

FILED

DEC 01 2009

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL SUPERIOR COURT  
CLERK'S OFFICE

DONALD E. NISAN  
CLERK OF SUPERIOR COURT  
STATE OF N.J.  
RECORDED & INDEXED  
DEC 01 2009

State Grand Jury  
Number SGJ577-09-1(1)  
Superior Court  
Docket Number 09-12-00302-S

STATE OF NEW JERSEY )  
DEPUTY CLERK OF SUPERIOR COURT )  
JONATHON KOWALSKI, )  
JOHN FERNANDEZ )  
and )  
EDWIN CRUZ )

INDICTMENT

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

COUNT ONE

(Election Fraud - Second Degree)

JONATHON KOWALSKI,  
JOHN FERNANDEZ  
and  
EDWIN CRUZ

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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ to be materially false, fictitious or fraudulent, that is the said JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ, 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)

JONATHON KOWALSKI,

JOHN FERNANDEZ

and

EDWIN CRUZ

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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ 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)

JONATHON KOWALSKI,

JOHN FERNANDEZ

and

EDWIN CRUZ

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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ 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)

JONATHON KOWALSKI,

JOHN FERNANDEZ

and

EDWIN CRUZ

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)

JONATHON KOWALSKI,

JOHN FERNANDEZ

and

EDWIN CRUZ

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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ, 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ to be materially false, fictitious or fraudulent, that is the said JONATHON KOWALSKI, JOHN FERNANDEZ

and EDWIN CRUZ, 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ, 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ, 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ 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 JONATHON KOWALSKI, JOHN FERNANDEZ and EDWIN CRUZ, 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 be 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  
Deborah L. Gramiccioni, Director,  
Division of Criminal Justice

A TRUE BILL:

Justine  
Asst. Foreperson  
Dated: 12/1/09