

**Third Circuit Court of Appeals
Habeas Corpus Victory
Breaking Legal NEWS**

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Federal Appeals Court Denies Ocean County, New Jersey Prosecutor; Rejects Motion To Rehear Homicide Case The Court Overturned in May with A Rare Writ of Habeas Corpus; New Jersey Businessman Paul Kamienski Had Been Unfairly Imprisoned For 20 Years On Evidence The Court Had Called "Rank Speculation"

PHILADELPHIA — In a one-word decision, "DENIED," The U.S. Court of Appeals for the Third Circuit yesterday rejected the Ocean County, New Jersey, Prosecutor's reconsideration request of the Court's May 28 decision overturning the double homicide conviction of New Jersey businessman Paul Kamienski. Kamienski had spent 20 years in New Jersey prisons, innocent and unfairly convicted, until his June 16th release on bail pending further review.

For complete information about this case, including every filed document from the 1988 trial up to and including yesterday's resounding decision, recent photos upon Kamienski's release on bail from South Woods State Prison on June 16, video and other information visit the reference Web site for this case: <http://www.ReleasePaulNow.com>.

New York City Attorney Timothy J. McInnis, Esq., who has handled Kamienski's appeal for a decade, issued the following statement regarding the Third Circuit's rejection of the prosecutor's motion for reconsideration.

"The Court's May 28th order overturning his conviction, after 20 years of unjust imprisonment allowed Paul Kamienski finally to fulfill two dreams: visiting his mother's grave and wading in the Atlantic Ocean.

Yesterday Paul again was vindicated by federal courts. This latest Third Circuit Court of Appeals decision means none of the three judges who heard his case and ordered Paul's release had made any mistakes, which the State tried to argue in its failed motion.

The full Court's decision denying reconsideration means the State could not get a simple majority of the Court's 12 judges to agree that the appeal should be reheard by all of them. (We'll never know if even one judge sided with the State State's strained argument that sufficient evidence existed to support Paul's murder convictions.)

(More)

The Ocean County Prosecutor has stated that she was compelled in Paul Kamienski's case to pursue every possible means of seeking reconsideration, including filing a petition with the U.S. Supreme Court. But Prosecutor Marlene Lynch Ford is misinformed. She is not *required* to pursue all avenues including an ultimate appeal to the U.S. Supreme Court. The law states just the opposite, as U.S. Attorney General Eric H. Holder noted recently in releasing two Stevens case defendants from prison.

All prosecutors are obligated to determine what justice requires at each and every stage of a case and then to *do the right thing*.

The right thing for Ocean County in Paul Kamienski's case is acknowledging 20 years of unreasonable theory and abandoning further appeal."

The federal appellate Case Number for Paul Kamienski's case is 06-4536: PAUL KAMIENSKI, Appellant v. ROY L. HENDRICKS, Administrator, ATTORNEY GENERAL OF THE STATE OF NEW JERSEY; OCEAN COUNTY PROSECUTOR'S OFFICE.

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