

SUPERIOR COURT OF N.J.
FILED

JUN 04 2008

Christian P. Hyman
Acting Clerk

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ558-08-2
Superior Court
Docket Number 08-06-00110-S

STATE OF NEW JERSEY)

 V.) INDICTMENT

KENNETH MITAN)

also known as)

JOHN HILL)

CHARRO PANKRATZ)

DAVID WENDELL)

TRACY WEISS)

 and)

BRUCE ATHERTON)

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

COUNT ONE

(Financial Facilitation of Criminal Activity - First Degree)

KENNETH MITAN

CHARRO PANKRATZ

and

BRUCE ATHERTON

between on or about November 19, 2007, and in or about February
2008, at the Township of Buena Vista, in the County of Atlantic,
at the City of Vineland, in the County of Cumberland, and in the

State of Kentucky, elsewhere and within the jurisdiction of this Court, knowingly did engage in transactions involving property in an amount of \$500,000 or more, known or which a reasonable person would believe to be derived from criminal activity, that is theft by deception, contrary to the provisions of N.J.S.A. 2C:20-4, with the intent to facilitate or promote the criminal activity; or 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, contrary to the provisions of N.J.S.A. 2C:21-25b, 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 Deception - Second Degree)

KENNETH MITAN

CHARRO PANKRATZ

DAVID WENDELL

TRACY WEISS

and

BRUCE ATHERTON

between on or about November 19, 2007, and in or about February 2008, at the Township of Buena Vista, in the County of Atlantic, at the City of Vineland, in the County of Cumberland, and in the State of Kentucky, elsewhere and within the jurisdiction of this Court, did purposely obtain the property of another in an amount of \$75,000 or more, that is, the said KENNETH MITAN, CHARRO PANKRATZ, DAVID WENDELL, TRACY WEISS and BRUCE ATHERTON, did purposely obtain \$75,000 or more by creating or reinforcing false impressions that the purchase of the business of Tuckahoe Enterprises by Superior Foods, Inc. was a legitimate business purchase,

WHEREAS IN TRUTH AND IN FACT, as the said KENNETH MITAN, CHARRO PANKRATZ, DAVID WENDELL, TRACY WEISS and BRUCE ATHERTON then and there well knew, that the representations made regarding the purchase of Tuckahoe Enterprises was designed to gain control over the accounts receivables and assets of the business without

paying for the same, contrary to the provisions of N.J.S.A.

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

COUNT THREE

(Conspiracy - First Degree)

KENNETH MITAN

CHARRO PANKRATZ

and

BRUCE ATHERTON

between on or about November 19, 2007, and in or about February 2008, at the Township of Buena Vista, in the County of Atlantic, at the City of Vineland, in the County of Cumberland and in the State of Kentucky, elsewhere and within the jurisdiction of this Court, with the purpose of promoting or facilitating the crimes of financial facilitation of criminal activity (money laundering) and theft by deception did agree together that:

A. One or more of them would engage in conduct which would constitute the aforementioned 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 the aforesaid crimes, that is:

1. Financial Facilitation of Criminal Activity, in that one or more of them did knowingly engage in a transaction involving property in an amount of \$500,000 or more, known or which a reasonable person would believe to be derived from criminal activity with the

intent to facilitate or promote the criminal activity or knowing that the transaction was 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, contrary to N.J.S.A. 2C:21-25;

2. Theft by deception, in that one or more of them did purposely obtain property of another with a value of \$75,000 or more by deception, contrary to N.J.S.A. 2C:20-4;

All contrary to the provisions of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Bad Checks -- Second Degree)

CHARRO PANKRATZ

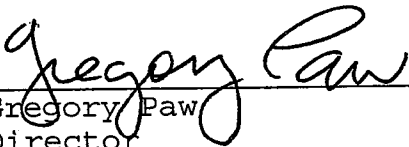
between on or about November 19, 2007, and in or about December 11, 2007, at the Township of Buena Vista, in the County of Atlantic, at the City of Vineland, in the County of Cumberland, elsewhere and within the jurisdiction of this Court, did knowingly pass bank checks drawn on Newfield National Bank, with a value of \$75,000 or more, knowing that Newfield National Bank would not honor said checks, contrary to the provisions of N.J.S.A. 2C:21-5, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Possession of a Controlled Dangerous Substance - Third Degree)

CHARRO PANKRATZ

on or about January 23, 2008, at the City of Vineland, in the County of Cumberland, elsewhere and within the jurisdiction of this Court, did unlawfully possess a controlled dangerous substance, to wit: cocaine, contrary to N.J.S.A. 2C:35-10a.(1), and against the peace of this State, the government and dignity of the same.



Gregory Paw
Director
Division of Criminal Justice

A TRUE BILL:



Foreperson

6-4-08

Date

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Christian P. Higgins
Acting Clerk

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LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ558-08-2

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STATE OF NEW JERSEY)

v.)

ORDER OF VENUE

KENNETH MITAN)

also known as)

JOHN HILL)

CHARRO PANKRATZ)

DAVID WENDELL)

TRACY WEISS)

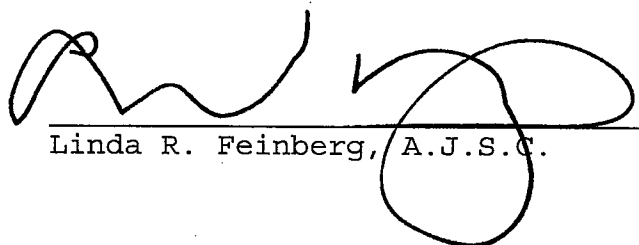
and)

BRUCE ATHERTON)

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

IT IS ORDERED on this 4th day of June, 2008, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Atlantic 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 Atlantic for filing.


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