhere, and within the jurisdiction of this Court, purposely did obtain or retain property having a value of \$75,000 or more upon agreement or subject to a known legal obligation to make specified payment or other disposition and did deal with the property as his or her own and did fail to make the required payment or disposition, that is, the said MICHAEL P. KELLY and KATHRYN E. TEMPLE purposely did obtain or retain money in the approximate amount of \$169,651 from the Coleman Spohn Corporation on agreement and subject to a known legal obligation to transmit those funds to an insurance carrier or other surety for the purpose of obtaining a valid Payment and Performance Bond to assure the work of Coleman Spohn Corporation, and did deal with the funds as their own and did fail to make the required payment or disposition, contrary to the provisions of N.J.S.A. 2C:20-9

and N.J.S.A. 2C:2-6, 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: 3/26/07