

ATLANTIC COUNTY PROSECUTOR'S OFFICE

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Prosecutor

NEWS RELEASE

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2 Page(s)

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MAYS LANDING – Today a Superior Court Judge upheld Atlantic County Prosecutor Ted Housel’s decision to reject the application of a former Greater Egg Harbor Regional school district employee to enter a pretrial diversionary program.

Prosecutor Housel rejected Joseph Filinuk’s PTI application largely because Filinuk’s admission into the program would not serve to adequately deter other public employees or officials who might be tempted to steal public funds. Housel also based his decision to reject Joseph Filinuk Jr., from the program on the fact that the laws dealing with public corruption were significantly strengthened in April 2007 to the point where it is only in the rarest cases that a public officer or employee accused of stealing in excess of \$10,000.00 in public funds would be considered an acceptable candidate for PTI. The new legislation is designed to cut down on corruption.

Chief Assistant Prosecutor James McClain argued on behalf of the State that the Prosecutor’s decision to reject Filinuk from the program was a proper decision under applicable law. Superior Court Judge James E. Isman agreed. The judge could have overridden the Prosecutor’s decision, but only if he found that the decision constituted a “gross abuse of discretion.” The Atlantic County PTI Program Director had approved Filinuk for the diversionary program.

PTI is a procedural alternative to the traditional criminal court process and it provides defendants with the opportunity to avoid prosecution and a criminal record by serving a term of supervised probation during which they receive rehabilitative services.

Filinuk, 37, of Mantua, was indicted in July 2008 on one count of second-degree Official Misconduct and one count of third-degree Theft by Failure to make Required Disposition. The defendant was employed by the school district located in Hamilton Township, when he allegedly stole more than \$24,000 worth of technology equipment. It is further alleged that he ordered equipment with school funds and subsequently sold them on e-Bay, McClain stated.

Filinuk was charged July 9, 2008, as a result of a joint investigation involving the Hamilton Township Police Department and the Atlantic County Prosecutor's Office. He was released on a summons.

The investigation began after School Resource Officer Glenn Hausman learned that a Greater Egg Harbor Regional School District employee had allegedly stolen technology equipment. After an investigation by Hausman on an unrelated matter, Filinuk made full restitution to the district. He then resigned from his position, Prosecutor Housel explained.

Detective Gregory Zaccagnino of the Hamilton Township Police Department and Investigator Heather McManus of the Atlantic County Prosecutor's Office Official Corruption Unit also investigated the incident. The charge of second-degree Official Misconduct carries a sentence of five to 10 years with a five-year period of minimum of parole ineligibility. The Theft charge carries with it a three to five year prison term with a mandatory term of two years in prison before parole eligibility if the theft is more than \$10,000.

A status conference is set for April 6 before Judge Isman.

*****These charges are merely an accusation and not proof of guilt. In all criminal cases, a charged defendant is presumed innocent until and unless proven guilty.**

Anyone with information involving serious crimes is asked to call the Atlantic County Prosecutor's Office at 609-909-7800 or go to the Prosecutor's Office Web site at <http://www.acpo.org/tips.html> and provide information by filling out the form anonymously on the Submit a Tip page. People can also call Crime Stoppers at 609-652-1234 or 1-800-658-8477 (TIPS). Crime Stoppers offers cash rewards for information leading to the arrest and indictment of those who commit crimes in Atlantic County.