

## McGuire trial offers hard fight

### Evidence largely circumstantial

Home News Tribune Online 03/4/07

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MIDDLESEX COUNTY — On three days in May 2004, suitcases containing the body parts of 39-year-old William T. McGuire of Woodbridge were found in the water and on the beach on the Virginia side of the Chesapeake Bay Bridge.

Thirteen months later his 32-year-old wife was arrested and charged with murder, the dismemberment of his body, weapon possession and perjury, with the state declaring her guilty, if only in the court of public opinion.

Now comes the hard part for prosecutors in State of New Jersey vs. Melanie McGuire.

In a trial scheduled to begin Monday, can they convince a jury she did it?

Will the defense team give jurors reasonable doubt?

The state's case is built on circumstantial evidence. There are no known eyewitnesses. There is no confession. The murder weapon has not been recovered.

It is not known who dismembered the body. Did she do it alone? The state claims she had help. Who helped her? Or is she innocent?

"Jurors like to have direct evidence, when the consequences (of sentencing) are so great," said [Rocco Cipparone](#), an adjunct professor at Rutgers Law School, who worked as a federal prosecutor before becoming a defense attorney in the federal system.

"The real challenge is getting the jurors to accept that the quality of the circumstantial evidence is no less compelling, compared to direct evidence," said [Cipparone](#).

"It's not hard for the defense to direct the jury to the gaps inherent in any circumstantial evidence," said [Cipparone](#).

McGuire's lead attorney, Joseph Tacopina is prepared for the legal battle. "For every piece of circumstantial evidence that the state will argue points to her guilt, we will respond with a powerful explanation, pointing to innocence," he said.

### High-profile case

The courtroom presence of Tacopina, who appears often on television crime shows and is a frequent guest on the "Imus in The Morning" radio show, is just one element that has raised the profile of this case.

On the day of her arrest, state police Superintendent Rick Fuentes said, "The investigation has woven a very strange tale of lies, deceit, infidelity and murder."

Not since trials in the late 1970s of members of the Black Liberation Army, charged with the murder of a New

Jersey State Trooper in East Brunswick, has there been as much media attention at the Middlesex County courthouse in New Brunswick.

In the 1970s, coverage was dominated by newspapers and local television crews with bulky camera equipment. Today, coverage also includes the Internet, blogs, multiple news channels and Court TV.

"Viewers are interested in trials where the most unlikely people are suspected of unthinkable murders. This was part of the reason the public was so interested in the Scott Peterson trial," said Marlene Dann, executive vice president of Court TV News.

Peterson was convicted in March of 2005 of killing his pregnant wife, and a member of William McGuire's family followed that one closely.

Several months later, when the relative described Melanie McGuire's behavior at her husband's funeral, she said, "Melanie looked like Scott Peterson — no emotion."

Ground rules for media coverage were outlined last week by Superior Court Judge Frederick De Vesa. He met with reporters and photographers from area newspapers, representatives from three network television newsmagazines, and cameramen from Court TV who will provide pool coverage, and have the ability to go live.

To accommodate Court TV, and give it access to satellites in the southern sky, 100-feet of parking space on Elm Row is being set aside for Court TV's production truck, according to Wayne Fiorino, the head of courthouse operations.

### **The evidence**

Beginning with statements by authorities when she was arrested, and continuing with bail hearings and pretrial motions the state has been presenting circumstantial evidence suggesting McGuire's guilt.

Evidence includes her purchase of a .38-caliber gun in Pennsylvania, three days before her husband's disappearance. Though the gun has not been recovered, bullets removed from McGuire's body were .38-caliber.

The body was contained in plastic bags, which the state contends match bags used by Melanie McGuire when she gave away her husband's clothing.

Inside the suitcases were blankets distributed by a hospital supply service used by Reproductive Medical Associates in Morristown, where Melanie McGuire, a registered nurse, worked at the time of her arrest.

In October, Assistant Attorney General Patricia Prezioso revealed in court that a computer used by McGuire had been used for Internet searches on such topics as using pesticides as poisons, gun laws and how to commit murder.

### **Human tissue**

In court papers, the state disclosed that it found "human sawdust" on the floor of William McGuire's car. The prosecution will argue it was the remains of a dead man and could have only been dragged into the car on Melanie McGuire's shoes.

"It's the only thing we have that puts her with the body," Prezioso said in court last week.

Tacopina said the tissue found on the floor of the car could have been tissue that was shed during regular use of the vehicle. He said his expert will say it does not have to be from a dead person.

An argument about the nature of the tissue is likely to involve experts for both sides. Making a case based on scientific evidence is a challenge for both sides. "When they get mired in all the science they tend to lose the jury," said Cipparone.

### **A rocky marriage**

The state is also likely to use Melanie McGuire's description of her marriage, contained in a divorce complaint signed May 25, 2004, when she was unaware that three days earlier Virginia police had identified the remains.

In her complaint, McGuire said the two had an argument at their Woodbridge apartment, after signing for the purchase of a home in Warren County.

The couple shared their apartment near the Woodbridge Center Mall with their two sons, who have been living with William McGuire's sister in Bergen County since shortly after the arrest.

In the divorce complaint, Melanie McGuire reported that her husband, "threatened to disappear, work under a false name and Social Security number and never provide plaintiff with any financial support."

The state is likely to argue this was her way of explaining how her husband disappeared without a trace, when she knew the true whereabouts of his remains.

"She thought they'd be in Davy Jones' locker forever," an investigator with close knowledge of the case told the Home News Tribune at the time of her arrest.

The case also involves infidelity. Beginning in 2002, Melanie McGuire had an affair with a married man identified as Dr. Bradley Miller, with whom she worked at the infertility clinic in Morristown. Miller has cooperated with investigators and is expected to testify.

The state also alleges Melanie McGuire spent the months since her arrest sending anonymous letters to Harvey and the media, and to Prezioso, seeking to deflect her guilt.

In the anonymous letter to Harvey the author wrote, ". . . she couldn't physically have done what it took two — and at one point three men to do."

In fact, at a press conference of the arrest, Harvey suggested the crime was not the work of one person. "There are more people involved in this matter besides Melanie McGuire. She had to have help in cutting up this body."

One more element of the case is money. McGuire has been able to secure \$2.1 million bail and a high-profile defense team. People whom she helped in her professional role as a reproductive nurse, said Tacopina, "Stepped up to the plate."

At Tacopina's side will be Stephen Turano, whose gentlemanly manner complements Tacopina's more assertive style. Despite that assertiveness, Tacopina has demonstrated a smooth sociability with potential jurors, the media and even his opponents.

Pitted against them is a veteran prosecutor who has shown herself to be resilient in pretrial battles over evidence and experts in front of De Vesa. Prezioso and her co-attorney, Deputy Attorney General Christopher Romanyshyn, have methodically attempted to set the stage before the trial.

The trial is expected to last up to at least five weeks, with testimony being heard Mondays through Thursdays.

Staff writer Ken Serrano contributed to this report.

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