

NEWS

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FOR IMMEDIATE RELEASE

Sept. 25, 2009

Former Passaic Councilman Gerardo Fernandez Sentenced to
18 Months in Prison for Perjury Before Federal Grand Jury

(More)

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TRENTON – Former Passaic Councilman Gerardo Fernandez was sentenced today to 18 months in federal prison for his conviction on a charge of perjury before a federal grand jury, Acting U.S. Attorney Ralph J. Marra, Jr., announced.

U.S. District Judge Anne E. Thompson also ordered Fernandez, 52, to pay a \$1,000 fine and to serve two years of supervised release with the condition that he not hold public office during his term of supervision. Judge Thompson continued Fernandez's release on a \$200,000 bond, pending his surrender to the U.S. Bureau of Prisons on or before Nov. 30.

On June 5, 2009, a federal jury in Trenton convicted Fernandez of perjury. The conviction arose from Fernandez's false testimony before a federal grand jury investigating public corruption in the City of Passaic and elsewhere. That investigation additionally resulted in the convictions of former Passaic Mayor Samuel Rivera and former Passaic councilmen Jonathan Soto and Marcellus Jackson, among others. Rivera, Soto and Jackson were each convicted of federal charges related to their acceptance of bribes from individuals representing an undercover FBI insurance company. In total, thirteen public officials and one private citizen were convicted either by trial or guilty plea as a result of the FBI investigation, which progressed from southern to northern New Jersey.

Separately today, Judge Thompson sentenced Bruce Begg, 55, of New Hope, PA, to two years of probation and ordered him to pay a \$1,000 fine. Begg cooperated with law enforcement authorities in the public corruption investigation and testified at trial in connection with the investigation.

On April 11, 2008, Begg pleaded guilty to federal charges for the payment of commercial bribes to a construction manager. Those charges were unrelated to the corruption investigation in which Begg assisted law enforcement authorities.

The Fernandez case was prosecuted by Assistant U.S. Attorney Dustin Chao, of the Special Prosecutions Division. The Begg case was prosecuted by Assistant U.S. Attorney David Bocian, also of the Special Prosecutions Division.

In determining the actual sentences, Judge Thompson consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, was not bound by those guidelines in determining a sentence.

Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Marra credited Special Agents of the FBI, under the direction of Special Agent in Charge Weysan Dun, with the corruption investigation. He also credited the Atlantic County Prosecutor's Office, under the direction of Theodore F.L. Housel, for their participation in the investigation.

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Defense Attorney:

Fernandez - Nicholas C. Harbist, Esq., Princeton

Begg - Carl D. Poplar, Esq., and David E. Poplar, Esq., Cherry Hill