

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Criminal No. 10-  
 :  
 v. : 18 U.S.C. §§ 1512(b)(3) and  
 : (c)(2) and § 2  
 MICHAEL J. LALLEY : INDICTMENT

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

COUNT 1

Obstruction of Justice - 18 U.S.C. § 1512(b)(3)

1. At all times relevant to Count 1 of this Indictment:
  - a. Defendant MICHAEL J. LALLEY (hereinafter, "defendant LALLEY") was employed as a sergeant with the City of Newark, New Jersey Police Department ("the NPD"). In this capacity, defendant LALLEY was responsible for, among other things, the keeping of the peace, ensuring the protection of life and property through the enforcement of various laws and ordinances, and the investigation of crimes. Defendant LALLEY has been employed by the NPD in various capacities since in or about 1990.
  - b. A certain individual (hereinafter, "Victim #1") was an acquaintance of defendant LALLEY.
  - c. A certain individual (hereinafter, "Victim #2") was an acquaintance of defendant LALLEY.

d. A certain individual (hereinafter, "Individual #1") was an acquaintance of defendant LALLEY.

e. A certain individual (hereinafter, "Individual #2") was an acquaintance of defendant LALLEY.

f. Federal law enforcement officials and a Grand Jury convened in Newark, New Jersey were investigating allegations that certain individuals, including defendant LALLEY while working as a NPD officer, were stealing money and narcotics from narcotics dealers and their associates, and that defendant LALLEY had, among other things, engaged in sexual acts with minors (in some cases, for payment), directed and facilitated the commission of sexual acts with said minors, and distributed narcotics to minors in possible violation of federal criminal law, including, among other statutes, 18 U.S.C. §§ 241, 242, 371, 641, 666, 1951 and 2241, and 21 U.S.C. §§ 841, 844, and 846 (hereinafter, the "Allegations Under Investigation").

2. In or about the spring of 2009, Victim #1 reported to law enforcement authorities that, from in or about 1991 to in or about 1999, defendant LALLEY had engaged in sexually explicit acts and conduct with Victim #1 who, during this time, was a minor. Victim #1 further stated that Individual #1, on several occasions, engaged in sexually explicit acts and performed sexual favors for defendant LALLEY, Victim #1 and other minors, at defendant LALLEY's request. Victim #1 indicated that he,

Individual #1 and defendant LALLEY engaged in such sexually explicit conduct at, among other locations, defendant LALLEY's residence and a NPD station where defendant LALLEY was employed. Additionally, Victim #1 advised that defendant LALLEY distributed narcotics, including cocaine and marijuana, to Victim #1 on certain occasions.

3. On or about January 11, 2010, FBI agents interviewed Victim #2. Victim #2 stated that defendant LALLEY associated with Victim #2 in or about 1994, and that defendant LALLEY paid Victim #2 approximately \$25 - \$60 for sexual favors when Victim #2 was a minor. This conduct occurred for approximately two years, about 1-2 times per week, at locations such as defendant LALLEY's house and the police station where LALLEY was employed. Victim #2 further stated that defendant LALLEY arranged for other minors to engage in sexually explicit conduct with defendant LALLEY and Victim #2, at defendant LALLEY's request, and that defendant LALLEY distributed marijuana to Victim #2 on at least one occasion.

4. Victim #2 also advised that, on or about January 4, 2010, defendant LALLEY contacted Victim #2 by telephone. During the conversation, defendant LALLEY notified Victim #2 that the FBI may come to speak with Victim #2, and that defendant LALLEY wanted Victim #2 to lie for him by stating that defendant LALLEY and Victim #2 never had sexual contact with one another.

According to Victim #2, defendant LALLEY further stated to Victim #2, in substance and in part, that "I looked out for you, see if you can look out for me." Victim #2 thereafter agreed to participate in making consensually recorded telephone calls with defendant LALLEY. All conversations described below were recorded and, unless otherwise stated in quotations, are recounted in substance and in part.

January 12, 2010 Telephone Conversation

5. On or about January 12, 2010, defendant LALLEY spoke to Victim #2 over the telephone while Victim #2 was within the District of New Jersey. During the conversation, defendant LALLEY instructed Victim #2 not to disclose to the FBI their past sexual relationship while Victim #2 was a minor. Defendant LALLEY further advised Victim #2 that, if questioned about any sexual activity with Individual #1, Victim #2 could admit that he engaged in certain sexual activities with Individual #1. However, Victim #2 should state that he was over 18 years of age at that time, and that defendant LALLEY left the room when this sexual activity occurred.

6. Towards the conclusion of the conversation, defendant LALLEY reminded Victim #2 that he needed to conceal their past sexual relationship by stating, "[t]hey don't know nothing about me and you [but] you gotta back that up if they do ask you - Did you ever have sex with me? No. Right?" Victim #2 replied that

he would tell the FBI agents the same.

January 19, 2010 Telephone Conversation (Afternoon)

7. On or about the afternoon of January 19, 2010, defendant LALLEY spoke to Victim #2 over the telephone while Victim #2 was within the District of New Jersey. During the conversation, Victim #2 expressed his concern over making false statements and representations to the FBI, to which defendant LALLEY continued to instruct Victim #2 to keep their sexual relationship and Victim #2's age at the time of that relationship "on the DL [down-low]." Victim #2 also apprised defendant LALLEY of the names of other individuals that the FBI questioned Victim #2 about - individuals who were alleged to have been sexually involved, or familiar, with defendant LALLEY. Defendant LALLEY instructed Victim #2 to speak to two of these individuals in an effort to prevent those persons from disclosing information to the FBI. Towards the end of the conversation, defendant LALLEY warned Victim #2 that he had to "say you [sic] was over 18" or else "everything else comes out" and, as a result, Victim #2 would have to appear in court and testify as to these matters.

January 19, 2010 Telephone Conversation (Evening)

8. Later in the evening of January 19, 2010, defendant LALLEY spoke again with Victim #2 on the telephone while Victim #2 was within the District of New Jersey. Defendant LALLEY continued to instruct Victim #2 to conceal their past sexual

relationship while Victim #2 was underage. Defendant LALLEY further explained to Victim #2 that the FBI could never prove what happened between them as long as both defendant LALLEY and Victim #2 kept quiet and continued to "stick together." When Victim #2 expressed his concern over Individual #2 disclosing such past sexual conduct, defendant LALLEY attempted to reassure Victim #2 by stating, "the only way they prove things is if you say something or I say something . . . you gotta pull through for the both of us though." Defendant LALLEY stated that, as long as Victim #2 denied that having sexual relations with defendant LALLEY while Victim #2 was a minor, there was "no way they could prove anything."

January 22, 2010 Telephone Conversation

9. On or about January 22, 2010, defendant LALLEY spoke to Victim #2 over the telephone while Victim #2 was within the District of New Jersey. On several occasions during the conversation, defendant LALLEY requested that Victim #2 speak with defendant LALLEY in person, rather than over the telephone, regarding Victim #2's questioning by the FBI. Defendant LALLEY explained that he was concerned that defendant LALLEY's and Victim #2's phones may have been "tapped" by law enforcement. As defendant LALLEY continued to press Victim #2 to meet him in person, he stated "You gotta do this. I got kids, you got kids so . . . we gotta meet!" Victim #2 responded by stating that he

did not want to go to "jail," to which defendant LALLEY replied, "neither do I, [Victim #2] . . . That's why I have to talk to you in person."

10. From in or about January 4, 2010 to in or about January 22, 2010, in Essex County, in the District of New Jersey and elsewhere, defendant

**MICHAEL J. LALLEY**

did knowingly attempt to corruptly persuade Victim #2 to conceal defendant MICHAEL J. LALLEY's past relationship with Victim #2 and related information from agents of the Federal Bureau of Investigation ("FBI"), with intent to hinder, delay and prevent the communication to agents of the FBI information relating to the commission and possible commission of Federal offenses.

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

COUNT 2

Obstruction of Justice - 18 U.S.C. § 1512(c)(2)

1. Paragraphs 1 to 9 of Count 1 are incorporated and realleged as if fully set forth herein.

2. From in or about January 4, 2010 to in or about January 22, 2010, in Essex County, in the District of New Jersey and elsewhere, defendant

**MICHAEL J. LALLEY**

did knowingly and corruptly attempt to obstruct, influence and impede an official proceeding, namely, the Grand Jury's investigation of the Allegations under Investigation.

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

A TRUE BILL

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FOREPERSON

  
\_\_\_\_\_  
PAUL J. FISHMAN  
United States Attorney

CASE NUMBER: 10-

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

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**UNITED STATES OF AMERICA**

**v.**

**MICHAEL J. LALLEY**

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**INDICTMENT**

**18 U.S.C. §§ 1512(b)(3) and (c)(2) and § 2**

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**PAUL J. FISHMAN**  
*U.S. ATTORNEY NEWARK, NEW JERSEY*

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