

Chesimard trial:

Slain trooper's shirt offered as evidence

By SUE EMMONS

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NEW BRUNSWICK — The blood-drenched uniform shirt of slain Trooper Werner Foerster was among numerous items entered into evidence yesterday at the murder trial of JoAnne Chesimard.

Mrs. Chesimard, 29-year-old black militant, is accused of murdering Foerster, wounding Trooper James Harper, and the felony murder of James Costan Jr. on the N.J. Turnpike in East Brunswick on May 2, 1973.

First Assistant Prosecutor Edward J. Barone held aloft the slain trooper's bloodied light blue shirt, which was identified by Det. Sgt. Edward Wilke. Wilke said he was given the shirt and Foerster's uniform trousers at Perth Anboy General Hospital where autopsies were performed on the bodies of the murdered trooper and Costan.

Wilke said he also received three bullet fragments removed from Foerster's right arm during the post mortem and two pieces of lead taken from the victim's head. The state contends Foerster was executed by his own service revolver.

A photograph taken at the autopsy, showing a close-up of Foerster's injured hands, was also admitted as evidence and shown to the 15-member jury.

Costan's dungarees, a web belt, and a holster that was attached to the belt when the body was found also went into evidence during the proceedings. Wilke testified he was present when blood samples were drawn from the thoracic cavity of both victims.

Wilke also testified that three fully-loaded ammunition clips were retrieved from a red purse found on the passenger's side of the white Pontiac in which Mrs. Chesimard, Costan, and Clark Squire were riding on the night of the shootings. Harper testified earlier that she was seated in the front passenger's seat.

The state is expected to offer ballistics testimony later in the trial which will reveal that those clips fit a Llama automatic pistol, which was jammed, recovered between Foerster's right hand and hip. Wilke also testified that two spent cartridges expected to be linked to the same weapon were discovered in the Pontiac on the night of the

murders.

Wilke also testified that the back window and vent window on the driver's side of the Pontiac were shot out. A bullet was extracted from the right inside roof lining, he said.

Foerster's .38 caliber service revolver, found with Costan's body about five miles from the scene of the shootings, and a small .380 Browning automatic pistol discovered nearby were also admitted as evidence in the case.

Wilke said he also received a bullet which appeared to be impregnated with glass fragments at the location where Mrs. Chesimard surrendered and Costan's body was found.

Clothing worn by Mrs. Chesimard and equipment worn by Foerster which had been identified by earlier witnesses also was admitted as evidence.

The trial will be in recess today, so that Mrs. Chesimard can pursue her Muslim religious beliefs, but will resume on Saturday. Lawyers for both sides are awaiting a ruling from the U.S. Third Circuit Court of Appeals as to whether she is entitled to Fridays off because of her religious beliefs.

Attorney Lawrence Stern will continue his cross-examination of Wilke on Saturday. Wilke was steadfast in saying nothing was moved at either the scene of Foerster's murder or that of the defendant's capture.

He said he took photographs of the victims and various evidentiary findings at both scenes, at the autopsies, and at Middlesex General Hospital.

Superior Court Judge Theodore Appleby, who is presiding, denied a mistrial motion by Attorney Stuart Ball. Ball objected to his instruction that the jury disregard Mrs. Chesimard's hasty exit from the court room on Wednesday when she became ill.

Ball has asked that the judge tell the jurors she was ill in an additional instruction.

Judge Appleby also permitted two spectators who had been ejected for failing to rise when he entered the court room to return. He warned that any future infractions will result in their expulsion for the duration of the trial.