

STATE OF NEW JERSEY

v.

**WILLIAM BUCKNER,
Defendant - Appellant**

A-05-1234-T3

Superior Court, Appellate Division

Submitted August 5, 2005 - Decided September 7, 2005

Before Judges GRIM, REAPER and MERCY.

On appeal from Superior Court of New Jersey, Law Division, Bergen County, Cr-04-523.

James E. Rice argued the cause for the appellant, (Armas, Evans, & Gedman, L.L.P., attorneys for defendant-appellant, Mr. Rice, of counsel and on the brief).

Walter Backman, Assistant Bergen County Prosecutor, argued the cause for the State of New Jersey (Charles R. Knight, Bergen County Prosecutor, attorney; Mr. Backman, of counsel and on the brief).

REAPER, J.A.D. joined by GRIM, J.A.D.

On March 4, 2005, following a four-day trial in Superior Court, Law Division, Bergen County, defendant Bill Buckner was convicted of aggravated manslaughter in violation of N.J.S. 2C:11-4. Defendant was sentenced thereafter to a 20-year term of imprisonment.

In this appeal, defendant contends that the trial court erred in refusing to allow evidence of a polygraph examination submitted to by a witness for the State to be admitted to impeach that witness. Additionally, the defendant contends that the trial judge erred in failing to instruct the jury as to the territorial jurisdiction of the State of New Jersey to adjudicate the charges against him.

We disagree, and hold that the trial court properly concluded that the evidence of a polygraph examination of the State's witness could not be introduced by the defendant. Similarly, we hold that territorial jurisdiction was not an issue that needed to be submitted to the jury under the facts of this case.

The Facts

October 2, 2004 marked the day of the 18th annual "Run Across the Hudson," an annual event in which the participants sprint from Fort Lee, New Jersey, across the 1.5 mile span of the George Washington Bridge. More than 10,000 runners participated in this year's race, which was the largest turnout ever. To avoid a crowding of the runners over a short distance, the starting times of the runners are staggered throughout the day.

A long-standing tradition of the race is that a previous winner who is not competing in the race is permitted to start the race and be the first of the runners to set foot on the bridge. For this race, the honor was given to William Hayward Wilson, the unlikely victor of the inaugural race in 1986.

Wilson was apparently ecstatic to be participating in a race again. Wilson received wide attention among professional and amateur runners after his 1986 victory, but never performed to that level again. He moved to Toronto soon after, and by the time he returned to New York he had retired from running.

At 8:00 a.m., Wilson ceremoniously led the charge onto the bridge, wearing the number "1." The race was run smoothly. At the conclusion of the race, Wilson participated in the awards ceremony, all the while holding the trophy he had won in 1986 and showing it to the runners and celebrants.

At 3:00p.m., Wilson had been joined on the awards platform by two other celebrated runners from the 1986 race: William Buckner, the favorite to win in 1986 who finished second to Wilson; and Dennis Boyd, another favorite to win the 1986 race who was known for his rambunctious antics both on and off the track.

Once the ceremonies concluded, the group of 1986 runners walked to nearby Rusty's Tavern, where they mingled with other runners from that day and reminisced amongst themselves about professional running. The bartender at Rusty's that day, Leesa Mazilli, later gave a statement that she had served the three former runners "countless drinks, mostly hard stuff, and probably at least 4 beers each" over the next three hours. "By the time they left, they were a pretty rowdy bunch," she said, without giving any more specifics.

After leaving Rusty's, the three ex-runners apparently decided to extend their reunion by walking back across the bridge to New Jersey rather than take the race-sponsored transportation back. At approximately 7:30 p.m., Wilson, Buckner, and Boyd set out on the fateful walk onto the bridge.

The events that transpired once the group left the bar are of some debate. What is known is this:

The walkway that runs along the outside of the George Washington Bridge is eight feet wide. The sides of the walkway are lined with metal barriers that stand five feet tall.

The top of each barrier is curved in toward the walkway, and the edge of the barrier is rounded.

According to the statement given by Boyd at 9:45 that night, when the group started its return across the bridge, they were:

...joking and laughing, talking about the old days. But Wilson didn't look so good. He was stumbling all over, and fell down a couple times as we crossed the bridge. And then he just got crazy. I was walking behind him, just looking at the river and the lights of New York. He and Buckner were up in front. Wilson started yelling 'let's run it, just like the old days!' And then he took off. Buckner tried to keep up with him, but Wilson was a little too fast. He didn't get too far before he fell and hit his head against the top edge of the barrier. He fell down quick. Buckner reached down and tried to grab him, but he just missed! He was so close, but he missed. Wilson hit the ground hard, and his head hit the ground hard as he landed on his back. I rushed up, but it was obvious that Wilson was dead already. We tried flagging down a car for help, but the cars were moving so fast and I doubt they could see or hear us over the barrier. So Buckner and I picked him up and carried him the rest of the way.

Buckner's statement essentially confirmed the details of Boyd's story.

On the New Jersey side of the bridge, New Jersey State Trooper Charles Fernandez and his partner Richard Aguilera saw the men approaching, carrying Wilson. They got into their squad car and drove the approximately 100 yards to the men carrying Wilson. They left the car in the right lane and approached the men. Although they feared Wilson was dead, the officers provided first aid assistance and closed the bridge entrance until an ambulance arrived. Boyd and Buckner were taken to the state police barracks for statements, and released shortly thereafter. By then, Wilson had been pronounced dead in the ambulance at 8:38 p.m.

Early the next morning, Wilson was attended to by the medical examiner, Dr. Terry Leach. She found, and testified at trial, that Wilson had died from hemorrhaging caused by two contusions to the head. The worse of the two was evidently caused by Wilson's fall to the ground. That injury was to the right side of the back of his head, and showed evidence of having made contact with a hard, rough surface, such as pavement. The other injury, however, was less serious, and appeared to be caused by contact with an object that was very dense and hard. There was also a short laceration on the injured area. The medical examiner concluded that this injury was typical of contact with the corner of a blunt object, most likely made of stone. The injury, she reported, was not likely caused by contact with the metal of the barrier or by an object as rounded as the edge of the barrier.

Once the police received this information, Boyd was the first to be recalled. After being confronted with the medical examiner's report, he gave a second statement. This time, he stated that:

I lied to try to protect Buckner. I had nothing to do with it - you gotta believe me. Wilson pushed him over the edge. There was a long, bitter rivalry between those two, and Buckner never got over his loss in '86. Wilson was taunting Buckner about '86. Buckner told him to stop, but Wilson was just ruthless about it. Finally, Buckner grabbed that trophy out of his hand. Wilson said to him "[i]t feels good to hold that trophy, doesn't it? Well, too bad it has my name on it and not yours." Buckner just snapped. He turned the trophy around, held it by the pedestal, and whacked Wilson across the head with it. I don't think he wanted to kill him, but he caught him right in the head with the marble base. Wilson dropped straight to the ground, and you could hear his head hit the pavement.

When asked what happened to the trophy, Boyd stated that he did not know, and that "the whole thing was so crazy, I didn't notice what happened to the trophy. Maybe he threw it into the river."

The State then raised the possibility of giving Boyd a plea deal (as he was culpable for interfering with a police investigation and swearing false statements) provided that he submitted to, and passed, a polygraph examination. Boyd agreed, and the State, as is customary with polygraph evidence, stipulated to the use of the polygraph results at trial.

In relevant part, the polygraph examination proceeded as follows:

Examiner: Did Mr. Wilson hit Mr. Buckner in the head with a trophy?

Boyd: Yes.

Examiner: Was Mr. Wilson struck in the head with a trophy by Mr. Buckner?

Boyd: Yes.

Examiner: Are the statements you have made in this examination today true?

Boyd: Yes.

Examiner: Did you make only truthful statements in this examination?

Boyd: Yes.

Based on these results, the prosecutor entered into an agreement with Boyd whereby he was permitted to plead guilty to lesser charges and would testify against Buckner. Buckner was then immediately taken into custody and charged with aggravated manslaughter.

The Trial

Trial began on March 1, 2005. The principal witness against Buckner was Boyd, who gave detailed testimony to the effect that Buckner had attacked Wilson and caused his death, consistent with his October 5 statement. Upon cross-examination, defense counsel sought to introduce the polygraph results and sought to call the polygraph examiner as a defense witness. The State objected. Defense counsel argued that

because the State had stipulated to the use of the results at trial, the court was obligated to permit their use. The State countered that the agreement was only between the State's witness and the State, and therefore defense had no grounds to invoke the agreement. The trial court upheld the objection.

After both the State and the defense concluded their cases, the trial judge, Hon. Timothy Teufel, J.S.C., held a conference to determine how the jury should be charged. At that conference, he asked both attorneys if either side was raising a question as to whether Wilson was killed in New Jersey or in New York. He noted that the trial evidence submitted by the State established that there was blood on both the New York and New Jersey sides of the bridge. The State said it was not raising the issue. The defense attorney stated only that "I guess the law is the same on both sides of the bridge." With that, the jury was charged as to the elements of aggravated manslaughter and was not charged specifically as to the territorial jurisdiction on the State of New Jersey to adjudicate the charges. It was however advised that the indictment alleged that Wilson's death occurred "in the County of Bergen and the State of New Jersey." On Friday, March 4, 2005, the jury returned a verdict finding the defendant guilty.

Defendant was sentenced on March 30, 2005, to a term of 20 years' imprisonment. He filed his notice of appeal to this court on May 16, 2005, and raises two issues: first, that evidence of Boyd's polygraph examination was admissible as evidence to impeach that witness; and, second, that the jury should have been charged as to whether or not the State of New Jersey had territorial jurisdiction to adjudicate the case.

Discussion

We conclude, first, that defendant is not entitled to use polygraph evidence to impeach Boyd's trial testimony. We begin our analysis by noting that, historically, New Jersey has been distrustful of polygraph evidence and tended to reject it. *See, e.g., State v. Walker*, 37 N.J. 208 (1962), *cert. den.* 371 U.S. 850 (1962); *State v. Cole*, 131 N.J. Super. 470 (App. Div. 1974), *certif. den.* 68 N.J. 135 (1975). Thus, polygraph evidence is generally inadmissible regardless of whether it is favorable to a defendant. *State v. Driver*, 38 N.J. 255, 261 (1962); *State v. Hollander*, 201 N.J. Super. 453, 477 (App. Div. 1985), *certif. den.* 101 N.J. 335 (1985).

Only when a defendant and the State enter into a stipulation that the defendant will submit to a polygraph test and that the results of that test will be admissible at trial regardless of the outcome may such evidence be admitted. *State v. McDavitt*, 62 N.J. 36 (1972). In so holding, our Supreme Court joined the vast majority of courts in the nation in finding such evidence either inadmissible or admissible only in the most limited of circumstances. In fact, more than half of the courts of this nation refuse to permit polygraph evidence at all. *See, e.g., Pulakis v. State*, 476 P.2d 474 (Alaska 1970); *People v. Anderson*, 637 P.2d 354 (Colo. 1981); *State v. Porter*, 241 Conn. 57, 698 A.2d 739 (1997); *State v. Okumura*, 78 Haw. 383, 894 P.2d 80 (1995); *People v. Sanchez*, 169 Ill. 2d 472, 662 N.E.2d 1199 (1996); *Morton v. Commonwealth*, 817 S.W.2d 218 (Ky. 1991); *State v. Harnish*, 560 A.2d 5 (Me. 1989); *State v. Hawkins*, 326 Md. 270, 604 A.2d 489 (1992); *Commonwealth v. Mendes*, 406 Mass. 201, 547 N.E.2d 35 (1989); *State v.*

Anderson, 379 N.W.2d 70 (Minn: 1985); *Weatherspoon v. State*, 732 So. 2d 158 (Miss. 1999); *State v. Hall*, 955 S.W.2d 198 (Mo. 1997); *State v. Staat*, 248 Mont. 291, 811 P.2d 1261 (1991); *State v. Steinmark*, 195 Neb. 545, 239 N.W.2d 495 (1976); *State v. Ober*, 126 N.H. 471, 493 A.2d 493 (1985); *People v. Angelo*, 88 N.Y.2d 217, 666 N.E.2d 1333, 644 N.Y.S.2d 460 (1996); *State v. Grier*, 307 N.C. 628, 300 S.E.2d 351 (1983); *Fulton v. State*, 1975 OK CR 200, 541 P.2d 871 (1975); *State v. Brown*, 297 Ore. 404, 687 P.2d 751 (1984); *Commonwealth v. Brockington*, 500 Pa. 216, 455 A.2d 627 (1983); *In Re Odell*, 672 A.2d 457 (R.I. 1996); *State v. Hart*, 911 S.W.2d 371 (Tenn. Crim. App. 1995); *Tennard v. State*, 802 S.W.2d 678 (Tex. Crim. App. 1990); *State v. Hamlin*, 146 Vt. 97, 499 A.2d 45 (1985); *Robinson v. Commonwealth*, 231 Va. 142, 341 S.E. 2d 159 (1986); *State v. Beard*, 194 W. Va. 740, 461 S.E.2d 486 (1995); *State v. Dean*, 103 Wis. 2d 228, 307 N.W.2d 628 (Wis. 1981); *Contee v. U.S.*, 667 A.2d 103 (D.C. 1995).

Those states that do permit it, like ours, permit it only where there is a stipulation of admissibility. See *State v. McDavitt*, 62 N.J. 36 (1972); *accord*, *Ex Parte Hinton*, 548 So. 2d 562 (Ala. 1989); *State v. Valdez*, 91 Ariz. 274, 371 P.2d 894 (1962); *Holcomb v. State*, 268 Ark. 138, 594 S.W.2d 22 (1980); *People v. Fudge*, 7 Cal. 4th 1075, 31 Cal. Rptr. 2d 321, 875 P.2d 36 (1994); *Melvin v. State*, 606 A.2d 69 (Del. 1992); *Delap v. State*, 440 So. 2d 1242 (Fla. 1983); *Fargason v. State*, 266 Ga. 463, 467 S.E.2d 551, 553 (1996); *State v. Fain*, 116 Idaho 82, 774 P.2d 252 (1989); *Sanchez v. State*, 675 N.E.2d 306 (Ind. 1996); *State v. Losee*, 354 N.W.2d 239 (Iowa 1984); *State v. Webber*, 260 Kan. 263, 918 P.2d 609 (1996); *Corbett v. State*, 94 Nev. 643, 584 P.2d 704 (1978); *State v. Stevenson*, 2002 SD 120, 652 N.W.2d 735 (2002); *State v. Crosby*, 927 P.2d 638 (Utah 1996); *State v. Renfro*, 96 Wn.2d 902, 639 P.2d 737 (1982); *Schmunk v. State*, 714 P.2d. 724 (Wyo. 1986).

Defendant asks us here to permit the use of polygraph evidence that he himself did not stipulate to in advance. We do not agree that the mere fact that the State did sign a stipulation vis-à-vis a possible trial of Boyd makes such evidence admissible in a trial of another person. There are many reasons why a prosecutor might stipulate to admissibility without ever intending or expecting that a polygraph would actually be used as evidence. Prosecutors can and do employ polygraphs for a number of good reasons throughout an investigation. They might ask a suspect or witness to submit to a polygraph simply as a means of determining the veracity of statements made by the attester prior to committing further resources to investigations that rely upon the truth of those statements. Furthermore, they might wish to determine the truthfulness of a party to whom they will offer a plea in return for testimony against other culpable parties.

To decide today that such evidence could be used to impeach the State's witnesses would in effect remove this valuable tool from the hands of investigators. Prosecutors would be forced to anticipate all the possibilities for the use of such evidence often at very early stages of an investigation. Such evidence would doubtlessly be turned against the State's case frequently, and prosecutors would become fearful to use polygraphs at all. We are hesitant to dismantle the utility of polygraph examinations in criminal proceedings, and thus we decide today that defendants may not force the introduction of State-administered polygraph examinations based upon the State's stipulation of admissibility with the defendant-witness.

Furthermore, it should be noted that the stipulation agreement is a contract that is entered into between the State and the examinee. As with all enforceable contracts, consideration is exchanged between those two parties: the State is the beneficiary of confirmation of its defendant-witness' statements; the defendant-witness receives the opportunity to add great weight to the veracity of statements exculpating him. A non-party to such a contract may not invoke its terms. There is no right to use evidence of questionable reliability. "A defendant's right to present relevant evidence is not unlimited, but rather is subject to reasonable restrictions." *United States v. Scheffer*, 523 U.S. 303, 308 (1998). Clearly, defendants in general and this defendant in particular would object if the State attempted to introduce evidence that Boyd was truthful based on the polygraph results. As we did in *State v. Hollander*, 201 N.J. Super. 453, 477 (App. Div. 1985), *certif. den.* 101 N.J. 335 (1985), we reject the notion that the defendant should be given more leeway to use polygraph evidence than the State.

Defendant also raises the issue of territorial jurisdiction. We agree with the dissent that territorial jurisdiction cannot be waived and may be raised at any time. However, we do not see the factual basis here upon which we can base a reversal on this point. We conclude that there was no genuine factual dispute over the location of the crime and that, in the absence of such a genuine factual dispute, the failure to charge the jury specifically as to territorial jurisdiction is not error.

Disputes over territorial jurisdiction are rare. As a result, the only time a trial judge is required to charge the jury on territorial jurisdiction is when "there is an issue regarding the relevant facts." *State v. Casilla*, 362 N.J. Super. 554, 561-562 (App. Div. 2003). Where, as here, "no issue is raised concerning jurisdiction . . . the jury need not be charged to find it." Cannel, *New Jersey Criminal Code Annotated* (GANN), comment 5 on N.J.S. 2C:1-3 (2005).

We conclude there was no issue here. Neither party in this case raised a question as to jurisdiction or presented facts at trial that brought the jurisdiction of the trial court into dispute. The defendant raised no objection at trial as to the jurisdiction of the court to try him on the charge of aggravated manslaughter. Indeed, the trial judge presented the parties with the option of charging the jury as to territorial jurisdiction and neither opted to do so.

This is not to say that the defendant waived the defense of territorial jurisdiction. Rather, we deny his right to raise it now based upon his failure to dispute the issue factually at trial. In essence, the defendant seeks to change the facts entered into the record at trial. However, we are restrained to consideration of issues on appeal in light of the factual record established at trial. That record is devoid of any facts raising a genuine issue as to the place in which the acts was committed, and therefore we see no basis to reverse based on this point.

Accordingly, the decision of the trial court is hereby **affirmed**.

MERCY, J.A.D., dissenting

I find the majority's conclusions to be irreconcilable with Constitutional entitlements of a criminal defendant and, therefore, I respectfully dissent.

Today, the majority affirms the conviction of a defendant for a crime despite the great possibility that the crime was not committed in New Jersey. Territorial jurisdiction is an essential element of every offense. *State v. Casilla*, 362 N.J. Super. 554, 562-563 (App. Div. 2003). N.J.S. 2C:1-3(1) provides that:

Except as otherwise provided in this section, a person may be convicted under the law of this State of an offense committed by his own conduct or the conduct of another for which he is legally accountable if the conduct which is an element of the offense or the result which is such an element occurs within this State

The majority asserts that because there was no factual dispute over the place in which Wilson was attacked or died, there was no need for the jury to be charged as to territorial jurisdiction. However, the jurisdiction of the New Jersey courts to try a defendant may not be waived and may be raised at any time. See R. 3.10-2(e); *State v. Streater*, 233 N.J. Super. 537, 541 (App. Div. 1989). Here, where it is absolutely unclear that the offense was committed within the jurisdiction of the court, the failure to charge the jury as to the territorial jurisdiction of the court is plain error and requires reversal.

In my view, this case is similar to *State v. Schumann*, 111 N.J. 470, 474-475 (1988), in which our Supreme Court illustrated how the court should handle situations in which the jurisdiction of the court is in doubt. Like the question of jurisdiction over Sandy Hook in that case, the question of jurisdiction over the George Washington Bridge and beyond is a question of law that must be resolved by the court. Once that geographical area is determined, it is a question for the jury whether or not the culpable conduct occurred within that area. See *id.*

The defendant need not say that he disputes the element of jurisdiction in order for the issue to be properly for the jury. The obligation is always on the State to prove all elements of an offense beyond a reasonable doubt, and jurisdiction is such an element. Thus the question is not whether the defendant put the issue in dispute but whether the State proved jurisdiction beyond a reasonable doubt. The record suggests that it may not have, as blood was found on both the New York and New Jersey sides of the bridge and the trophy was eventually located on the riverbed on the New York side of the Hudson River. However, I cannot answer the critical question as to what the jury found on this record because the jury was not properly charged.

Furthermore, I disagree with my colleagues and would find that the trial court erred in denying the admissibility of the polygraph evidence. In doing so, the trial court deprived the defendant of his Sixth Amendment right to confront witnesses against him. The polygraph results revealed that Boyd was truthful about his statements that Buckner had

struck Wilson, but they also revealed that Boyd was not truthful when he answered affirmatively to the question "Did you make only truthful statements in this examination?" These results of the polygraph examination were undeniably probative to the ascertaining and undermining of Boyd's credibility.

When the State entered into the stipulation of admissibility with Boyd, it acknowledged its acceptance of the trustworthiness of the results and waived its ability to object to the reliability of the results. As such, the State may not disavow the results of the polygraph examination simply because they are now unfavorable to its case.

Our Supreme Court has indicated without deciding that such evidence is admissible against defendants-turned-State's-witnesses. In *State v. Carter*, 91 N.J. 86 (1982), the Court discussed the defense's ability to use such evidence:

The defense claims it could have used knowledge of the polygraph results not only to directly impeach (a State witness') testimony, but to show that the return to his 1967 trial testimony was prompted by the State's misrepresentation of the polygraph results. Thus, (the witness) would have been shown to be an extremely malleable witness whose testimony was manipulated by the State.

Id. at 116. In dissent, Justice Clifford stated that:

[T]he defense could have attacked (the witness') credibility in a more devastating fashion than any other evidence in the case allowed for. The polygraph report itself would have been admissible by what the Court correctly perceives as the functional equivalent of a stipulation.

Id. at 137 (internal citations omitted). The defendant in *Carter* lost his appeal because the witness had already been thoroughly impeached and the polygraph evidence would have been cumulative. *Id.* at 118. However, it is evident from that opinion that the Court did not disapprove of the defense's right to confront a witness against him with evidence of a failed polygraph. Thus, I would decide with confidence that, as a matter of fundamental fairness, such evidence may be used by the defense to impeach State's witnesses. See also *State v. Souel*, 53 Ohio St. 2d 123, 372 N.E.2d 1318 (1978) (permitting polygraph evidence for corroboration or impeachment); *State v. Anderson*, 41 Wn. App. 85, 702 P.2d 481 (1985) (evidence of polygraph examination admitted to impeach a witness's credibility), *review denied*, 107 Wn.2d 745, 733 P.2d 517 (1987). *And see*, permitting the use of otherwise inadmissible prior statements for purposes of impeachment, *State v. Harris*, 181 N.J. 391, 440 (2004); *State v. Burris*, 145 N.J. 509, 533-536 (1996); *State v. Jones*, 308 N.J. Super. 15, 23-24 (App. Div. 1998).

The argument that polygraph evidence is generally unreliable is unacceptable in the modern era. Polygraph tests overall are accurate and reliable. See, e.g., S. Abrams, *The Complete Polygraph Handbook* 190-191 (1968) (reporting the overall accuracy rate from laboratory studies involving the common "control question technique" polygraph to be "in

the range of 87 percent"). Moreover, federal and state governments rely upon the results of polygraph examinations for a variety of law enforcement purposes, even in jurisdictions where polygraph evidence is inadmissible. For example, the polygraph is used to determine whether there is probable cause to arrest and whether to prosecute. See *Johnson v. Schneiderhein*, 102 F.3d 340, 342 (8th Cir. 1996) (holding that a police officer reasonably relied upon polygraph results, among other factors, in making his decision to arrest); *Brodnicki v. City of Omaha*, 75 F.3d 1261, 1267 (8th Cir. 1996) (stating that the county attorney was under a "duty" to review the polygraph evidence in that case "as part of his role as advocate for the state"); *Bennett v. City of Grand Prairie*, 883 F.2d 400, 405-06 (5th Cir. 1989) (holding that a magistrate judge may consider polygraph results when determining whether probable cause exists to issue an arrest warrant). Polygraphs have also been employed to make various disciplinary and sentencing decisions. See *Lenea v. Lane*, 882 F.2d 1171, 1174 (7th Cir. 1989) (holding that polygraph results are admissible in prison disciplinary proceedings); *U.S. v. Chaney*, 1996 U.S. App. LEXIS 8657, 1996 WL 187515, *1 (10th Cir.) (holding that the district court may use a defendant's polygraph examination to determine the amount of restitution in an embezzlement case). Most jurisdictions also approve of requiring polygraph examinations as a condition of probation. See Anne M. Payne, Annotation, *Propriety of Conditioning Probation on Defendant's Submission to Polygraph or Other Lie Detector Testing*, 86 A.L.R. 4th 709 (1991).

I dissent.

IN THE SUPREME COURT
OF THE STATE OF NEW JERSEY

A-05-345

STATE OF NEW JERSEY,

v.

WILLIAM BUCKNER,

Defendant-Appellant.

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ORDER

This matter having been brought before the Court on September 9, 2005, by the defendant-appellant, it is, on this 12th day of September 2005, hereby docketed as to all appropriate issues. Simultaneous briefing is directed and both parties are to file briefs with the Court on or before November 30, 2005.

STEPHEN W. TOWNSEND, Clerk
For the Court