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## Daughter's photograph objected to at trial

JoAnne Chesimard took a photograph of her young daughter, Kakhya, to the witness stand with her yesterday when she told her version of the turnpike killings to a 15-member jury.

Midway in her cross-examination, First Assistant Prosecutor Edward J. Barone objected to her having the photograph, contending it was designed to sway the jury.

"If you're going to allow that, let us explore the circumstances of its conception," Barone shouted to Superior Court Judge Theodore Appleby.

Judge Appleby told Mrs. Chesimard that he deplored her bringing the photograph while she testified. "There will be no more of this," he said.

Mrs. Chesimard became pregnant while in federal custody in New York City, resulting in her case here being severed from that of a co-defendant, Clark Squire, in 1974. Squire was convicted of the crimes and is serving a term of life plus 24- to 30-years.

In addition to the lead-off testimony of Mrs. Chesimard, the defense lawyers also called Troopers Ronald Foster and Edward O'Rourke as witnesses. Both were on duty at the

New Brunswick station on the night of the shootings.

Foster and O'Rourke said that Harper made no mention of Foerster after he stumbled, wounded, into the station that night.

O'Rourke described Harper as being "extremely pale. Our only conversation was about his condition. He was shot and in pain."

A tape-recording of Sgt. Chester Baginski made on the night of the shootings was also played for the jury as part of the defense case. It reveals that although Baginski was aware that Foerster was not responding to radio calls, he was unaware the trooper had been murdered until 2:05 a.m. an hour after the shooting erupted on the toll road.

Baginski also conceded in the tape that the patrol cars could have been seen from the dispatcher area of headquarters, but that it would have been impossible to see Foerster's body because of the darkness. He also said Harper did not mention Foerster.

"The main concentration was to apprehend the vehicle," he said in the recording.