

Teacher pleads guilty to assault

Victim was 'reluctant witness,' police say

BY JIM LOCKWOOD
STAR-LEDGER STAFF

A Kittatinny Regional High School teacher charged with having sex multiple times with a 15-year-old student pleaded guilty yesterday to sexually assaulting the girl.

Under a plea agreement reached in Superior Court in Newton, James Cunneely, 31, of Hardyston, who was initially charged with a first-degree crime, pleaded guilty to a lesser second-degree charge.

In exchange, the Sussex County Prosecutor's Office will recommend that Cunneely be sentenced as if the crime were an even-lesser third-degree violation. That means Cunneely now likely faces three years in state prison, instead of 10 to 20 years.

His sentencing has been set for Feb. 15.

A married father of three young children, Cunneely was arrested Feb. 5 after having a five-month relationship with the girl, authorities have said. Under questioning by police, he admitted having 15 to 20 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.

The girl, who did not want to see Cunneely prosecuted and imprisoned, was a "reluctant witness" for the state and did not cooperate with the prosecution, attorneys on both sides of the case said in court. That stance of the girl, who is now 16, and her mother, who apparently felt the same way, might have been favorable to Cunneely in a trial, said his defense attorney, James Porfido. The girl had been depressed and Cunneely was viewed by the family as a friend who was trying to help her.

"She's been generally unavailable to be interviewed by prosecutors," Porfido said. "It was just a weird situation. You don't have someone screaming and yelling they were victimized. 'But for her age,' it was a consensual relationship."

However, Cunneely's confession and the girl's initial account of the relationship to police made for a very strong case against him, and likely would have swayed a jury, Porfido said.

Sussex County Assistant Prosecutor Francis Koch said, "The victim did not want us to pursue the sentence that we are, but the state feels it's necessary

due to the seriousness of the charges. We have to take into consideration the victim's wishes, but it is not controlling upon our office's overall resolution of the matter."

Cunneely now must undergo a psychological evaluation at the state's Adult Diagnostic and Treatment Center for sex offenders in the Avenel section of Woodbridge. That review would determine whether his incarceration should be served at that facility or in a prison.

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PLEA

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Popular teacher guilty of assault

The plea agreement calls for Cunneely to be sentenced to community supervision for life under Megan's Law, parole supervision

for life, to pay some \$2,100 in fines and submit a DNA sample. He also would be required to forfeit his job as a teacher, said Superior Court Judge N. Peter Conforti.

Cunneely, who remains free in lieu of \$75,000 bail, was indicted May 15 and pleaded not guilty at an arraignment on June 18. Since his indictment, he has been suspended without pay from his \$55,000-a-year job.

Cunneely was a popular French

teacher at Kittatinny Regional for the past eight years, and was "Teacher of the Year" there in 2005. He also was a junior varsity soccer coach and a National Honor Society adviser at the school in Hampton Township. The grades 7-12 regional district encompasses Hampton, Fredon, Stillwater, Sandyston and Walpack.

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