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Montgomery acquitted on 9 counts: Attorney Robin Lord: 'Justice was served'

By LISA MEYER

"Justice was served," said his teary-eyed attorney, Robin Lord, after the jurors left the courtroom. "I have complete faith in the jury system."

The stunning verdict brought an end to the two-week trial, Montgomery's second in one year.

The entire ordeal began during a snowstorm on Jan. 25, 2000, when a couple of good Samaritans were robbed at gunpoint on the New Jersey Turnpike and ordered to leave their van.

That chilly morning, at about 8:30 a.m., Alan Kothe was driving his wife, Charlotte, to work when a Ford Crown Victoria sped by their van and landed in a ditch. A man got out of the Ford, approached the van's passenger window and begged for help, then flashed a gun and ordered the couple to get out.

The assailant left the Kothes standing in the snow.

Montgomery, 32, of Hillside, was arrested Feb. 2, 2000, and charged with the first- and second-degree offenses in connection to that turnpike incident.

A Burlington County jury was hung in June on a similar case, in which Montgomery was charged with another carjacking which occurred that same snowy morning minutes before the Kothe incident.

State Police Sgt. Timothy Vanak, wearing plain clothes, pulled over to help a man who crashed his Mazda. Vanak put the driver in the back seat of his unmarked car -- a Crown Victoria -- to warm up while he went to inspect the damaged one.

As the suspect jumped into the driver's seat and started to take off, the detective hopped into the back seat. A struggle ensued during which the suspect pulled a gun and the detective jumped out.

Vanak never positively identified the suspect.

Elizabeth police officer Daniel O'Farrell testified in Mercer County court this week that the Mazda had been stolen, but the car's owner testified he was never able identify the armed suspect.

The Kothes, however, picked out Montgomery in a photo array shortly after his arrest, and they pointed him out during trial.

Lord maintained throughout the trial -- and convinced the jury -- that police got the wrong man.

Someone else from Elizabeth stole the Mazda, Lord said during her one-hour summation.

Another carjacking suspect, Mustaffa Sessoms, was never investigated, she said.

Moreover, she added that recovered (or missing) evidence vindicated her client.

"(Police) want to get down everything that was said, probably the

most important procedure in the entire case," Lord said, referring to audio-taped statements police made. "But when the Kothes are shown a photo array, there is no tape. How long did it take? What did they say?"

Lord noted the missing photo array and asserted that power of suggestion by police may have influenced witnesses' recollection of what the suspect looked like.

She also pointed out the resemblance of a composite sketch to a photograph of Sessoms.

In his closing argument, assistant prosecutor Brian McCauley held the same composite sketch against a photograph, of the defendant.

"Are these really that different," he said, adding that there was a 1 to 158 quadrillion chance that the recovered blood and hair samples belonged to someone else other than Montgomery.

"I guess (the jurors) ignored the factual evidence that placed (Montgomery) in the car," McCauley said later.

Jurors would not speak about their deliberation.

Montgomery's family members, who attended the entire trial, did not appear for the verdict. Lord hugged her client and gathered up the monstrous binders and flip charts and wheeled them back to her office.

"You try to figure out how many hours and what that means," Lord said plainly, referring to the short deliberation. "It doesn't mean anything except that the jurors got a verdict."

Montgomery could have faced a prison term of 50 years to life, had he been convicted on all counts.

He is presently serving time for an unrelated weapons offense.

"Now I have to talk to the Kothes," said McCauley.