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Linda R. Feinberg, AJSC

**State Grand Jury Judge**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ611-11-7

Superior Court

Docket Number 11-11-00157-S

STATE OF NEW JERSEY

)

INDICTMENT

v.

)

RASHAAN SMITH

)

JASON THOMAS

)

and

)

TYRONE CANADA

)

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

COUNT ONE

(Conspiracy - Second Degree)

RASHAAN SMITH

JASON THOMAS

and

TYRONE CANADA

between on or about September 28, 2009, and on or about December  
7, 2009, at the City of East Orange, in the County of Essex,  
elsewhere, and within the jurisdiction of this Court, with the  
purpose of promoting or facilitating the commission of the

crimes of official misconduct, computer crimes, and tampering with public records, did agree together that:

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

1. Knowingly commit an act relating to the office of a public servant but constituting an unauthorized exercise of said public servant's official functions, knowing that such act was unauthorized or was being committed in an unauthorized manner, or knowingly refrain from performing a duty which is imposed upon said public servant by law or which is clearly inherent in the nature of the public office, with purpose to obtain a benefit for the public servant or another, contrary to the provisions of N.J.S.A. 2C:30-2.

2. Purposely or knowingly and without authorization, or in excess of authorization, alter any data, data base, computer, computer storage medium, computer program, computer computer system, or computer network, contrary to the provisions of N.J.S.A. 2C:20-25(b).

3. With purpose to defraud the New Jersey Motor Vehicle Commission, knowingly make a false entry in, or false alteration of, any record, document or thing belonging to, or

received or kept by, the government for information or record, or required by law to be kept by others for information of the government, with purpose that it be taken as a genuine part of any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government, contrary to the provisions of N.J.S.A. 2C:28-7a(2).

The Grand Jurors aforesaid, upon their oaths, do further present that:

It was part of the said conspiracy that RASHAAN SMITH, a Customer Service Representative for the New Jersey Motor Vehicle Commission, issued a New Jersey Motor Vehicle Commission driver's license to an individual who could not legitimately obtain and was not authorized to receive a New Jersey Motor Vehicle Commission driver's license.

It was part of the said conspiracy that JASON THOMAS and TYRONE CANADA assisted said individual who could not legitimately obtain a New Jersey Motor Vehicle Commission driver's license to obtain a New Jersey Motor Vehicle Commission driver's license from RASHAAN SMITH.

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

COUNT TWO

(Official Misconduct - Second Degree)

RASHAAN SMITH

JASON THOMAS

and

TYRONE CANADA

on or about November 21, 2009, at the City of East Orange, in the County of Essex, elsewhere, and within the jurisdiction of this Court, did commit the offense of official misconduct, in that the said RASHAAN SMITH, being a public servant, that is, a Customer Service Representative for the New Jersey Motor Vehicle Commission, East Orange Agency, and acting with purpose to obtain a benefit for himself or another or to injure or to deprive another of a benefit, did commit an act or acts relating to his office, but constituting unauthorized exercises of his official functions, knowing that such acts were unauthorized or that he was committing them in an unauthorized manner, or did knowingly refrain from performing a duty imposed upon him by law or clearly inherent in the nature of his office, that is, the said RASHAAN SMITH, while employed by the New Jersey Motor Vehicle Commission, East Orange Agency, there by performing a governmental function, having thereby the official functions and duties, among others, to verify that individuals applying for New Jersey driver's licenses are thereby authorized to receive

said licenses, to process and issue New Jersey Motor Vehicle Commission driver's licenses, 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, with the assistance of JASON THOMAS and TYRONE CANADA, with purpose to secure a benefit for themselves or another, process or issue a New Jersey Motor Vehicle Commission driver's license, without obtaining or receiving the proper documentation for same, contrary to the provisions of N.J.S.A. 2C:30-2 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of same.

COUNT THREE

(Computer Criminal Activity - Second Degree)

RASHAAN SMITH

JASON THOMAS

and

TYRONE CANADA

on or about November 21, 2009, at the City of East Orange, in the County of Essex, elsewhere, and within the jurisdiction of this Court, purposely or knowingly and without authorization, or in excess of authorization, did alter the New Jersey Motor Vehicle Commission data base or other computer storage medium, that is, the said RASHAAN SMITH, being a Customer Service Representative for the New Jersey Motor Vehicle Commission, East Orange Agency, with the assistance of JASON THOMAS and TYRONE CANADA, altered the New Jersey Motor Vehicle Commission Database or other computer storage medium by entering false data that a New Jersey Driver's license was properly issued to a member of the New Jersey Division of Criminal Justice who at all times relevant to this Indictment was working in an undercover capacity, contrary to the provisions of N.J.S.A. 2C:20-25(b), and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

(Tampering with Public Records or Information - Third Degree)

RASHAAN SMITH

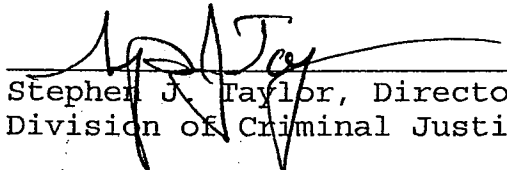
JASON THOMAS

and

TYRONE CANADA

on or about November 21, 2009, at the City of East Orange, in the County of Essex, elsewhere, and within the jurisdiction of this Court, with the purpose to defraud or injure another, knowingly did make a false entry in, or false alteration of, any record, document or thing belonging to, or received or kept by, the government for information or record, or required by law to be kept by others for information of the government; that is, the said JASON THOMAS and TYRONE CANADA, with the assistance of RASHAAN SMITH, did make or offer for filing or use a New Jersey Motor Vehicle Commission Application for a Renewal of a New Jersey driver's license containing false information, which was submitted to the New Jersey Motor Vehicle Commission with the purpose that it be taken as a genuine part of the records kept by the State of New Jersey, New Jersey Motor Vehicle Commission, with the purpose to defraud or injure another, contrary to the provisions of N.J.S.A. 2C:28-7a(2) and N.J.S.A. 2C:2-6, and

against the peace of this State, the government and dignity of  
the same.

  
\_\_\_\_\_  
Stephen J. Taylor, Director  
Division of Criminal Justice

A TRUE BILL:

  
\_\_\_\_\_  
Foreperson

Date: 11/28/11



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DEC 05 2011

State Grand Jury Judge

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

NOV 28 2011

Linda R. Feinberg, AJSC

State Grand Jury

Number SGJ611-11-7

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STATE OF NEW JERSEY

v.

RASHAAN SMITH

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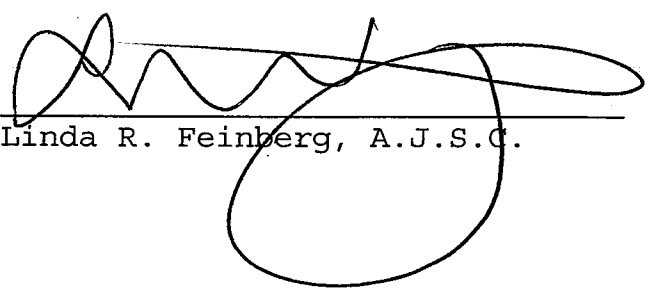
TYRONE CANADA

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 28<sup>th</sup> day of November, 2011, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Essex 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 Essex for filing.

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

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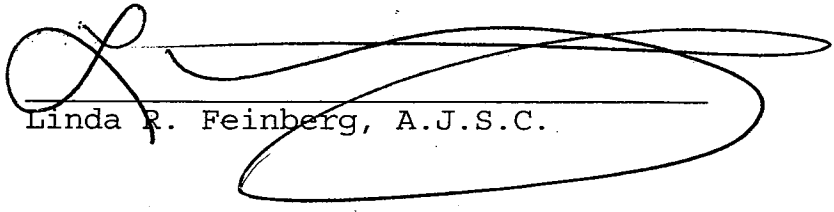
SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

**State Grand Jury Judge**

IN THE MATTER OF )  
STATE GRAND JURY INDICTMENT ) ORDER TO UNSEAL INDICTMENT  
NUMBER SGJ611-11-7 )  
STATE OF NEW JERSEY )  
v. )  
RASHAAN SMITH )

Andrew M. Butchko, Deputy Attorney General of the State of New Jersey, having on this date made written and oral application for an order to unseal State Grand Jury Indictment Number SGJ611-11-7, and to unseal the Order of Venue designating a county of venue for the purpose of trial of the said Indictment.

IT IS HEREBY ORDERED on this 5<sup>th</sup> day of December, 2011, that the Clerk of the Superior Court unseal and release State Grand Jury Indictment Number SGJ611-11-7 and the Order of Venue designating a county of venue for the purpose of the trial of the said Indictment.

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

FILED

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SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury Judge

IN THE MATTER OF )

STATE GRAND JURY INDICTMENT )

VERIFIED PETITION

NUMBER SGJ611-11-7 )

STATE OF NEW JERSEY )

SS.

COUNTY OF MERCER )

Andrew M. Butchko, of full age, being duly sworn according to law, upon his oath, respectfully petitions the Court as follows:

1. I am a Deputy Attorney General assigned to the Division of Criminal Justice.

2. On November 28, 2011 an Indictment in the above-captioned matter was returned to this Court. On that date the said Indictment and Order of Venue designating a county of venue for the purpose of trial were sealed by Order of this Court dated November 28, 2011.


3. The investigative reasons which supported the sealing of the Indictment and order described in paragraph 2, pursuant to R.3:6-8, no longer prevail.

4. Therefore, I respectfully petition this Court to order the above-captioned Indictment and Order of Venue be unsealed and released as public documents.



Andrew M. Butchko  
Deputy Attorney General  
Division of Criminal Justice

Sworn and subscribed to before me  
this 5<sup>th</sup> day of December, 2011.

  
Kelley L. Rotondo, Notary Public NJ  
My commission expires May 11, 2012  
(ID #2200797)

