

ATLANTIC COUNTY PROSECUTOR'S OFFICE

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NEWS RELEASE

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MAYS LANDING— A Pleasantville man, who was convicted in May of possession of a weapon by a convicted person, was sentenced to 16 years in prison today, Atlantic County Prosecutor Ted Housel announced.

Eugene Kelly, 41, must serve eight years in prison before parole eligibility. On Friday the prosecution made a formal application to sentence the defendant as a persistent offender. Superior Court Judge Bernard E. DeLury granted the State's motion and imposed the lengthy prison term.

On March 26, 2007, Kelly was detained in the area of Washington Avenue and Main Street in Pleasantville, shortly after a police officer witnessed the man staggering on the sidewalk. The officer engaged Kelly in conversation and asked for his identification three times. As Kelly reached for his identification he was ordered to stop. The officer then asked Kelly to place his hands above his head in order to retrieve the identification, whereupon a gun was observed in Kelly's waistband. The gun was seized and found to be a fully loaded .22-caliber handgun. Kelly was arrested and charged with the crime.

Kelly had entered into a guilty plea on Feb. 22, 2008 to unlawful possession of a weapon and was sentenced to five-years in prison with no term of parole ineligibility on Aug. 8, 2008. At that time the State agreed to dismiss the most serious charge of possession of a weapon by a convicted felon. The defendant also agreed to waive his right to appeal his sentence and that if he appealed the sentence, the State could withdraw from the plea agreement. On Nov. 20, 2008, Prosecutor Housel received notice that Kelly appealed his sentence on Aug. 14, 2008. At the Prosecutor's direction, the State exercised its right to annul the defendant's plea agreement. The Judge granted the State's request and the original charges were restored. The case went to trial in May 2009 and a jury convicted Kelly of possession of a weapon by a convicted person.

Because of Kelly's prior criminal history, the State sought an extended term. The defendant had convictions, including possession of controlled dangerous substances with intent to distribute, which prohibited him from possessing a firearm. He had also

been convicted of joyriding, possession of controlled dangerous substances and conspiracy to distribute CDS on three separate occasions.

Anyone with information involving serious crimes is asked to call the Atlantic County Prosecutor's Office at 609-909-7800 or go to the Prosecutor's Office Web site at <http://www.acpo.org/tips.html> and provide information by filling out the form anonymously on the Submit a Tip page. People can also call Crime Stoppers at 609-652-1234 or 1-800-658-8477 (TIPS). Crime Stoppers offers cash rewards for information leading to the arrest and indictment of those who commit crimes in Atlantic County.