

SUPERIOR COURT OF N.J.
FILED
JAN 31 2005
DONALD F. PHELAN
CLERK

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 501-05-18

Superior Court

Docket Number 05-01-00010-S

STATE OF NEW JERSEY)

v.)

INDICTMENT

LU T. TRAN)

TUAN M. HO)

TU ANH TI TRAN)

BINH H. PHAM)

HUNG LUU)

and)

CUONG TU NGO)

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

COUNT ONE

(Conspiracy - Third Degree)

LU T. TRAN

TUAN M. HO

TU ANH TI TRAN

and

BINH H. PHAM

between on or about September 20 and on or about September 21,
2003, at the City of Atlantic City, in the County of Atlantic,

elsewhere, and within the jurisdiction of the Court, with the purpose of promoting or facilitating the crime of Swindling and Cheating, did agree that:

A. One or more of them would engage in conduct which would constitute the aforesaid crime or an attempt or solicitation to commit such crime; or

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

1. Swindling and Cheating in that one or more of them would, purposely or knowingly, by trick, sleight of hand performance, fraud or fraudulent scheme, unlawfully win or attempt to win, for themselves or others, a representative of money, namely, gaming cheques, with a value in excess of \$500, in connection with casino gaming, contrary to the provisions of N.J.S.A. 5:12-113(a).

The Grand Jurors aforesaid, upon their oaths, do further present that in pursuance of the said conspiracy, the following Overt Acts, among others, were committed:

OVERT ACTS

1. On or about September 20, 2003, at the City of Atlantic City, the said TUAN M. HO sat down at Borgata Casino/Hotel Mini-Baccarat Table #03, Pit #02, and began to record on a scorecard

the sequence of cards being dealt during play.

2. On or about September 21, 2003, at the City of Atlantic City, the said LU T. TRAN, while working as a Mini-Baccarat Dealer at Table #03, Pit #02 in the Borgata Casino/Hotel, performed a "false shuffle" by intentionally failing to shuffle the entire eight decks of cards from the discard rack as required by the rules of Mini-Baccarat and then placing the cards back into the shoe for play in reverse order of the sequence in which they had been previously dealt.

3. On or about September 21, 2003, the said TUAN M. HO did apprise the said TU ANH TI TRAN and BINH H. PHAM of the sequence of unshuffled cards that would be dealt to them by the said LU T. TRAN from the shoe at Mini-Baccarat Table #03, Pit #02, as a result of the "false shuffle."

4. On or about September 21, 2003, the said TUAN M. HO, TU ANH TI TRAN, and BINH H. PHAM did place winning bets, in excess of \$35,000, at Mini-Baccarat Table #03, Pit #02, based upon their knowledge of the sequence of cards they were to receive prior to said cards being dealt by the said LU T. TRAN.

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

COUNT TWO

(Swindling and Cheating - Third Degree)

LU T. TRAN

TUAN M. HO

TU ANH TI TRAN

and

BINH H. PHAM

between on or about September 20, 2003 and on or about September 21, 2003, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, while at the Borgata Casino/Hotel, did purposely or knowingly, by trick, sleight of hand performance, fraud or fraudulent scheme, unlawfully win or attempt to win, for themselves or for others, a representative of money, namely, gaming cheques, with a value of in excess of \$500.00, in connection with casino gaming , contrary to the provisions of N.J.S.A. 5:12-113(a) and N.J.S.A. 2C:2-6, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Conspiracy - Third Degree)

LU T. TRAN

TUAN M. HO

TU ANH TI TRAN

HUNG LUU

and

CUONG TU NGO

on or about September 26, 2003, at the City of Atlantic City, in the County of Atlantic, and elsewhere within the jurisdiction of the Court, with the purpose of promoting and facilitating the crime of Swindling and Cheating, did agree that:

A. One or more of them would engage in conduct which would constitute the aforesaid crime or an attempt or solicitation to commit such crime; or

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

1. Swindling and Cheating in that one or more of them would, purposely or knowingly, by trick, sleight of hand performance, fraud or fraudulent scheme, unlawfully win or attempt to win, for themselves and/or for others, a representative of money, namely, gaming cheques, with a value in excess of \$500.00, in connection with casino gaming, contrary to the

provisions of N.J.S.A. 5:12-113(a).

The Grand Jurors aforesaid, upon their oaths, do further present that in pursuance of the said conspiracy, the following Overt Acts, among others, were committed:

OVERT ACTS

1. On or about September 26, 2003, the said TUAN M. HO took a position near Borgata Casino/Hotel Mini-Baccarat Table #03, Pit #02, and began to record on a scorecard the sequence of cards being dealt during play.

2. On or about September 26, 2003, the said LU T. TRAN, who was working as a dealer at Mini-Baccarat Table #03, Pit #02 in the Borgata Casino/Hotel, performed a "false shuffle" by intentionally failing to shuffle the entire eight decks of cards from the discard rack as required by the rules of Mini-Baccarat and then placing the cards back into the shoe for play in reverse order of the sequence in which they had been previously dealt.

3. On or about September 26, 2003, the said TUAN M. HO did apprise the said TU ANH TI TRAN, HUNG LUU, and CUONG TU NGO of the sequence of unshuffled cards that would be dealt to them from the shoe at Mini-Baccarat Table #03, Pit #02, as a result of the "false shuffle" conducted by the said LU T. TRAN.

4. On or about September 21, 2003, the said TUAN M. HO, TU ANH TI TRAN, HUNG LUU and CUONG TU NGO did place winning bets, in excess of \$15,000.00, at Mini-Baccarat Table #03, Pit #02, based

upon their knowledge of the sequence of cards they were to receive prior to said cards being dealt.

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

COUNT FOUR

(Swindling and Cheating - Third Degree)

LU T. TRAN

TUAN M. HO

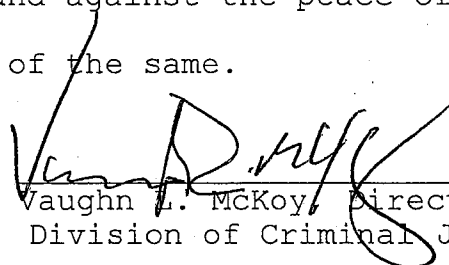
TU ANH TI TRAN

HUNG LUU


and

CUONG TU NGO

on or about September 26, 2003, at the City of Atlantic City, in the County of Atlantic, elsewhere, and within the jurisdiction of this Court, while at the Borgata Casino/Hotel, did purposely or knowingly, by trick, sleight of hand performance, fraud or fraudulent scheme, unlawfully win or attempt to win, for themselves and/or others, a representative of money, namely, gaming cheques, with a value in excess of \$500, in connection with casino gaming contrary to the provisions of N.J.S.A. 5:12-113(a) and N.J.S.A. 2C:2-6; and against the peace of this State, the government and dignity of the same.


Vaughn L. McKoy, Director
Division of Criminal Justice

A TRUE BILL:


James E. Davidson
Foreperson

Date: 1/31/05

SUPERIOR COURT OF N.J.
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DONALD F. PHELAN
CLERK

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - CRIMINAL

State Grand Jury

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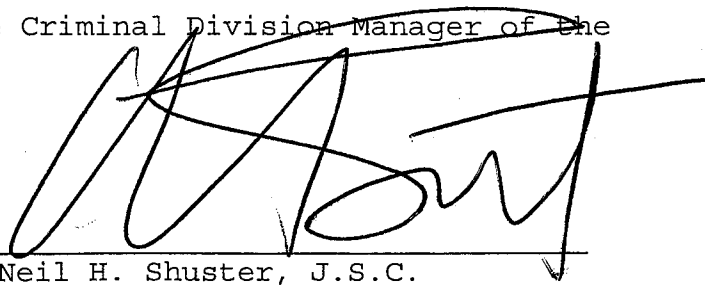
STATE OF NEW JERSEY)
v.)
LU T. TRAN)
TUAN M. HO)
TU ANH TI TRAN)
BINH H. PHAM)
HUNG LUU)
and)
CUONG TU NGO)

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 31st day of JANUARY 2005, pursuant to paragraph 8 of the State Grand Jury Act, that the County of Atlantic 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 Atlantic for filing.


Neil H. Shuster, J.S.C.