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2013

State Grand Jury Judge

State Grand Jury Judge

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ646-13-4(1)

Superior Court

Docket Number 13-12-00223-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

JUAN F. DONOSO)

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

COUNT ONE

(Official Misconduct - Second Degree)

JUAN F. DONOSO

between on or about August 1, 2011 and on or about December 22, 2011, at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, the said JUAN F. DONOSO being a public servant, that is, Member of the Board of Education for the City of Elizabeth School District, having thereby the official functions and duties, among others, to utilize the services of Board of Education employees in a legal, lawful and proper manner for the discharge of his official

duties, to refrain from using or attempting to use his official position to secure unwarranted privileges or advantages for himself, members of his immediate family or others, to perform his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, and acting with a purpose to obtain a benefit for himself or another, did commit an act relating to his office but constituting an unauthorized exercise of his official functions, knowing that such act was committed in an unauthorized manner, that is, the said JUAN F. DONOSO, in his official position as a Member of the Board of Education for the City of Elizabeth, did solicit and direct others, that is, the Board attorney for the Board of Education for the City of Elizabeth School District and another attorney providing legal services to the Board of Education, whose identities are known to the Grand Jurors, to take action on his behalf for the personal benefit of the said JUAN F. DONOSO, unrelated to his role as a Member of the Board of Education, and the said attorneys thereafter taking such action to personally benefit the said JUAN F. DONOSO, to wit, directing an employee of the Board of Education to remove a household application for Free and Reduced Price School Meals, filed on behalf of the family of the said JUAN F. DONOSO, from the records of the Board of Education, and, furthermore, directing the said employee to alter an electronic computer entry in the Board's

computer system related to the said household application, with the purpose to secure a non-pecuniary benefit to himself or another, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Official Misconduct - Second Degree)

JUAN F. DONOSO

between on or about August 1, 2011 and on or about December 22, 2011, at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, did, with the purpose of promoting or facilitating the commission of the offense of official misconduct, solicit a public servant to commit, or did aid or agree or attempt to aid said public servant in planning or committing, an act relating to the said public servant's office but constituting an unauthorized exercise of the said public servant's official functions, knowing that such act was committed in an unauthorized manner, with the purpose of obtaining a benefit for himself or another, that is, the said JUAN F. DONOSO did solicit, either directly or indirectly, or aid or agree or attempt to aid a public servant, that is, the Board attorney for the Board of Education for the City of Elizabeth School District, whose identity is known to the Grand Jurors, who is a coconspirator but not named as defendant herein, having thereby the official functions and duties, among others, to accept service of legal process, including subpoenas duces tecum, on behalf of the Board of Education and to produce records and documents fully responsive to said subpoenas, to provide legal advice to Board of Education members and employees, to perform

his duties in a legal and proper manner, to display good faith, honesty and integrity, and to be impervious to corrupting influences, to take action with regard to a household application for Free and Reduced Price School Meals, filed on behalf of the family of the said JUAN F. DONOSO, and the said public servant removing from the records of the Board of Education the said household application after the said public servant accepted service of a State Grand Jury subpoena duces tecum on behalf of the Board of Education, knowing the said household application was responsive to the said subpoena, and concealed the said household application, preventing its production to the State Grand Jury, and the public servant, furthermore, directing an employee of the Board of Education to alter an electronic computer entry in the Board's computer system related to the said household application, with the purpose to secure a non-pecuniary benefit to himself or another, contrary to the provisions of N.J.S.A. 2C:30-2a and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Tampering with Public Records or Information - Third Degree)

JUAN F. DONOSO

between on or about August 1, 2011 and on or about December 22, 2011, at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, did purposely and unlawfully destroy, conceal, remove, mutilate or otherwise impair the verity or availability 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, purposely and unlawfully conceal or remove a household application for Free and Reduced Price School Meals, from the records of the Board of Education for the City of Elizabeth School District, with the purpose to defraud or injure anyone, contrary to the provisions of N.J.S.A. 2C:28-7a(3) 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 or Fabricating Physical Evidence - Fourth Degree)

JUAN F. DONOSO

between on or about August 1, 2011 and on or about December 22, 2011, at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, believing that an official proceeding or investigation was pending or about to be instituted, did alter, destroy, conceal or remove any article, object, record, document or other thing of physical substance with purpose to impair its verity or availability in such proceeding or investigation, that is, the said JUAN F. DONOSO did, believing that an official investigation was pending or about to be instituted, conceal and remove a household application for Free and Reduced Price School Meals, from the records of the Board of Education for the City of Elizabeth School District with purpose to impair its availability in such proceeding or investigation, contrary to the provisions of N.J.S.A. 2C:28-6(1) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Hindering Apprehension or Prosecution - Fourth Degree)

JUAN F. DONOSO


between on or about August 1, 2011 and on or about December 22, 2011, at the City of Elizabeth, in the County of Union, elsewhere, and within the jurisdiction of this Court, with purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another for an offense, did suppress, by way of concealment or destruction, any evidence of the crime, or tamper with a witness, informant, document or other source of information, regardless of its admissibility in evidence, which might aid in the discovery or apprehension of such person or in lodging of a charge against him, that is, the said JUAN F. DONOSO, with the purpose to hinder the detention, apprehension, investigation, prosecution, conviction or punishment of another, whose identity is known to the Grand Jurors, for an offense, did suppress, by way of concealment or destruction, evidence of the crime, and did tamper with a document or other source of information, which might aid in the lodging of a charge against such person, contrary to the provisions of N.J.S.A. 2C:29-3a(3) and N.J.S.A. 2C:2-6, and

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



Elie Honig, Director
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: 12/09/13

FILED

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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

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STATE OF NEW JERSEY)

v.)


JUAN F. DONOSO)

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 December, 2013, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Union 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 Union for filing.


~~Mary C. Jacobson, A.J.S.C.~~
Thomas W. Sumners, Jr.