

The Home News

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Bloodstains match up in trial

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Bloodstains on JoAnne Chesimard's clothing, seized within hours of the deadly 1973 gun battle in which Trooper Werner Foerster died, matched the officer's rare blood group.

That testimony yesterday by George M. Hickman, a N.J. State Police forensic chemist, is a key piece of the case being presented by First Assistant Middlesex County Prosecutor Edward J. Barone against Mrs. Chesimard.

Hickman's testimony places the 29-year-old Mrs. Chesimard in close proximity to the site of the killing of Foerster, whom Barone contends was "executed" with his own service revolver after he was already wounded.

Barone also presented another expert to bolster state claims that the defendant or a companion fired the first shots that touched off the May 2, 1973, shootout.

Mrs. Chesimard is accused of murdering Foerster and trying to kill Trooper James Harper after he stopped a 1965 Vermont-registered Pontiac in which she and two companions were riding that early morning.

According to the prosecution, the shooting started as Foerster, acting as backup for Harper, was questioning Clark Squire at the rear of the Pontiac and Harper sought proof of identification from Mrs. Chesimard and James Costan, who was seated in the rear of the vehicle.

Believing that Mrs. Chesimard was reaching for a gun, Harper said he started turning away from the car when he was shot.

Chief defense counsel William M. Kunstler has suggested several times since the trial opened in January that the defense hoped to prove that the troopers started shooting first.

Mrs. Chesimard, wounded in an exchange of fire with Harper, is also accused of being responsible for the death of Costan, who was shot by Harper. Uninjured in the gun fight, Squire was captured 39 hours later, subsequently convicted and sentenced to Trenton State Prison for life plus 24 to 30 years.

Tests made by Hickman disclosed that both Squire and Costan had group or type "O" blood, the most common of the four groups.

Hickman testified that Mrs. Chesimard has type "B" blood, common to

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only 10 to 15 per cent of the population. But Foerster's "AB" blood is shared by only 3½ to 5 per cent of mankind, he said.

The chemist, who checked all bloodstains in the case, showed the jury stains on three garments worn by Mrs. Chesimard that night — knee-length brown stockings, black slacks and a brown swede jacket.

Hickman said his analysis showed that heavy concentrations of blood on one stocking and the lower right leg of the trousers proved positive for "AB" blood.

There were also traces of "AB" blood on the right cuff of her short jacket, according to Hickman.

The chemist also identified bloodstains on Mrs. Chesimard's brownplatform shoes but said he was unable to determine the type.

Type "O" blood was found, according to Hickman, on Foerster's service revolver, his hat, uniform Sam Browne belt and holster and his trousers.

These findings were offered as proof that the dead trooper was in close contact with either Squire or Costan. But during Squire's 1974 trial, there was medical testimony that Costan's chest wound was so severe it was unlikely that he could have moved far after being shot by Harper.

Nevertheless, Hickman testified that "AB" blood stains were found on Squire's dark green felt hat and on Costan's blue jeans.

Barone's second witness was Robert A. Frazier, an employe of the Virginia Bureau of Forensic Science and an expert in glass.

Frazier, who retired after 34 years with the Federal Bureau of Investigation's laboratory where he was chief of the physics section, testified that his examination of the rear window of the Pontiac showed the glass was fractured by a bullet fired from inside the auto.

Earlier, Hickman gave similar testimony about the shot allegedly fired by Mrs. Chesimard at Harper.

The testimony by Frazier and Hickman was intended to back up the state's theory that Mrs. Chesimard or Costan started shooting first.

Frazier said that a reconstruction of a portion of the Pontiac's rear window by Hickman showed the point of impact and was proof to him that the glass was shattered by a bullet fired from inside the vehicle.