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DEC 3

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL**

State Grand Jury

Number SGJ577-09-1(7)

Superior Court

Docket Number 09-12-00303-S

STATE OF NEW JERSEY)

v.)

SAMUEL GONZALEZ)

and)

JOAQUIN CACERES)

INDICTMENT

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

COUNT ONE

(Election Fraud - Second Degree)

SAMUEL GONZALEZ

and

JOAQUIN CACERES

between on or about October 1, 2007 and on or about November 6, 2007, at the City of Newark, in the County of Essex, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, knowingly and willfully deprived, defrauded or attempted to deprive or defraud the residents of this State of a fair and impartially conducted election by the procurement, casting or tabulation of voter registration applications or ballots that were known by SAMUEL GONZALEZ and

JOAQUIN CACERES to be materially false, fictitious or fraudulent, that is the said SAMUEL GONZALEZ and JOAQUIN CACERES, knowingly procured, cast or tabulated with Essex County election officials absentee voter registration applications or ballots purporting to be the voter registration applications or ballots of certain residents of this State for the 2007 General Election for State Senate, for the 29th Legislative District, when, in fact, as they well knew, the named residents were not aware of, nor did otherwise authorize, the casting or tabulation of those ballots, contrary to the provisions of N.J.S.A. 19:34-1.1(a)(2), 2C:2-6 and 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Absentee Ballot Fraud - Third Degree)

SAMUEL GONZALEZ

and

JOAQUIN CACERES

between on or about October 1, 2007 and on or about November 6, 2007, at the City of Newark, in the County of Essex, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, knowingly and with intent to commit fraud enabled another person, not entitled, to vote, certified falsely on any paper required under the Absentee Voting Law, N.J.S.A. 19:57-1 et seq., or tampered with any ballot or

document used in an election, that is the said SAMUEL GONZALEZ and JOAQUIN CACERES falsely certified or submitted documents related to the procurement, casting, or tabulation of absentee ballots for the 2007 General Election for State Senate, for the 29th Legislative District, contrary to the provisions of N.J.S.A. 19:57-37 and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Tampering with Public Records or Information - Third Degree)

SAMUEL GONZALEZ

and

JOAQUIN CACERES

between on or about October 1, 2007 and on or about November 6, 2007, at the City of Newark, in the County of Essex, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with purpose to defraud or injure, did make, present, offer for filing or use, or caused to be made, presented, offered for filing or used, any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, or required by law to be kept by others for information of the government, to wit: the said SAMUEL GONZALEZ and JOAQUIN CACERES falsely certified or submitted documents related to the procurement, casting, or tabulation of absentee ballots for the 2007 General Election for State Senate, for the 29th Legislative District, contrary to the provisions of N.J.S.A. 2C:28-7(a)(2) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Forgery - Fourth Degree)

SAMUEL GONZALEZ

and

JOAQUIN CACERES

between on or about October 1, 2007 and on or about November 6, 2007, at the City of Newark, in the County of Essex, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with the purpose to defraud or injure another, did utter to Essex County election officials, a writing, that is, documents related to the procurement, casting, or tabulation of absentee ballots, knowing the same to made, completed, executed, authenticated, issued or transferred, so that it purported to be the act of residents of this State for the 2007 General Election for State Senate, for the 29th Legislative District, who did not authorize that act, contrary to the provisions of N.J.S.A. 2C:21-1(a)(3) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Conspiracy - Second Degree)

SAMUEL GONZALEZ

and

JOAQUIN CACERES

between on or about October 1, 2007 and on or about November 6, 2007, at the City of Newark, in the County of Essex, and at the City of Trenton, in the County of Mercer, elsewhere and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes enumerated below, did agree that:

A. ~~One or more of them knowingly would engage in conduct~~

which would constitute the aforesaid crime(s), or

B. One or more of them knowingly would aid in the planning, solicitation or commission of said crime(s), that is:

1. Election Fraud, in that SAMUEL GONZALEZ and JOAQUIN CACERES, knowingly and willfully deprived, defrauded or attempted to deprive or defraud the residents of this State of a fair and impartially conducted election by the procurement, casting or tabulation of voter registration applications or ballots that were known by SAMUEL GONZALEZ and JOAQUIN CACERES to be materially false, fictitious or fraudulent, that is the said SAMUEL GONZALEZ and JOAQUIN CACERES, knowingly procured, cast or tabulated with Essex County election officials absentee ballots

purporting to be the ballots of certain residents of this State for the 2007 General Election for State Senate, for the 29th Legislative District, when, in fact, as they well knew, the named residents were not aware of, nor did otherwise authorize, the casting or tabulation of those ballots, contrary to the provisions of N.J.S.A. 19:34-1.1(a)(2);

2. Absentee Ballot Fraud, in that SAMUEL GONZALEZ and JOAQUIN CACERES, knowingly certified falsely on any paper required under the Absentee Civilian and Military Service Voting Act, N.J.S.A. 19:57-2 et seq., or tampered with any ballot or document used in an election, that is the said SAMUEL GONZALEZ and JOAQUIN CACERES falsely certified or submitted documents

related to the procurement, casting, or tabulation of absentee ballots for the 2007 General Election for State Senate, for the 29th Legislative District, contrary to the provisions of N.J.S.A. 19:57-37;

3. Tampering with Public Records or Information, in that SAMUEL GONZALEZ and JOAQUIN CACERES, with purpose to defraud or injure, did make, present, offer for filing or use, or caused to be made, presented, offered for filing or used, any record, document or thing knowing it to be false, and with the purpose that it be taken as a genuine part of information or records belonging to, received or kept by, the government for information or record, or required by law to be kept by others for

information of the government, to wit: the said SAMUEL GONZALEZ and JOAQUIN CACERES falsely certified or submitted documents related to the procurement, casting, or tabulation of absentee ballots, for the 2007 General Election for State Senate, for the 29th Legislative District, contrary to the provisions of N.J.S.A. 2C:28-7(a)(2); and

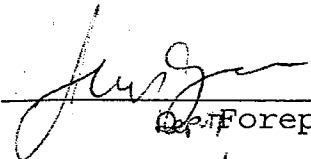
4. Forgery, in that SAMUEL GONZALEZ and JOAQUIN CACERES, with the purpose to defraud or injure another, did utter to Essex County election officials, a writing, that is, documents related to the procurement, casting, or tabulation of absentee ballots, knowing the same to made, completed, executed, authenticated, issued or transferred, so that it purported to be the act of

residents of this State for the 2007 General Election for State Senate, for the 29th Legislative District, who did not authorize that act, contrary to the provisions of N.J.S.A. 2C:21-1(a)(3).

All contrary to the provisions of N.J.S.A. 2C:5-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same


Deborah L. Gramiccioni, Director,
Division of Criminal Justice

A TRUE BILL:


Foreperson

Dated: 12/1/09