

Not guilty plea in Ocean City beach official trial

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2013 City Official pedophile Charles Cusack

Charles Cusack's attorney enters motion to dismiss case



David Benson / Defense attorney Louis Barbone, foreground, enters a not guilty plea for his client, Charles Cusack, accused of having sex with a teenage Ocean City beach tag checker while he served as a supervisor.

CAPE MAY COURT HOUSE — An Ocean City beach tag supervisor pleaded not guilty to charges of second-degree sexual assault, and his attorney has filed a motion to dismiss the case against his client during an arraignment before Cape May County Superior Court Judge John Porto Friday, March 13.

Charles Cusack, 51, of Linwood, who is accused of having sex with a teenage Ocean City beach tag checker, is also charged with second-degree endangering the welfare of a child and official misconduct.

The official misconduct charge was added in February when a Cape May County grand jury handed down a superseding indictment adding the alleged offense.

Cusack's trial was slated to begin Monday, Feb. 23

In court Friday, Cusack's defense attorney, Louis Barbone of Jacobs and Barbone in Atlantic City, said that the prosecution's new indictment adding the official misconduct charge is

unlawful, and cause for the motion to dismiss the case.

In an interview later that evening, Barbone said that the prosecution upped the ante by filing the new charges in mid-February.

"It's unusual that they did it on the very eve of the trial date," he said. "This will hold up the trial again."

According to the Cape May County Prosecutor's Office, Cusack allegedly had sex in Ocean City and Egg Harbor Township with a 17-year-old girl he supervised in 2012.

The legal age of consent in New Jersey is 16, but this does not apply to adults who are in a supervisory or disciplinary position with the teenager.

Cusack's initial indictment was in March 2013, and trial was slated to begin in July. Barbone said that a number of pretrial motions delayed the court date until this year, when the superseding indictment was filed.

Last Thursday, Porto questioned assistant prosecutor Dara Paley about the reasons behind the superseding indictment.

Paley, noting that a time limit set by the judge to discuss a plea agreement had passed, said that the “official misconduct charges fit the facts.”

If convicted of a second-degree charge, Cusack faces as much as 10 years in prison. Cusack’s court date to hear the dismissal motion is scheduled for Tuesday, May 5.

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