

Chesimard protests

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NEW BRUNSWICK — Superior Court Judge Theodore Appleby's refusal to permit the participation of a defense ballistics expert yesterday touched off a protest by JoAnne Chesimard that her murder trial is "a sham."

Mrs. Chesimard reacted angrily after Judge Appleby rejected defense efforts to have ballistics expert Robert Zimmers added to the list of potential witnesses.

"This is a sham. This isn't a fair trial," she protested.

For the second time since the trial began, Judge Appleby ordered defense attorney Stuart Ball to quiet his client.

"We aren't going to have these disruptions. If this happens again, we will remove her from the court room and she can watch it on television," Judge Appleby said.

Mrs. Chesimard had vocally objected to the removal of a spectator a week ago when she was first warned against outbursts by the judge.

Defense Attorney Lawrence Stern had asked that Zimmers be added to the witness list despite a Feb. 1 deadline for expert witnesses — a factor that led to a bigger objection by First Assistant Prosecutor Edward J. Barone.

"The prosecutor has at his disposal all the experts in the world, unlimited expenses. Nobody is holding him accountable for money. We don't have it and never had," Stern said in pleading for Zimmers' addition as a witness.

"We must have the ability to contradict the poor handling of firearms in this case," Stern said.

"I don't think it takes over a year to come up with an expert witness," Judge Appleby said. He reminded the defense lawyers that he had initially authorized funds for the state experts and only rescinded the order after they failed cooperate.

"Frankly, I don't believe you don't have the money. There have been six attorneys

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rejection of witness

in this case, the National Jury Projection, you have a private office. It might be hard to find experts, but you've had a year," Judge Appleby said.

The judge also said that the defense attorneys have met only one deadline since beginning to represent Mrs. Chesimard.

Attorney William Kunstler contended that Judge Appleby's decision constituted "reversible error. If this is a search for the truth, the prosecutor should join in this application," he said.

Kunstler again said that the court was prejudiced against the defendant and said he made personal appeals to friends to raise funds to secure the defense expert. "In a search for truth, adhering to the rule has no meaning . . . it's an artificial rule. It's her life on the line in this court."

"she's entitled to a fair trial, not a perfect trial," Barone said. He said the defense "never bothered to get ballistics experts," leading to the withdrawal of funds

for that purpose.

The defense did list three potential ballistics experts prior to the Feb. 1 deadline, but Zimmers was not among them.

In testimony yesterday, Kunstler cross-examined George Hickman, a forensic chemist for the state police, on his findings of blood types on various pieces of evidence in the case. He inquired at length into Hickman's findings that blood found on Trooper Werner Foerster's service revolver was type O — matching that of Clark Squire and James Costan, Jr.

MRS. Chesimard is on trial for the slaying of Foerster, the felony-murder of Costan, and the attempted murder of Trooper James Harper on the N.J. Turnpike in East Brunswick on May 2, 1973.

Hickman said the type O blood was found on the barrel and grip of the service revolver during his direct testimony. During cross-examination, he said the same type was found on the trigger of the weapon.

Mrs. Chesimard's type B blood was found smeared across the passenger side front window of the Pontiac in which she and her companions escaped from the scene of the shootings. Blood of her type was also found on the left front fender, bumper, and headlight of the Pontiac, Hickman said.

He agreed that he had crossed out findings of AB blood in scrapings taken from Squire's fingernails and on a .9 mm Llama pistol, explaining that the quantities were insufficient to test.

On cross-examination, he said there were bullet holes in the brown jacket worn by the defendant. One was in the upper left arm and the other on the underside of the right arm, he said.

Under quizzing by Barone, he described a sizeable blood stain of type AB — the same as that of Foerster — on her black slacks. "You can feel it with your hand, a heavy bloodstain; it's still stiff," Hickman said.