

# NO CHANGE: Court refuses Chesimard

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Superior Court Judge John Demos yesterday denied a motion by attorneys for Jeanne Chesimard to move her trial out of Middlesex

County because of pretrial publicity.

Demos, the assignment judge for Middlesex County, said Chesimard's attorneys failed to show convincingly "a fair and unbiased jury cannot be selected in this county."

Chesimard is accused of the May 2, 1973, murder of Trooper Werner Foerster during a shootout on the New Jersey Turnpike in East Brunswick. Her attorneys sought to have the trial moved to Essex County.

Stanley S. Cohen, chief defense counsel, said an "atmosphere of guilt" surrounded the trial in New Brunswick because of news accounts which followed an attempted escape at Trenton State Prison, reports on Chesimard's transfer

to the Middlesex County from Riker's Island prison in New York, and trial Judge Theodore Appleby's decision to sequester the jury.

"The authorities put stories of a lurid and inflammatory nature," Cohen

## trial outside Middlesex

declared, "relating the break out (attempt at Trenton State) with my client."

State Police sources had been quoted as saying the escape attempt on Jan. 19 may have been part of plot to free Chesimard from jail, but later

denied the escape attempt was timed to coincide with Chesimard's transfer to New Jersey.

However, her former co-defendant, Clark E. Squire, was part of the escape attempt, according to State Police.

Chesimard was severed from her trial with Squire in February, 1974, because of complications arising from a pregnancy conceived when she was on trial in New York on federal bank robbery charges.

Squire was later convicted and sentenced to life imprisonment for Foerster's murder, and other charges stemming from the shootout.

Nicholas Stroumtsos Jr., assistant county prosecutor, said yesterday in court the defense failed to complain about the publicity surrounding Chesimard's transfer and the escape attempt when it moved to vacate a previous order allowing jury selection in Morris County.

Although the defense argued it moved to vacate the order because it limited peremptory challenges, Stroumtsos noted there was never any motion to expand the challenges in Morris County.

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Judge Demos declined to postpone making a decision on the change of venue request after Lewis Myers, an attorney with the National Conference of Black Lawyers, indicated the results of a survey of Middlesex County residents' attitudes concerning the trial was being tabulated.

The defense could file another motion to move the trial out of Middlesex once the survey results are compiled.

Jury selection for the trial is scheduled for May 10. Judge Appleby has scheduled a hearing Thursday on defense motions to dismiss the indictment or excuse himself from the case, bail and payment of defense fees.

Meanwhile in federal court in Trenton, Chesimard's attorneys continued with their suit to have her transferred from the Middlesex County Jail to

The attorneys have maintained Chesimard is subjected to "punitive segregation" by being placed in a "dark and poorly ventilated" cell in the county jail.

All other female pre-trial detainees, the lawyers have noted, are housed at the workhouse.

During the three-hour hearing yesterday before U.S. District Court Judge George H. Barlow, Roger J. Daley, warden of the county jail, said Chesimard has been given many of the same privileges enjoyed by the jail's all-male population.

He said she has received mail, sent letters, made telephone calls and seen visitors.

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Earlier in the day, Gail Smith, who is currently confined at Clinton Reformatory on an armed robbery conviction, testified she was in the workhouse in 1973 when Chesimard was confined there after her arrest.

She said Chesimard was not allowed any of the privileges accorded to other prisoners, claiming Chesimard was locked in a single cell most of the time.

But James Convery, assistant county counsel, questioned Miss Smith's testimony, maintaining she was not in the workhouse when Chesimard was there nearly three years ago.

Additional testimony will be presented at a future hearing but a date for that session