

NEWS RELEASE



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COURT GRANTS PROSECUTOR'S APPLICATION FOR DISMISSAL OF MURDER CHARGE AGAINST NURSE

On June 21, 2010, Superior Court Judge Francis J. Vernoia, J.S.C., granted the Monmouth County Prosecutor's Office's application to dismiss the indictment charging Lorie Hentges, 41, of Brick Township, New Jersey, with first degree murder. The prosecutor's office, represented by Assistant Prosecutor Marc C. LeMieux, explained to the court that it had developed information in the course of its pretrial investigation and preparation which caused it to conclude that it could not prove the murder charge beyond a reasonable doubt.

Under the New Jersey Rules of Court, the prosecutor is authorized to dismiss a criminal complaint administratively before the complaint is presented to a grand jury. Once a grand jury has returned an indictment, however, voluntary dismissal can be accomplished only by the court, on motion by the prosecuting attorney and with the consent of the defendant.

Two separate grand juries had reviewed the evidence against Lorie Hentges and found probable cause to charge her with murder. A grand jury returned the first indictment against Hentges on September 8, 2008; however, Hentges, through her attorney Alton D. Kenney, Esq., succeeded in having this indictment dismissed based upon procedural error during the grand jury hearing. A different grand jury returned a second indictment on March 18, 2009. In December 2009, Hentges moved to have this indictment dismissed but her application was denied by the Superior Court Judge Ira E. Kreizman, J.S.C.

The allegation against Hentges involved the April 14, 2007 death of Alvin Flamenbaum, 72, of Toms River, New Jersey. Hentges was a registered nurse on the Cardio Thoracic Intensive Care Unit ("C.T.I.C.U.") at Jersey Shore University Medical Center. Mr. Flamenbaum was a patient who, as a result of complications of congestive heart failure, was determined to be "terminal" and was receiving palliative care on the C.T.I.C.U. floor. Flamenbaum expired during Hentges' shift, but was not one of Hentges' assigned patients.

Shortly after Flamenbaum died, his treating nurse reported to her supervisor, and then to authorities, that Hentges was alone in the room with Flamenbaum immediately before he expired and that Hentges made admissions that she caused Flamenbaum's death by administering an unprescribed paralytic to him. A paralytic is a drug that paralyzes the patient's respiratory system to allow for effective intubation. An autopsy and toxicological studies corroborated that Flamenbaum was administered an unprescribed paralytic drug. Chief Monmouth County Medical Examiner Jay A. Peacock determined that this drug caused Flamenbaum's death and that his manner of death was homicide.

In defense to the charge, however, Hentges denied administering the paralytic and countered that Flamenbaum in fact died from a fatal dose of morphine and other drugs.

Toxicological studies confirmed that Flamenbaum did have morphine, as well as a number of other drugs, in his system at the time of his death.

Prosecutors argued that, even if some drug other than the paralytic actually caused Flamenbaum's death, Hentges could still be found guilty of attempted murder if she tried to kill Flamenbaum by administering the paralytic. But, in early April 2010, a trial judge ruled that, if the State wished to present its theory of attempted murder at trial, it had to first present it to a grand jury and secure an indictment for attempted murder. The State's attempt to appeal to the Appellate Division to overturn this ruling was unsuccessful, and the prosecutor's office did not return to the grand jury.

Instead, today, Judge Vernioia granted the State's request and signed the order of dismissal. Monmouth County Prosecutor Luis A. Valentin commented on the application to dismiss the indictment: "The medical and toxicological evidence in this case is extremely complicated. It has been the subject of differing analyses and interpretations by multiple experts retained by both the State and defense. After an ongoing exhaustive and critical evaluation of the medical and toxicological evidence and varying expert opinions, we have concluded that imprecision and certain omissions in the collection, preservation, and analysis of the evidence in this case render the State incapable of carrying its burden of proof at a trial. The interests of justice require that the indictment be dismissed."

Any questions regarding Hentges' employment history or status with Jersey Shore University Medical Center should be directed to the Jersey Shore University Medical Center or Meridian Health.

Released: June 21, 2010