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ATTORNEY GENERAL CUOMO ANNOUNCES ARREST OF FORMER TOWN JUDGE FOR CHARGES INCLUDING GRAND LARCENY AND OFFICIAL MISCONDUCT

ALBANY, NY (August 4, 2009) - Attorney General Andrew M. Cuomo today announced criminal charges against a former town judge for using \$27,000 in fees and bail money from a court bank account for personal use.

According to the complaint, James Funk, 47, of Hudson, while sitting as a judge of the Stockport Town Court in Columbia County, withdrew funds from the court's bank account on four occasions in order to pay the taxes and utility bill on the Diamond Street Diner, his Hudson restaurant, and to stave off the foreclosure of his personal residence.

According to the complaint, in one instance, Funk tried to cover his tracks by having an official bank check issued to one of his employees at the diner. Funk later crossed out the employee's name and substituted it with "National Grid."

"As pillars of our legal system, judges are sworn to uphold the law and should be held to the highest professional standards. Allegations of criminal acts from the bench will be thoroughly investigated and prosecuted by my office," said Attorney General Cuomo. "Judges, like all government employees, are not above the law and must never use their official positions for personal gain."

An audit conducted by the Unified Court System's Internal Audit Unit found that the money withdrawn by Funk was mostly attributable to bail money held by the Court for pending cases. As judge, Funk was the sole authorized signatory for the court bank account, and was also responsible for collecting, recording, depositing, and distributing fines and fees that are paid to the court.

Funk was charged today in Stuyvesant Town Court with one count of Grand Larceny in the Third Degree, a class D felony; one count of Falsifying Business Records in the First Degree, a class E felony; and one count of Official Misconduct, a class A misdemeanor. If convicted, Funk faces up to 7 years in prison and a fine of up to \$5,000.

The matter was referred to the Attorney General's office by the Chief Administrative Judge of the Unified Court System. Attorney General Cuomo thanks the Office of Court Administration, Office of Internal Affairs and the Internal Audit Unit for their assistance with this investigation.

The case is being handled by Assistant Attorney General Nancy Snyder, with the assistance of Investigator Scott Petucci, under the supervision of Ellen Biben, Special Deputy Attorney General for Public Integrity.

The charges against the defendant are merely accusations and he is presumed innocent until and unless proven guilty.

