

# Madison driver acquitted in road-rage assault case

By Bill Riley

STAR-LEDGER STAFF

Madison businessman Peter Heller was acquitted yesterday of committing aggravated assault and simple assault on an Old Bridge resident, who suffered a broken nose in what was described as a road-rage incident.

A jury in Morristown deliberated about four hours before announcing its finding to Superior Court Judge Theodore Bozonelis, who presided over Heller's three-day trial.

According to testimony, 42-year-old John Masterson was driving to his job at a construction site in Florham Park on June 19, 1996, in a Toyota pickup truck, when Heller's Corvette suddenly pulled out in front of him on Main Street in Madison.

Heller, for no apparent reason, nearly caused a collision when he unexpectedly slammed on his brakes, Masterson testified. He also claimed Heller cut him off twice when he attempted to pass the Corvette.

Masterson said Heller then gestured for him to follow his car into the parking lot of the Bottle Hill Shop-

ping Center. As he pulled in, Masterson said, Heller suddenly stopped his car, which Masterson hit in the rear with his pickup truck. The two men then began to trade punches.

The aggravated-assault charge against Heller was related to what Masterson claimed was an unexpected "sucker punch" that broke his nose. He claimed the blow came as they awaited the arrival of police, who were contacted by a passing motorist and Heller.

Heller, the 45-year-old owner of a tool-manufacturing firm, did not testify. His lawyer, Leonard Artigliere, argued there was no support for Masterson's version of events and maintained the man's nose was broken during the fight. Morris County Assistant Prosecutor Tony Cannon contended Heller never made such an assertion when he filed a criminal charge against Masterson that later was dismissed by a grand jury.

Cannon said he could not argue with the outcome of the case. He noted Heller turned down a chance to enter a pretrial intervention program that would have seen dismissal of the charges after a period of probation.