

# Chesimard trial put off until September

By DAVID WALD

Superior Court Judge Theodore Appleby yesterday postponed until September the start of Joanne Chesimard's trial for the murder of a state trooper on the New Jersey Turnpike three years ago.

Judge Appleby, at a pre-trial conference in New Brunswick, said jury selection would start the Monday after Labor Day — Sept. 13 — or the following week, depending when a new panel of jurors is selected for the criminal court calendar in Middlesex County. The trial was scheduled to begin Monday.

"It is obvious we won't be able to start Monday," Appleby said.

It was the second time the start of jury selection was postponed since Chesimard was transferred to New Jersey

in January after being acquitted of federal bank robbery charges in New York.

Her former defense counsel asked to be excused from the trial in mid-February, and the new defense team was late filing its first set of pre-trial motions.

Six experts for the defense, who Judge Appleby ruled will be paid for by the state or county, have yet to start work.

The judge said he will set a new deadline for the filing of pre-trial motions, and said he would not object to hearing pre-trial arguments in August when the courts are normally closed.

Appleby yesterday denied motions for bail, payment of counsel fees, and dismissing the indictment or removing himself from the case.

Defense motions appealing Appleby's order to sequester

the jury and proceed with the trial on Fridays — the Muslim Sabbath — are pending before the Appellate Division of Superior Court.

Also pending in U.S. District Court in Trenton is a motion to transfer Chesimard from her private cell in the basement of the Middlesex County jail to the county workhouse in North Brunswick where all other pre-trial women detainees are held.

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Assistant Prosecutor Edward Barone said yesterday he believed Chesimard would remain in the custody of New Jersey officials through the summer although there is a detainer for her transfer back to New York on a pending murder indictment.

Stanley S. Cohen, Chesimard's chief defense counsel,

yesterday asked Appleby to remove himself from the case because he said the judge has "subconsciously" been effected by the publicity surrounding the case.

"I feel the court's rulings have consistently displayed a pattern which presumes and sets an atmosphere that Miss Chesimard is a dangerous criminal and must be guilty of something," he said.

"I think the matter is being mishandled by the court. The conduct thus far is depriving Miss Chesimard of a fair trial," said Cohen.

Judge Appleby, in turn, said Cohen's chief complaint was his rulings against the defense. "I don't think I've acted illegally or improperly," he declared. "I have no intention of disqualifying myself."

Chesimard, 28, was originally brought to trial in Dec.

1973 on charges stemming from the turnpike shootout on May 2, 1973.

She, and former co-defendant Clark E. Squire, were accused of the murder of Trooper Werner Foerster, the shooting of Trooper James Harper and the felony murder of a companion in the car they were alleged to be riding in when it was stopped by Harper for a defective taillight.

Chesimard, who has adopted the Muslim name of Assata Shakur, was severed from the trial in Feb. 1974 because of complications arising from a pregnancy conceived in New York where she was on trial on federal bank robbery charges.

Clark was convicted in March 1974 for Foerster's murder and is serving a life sentence in Trenton State Prison.