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Judge forbids polling by Chesimard adviser

By LAWRENCE NAGY

The presiding judge in the Joanne Chesimard murder trial yesterday angrily ordered defense consultants on jury selection to stop telephone surveys in Middlesex County after he met with a weeping jury panel member whose neighbor had been contacted.

Superior Court Judge Theodore Appleby admonished the National Jury Project, a Manhattan based nonprofit organization commissioned by Chesimard's defense lawyers, to make "no more telephone calls or contacts of any kind" related to the case.

"Intimidation and harassment of my jurors is approaching obstruction of justice," Appleby asserted.

Appleby made the statement at the beginning of yesterday's court session in New Brunswick, where the trial of the 29-year-old black activist accused of the 1973 murder of a state trooper began Jan. 17. Appleby said he met with a woman who was a member of the group of potential jurors.

"She came in crying and shaking because a neighbor had received a call from the National Jury Project, and she's now terrified," Appleby told the attorneys.

The judge said he was informed that a Jassica Robbins of the National Jury Project made the call and told the woman's neighbor that people in the county are prejudiced that Chesimard could not receive a fair trial and that the trial judge was not digging deeply

enough in his questioning of potential jurors.

Chief defense counsel William Kunstler replied that the National Jury Project asks "factual" questions to determine underlying prejudice throughout the county. He contended the description of the call received by the prospective juror's neighbor did not sound like the methods used by the National Jury Project.

Kunstler suggested the call might have been faked by the prosecution or another party "to create a furor."

The defense team conceded the person identified by the neighbor as the caller works for the National Jury Project.

Middlesex County First Assistant Prosecutor Edward Barone said he was contacted Jan. 26 by a neighbor of a prospective female juror who had received a similar call.

"I submit this is intimidation," Barone asserted.

"We can't have scared jurors," he added. He asked the judge to submit the matter to the State Attorney General's Office for further investigation.

During jury selection yesterday, 10 prospective jurors were dismissed for cause, including the woman who met with Appleby and told him of the call.

Defense attorneys exercised half of their peremptory challenges, excusing 10 prospective jurors. Prosecutors used 4 of the 12 challenges they are permitted to exercise.