

Burlco murder conviction overturned

By Connie O'Kane

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A state appellate court has over-turned the Burlington county murder conviction of a Philadelphia man who was convicted to killing his stockbroker boss during a quarrel in their office in 1988. The court ruled Thursday that the trial judge, Paul R. Kramer, erred in not allowing the jury to consider manslaughter as possible verdict.

The defendant, Bernard A. Nesbitt, told police that he killed Paul Arnone, 29, of Point Pleasant, Ocean County, after Arnone made racial slurs. Nesbitt is black and Arnone was white. At Nesbitt's trial in November 1989, defense attorney A. Charles Peruto Jr. did not contest Nesbitt's admission, but he asked the jury to convict him of no more than manslaughter.

However, Kramer ruled that the jury could not consider manslaughter verdict because racial slurs were not sufficient provocation. After that ruling, Peruto said yesterday that in his closing argument, he gambled by asking the jury to acquit Nesbitt because the correct verdict-manslaughter-was un-