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Chesimard refused bid to suppress evidence

By LAWRENCE NAGY

An attempt by defense attorneys to suppress evidence in the murder trial of Joanne Chesimard was rejected yesterday by a Superior Court judge in a pre-trial conference in New Brunswick.

Judge Theodore Appleby refused to hear a defense motion to suppress all the evidence found in a car in which Chesimard was riding when a state trooper was killed in a shootout on the Turnpike May 2, 1973.

Chesimard is charged with multiple offenses stemming from the murder of Trooper Werner Foerster.

Chesimard's lawyers contended the evidence was improperly seized without a search warrant.

Appleby noted, however, that the 30-day period following a plea during which such motions are permitted had expired.

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He ruled that under law, the negligence of previous defense attorneys in failing to discover an illegal search and seizure did not constitute grounds of extending the filing deadline for the motion.

Appleby granted a motion by Chesimard's lawyers to have expert witnesses for the defense paid with public funds.

He said he accepted Chesimard's affidavit that she is destitute but asked defense attorney Stanley Cohen to explain the activities of committees that have been raising money for her defense.

Cohen contended he did not know about the committees and could not control their activities.

"Obviously, they are out collecting money and you are not getting it," Appleby told Cohen.

Appleby said jury selection would begin in Middlesex County as scheduled April 26 and a decision on moving the selection process would be made only if problems arise then.