

**Immediate Release**  
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Paul Kamienski's Federal Civil Rights Lawsuit  
Advances; Amended Complaint Against Law  
Enforcement and Prosecution Individuals May  
Allow For Additional Damage Claims To Be Added

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TRENTON, NJ — North Jersey businessman Paul Kamienski endured 20 years' imprisonment before a federal appeals court overturned his double homicide conviction in 2009 for lack of evidence, and subsequent appeals by the Ocean County Prosecutor all the way to the U.S. Supreme Court failed.

Now Kamienski's federal civil rights lawsuit against certain law enforcement and prosecution individuals involved in his prosecution will advance and, with more specificity in an amended Complaint, other damage claims may be able to advance, a federal judge has ruled.

U.S. District Court Judge Peter G. Sheridan, in September 12 and 13 rulings removed the State of New Jersey, Ocean County Sheriff's Department, and Ocean County Prosecutor's Office from Kamienski's 2011 lawsuit, according to Kamienski's attorney Timothy J. McInnis.

However, the court also permitted limited discovery and 30 days leave to file a more specific amended complaint against the law enforcement and prosecution individuals for allegations that include withholding and fabricating evidence, malicious prosecution, and witness coercion.

Named in the federal Complaint were: Attorney General For The State Of New Jersey, Marlene Lynch Ford, Thomas F. Kelaher, James W. Holzapfel, Ronald Deligny, John Mercun, Samuel J. Marzarella, E. David Millard, James A. Churchill, Daniel Mahoney, Jeffrey P. Thompson, John Does 1-10, Ocean County Prosecutor's Office And County Of Ocean.

### **Conviction Expunged**

In a related matter, more than three years after a federal judge first ordered the State of New Jersey to expunge Kamienski's murder records, attorneys representing the Attorney General's Office have voluntarily filed a N.J. Superior Court application seeking statewide erasure of the records.

(More)

If executed by a state judge, the order as submitted will direct all courts, detention or correctional facilities, and law enforcement or criminal justice agencies to expunge any records it held on Paul Kamienski relating to the 1987 murders in Toms River, according to McInnis, of McInnis Law in New York City, who has represented Kamienski for more than a decade.

Kamienski had always maintained his innocence and in May 2009 the U.S. Court of Appeals for the Third Circuit in Philadelphia agreed there was insufficient evidence to convict him. When he was released from South Woods State Prison on June 16, 2009 Kamienski had been imprisoned since Nov. 18, 1988.

Count 13 of Kamienski's federal complaint sought to force the state to follow through on the expungement. Judge Sheridan, in his decision, noted that the prosecutor's office had moved to take such action, making the federal demand moot.

The remaining counts in the federal complaint seek substantial damages for the individuals' alleged actions that helped to convict Kamienski and keep him under lock-and-key for so many years. No specific amount for damages appears in the federal complaint seeking compensatory and punitive damages

### **Related State Court Action**

Kamienski has also filed a complaint against the State of New Jersey under the state's Mistaken Imprisonment Act. In 2011, Mercer County Superior Court Judge Darlene Pereksta issued a summary judgment ruling in favor of Kamienski and ordered the state to pay statutory damages of \$344,000 to him, as well as attorney's fees. Both sides filed notices of appeals of the summary judgment decision and are currently litigating over the amount of attorney's fees.

In the state case the total amount of compensation is based on the wrongfully convicted person's income prior to his imprisonment and the number of years that he was incarcerated McInnis said.

In the year before his arrest Kamienski reported more than \$143,000 total income, including earnings from his north Jersey and Florida businesses.

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