

NEWS RELEASE



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MONMOUTH COUNTY GRAND JURY INDICTS OCEAN TOWNSHIP MAN IN CONNECTION WITH NEPTUNE CITY ROBBERY AND STABBING

On July 19, 2010, a Monmouth County Grand Jury returned an indictment charging Kenneth Lyons, 28, of Ocean Township, N.J., with second degree Conspiracy, first degree Armed Robbery and second degree Aggravated Assault.

On September 11, 2009, at approximately 6:03 p.m., officers from the Neptune City Police Department were dispatched to a residence in response to a report that an individual had been stabbed at that location and that there was a large amount of blood on the porch of the home. Police quickly determined that the victim had been stabbed at a different location and then returned to the residence, following which he was driven to Jersey Shore University Medical Center by two friends. Neptune City police went to the hospital and identified the victim, who had sustained life threatening injuries after receiving two stab wounds to the right buttock area. Emergency lifesaving efforts ultimately proved successful.

A joint investigation into the stabbing was launched by the Monmouth County Prosecutor's Office and the Neptune City Police Department. The investigation revealed that the victim had been driven to an alleyway in the vicinity of 82 Hillside Avenue in Neptune City by a female acquaintance, later determined to be 20 year old Michelle Profita of Wall Township, N.J., where Lyons and a second male, 20 year old Joseph Rodriguez of Long Branch, N.J., were waiting. Upon the victim's arrival at the location, Lyons and Rodriguez approached the passenger side of the vehicle that the victim was in and began to assault the victim. Rodriguez struck the victim several times, while Lyons stabbed the victim two times, severing an artery. Profita then fled the scene in her vehicle with the victim still inside, bleeding profusely. Profita then told the victim to get out of the vehicle. The victim then ran to a friend's residence before being driven to the hospital.

On September 12, 2009, Michelle Profita was placed under arrest in connection with this incident. Profita's bail was set at \$50,000 by Monmouth County Superior Court Judge Thomas F. Scully. Profita posted bail and was released from the Monmouth County Correctional Institution on September 13, 2009.

The joint investigation into the stabbing continued following Profita's arrest. Lyons and Rodriguez were identified as the two individuals who had assaulted the victim, at which time they both were also charged. Rodriguez was arrested on September 19, 2009, by officers from the Eatontown Police Department. Rodriguez was lodged in the Monmouth County Correctional Institution in lieu of bail in the amount of \$200,000 "cash only," which was set by Judge Scully.

Acting upon information received, Detectives made contact with the Louisville Metro Police Department in Louisville, Kentucky, in an effort to locate and apprehend Lyons. Lyons was arrested by the Louisville Metro Police at a relative's residence in Louisville, Kentucky, on September 29, 2009. After Lyons waived extradition and was voluntarily returned to the State of New Jersey on October 12, 2009, Lyons was lodged in the Monmouth County Correctional Institution in lieu of bail in the amount of \$500,000 "cash only," which was set by Judge Scully.

If convicted of the first degree crime of Armed Robbery, the maximum potential custodial sentence is a State Prison term of up to 20 years. If convicted of the second degree crimes of Aggravated Assault or Conspiracy, the maximum potential custodial sentence is a State Prison term of up to 10 years. Armed Robbery, Aggravated Assault and Conspiracy are subject to the No Early Release Act ("N.E.R.A."), meaning that Lyons would have to serve 85% of any custodial sentence imposed for those crimes before becoming eligible for release on parole.

Profita and Rodriguez each waived their Grand Jury rights and pled guilty to Accusations prior to a Monmouth County Grand Jury considering the case. Rodriguez appeared before Judge Scully on March 24, 2010 and pled guilty to third degree Aggravated Assault and third degree Theft from the Person. On April 9, 2010, Profita appeared before Judge Scully and pled guilty to two counts of third degree Conspiracy. Rodriguez and Profita are scheduled to be sentenced by Judge Scully on September 3, 2010.

An Accusation is the functional equivalent of an Indictment. Under New Jersey law, every defendant who is charged with a crime has a constitutional right to have a Grand Jury review the evidence and determine whether there is probable cause for the charge. If the Grand Jury finds probable cause, the Grand Jury returns an Indictment. A defendant may waive his right to have a Grand Jury determine whether probable cause exists. In order to waive his Grand Jury rights, a defendant must first appear in Superior Court accompanied by competent counsel and demonstrate to a Judge his waiver is voluntary and intelligent and done with a full understanding of his constitutional rights. If the Judge approves the waiver, the Accusation takes the place of an Indictment.

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. Lyons is represented by Thomas J. Catley, Esquire, of the Ocean Grove section of Neptune Township, N.J. Profita is represented by Matthew Jordan, Esquire, of Neptune Township, N.J. Rodriguez is represented by Shelley Logan, Esquire, of Freehold, N.J.

Released: July 19, 2010