



*State of New Jersey*  
 OFFICE OF THE ATTORNEY GENERAL  
 DEPARTMENT OF LAW AND PUBLIC SAFETY  
 DIVISION OF CRIMINAL JUSTICE  
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ZULIMA V. FARBER  
*Attorney General*

GREGORY A. PAW  
*Director*

JON S. CORZINE  
*Governor*

August 3, 2006

**PLEA AGREEMENT**

Craig R. Mitnick, Esq.  
 35 Kings Highway East  
 Haddonfield, NJ 08033

**Re: State v. James Harney**

Dear Mr. Mitnick:

This letter constitutes the full and complete Plea Agreement between James Harney and the State of New Jersey.

The State will accept from James Harney a guilty plea to an Accusation charging one count of Conspiracy - Second Degree contrary to N.J.S.A. 2C:5-2; one count of Official Misconduct - Second Degree contrary to N.J.S.A. 2C:30-2; and one count of Promoting Gambling - Third Degree contrary to N.J.S.A. 2C:37-2. If James Harney enters a guilty plea to and is sentenced on the above charges, and he fully complies with the terms specified below, the State will further acknowledge that:

- 1) The sentence imposed by the Court shall not exceed a period of seven (7) years New Jersey State Prison without a period of parole ineligibility;
- 2) The State will bring the full nature and extent of James Harney's cooperation to the attention of the Court at time of sentencing;
- 3) The State shall not prosecute James Harney for any other criminal violations concerning any heretofore disclosed conduct regarding the illegal gambling, official misconduct, or money laundering activity covered by this agreement; and
- 4) The State shall agree to the distribution of seized and or restrained assets as set forth in Schedule A attached hereto.



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In exchange, James Harney agrees that he will:

- 1) Execute a Consent Agreement at the time of entry of the plea forfeiting his public employment as a New Jersey State Trooper pursuant to N.J.S.A. 2C:51-2, and thereafter prohibiting him from holding any public service position pursuant to said statute;
- 2) Execute Consent Agreements in favor of the State of New Jersey extinguishing any rights, individual or representative, that he may have in the real property and bank accounts restrained by the Court and further extinguishing said rights in the personal property seized pursuant to search warrants authorized by the Court, all in accordance with the terms set forth in Schedule A attached hereto;
- 3) Remain liable for all civil consequences of his tax affairs, if any, including the collection of any unpaid tax or the imposition of fines and penalties. James Harney agrees that consistent with the cooperation component of this agreement set forth below, he will provide any materials in possession or control and assist the officials from the State of New Jersey in determining his tax liability, if any, for any income received by James Harney in connection with the actions covered by this agreement. Should it be determined that James Harney has an outstanding tax obligation to the State of New Jersey, James Harney agrees that he will enter a Consent Judgment in favor of the State of New Jersey for the amount of tax calculated; and
- 4) Fully cooperate with the State of New Jersey as detailed immediately below:

James Harney understands full cooperation includes truthful disclosure of all information concerning any activities by James Harney and others about which representatives of the State may inquire. James Harney shall also, at the request of the State, provide any documents and/or items that are in his possession, custody, or subject to his control. James Harney agrees to make himself available for questioning at all reasonable times and shall truthfully testify in all proceedings, including grand jury, trial proceedings, or administrative proceedings as to any activities about which he is questioned. Contemporaneous with the execution of this plea agreement, James Harney agrees to provide a sworn statement detailing his actions, those of his co-conspirators, and those of other individuals who may have factual information or knowledge of the illegal activities covered by this agreement.

James Harney shall at all times give complete, truthful, and accurate information and testimony. Should it be determined that James Harney has intentionally given materially false, incomplete or misleading testimony or information, or should James Harney participate or attempt to participate in any criminal act subsequent to the date of this agreement and prior to the date of his sentencing, this agreement shall be null and void, and James Harney shall thereafter

be subject to prosecution for any criminal violation of which the State has knowledge, including but not limited to perjury and obstruction of justice. Any such prosecution may be based upon any statements and information provided by James Harney, and all such statements and information may be used against him. To the extent that anything in this agreement is deemed inconsistent with N.J. Rule of Evidence 410, those provisions 410 are hereby waived by James Harney.

No additional promises, agreements, or conditions have been entered into with James Harney other than those set forth in this letter, and none will be entered into unless in writing and signed by both parties.

Very truly yours,



Mark G. Eliades  
Supervising Deputy Attorney General  
Division of Criminal Justice

I have read this letter and I understand its terms and I hereby acknowledge that it fully sets forth my understanding and agreement with the State of New Jersey.

Date: 8/3/06

Date: 9/3/06



James Harney



Craig R. Mitnick, Esq.

## SCHEDULE A

This schedule specifically detail the disposition of assets seized and restrained in connection with the matter of State v. Harney, Accusation Number 2006-08-1122-A.

- 1) The cash reflected seized from the person and or residence of James Harney in the amounts of \$4,618 and \$10,000 shall be forfeited to the State;
- 2) All monies on deposit within Commerce Account 0002239671 seized and restrained by Court Order shall be forfeited to the State;
- 3) The monies on deposit within Wachovia Account 1010036672239 seized and restrained by Court Order shall be distributed as follows: \$30,000 shall be unrestrained in favor of James Harney and the balance in said account (approximately \$5,500) shall be forfeited by James Harney to the State;
- 4) All watches (32 in total) as reflected in the search warrant itemization/inventory as Items 3-25; 27, 30-35, 37, and 45 shall be forfeited to the State. The State recognizes that certain watches are claimed to be gifts made to James Harney or the property of others and the State shall consider proof of the nature of those watches (affidavits of gift, receipts, etc.) in considering whether to return any such watches;
- 5) The six (6) televisions seized pursuant to Court authorized warrant as reflected in the search warrant itemization/inventory as Items 48-51; 53 & 54, shall be distributed two (2) units to James Harney and four (4) units forfeited to the State;
- 6) The real property, 2602 Gramercy Way, Mount Laurel, NJ, restrained by virtue of Court authorized *Lis Pendens* shall be handled as follows: The *Lis Pendens* against this principal residence of Mrs. Harney and the minor Harney children shall be removed at the time of sentencing; and
- 7) The real property, 43 Wimbeldon Way, Evesham Township, NJ, restrained by virtue of Court authorized *Lis Pendens* shall be handled as follows: within 3 months of sentencing James Harney shall liquidate/refinance the real property 43 Wimbeldon Way and provide an in lieu of forfeiture sum of cash to the State in the amount of \$250,000, upon receipt of which the State shall remove the *Lis Pendens*.

ZULIMA V. FARBER  
 ATTORNEY GENERAL OF NEW JERSEY  
 BY: Mark G. Eliades  
 Supervising Deputy Attorney General  
 Division of Criminal Justice  
 1 Apollo Drive  
 Whippany, New Jersey 07981  
 (973)599-5947

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IN RE JAMES HARNEY,  
 A PUBLIC EMPLOYEE OF  
 THE STATE OF NEW JERSEY

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**ORDER**  
**CRIMINAL ACTION**  
**FORFEITURE OF**  
**PUBLIC EMPLOYMENT**  
**(N.J.S.A. 2C:51-2)**

*THIS MATTER* having been opened to the Court pursuant to the terms of a plea agreement between the State of New Jersey, Zulima V. Farber, Attorney General of New Jersey, by Mark G. Eliades, Supervising Deputy Attorney General - Division of Criminal Justice, and Craig R. Mitnick, Esq., appearing on behalf of James Harney, a public employee, for an Order forfeiting the position of James Harney as an employee of the State of New Jersey namely, as a Trooper within the Division of State Police, Department of Law & Public Safety; and on August 3, 2006, the Court having accepted and approved the plea of guilty by James Harney to one count of Conspiracy contrary to N.J.S.A. 2C:5-2; one count of Official Misconduct contrary to N.J.S.A. 2C:30-2; and one count of Promoting Gambling contrary to N.J.S.A. 2C:37-2; all as set forth in Accusation Number 2006-08-1122-A, and for other good cause being shown:

**IT IS ORDERED** on this 3rd day of August, 2006, that pursuant to N.J.S.A. 2C:51-2, James Harney hereby forfeits his position of public employment with the State of New Jersey namely as a Trooper within the Division of State Police, Department of Law & Public Safety

effective August 3, 2006, and shall be forever from said point forward disqualified from holding any office or position of honor, trust or profit, whether elective or appointed, under this State or any of its administrative or political subdivisions.

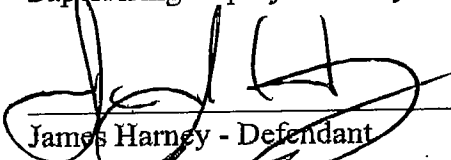


HONORABLE THOMAS S. SMITH, JR.  
PRESIDING JUDGE - CRIMINAL PART  
SUPERIOR COURT OF NEW JERSEY

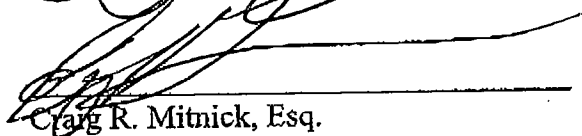
Entry hereby consented to  
as to both form and substance.



Mark G. Eliades  
Supervising Deputy Attorney General



James Harney - Defendant



Cary R. Mitnick, Esq.  
Attorney for Defendant.