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Jury acquits man in gem heist

Prosecutor unable to place suspect at scene

BY MARGARET McHUGH
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A Morris County jury yesterday quickly acquitted a construction worker of stealing \$200,000 in gems because the prosecution didn't convince them that the Queens, N.Y., man was in Mount Arlington when the heist happened.

Pedro Perez, 33, cried when the jury found him not guilty of theft and conspiracy in the October 2003 heist after less than a half-hour of deliberating, defense attorney Alexander R. Pagano said.

"None of us could place him at the scene," said jury forewoman Nancy Boucher, a retired teacher.

"We didn't find anything that proved he was there."

Perez's fingerprints were on a minivan that police said was used as the getaway vehicle, but as Boucher noted, "it's a moveable object."

Perez testified through a Spanish-language interpreter last week that he had been in a silver minivan when tailgating with other soccer players in Flushing, N.Y. One of his teammates, 52-year-old Pedro Gomez, pleaded guilty to the heist in 2004.

While Gomez had identified Perez as his accomplice, the prosecution couldn't put Gomez on the

witness stand because he was deported to Colombia after serving his sentence. Perez was only arrested for the crime in September.

"I thought it was a tough case," Morris County Assistant Prosecutor Joseph D'Onofrio Jr. said. He said the passage of time hurt the prosecution.

On Oct. 15, 2003, a man snatched a sack of gems from a jeweler who was waiting for a taxi at a Howard Boulevard gas station after his car broke down on Route 80. Police say the thieves abandoned the minivan in the parking lot of a nearby Cracker Barrel, and then took off in another one.

A mechanic testified that Julius [See **ACQUITTED**, Page 38]

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Hantman's car broke down because somebody had cut the transmission and radiator lines. Hantman had been at a jewelry store in Hackettstown before the theft.

D'Onofrio wasn't allowed to tell the jury that Perez and Gomez were arrested about two weeks later in Kenilworth, after another

jewelry salesman said he was being tailed by a minivan.

"The prosecution didn't present evidence such that the jury could find him (Perez) guilty beyond a reasonable doubt," Pagano said.

Perez, a native of Colombia, remains in custody on an immigration detainer, Pagano said.

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Because the Defense won the NJRE 404(b) motion to suppress this information from the jury