

Official Misconduct at the New Brunswick Parking Authority



2013 | by Matheu Nunn

As I set forth in detail in a prior [blog post](#), the criminal charge of “Official Misconduct” in

New Jersey has serious consequences ranging from 3-10 years, depending on the allegations (or the degree of the Official Misconduct charge). In addition, unlike most other non-violent crimes, a conviction for Official Misconduct carries a period of parole ineligibility – meaning that you will be in State Prison without the possibility of parole for a lengthy period of time.

It is against that backdrop that I present to you the latest in the “What Were These Public Officials Thinking” line of [blogs](#). On January 28, 2013, Emil Hanna and Emad Naguib, both previously employed by the New Brunswick Parking Authority were found guilty by a jury of Official Misconduct.

In a nutshell, the jury found (based on the evidence and testimony at trial) that Hanna, a security sergeant for the parking authority, and Naguib, a security officer, failed to report or prevent thefts committed by other employees between July 1, 2007, and June 15, 2010. In other words, these individuals failed to act, or, committed malfeasance in office by permitting thefts to occur over a three-year period.

In sum, under New Jersey Official Misconduct law the State must prove the following five elements:

1. The defendant was a public servant;

- 2.The defendant acted (or failed to act) with purpose to gain a benefit or to injure or deprive another of a benefit;
- 3.The criminal act committed by the defendant related to the public servant's (defendant's) office or position;
- 4.The act must be unauthorized; and
- 5.The defendant knew that the act was unauthorized.

Here, the State was able to prove each of these elements beyond a reasonable doubt by showing that the parking officials used their respective positions to permit a continuing series of thefts by other parking authority employees. In essence, the State proved that the two defendants: (1) were, as parking authority employees, public servants; (2) failed to prevent crimes, which benefited the other employees; (3) failure to act was attendant to their positions; (4) had no legal right to permit thefts; and (5) knew that permitting thefts was an unauthorized exercise of their official functions.

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