

FILED
MAR 1 - 2017
SUPERIOR COURT OF NJ
MERCER VICINAGE
CRIMINAL DIVISION

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury
Number SGJ698-17-5
Superior Court 17-03-00037-S
Docket Number

STATE OF NEW JERSEY)
)
 v.) INDICTMENT
BYUNG KANG)
)
 AND)
)
 SOO KANG)

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

COUNT ONE

(Conspiracy - Second Degree)

BYUNG KANG

AND

SOO KANG

who are named as defendants herein, between on or about June 7, 2010 and on or about April 28, 2016, at the Township of Little Falls, in the County of Passaic, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting or facilitating the commission of the crimes of Distribution of a Controlled Dangerous Substance, Money Laundering, and Tax Evasion did agree that:

A. One or more of them knowingly would engage in conduct which would constitute the aforesaid crime, or

B. One or more of them knowingly would aid in the planning, solicitation, or commission of said crime, that is:

1. Knowingly or purposely distribute a controlled dangerous substance, that is, Oxycodone, a Schedule II narcotic drug, in a quantity of one ounce or more, including any adulterants or dilutants, contrary to the provisions of N.J.S.A. 2C:35-5a(1) and N.J.S.A. 2C:35-5b(4).

2. Knowingly did transport or possess property, in an amount more than \$500,000, known or which a reasonable person would believe to be derived from criminal activity, contrary to the provisions of N.J.S.A. 2C:21-25(a).

3. With intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did file, prepare, cause to be filed or assist in the preparation or filing of a false or fraudulent return, report, statement, or application for the calendar years ending in 2014 and 2015, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure Law [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-10.

4. With intent to evade, avoid, or otherwise not make timely payment of the tax required to be paid pursuant to

N.J.S.A. 54:48-1 et seq., for the calendar years ending in 2014 and 2015, did fail to pay and turn over the gross income taxes due, contrary to the provisions of N.J.S.A. 54:52-9.

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

COUNT TWO

(Distribution of a Controlled Dangerous Substance - Second
Degree)

BYUNG KANG

between on or about June 7, 2010 and on or about April 28, 2016,
at the Township of Little Falls, in the County of Passaic,
elsewhere, and within the jurisdiction of this Court, knowingly
or purposely did distribute a controlled dangerous substance,
that is, Oxycodone, contrary to the provisions of N.J.S.A. 2C:35-
5a and N.J.S.A. 2C:35-5(b)(4), and against the peace of this
State, the government, and dignity of the same.

COUNT THREE

(Distribution of a Controlled Dangerous Substance on or within
1,000 feet of School Property - Third Degree)

BYUNG KANG

between on or about June 7, 2010 and on or about April 28, 2016,
at the Township of Little Falls, in the County of Passaic,
elsewhere, and within the jurisdiction of this Court, knowingly
or purposely did possess with intent to distribute a controlled
dangerous substance, that is, oxycodone, in violation of N.J.S.A.
2C:35-5a, while within 1,000 feet of the Little Falls #2 School,
which is owned by or leased to the Little Falls Board of
Education and used for school purposes, contrary to the
provisions of N.J.S.A. 2C:35-7, and against the peace of this
State, the government and dignity of the same.

COUNT FOUR

(Strict Liability for Drug-Induced Death - First Degree)

BYUNG KANG

on or about December 1, 2014, at the Township of Little Falls, in the County of Passaic, elsewhere, and within the jurisdiction of this Court, did manufacture, distribute or dispense a Schedule II controlled dangerous substance or analog thereof, that is Oxycodone, in violation of N.J.S.A. 2C:35-5a, and Michael Justice did die on or about December 6, 2014, as a result of injecting, inhaling, or ingesting the Oxycodone distributed or dispensed by BYUNG KANG, M.D., contrary to the provisions of N.J.S.A. 2C:35-9a, and against the peace of this State, the government and dignity of the same.

COUNT FIVE

(Money Laundering - First Degree)

BYUNG KANG

AND

SOO KANG

between on or about June 7, 2010 and on or about April 28, 2016, at the Township of Little Falls, in the County of Passaic, elsewhere, and within the jurisdiction of this Court, knowingly did transport or possess property, in an amount more than \$500,000, known or which a reasonable person would believe to be derived from criminal activity, that is, BYUNG KANG and SOO KANG did transport or possess property, in an amount more than \$500,000 in U.S. currency, known or which a reasonable person would believe to be derived from criminal activity, that is, proceeds from the unlawful distribution of Oxycodone, a Schedule II controlled dangerous substance, contrary to the provisions of N.J.S.A. 2C:21-25(a), and against the peace of this State, the government and dignity of the same.

COUNT SIX

(Filing Fraudulent Tax Return - Third Degree)

BYUNG KANG

AND

SOO KANG

between in or about April 2015 and in or about April 2016, at the Township of Little Falls, in the County of Passaic, elsewhere, and within the jurisdiction of this Court, with intent to defraud the State or to evade, avoid, or otherwise not make timely payment of any tax, fee, penalty, interest, or any part thereof which shall be due pursuant to the provisions of the State Tax Uniform Procedure law [R.S. 54:48-1 et seq.], did file, prepare, cause to be filed or assist in the preparation or filing of a false or fraudulent return, report, statement, or application for the calendar years ending in 2014 and 2015, as required to be filed pursuant to the provisions of the State Tax Uniform Procedure Law [R.S. 54:48-1 et seq.], contrary to the provisions of N.J.S.A. 54:52-10 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT SEVEN

(Failure to Pay Gross Income Tax - Third Degree)

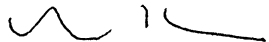
BYUNG KANG

AND

SOO KANG

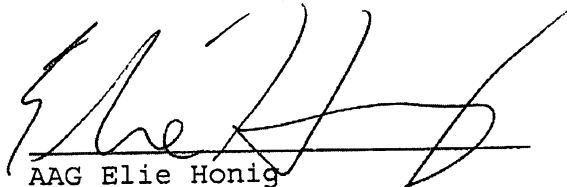
between in or about April 2014 and in or about April 2016, at the Township of Little Falls, in the County of Passaic, elsewhere, and within the jurisdiction of this Court, with intent to evade, avoid, or otherwise not make timely payment of the tax required to be paid pursuant to N.J.S.A. 54:48-1 et seq., for the calendar years ending in 2014 and 2015, did fail to pay and turn over the gross income taxes due, contrary to the provisions of N.J.S.A. 54:52-9 and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

A TRUE BILL:



Foreperson

Dated: 3/1/17



AAG Elie Honig
Director
Division of Criminal Justice

FILED
MAR 1 - 2017
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MERCER VICINAGE
CRIMINAL DIVISION

SUPERIOR COURT OF NEW JERSEY
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STATE OF NEW JERSEY)

v.)

ORDER OF VENUE

BYUNG KANG)

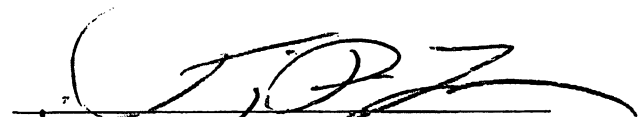
AND)

SOO KANG)

An Indictment having been returned to this Court by the State Grand Jury in the above captioned matter,

IT IS ORDERED on this 1st day of March, 2017, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Passaic 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 Passaic for filing.



Timothy P. Lydon, J.S.C.