

# Recorder Fined The Allendale<sup>44g</sup> Police Marshal

Allendale's police marshal, John Colmley, charged with reckless driving by Walter Ackerson, of Ramsey, was found guilty of the charge by Justice of Peace E. Elmore Hall in Ramsey police court last night.

James M. Muth, defense attorney, immediately announced intention to appeal the decision to a higher court, posting a \$25 bail pending the 10-day regulation to perfect and file the appeal.

The charge was lodged against the officer after the Allendale police car crashed into the rear of Ackerson's, whom Colmley was pursuing for speeding. The accident happened at 2:30 in the morning of October 27 on the Franklin Turnpike, Ramsey. Ackerson had been found guilty in Allendale's recorder's court by Recorder J. Frank Rouault, of the charge of speeding made by Colmley.

After a series of postponements and delays, the case finally came to trial last night with a hearing that had all the elements usually associated with a higher court session. Witnesses that crowded the small police room heard principals questioned and cross examined by the opposing lawyers, who interrupted each other with objections which Mr. Hall either sustained or overruled; heard the various laws and regulations of the state and nation quoted or read from statutes and in general, enjoyed the two-hour trial in which lawyers and witnesses "matched wits."

Hall opened the proceedings by denying the motion to quash the summons made two weeks ago by James M. Muth, Allendale's borough attorney, representing Colmley.

Louis Ball, Paterson attorney representing the prosecution, made every effort to establish the time, in seconds and the distance in feet, when the police car first started to close the gap between the two cars, the siren sounded; and the brakes were first applied by the pursuing officers.

Robert J. Wehner, rookie marshal riding with Colmley that evening, sidestepped several of Ball's direct questions by a counter-query of "Are you trying to make me so——?" and "I can't answer that because I don't know." Once he answered a question by saying "May I answer that the right way?"

Muth brought out in direct testi-

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mony that Ackerson had had his car radio on, inferring that possibly he did not hear the siren due to his engrossment in the radio program.

After the testimony of the witnesses, which included Colmley, Ackerson, Wehner and Ramsey's patrolmen, Alvin Doremus and Albert Schmitt, a summation was made to the court.

Ball, who speaks in a vibrant and resounding tone, charged that evidence showed Colmley drove with a wanton and reckless disregard for the life, limb and safety of others—"o anyone who might have been walking along the road at the time," and "Suppose it was a man walking there, a father with three or four children——"

Muth, defense attorney, said there was no indication that Colmley ha

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