

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Crim. No.
JOHN J. HAMILTON, JR. : 18 U.S.C. §§ 666(a)(1)(B),
and : 1001, 1512(b)(3), 1951(a) & 2
VINCENT "VINNY" BAKER :

INDICTMENT

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

COUNT 1

(Conspiracy to Extort Benefits Under Color of Official Right)

Defendants and Cooperating Witness

1. At all times relevant to this Count:

a. Defendant JOHN J. HAMILTON, JR., was the Deputy Mayor and Councilman for the City of Asbury Park, New Jersey ("Asbury Park"), and was in a position to influence official action on behalf of Asbury Park in the hiring of contractors to perform services;

b. Defendant VINCENT "VINNY" BAKER was the owner of Jennie's Soul Food Restaurant, located in Asbury Park; and

c. A witness cooperating with federal law enforcement authorities ("CW") held himself out to defendant JOHN J. HAMILTON, JR. and defendant VINCENT "VINNY" BAKER as an individual involved in construction and demolition work, money laundering, and illegal loansharking.

The Corrupt Arrangement

2. On or about May 1, 2001, defendant VINCENT "VINNY" BAKER told CW that defendant BAKER had described CW to defendant JOHN J. HAMILTON, JR. as an individual who was a "contributor" and as an individual who was "looking for work." Unbeknown to defendant BAKER and defendant HAMILTON, CW was acting under the direction of federal law enforcement officers, and recorded this, and subsequent conversations. As defendant HAMILTON was contacting CW on CW's cellular telephone, BAKER told defendant HAMILTON on behalf of CW, "I'm saying he's okay." Defendant HAMILTON and CW thereafter arranged to meet the same day at a restaurant located in Asbury Park.

3. During a meeting between defendant JOHN J. HAMILTON, JR. and CW on or about May 1, 2001, at a restaurant located in Asbury Park, CW stated that he was seeking no-bid contract work. After CW stated that he had a "little present" for defendant HAMILTON, defendant HAMILTON responded that he needed a driveway installed at his home. Additionally, during that meeting, when CW offered defendant HAMILTON \$2,000 in cash, defendant HAMILTON told CW that he wanted to first speak to defendant VINCENT "VINNY" BAKER. After speaking with defendant BAKER on his cellular telephone, defendant HAMILTON told CW that CW could speak to defendant BAKER about the \$2,000 offer. Further, defendant HAMILTON was informed by CW (A) that defendant HAMILTON would receive 10 per cent of monies that CW received from any

Asbury Park contracting work, which CW would funnel through defendant BAKER, and (B) that defendant BAKER would also receive a percentage of any monies received. Defendant HAMILTON subsequently indicated that he would attempt to help CW secure public construction and/or demolition contracts for CW's company.

4. On or about May 2, 2001, defendant VINCENT "VINNY" BAKER was informed by CW that defendant BAKER would receive a percentage of whatever business that CW received through defendant HAMILTON, and defendant BAKER agreed to this arrangement. Defendant BAKER accepted \$2,000 in cash from CW to give to defendant HAMILTON. Defendant BAKER also accepted \$200 in cash from CW for defendant BAKER's introduction of CW to defendant HAMILTON.

5. On or about May 17, 2001, while CW and defendant VINCENT "VINNY" BAKER were surveying the area around defendant JOHN J. HAMILTON, JR.'s home for the driveway work, defendant HAMILTON indicated that he would pay \$500 for the work, which was valued at least \$5,000, so that defendant HAMILTON could obtain a receipt to account for this benefit. When CW and defendant BAKER returned to CW's vehicle, defendant BAKER agreed that if defendant HAMILTON did pay \$500 for the work, CW would give defendant BAKER the \$500, and the \$500 should be returned to defendant HAMILTON.

6. On or about July 24, 2001, after defendant VINCENT "VINNY" BAKER discussed the driveway job with CW at Jennie's Soul Food Restaurant, defendant JOHN J. HAMILTON met with CW, where the two finalized arrangements concerning the driveway.

7. From on or about August 2, 2001 to on or about August 3, 2001, defendant JOHN J. HAMILTON, JR. caused the driveway to be installed by CW and others at defendant HAMILTON's home. To complete the driveway job for defendant HAMILTON, CW subcontracted the work to, and subsequently made payment in the amount of \$5,000 to, contractors that routinely bought materials in interstate commerce.

8. On or about August 2, 2001, at the home of defendant JOHN J. HAMILTON, JR., defendant HAMILTON and CW again spoke of their agreement that defendant HAMILTON would attempt to secure emergency and no-bid public jobs for CW, from which defendants HAMILTON and BAKER would profit. Defendant HAMILTON instructed CW to provide defendant HAMILTON with a receipt in the amount of approximately \$1,000 for the driveway job even though defendant HAMILTON had not paid CW for the work.

9. On or about August 3, 2001, defendant JOHN J. HAMILTON, JR. obtained a receipt from CW that indicated that defendant HAMILTON had paid \$1,000 in cash for the driveway job, when defendant HAMILTON had not paid any amount for the job. Defendant HAMILTON told CW, after obtaining the receipt, that he wanted to get CW some work. Defendant HAMILTON was again

informed by CW that defendant HAMILTON and defendant BAKER would receive percentages of whatever work CW received.

The Conspiracy

10. From in or about May 2001 to in or about August 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendants

JOHN J. HAMILTON, JR.
and
VINCENT "VINNY" BAKER

did knowingly and willfully conspire to obstruct, delay, and affect commerce by extortion - that is, by obtaining benefits, including materials and labor for the installation of a driveway at his home, with a value of at least \$5,000, under color of official right, and with the consent of CW.

Object of the Conspiracy

11. The object of the conspiracy was for defendant JOHN J. HAMILTON, JR. and defendant VINCENT "VINNY" BAKER to obtain concealed benefits from CW in return for defendant HAMILTON using his official influence in Asbury Park and with other governmental contacts in Monmouth County to aid CW's construction and demolition business as specific opportunities arose.

Overt Acts

12. In furtherance of this conspiracy and to effect its object, the following overt acts were committed in Monmouth County, in the District of New Jersey and elsewhere:

a. On or about May 1, 2001, while at Jennie's Soul Food Restaurant in Asbury Park, defendant VINCENT "VINNY" BAKER told CW that defendant BAKER had described CW to defendant JOHN J. HAMILTON, JR. as an individual who was a "contributor," and who was "looking for work."

b. On or about May 1, 2001, at another restaurant in Asbury Park, defendant JOHN J. HAMILTON, JR. met with CW, agreeing to attempt to secure public construction contracts for CW's company in exchange for the installation of a driveway at the home of defendant HAMILTON.

c. On or about May 2, 2001, near JOHN J. HAMILTON, JR.'s home in Asbury Park, defendant VINCENT "VINNY" BAKER accepted \$2,200 in cash from CW -- \$2,000 to give to defendant JOHN J. HAMILTON, JR. and \$200 for himself.

d. On or about May 17, 2001, near defendant JOHN J. HAMILTON, JR.'s home in Asbury Park, VINCENT "VINNY" BAKER met with CW, agreeing to return \$500 to defendant JOHN J. HAMILTON, JR. if defendant HAMILTON paid CW \$500 for the driveway job.

e. On or about August 3, 2001, near defendant JOHN J. HAMILTON's home in Asbury Park, defendant HAMILTON told CW that he wanted to get CW some work after defendant HAMILTON obtained a

receipt from CW for \$1,000 for driveway work performed, but for which defendant HAMILTON did not pay.

In violation of Title 18, United States Code, Section 1951(a).

COUNT 2

(Attempt to Extort Benefits Under Color of Official Right)

1. Paragraphs 1 to 9 of Count 1 are realleged as if set set forth in full herein.

2. From on or about May 1, 2001 to on or about August 3, 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendants

JOHN J. HAMILTON, JR.
and
VINCENT "VINNY" BAKER

did knowingly and willfully attempt to obstruct, delay and affect interstate commerce by extortion - that is, by obtaining materials and labor for the installation of a driveway at defendant HAMILTON'S home, with a value of at least \$5,000, under color of official right, and with the consent of CW.

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

COUNT 3

(Acceptance of Thing of Value of \$5,000 to Influence and Reward)

1. The allegations set forth in Paragraphs 1 to 9 of Count 1 of this Indictment are realleged as if set forth in full herein.

2. At all times relevant to this count, Asbury Park received in excess of \$10,000 in federal assistance in a one-year period.

3. From on or about May 1, 2001 to on or about August 3, 2001, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

JOHN J. HAMILTON, JR.
and
VINCENT "VINNY" BAKER

did knowingly, willfully, and corruptly solicit and demand for the benefit of defendant HAMILTON, and accept and agree to accept materials and labor for the installation of a driveway at defendant HAMILTON's home, with a value of \$5,000 or more, intending to be influenced and rewarded in connection with a business, transaction, and series of transactions of a local government involving a thing of value of \$5,000 or more.

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

COUNT 4

(False Statement)

1. The allegations set forth in Paragraphs 1 to 9 of Count 1 of this Indictment are realleged as if set forth in full herein.

2. On or about November 11, 2002, defendant JOHN J. HAMILTON, JR., at his home in Asbury Park, falsely stated, in substance and in part, to agents from the Federal Bureau of Investigation ("FBI") that he had paid \$1,000 for the driveway installed at his home in or about early August 2001 when he well knew that no such payment was made, in order to conceal information regarding this corrupt benefit from federal law enforcement authorities.

3. On or about November 11, 2002, in Monmouth County, in the District of New Jersey and elsewhere, defendant

JOHN J. HAMILTON, JR.

did knowingly and willfully make a materially false, fictitious, and fraudulent statement and representation in a matter within the jurisdiction of the executive branch of the Government of the United States - namely the FBI.

In violation of Title 18, United States Code, Sections 1001 and 2.

COUNT 5

(Attempted Witness Tampering)

1. The allegations set forth in Paragraphs 1 to 9 of Count 1 of this Indictment and Paragraph 2 of Count 4 are realleged as if set forth in full herein.

2. From in or about November 2002 to in or about December 2002, defendant JOHN J. HAMILTON, JR. spoke with CW on multiple occasions to ensure that defendant HAMILTON and CW would tell the FBI the same false story that defendant HAMILTON paid CW \$1,000 for the installation of the driveway if he and CW were further questioned by the FBI. During an audio-recorded conversation on or about December 11, 2002, defendant HAMILTON stated to CW that he wanted to make sure that defendant HAMILTON and CW would be "on the same page."

3. From in or about November 2002 through in or about December 2002, in Monmouth County, in the District of New Jersey, and elsewhere, defendant

JOHN J. HAMILTON, JR.

did knowingly and willfully attempt to corruptly persuade another person - namely, CW - with intent to hinder, delay and prevent the communication to law enforcement officers of information relating to the commission and possible commission of Federal offenses, including information regarding defendant HAMILTON's corrupt acceptance of the installation of a personal driveway valued at \$5,000 or more from CW.

In violation of Title 18, United States Code, Section
1512(b)(3) and 2.

FOREPERSON

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY