

NEWS RELEASE



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Luis A. Valentin, Prosecutor

ASBURY PARK MAN INDICTED FOR TWO COUNTS OF ATTEMPTED MURDER IN CONNECTION WITH OCTOBER 2009 SHOOTING

On July 19, 2010, a Monmouth County Grand Jury returned an indictment charging Ebenezer Byrd, 30, of Asbury Park, N.J., with two counts of first degree Attempted Murder, two counts of second degree Possession of a Firearm for an Unlawful Purpose, one count of second degree Unlawful Possession of a Firearm, one count of second degree Certain Persons Not to Have Weapons, and one count of third degree Hindering Apprehension of Oneself. The indictment also charges Elizabeth Pinto, 24, of Keansburg, N.J., with one count of third degree Hindering Apprehension of Another and one count of third degree Possession of a Controlled Dangerous Substance.

On October 6, 2009, at approximately 12:59 p.m., Asbury Park police received a "911" telephone call reporting that a shooting incident had occurred in the street in the 1300 block of Bangs Avenue. Police immediately responded to that location where they learned that two individuals had sustained gunshot injuries. Both victims were transported to Jersey Shore University Medical Center in Neptune Township, N.J. One of the victims was treated and released from the hospital after receiving treatment for a graze wound to the arm and chest. The other victim had been shot in the groin area, and surgery was necessary to remove the projectile from his left hip.

A joint investigation into the shooting was conducted by the Monmouth County Prosecutor's Office and the Asbury Park Police Department. The preliminary investigation revealed that as a vehicle was being driven on Bangs Avenue, the vehicle came to a stop in close proximity to the two victims. After a brief argument, a passenger exited the vehicle and fired at least two shots at the victims, striking both. The passenger then got back in to the vehicle, following which the vehicle fled the scene. A witness to the argument and shooting recorded the fleeing vehicle's license plate number, which was relayed to police by an individual who made one of the "911" telephone calls.

The investigation ultimately revealed that the passenger of the vehicle who fired the shots was Byrd. The driver of the vehicle was identified as a 17 year old Juvenile. Charges were signed against both individuals on October 9, 2009. The Juvenile was arrested on that date at which time he was lodged at the Monmouth County Youth Detention Center in Freehold, N.J. Byrd was arrested on October 11, 2009, after a motor vehicle stop in Keansburg, N.J.

At the time of his October 11, 2009, arrest, Byrd was the passenger in a vehicle which was being driven by Pinto. Both Pinto and Byrd provided false information to a police officer during the motor vehicle stop regarding Byrd's true identity. As a result, both individuals were charged with Hindering Apprehension. A lawful search of Pinto after her arrest resulted in the discovery of two hydromorphone pills. Under New Jersey law hydromorphone is classified as a schedule II controlled dangerous substance.

Pinto was released on her own recognizance. Byrd remains lodged in the Monmouth County Correctional Institution in lieu of \$2,140,000 bail, which was set by Monmouth County Superior Court Judge Thomas F. Scully.

On April 1, 2010, the 17 year old Juvenile appeared in Family Court before Monmouth County Superior Court Judge Eugene A. Iadanza and pled guilty to being an accomplice to the first degree crime of Attempted Murder. As a result of his guilty plea, Judge Iadanza on June 18, 2010, sentenced the Juvenile to a 2 year term at the Jamesburg Training School for Boys.

If convicted of the first degree crimes of Attempted Murder, the maximum potential custodial sentence is a State Prison term of up to 20 years. If convicted of the second degree crimes of Possession of a Firearm for an Unlawful Purpose, Unlawful Possession of a Firearm, or Certain Persons Not to Have Weapons, the maximum potential custodial sentence is a State Prison term of up to 10 years. If convicted of the third degree crimes of Hindering Apprehension or Possession of a Controlled Dangerous Substance, the maximum potential custodial sentence is a State Prison term of up to 5 years.

Any custodial sentence imposed for the crime of Attempted Murder would be subject to the No Early Release Act ("N.E.R.A."), meaning that the defendant would have to serve 85% of the sentence imposed before becoming eligible for release on parole. Any custodial sentence imposed for the crime of Possession of a Weapon for an Unlawful Purpose carries a mandatory minimum sentence of 1/3 of the sentence imposed or 3 years, whichever is greater, without parole.

Monmouth County Prosecutor Luis A. Valentin stated, "While Byrd brazenly shot at the victims in broad daylight on an Asbury Park street, a witness calmly provided police with a license plate number. This is yet another example of the public action in furtherance of a community's commitment to safety in our streets."

Despite these charges, every defendant is presumed innocent, unless and until found guilty beyond a reasonable doubt, following a trial at which the defendant has all of the trial rights guaranteed by the U.S. Constitution and State law.

The case is assigned to Assistant Monmouth County Prosecutor Christopher J. Decker. Byrd is represented by Donna Wrenn, Esquire, of Freehold, N.J. Defense counsel has not yet entered an appearance with the Monmouth County Prosecutor's Office on behalf of Pinto.

Released: July 19, 2010