



Everything Jersey

## The Star-Ledger

### Teacher wants sex confession thrown out

Kittatinny educator accused in teen case

Tuesday, October 16, 2007

**BY JIM LOCKWOOD**  
Star-Ledger Staff

A Kittatinny Regional High School teacher charged with having sex multiple times with a 15-year-old student wants his confession thrown out, authorities said.

After a hearing yesterday in Superior Court in Newton, the defense attorney for teacher James Cunneely, 31, said he has filed a motion to suppress his admissions of sex with the girl at motels, in his car and at her home.

Cunneely's statement was being taken by police about the same time his initial defense attorney called police to say he was representing Cunneely, and that raises a question of whether the statement should have been ceased when the attorney called, said defense attorney James Porfido, who became Cunneely's attorney a few days after his arrest.

Superior Court Judge N. Peter Conforti said he will take up the motion on Nov. 13.

Meanwhile, plea negotiations in the case that were progressing now have stalled, as the state has received new discovery information in the case, Sussex County Assistant Prosecutor Francis Koch said. He did not disclose the new information.

"The plea offer at this point will be off the table," and the case will head to trial, Koch told the judge.

Porfido said he did not know what the new information was.

Cunneely, of Hardyston, was arrested Feb. 5 after having a five-month relationship with the girl, authorities have said. He admitted to having sexual trysts with the girl at several motels, in his car, in her bedroom and even in her mother's bedroom, according to an arrest affidavit.

Cunneely, who remains free in lieu of \$75,000 bail, was indicted May 15 on one count of first-degree sexual assault, two counts of third-degree sexual contact and two counts of third-degree child endangerment. He pleaded not guilty to the charges at an arraignment on June 18.

The Kittatinny Regional Board of Education voted on May 24 to change Cunneely's suspension from with pay, as it had been since his arrest, to without pay. The seventh-to-12th grade Kittatinny Regional district comprises Sandyston, Walpack, Fredon, Stillwater and Hampton.

*Jim Lockwood may be reached at [jllockwood@starledger.com](mailto:jllockwood@starledger.com) or (973) 383-0516.*

© 2007 The Star Ledger

© 2007 NJ.com All Rights Reserved.