

# Chesimard's hands raised during shootout—surgeon

By SUE EMMONS

News Tribune staff writer

NEW BRUNSWICK — A surgeon, hired by the defense, testified at JoAnne Chesimard's murder trial yesterday that her hands must have been in the air when she was shot, to account for the wounds she suffered.

Dr. Arthur Turner Davidson, a surgeon with emphasis on traumatic surgery and a professor at Albert Einstein Medical College in New York City, testified about wounds Mrs. Chesimard suffered during a gun battle on the N.J. Turnpike in East Brunswick on May 2, 1973.

She is accused of murdering Trooper Werner Foerster, attempting to murder Trooper James Harper, and the felony-murder of James Costan, one of her companions who also died in the gun fight.

Although Dr. Davidson was emphatic that the only way Mrs. Chesimard could have sustained the wounds was with her arms raised, he conceded on cross-examination that the less serious injury could have occurred as she was spun around by the force of the initial bullet.

Mrs. Chesimard in her own testimony claimed she was wounded as she held her hands in front of her in the white Pontiac which was halted by Harper on the night of the killings. Harper testified that after he himself was wounded, he retreated behind his unmarked car and exchanged gunfire with Mrs. Chesimard.

The trooper said she fired from a crouched position and that he heard her scream when one of his bullets found its mark.

Barone contended in his questioning, using sheriff's office Rita Anderson to demonstrate the position of the defen-

dant, that the wounds were equally consistent with Harper's version.

One bullet struck in the inner aspect of her right arm, slammed into and shattered the collarbone, and then lodged in the right chest cavity. Dr. Davidson said the arm had to have been extended for the injury to occur in that manner, without either exiting through the arm or striking the humerus bone.

He said she would have had practically no mobility in the right arm after being struck by the bullet, but later conceded she might have had some limited use of her arm.

Under cross-examination, Dr. Davidson acknowledged he was hired by the defense. He said his examination of Mrs. Chesimard was made last August and conceded the treating surgeon would be better able to determine wounds of exit and entry.

The witness said the bullet that struck her left arm struck the outer aspect and exited on the chest about two inches below the collarbone. That slug hit no bony structures and traveled through only soft tissue, he said. Her arm was useable, he added.

Dr. Davidson was aided in his testimony by photographs showing the defendant's scars and x-rays taken at Middlesex General Hospital on the night of the shootings.

The surgeon conceded he never measured the angle of the bullet wounds and agreed that once a bullet enters the body, it can veer in many directions.

It is expected the state will offer testimony in rebuttal to Dr. Davidson's

claims. The defense is expected to complete its case today, with the case probably going to the jury early next week.

Defense lawyers yesterday also elicited testimony from five state police officers. Brief questions were asked of Det. Ronald E. Horstman, Det. Lt. Richard Kelly, Det. Louis Parisi, Det. Louis H. Taranto, and Trooper Douglas Osborne whose reports relating to the murder investigation differed in minute respects to earlier testimony by other officers.

The thrust of the defense quizzing was to discredit ballistics testimony and accounts concerning the hour at which Foerster's body was discovered on the turnpike. Part of the defense case is to attack the State Police investigation of the crimes while maintaining Mrs. Chesimard was an innocent bystander when the shooting erupted.