

A Friend's Conviction Wins Man a New Trial

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TRENTON, Feb. 8 — Over the objections of prosecutors, a two-judge appellate panel has granted a new trial to a man imprisoned for killing a woman that a friend of his was later convicted of murdering.

George Parker, 51 years old, of Brielle, N.J., was found guilty of aggravated manslaughter in 1980 largely on the testimony of his friend, Patricia Pope, and her sister, Carol Hancock. Mrs. Pope was later convicted of murdering the woman and she and Miss Hancock were convicted of perjuring themselves at Mr. Parker's trial.

Need for New Trial Cited

Nevertheless, prosecutors opposed Mr. Parker's appeals for release or a new trial, saying that the other convictions did not constitute new evidence in his case. On Tuesday, however, a two-judge Appellate Division panel ordered a new trial. The Monmouth County Prosecutor, John A. Kaye, said that he doubted Mr. Parker, who was freed on

bail, would be retried. In that case, he would remain free.

The decision, written by Judge James H. Coleman, said: "The need for a new trial in the interest of justice leaps out from the pages of the appellate record."

Mr. Parker was convicted in the March 26, 1980, shooting death of Donna Lynn Smith, 25, of Avenel, whose body was found in Allaire State Park in Howell Township.

According to the appellate court's decision, Miss Smith and Mr. Parker had gone to the park along with Mrs. Pope, now 35; Miss Hancock, now 34, and Mr. Parker's brother, James Covington. Mrs. Pope believed Miss Smith had broken her nephew's arm and she wanted Mr. Parker to beat her, the decision said.

A Recanted Confession

But, it went on, Mrs. Pope took a gun belonging to Mr. Parker and shot Miss Smith twice, killing her.

Mr. Parker confessed to the shoot-

ing. Mrs. Pope and Miss Hancock, both of Avenel, denied being at the park at the time. Mr. Covington did not witness the shooting because he was asleep in the car.

Mr. Parker said later he confessed because he loved Mrs. Pope's two children and thought she was pregnant with his child.

Mr. Parker recanted his confession at his trial before Superior Court Judge John P. Arnone, but he was convicted and sentenced to 20 years in prison.

A subsequent grand jury indicted Mrs. Pope for murder and accused her and her sister of perjury, kidnapping Miss Smith and unlawful possession of a weapon, Mr. Parker's gun. They were convicted.

In prosecuting the second trial, the appellate court said, the state essentially conceded that Mr. Parker's confession was false. The appellate court also ruled that the discovery of the perjured testimony of the two women after the first trial constituted new evidence and warranted a new trial.