

**FILED**

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**SUPERIOR COURT  
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ574-09-5

Superior Court

Docket Number 09-09-00184-S

STATE OF NEW JERSEY )

v. )

INDICTMENT

MARTY SMALL, )

LUQUAY ZAHIR A/K/A )  
LUQUA MCNAIR, )

DAVID CALLAWAY, )

FLOYD TALLY A/K/A )  
FLOYD HARRELL, )

MARK CRUMBLE A/K/A )  
JOHNNY CRUMBLES, )

TRACY PIJUAN, )

MICHELE GRIFFIN, )

TONI DIXON, )

DEMARIS JONES, )

RAMONA STEPHENS, )

ERNEST STORR, )

THOMAS QUIRK, )

DAMEKA CROSS, )

AND )

RONALD HARRIS. )

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

COUNT ONE

(Conspiracy - Second Degree)

MARTY SMALL

LUQUAY ZAHIR A/K/A LUQUA MCNAIR

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DAVID CALLAWAY

FLOYD TALLY A/K/A FLOYD HARRELL

MARK CRUMBLE A/K/A JOHNNY CRUMBLES

TRACY PIJUAN

MICHELE GRIFFIN

TONI DIXON

DEMARIS JONES

RAMONA STEPHENS

ERNEST STORR

THOMAS QUIRK

DAMEKA CROSS

AND

RONALD HARRIS

between on or about March 25, 2009 and on or about August 6, 2009, at the City of Atlantic City, in the County of Atlantic, 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 of Election Fraud, Absentee Ballot Fraud, Tampering With Public Records, Falsifying or Tampering with Records, Forgery, Hindering

Apprehension or Prosecution, 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 one or more of them would knowingly and willfully deprive, defraud or attempt to deprive or defraud the residents of this State of a fair and impartially conducted election by the procurement, casting or tabulation of ballots that were known to be materially false, fictitious or fraudulent, that is:

(i) one or more of them would knowingly and willfully procure, cast, attempt to procure, attempt to cast, assist in procuring or assist in casting absentee ballots purporting to be the ballots of certain residents of the City of Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City, when, in fact, as they well knew, the named residents were not aware of the casting or tabulation of those ballots, did not otherwise authorize the casting or tabulation of those ballots or did not themselves complete those ballots;

(ii) one or more of them would knowingly and willfully procure, attempt to procure or assist in procuring absentee ballots for one or more residents of the City of

Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City, but not deliver the absentee ballot to the aforesaid resident or not cast or deliver the absentee ballot to the Atlantic County Board of Elections after it had been ~~completed by the aforesaid resident;~~

(iii) one or more of them would knowingly and willfully cast, attempt to cast or assist in casting absentee ballots for one or more residents of the City of Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City after improperly engaging in electioneering, to wit: while acting as the voter's messenger in the absentee ballot process, violating the secrecy of the absentee ballots by campaigning for a particular candidate or instructing the voter to vote for a specific candidate; and

(iv) one or more of them would knowingly and willfully procure, submit, cast, attempt to procure, attempt to submit, attempt to cast, assist in procuring, assist in submitting or assist in casting one or more voter registration applications or absentee ballots purporting to be the voter registration applications or ballots of certain residents of Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City, when, in fact, as they well knew, the named residents were not residents of Atlantic City, all contrary to the provisions of N.J.S.A. 19:34-1.1(a)(2) and N.J.S.A. 2C:5-1;

2. Absentee Ballot Fraud, in that one or more of them would knowingly and with the intent to commit fraud enable another person, not entitled, to vote, would certify falsely in a paper required under the Absentee Voting Law, N.J.S.A. 19:57-1 et seq., ~~or would tamper with one or more absentee ballots or other~~ documents used in an election, that is, that one or more of them would falsely certify or submit false documents related to the procurement, casting, or tabulation of absentee ballots for the 2009 Democratic Primary Election for Mayor of Atlantic City, contrary to the provisions of N.J.S.A. 19:57-37 and N.J.S.A. 2C:5-1;

3. Tampering with Public Records or Information, in that one or more of them, with purpose to defraud or injure, would make a false entry in a record, document or thing 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, or would make, present, offer for filing or use 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, that is, one or more of them would falsely certify or submit documents related to the procurement, casting, or tabulation of absentee ballots for

the 2009 Democratic Primary Election for Mayor of Atlantic City, knowing the same to be false, contrary to the provisions of N.J.S.A. 2C:28-7(a)(2) and N.J.S.A. 2C:5-1;

4. Falsifying or Tampering with Records, in that one or ~~more of them, with purpose to deceive or injure another or to~~ conceal a wrongdoing, would falsify or utter a writing or record, that is, one or more documents related to the procurement, casting, or tabulation of absentee ballots for the 2009 Democratic Primary Election for Mayor of Atlantic City, knowing it to contain a false statement or information, contrary to the provisions of N.J.S.A. 2C:21-4(a) and N.J.S.A. 2C:5-1;

5. Forgery, in that one or more of them, with the purpose to defraud or injure another, would utter to Atlantic County election officials, one or more writings, that is, documents related to the procurement, casting, or tabulation of absentee ballots for the 2009 Democratic Primary Election for Mayor of Atlantic City, knowing the same to be made, completed, executed, authenticated, issued or transferred, so that the writings purported to be the act of one or more residents of the City of Atlantic City, 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:5-1; and

6. Hindering Apprehension or Prosecution, in that one or more of them, with purpose to hinder their own apprehension,

prosecution, conviction or punishment or the apprehension, prosecution, conviction or punishment of another, would give false information to a law enforcement officer, contrary to the provisions of N.J.S.A. 2C:29-3(a)(7) and N.J.S.A. 2C:29-3(b)(4).

~~Among the means by which the aforesaid conspirators would~~  
carry out the conspiracy are the following:

It was part of the conspiracy that one or more of them, while purporting to act as authorized messengers or bearers, would cast false or fraudulent messengered absentee ballots on behalf of voters who were not aware of the casting of those ballots or who did not authorize the casting of those ballots in the 2009 Democratic Primary Election for Mayor of Atlantic City.

It was further part of the conspiracy that one or more of them, while purporting to act as authorized messengers or bearers, would submit messengered absentee ballot applications for voters of the City of Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City to the Atlantic County Clerk's Office but not deliver the absentee ballot to the voter who had completed the application.

It was further part of the conspiracy that one or more of them, while purporting to act as authorized messengers or bearers, would have voters of the City of Atlantic City complete messengered absentee ballot applications and absentee ballots at the same time in the 2009 Democratic Primary Election for Mayor

of Atlantic City.

It was further part of the conspiracy that one or more of them, while purporting to act as authorized messengers or bearers, would instruct voters of the City of Atlantic City to ~~complete messengered absentee ballot applications in the 2009~~ Democratic Primary Election for Mayor of Atlantic City but not fill in the names of the messengers, thereby allowing the conspirators to fill in the names of the messengers.

It was further part of the conspiracy that one or more of them, while purporting to act as authorized messengers, would improperly engage in electioneering, that is, campaign for a particular candidate in the presence of the voter or instruct the voter to vote for a specific candidate in the 2009 Democratic Primary Election for Mayor of Atlantic City.

It was further part of the conspiracy that one or more of them would procure or submit voter registration applications or absentee ballot applications purporting to be applications on behalf of Atlantic City residents for the 2009 Democratic Primary Election for Mayor of Atlantic City when, in fact, as the conspirator(s) well knew, the named residents were not residents of Atlantic City.

It was further part of the conspiracy that one or more of them would procure and cast absentee ballots purporting to be the ballots of Atlantic City residents for the 2009 Democratic

Primary Election for Mayor of Atlantic City when, in fact, as the conspirator(s) well knew, the voters were not residents of Atlantic City.

It was further part of the conspiracy that one or more of ~~them would falsify or tamper with official documents, or falsely~~ certify to facts on official documents relating to the procurement, casting or tabulation of absentee ballots for the 2009 Democratic Primary Election for Mayor of Atlantic City.

It was further part of the conspiracy that one or more of them would unseal messengered absentee ballots, destroy votes for candidates opposing MARTY SMALL or replace ballots voting for an opponent with ballots voting for MARTY SMALL.

It was further part of the conspiracy that the campaign would enlist the assistance of a "secret army" of operatives whose purpose was to assist in obtaining messengered absentee ballots for MARTY SMALL by, among other things, engaging in the aforesaid crimes.

It was further part of the conspiracy that the conspirators would participate in an "autograph party" during which the conspirators filled in their own names as designated messengers in the absentee ballot applications where that information had been left blank by the voters and where the conspirators did not act as authorized messengers for those voters.

The Grand Jurors aforesaid, upon their oaths, do further

present that in pursuance of the said conspiracy, the following OVERT ACTS, among others, were committed:

1. Messengers DAVID CALLAWAY, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, FLOYD TALLY A/K/A FLOYD HARRELL, TONI DIXON, RAMONA ~~STEPHENS, MICHELE GRIFFIN or DEMARIS JONES~~ encouraged voters who were not sick or confined to fill out messengered absentee ballot applications.

2. Messengers DAVID CALLAWAY, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, FLOYD TALLY A/K/A FLOYD HARRELL, TONI DIXON, RAMONA STEPHENS, MICHELE GRIFFIN or DEMARIS JONES submitted messengered absentee ballots to the Atlantic County Clerk's Office when, in fact, the voters were not sick or confined.

3. Messengers DAVID CALLAWAY, LUQUAY ZAHIR A/K/A LUQUA MCNAIR or TONI DIXON allowed voters to fill out messengered absentee ballot applications but not to designate a messenger on the application. A messenger would then be designated at a later date by one or more of the conspirators.

4. Messenger RAMONA STEPHENS and others forged the signatures of one or more voters on messengered absentee ballot applications or documents submitted to or cast with the Atlantic County Clerk's office or the Atlantic County Board of Elections.

5. After submitting messengered absentee ballot applications to the Atlantic County Clerk's Office, messengers DAVID CALLAWAY, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, TONI DIXON or MICHELE GRIFFIN

failed to deliver one or more absentee ballots to the voters who had completed the applications. Instead, one or more conspirators cast absentee ballots for those voters.

6. After submitting messengered absentee ballot applications ~~to the Atlantic County Clerk's Office, messengers DAVID CALLAWAY~~ or TONI DIXON failed to deliver one or more absentee ballots to the voters who had completed the applications but instead returned to the voter with only the envelope from the absentee ballot package. Messengers DAVID CALLAWAY or TONI DIXON then instructed the voter to sign the envelope flap. Absentee ballots were then cast for those voters.

7. In one or more cases where messengers DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL or MICHELE GRIFFIN delivered absentee ballots to voters, messengers DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL or MICHELE GRIFFIN instructed the voter to vote for a specific candidate, to wit: MARTY SMALL.

8. Messengers DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL, MICHELE GRIFFIN or DEMARIS JONES instructed and allowed voters to fill out messengered absentee ballot applications and absentee ballots at the same time and during the same visit. These ballots were then cast.

9. Messenger RAMONA STEPHENS and others submitted voter registration applications and messengered absentee ballot applications for the 2009 Democratic Primary Election for Mayor

of Atlantic City to the Atlantic County Clerk's office on behalf of individuals who the said RAMONA STEPHENS and others knew were not residents of Atlantic City.

10. In a conversation, MARTY SMALL indicated to one or more ~~conspirators that those individuals collecting absentee ballots~~ for the campaign would be paid, with more money being paid the more ballots were collected.

11. In a conversation, MARTY SMALL indicated that MARK CRUMBLE A/K/A JOHNNY CRUMBLES would be running the absentee ballot part of the campaign and that the said MARTY SMALL and others needed to be careful.

12. In one or more conversations, MARK CRUMBLE A/K/A JOHNNY CRUMBLES and ERNEST STORR instructed other conspirators on how to act as messengers and handle the ballots so that the votes would be counted for MARTY SMALL.

13. In a conversation, LUQUAY ZAHIR A/K/A LUQUA MCNAIR instructed other conspirators that the "messenger" and "proxy" information should be left blank on the absentee ballot application and that the application should be brought back and handed in to him. LUQUAY ZAHIR A/K/A LUQUA MCNAIR further stated that other individuals would then fill out the proxy and messenger information designating themselves as such.

14. On or about May 14, 2009, a campaign worker returned eleven (11) messengered absentee ballot applications signed by

voters to campaign headquarters and delivered them to LUQUAY ZAHIR A/K/A LUQUA MCNAIR. As previously instructed, the messenger information had been left blank in the applications. Ultimately, three of these applications were submitted to the ~~Atlantic County Clerk's Office with LUQUAY ZAHIR A/K/A LUQUA~~ MCNAIR designated as the messenger. The voters had not designated LUQUAY ZAHIR A/K/A LUQUA MCNAIR as their messenger.

15. An "autograph party" or "signing party" was conducted by absentee ballot messengers selected by MARTY SMALL, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, RONALD HARRIS, MARK CRUMBLE A/K/A JOHNNY CRUMBLES or DAVID CALLAWAY. During this "autograph party," the said absentee ballot messengers filled in their own names as designated messengers in the absentee ballot applications where that information had been left blank by the voters.

16. At the direction of MARTY SMALL and others, conspirators RONALD HARRIS, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL and RAMONA STEPHENS opened sealed absentee ballots to ensure that the voters had voted for MARTY SMALL, then resealed and cast the absentee ballots voting for MARTY SMALL but destroyed absentee ballots voting for other mayoral candidates.

17. One or more conspirators provided false information to law enforcement officers, including but not limited to signed, false certifications or statements of voters and false testimony

before the State Grand Jury disclaiming knowledge of their own or others' role in the conspiracy.

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

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COUNT TWO

(Election Fraud - Second Degree)

MARTY SMALL

LUQUAY ZAHIR A/K/A LUQUA MCNAIR

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~~DAVID CALLAWAY~~

FLOYD TALLY A/K/A FLOYD HARRELL

MARK CRUMBLE A/K/A JOHNNY CRUMBLES

TRACY PIJUAN

MICHELE GRIFFIN

TONI DIXON

DEMARIS JONES

RAMONA STEPHENS

ERNEST STORR

THOMAS QUIRK

DAMEKA CROSS

AND

RONALD HARRIS

between on or about March 25, 2009 and on or about June 2, 2009,  
at the City of Atlantic City, in the County of Atlantic, 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 ballots

that were known by the said MARTY SMALL, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL, MARK CRUMBLE A/K/A JOHNNY CRUMBLES, TRACY PIJUAN, MICHELE GRIFFIN, TONI DIXON, DEMARIS JONES, RAMONA STEPHENS, ERNEST STORR, THOMAS QUIRK, DAMEKA CROSS AND RONALD HARRIS to be materially false, fictitious or fraudulent, that is, the said MARTY SMALL, LUQUAY ZAHIR A/K/A LUQUA MCNAIR, DAVID CALLAWAY, FLOYD TALLY A/K/A FLOYD HARRELL, MARK CRUMBLE A/K/A JOHNNY CRUMBLES, TRACY PIJUAN, MICHELE GRIFFIN, TONI DIXON, DEMARIS JONES, RAMONA STEPHENS, ERNEST STORR, THOMAS QUIRK, DAMEKA CROSS AND RONALD HARRIS, knowingly and willfully procured, cast, attempted to procure, attempted to cast, assisted in procuring or assisted in casting absentee ballots purporting to be the ballots of certain residents of the City of Atlantic City for the 2009 Democratic Primary Election for Mayor of Atlantic City, when, in fact, as they well knew, the named residents were not aware of the casting or tabulation of those ballots, did not otherwise authorize the casting or tabulation of those ballots or did not themselves complete those ballots, contrary to the provisions of N.J.S.A. 19:34-1.1(a)(2), N.J.S.A. 2C:2-6 and N.J.S.A. 2C:5-1, and against the peace of this State, the government and dignity of same.