

Chesimard loses bid for mistrial

By LAWRENCE NAGY

A motion for a mistrial stemming from courtroom disturbances was rejected by a Superior Court judge yesterday, as prosecutors continued to present physical evidence in the murder case against Joanne Chesimard in New Brunswick.

Superior Court Judge Theodore Appleby denied a defense claim that he biased the jury when he admonished them to "wipe from their minds" the scene of Chesimard leaving the courtroom in tears

Wednesday.

Chesimard left the courtroom complaining she was ill following a shoving match between her supporters and sheriff's officers and an angry exchange of shouts between her and the judge.

The outbursts occurred when the jury was not in the courtroom. When a spectator attempted to address the court following an initial outburst, Appleby immediately dismissed the jury.

When the jury returned,

nearly all the spectators had left. Appleby told sheriff's officers not to readmit them because the trial session for the day was nearly over and screening spectators with metal detectors involves a lengthy process.

Defense attorneys claimed the sight of the spectator gallery emptied of Chesimard's supporters also biased the jury when they returned to the courtroom yesterday.

Edward Barone, first assistant prosecutor of Middlesex County, continued questioning State Police Detective Sgt. Edward Wilke yesterday about the physical evidence he recovered from the scene of a May 2, 1973, shootout on the Turnpike that Chesimard is accused of starting.

Wilke identified the blood-stained clothing of Trooper Werner Foerster he recovered at an autopsy in Perth Amboy General Hospital. Chesimard is accused of murdering Foerster and wounding Trooper James Harper in the shootout.

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The detective also identified three bullet fragments removed from Foerster's arm and two more fragments removed from his head. Prosecutors have indicated they intend to prove Foerster was "executed" with his own service revolver following a scuffle with Clark Squire. Squire is serving a life term in Trenton State Prison for Foerster's murder.

Much of yesterday's trial session was taken up with the process of identifying and marking spent bullet casings, cartridges and clips from automatic weapons.

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In his cross-examination of Wilke, defense attorney Lawrence Stern pressed the detective to recall whether he jotted down the precise location of each piece of evidence on the bags in which the items were placed.

Wilke said he could not recall whether the locations were included on the labels. He said other investigators recorded and measured the locations of the objects, which included three automatic pistols, ammunition clips and both spent and live ammunition.