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Star witness in Atlantic City voter fraud trial sentenced to jail

By LYNDA COHEN, Staff Writer
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Ronald Harris, a former co-defendant in the case, reacts as he takes the stand in the voter fraud trial at Atlantic County Criminal Courthouse on January 11. Harris was sentenced Friday to 181 days in jail. Edward Lea

By LYNDA COHEN, Staff Writer

MAYS LANDING - A secret army tried to steal the 2009 Atlantic City Democratic primary for mayor by falsifying ballots and holding a "shredding party" in which votes cast for the opposition were destroyed and replaced, Ronald Harris told investigators that August.

But jurors at the Atlantic City voter-fraud trial never heard that story. Instead, they watched Harris - in the words of the judge in the case - "virtually decompose on the witness stand."

On Friday, the man the state built its case around became the only one of 14 people arrested in the case to receive a jail term.

Harris, 25, of Atlantic City, was sentenced to 181 days in the Atlantic County Justice Facility, under a plea agreement that set the maximum at 364 days. He could avoid any time behind bars, however, if he follows the rules of a home-release program.

Harris and 13 others were arrested in September 2009, one month after he gave his statement that discussed a so-called "shredding party" in which ballots were allegedly steamed open and votes against City Councilman Marty Small destroyed.

Small and five others were acquitted in March, following a court case that lasted more than four months. Harris took the stand in that trial, but he never got to finish his testimony. His antics on the stand began with him almost immediately asking to use the bathroom and ended when he flipped his middle finger at a Press of Atlantic City photographer, which caused the forewoman to ask that the jury be allowed to leave.

Harris' testimony was stricken and the state took back its plea deal. But, after the acquittals, the charges against the six remaining defendants were dropped, and the agreement was reinstated. Another defendant, Ernest Storr, also pleaded guilty and was sentenced to probation May 13.

On Friday, public defender Dave Henderson said Harris should still be able to withdraw his plea. He said Harris talked to investigators without an attorney and had proclaimed his innocence in a story The Press published Nov. 5, 2009.

Deputy Attorney General Anthony Picione argued that Harris' statement to the newspaper was not enough, and pointed out that the defendant still cooperated with the state after telling The Press he did nothing wrong but pleaded only because he was scared. He also said Harris was not in custody when he gave his statement and was free to leave at any time.

Superior Court Judge Raymond Batten agreed with the argument, and said Harris was still getting a good deal because the defendant had not met his part of the agreement requiring truthful testimony.

"The state did not breach the agreement," Picione said. "But it has elected to abide by the terms of the plea agreement despite that breach by the defendant."

Because Harris didn't testify about the destroyed ballots, jurors never saw "corroborating evidence" that included police surveillance photos of several cars outside the residence of former co-defendant Ramona Stephens, when the "shredding party" was allegedly taking place, Picione said.

But Henderson said the problems with Harris - whom he described as "clearly impressionable" - should not have surprised the state.

"The state hung its case on Mr. Harris," Henderson told the judge. "The prosecutor should have known what he was getting when he hitched his star to Mr. Harris' wagon."

Harris also must serve three years' probation. If he does not follow the terms, he could face three to five years in state prison, Batten told him.

"I just want to live my life and be able to finish college," Harris told the judge. "I apologize to the state and to my family for the embarrassment I've caused."

Outside the courtroom, Henderson said - that even though he wanted the plea withdrawn - he believes justice was done because Harris will not wind up behind bars.

"This is a young man who does not deserve to lose his freedom for something like this," he said. "He's not a bad guy. He's just an impressionable young man who made a mistake."

Harris must report to the Atlantic County Justice Facility by 4:30 p.m. June 3, where he will apply for a program that would allow him to serve his time at home with a monitoring device.

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