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MORRIS COUNTY

Trial begins in assault following Madison car crash

By PEGGY WRIGHT
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A Madison businessman either broke a motorist's nose in a fury at being rear-ended or was forced to defend himself when the driver attacked him after their minor collision in 1996, opposing lawyers said yesterday in opening trial statements.

Somehow, Old Bridge resident John J. Masterson's nose was broken on June 19, 1996, during a

confrontation with Peter Heller in the driveway entrance to Bottle Hill Plaza on Main Street in Madison. Heller — the owner of E P Heller Co., a cutting tool manufacturing firm on Samson Avenue — was charged with aggravated assault.

Defense lawyer Leonard J. Artigliere told a Morris County jury yesterday that Heller, 45, should be cleared of the criminal charge because he was forced to fight back when Masterson "viciously at-

tacked" him after ramming his pickup truck into the rear of Heller's Corvette on Main Street.

"After two years, I still don't know why Mr. Heller was charged and Mr. Masterson was not," Artigliere told jurors hearing the case before Superior Court Judge B. Theodore Bozonelis.

Called by Morris County Assistant Prosecutor James (Tony) Cannon, a Madison police officer testified he was dispatched at 7:19 a.m. to the plaza on a report of an

accident. The dispatch call was quickly amended to a report of a heated argument in the shopping center driveway.

Officer Thomas Downs said that when he arrived he quickly noticed a man, later identified as Masterson, bleeding profusely from the nose. A second person, identified later as Heller, was standing by his Corvette when police arrived.

During a confrontation moments later with Heller, Downs testified, the businessman stated in an agi-

tated manner that he did punch Masterson during a confrontation about his Corvette being rear-ended.

Downs said Heller told him the pick-up driver had tailgated him for about a mile and then rear-ended him when he flipped on his indicator to make a turn into the shopping plaza. Both drivers exited their vehicles in the plaza driveway where they engaged in a physical and verbal scuffle before Masterson's nose was punched, according to Downs' recount of Heller's state-

ment.

Downs said he decided to arrest Heller and was given a tongue-lashing by the businessman.

"He became upset and began telling me I was not allowed to handcuff him, that he owned a business in this town. He indicated he made a lot of money and I was not allowed to do this to him," Downs said.

Masterson and Heller are both expected to testify when the trial resumes in Morristown Monday afternoon.