

SUPERIOR COURT OF N.J.  
**FILED**

**FEB 2 2004**

**DONALD E. PHELAN**  
**CLERK**

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ485-04-10

Superior Court

Docket Number

**04 - 02 - 00011 - S**

STATE OF NEW JERSEY )

v. )

HAYNES SECURITY, INC. )

JOHN D'AGOSTINO )

CAROL D'AGOSTINO )

and )

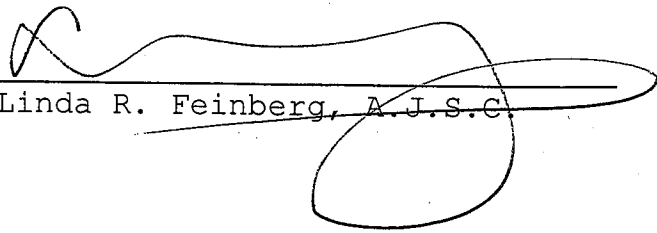
BENJAMIN RIGGI )

ORDER OF VENUE

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

IT IS ORDERED on this *2nd* day of *February*, 2004, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Essex be and hereby is designated as the County of venue for the purpose of trial.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall transmit forthwith the Indictment in this matter and a certified copy of this Order to the Criminal Division Manager of the County of Essex for filing.

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

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 V. )  
 HAYNES SECURITY, INC. )  
 JOHN D'AGOSTINO )  
 CAROL D'AGOSTINO )  
 and )  
 BENJAMIN RIGGI )

INDICTMENT

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

COUNT ONE

(Conspiracy-Second Degree)

HAYNES SECURITY, INC.

JOHN D'AGOSTINO

and

CAROL D'AGOSTINO

from in or about January, 1999, until the present, at the City of Newark, in the County of Essex, at the City of Elizabeth, in the County of Union, and at the Borough of Manhattan, in the State of

New York, elsewhere, and within the jurisdiction of this Court, with the purpose of promoting and facilitating the commission of the crimes of Corporate Misconduct, Theft by Deception, and Commercial Bribery, did conspire, confederate and agree that:

A. One or more of them purposely would engage in conduct which would constitute the aforesaid crimes, and

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

Theft By Deception, in that they would purposely obtain the property of another having a value in excess of \$75,000.00, by deception, that is, by creating or reinforcing the false impression as to law, value, intention or other state of mind contrary to N.J.S.A. 2C:20-4;

Commercial Bribery and Breach of Duty to Act Disinterestedly, in that they would confer or offer or agree to confer any benefit the acceptance of which would constitute consideration for a knowing violation or agreement to violate a duty of fidelity to which the conferee is subject as an employee of another or as an officer, director, manager or other participant in the direction of the affairs of an incorporated or unincorporated association, contrary to N.J.S.A. 2C:21-10c;

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

COUNT TWO

(Misconduct By a Corporate Official- Second Degree)

JOHN D'AGOSTINO

and

CAROL D'AGOSTINO

from in or about January, 1999 until the present, at the City of Newark, in the County of Essex, at the City of Elizabeth, in the County of Union, and at the Borough of Manhattan, in the State of New York, elsewhere, and within the jurisdiction of this Court, purposely or knowingly used, controlled or operated a corporation for the furtherance or promotion of a criminal object benefitting in an amount equal or greater than \$75,000.00, in that, the said JOHN D'AGOSTINO and CAROL D'AGOSTINO being directors or officers of Haynes Security, Inc. purposefully and knowingly used, controlled or operated Haynes Security, Inc. for the following criminal objects:

Theft By Deception, in that they purposely obtained the property of another having a value in excess of \$75,000.00, by deception, that is, by creating or reinforcing the false impression as to law, value, intention or other state of mind contrary to N.J.S.A. 2C: 20-4; and/or

Commercial Bribery and Breach of Duty to Act Disinterestedly, in that they conferred or offered or agreed to confer any benefit the acceptance of which would constitute consideration for a knowing violation or agreement to violate a

