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Chesimard tells court she's innocent victim

By LAWRENCE NAGY

Joanne Chesimard claimed yesterday she was an innocent victim in a Turnpike gunbattle nearly four years ago, contending a state trooper shot her twice — once in the back — as she sat unarmed in a car with her hands raised.

Chesimard took the stand in her own defense, speaking softly as the lead witness presented by her attorneys in the New Brunswick courtroom where she has been on trial since Jan. 17 for the murder of Trooper Werner Foerster.

The defendant's testimony contradicted an account given by Trooper James Harper, who claimed she fired the first shot in the May 2, 1973, shootout that left one of her two companions and Foerster dead. She portrayed herself as an innocent passenger who was on her way to a job in Baltimore when Harper stopped the white Pontiac.

"On that night, did you shoot, kill or even have anything to do with Trooper Werner Foerster?" defense attorney Stuart Ball asked Chesimard.

"No," the defendant answered.

"Did you shoot, assault or attack in any way Trooper James Harper," Ball asked.

"No," she replied.

Chesimard, wearing a long yellow print skirt with a matching blouse, testified for about two hours and 15 minutes and was subjected to a short but sharp cross-examination by Edward Barone, Middlesex County first assistant prosecutor.

Under questioning by Ball, Chesimard said James Costan told her that Clark Squire was willing to give them a free ride from New York to Baltimore on the evening of May 1, 1973. Chesimard

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said Costan, who is also known as Zayd Malik Shakur, was her brother-in-law and her "best friend." She said she had met Squire only "a few times" before that night.

She said the trio stopped at a restaurant on the Turnpike and as Squire was getting out of the car she saw a gun sticking out of the waistband of his trousers. Costan told Squire not to go into the restaurant with the gun, so Squire placed the weapon on the back floor of the Pontiac, according to Chesimard.

Under cross-examination by Barone, Chesimard identified the weapon as a Llama pistol, one of three automatic pistols recovered after the shootout. Prosecutors contend it was the weapon used by Chesimard to shoot Harper.

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After the trio left the restaurant, Chesimard gave Squire her billfold with some \$500 in it so he could pay for gas, according to her testimony. She said he did not return it.

Their car was stopped by Harper shortly after they left the restaurant. Trooper Harper leaned into the vehicle from the open driver's door and asked for identification from Costan, who was in the right back seat, and Chesimard, who was in the front passenger's seat. Squire, the driver, was out of the car.

Chesimard said she was about to tell Harper that Squire had her identification when she heard a shout.

"There was a shout. It sounded like a shout. It was a loud noise, I know it came from outside the car," she said.

Chesimard said Trooper Harper pulled away from the car briefly.

"Then he came back and pointed a gun in the car and told us to put our hands where he could see them," Chesimard said.

She said she raised her hands toward the driver's door, illustrating for the jury how she held her arms.

"All of a sudden Zayd (Costan) pushed the seat forward, and at that moment I was shot," Chesimard said.

Harper had testified he was shot in the shoulder just after he saw Chesimard make a quick move with her right hand. The trooper said he had not drawn his service revolver.

A ballistics expert testified that a bullet hole in the roof on the driver's side of the car indicated a trajectory line toward the front passenger's seat. The expert said it was unlikely that someone in the rear seat could have moved forward far enough to fire the shot. Prosecutors contend the bullet that struck Harper passed through the roof of the car.

Chesimard said the first shot hit her on the underside of her right arm near her shoulder. She said she was either thrown around or turned toward the passenger's side door of the car and shot again in the back as she tried to get out of the car. She said she was then knocked to the pavement.

* * *

Ball asked the 29-year-old defendant how she felt at that point.

"Scared," she responded.

"What's the next thing you remember?"

"Feet," Chesimard said.

"Do you know whose?"

"No," she answered.

Chesimard said she heard shots as she lay on the pavement and then crawled back into the back seat. She said Squire and Costan got back into the car and drove off. When they stopped, she testified, Squire carried her out of the car over his shoulder and left her in a grassy area off the highway. Chesimard said she later walked out of the grassy area and collapsed in the front seat of the car when Trooper Robert Palentchar ordered her to surrender.

* * *

Barone fired quick, short questions at the defendant in rapid succession.

She conceded she knew Costan carried a gun.

"That didn't shock you to see a gun like this loose in the car?" Barone asked, holding up the Llama automatic pistol.

"No," she answered.

Ball objected when Barone asked Chesimard why she left New York. Judge Appleby sustained the objection. Prior to Chesimard's testimony, Appleby indicated attorneys had agreed not to present "political" material to the jury. Ball also indicated he did not want testimony about Chesimard's fugitive status at the time of the shootout presented to the jury.

Barone asked Chesimard if she used a variety of false names. As he recited the names to her on several occasions she began to laugh.

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Barone asked Chesimard if she thought the examination was "funny."

"Well, your saying all those names like they're mine," she responded.

"Well, you've used other names before, haven't you?" Barone shot back.

Chesimard conceded she gave State Police the name of Maureen Jones when she was taken to Middlesex General Hospital in New Brunswick after the shootout. She also conceded that a Social Security card in the name of Justine Henderson found in her billfold belonged to her. She denied knowledge of a baptismal certificate in the same name.

Barone asked Chesimard if she talked to Squire after the shootout. She said she spoke to Squire in August, 1973, to find out what happened during the gun-battle but he was "hesitant" to speak about the case. She said she was eager to learn the facts surrounding the incident.

"Of course, you were. You were an innocent victim. You were just along for the ride," Barone asked sarcastically.

"I wanted to find out what happened," she said.

The defense case will resume today before Appleby.