

Federal judge to decide where

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NEW BRUNSWICK — JoAnne Chesimard will continue to await her Sept. 27 murder trial in solitary confinement at the Middlesex County Jail — at least until U.S. District Court Judge George Barlow returns to his Trenton office from vacation at the end of the month.

It is up to Barlow to take action on a finding released yesterday by hearing examiner

David L. Ploshnick, a New Brunswick attorney, recommending the 29-year-old Black Liberation Army member be transferred to the Middlesex County Workhouse.

She had been held at the minimum-security facility in North Brunswick from June 4 to Oct. 5, 1973, until her transfer to New York City for a bank robbery trial. After her acquittal, she was returned to the county jail last January.

Mrs. Chesimard is charged

with the murder of N.J. State Trooper Werner Foerster and the wounding of another trooper, James Harper, in a May 1973 gun battle on the N.J. Turnpike in East Brunswick.

"My decision should not be interpreted to mean that I do not find there is not a possible security risk to have JoAnne Chesimard housed at the Middlesex County Workhouse," Ploshnick's statement said.

"No one can predict the future...but based upon the evi-

dence presented as it relates to the rights of the county of Middlesex and of JoAnne Chesimard at the present time," the statement continues, "her administrative detention at the county jail should end."

Mrs. Chesimard's lawyers had claimed her constitutional right to due process was being denied her by keeping her apart from the general female population of the Middlesex County Workhouse.

According to his finding,

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Chesimard will await trial

"there is no question that increased security will incur additional expense to the county, but additional expense is not a compelling factor in the larger constitutional issue."

According to John Cordes, Barlow's law clerk, "the judge isn't going to do anything on this automatically.

"Presumably, the county could appeal in the Appellate Division of state court," he said, but added the judge would have to "thoroughly" review

Ploshnick's recommendation.

"If they want to move her, so be it," said Middlesex County Sheriff Joseph DeMarino. "But if cost isn't a factor with them, it is with me. I can't give you an estimate of what all that stepped-up security is going to cost, but it's going to be high."

DeMarino testified for nearly five hours at the July 27 hearing before Ploshnick that resulted in yesterday's finding.

"I made a prediction," he continued. "I've watched a lot

of cases in my lifetime and they'll drag this one on for four years. They're on three years already. Only time will tell."

James Cahill, warden at the workhouse, last night said he was unaware of the finding and could not estimate what special accommodations would have to be made at the facility if Mrs. Chesimard were to be transferred there, or what added security might cost.

Middlesex County Prosecutor C. Judson Hamlin was on vaca-

tion in Atlanta, and could not be reached for comment.

First Assistant Prosecutor Edward Barone, who is handling the case for the county, declined to comment because of his role in the situation.

Lennox Hinds, president of the National Conference of Black Lawyers and a member of Mrs. Chesimard's defense team, withheld comment prior to an 11 a.m. press conference here today.