

Jury gets case of drivers, road rage

By Katie Wang
Star Ledger Staff

The attorneys in a Newark road rage trial delivered their summations yesterday by asking the juror: What would you have done in that situation?

The jurors entered deliberations with this question in mind, but left yesterday afternoon without reaching a verdict. Deliberations are scheduled to resume today.

The panel of seven men and five women must decide whether to believe defendant Paul Baker or victim Asante Adler's account of road rage incident on the New Jersey Turnpike on Sept. 20, 2003. Baker admits punching Adler in the eye that evening, but says he was provoked by Adler, who struck him in the neck first.

Adler says Baker started the fight after their two cars collided during a routing lane merge near Interchange 14 in Newark. Not only did he punch her, Adler said, but Baker also kicked her while she was down. Two witnesses at the scene testified to seeing Baker kick Adler once.

Linda Nevandomski, the assistant Essex County Prosecutor trying the case, said Baker should have known better than to punch Adler, even if Adler threatened to kick his car.

"How can anyone take that (threat) seriously?" she asked the jurors. "You can write that in a cartoon balloon in pink letters. The defendant is 38 years old. He's old enough to know better."

Adler suffered permanent damage to her cornea, lens and iris as a result of the punch, said Nevandomski.

The 20-year old toll booth worker from Jersey City began to weep in the courtroom as Nevandomski began to describe the injuries to her eye.

Baker's attorney, Timothy R. Smith, said his client did not intend to hit Adler, but did so as a reflex reaction to her punch. Adler has denied punching Baker and none of the witnesses who were at the scene said they saw her hit him.

"My client did not intend to cause the injuries that he did," Smith said. "It was a spontaneous reaction. There was no extreme indifference to the value of human life."

If convicted of aggravated assault, Baker, a father of two and a Pennsylvania resident, would face at least five years in prison. Baker also was facing charges of making terroristic threats, but the charge was dismissed, yesterday by Judge Tomas McCormack. Baker allegedly told Adler during the dispute that he would shoot her if he had a gun.

Since he did not have a gun at the time, the judge ruled it did not rise to the level of making a terroristic threat.

Smith said there were numerous inconsistencies in Adlers testimony and from the witnesses.

“The question is, do we have criminal culpability?” Smith asked. “Should my client suffer the very, very, very extreme consequences?”