

Judge won't link 'bad acts' in jewel probe

N.Y. man charged with Mt. Arlington theft heading to trial

BY PEGGY WRIGHT
DAILY RECORD

A thief snatches a bagful of gems from a jewel courier in Mount Arlington.

Two weeks later, another jewel salesman calls police in Kenilworth to alert them that he's being followed, and police pull over Pedro Perez, 33, in a battered maroon minivan with Florida license plates.

Perez, of Jackson Heights, N.Y., eventually was charged with the Mount Arlington theft, and

is set to go on trial next week in Superior Court, Morristown. But the jury won't hear about the Kenilworth incident, a judge ruled Thursday.

Perez is charged with stealing some \$200,000 worth of gems — mostly unset diamonds — from a 51-year-old courier in Mount Arlington on Oct. 15, 2003. The alleged following incident occurred on Oct. 29, 2003.

Judge Joseph A. Falcone rejected a request by Morris County Assistant Prosecutor Joseph D'Onofrio to introduce at trial evidence of other so-called "bad

SEE GEMS / A8

Gems

CONTINUED FROM / A1

acts" by Perez — the alleged following incident — to help him prove that Perez was involved in the Mount Arlington gem theft.

'A common plan'

D'Onofrio said the two episodes are evidence of "a common plan" — that Perez targets jewel salesmen. But Falcone found that giving jurors the details of Perez's stop on Oct. 29 would be too prejudicial and that the two incidences were not similar enough, as case law requires.

"Oh, it's close. Of all the people on the planet, who's in the maroon minivan but Mr. Perez....," the judge said, but noted that he would err on the side of caution in disallowing the other bad-acts evidence.

Defense lawyer Alex Pagano

contends that Perez had nothing to do with the jewel theft in Mount Arlington and that there was no evidence Perez tailed another salesman in Kenilworth two weeks later.

However, a van that police say was used as a getaway vehicle from the Mount Arlington heist was found, dusted for fingerprints, and Perez's prints were found on it in three places, authorities said.

In the Mount Arlington theft, the courier was forced to stop at an Exxon station on Howard Boulevard for help after his car started faltering on Route 80. Police later discovered the transmission fluid line was severed. The courier carried three bags of gems and diamonds into the Exxon lobby on Oct. 15 and within moments a minivan pulled up and a lone man entered the lobby and snatched two of the heavy satchels.

The thief dropped one bag getting back into the van but made

off with a second bag containing about \$200,000 worth of gems that belonged to Affordable Designs Inc. of Staten Island, N.Y. Witnesses spotted two vans making a getaway from the Exxon and one of them was found moments later around the corner from the Exxon, idling and empty. It was this van that allegedly bore Perez's prints.

Other incident

Two weeks later, a jewel salesman from Brooklyn called police when he felt he was being shadowed by a maroon minivan and a Ford Taurus upon leaving a jewelry store in Kenilworth. Police couldn't locate the Taurus but within moments of the salesman's complaint, the minivan was located with Perez and another man, Pedro Gomez of Queens, N.Y., inside. The pair were charged with giving police false identifying information and possession of burglary tools — gloves, a duffel bag and a spark plug that could be

used to break a car window.

Both Perez and Gomez were able to post \$75,000 bail to be freed from the Union County jail after their arrests Oct. 29, 2003. A few months later, a match was made between the fingerprints police took from Perez at his arrest and those on the van abandoned in Mount Arlington.

Both Perez and Gomez were charged with the Mount Arlington jewel theft but were fugitives — Gomez for 10 months and Perez for more than three years until his apprehension in New York last September 1. Gomez pleaded guilty in 2005 in Morris County to conspiracy in the Mount Arlington theft. Gomez named Perez as an accomplice, but Gomez has since been deported to his native Colombia and can't be called as a trial witness.

Peggy Wright can be reached at (973) 267-1142 or pwright@gannett.com.