

'IMPOSSIBLE' FOR HER TO CROUCH MD backs Chesimard in describing wound

By LAWRENCE NAGY

A surgeon testified yesterday it was "totally anatomically impossible" for Joanne Chesimard to have been crouched in a firing position when she was wounded during a 1973 Turnpike shootout.

Testimony by Dr. Arthur Davidson on Chesimard's wounds was presented by defense attorneys in an attempt to buttress her claim that she was unarmed and seated in a white Pontiac with her hands raised when Trooper James Harper shot her on May 2, 1973.

Chesimard is on trial in New Brunswick for wounding Harper and murdering Trooper Werner Foerster during the gunbattle. The 29-year-old black activist testified Tuesday she was an innocent victim in the gunbattle she is accused of starting with a shot into Harper's shoulder from inside the car.

Dr. Davidson, a professor at the Albert Einstein College of Medicine in New York, also testified under questioning by defense attorney Lewis Myers that a gunshot wound which shattered Chesimard's right collarbone would have ren-

dered her right arm "practically" useless.

The testimony was intended to counter a prosecution claim that Chesimard aided Clark Squire in the execution-style slaying of Foerster, after she had been wounded moments earlier in an exchange of shots with Harper.

Under cross examination by Edward Barone, Middlesex County first assistant prosecutor, Dr. Davidson conceded, "With strictly an injury just to the collarbone, one may still have some limited use of that arm."

The surgeon also testified in cross examination that Chesimard "possibly" could have used her left arm, despite a second bullet wound.

Dr. Davidson examined scars from Chesimard's bullet wounds last August. He also viewed X-rays last October showing bullet fragments in her chest. The X-rays were taken at Middlesex General Hospital in New Brunswick following the shootout.

One bullet entered the underside of Chesimard's right arm, struck the collarbone, shattered it and ricocheted into

the upper chest, leaving several fragments inside her body, the doctor testified.

A second bullet entered the upper part of her left arm, tumbled through soft tissue and came out of the upper chest just below the collarbone, he said.

Myers asked Dr. Davidson if the only way Chesimard could have been wounded in such a fashion would have been if both her arms were raised above her head.

"It was absolutely anatomically necessary that both arms be in the air for Mrs. Chesimard to receive the wounds," the surgeon replied.

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Barone asked a female sheriff's officer to crouch with her right arm raised and extended outward to illustrate the prosecution theory of how Chesimard was positioned outside the driver's door of the Pontiac when she exchanged shots with Harper.

Barone asked Dr. Davidson if the wound to the right arm and collarbone could have been inflicted on Chesimard if she had been in that position.

"Impossible," the surgeon insisted.

The witness conceded, however, that the wound in her left arm could have been inflicted if she was in the crouched firing position, as her body was spun around by the force of the first shot into the right arm and collarbone.

Earlier, Myers sought to have Chesimard's medical record and X-rays from Roosevelt Hospital in Edison admitted as evidence. Barone objected, contending the records could not reflect Chesimard's condition on the night of the gunbattle because she was treated there several weeks following the incident.

Superior Court Judge Theodore Appleby upheld Myers after the attorney argued that the Roosevelt records will be used by a neurologist to support his testimony that Chesimard's hands were paralyzed when she was shot.

Defense counsel William Kunstler indicated that Chesimard's attorneys expect to call their last witnesses today. The all-white 15-member jury has been sequestered since testimony began more than a month ago. It is expected the jury will begin deliberations sometime next week.