

# The New York Times

FRIDAY, MARCH 18, 1977

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### Quotation of the Day

"You can't have half a football team or two-sevenths of a football team."—Mayor Beame, commenting on the Jets' plan to play two of their seven home games in New Jersey. [A20:1.]

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### CORRECTION

An article in The Times yesterday incorrectly identified a member of the City Taxi and Limousine Commission who criticized its raising taxicab fares. His name is Albert Kreindler.

## Doctor Testifies on Bullet Scars in Chesimard Trial

By JOSEPH F. SULLIVAN

Special to The New York Times

NEW BRUNSWICK, March 17—Dr. David Spain, director of pathology at Brookdale College in Brooklyn, testified today that an examination of Joanne Chesimard's bullet scars and X-ray reports supported her version of how she was shot during a gunfight on the New Jersey Turnpike nearly four years ago.

Mrs. Chesimard, a leading figure in the so-called Black Liberation Army, says she was shot by a state trooper in the right arm as she had her arms raised and in the rear of her left shoulder as she turned to escape.

The state contends, in its trial of Mrs. Chesimard on murder and assault charges, that she was wounded as she crouched and fired an automatic handgun at a state trooper.

### Leaves Round Scar Hole

Werner Foerster, a state trooper, and James Costan, one of Mrs. Chesimard's companions, were killed in the gunfight. Trooper James Harper and Mrs. Chesimard were wounded.

Clark E. Squire, the driver of the car carrying Mrs. Chesimard and Mr. Costan when it was stopped by the troopers on May 2, 1973, was convicted in 1974 of killing Trooper Foerster.

Dr. Spain made a sketch for the jury to illustrate how a bullet entering the skin leaves a round scar hole as it goes in straight but a more oblong oval mark if it enters at a sharp angle.

The scar on the underside of Mrs. Chesimard's right arm is almost circular, indicating her arm was raised high in

the direction of the gun that shot her, he said.

In addition, Dr. Spain said the bullet then traveled into Mrs. Chesimard's chest and fractured her collarbone before lodging lower in her body, and he concluded from this that her arm had to have been raised.

"There is no conceivable way it [the bullet] could have traveled over to hit the clavicle if her arm was down," Dr. Spain said. "It was impossible to have that trajectory."

He also said the entry and exit scars of wounds caused by the second bullet—from the rear of her left shoulder through the chest—could have resulted from Mrs. Chesimard's turning away from the direction of the gun, as she has testified.

Dr. Spain also testified that Mr. Costan could have lived for several minutes and been active after having been hit by the bullet that tore through his right lung and damaged his liver.

However, under cross-examination by Edward Barone, the first assistant Middlesex County Prosecutor, Dr. Spain also said it was possible that Mr. Costan had been immobilized.

Although he died within minutes of the shooting, Mr. Costan's mobility, or lack of it, is important to both the prosecution and the defense.

An automatic pistol that was inside the defendant's car was found near Trooper Foerster's body and if Mr. Costan was unable to move or use it to assist Mr. Squire, who was grappling with the trooper at one point, then the prosecution theory is that Mrs. Chesimard played that role.

Judge Theodore Appleby of Superior Court excused the jury before reporting on an incident last week in which a box containing evidence was left in the courtroom and found two hours later by custodians.

In the box were envelopes that held bullet fragments taken from Trooper Foerster's body and live ammunition from the scene that has been put into evidence.

Initially, the prosecution assured Judge Appleby that the box contained only empty envelopes, but William M. Kunstler, one of Mrs. Chesimard's defense attorneys, heard about the evidence and informed Judge Appleby, who investigated and said today that Mr. Kunstler was correct.

However, he ruled that the "chain has not been broken," meaning the evidence was not liable to tampering since it was in a locked courtroom until found and turned over immediately to the County Prosecutor.

The defense indicated it might finish its case on Saturday. The prosecution expects to call some rebuttal witnesses and the case is expected to go to the jury next week.

A man who identified himself as a reporter for Tass, the Soviet press agency, interviewed picketers who demonstrated outside the courthouse in support of Mrs. Chesimard after a week's absence.

The reporter, who identified himself to a wire service reporter as Vladimir Genasichedi, asked if the picketers thought Mrs. Chesimard was receiving a fair trial in view of the fact she is being tried before an all-white jury.