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JUL 09 2009

**SUPERIOR COURT
CLERK'S OFFICE**

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ574-09-7-S

Superior Court

Docket Number 09-07-00132-S

STATE OF NEW JERSEY)
)
v.)
)
NEIL COHEN)

SUPERSEDING
INDICTMENT

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

COUNT ONE

(Official Misconduct - Second Degree)

NEIL COHEN

in or about July, 2008, in the City of Trenton, in the County of Mercer, in the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said NEIL COHEN, acting with the purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit, did commit an act relating to his office, but constituting an unauthorized exercise of his official functions, knowing that such act was unauthorized or that he was committing it in an unauthorized manner, or did refrain from performing a duty

imposed upon him by law or clearly inherent in the nature of his office; that is, the said NEIL COHEN, then and there being a public servant, to wit: a member of the New Jersey General Assembly, elected for and by the people of Twentieth (20th) Legislative District of the State of New Jersey, having thereby the official functions and duties, among others, to faithfully represent the citizens of the Twentieth (20th) Legislative District of the State of New Jersey, to utilize public property entrusted to him by virtue of his office for the public good, to refrain from using public property for private purposes, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, did utilize public property entrusted to him by the State of New Jersey, through the Office of Legislative Services, to wit: the premises of Twentieth (20th) Legislative District Office and one or more computers located therein, to knowingly possess or knowingly view one or more photograph(s), computer program(s) or file(s) depicting a child engaged in a prohibited sexual act or in the simulation of such an act, as defined by N.J.S.A. 2C:24-4b(1), including on the Internet, contrary to the provisions of N.J.S.A. 2C:24-4b(5)(b), with the purpose to secure a benefit to himself or another, contrary to the provisions of N.J.S.A. 2C:30-2, and against the peace of this State, the government and dignity of same.

COUNT TWO

(Endangering the Welfare of a Child)

(Reproduction of Child Pornography - Second Degree)

NEIL COHEN

in or about July, 2008, in the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, did use a device: to wit: a computer printer, to reproduce or reconstruct the image of a child engaging in a prohibited sexual act, or in the simulation of such an act, as defined by N.J.S.A. 2C:24-4b(1), contrary to the provisions of N.J.S.A. 2C:24-4b(4), and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Endangering the Welfare of a Child)

(Distribution of Child Pornography - Second Degree)

NEIL COHEN

in or about July, 2008, in the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, did knowingly give, provide, lend, trade, mail, deliver, transfer, publish, distribute, circulate, or disseminate, through any means, including the Internet, one or more photograph(s), computer program(s) or file(s), or any other reproduction or reconstruction, which depicts a child engaging in a prohibited sexual act, or in the simulation of such an act, as defined by N.J.S.A. 2C:24-4b(1), contrary to the provisions of N.J.S.A. 2C:24-4b(5)(a), and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Endangering the Welfare of a Child)

(Possession of Child Pornography - Fourth Degree)

NEIL COHEN

in or about July, 2008, in the Township of Union, in the County of Union, elsewhere, and within the jurisdiction of this Court, did knowingly possess or knowingly view one or more photograph(s), computer program(s) or file(s) depicting a child engaged in a prohibited sexual act or in the simulation of such an act, as defined by N.J.S.A. 2C:24-4b(1), including on the Internet, contrary to the provisions of N.J.S.A. 2C:24-4b(5)(b), and against the peace of this State, the government and dignity of the same.

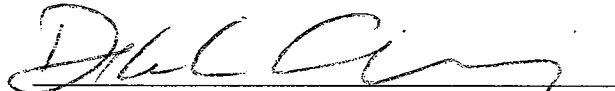
COUNT FIVE

(Endangering the Welfare of a Child)


(Possession of Child Pornography - Fourth Degree)

NEIL COHEN

in or about July, 2008, in the Township of Montclair, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did knowingly possess or knowingly view one or more photograph(s), computer program(s) or file(s) depicting a child engaged in a prohibited sexual act or in the simulation of such an act, as defined by N.J.S.A. 2C:24-4b(1), including on the Internet, contrary to the provisions of N.J.S.A. 2C:24-4b(5)(b), and against the peace of this State, the government and dignity of the same.


Deborah L. Gramiccioni, A.A.G.
Director,
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: 7/9/09

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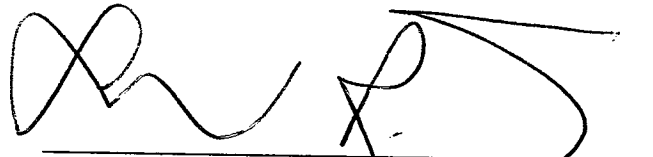
NEIL COHEN)

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 9th day of July, 2009, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Mercer 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 Mercer for filing.



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