

COUNTY

Madison businessman cleared in assault case

Fistfight after car accident led to charges

BY PEGGY WRIGHT

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A Madison businessman accused of breaking a motorist's nose during a fistfight after a minor car accident in 1996 was found not guilty yesterday of any level of assault.

After about four hours of deliberations, a Morris County jury cleared 45-year-old Peter Heller of aggravated assault, as well as simple assault and the petty disorderly persons offense of fighting. Heller, the owner of E.P. Heller Co., a cutting tool manufacturing firm on Samson Avenue, had contended he was forced to slug John J. Masterson in self-defense when the carpenter from Old Bridge attacked him after rear-ending Heller's Corvette in Madison on June 19, 1996.

Heller could not be reached after the verdict, but his lawyer, Leonard J. Artigliere called his client the real victim of the case.

"He made efforts to avoid a confrontation. He tried to turn away and was on his car phone calling the police when he was attacked," Artigliere said. "Based upon the evidence in this case I think it was a travesty Mr. Heller was prosecuted."

Masterson — who could not be reached yesterday — testified he was driving in his pick-up truck to a job site in Florham Park around 7 a.m. when the Corvette cut him off and then proceeded to brake and flip his turn signal without ever turning.

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Leonard J. Artigliere,
attorney for Heller

cessfully twice to pass Heller. As their vehicles approached the entrance to Bottle Hill Plaza off Main Street, he said, Heller gestured to him to follow him into the plaza. He did so with the intention of confronting Heller about his driving, he testified, but then rear-ended the Corvette when it abruptly braked again.

Masterson said he got out of his pick-up and yelled at Heller, who responded with a punch. They fought for a few moments until both their glasses were knocked off. Masterson said he thought the fight was over when Heller stated he was going to call police from his car phone. But then the businessman walked back to him and gave him a surprise last punch in the nose, he said.

Police charged Heller with assault shortly after arriving at the scene and noticing Masterson's bloody appearance. Heller did not testify at the trial, but a statement he made in a written complaint about Masterson's actions were read to the jury. He stated that Masterson attacked him first with punches while he was still in his Corvette and that the now 42-year-old carpenter's nose was damaged when he fought back in self-defense.

To convict Heller of aggravated assault — which carried a sentence of up of five years upon conviction — the jury had to believe he intended to cause Masterson significant bodily injury. For a simple assault conviction, it has to be proven a defendant struck with the intent to cause pain. Artigliere said a conviction for fighting would not have been logical or fair because both men fought, but only his client was charged.