



State of New Jersey

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
OFFICE OF PUBLIC INTEGRITY AND ACCOUNTABILITY
25 MARKET STREET
PO BOX 085
TRENTON, NJ 08625-0085

MATTHEW J. PLATKIN
Attorney General

DREW SKINNER
Executive Director

September 27, 2024

VIA ELECTRONIC MAIL

Eric Shenkus, Esq.
Deputy Public Defender
Cape May Trial Region
Office of the Public Defender
201 South Main Street
Cape May Court House, N.J. 08210

Re: State v. Peter J. Byron
Indictments No. 23-07-00109-S and 24-04-00070-S
Dockets No. CPM-22-000535 and CPM-24-000402

Mr. Shenkus:

As you are aware, your client, Peter J. Byron ("Defendant"), is charged in the first above-referenced Indictment, No. 23-07-00109-S, with second-degree Official Misconduct, second-degree Theft by Unlawful Taking, third-degree Tampering with Public Records, and fourth-degree Falsifying or Tampering with Records, and in the second above-referenced Indictment, No. 24-04-00070-S, with second-degree Official Misconduct, third-degree Tampering with Public Records, fourth-degree Falsifying or Tampering with Records, and two counts each of third-degree Failure to Pay Tax and third-degree Filing of a Fraudulent Return. This letter sets forth the State's plea offer in the above-referenced matters between Defendant and the State, and it supersedes any prior plea offers that the State may have made and any previous plea discussions with the State. Unless specifically set forth herein, it does not encompass any other pending or unindicted matters.

The State will accept a guilty plea from Defendant to Count Five of Indictment No. 23-07-00109-S, charging Defendant with second-degree Theft by Unlawful Taking, and Counts Three and Seven of Indictment No. 24-04-00070-S, charging Defendant with fourth-degree Falsifying or Tampering with Records and third-degree Filing of a Fraudulent Return, respectively. If Defendant enters a guilty plea to these charges, is sentenced on these charges, and fully complies with the terms specified below, the State agrees to dismiss the remaining counts of the above-referenced indictments, will not prosecute Defendant for any other disclosed criminal violations arising out of his use of his official position to unlawfully participate in the State Health Benefits Program and to obtain undisclosed employment from a city vendor that resulted in income unreported on his state tax returns. The State will further agree to recommend

that Defendant be sentenced to a three (3) year State Prison term under Indictment No. 23-07-00109-S and a concurrent one (1) year State Prison term under Indictment No. 24-04-00070-S.

As a condition of the plea arrangement, Defendant must:

pay restitution to \$310,585 in the amount of \$_____ either: (1) at or before the time of sentencing or (2) in the case of a demonstrated inability to do so at or before sentencing, under a plan submitted to the Court with the consent of both parties before sentencing. The parties agree that this amount represents the full restitution owed by Defendant as a result of his disclosed conduct in the above-referenced matters as of this date;

voluntarily forfeit any and all public employment and must further agree to be forever disqualified from holding any office or position of honor, trust, or profit under the State or any of its administrative or political subdivisions, under N.J.S.A. 2C:51-2. Defendant agrees to execute a Consent Order to this effect at the time of these pleas;

agree to fully cooperate with the State of New Jersey. Defendant understands full cooperation includes truthful disclosure of all information concerning any activities by Defendant and others about which representatives of the Division and other government agencies designated by the Division may inquire. Defendant agrees to be available for questioning at all reasonable times and must truthfully testify in all proceedings, including, but not limited to, grand jury, pre-trial, trial, re-trial, and post-conviction proceedings, as to any activities about which he is questioned. Defendant must also, at the request of the Division, provide any documents that are in his possession or custody, or subject to his control. Defendant must at all times give complete, truthful, and accurate information and testimony. The State will bring the full nature and extent of Defendant's cooperation to the Court's attention at sentencing;

provide copies to the State of any and all financial information requested by or provided to the Probation Department or the Court in connection with the presentence report or sentencing, or both;

and agree not to make application for admission to the Pretrial Intervention Program.

The State reserves the right to take whatever position it deems appropriate with respect to any application Defendant may submit for entry into the Intensive Supervision Program.

Defendant affirmatively represents that he is not a "drug or alcohol dependent person," as that term is defined by N.J.S.A. 2C:35-2 or under any other definition of that term. Defendant further represents: (1) that he was not drug or alcohol dependent at the time(s) that he committed the offense(s) to which he/she is now pleading guilty; (2) that he did not commit the offense(s) to which he is now pleading while under the influence of a controlled dangerous substance, controlled dangerous substance analog or alcohol; and (3) that he did not commit the offenses to which he is now pleading in order to acquire property or monies in order to support a drug or alcohol dependency. Defendant further recognizes that these representations are material to this proceeding and that if defendant should at any subsequent time make conflicting or inconsistent representations, he can be deemed, at the State's sole election, to have provided materially false,

incomplete or misleading information, without the necessity of the State having to show which of the conflicting or inconsistent statements is false.

Defendant is aware that the sentencing Court may impose a criminal fine or an amount equal to double the pecuniary gain of the Defendant or loss to the victims under N.J.S.A. 2C:43-3e, whichever is greater.

If, prior to sentencing, the State determines that Defendant has failed to satisfy any of these conditions, has intentionally given materially false, incomplete, or misleading testimony or information, or should Defendant withdraw from his plea agreement or participate or attempt to participate in any criminal act after the date of the agreement and before sentencing, the State may void the plea agreement, in its sole discretion, and prosecute the Defendant for any criminal violation of which the State has knowledge, including but not limited to Perjury, False Swearing, and Obstruction of Justice. Any prosecution that is not time-barred by the applicable statute of limitations on the date the plea agreement is signed may be commenced against Defendant notwithstanding the expiration of the statute of limitations after the date the agreement is signed, and Defendant explicitly agrees to waive any statute of limitations defense as to any such prosecution. Any such prosecution may be based upon any statements and information provided by Defendant, and all such statements and information may be used against him in the State's direct case or in rebuttal, or both. To the extent that anything in the plea agreement is deemed inconsistent with N.J.R.E. 410, Defendant and you will waive the provisions of N.J.R.E. 410.

If Defendant, without good cause, fails to appear for sentencing on the appointed date, having previously received notice thereof, and a bench warrant issues for his arrest, Defendant may not withdraw the guilty plea, but the State will not be bound by its recommended sentence set forth herein. Instead, Defendant will be subject to the maximum sentence allowed by law for each charge to which he has pleaded guilty, and the State may make any recommendation as to the appropriate sentence, including a recommendation for the maximum statutory sentence, including any mandatory/discretionary extended term or parole ineligibility, and whether any such sentences should be served concurrently or consecutively, if Defendant is to be sentenced on more than one charge.

Any plea agreement is limited to the Division of Criminal Justice, Office of Public Integrity and Accountability and cannot bind federal prosecuting authorities nor does it prohibit the State, any agency thereof, or any third party from instituting any civil proceedings directly or indirectly involving Defendant. Defendant will agree to waive any double jeopardy claim if such proceedings have been or will be initiated.

The State of New Jersey specifically reserves the right to correct factual misstatements relating to sentencing proceedings, to correct factual misstatements in the Presentence Report, to appeal Defendant's sentence as may be authorized by law, and to oppose Defendant's appeal of any sentence or conviction.

If this plea offer is not accepted by the close of business on September 27, 2024, it is withdrawn. The State may revoke this plea offer at any time before its expiration, in its sole discretion.

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

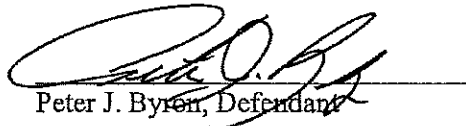
Sincerely,



Brian Uzdevinis
Deputy Attorney General
Office of Public Integrity and Accountability
Division of Criminal Justice

I have read this letter and have discussed its terms with my attorney. My signature below acknowledges that it fully sets forth my agreement with the Division of Criminal Justice, and I understand and agree to its terms. There have been no additional promises or representations made to me by any officials or employees of the State or by my attorney in connection with this matter. Under R. 3:13-3, I acknowledge that I have received discovery from the State.

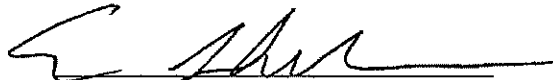
Dated:



Peter J. Byren, Defendant

Dated:

9/27/24



Eric Shenkus, Esq.
Counsel for Defendant

MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY
ATTORNEY FOR PLAINTIFF

BY: BRIAN UZDAVINIS, D.A.G. (012262007)
DIVISION OF CRIMINAL JUSTICE
25 MARKET STREET, P.O. BOX 085
TRENTON, NEW JERSEY 08625

SUPERIOR COURT OF NEW JERSEY
COUNTY OF CAPE MAY
LAW DIVISION – CRIMINAL
INDICTMENT NO. 23-7-00109-S
CASE NO. CPM-22-000535

STATE OF NEW JERSEY, :

Plaintiff, :

v. :

PETER J. BYRON, :

Defendant. :

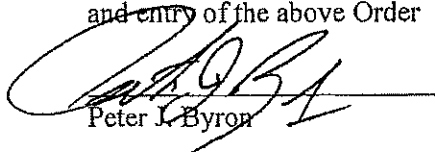
CRIMINAL ACTION

**ORDER OF FORFEITURE
OF EMPLOYMENT .**


Defendant, PETER J. BYRON, a former Mayor and Commissioner of the City of Wildwood, having pled guilty to one count of second-degree Theft by Unlawful Taking, N.J.S.A. 2C:20-3, and having consented to the entry of this Order;


It is on this 27 day of September, 2024 ORDERED, ADJUDGED AND DECREED that, pursuant to N.J.S.A. 2C:51-2, the defendant shall forfeit any and all public employment and shall be forever disqualified from holding any office or position of honor, trust or profit under the State or any of its administrative or political subdivisions. The defendant further understands that if he makes any future application for public employment in violation of this Order, he will be subject to an additional charge under N.J.S.A. 2C:29-9a (fourth degree – Contempt of Court).

I hereby consent to the form
and entry of the above Order


Peter J. Byron


Hon. Bernard E. DeLury, Jr., P.J.S.C.


Eric Shenkus, Esq.
Attorney for Peter J. Byron


Brian Uzdevinis
Deputy Attorney General