

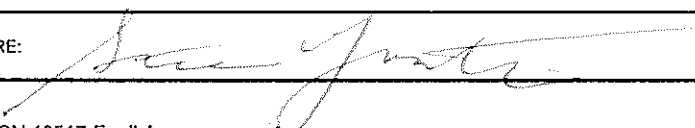


FEB 10 2014

Appendix XII-B1

 <p align="center">CIVIL CASE INFORMATION STATEMENT (CIS)</p> <p align="center">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		FOR USE BY CLERK'S OFFICE ONLY			
		ATTORNEY / PRO SE NAME DAG Steven A. Yomtov		PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA	
		TELEPHONE NUMBER (609) 292-9086		CHG/CK NO.	
		COUNTY OF VENUE Mercer		AMOUNT:	
		FIRM NAME (if applicable) NJ Attorney General's Office, Division of Criminal Justice		OVERPAYMENT:	
OFFICE ADDRESS P.O. Box 086 25 Market Street Trenton, New Jersey 08625-0086		DOCUMENT TYPE Verified Complaint			
NAME OF PARTY (e.g., John Doe, Plaintiff) State of New Jersey, Plaintiff		DOCKET NUMBER (when available) L 250-14			
CASE TYPE NUMBER (See reverse side for listing) 701		JURY DEMAND <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
RELATED CASES PENDING? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YOU HAVE CHECKED "YES," SEE <i>N.J.S.A. 2A:53 A -27</i> AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.			
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS United States v. Tony F. Mack, et al., Criminal No. 12-795 (MAS)			
NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known)		<input type="checkbox"/> NONE <input type="checkbox"/> UNKNOWN			
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.					
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION					
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS			
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION Defendant is currently the Mayor of the City of Trenton. To our knowledge, defendant has not yet resigned from office following his convictions in federal court. Plaintiff, the State of New Jersey, by way of this application is seeking forfeiture, inter alia, of defendant's public office. Accordingly, the State is respectfully seeking accelerated disposition of the matter with an expedited return date.					
 Do you or your client need any disability accommodations? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION			
Will an interpreter be needed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?			
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i> .					
ATTORNEY SIGNATURE: 					



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT) | 288 PRUDENTIAL TORT LITIGATION |
| 271 ACCUTANE/ISOTRETINOIN | 289 REGLAN |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION |
| 278 ZOMETHA/ARELIA | 291 PELVIC MESH/GYNECARE |
| 279 GADOLINIUM | 292 PELVIC MESH/BARD |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 282 FOSAMAX | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 284 NUVARING | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 601 ASBESTOS |
| 287 YAZYASMIN/OCELLA | 623 PROPECIA |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY
BY: STEVEN A. YOMTOV - ATTY NO. 059141994
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
P.O. BOX 086
TRENTON, NEW JERSEY 08625
(609) 292-9086

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L 250-14.

CIVIL ACTION

STATE OF NEW JERSEY,	:	
	:	ORDER TO SHOW CAUSE SEEKING
Plaintiff,	:	FORFEITURE OF PUBLIC OFFICE AND
	:	POSITION, PERMANENT DISQUALIFICATION
v.	:	FROM ANY POSITION OF PUBLIC HONOR,
	:	TRUST, OR PROFIT, AND FORFEITURE OF
TONY F. MACK,	:	PENSION AND RETIREMENT BENEFITS.
	:	
Defendant.	:	

This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, attorney for the State of New Jersey (Steven A. Yomtov, Deputy Attorney General, appearing) and the Court having read and filed the Verified Complaint, and good cause having been shown,

IT IS on this _____ day of _____, 2014

ORDERED that defendant, Tony F. Mack, show cause before the Superior Court of New Jersey, Law Division, Mercer County, at the Mercer County Court House, Trenton, New Jersey, on the _____ day of _____, 2014 at _____ o'clock, or as soon thereafter as defendant or counsel may be heard, why summary judgment granting the relief sought in the Verified Complaint in this action should not be entered, declaring that pursuant to

N.J.S.A. 2C:51-2 defendant has forfeited any public office, position or employment held by him by reason of a jury verdict in the United States District Court for the District of New Jersey on February 7, 2014 for violating 18 U.S.C. § 1951(a) and (b) (2), 18 U.S.C. § 666(a) (1) (B) and Section 2, and 18 U.S.C. §§ 1341, 1343 and 1346, that he may no longer exercise the powers and privileges of any public position he holds, that he may no longer receive compensation or payment of any kind in connection with that position, and that because such offenses involved or touched upon his former position as Mayor for the City of Trenton, he is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions and that he has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor, pursuant to N.J.S.A. 43:1-3.1a; and it is further

ORDERED that verified copies of this Order to Show Cause and the Verified Complaint be served, either personally or by certified mail, upon defendant or his attorney within _____ days from the date hereof by attorney for plaintiff or his designee; and it is further

ORDERED that defendant shall file with the Clerk of the Superior Court his Answer to the Verified Complaint together with a sworn and signed statement setting forth each and every public

office, position and employment, elective and appointive, under the government of this State and any administrative and political subdivision thereof, held by defendant and any membership in any State and locally-administered pension fund(s) or retirement system(s) in which defendant participated at the time of the commission of his crimes and which covered defendant's position as Mayor or any other public position(s) for which his crimes involved or touched, and shall serve copies thereof upon John J. Hoffman, Acting Attorney General of New Jersey, Attorney for the State of New Jersey, Richard J. Hughes Justice Complex, P.O. Box 086, Trenton, New Jersey 08625 (Attention: Steven A. Yomtov, Deputy Attorney General) at least _____ days before the return date of this Order; and it is further

ORDERED that, if defendant intends to file answering affidavits or briefs on or before the return date of this Order, he shall serve copies upon the attorney for the State of New Jersey at least _____ days before the return date of this Order.

Honorable Mary C. Jacobson, A.J.S.C.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY
BY: STEVEN A. YOMTOV - ATTY NO. 059141994
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
P.O. BOX 086
TRENTON, NEW JERSEY 08625
(609) 292-9086

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L 250-14.

CIVIL ACTION

STATE OF NEW JERSEY, :
Plaintiff, :
v. :
TONY F. MACK, :
Defendant. :

ORDER TO SHOW CAUSE SEEKING
FORFEITURE OF PUBLIC OFFICE AND
POSITION, PERMANENT DISQUALIFICATION
FROM ANY POSITION OF PUBLIC HONOR,
TRUST, OR PROFIT, AND FORFEITURE OF
PENSION AND RETIREMENT BENEFITS.

This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, attorney for the State of New Jersey (Steven A. Yomtov, Deputy Attorney General, appearing) and the Court having read and filed the Verified Complaint, and good cause having been shown,

IT IS on this _____ day of _____, 2014

ORDERED that defendant, Tony F. Mack, show cause before the Superior Court of New Jersey, Law Division, Mercer County, at the Mercer County Court House, Trenton, New Jersey, on the _____ day of _____, 2014 at _____ o'clock, or as soon thereafter as defendant or counsel may be heard, why summary judgment granting the relief sought in the Verified Complaint in this action should not be entered, declaring that pursuant to

N.J.S.A. 2C:51-2 defendant has forfeited any public office, position or employment held by him by reason of a jury verdict in the United States District Court for the District of New Jersey on February 7, 2014 for violating 18 U.S.C. § 1951(a) and (b)(2), 18 U.S.C. § 666(a)(1)(B) and Section 2, and 18 U.S.C. §§ 1341, 1343 and 1346, that he may no longer exercise the powers and privileges of any public position he holds, that he may no longer receive compensation or payment of any kind in connection with that position, and that because such offenses involved or touched upon his former position as Mayor for the City of Trenton, he is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions and that he has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor, pursuant to N.J.S.A. 43:1-3.1a; and it is further

ORDERED that verified copies of this Order to Show Cause and the Verified Complaint be served, either personally or by certified mail, upon defendant or his attorney within _____ days from the date hereof by attorney for plaintiff or his designee; and it is further

ORDERED that defendant shall file with the Clerk of the Superior Court his Answer to the Verified Complaint together with a sworn and signed statement setting forth each and every public

office, position and employment, elective and appointive, under the government of this State and any administrative and political subdivision thereof, held by defendant and any membership in any State and locally-administered pension fund(s) or retirement system(s) in which defendant participated at the time of the commission of his crimes and which covered defendant's position as Mayor or any other public position(s) for which his crimes involved or touched, and shall serve copies thereof upon John J. Hoffman, Acting Attorney General of New Jersey, Attorney for the State of New Jersey, Richard J. Hughes Justice Complex, P.O. Box 086, Trenton, New Jersey 08625 (Attention: Steven A. Yomtov, Deputy Attorney General) at least _____ days before the return date of this Order; and it is further

ORDERED that, if defendant intends to file answering affidavits or briefs on or before the return date of this Order, he shall serve copies upon the attorney for the State of New Jersey at least _____ days before the return date of this Order.

Honorable Mary C. Jacobson, A.J.S.C.

JOHN J. HOFFMAN
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BY: STEVEN A. YOMTOV - ATTY NO. 059141994
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DIVISION OF CRIMINAL JUSTICE
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TRENTON, NEW JERSEY 08625
(609) 292-9086

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L 250-14

CIVIL ACTION

STATE OF NEW JERSEY,	:	
	:	ORDER TO SHOW CAUSE SEEKING
Plaintiff,	:	FORFEITURE OF PUBLIC OFFICE AND
	:	POSITION, PERMANENT DISQUALIFICATION
v.	:	FROM ANY POSITION OF PUBLIC HONOR,
	:	TRUST, OR PROFIT, AND FORFEITURE OF
TONY F. MACK,	:	PENSION AND RETIREMENT BENEFITS.
	:	
Defendant.	:	

This matter having been opened to the Court by John J. Hoffman, Acting Attorney General of New Jersey, attorney for the State of New Jersey (Steven A. Yomtov, Deputy Attorney General, appearing) and the Court having read and filed the Verified Complaint, and good cause having been shown,

IT IS on this _____ day of _____, 2014

ORDERED that defendant, Tony F. Mack, show cause before the Superior Court of New Jersey, Law Division, Mercer County, at the Mercer County Court House, Trenton, New Jersey, on the _____ day of _____, 2014 at _____ o'clock, or as soon thereafter as defendant or counsel may be heard, why summary judgment granting the relief sought in the Verified Complaint in this action should not be entered, declaring that pursuant to

N.J.S.A. 2C:51-2 defendant has forfeited any public office, position or employment held by him by reason of a jury verdict in the United States District Court for the District of New Jersey on February 7, 2014 for violating 18 U.S.C. § 1951(a) and (b)(2), 18 U.S.C. § 666(a)(1)(B) and Section 2, and 18 U.S.C. §§ 1341, 1343 and 1346, that he may no longer exercise the powers and privileges of any public position he holds, that he may no longer receive compensation or payment of any kind in connection with that position, and that because such offenses involved or touched upon his former position as Mayor for the City of Trenton, he is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions and that he has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor, pursuant to N.J.S.A. 43:1-3.1a; and it is further

ORDERED that verified copies of this Order to Show Cause and the Verified Complaint be served, either personally or by certified mail, upon defendant or his attorney within _____ days from the date hereof by attorney for plaintiff or his designee; and it is further

ORDERED that defendant shall file with the Clerk of the Superior Court his Answer to the Verified Complaint together with a sworn and signed statement setting forth each and every public

office, position and employment, elective and appointive, under the government of this State and any administrative and political subdivision thereof, held by defendant and any membership in any State and locally-administered pension fund(s) or retirement system(s) in which defendant participated at the time of the commission of his crimes and which covered defendant's position as Mayor or any other public position(s) for which his crimes involved or touched, and shall serve copies thereof upon John J. Hoffman, Acting Attorney General of New Jersey, Attorney for the State of New Jersey, Richard J. Hughes Justice Complex, P.O. Box 086, Trenton, New Jersey 08625 (Attention: Steven A. Yomtov, Deputy Attorney General) at least _____ days before the return date of this Order; and it is further

ORDERED that, if defendant intends to file answering affidavits or briefs on or before the return date of this Order, he shall serve copies upon the attorney for the State of New Jersey at least _____ days before the return date of this Order.

Honorable Mary C. Jacobson, A.J.S.C.

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ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY
BY: STEVEN A. YOMTOV - ATTY NO. 059141994
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
P.O. BOX 086
TRENTON, NEW JERSEY 08625
(609) 292-9086

FEB 10 2014

SUE REGAN
DEPUTY CLERK OF SUPERIOR COURT

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L 250-14

STATE OF NEW JERSEY,	:	<u>CIVIL ACTION</u>
Plaintiff,	:	VERIFIED COMPLAINT IN LIEU OF
v.	:	PREROGATIVE WRIT SEEKING
TONY F. MACK,	:	FORFEITURE OF PUBLIC OFFICE
Defendant.	:	AND POSITION, PERMANENT
	:	DISQUALIFICATION FROM ANY
	:	POSITION OF PUBLIC HONOR,
	:	TRUST OR PROFIT, AND
	:	FORFEITURE OF PENSION OR
	:	RETIREMENT BENEFITS.

The State of New Jersey, by John J. Hoffman, the Acting Attorney General of New Jersey, for its complaint in lieu of prerogative writ against defendant Tony F. Mack, seeking to declare (1) forfeited any public position held by him under the government of this State or any of its administrative or political subdivisions, including his public position held as Mayor of the City of Trenton, New Jersey; (2) defendant permanently disqualified from holding any future position of honor, trust or profit, under this State or any of its administrative or political subdivisions, and (3) forfeited all of defendant's pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement

system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor for the City of Trenton, alleges as follows:

1. At all relevant times, defendant was employed as the Mayor for the City of Trenton, New Jersey ("Mayor").

2. The position held by defendant as alleged in Paragraph One is a position of public office or employment within the meaning of N.J.S.A. 2C:51-2.

3. On December 6, 2012, a federal\ Grand Jury sitting in Trenton, New Jersey, returned Criminal Indictment No. 12-795 (MAS) charging defendant with Conspiracy to Obstruct and Affect Interstate Commerce by Extortion Under Color of Official Right, contrary to 18 U.S.C. § 1951(a) and (b) (2) (Count One); Attempted Obstructing and Affecting Interstate Commerce by Extortion Under Color of Official Right, contrary to 18 U.S.C. § 1951(a) and (b) (2) and Section 2 (Count Two); Accepting and Agreeing to Accept Bribes, contrary to 18 U.S.C. § 666(a) (1) (B) and Section 2 (Count Three); and three counts of a Scheme to Defraud the City of Trenton and its Citizens of Money and Property and Defendant Tony F. Mack's Honest Services, contrary to 18 U.S.C. §§ 1341, 1343, and 1346 and Section 2 (Counts Five, Six, and Seven). Codefendants, Joseph A. Giorgianni, who maintained an eatery ("JoJo's Steakhouse") and a clubhouse ("Giorgianni's Clubhouse"), in Trenton, and Ralphiel Mack, defendant's brother, who was employed by the City of Trenton Board of Education and head football coach for Trenton Central High School, were also charged

in the same indictment. (Exhibit A).

4. The federal indictment further charged that other individuals were either associated with the named defendants and/or were witnesses cooperating with law enforcement. CC-1 was an associate of defendant and his codefendants. CC-1 was employed by the City of Trenton. There were two cooperating witnesses with law enforcement -- "CW-1" purported to be a consultant for another cooperating witness, "CW-2", who purported to be a developer of real estate and was interested in developing property in the Trenton area, including the development of a lot on East State Street (the "East State Street Lot") where CW-2 would build an automated parking garage (the "Parking Garage Project"). There was also a City of Trenton official ("Trenton Official-1") within Trenton's Housing and Economic Development Department. Trenton Official-1 served under defendant and had authority over matters concerning the disposition of City-owned real property. (Exhibit A).

5. As alleged by the United States in the federal indictment, from in or about September 2010 to on or about July 18, 2012, in Mercer and Atlantic Counties, defendant, Giorgianni, and Ralphiel Mack, conspired with each other and others, by corruptly agreeing to obtain and obtaining money and other things of value from others, including CW-1 and CW-2, with their consent, in exchange for defendant's exercise of official authority and influence as specific opportunities arose in connection with the Parking Garage Project. It was the object of

the conspiracy to obtain money and other things of value, in exchange for defendant's official action and influence as specific opportunities arose, that would potentially have an effect on interstate commerce, and to conceal material aspects of this corrupt arrangement.

According to the federal indictment, to further this conspiracy, defendant, Giorgianni, Ralphiel Mack, and others engaged in the following conduct:

a. Defendant, Giorgianni, Ralphiel Mack, and CC-1, agreed to accept corrupt payments of approximately \$119,000 -- \$54,000 of which actually were accepted at locations in New Jersey and another \$65,000 that the defendants planned to accept, including:

- (i) an October 27, 2011 \$3,000 cash payment;
- (ii) a January 6, 2012 \$5,000 cash payment;
- (iii) an April 12, 2012 \$3,000 cash payment;
- (iv) an April 25, 2012 \$3,000 payment of cash and casino chips;
- (v) a May 21, 2012 \$5,000 cash payment;
- (vi) a May 21, 2012 arrangement brokered by Giorgianni where defendant would cause the City of Trenton to offer the East State Street Lot to CW-2 at a lesser sale price of \$100,000 in exchange for a \$100,000 corrupt cash payment;
- (vii) a June 8, 2012 \$25,000 cash payment (an installment of the \$100,000 payment);
and
- (viii) a June 28, 2012 \$10,000 cash payment (another installment of the \$100,000

payment).

(Exhibit A).

b. In exchange for these corrupt cash payments and other things of value, defendant agreed to, and did, exercise official authority and influence to assist CW-1 and CW-2 in acquiring and developing the East Street Lot, including authorizing and directing Trenton Official-1 to send a May 29, 2012 letter from the City of Trenton to CW-2 offering to sell the East State Street Lot to CW-2 for \$100,000, which was significantly less than the amount proposed by CW-2. Defendant further agreed to exercise official authority and influence over other public officials, including Trenton Official-1, to take official action to assist the efforts of CW-1 and CW-2 to acquire and develop the East State Street Lot. (Exhibit A).

c. In an effort to conceal this corrupt activity and keep defendant "safe" from law enforcement detection, defendant and Giorgianni employed intermediaries, or "buffers," to carry out material aspects of the scheme. Those intermediaries included:

- (i) Giorgianni through whom defendant caused corrupt cash payments to be channeled, and who accepted corrupt cash payments for the direct and indirect benefit of defendant;
- (ii) Ralphiel Mack, who accepted corrupt cash payments for the direct and indirect benefit of defendant;
- (iii) CC-1, who defendant used to contact other Trenton officials to facilitate and promote material aspects of the Parking Garage Project, and who would inform defendant when certain of

the corrupt cash payments had been received by Giorgianni for further distribution.

d. In carrying out this corrupt activity, defendant, Giorgianni, Ralphiel Mack, CC-1 and others, limited their conversations over the telephone related to the corrupt activity and deferred such conversations until they were able to meet in person in an attempt to thwart electronic surveillance. When these co-conspirators discussed matters related to the corrupt activity over the telephone, they used coded and cryptic language, including the term, "Uncle Remus," to refer to the corrupt payments, in a further attempt to thwart electronic surveillance. Defendant, Giorgianni and CC-1 used similar coded and cryptic language when communicating by electronic text messages regarding the corrupt activity, including Giorgianni's referring to himself as "Mr. Baker" to conceal his identity in some of these text message communications. (Exhibit A).

e. In a further effort to avoid detection, defendant, Giorgianni and Ralphiel Mack, CC-1 and others, conducted meetings concerning the corrupt activity at locations other than Trenton City Hall, including Giorgianni's residence, Jo-Jo's Steakhouse, Giorgianni's Clubhouse and Atlantic City restaurants. To further conceal the corrupt activity, defendant instructed Giorgianni to ensure that nobody took pictures of them at an Atlantic City meeting attended by defendant, Giorgianni, CC-1 and CW-2. (Exhibit A).

f. In a further effort to avoid detection, Giorgianni

counseled participants in the conspiracy not to disclose important details of the corrupt activity to others.

(Exhibit A).

g. Based on the above allegations contained in the federal indictment, from in or about September 2010 to on or about July 18, 2012, defendant, Giorgianni, and Ralphiel Mack, did knowingly and willfully attempt to obstruct, delay and affect interstate commerce by extortion under color of official right, i.e., by corruptly agreeing to obtain and obtaining money and other things of value from others, including CW-1 and CW-2, with their consent, in exchange for defendant's exercise of official authority and influence as specific opportunities arose in connection with the Parking Garage Project. (Exhibit A).

h. As further contained in the federal indictment, the City of Trenton received benefits in excess of \$10,000 under a federal program involving a grant, contract, subsidy, loan, guarantee, insurance, and other forms of federal assistance during the relevant one-year time period. From in or about October 2011 to on or about July 18, 2012, defendant and Ralphiel Mack, did knowingly and corruptly solicit and demand for the direct and indirect benefit of defendant, and accept and agree to accept, things of value from persons, intending for defendant to be influenced and rewarded in connection with a business, transaction, and series of transactions of the City of Trenton regarding the Parking Garage Project involving a thing of value of \$5,000 or more. (Exhibit A).

i. As alleged in the federal indictment, the City and citizens of Trenton had an intangible right to the honest services of their elected public officials. Defendant, as a public official for the City of Trenton, owed the City and its citizens a duty to refrain from receiving bribes and kickbacks in exchange for defendant's official action and influence. In addition to the conduct alleged above, Giorgianni, CC-1 and defendant arranged with each another, and with CW-1 and CW-2, to divert \$100,000 of the amount that CW-2 purportedly was willing to pay the City of Trenton to purchase East Street State Lot as a bribe and kickback payment for the direct and indirect benefit of defendant and Giorgianni, in exchange for defendant's official action and influence. (Exhibit A).

j. In exchange for this bribe and kickback, and other corrupt payments received earlier by Giorgianni for the direct and indirect benefit of defendant, on or about May 29, 2012, defendant met with Giorgianni, and then met with Trenton Official-1, and approved and caused Trenton Official-1 to send a letter from the City of Trenton to CW-2, offering the East State Street Lot for the reduced sale price of \$100,000. This price was predicated on the false pretense that this was an arm's-length transaction, among other things, to deprive the City and its citizens of \$100,000 in potential proceeds from the sale of the East State Street Lot. (Exhibit A).

k. From in or about September 2010 to on or about July 18, 2012, defendant, Giorgianni, Ralphiel Mack and others knowingly

and intentionally devised and intended to devise a scheme and artifice to defraud the City of Trenton and its citizens of the right to defendant's honest services in the City's matters; and money and property by means of materially false pretenses, representations and promises. (Exhibit A).

1. As set forth in the indictment, the object of this scheme and artifice to defraud, was for defendant, Giorgianni, Ralphiel Mack, and CC-1 to deprive the City of Trenton of defendant's honest services and of money and property through deceit and trickery, namely:

- (i) by accepting and agreeing to accept a stream of concealed bribes and kickbacks in exchange for defendant's official action and influence in matters relating to the Parking Garage Project; and
- (ii) by
 - (a) operating under the materially false pretense that the sale of the East State Street Lot was an arm's-length transaction when, in fact, it was to be consummated through bribery and kickbacks and
 - (b) lowering the sale price of the East State Street Lot based on materially false pretenses and representations.

(Exhibit A).

m. On or about October 29, 2011, May 29, 2012, and June 13, 2012, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendant, Giorgianni,

Ralphiel Mack, and others knowingly and intentionally placed and caused to be mailed, certain mail, through the postal authorities, and by means of wire communications, with certain signs, signals and sounds, as set forth below:

- (i) Giorgianni, who was in New Jersey, telephoned CC-1, who was in Pennsylvania, and informed CC-1 that Giorgianni had to "see" defendant and that it was "important," and that he "got Uncle Remus for him," which meant a corrupt cash payment. Giorgianni directed CC-1 to bring defendant to Giorgianni's Clubhouse, stating "we gotta talk" because "I got something that might be good for him" and that "they've already come with Uncle Remus," meaning a corrupt cash payment.
- (ii) At the direction and authorization of defendant, Trenton Official-1 mailed a letter to CW-2 offering the sale of East State Street Lot for \$100,000, representing an amount that was \$100,000 lower than the amount that CW-2 purportedly was willing to pay.
- (iii) Giorgianni, who was in New Jersey, telephoned defendant, who was in Florida, and informed defendant that "Uncle Remus," meaning a corrupt cash payment "was there." Defendant replied, "I'll call you, J. Okay?"

(Exhibit A).

n. A forfeiture allegation was also contained in the federal indictment against defendant, Giorgianni, and Ralphiel Mack, whereby the government sought the forfeiture of all property, real and personal, that constituted and was derived from proceeds traceable to the commission of the aforementioned

offenses. This included approximately \$54,000, in that such sum constituted and was derived, directly and indirectly, from proceeds traceable to the commission of the alleged crimes. (Exhibit A).

6. On February 27, 2013, Charles Hall III, who had been later identified in the indictment as "CC-1," pleaded guilty to an Information charging him with one count of conspiracy to obstruct commerce by extortion under color of official right for his role in the extortion conspiracy. (Exhibit D). (Hall also pleaded guilty to one count of conspiracy to distribute oxycodone in a separate conspiracy with Giorgianni and others). (Id.)

7. On December 13, 2013, Giorgianni pleaded guilty in federal court to two counts of conspiracy to obstruct and affect interstate commerce by extortion under color of official right (Counts One and Eight) as charged in the indictment. (Exhibit A; Exhibit E). (Giorgianni also pleaded guilty to charges contained in a separate indictment, which included conspiring with others, including Hall, to distribute and possess with intent to distribute oxycodone and to being a felon in possession of a firearm. (Exhibit E).

8. On January 6, 2014, trial began before the Honorable Michael A. Shipp, U.S.D.J., and a jury, on the charges against defendant and Ralphiel Mack. After a five-week trial, on February 7, 2014, the jury convicted defendant on all six counts as charged in the federal indictment: conspiracy to obstruct and affect interstate commerce by extortion under color of official

right (Count One); attempted obstruction of commerce by extortion under the color of official right (Count Two); accepting and agreeing to accept bribes (Count Three); and three counts of scheming to defraud the City of Trenton and its citizens of money and property and defendant Tony Mack's honest services, i.e., wire and mail fraud (Counts Five, Six, and Seven). (Exhibit B; Exhibit C). Ralphiel Mack was found guilty on three counts, including the two extortion charges and for accepting bribes, but was acquitted of the wire and mail fraud charges. (Id.)

9. Copies of the Indictment, the verdict sheet, and Press Releases from the United States Attorney for the District of New Jersey dated February 7, 2014, February 27, 2013, and December 13, 2013, are included as State's Exhibits A, B, C, D, and E, respectively, in support of the State's Order to Show Cause and Verified Complaint in Lieu of Prerogative Writ Seeking Forfeiture of Public Office and Position, Permanent Disqualification From Any Position of Public Honor, Trust or Profit, and Forfeiture of Pension or Retirement Benefits.

10. N.J.S.A. 2C:51-2a provides that a person holding any public office or position under the government of this State or any political subdivision thereof who is convicted of an offense shall forfeit such office or position if:

(1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws . . . of the United States of an offense or a crime which, if committed in this State, would be such an offense or crime; [or]

(2) He is convicted of an offense involving or touching such office, position or employment[.]

Furthermore, regarding persons convicted of a crime involving or touching upon his or her office or position, N.J.S.A. 2C:51-2d provides that:

In addition to the punishment prescribed for the offense, and the forfeiture set forth in subsection a. of N.J.S. 2C:51-2, any person convicted of an offense involving or touching on his public office, position or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions. As used in this subsection, "involving or touching on his public office, position or employment" means that the offense was related directly to the person's performance in, or circumstances flowing from, the specific public office, position or employment held by the person.

N.J.S.A. 2C:51-2b indicates that an order of forfeiture shall be entered pursuant to subsection a.:

(2) [u]pon application of the . . . Attorney General, when the forfeiture is based upon a conviction of an offense under the laws . . . of the United States. An order of forfeiture pursuant to this paragraph shall be deemed to have taken effect on the date the person was found guilty by the trier of fact or pled guilty to the offense.

Finally, N.J.S.A. 43:1-3.1a provides that a person holding any public office or position under the government of this State or any political subdivision thereof, who is convicted of any enumerated crime as set forth in subsection b., or who is convicted under the laws of the United States of an offense that is "substantially similar" to the crimes enumerated in N.J.S.A.

43:1-3.1b, which would have been such a crime under the laws of this State, and which involved or touched upon such office or position,

shall forfeit all of the pension or retirement benefit earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of the offense and which covered the office, position or employment involved in the offense.

11. The crimes of which defendant was found guilty by the federal jury -- extortion, bribery, and mail/wire fraud -- constitute offenses involving dishonesty, and are also equivalent to at least third-degree crimes under New Jersey law. Pursuant to N.J.S.A. 2C:51-2a(1), (2), and 2b(2), defendant has forfeited any public positions held by him as of February 7, 2014, the day he was found guilty on Counts One, Two, Three, Five, Six and Seven, of Criminal Indictment No. 12-795 (MAS) by a federal jury.

12. Moreover, under N.J.S.A. 2C:51-2d defendant is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions because the crimes for which he was convicted involved or touched upon his position as Mayor for the City of Trenton.

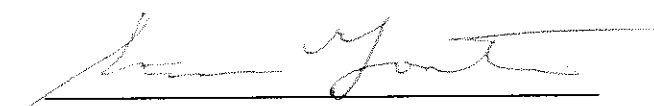
13. Furthermore, because defendant's federal convictions constitute crimes substantially similar to crimes enumerated under N.J.S.A. 43:1-3.1b, e.g., theft by extortion (N.J.S.A. 2C:20-5d); bribery in official matters (N.J.S.A. 2C:27-2); and official misconduct (N.J.S.A. 2C:30-2), defendant, pursuant to

N.J.S.A. 43:1-3.1a, has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of his crimes and which covered his position as Mayor for the City of Trenton.

WHEREFORE, the State demands judgment against defendant declaring that because of his federal convictions he has forfeited any public position he holds, that he may no longer exercise the powers and privileges of those positions, that he may no longer receive any compensation or payment of any kind in connection with those positions, that he is forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions and that he has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which defendant participated at the time of the commission of his crimes and which covered his position as Mayor for the City of Trenton.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY

BY:


Steven A. Yomtov
Deputy Attorney General

Dated: February 10, 2014


CERTIFICATION

Steven A. Yomtov certifies as follows:

1. I am a Deputy Attorney General of the Division of Criminal Justice, Appellate Bureau.

2. On February 7, 2014, defendant Tony F. Mack was found guilty by a jury of Counts One, Two, Three, Five, Six, and Seven, of federal Criminal Indictment No. 12-795 (MAS), charging him with extortion, bribery, and wire/mail fraud, in the United States District Court for the District of New Jersey.

3. The foregoing statements are true to the best of my knowledge, information and belief. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.



Steven A. Yomtov
Deputy Attorney General

Dated: February 10, 2014

Superior Court of New Jersey

Law Division

Mercer County
Docket No. L 250-14.

STATE OF NEW JERSEY, :
Plaintiff, :
v. :
TONY F. MACK, :
Defendant. :

CIVIL ACTION

CLERK OF SUPERIOR COURT
SUPERIOR COURT OF NJ
MERCER COUNTY

RECORDED AND FILED

FEB 10 2014

Sue Regan

SUE REGAN

DEPUTY CLERK OF SUPERIOR COURT

BRIEF AND EXHIBITS IN SUPPORT OF ORDER TO SHOW CAUSE SEEKING
FORFEITURE OF PUBLIC OFFICE AND POSITION, PERMANENT
DISQUALIFICATION FROM AN FUTURE POSITION OF HONOR, TRUST OR
PROFIT, AND FORFEITURE OF PENSION OR RETIREMENT BENEFITS AND
VERIFIED COMPLAINT IN LIEU OF PREROGATIVE WRIT

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-
STATE OF NEW JERSEY
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OF COUNSEL AND ON THE BRIEF

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Exhibit List

Federal Criminal Indictment No. 12-795 (MAS), filed December 6, 2012	Exhibit A
Jury Verdict Sheet	Exhibit B
United States Attorney District of New Jersey, Press Release, dated February 7, 2014	Exhibit C
United States Attorney District of New Jersey, Press Release, dated February 27, 2013	Exhibit D

United States Attorney District of New Jersey, Press
Release, dated December 13, 2013 Exhibit E

STATEMENT OF THE MATTER INVOLVED

At all relevant times, defendant was the Mayor for the City of Trenton, New Jersey ("Mayor"). The position held by defendant is a position of public office within the meaning of N.J.S.A. 2C:51-2.

On December 6, 2012, a federal Grand Jury sitting in Trenton, New Jersey, returned Criminal Indictment No. 12-795 (MAS) charging defendant with Conspiracy to Obstruct and Affect Interstate Commerce by Extortion Under Color of Official Right, contrary to 18 U.S.C. § 1951(a) and (b)(2) (Count One); Attempted Obstruction of Commerce by Extortion Under the Color of Official Right, contrary to 18 U.S.C. § 1951(a) and (b)(2) and Section 2 (Count Two); Accepting and Agreeing to Accept Bribes, contrary to 18 U.S.C. § 666(a)(1)(B) and Section 2 (Count Three); and three counts of Scheme to Defraud the City of Trenton and its Citizens of Money and Property and Defendant Tony F. Mack's Honest Services, i.e., wire and mail fraud, contrary to 18 U.S.C. §§ 1341, 1343, and 1346 and Section 2 (Counts Five, Six, and Seven). (Exhibit A).

Codefendant Joseph A. Giorgianni, who maintained an eatery ("JoJo's Steakhouse") and a clubhouse ("Giorgianni's Clubhouse"), in Trenton, and Ralphiel Mack, defendant's brother, who was employed by the City of Trenton Board of Education and head football coach for Trenton Central High School, were also charged in the same indictment. (Exhibit A).

On February 7, 2014, a jury convicted defendant of extortion, bribery, and wire/mail fraud. (Exhibits B and C).

The State of New Jersey now makes application for an Order to Show Cause requiring defendant to show cause why an Order should not be entered, pursuant to N.J.S.A. 2C:51-2, that by reason of his federal convictions defendant has been permanently and forever disqualified from holding a position of public trust, honor or profit under the government of this State or any of its administrative or political subdivisions, and therefore must forfeit any public office or position he now holds or did hold.

In addition, because defendant's crimes are substantially similar to crimes enumerated under N.J.S.A. 43:1-3.1b and involved or touched upon his public office or position, he, pursuant to N.J.S.A. 43:1-3.1a, has forfeited all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of his crimes and which covered his position as Mayor or any other public position(s) for which his crimes involved or touched. The State also asks that the Court require defendant to declare any public positions or employment that he may currently hold and any membership in any State and locally-administered pension fund(s) or retirement system(s) in which he participated at the time of the commission of his crimes and which covered his position as Mayor or covered any other public position(s) for which his crimes involved or touched so that those positions and pension fund(s) or retirement benefits may also be forfeited.

LEGAL ARGUMENT

POINT I

BECAUSE A JURY FOUND DEFENDANT GUILTY OF
EXTORTION, BRIBERY, AND MAIL/WIRE FRAUD,
DEFENDANT HAS FORFEITED ANY PUBLIC OFFICE HE
CURRENTLY HOLDS.

On February 7, 2014, defendant, the Mayor for the City of Trenton, was found guilty by a jury in federal court of conspiracy to obstruct and affect interstate commerce by extortion under color of official right, attempted obstruction of commerce by extortion under the color of official right, accepting and agreeing bribes, two counts of wire fraud, and mail fraud. (Exhibits B and C). These federal convictions should automatically trigger the obligatory forfeiture of his holding public office in the State of New Jersey.

N.J.S.A. 2C:51-2 provides, in relevant part:

a. A person holding any public office, position, or employment, elective or appointive, under the government of this State or any agency or political subdivision thereof, who is convicted of an offense shall forfeit such office or position if:

(1) He is convicted under the laws of this State of an offense involving dishonesty or of a crime of the third degree or above or under the laws of . . . the United States of an offense or a crime which, if committed in this State, would be such an offense or crime; [or]

(2) He is convicted of an offense involving or touching such office, position or employment;

b. A court of this State shall enter an order of forfeiture pursuant to subsection a.:

(2) Upon application of . . . the Attorney General, when the forfeiture is based upon a conviction of an offense under the laws of . . . the United States. An order of forfeiture pursuant to this paragraph shall be deemed to have taken effect on the date the person was found guilty by the trier of fact or pled

guilty to the offense.

Defendant's federal convictions constitute, but are not limited to, the State crimes of theft by extortion, N.J.S.A. 2C:20-5; bribery in official matters, N.J.S.A. 2C:27-2; and official misconduct, N.J.S.A. 2C:30-2, which are crimes of the third degree or greater under State law, and are also crimes of dishonesty.

An order of forfeiture, pursuant to N.J.S.A. 2C:51-2, is clearly warranted in this case. McCann v. Clerk of the City of Jersey City, 167 N.J. 311, 320-21 (2001). "[F]orfeiture shall take effect at the time a State employee pleads guilty or is found guilty of either an offense covered by 2C:51-2a(1)" (i.e., a crime involving dishonesty or third-degree or above), or "an offense involving or touching employment," covered by N.J.S.A. 2C:51-2a(2). Moore v. Youth Correc. Inst., 119 N.J. 256, 264-65 (1990); accord State v. Timoldi, 277 N.J. Super. 297, 300 (App. Div. 1994) ("N.J.S.A. 2C:51-2 gives advance notice to all public servants, elected and appointed, that conviction of a crime of the third degree or higher will serve to terminate their public office or employment."), certif. denied, 142 N.J. 449 (1995). Defendant's federal convictions are crimes of dishonesty and are equivalent to State crimes of the third degree or higher, and involved or touched

upon his position as Mayor.

A conviction will trigger a forfeiture regardless of any mitigating circumstances a defendant offers. Id.; Matter of Tanelli, 194 N.J. Super. 492, 497 (App. Div.), certif. denied, 99 N.J. 181 (1984); see also McCann, 167 N.J. at 322 ("[w]hen the infraction [casts] a shadow over the employee as to make his or her continued service to appear incompatible with the traits of trustworthiness, honesty, and obedience to law and order, then forfeiture is appropriate.") (quoting Moore, 119 N.J. at 270). "While the sanction of forfeiture is seemingly harsh, it codifies a long-standing policy against retention of offenders in government service." State v. Lee, 258 N.J. Super. 313, 317 (App. Div. 1992). "[T]he forfeiture statute reflects a belief that 'the circumstances surrounding a criminal conviction bear directly on an employee's competency and capacity to do his or her job or to perform any other job for the State.'" Timoldi, 277 N.J. Super. at 300 (quoting Moore, 119 N.J. at 271); see Cedeno v. Montclair State Univ., 163 N.J. 473, 477 (2000). A criminal conviction pertaining to dishonest conduct automatically compels forfeiture of public office. State v. Hamm, 121 N.J. 109, 125 (1990); Lee, 258 N.J. Super. at 317. The New Jersey forfeiture statute "reflect[s] a legislative determination governing the standards of conduct to be observed by those who serve the public, as a condition to continued employment." Timoldi, 277 N.J. Super. at 299. The forfeiture statute is construed by New Jersey courts to advance the objective of protecting the "public, not the offender." Cedeno, 163 N.J. at

478.

Here, defendant's federal convictions directly involved or touched upon his position as Mayor for the City of Trenton. As set forth in Counts One, Two, Three, Five, Six, and Seven, of the federal indictment which defendant was convicted of, defendant, as Mayor for the City of Trenton, was in a position to influence, and did influence, actions taken on behalf of the City of Trenton. Essentially, defendant, along with Giorgianni, Ralphiel Mack, and others, were charged in connection with a scheme to accept \$119,000 in bribes in exchange for defendant's official actions and influence, as Mayor, in assisting cooperating witnesses in the development of an automated parking garage on City-owned land.

Because defendant was found guilty of crimes of dishonesty, of the third-degree or higher under equivalent State law and which directly involved or touched upon his position as Mayor, he has forfeited that position. He also must immediately forfeit any public office and position he now holds, and is permanently barred from holding such office in the future. N.J.S.A. 2C:51-2d; see Point II, infra. Defendant must also forfeit all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of his crimes and which covered his position as Mayor. N.J.S.A. 43:1-3.1a; see Point II, infra.

POINT II

DEFENDANT MUST BE PERMANENTLY DISQUALIFIED FROM HOLDING ANY OFFICE OR POSITION OF TRUST, HONOR, OR PROFIT UNDER THIS STATE BECAUSE HE WAS CONVICTED OF VIOLATING FEDERAL CRIMINAL LAW THAT INVOLVED OR TOUCHED UPON HIS POSITION AS MAYOR FOR THE CITY OF TRENTON; DEFENDANT MUST ALSO FORFEIT ALL PENSION OR RETIREMENT BENEFITS EARNED AS A MEMBER OF ANY STATE OR LOCALLY-ADMINISTERED PENSION FUND OR RETIREMENT SYSTEM IN WHICH HE PARTICIPATED AT THE TIME OF THE COMMISSION OF HIS CRIMES AND WHICH COVERED HIS POSITION AS MAYOR.

Defendant was convicted by a jury in federal court of extortion, bribery, and wire/mail fraud. Defendant's crimes plainly involve or touch upon his position because a "direct and substantial relationship" existed between his crimes and his position as Mayor for the City of Trenton, especially since he committed these crimes while serving in, and because of, that capacity. Defendant, as Mayor, was in a position to influence, and did influence, actions taken on behalf of the City of Trenton. See McCann v. Clerk of the City of Jersey City, 167 N.J. 311, 323 (2001); Moore v. Youth Correc. Inst., 119 N.J. 256, 270 (1990); State v. Williams, 355 N.J. Super. 579, 589-90 (App. Div. 2002) see Point I, supra.

As set forth in Counts One, Two, Three, Five, Six, and Seven, of the federal indictment which defendant was convicted of, defendant, along with Giorgianni, Ralphiel Mack, and others, conspired and engaged in a scheme to accept \$119,000 in bribes in exchange for defendant's official actions and influence, as Mayor, in assisting cooperating witnesses in the development of an

automated parking garage on City-owned land. Because there is a "nexus between" defendant's crimes and his position as Mayor, permanent disqualification is warranted. See State v. Hupka, 203 N.J. 222, 232-33, 238-39 (2010).

Pursuant to N.J.S.A. 2C:51-2d:

In addition to the punishment prescribed for the offense, and the forfeiture set forth in subsection a. of N.J.S. 2C:51-2, any person convicted of an offense involving or touching on his public office, position or employment shall be forever disqualified from holding any office or position of honor, trust or profit under this State or any of its administrative or political subdivisions.

"[W]hen a person is convicted of an offense that 'involves and touches' upon that person's public office, the obligatory forfeiture of public employment provisions of N.J.S.A. 2C:51-2d are triggered." In re Expungement Petition of D.H., 204 N.J. 7, 24 (2010).

The legislative intent in enacting N.J.S.A. 2C:51-2d was "'to preclude those who have once violated the public trust from [having] a second opportunity.'" Cedeno v. Montclair State Univ., 163 N.J. 473, 477 (2000) (quoting Pastore v. County of Essex, 237 N.J. Super. 371, 377 (App. Div. 1989), certif. denied, 122 N.J. 129 (1990)). "Public interest demands that public affairs be administered by officers upon whom rest no stigma of conviction of an offense involving . . . crimes of the third degree or an offense touching upon his public office, position or employment." State v. Musto, 187 N.J. Super. 264, 305 (Law Div. 1982), aff'd, 188 N.J. Super. 106 (App. Div. 1983); see also Ayars v. New Jersey Dep't of

Corr., 251 N.J. Super. 223, 228 (App. Div. 1991). Moreover,

[i]t is the public policy of this State that "person[s] holding any public office, position or employment" must avoid committing serious criminal acts or offenses which involve or touch upon their governmental duties, or sacrifice their right to governmental employment. This is a harsh response to a problem serious enough to justify the harshness. The purpose is to prevent miscreants and corrupt officials from again holding office.

Cedeno, 163 N.J. at 478 (quoting Pastore, 237 N.J. Super. at 378-79).

Therefore, by reason of his federal convictions, which without any doubt involved or touched upon his position as Mayor, defendant is forever disqualified from holding any office or position of trust, honor or profit under this State or any of its administrative or political subdivisions. McCann, 167 N.J. at 320-23; Cf. Hupka, 203 N.J. at 239 ("no relationship between defendant's employment as a police officer, the trappings of that office, or his work-related connections, and the commission of the offense to which he pled guilty, or to his victim").

Additionally, as a further consequence of his federal convictions, defendant is subject to forfeiture of all pension or retirement benefits pursuant to N.J.S.A. 43:1-3.1a. Under that provision, a person holding any public office or position under the government of this State or any political subdivision thereof who is convicted of an offense enumerated in N.J.S.A. 43:1-3.1b, or of a substantially similar offense under the laws of another state or the United States, which involved or touched upon such office or

position,

shall forfeit all of the pension or retirement benefit earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of the offense and which covered the office, position or employment involved in the offense.

[N.J.S.A. 43:1-3.1a.]

"The court has no discretion to refrain from entering an order of pension forfeiture under the circumstances specified in N.J.S.A. 43:1-3.1." State v. Steele, 420 N.J. Super. 129, 134 (App. Div. 2011). When its conditions are met, "[a] court of this State shall enter an order of pension forfeiture,' upon a finding of guilt or entry of a guilty plea." Id.

Because defendant has committed a crime that (1) involved or touched upon his position as Mayor and (2) constitutes, but not limited to the state crimes of, theft by extortion (N.J.S.A. 2C:20-5d); bribery in official matters (N.J.S.A. 2C:27-2); and official misconduct (N.J.S.A. 2C:30-2), each of which are enumerated crimes under N.J.S.A. 43:1-3.1b, defendant has forfeited all of his pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of these federal crimes and which covered his position as Mayor.

POINT III

DEFENDANT'S FORFEITURES ARE DEEMED TO HAVE
TAKEN EFFECT WHEN HE WAS CONVICTED IN FEDERAL
COURT ON FEBRUARY 7, 2014.

When the Attorney General applies for and receives an order of forfeiture based upon a federal conviction, that order is "deemed to have taken effect on the date the person was found guilty by the trier of fact or pled guilty to the offense." N.J.S.A. 2C:51-2b(2). The same is true for defendant's pension forfeiture. N.J.S.A. 43:1-3.1c(2).

Should this Court order the forfeitures requested here, they all will be deemed effective as of February 7, 2014, when defendant was convicted in federal court of crimes involving dishonesty, which are equivalent to at least a third-degree crime under New Jersey law, and which are substantially similar to crimes enumerated under N.J.S.A. 43:1-3.1b, e.g., theft by extortion (N.J.S.A. 2C:20-5d); bribery in official matters (N.J.S.A. 2C:27-2); and official misconduct (N.J.S.A. 2C:30-2).

CONCLUSION

Therefore, the State seeks judgment declaring that under N.J.S.A. 2C:51-2, defendant Tony F. Mack has forfeited any public position he now holds by reason of his convictions of violation of federal criminal law, that he is forever disqualified from holding any office or position of trust, honor, or profit under this State or any of its administrative or political subdivisions, and has forfeited, pursuant to N.J.S.A. 43:1-3.1a, all pension or retirement benefits earned as a member of any State or locally-administered pension fund or retirement system in which he participated at the time of the commission of his crimes and which covered his position as Mayor for the City of Trenton.

Respectfully submitted,

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY

BY: 

Steven A. Yomtov
Deputy Attorney General

STEVEN A. YOMTOV - ATTY NO. 059141994
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
APPELLATE BUREAU

OF COUNSEL AND ON THE BRIEF

DATED: February 10, 2014

EXHIBIT A

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

RECEIVED

DEC 06 2012

DOUGLAS E. ARPERT
U.S. MAGISTRATE JUDGE

@12:10PM

UNITED STATES OF AMERICA	:	Crim. No. 12-795 (MAS)
v.	:	18 U.S.C. §§ 666(a)(1)(B),
	:	666(a)(2), 981(a)(1)(C),
TONY F. MACK,	:	1341, 1343, 1346, 1951(a) &
a/k/a "Honey Fitz,"	:	(b)(2) and § 2
a/k/a "the Little Guy,"	:	28 U.S.C. § 2461
a/k/a "Napoleon,"	:	
JOSEPH A. GIORGIANNI,	:	
a/k/a "JoJo,"	:	
a/k/a "Mr. Baker,"	:	
a/k/a "the Fat Man," and	:	
RALPHIEL MACK	:	

RECEIVED

DEC 6 2012

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

INDICTMENT

The Grand Jury in and for the District of New Jersey,
sitting in Trenton, charges:

COUNT 1

(Conspiracy to Obstruct and Affect Interstate Commerce By
Extortion Under Color of Official Right)

A. DEFENDANTS AND OTHER INDIVIDUALS

1. At all times relevant to Count 1 of this Indictment:

a. Defendant TONY F. MACK, a/k/a "Honey Fitz," a/k/a "the Little Guy," a/k/a "Napoleon," was the Mayor of the City of Trenton, New Jersey. As the Mayor of Trenton, defendant TONY F. MACK was in a position to, and did, influence actions taken by and on behalf of the City of Trenton.

b. Defendant JOSEPH A. GIORGIANNI, a/k/a "JoJo," a/k/a "Mr. Baker," a/k/a "the Fat Man," was an associate of defendants TONY F. MACK and RALPHIEL MACK and another coconspirator ("CC-1"). Defendant JOSEPH A. GIORGIANNI maintained an eatery on Martin Luther King Boulevard in Trenton ("JoJo's Steakhouse") and a clubhouse located next door to JoJo's Steakhouse ("Giorgianni's Clubhouse").

c. Defendant RALPHIEL MACK was defendant TONY F. MACK's brother. Defendant RALPHIEL MACK was employed by the City of Trenton Board of Education and was the head football coach for Trenton Central High School.

d. CC-1 was an associate of defendants TONY F. MACK, RALPHIEL MACK and JOSEPH A. GIORGIANNI. CC-1 was employed by the City of Trenton.

e. There was a witness cooperating with law enforcement ("CW-1") who purported to be a consultant for another cooperating witness ("CW-2").

f. CW-2 purported to be a developer of real estate whose development company was a business in and affecting interstate commerce. CW-2 purported to be interested in developing property in the Trenton area, including the development of a lot on East State Street (the "East State Street Lot") to build an automated parking garage (the "Parking Garage Project").

g. There was a City of Trenton official ("Trenton Official-1") within Trenton's Housing and Economic Development Department. Trenton Official-1 served under defendant TONY F. MACK and had authority over matters concerning the disposition of City-owned real property.

B. THE CONSPIRACY

2. From in or about September 2010 to on or about July 18, 2012, in Mercer and Atlantic Counties, in the District of New Jersey and elsewhere, defendants

TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon,"
JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man," and
RALPHIEL MACK

did knowingly and intentionally conspire with each other and with others to obstruct, delay and affect interstate commerce by extortion under color of official right - that is, by corruptly agreeing to obtain and obtaining money and other things of value from others, including CW-1 and CW-2, with their consent, in exchange for defendant TONY F. MACK's exercise of official authority and influence as specific opportunities arose in connection with the Parking Garage Project.

3. It was the object of the conspiracy to obtain money and other things of value, in exchange for the official action and

influence of defendant TONY F. MACK as specific opportunities arose, the consequences of which potentially would have an effect on interstate commerce, and to conceal material aspects of this corrupt arrangement.

C. METHODS AND MEANS

4. To further the conspiracy, defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK and others engaged in the following conduct:

a. Defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK and CC-1 agreed to accept corrupt payments of approximately \$119,000, \$54,000 of which actually were accepted at locations in New Jersey and another \$65,000 that the defendants planned to accept, including: (i) an October 27, 2011 \$3,000 cash payment; (ii) a January 6, 2012 \$5,000 cash payment; (iii) an April 12, 2012 \$3,000 cash payment; (iv) an April 25, 2012 \$3,000 payment of cash and casino chips; (v) a May 21, 2012 \$5,000 cash payment; (vi) a May 21, 2012 arrangement brokered by defendant JOSEPH A. GIORGIANNI where defendant TONY F. MACK would cause the City of Trenton to offer the East State Street Lot to CW-2 at a lesser sale price of \$100,000 in exchange for a \$100,000 corrupt cash payment; (vii) a June 8, 2012, \$25,000 cash payment (an installment of the \$100,000 payment) and (viii) a June 28, 2012, \$10,000 cash payment (another installment of the \$100,000 payment).

b. In exchange for these corrupt cash payments and other things of value, defendant TONY F. MACK agreed to, and did, exercise official authority and influence to assist CW-1 and CW-2 in acquiring and developing the East State Street Lot, including authorizing and directing Trenton Official-1 to send a May 29, 2012 letter from the City of Trenton to CW-2 offering to sell the East State Street Lot to CW-2 for \$100,000, which was significantly less than the amount proposed by CW-2. Defendant TONY F. MACK further agreed to exercise official authority and influence over other public officials, including Trenton Official-1, to take official action to assist the efforts of CW-1 and CW-2 to acquire and develop the East State Street Lot.

c. In an effort to conceal this corrupt activity and keep defendant TONY F. MACK "safe" from law enforcement detection, defendants TONY F. MACK and JOSEPH A. GIORGIANNI employed intermediaries, or "buffers," to carry out material aspects of the scheme. Those intermediaries included: (i) defendant JOSEPH A. GIORGIANNI, through whom defendant TONY F. MACK caused corrupt cash payments to be channeled, and who accepted corrupt cash payments for the direct and indirect benefit of defendant TONY F. MACK; (ii) defendant RALPHIEL MACK, who accepted corrupt cash payments for the direct and indirect benefit of defendant TONY F. MACK; and (iii) CC-1, who defendant TONY F. MACK used to contact other Trenton officials to

facilitate and promote material aspects of the Parking Garage Project, and who would inform defendant TONY F. MACK when certain of the corrupt cash payments had been received by defendant JOSEPH A. GIORGIANNI for further distribution.

d. In carrying out this corrupt activity, defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK, and CC-1 and others, limited their conversations over the telephones related to the corrupt activity and deferred such conversations until they were able to meet in person in an attempt to thwart electronic surveillance. When these coconspirators did discuss matters related to the corrupt activity over the telephones, they often used coded and cryptic language, including using the term "Uncle Remus" to refer to the corrupt payments, in a further attempt to thwart electronic surveillance. Defendants JOSEPH A. GIORGIANNI and TONY F. MACK and CC-1 also used similar coded and cryptic language when communicating by electronic text messages regarding the corrupt activity, including GIORGIANNI's referring to himself as "Mr. Baker" to conceal his identity in some of these text message communications.

e. In a further effort to avoid detection, defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK, and CC-1 and others, conducted meetings concerning the corrupt activity at locations other than Trenton City Hall, including defendant JOSEPH A. GIORGIANNI's residence, JoJo's Steakhouse, Giorgianni's

Clubhouse and Atlantic City restaurants. To further conceal the corrupt activity, defendant TONY F. MACK instructed defendant JOSEPH A. GIORGIANNI to ensure that nobody took pictures of them at an Atlantic City meeting attended by defendants TONY F. MACK and JOSEPH A. GIORGIANNI, CC-1 and CW-2.

f. In a further effort to avoid detection, defendant JOSEPH A. GIORGIANNI counseled participants in the conspiracy not to disclose important details of the corrupt activity to others.

In violation of Title 18, United States Code, Sections 1951(a) and (b) (2).

COUNT 2

(Attempted Obstructing and Affecting Interstate Commerce By
Extortion Under Color of Official Right)

1. Paragraphs 1 and 4 of Count 1 of this Indictment are hereby incorporated and realleged as if fully set forth in this Count.

2. From in or about September 2010 to on or about July 18, 2012, in Mercer and Atlantic Counties, in the District of New Jersey and elsewhere, defendants

TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon,"
JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man," and
RALPHIEL MACK

did knowingly and willfully attempt to obstruct, delay and affect interstate commerce by extortion under color of official right - that is, by corruptly agreeing to obtain and obtaining money and other things of value from others, including CW-1 and CW-2, with their consent, in exchange for defendant TONY F. MACK's exercise of official authority and influence as specific opportunities arose in connection with the Parking Garage Project in Trenton, New Jersey.

In violation of Title 18, United States Code, Sections 1951(a) and (b)(2) and Section 2.

COUNT 3

(Accepting and Agreeing to Accept Bribes)

1. Paragraphs 1 and 4 of Count 1 of this Indictment are hereby incorporated and realleged as if fully set forth in this Count.

2. The City of Trenton received benefits in excess of \$10,000 under a Federal Program involving a grant, contract, subsidy, loan, guarantee, insurance and other forms of federal assistance during the relevant one-year time period.

3. From in or about October 2011 to on or about July 18, 2012, in Mercer and Atlantic Counties, in the District of New Jersey, and elsewhere, defendants

TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon," and
RALPHIEL MACK

did knowingly and corruptly solicit and demand for the direct and indirect benefit of defendant TONY F. MACK, and accept and agree to accept, things of value from persons, intending for defendant TONY F. MACK to be influenced and rewarded in connection with a business, transaction, and series of transactions of the City of Trenton regarding the Parking Garage Project involving a thing of value of \$5,000 and more.

In violation of Title 18, United States Code, Section 666(a)(1)(B) and Section 2.

COUNT 4

(Giving and Agreeing to Give Bribes)

1. Paragraphs 1 and 4 of Count 1 and Paragraph 2 of Count 3 of this Indictment are hereby incorporated and realleged as if fully set forth in this Count.

2. From in or about October 2011 to on or about July 18, 2012, in Mercer and Atlantic Counties, in the District of New Jersey, and elsewhere, defendant

JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man"

knowingly and corruptly did give, offer and agree to give things of value to persons for the direct and indirect benefit of defendant TONY F. MACK intending for defendant TONY F. MACK to be influenced and rewarded in connection with a business, transaction, and series of transactions of the City of Trenton regarding the Parking Garage Project involving a thing of value of \$5,000 and more.

In violation of Title 18, United States Code, Section 666(a)(2) and Section 2.

COUNTS 5 to 7

(Scheme to Defraud the City of Trenton and its Citizens of Money and Property and Defendant TONY F. MACK's Honest Services)

1. At all times relevant to Counts 5 to 7 of this Indictment, the City and citizens of Trenton had an intangible right to the honest services of their elected public officials. As a public official for the City of Trenton, defendant TONY F. MACK owed the City and citizens of Trenton a duty to refrain from receiving bribes and kickbacks in exchange for defendant TONY F. MACK's official action and influence.

2. In addition to, and in conjunction with, the conduct alleged in paragraphs 1 and 4 of Count 1 of this Indictment, which are incorporated and realleged as if fully set forth in these Counts, defendants JOSEPH A. GIORGIANNI and TONY F. MACK and CC-1 arranged with each other and with CW-1 and CW-2 to divert \$100,000 of the amount that CW-2 purportedly was willing to pay to the City of Trenton to purchase the East State Street Lot as a bribe and kickback payment for the direct and indirect benefit of defendants JOSEPH A. GIORGIANNI and TONY F. MACK and in exchange for the official action and influence of defendant TONY F. MACK.

3. In exchange for this bribe and kickback, and other corrupt payments earlier received by defendant JOSEPH A. GIORGIANNI for the direct and indirect benefit of defendant TONY F. MACK, on or about May 29, 2012, defendant TONY F. MACK met

with defendant JOSEPH A. GIORGIANNI, and then met with Trenton Official-1, and approved and caused Trenton Official-1 to send, a letter from the City of Trenton to CW-2, via the U.S. Mail, offering the East State Street Lot for the reduced sale price of \$100,000. This price was predicated on the false pretense that this was an arm's-length transaction, among other false pretenses and representations. This fraudulent activity was intended, among other things, to deprive the City and citizens of Trenton of \$100,000 in potential proceeds from the sale of the East State Street Lot.

4. From in or about September 2010 to on or about July 18, 2012, in Mercer and Atlantic Counties, in the District of New Jersey, and elsewhere, defendants

TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon,"
JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man," and
RALPHIEL MACK

and others knowingly and intentionally did devise and intend to devise a scheme and artifice to defraud the City of Trenton and its citizens of (a) the right to defendant TONY F. MACK's honest services in City of Trenton matters and (b) money and property by means of materially false pretenses, representations and promises.

5. The object of this scheme and artifice to defraud was for defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK and CC-1 to deprive the City of Trenton of the honest services of defendant TONY F. MACK and of money and property through deceit and trickery, namely:

- i. By accepting and agreeing to accept a stream of concealed bribes and kickbacks in exchange for defendant TONY F. MACK's official action and influence in matters relating to the Parking Garage Project; and
- ii. By (a) operating under the materially false pretense that the sale of the East State Street Lot was an arm's-length transaction when, in fact, it was to be consummated through bribery and kickbacks and (b) lowering the sale price of the East State Street Lot based on materially false pretenses and representations.

6. On or about the dates listed below, in Mercer and Atlantic Counties, in the District of New Jersey, and elsewhere, for the purpose of executing and attempting to execute this scheme and artifice to defraud, defendants

TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon,"
JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man," and
RALPHIEL MACK

and others knowingly and intentionally placed and caused to be placed in a post office and authorized depository for mail, and caused to be delivered thereon, certain mail matter as set forth

below, to be sent and delivered by United States Postal Service, and transmitted and caused to be transmitted in interstate commerce by means of wire communications certain signs, signals and sounds as set forth below:

Count	Date	Description
5	10/29/11	Defendant JOSEPH A. GIORGIANNI, who was in New Jersey, telephoned CC-1, who was in Pennsylvania, and informed CC-1 that defendant JOSEPH A. GIORGIANNI had to "see" defendant TONY F. MACK and that "it's important. I got, I got Uncle Remus for him," meaning a corrupt cash payment. Defendant JOSEPH A. GIORGIANNI directed CC-1 to bring defendant TONY F. MACK to Giorgianni's Clubhouse, stating "we gotta talk" because "I got something that might be good for him" and that "they've already come with Uncle Remus," meaning a corrupt cash payment.
6	5/29/12	At the direction and authorization of defendant TONY F. MACK, Trenton Official-1 sent a letter by United States Mail from the City of Trenton to CW-2 offering the sale of the East State Street Lot for \$100,000, representing an amount approximately \$100,000 lower than the amount that CW-2 purportedly was willing to pay.
7	6/13/12	Defendant JOSEPH A. GIORGIANNI, who was in New Jersey, telephoned defendant TONY F. MACK, who was in Florida, and informed defendant TONY F. MACK that "Uncle Remus," meaning a corrupt cash payment, "was there." Defendant TONY F. MACK replied, "I'll call you, J. Okay?"

In violation of Title 18, United States Code, Sections 1341, 1343 and 1346 and Section 2.

COUNT 8

(Conspiracy to Obstruct and Affect Interstate Commerce By
Extortion Under Color of Official Right)

1. Paragraphs 1(b) and 1(d) of Count 1 of this Indictment are hereby incorporated and realleged as if fully set forth in this Count.

2. At all times relevant to Count 8 of this Indictment:

a. There was another coconspirator ("CC-2") who was an associate of defendant JOSEPH A. GIORGIANNI and CC-1, and operated JoJo's Steakhouse.

b. There was an individual ("Individual-1") who operated an automobile detailing and power washing company in and around the City of Trenton that was a business that operated in interstate commerce.

3. From in or about April 2012 to in or about May 2012, in Mercer and Atlantic Counties, in the District of New Jersey and elsewhere, defendant

JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man"

did knowingly and intentionally conspire with CC-1 and CC-2 to obstruct, delay and affect interstate commerce by extortion under color of official right - that is, by corruptly agreeing to obtain and obtaining money from Individual-1, with Individual-1's consent, in exchange for CC-1's exercise of official authority

and influence as specific opportunities arose in connection with a contract to provide power washing services to the City of Trenton.

4. It was the object of the conspiracy to obtain a cash bribe and kickback from Individual-1 in exchange for the official action and influence of CC-1 in connection with Individual-1's company providing, and being paid for, power washing services for the City of Trenton.

5. To further the conspiracy, defendant JOSEPH A. GIORGIANNI, CC-1, Individual 1 and CC-2 engaged in the following conduct:

a. Defendant JOSEPH A. GIORGIANNI and CC-1 caused Individual-1 to inflate an invoice for power washing services rendered to the City of Trenton by at least approximately \$1,500.

b. Using his authority as a City of Trenton employee, CC-1 caused this inflated invoice to be approved by shepherding the invoice through the City of Trenton approval process and causing the City of Trenton to issue a \$4,911.30 check to Individual-1 between on or about April 24, 2012 and on or about April 25, 2012.

c. On or about April 25, 2012, defendant JOSEPH A. GIORGIANNI instructed Individual-1 to leave a kickback of approximately \$1,300 with CC-2 at JoJo's Steakhouse, which defendant JOSEPH A. GIORGIANNI subsequently received.

d. On or about April 25, 2012, defendant JOSEPH A. GIORGIANNI gave a portion of this kickback, approximately \$500, to CC-1 in Atlantic City.

In violation of Title 18, United States Code, Sections 1951(a) and (b)(2).

FORFEITURE ALLEGATION I

As a result of committing the aforementioned offenses in violation of Title 18, United States Code, Sections 666, 1341, 1343 and 1951(a), as alleged in Counts 1 to 7 of this Indictment, defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constituted and was derived from proceeds traceable to the commission of the above offenses, including but not limited to, approximately \$54,000 in United States currency, in that such sum constituted and was derived, directly and indirectly, from proceeds traceable to the commission of violations of Title 18, United States Code, Sections 666, 1341, 1343 and 1951(a).

If any of the above-described forfeitable property, as a result of any act or omission of defendants TONY F. MACK, JOSEPH A. GIORGIANNI, and RALPHIEL MACK:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendants TONY F. MACK, JOSEPH A. GIORGIANNI and RALPHIEL MACK up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

FORFEITURE ALLEGATION II

As a result of committing the aforementioned offense in violation of Title 18, United States Code, Section 1951(a), as alleged in Count 8 of this Indictment, defendant JOSEPH A. GIORGIANNI shall forfeit to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461, all property, real and personal, that constituted and was derived from proceeds traceable to the commission of the above offense, including but not limited to, approximately \$1,300 in United States currency, in that such sum constituted and was derived, directly and indirectly, from proceeds traceable to the commission of violation of Title 18, United States Code, Section 1951(a).

If any of the above-described forfeitable property, as a result of any act or omission of defendant JOSEPH A.

GIORGIANNI:

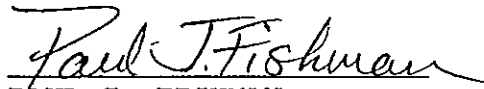
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of defendant

JOSEPH A. GIORGIANNI up to the value of the above forfeitable property.

Pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461.

A TRUE BILL


PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

**TONY F. MACK,
a/k/a "Honey Fitz,"
a/k/a "the Little Guy,"
a/k/a "Napoleon,"
JOSEPH A. GIORGIANNI,
a/k/a "JoJo,"
a/k/a "Mr. Baker,"
a/k/a "the Fat Man," and
RALPHIEL MACK**

INDICTMENT FOR

18 U.S.C. §§ 666(a) (1) (B), 666(a) (2), 981(a) (1) (C),
1341, 1343, 1346, 1951(a) & (b) (2) and § 2
28 U.S.C. § 2461

A True Bill. _____

**PAUL J. FISHMAN
UNITED STATES ATTORNEY
TRENTON, NEW JERSEY**

**ERIC W. MORAN
MATTHEW J. SKAHILL
ASSISTANT U.S. ATTORNEYS
609-989-2910**

EXHIBIT B

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

TONY F. MACK, et al.

Crim. Action No. 12-795 (MAS)

VERDICT SHEET

We the Jury find:

COUNT 1

(Conspiracy to Obstruct and Affect Interstate Commerce by Extortion Under Color of Right)

Defendant Tony F. Mack

Guilty Not Guilty

Defendant Ralphiel Mack

Guilty Not Guilty

COUNT 2

(Attempted Obstruction and Affecting Interstate Commerce by Extortion Under Color of Right)

Defendant Tony F. Mack

Guilty Not Guilty

Defendant Ralphiel Mack

Guilty Not Guilty

COUNT 3
(Accepting and Agreeing to Accept Bribes)

Defendant Tony F. Mack

Guilty Not Guilty

Defendant Ralphiel Mack

Guilty Not Guilty

COUNT 4
(Wire Fraud)

Defendant Tony F. Mack

Guilty Not Guilty

If you found Defendant Tony F. Mack guilty on this Count, answer the additional questions below. If you found Defendant Tony F. Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

Defendant Ralphiel Mack

Guilty Not Guilty

If you found Defendant Ralphiel Mack guilty on this Count, answer the additional questions below. If you found Defendant Ralphiel Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

COUNT 5
(Mail Fraud)

Defendant Tony F. Mack

Guilty Not Guilty

If you found Defendant Tony F. Mack guilty on this Count, answer the additional questions below. If you found Defendant Tony F. Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

Defendant Ralphiel Mack

Guilty Not Guilty

If you found Defendant Ralphiel Mack guilty on this Count, answer the additional questions below. If you found Defendant Ralphiel Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

COUNT 6
(Wire Fraud)

Defendant Tony F. Mack

Guilty Not Guilty

If you found Defendant Tony F. Mack guilty on this Count, answer the additional questions below. If you found Defendant Tony F. Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

Defendant Ralphiel Mack

Guilty Not Guilty

If you found Defendant Ralphiel Mack guilty on this Count, answer the additional questions below. If you found Defendant Ralphiel Mack not guilty on this Count, go to the next charge.

Money and Property? Yes No

Honest Services? Yes No

EXHIBIT C



*United States Attorney
District of New Jersey*

FOR IMMEDIATE RELEASE
Feb. 7, 2014
www.justice.gov/usao/nj

CONTACT: Rebekah Carmichael
Matthew Reilly
Office of Public Affairs
(973) 645-2888

**TRENTON, N.J., MAYOR CONVICTED ON FEDERAL EXTORTION, BRIBERY AND
MAIL AND WIRE FRAUD CHARGES**

Mayor's Brother Also Convicted in Connection with Extortion Plot

TRENTON, N.J. – A federal jury today found Trenton Mayor Tony F. Mack guilty on all six federal extortion, bribery and mail and wire fraud charges against him, U.S. Attorney Paul J. Fishman announced.

Mack's brother, Ralphiel Mack, was also convicted on three of the charges, but found not guilty on three mail and wire fraud counts, following a five-week trial before U.S. District Judge Michael A. Shipp in Trenton federal court. The Macks were charged in connection with a scheme to accept \$119,000 in bribes in exchange for Mayor Mack's official actions and influence in assisting cooperating witnesses in the development of an automated parking garage on City-owned land.

"The jury's verdict solidly affirms what we first charged more than a year ago – that Tony Mack, with the helping hands of his brother and their cohorts, sold the mayor's office and sold out the people of Trenton," U.S. Attorney Fishman said. "We are very grateful to the members of the jury for their service."

Tony F. Mack, 48, and Ralphiel Mack, 41, both of Trenton, originally were charged by complaint on Sept. 10, 2012, with one count of conspiracy to obstruct commerce by extortion under color of official right related to the \$119,000 extortion scheme. Also charged at that time was Joseph A. Giorgianni, 64, of Ewing, N.J. An indictment returned in December 2012 added charges against all three defendants.

Giorgianni pleaded guilty on Dec. 13, 2013, to one count of conspiring with the Macks and others to obstruct interstate commerce by extorting individuals under color of official right, in addition to a separate extortion scheme, a narcotics charge and illegal weapons possession, all charges unrelated to the Macks.

Mayor Mack was convicted of the six counts charged in the indictment:

- Conspiracy to obstruct and affect interstate commerce by extortion under color of official right;
- Attempted obstruction of commerce by extortion under the color of official right;
- Accepting and agreeing to accept bribes;
- Two counts of wire fraud;
- Mail fraud;

Ralphiel Mack was convicted on the same first three counts and found not guilty of the mail and wire fraud charges. The jury members deliberated for seven hours before returning their verdicts.

According to documents filed in this case and the evidence presented at trial:

Mayor Mack, Giorgianni and Ralphiel Mack conspired to accept approximately \$119,000 in cash and other valuables, of which \$54,000 was accepted and another \$65,000 that the defendants planned to accept, from two cooperating witnesses ("CW-1" and "CW-2"). In exchange for the payments, Mayor Mack agreed to, and did, assist CW-1 and CW-2 in their efforts to acquire a City-owned lot (the "East State Street Lot") to develop an automated parking garage (the "Parking Garage Project"). The scheme included a plan to divert \$100,000 of the purchase amount that CW-2 had indicated a willingness to pay to the City of Trenton for the lot as a bribe and kickback payment to Giorgianni and Mayor Mack. The mayor authorized and directed a Trenton official responsible for disposition of City-owned land to offer the East State Street Lot to CW-2 for \$100,000, significantly less than the amount originally proposed by CW-2.

The defendants went to great lengths to conceal their corrupt activity and keep Mayor Mack "safe" from law enforcement. For example, Giorgianni and Ralphiel Mack acted as intermediaries, or "buffers," who accepted cash payments for Mayor Mack's benefit. Mayor Mack also used another City of Trenton employee involved in the scheme, Charles Hall III, 49, of Trenton, to contact other Trenton officials to facilitate the Parking Garage Project and to inform the mayor when Giorgianni had received corrupt cash payments. Hall pleaded guilty before Judge Shipp in February 2013 to an information charging him with one count of conspiracy to obstruct commerce by extortion under color of official right and one count of conspiring to distribute narcotics with others, including Giorgianni.

To conceal the corrupt arrangement, the defendants avoided discussing matters related to the scheme over the telephone. When those matters were discussed, they used code words and aliases. One such code word was "Uncle Remus," which both Giorgianni and Hall regularly used to communicate to Mayor Mack that a corrupt payment had been received. For example, on Oct. 29, 2011, Giorgianni telephoned Hall and informed him that Giorgianni had to "see" Mayor Mack and that "I got Uncle Remus for him," meaning a corrupt cash payment that Giorgianni had received from CW-1 two days earlier. Giorgianni directed Hall to bring Mayor Mack to a

meeting location controlled by Giorgianni ("Giorgianni's Clubhouse"), stating "we gotta talk" because "I got something that might be good for him" and that "they've already come with Uncle Remus," meaning a corrupt cash payment. On June 13, 2012, Giorgianni telephoned Mayor Mack and informed him that "Uncle Remus," meaning a corrupt cash payment, "was there." Mayor Mack replied, "I'll call you, J. Okay?" In text messages to Mayor Mack related to the scheme, Giorgianni would refer to himself as "Mr. Baker."

The defendants also concealed their activities by holding meetings concerning the corrupt activity away from Trenton City Hall, including at Giorgianni's residence, an eatery maintained by Giorgianni known as JoJo's Steakhouse, Giorgianni's Clubhouse and Atlantic City restaurants. At one Atlantic City meeting among Mayor Mack, Giorgianni, Hall and CW-2, Mayor Mack instructed Giorgianni to ensure that no photographs were taken in order to conceal the corrupt arrangement.

The extortion conspiracy and attempted extortion charges are each punishable by a maximum potential penalty of 20 years in prison. The bribery charge is punishable by a maximum potential penalty of 10 years in prison. The mail and wire fraud charges are each punishable by a maximum potential penalty of 20 years in prison. All of the counts also carry a potential fine of \$250,000 or twice the gain or loss from the offense. Sentencing is scheduled for May 14, 2014

U.S. Attorney Fishman credited special agents of the FBI's Trenton Resident Agency, Newark Field Office, under the direction of Special Agent in Charge Aaron T. Ford, for the investigation leading to the charge.

The government is represented by Assistant U.S. Attorneys Eric W. Moran and Matthew J. Skahill of the U.S. Attorney's Office Special Prosecutions Division in Trenton and Camden, respectively.

The charges and allegations contained in the Indictment are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

14-045

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Defense counsel:

Tony Mack: Mark G. Davis Esq., Hamilton, N.J.

Ralphiel Mack: Robert Haney, Princeton Junction, N.J.

EXHIBIT D



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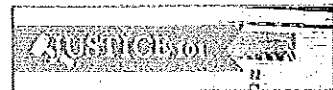
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Former Trenton, N.J., City Employee Admits Involvement In Corruption And Narcotics Conspiracies

FOR IMMEDIATE RELEASE

February 27, 2013

TRENTON, N.J. – A former Trenton city employee today admitted his participation in a bribery scheme involving Trenton Mayor Tony F. Mack, the mayor's brother, Ralphiel Mack, and close associate, Joseph A. "JoJo" Giorgianni, U.S. Attorney Paul J. Fishman announced.

Charles Hall III, 49, of Trenton, pleaded guilty before U.S. District Judge Michael A. Shipp in Trenton federal court to an Information charging him with one count of conspiracy to obstruct commerce by extortion under color of official right. He also pleaded guilty to one count of conspiracy to distribute oxycodone in a separate conspiracy with Giorgianni and others.

According to documents filed in this case and statements made in court:

From September 2010 through June 2012, Hall, Tony Mack, and Ralphiel Mack agreed to accept corrupt cash payments and other things of value from two cooperating witnesses in exchange for the mayor's official assistance with the cooperating witnesses' efforts to acquire a city owned lot (the "East State Street Lot") to develop an automated parking garage. Hall admitted that he, Giorgianni, and Tony Mack agreed that Mack would take official action to fix the sale price of the East State Street Lot at \$100,000 in exchange for a \$100,000 bribe payment. Hall admitted that he met with a Trenton city official and caused that official to issue a letter offering to sell the East State Street Lot for \$100,000, which was substantially lower than what the cooperating witness was willing to pay. Hall further admitted that he, Giorgianni, and Tony Mack agreed to split among themselves the \$100,000 bribe payment.

Hall said Tony Mack instituted a system of "buffers," or intermediaries, to receive bribe payments on his behalf. He admitted that Giorgianni and Ralphiel Mack served as Tony Mack's intermediaries. Hall said that when talking over the telephone, he, Tony Mack, Giorgianni, and Ralphiel Mack limited their conversations to hide the illegal nature of the scheme in case law enforcement was tapping their phones. Hall admitted that "Uncle Remus" was a code word used by Hall, Tony Mack, and Giorgianni to signal that a bribe payment was available for pickup from Giorgianni. On Dec. 6, 2012, the Mack brothers and Giorgianni were charged in an eight-count indictment with extortion, bribery and mail and wire fraud.

In addition to the parking garage project-related bribe and extortion payments, Hall also admitted his involvement in a narcotics distribution conspiracy involving Giorgianni and others. Hall said he obtained, in coordination with Giorgianni, oxycodone-based pain medication, for the purpose of distribution. Jojo's Steakhouse, a restaurant operated by Giorgianni and Mary Manfredo, 65, of Lawrenceville, N.J., served as a front where oxycodone pills and drug proceeds were received and distributed. Also charged by Complaint on Sept. 4, 2012, along with Giorgianni and Manfredo in the drug conspiracy are:

Name	Age	Town
Anthony Dimatteo	31	Trenton
Ralph Dimatteo Sr.	63	Trenton
Giuseppe A. Scordato	47	Hamilton, NJ
Carol Kounitz	57	Hamilton, NJ

FEMA
Federal Emergency Management Agency (FEMA) announced that federal disaster aid has been made available to the State of New Jersey.

FEMA is now accepting applications from residents and business owners who sustained losses in Atlantic County, Cape May County, Essex County, Hudson County, Middlesex County, Monmouth County, Ocean County and Union County.

Register online at www.disasterassistance.gov, by web-enabled mobile device alm.fema.gov or by calling 1-800-621-FEMA(3362) or 1-800-462-7585 (TTY) for the hearing and speech impaired. The toll-free telephone numbers will operate from 7 a.m. to 10 p.m. EDT seven days a week until further notice.

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Stephanie Lima	41	Yardville, NJ
Mark Bethea	45	Trenton
Eugene Brown	70	Atlantic City, NJ

The investigation did not reveal evidence that either Tony Mack or Ralphiel Mack were involved in the narcotics conspiracy.

The extortion conspiracy count to which Hall pleaded guilty is punishable by a maximum potential penalty of 20 years in prison and a fine of \$250,000 or twice the gross gain or loss from the offense. The narcotics conspiracy count is punishable by a maximum penalty of 20 years in prison and a \$1 million fine. Sentencing is scheduled for June 5, 2013.

U.S. Attorney Fishman credited special agents of the FBI's Trenton Resident Agency, Newark Field Office, under the direction of Acting Special Agent in Charge David Velazquez with the investigation leading to today's guilty plea.

The government is represented by Assistant U.S. Attorneys Eric W. Moran and Matthew J. Skahill of the U.S. Attorney's Office Special Prosecutions Division in Trenton and Camden, respectively.

The charges and allegations in the Indictment and Complaint are merely accusations, and the defendants are presumed innocent unless and until proven guilty.

13-094

Defense counsel for Charles Hall III: Alan D. Bowman Esq., Newark

Hall Information

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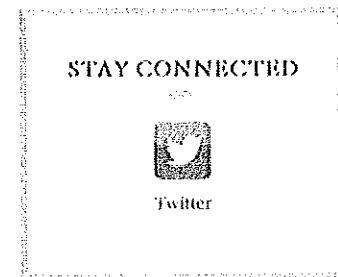
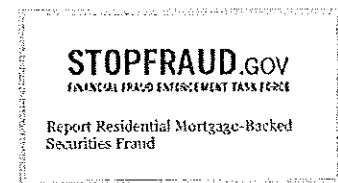
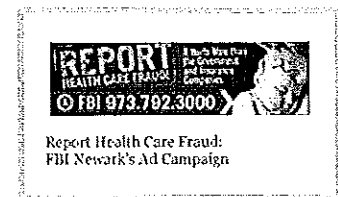


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Mercer County, N.J., Man Admits His Role In Conspiracy To Extort Bribes

FOR IMMEDIATE RELEASE
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December 13, 2013

Also Pleads Guilty to Separate Extortion, Narcotics Distribution and Weapons Charges; Co-Defendant Admits Narcotics Distribution

TRENTON, N.J. — A Mercer County, N.J., man admitted today he conspired with the Mayor of Trenton and others to extort bribes and kickbacks in connection with a Trenton parking garage project, U.S. Attorney Paul J. Fishman announced.

Joseph Giorgianni (a/k/a "Jo Jo"), 64, of Ewing Township, N.J., pleaded guilty before U.S. District Judge Michael A. Shipp in Trenton federal court to Count One of an indictment returned in December 2012 charging him with conspiring with Trenton Mayor Tony F. Mack, 47, Ralphiel Mack, 41, (Mayor Mack's brother) both of Trenton, and others to obstruct interstate commerce by extorting individuals under color of official right by corruptly arranging to obtain, and obtaining, money and things of value in exchange for Tony Mack's exercise of official authority and influence.

Giorgianni also pleaded guilty to Count Eight in the indictment, charging him with conspiring with City of Trenton employee Charles Hall III, 50, of Trenton, to obstruct interstate commerce by extorting another individual under color of official right by corruptly arranging to obtain, and obtaining, money and things of value from that individual in exchange for Hall's exercise of official authority and influence in connection with the administration of a power-washing contract.

Giorgianni also pleaded guilty to charges contained in a separate indictment returned in March 2013 which included conspiring with others, including Hall, to distribute and possess with intent to distribute oxycodone (Count One) and to being a felon in possession of a firearm (Count Six).

An associate of Giorgianni, Mary Manfreda, 65, of Lawrenceville, N.J., pleaded guilty to conspiring with Giorgianni, Hall and others to distribute and possess with intent to distribute oxycodone (Count One of the March 2013 indictment).

Hall, a former City of Trenton employee, pleaded guilty in February 2013 to conspiring to obstruct commerce by extortion under color of official right by agreeing with Giorgianni, Tony Mack and Ralphiel Mack to obtain payments from the purported developers of the parking garage project in exchange for Tony Mack's official assistance on the project. Hall also admitted his involvement in the narcotics distribution conspiracy involving Giorgianni, Manfreda and others in connection with the purchase and sale of oxycodone.

The extortion and narcotics conspiracy counts are punishable by a maximum potential prison term of 20 years in prison per count. The firearms count carries a maximum penalty of 10 years in prison. All offenses except the narcotics offense carry a maximum fine of \$250,000; the narcotics offense has a \$1 million maximum fine. Sentencing for both defendants has been scheduled for March 19, 2014.

U.S. Attorney Fishman credited special agents of the FBI's Trenton Resident Agency, Newark Field Office, under the direction of Special Agent in Charge Aaron T. Ford, for the investigation leading to today's guilty pleas.

The government is represented by Assistant U.S. Attorneys Eric W. Moran and Matthew J. Skahill of the U.S. Attorney's Office Special Prosecutions Division in Trenton and Camden, respectively.

The charges and allegations in the referenced indictments are merely accusations, and all defendants with

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Federal Emergency Management Agency (FEMA) announced that federal disaster aid has been made available to the State of New Jersey.

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pending charges are presumed innocent unless and until proven guilty.

13-464

Defense Counsel:

Giorgianni: Jerome A. Ballarotto Esq., Trenton

Manfredo: Anthony Simonetti Esq., Hightstown, N.J.

Giorgianni, Joseph Et Al. Indictments

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1. 1. 1.

JOHN J. HOFFMAN
ACTING ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF-STATE OF NEW JERSEY
BY: STEVEN A. YOMTOV - ATTY NO. 059141994
DEPUTY ATTORNEY GENERAL
DIVISION OF CRIMINAL JUSTICE
APPELLATE BUREAU
P.O. BOX 086
TRENTON, NEW JERSEY 08625
(609) 292-9086

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO.

STATE OF NEW JERSEY, :
Plaintiff, : CIVIL ACTION
v. : AFFIDAVIT OF SERVICE
TONY F. MACK, :
Defendant. :

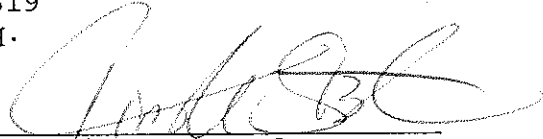
State of New Jersey :
: SS
County of Mercer :

TINA MARIE STANLEY, of full age, being duly sworn according to law upon her oath deposes and says:

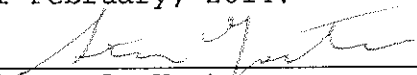
1. I am a secretary in the employ of the State of New Jersey, Division of Criminal Justice, Appellate Bureau.

2. On February 10, 2014, I did mail, by regular U.S. mail, two copies of the State's Order To Show Cause Seeking Forfeiture of Public Office and Position, Permanent Disqualification From Any Position of Public Honor, Trust or Profit and Forfeiture of Pension or Retirement Benefits, Verified Complaint in Lieu of Prerogative Writ, Supporting Brief and Exhibits, and Civil Case Information Statement, to:

The Davis Law Firm, LLC
2653 Nottingham Way
Hamilton, New Jersey 08619
Attn: Mark G. Davis, Esq.


Tina M. Stanley

Sworn to and subscribed
before me this 10th day
of February, 2014.


Steven A. Yomtov
An Attorney-At-Law of New Jersey