

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF OSWEGO

THE PEOPLE OF THE STATE OF NEW YORK

- against -

GARY A. ROYCE, JR.,
LESLIE A. BAKER,
DANIEL L. FLANDERS and
HAROLD E. BABCOCK,

Defendants.

INDICTMENT

**Indictment # 08 -
Index No.**

COUNT ONE

THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, accuses the defendants **GARY A. ROYCE, JR. and LESLIE A. BAKER** of the crime of Scheme to Defraud in the First Degree, in violation of Section 190.65(1)(b) of the Penal Law of the State of New York, committed as follows:

That between on or about September 2003 through April 2008, in the County of Oswego and elsewhere in the State of New York, the defendants while acting in concert, engaged in a scheme constituting a systematic ongoing course of conduct with intent to defraud more than one person and to obtain property from more than one person by false and fraudulent pretenses, representations and promises and so obtained property with a value in excess of one thousand dollars from one or more such persons.

COUNT TWO

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **GARY A. ROYCE, JR.** of the crime of violating Environmental Conservation Law Section 17-0701 (1)(a), committed as follows:

That in or about the last week of March 2008 through the first week of April 2008, the defendant, in the County of Oswego and elsewhere in the State of New York, while lacking a written State Pollution Discharge Elimination System (SPDES) permit granted by the Commissioner of the New York State Department of Environmental Conservation or his designated representative, knowingly made and caused to be made and used any outlet and point source for the discharge of sewage, industrial waste and other wastes and the effluent therefrom, into the waters of the state.

COUNT THREE

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **DANIEL L. FLANDERS** of the crime of Offering a False Instrument for Filing in the First Degree, in violation of Section 175.35 of the Penal law of the State of New York, committed as follows:

That on or about September 17, 2005, in the County of Oswego and elsewhere in the State of New York, the defendant, when, knowing that a written instrument contained a false statement and false information, and with the intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and presented it to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT FOUR

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **DANIEL L. FLANDERS** of the crime of Offering a False Instrument for Filing in the First Degree, in violation of Section 175.35 of the Penal law of the State of New York, committed as follows:

That on or about August 11, 2006, in the County of Oswego and elsewhere in the State of New York, the defendant, when, knowing that a written instrument contained a false statement and false information, and with the intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and presented it to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT FIVE

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Issuing a False Certificate, in violation of Section 175.40 of the Penal law of the State of New York, committed as follows:

That on or about November 28, 2003, in the County of Oswego and elsewhere in the State of New York, the defendant, when being a public servant authorized by law to make and issue official certificates and other official written instruments, and with intent to defraud, deceive and injure another person, issued such an instrument and made the same with intent that it be issued, knowing that it contained a false statement and false information.

COUNT SIX

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Issuing a False Certificate, in violation of Section 175.40 of the Penal law of the State of New York, committed as follows:

That on or about April 7, 2004, in the County of Oswego and elsewhere in the State of New York, the defendant, when being a public servant authorized by law to make and issue official certificates and other official written instruments, and with intent to defraud, deceive and injure another person, issued such an instrument and made the same with intent that it be issued, knowing that it contained a false statement and false information.

COUNT SEVEN

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Issuing a False Certificate, in violation of Section 175.40 of the Penal law of the State of New York, committed as follows:

That on or about April 21, 2004, in the County of Oswego and elsewhere in the State of New York, the defendant, when being a public servant authorized by law to make and issue official certificates and other official written instruments, and with intent to defraud, deceive and injure another person, issued such an instrument and made the same with intent that it be issued, knowing that it contained a false statement and false information.

COUNT EIGHT

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Issuing a False Certificate, in violation of Section 175.40 of the Penal law of the State of New York, committed as follows:

That on or about September 8, 2004, in the County of Oswego and elsewhere in the State of New York, the defendant, when being a public servant authorized by law to make and issue official certificates and other official written instruments, and with intent to defraud, deceive and injure another person, issued such an instrument and made the same with intent that it be issued, knowing that it contained a false statement and false information.

COUNT NINE

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Offering a False Instrument for Filing in the First Degree, in violation of Section 175.35 of the Penal law of the State of New York, committed as follows:

That on or about November 28, 2003, in the County of Oswego and elsewhere in the State of New York, the defendant, when, knowing that a written instrument contained a false statement and false information, and with the intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and presented it to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT TEN

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Offering a False Instrument for Filing in the First Degree, in violation of Section 175.35 of the Penal law of the State of New York, committed as follows:

That on or about the April 7, 2004, in the County of Oswego and elsewhere in the State of New York, the defendant, when, knowing that a written instrument contained a false statement and false information, and with the intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and presented it to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of such public office, public servant, public authority and public benefit corporation.

COUNT ELEVEN

AND THE GRAND JURY OF THE COUNTY OF OSWEGO, by this Indictment, further accuses the defendant **HAROLD E. BABCOCK** of the crime of Offering a False Instrument for Filing in the First Degree, in violation of Section 175.35 of the Penal law of the State of New York, committed as follows:

That on or about April 21, 2004, in the County of Oswego and elsewhere in the State of New York, the defendant, when, knowing that a written instrument contained a false statement and false information, and with the intent to defraud the state and any political subdivision, public authority and public benefit corporation of the state, offered and presented it to a public office, public servant, public authority and public benefit corporation with the knowledge and belief that it would be filed with, registered and recorded in and otherwise become a part of the records of such public office, public servant, public authority and public benefit corporation.

ANDREW M. CUOMO
Attorney General of the State of New York

Dated: June __ 2008

A TRUE BILL

Foreperson of the Grand Jury