

Signature Knots

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**Ocean County Prosecutor Misrepresentations  
In Briefs Re: "Signature" Knots**

**District Court and NJ Appellate Court Findings  
Re: "Signature" Knots**

**Actual Record  
Re: No "Signature" Knots**

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The rope that secured the blankets was tied in a peculiar "hitch" knot used by Kamienski to secure his boat. (SA 2049-2051) (11T 67-20 to 68-25). 3d Cir. Br. R. at 4.

Kamienski used a peculiar "hitch" knot to secure a boat, rather than that taught to Duckworth. S-35 in evidence depicted the bodies wrapped and secured by rope in hitch knots, the same knots that Kamienski tied. (11T67-20 to 68-25) USDC Br. at 49.

Kamienski used a peculiar "hitch" knot to secure a boat, rather than that taught to Duckworth. S-35 in evidence depicted the bodies wrapped and secured by rope in hitch knots, the same knots that Kamienski tied. (11T67-20 to 68-25) App. Div. Br. at 36.

Kamienski used a peculiar "hitch" knot to secure a boat, rather than that taught to Duckworth. S-35 in evidence depicted the bodies wrapped and secured by rope in hitch knots, the same knots that Duckworth stated Kamienski tied. (11T at 67:20-68:25.) USDC Op. at 10.

The bodies were tied with a hitch knot peculiar to the kind which Kamienski customarily made. The...the hitch knot permit[s] an inference that Kamienski lent assistance. App. Div. Op. at 103.

Duckworth's testimony on cross:

Q. Well, I take it that you've seen a knot like that -- A. Yes. Q--before? A. Yes. Q. You've seen it in --other people tie knots like that? A. In other many circumstances, yes. SA2518:5-12

Court colloquy during State's motion to preclude admission of the ligatures:

THE COURT: That they [the knots] were not unique. SA4044:19-20

THE COURT: My point is exactly that, the knots don't have PK--[i.e., Paul Kamienski's initials]. SA4045:13-14

Court denies admission of ligatures into evidence on relevance grounds.

"Threats" on Duckworth

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**Ocean County Prosecutor Misrepresentations  
In Briefs Re: Kamienski's "Threats" on Duckworth**

**District Court and NJ Appellate Court Findings  
Re: Kamienski's "Threats" on Duckworth**

**Actual Record Re: Absence of  
Kamienski's "Threats" on Duckworth**

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Between September 19, 1983 and September 24, 1983, both Alongi and Kamienski threatened Duckworth's life. (SA 2400) (13T141-14 to 141-16; see also 136-2). 3d Cir. Br. R. at 39.

Between September 19, 1983 and September 24, 1983, both Alongi and Kamienski threatened Duckworth's life. (13T141-14 to 141-16; see also 136-2). USDC Br. at 48.

Between September 19, 1983 and September 24, 1983, both Alongi and Kamienski threatened Duckworth's life. (13T141-14 to 141-16; see also 136-2). App. Div. Br. at 35.

[Kamienski] took steps to ensure the secrecy of the crime (including alluding to physical harm to Duckworth if she told anyone what she saw). USDC Op. at 27.

Duckworth testified that Alongi and Kamienski later threatened her life. App. Div. Op. at 104

Duckworth's testimony:

And I kept saying [to Kamienski late on September 19, 1983] what happened? And he said if we didn't shut up that he wouldn't be able to save me or himself. SA2034:14-16.

Q. You said yesterday, Donna, that you never talked to Paul Kamienski again about what: you saw after the 19th.... A. Right. ... Q. [H]e never said to you, "Say this, but don't say this. Don't say you know Nick. Don't say you know Barbara." Never said anything like that? A. No, he did not. SA2400:21-24 & 2401:17-20.

Prosecutor's closing:

Does she [Duckworth] ever say that Paul came up to me and said don't say this, don't do that? Not at all. She's not out to get anybody. She's telling the truth. SA4340:25-4341:3

"Defendants" and Lehman

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**Ocean County Prosecutor Misrepresentations  
In Briefs Re: "Defendants" and Lehman**

Between September 10th and September 15th, well before the murders, Defendants assured Buddy Lehman that he could have "kilo quality coke" for \$1,000 less per ounce than he was presently paying on credit. (SA 2687-2688) (15T59-1 to 60-8) Apparently, Defendants anticipated no cash flow problem – well before the murders took place – even though they told the DeTournays they were having trouble raising the money for their deal. 3d Cir. Br. R. at 55.

Around September 10 to September 15, 1983, Lehman attempted to purchase cocaine from Defendants Marsieno and Alongi. Lehman had complained about the lack of potency of previous purchases. Defendant [sic] assured him that within the week they would have access to "kilo quantity Coke for you at about one thousand dollars less an ounce than you're paying now. . . ." (15T59-1 to 59-14) Alongi offered to extend Lehman credit on what Alongi described as "a ton[of] South Florida Coke. . . ." (15T60-2 to 60-8) USDC Br. at 33.

Defendants Marsieno and Alongi would also tell Arthur "Buddy" Lehman -- who had complained about the lack of potency of cocaine in previous purchases -- that within a week they would have access to "kilo quality coke for about one thousand dollars less an ounce than Lehman had been paying." [15T 59-1 to 59-14] App. Div. Br. at 75.

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**District Court and NJ Appellate Court Findings  
Re: "Defendants" and Lehman**

Limited to Alongi and Marzeno, as OCPO's prior briefs suggested. USDC Op. at 5; App. Div. Op. at 101.

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**Actual Record Re: Only "Defendants"  
Alongi and Marzeno" and Lehman**

Lehman testimony:

Q Okay. Now, you indicated that you were purchasing cocaine off Mr. Alongi and Mr. Marzeno. Correct? A Yes. Correct. Q Did there come a point in time in September, 1983 that you had any conversations with Mr. Alongi or Mr. Marzeno respecting the purchase of cocaine? SA2686:18-25

A. I had that conversation -- well, with both [Alongi and Marzeno] -- with Mr. Alongi first, and he said to me, "Don't worry. Within a week our stuff is going to improve. You can have whatever you want. We'll extend you credit. We're going to have south Florida coke, a ton of it, "or something to that effect. And you can bank on it, That's my word on Tony Alongi's word. You can take it to the bank. SA2686:2-9.

“Defendants” and Rispoli

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**Ocean County Prosecutor Misrepresentations  
in Brief Re: “Defendants” and Rispoli**

**District Court and NJ Appellate Court Findings  
Re: “Defendants” and Rispoli**

**Actual Record Re: Only “Defendants  
Alongi and Marzeno” and Rispoli**

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Also, he [Marzeno] had “hoped” to give Barbara some money to keep her quiet. (SA 3031) (16T34-1 to 34-10; limited to Marsieno only) This was probably because Defendants were friends with Barbara’s ex-husband, Bill Rispoli. (SA 889-891) (6T35-2 to 37-10; 11T23-12 to 25-6) 3d Cir. Br. R. at 55.

Also, he had “hoped” to give Barbara some money to keep her quiet. (16T34-1 to 34-10; limited to Marsieno only) This was probably because Defendants were friends with Barbara’s ex-husband, Bill Rispoli. (6T35-2 to 37-10; 11T23-12 to 25-6) USDC Br. at 73-74.

Also he had "hoped" to give Barbara money to keep her quiet. (16T34-1 to 34-10; limited to Marsieno only) This was probably because Defendants were friends with Barbara's ex-husband, Bill Rispoli. (6T35-2 to 37-10; 11T23-12 to 25-61) App. Div. Br. at 57.

None specifically, but both wrongly assume generally that Kamienski participated in the drug deal negotiations and transaction after September 5, 1983.

Duckworth’s testimony:

Q. Who had mutual acquaintances? A. Tony Alongi and Barbara. And one of the names I heard mentioned was Bill Dickey. Q. Did you hear -- did the -- did you hear what relationship that was or -- A. It was her ex-husband, I believe. SA 2011:23-2012:6.

C. Longo’s testimony:

A. Well, I had said to her [Barbara DeTournay]...do you know the people you are dealing with ...?” And she came back to me and said, “Well, I know these people from my former husband and I trust them.” Q. They were friends of her former husband. She told you that? A. Yes. Q. And who was your sister, Barbara’s former husband. A. ... Bill Rispoli [a/k/a Bill Dickey]. SA0889:2-0891:9

See also F. Adam’s testimony, SA1072:17-20, and K. Adam’s testimony, SA1151:16-1152:20. [Barbara said they had met in the afternoon of September 9, 1983 in Toms River with a friend or friends of her ex-husband to finalize the drug deal and that connection made things go “smoother.”]

Kamienski's Murderous "Premeditation"

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**Ocean County Prosecutor Misrepresentations  
Re: Kamienski's Murderous "Premeditation"**

Defendant Kamienski knew this "deal" would be much more than a drug deal – he knew it would be murder in advance of its occurrence. His actions are subtle. ... Kamienski premeditated about the murders and executed part of the murderous plan through the removal of a possible witness, Duckworth, before the murders occurred on the 19th. 3d Cir. Br. R. at 58-59.

Thus, the inference is that Defendants talked about this situation [Marzeno's plan to kill Nick DeTournay and buy off Barbara's silence] and in effect all premeditated about this murder. USDC Br. at 74.

Thus, though always together, she [Duckworth] was sent away whenever Defendants had murder on their minds. St A 58 .... Kamienski was present at the September 18th failed meeting (11T37-17 to 39-8) and took part in the subsequent change in plans....Alongi and Kamienski, at least as accomplices, hunted with the pack, in order to share in the kill. App. Div. Br. at 66.

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**District Court and NJ Appellate Court Findings  
Re: Kamienski's Murderous "Premeditation"**

Based on this evidence, and other evidence introduced at trial, a reasonable jury could have found Kamienski...arranged the September 19, 1983 meeting, ensured the absence of an eye witness...[and] furnished instrumentalities of the crime.[i.e., premeditated the murder] USDC Op. at 26-27.

The jury could have inferred that by prearrangement, Kamienski took steps to remove a potential eye witness from the scene of a robbery and murder and that his conduct constituted facilitating the commission of the crimes with the required shared intent or purpose. App. Div. Op. at 105.

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**Actual Record Re: Kamienski's  
Lack of Murderous Premeditation**

Prosecutor's closing:

[D]oes Paul Kamienski necessarily know that they're going to get killed? I don't think so. Not from the evidence and the testimony that I've heard...He never -- I'll say this, he never expected it to, happen, he didn't expect them to be murdered. SA4325:15-4326:16. .... And I've indicated to you that I don't think that Paul Kamienski...was a part of a conspiracy to murder those people....SA4345:17-20.

See also SA4611:4, 4612:13-20, 4619:10-17 & 4625-4631. [post trial argument: conceding Kamienski lacked foreknowledge and he cannot be found guilty on the basis of anything he did antecedent to the murders]; see also Jury's murder conspiracy acquittal.

“Failed Meeting”

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**Ocean County Prosecutor Misrepresentations  
Re: Kamienski’s Presence at the “Failed Meeting”**

Kamienski was present at the September 18th failed meeting in which there was a gun but no money ever existed, and he no doubt heard the lies told to Henry [Nick] DeTournay that the parties were merely having trouble getting the money together, thereby luring DeTournay into the belief that the parties fully intended to complete the deal they had arranged. ((SA 2024-2026) 11T37-17 to 39-8) Kamienski took part in the subsequent change in plans. 3d Cir. Br. R. at 67-68.

Kamienski was present at the September 18th failed meeting (11T37-17 to 39-8) and took part in the subsequent change in plans. USDC Br. at 85.

Kamienski was present at the September 18th failed meeting (11T37-17 to 39-8) and took part in the subsequent change in plans. App. Div. Br. at 66.

**District Court and NJ Appellate Court Findings  
Re: Kamienski’s Presence at the “Failed Meeting”**

[A] reasonable jury could have found Kamienski...arranged the September 19, 1983 meeting. USDC Op. at 26.

A reasonable inference can be drawn that Marzeno had planned to rob and maybe kill the DeTournays to obtain the cocaine on the 18th because he had only a gun in the briefcase and because he had promised to obtain the cocaine on the 18th and to sell some to Lehman on the same day. But the Holiday Inn was rather public and Henry [Nick] did not bring the drugs, so a scheme was devised to get Henry and Barbara to Alongi's home [on the 19<sup>th</sup>] which was much more isolated. App. Div. Op. at 102.

**Actual Record Re: Kamienski’s Non-Presence  
at the “Failed Meeting”**

Duckworth’s Testimony:

Q. And who else was [at the Holiday Inn on 9/18/83 at happy hour]? ... A. Joe Marzeno, Tony Alongi, Jackie [Alongi’s future wife], myself, Paul ...Q. Do you know what they talked about on that day? A. I really wasn't listening. SA2025:9-17. [For the entire day leading up to the happy hour gathering she and Kamienski were alone on his boat. They returned to the boat after spending a hour or two having drinks]. SA2144:8-2145:8 and 2179:13-2180:24.

Jeffrey’s Testimony:

A. He [Nick DeTournay] never came into the grounds of the Holiday Inn. SA 1566:20-22.

Prosecutor’s closing:

[At 11:30 a.m. on September 18, 1983, Nick and Barbara meet Jeffrey just after a meeting that had taken place at Alongi’s house between 10 and 11 a.m. where Alongi postponed the deal to get the money together]. Donna Duckworth tells you that there's a meeting at the Holiday Inn later on that day, cocktail hour...she doesn't see the DeTournays, they weren't there. SA4314:8-4315:24.