

# ***PRISON MUSEUM POST***

*The Official Newsletter of the Burlington County Prison Museum Association  
Incorporated in 1966*

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## **MURDER IN THE GARDENS and A BATTLE IN CHESTERFIELD**

In celebration of our nation's 250<sup>th</sup> Anniversary, each issue this year will include a little piece of Burlington County's very rich Revolutionary War history. In this *Post* we will tell you about "The Battle of Brookdale", a violent confrontation that took place in August of 1784 between Burlington County residents in Chesterfield.

But first we present another bit of Prison Museum history. We are always ecstatic when people give us ideas for *Post* articles. Two of our best sources for ideas are PMA members Dennis McDonald and Stan Fayer. Stan was a guard in the Jail in the 1960s. Every so often he recalls this or that inmate, and asks us to research the person. Recently he called about an inmate named Esteban Aviles. He remembered him as an interesting guy. And a model inmate. Okay, Stan - done. This one's for you. And yeah, Stan, he was just a real peach!



Aviles killed a man in Mount Holly Gardens in November of 1955. The photo on the left, taken on July 1, 1956\*, shows what "The Gardens" looked like then. The photo below shows what the area looks like today.



*\*So who's the toddler in the photo? She lived around the corner from the scene of the crime and was about ten months old when it occurred. Her only other connection to the story is that she is writing it.*

## ***MURDER IN THE GARDENS***

This story takes place in Mount Holly Gardens in Mount Holly in 1955. "Garden apartments", low-rise, low-density apartment complexes with green spaces, were popularized in New Jersey in the 1920s and 1930s. The 379-unit Mount Holly Gardens was developed in the 1950s to provide housing for military families based at Ft. Dix/McGuire and was initially managed by the FHA. Deemed blighted by 2000, the neighborhood was gradually demolished and re-developed.

In 1955, most residents of the Gardens were servicemen and their families. One of those men was our victim, Air Force Sergeant Clinton Lester, 42, of Washington State, who served a year's duty in Korea from the fall of 1954 until the fall of 1955. While he was away, his wife, Sarah, 35, had an affair with 24-year-old Army staff sergeant Esteban Aviles. They had met at the non-commissioned officers' club on base.

Lester returned from Korea at the end of October, 1955. He had already received orders for Beale Air Force Base in California. Sarah broke it off with Esteban and prepared to move to California with her husband. The couple planned to set off by car for their new post on November 4, 1955. Aviles had other plans for them, however. On the afternoon of November 3, he went to Mount Holly and bought a .22 automatic rifle from Shoop's Jersey Gun Center on Madison Avenue. It cost \$22. After fortifying himself with a beer at a local taproom, he went to the Lesters' apartment on Joseph Place. There he opened fire from a kneeling position. Lester tried to run into the kitchen, but Aviles continued firing, hitting him six times. When Sarah ran to her fallen husband, Aviles shot her, too. She staggered to the back yard, where she fell to the ground. Aviles then fled the scene. On the way out, he struck Lester's lifeless body with the rifle butt, smashing his skull and breaking the gun. Sarah survived emergency surgery to remove two slugs from her lung and lived to testify against Aviles at the trial, which would not be held for another nine years.

Neighbors called the Mount Holly cops when they heard the shots. The police chief was Earl Donnelly. Officers Ray Winner and Al Fowler found Aviles near Brown and Water Streets at about 9 p.m. A few hours later, he confessed to Burlington County Chief Detective Clint Zeller. He showed Zeller where he dropped the gun and said that Lester had been "tough to kill". He also said that he hadn't meant to shoot Sarah, but that she had "got in the way".

Municipal Judge Wilbur Lippincott ordered him held without bail. Doctors Winfield Betts and R.E. Haldeman of Mount Holly performed an autopsy. Coroner Russell "Hop" Stoddard issued a death certificate.

Aviles was an interesting character, as murderers often are. Born in Georgia, he was an African American named Stephen Brown at birth. He joined the service, where he was a champion boxer of the First Army, with a record 126 wins and only four losses. While in the service he decided that he didn't like being African American. He wanted to be Puerto Rican. He changed his name to Esteban Duque Aviles and started speaking with a thick West Indian accent.

This led County Judge Lester Drenk to believe Aviles might be incompetent to stand trial. Assistant Prosecutor Maurice Denbo represented the state. Attorneys Herman Belopolsky and Paul Kramer (both of whom later became Superior Court judges) were assigned to represent Aviles. At a sanity hearing held on September 25, 1956, a jury found Aviles to be capable of standing trial. But in January of 1957, Judge Drenk decided to conduct a second hearing, this one without a jury. The same shrink who testified at the first hearing testified again, this time saying that Aviles was at that point incompetent to stand trial. Judge Drenk then sent him to Trenton State Psychiatric Hospital, where he remained until late 1963, when he was certified to be in a state of remission. He was then brought to our Jail, where PMA member Stan Fayer first encountered him.

He was tried on June 16, 1964. This time the judge was Thomas McGann. The prosecutor was Martin Queenan. Aviles was again represented by Paul Kramer. The jury came back with second degree murder. At sentencing, Judge McGann said he thought Aviles was guilty of first degree murder, but had to sentence him for second degree. He gave him 25 to 30 years with credit for the eight years he spent in Trenton Psychiatric.

Kramer appealed because Judge McGann, as he was apt to do in those days, had instructed the jury that they could infer from Aviles' failure to testify at his trial that he could not deny the evidence brought against him. This jury instruction or "charge" was erroneous based even on the law at the time, let alone today's law, and so the Appellate Court unanimously reversed.

Aviles was tried again in March of 1966. This time the judge was Alexander Wood. Queenan and Kramer went at it again, with Kramer laying the insanity defense on thick with all sorts of nonsense. The jury didn't buy it and came back in two and a half hours, again with second degree murder. Judge Wood sentenced him in April. Aviles said that he was tired of jails and hospitals. "You can destroy me or help me

today", he said to Judge Wood. The judge must have been rolling his eyes in his mind.

Judge Wood said, "Nothing you have said alters my feeling about this man's death." Then he sentenced him to 25 to 30. He couldn't sentence him to more than he got the first time, but it was clear that he would have if he could have. By then Aviles was eligible for parole, but we have not been able to find any information about what happened to him after the trial.

Aviles appealed the second murder conviction to the state Supreme Court in 1967. He was represented by attorney Robert Criscuolo. Queenan again represented the State. Aviles' main argument on appeal was that although the Court did not at this trial charge the jury to make a negative inference from his failure to testify, the Court should have affirmatively charged the jury that they *could not* do so. Neither Chief Justice Weintraub nor any of the other six justices agreed with this; they unanimously affirmed the conviction.

## **THE BATTLE OF BROOKDALE**

Now let's go back to Burlington County in 1784. The British had surrendered to Washington in Virginia in the fall of 1781, and in 1783 Franklin and Adams had finally been able to work out the Treaty of Paris. As is true with every war, however, surrenders and peace treaties rarely completely end a conflict. Tensions always persist between those who opposed each other, sometimes for generations. That was certainly the case in New Jersey, where loyalties were sharply divided.

Many Jerseyans remained steadfastly loyal to the Crown even after the British invaded in 1776. These were the "Tories" or "Loyalists". A couple thousand even took up arms and joined the New Jersey Volunteers, a Provincial military force under British command. They formed into six battalions that saw constant action in New Jersey and as far south as Georgia. Other Loyalists assisted the British in other impactful ways, for example, with supplies and intelligence. Naturally, their "Patriot" or "Whig" counterparts weren't amused, and did everything they could to suppress Loyalist activities and sentiment.

One way they did this was through "militia fines". During the war, New Jersey's provincial government mandated militia service for able-bodied men. Those who didn't show up for duty or provide a substitute to serve in their place were fined. Obviously, Loyalists weren't lining up to serve the Patriot cause, and so were often fined. When they didn't pay, their property was confiscated or they were jailed.

After the war, the militia system continued, and able-bodied men were obligated to attend training exercises in order to maintain the state's security. The government continued to levy fines on those who failed to participate, many of whom were former Loyalists. This caused many tense situations, including a very violent incident on August 7, 1784 in "Black Horse" (likely what is now Columbus) between Whigs (Patriots) and Tories (Loyalists).

The incident is described in a letter from Marmaduke Curtis to Israel Shreve dated August 10, 1784. Shreve had been a colonel in the 2<sup>nd</sup> New Jersey Regiment during the war. He was a 36-year-old Burlington County farmer when he and his two brothers joined the New Jersey state militia in 1775 upon hearing about the Battles of Lexington and Concord. Several other of his family members, including his own 13-year-old son, John, served with distinction and courage. John actually got hit in the leg by a musket ball in a battle near Elizabeth. All these family members served despite the fact that they were all Quakers, who of course were required by their church to be pacifists. Shreve's military exploits during the war are too numerous to mention here. Suffice it to say that his record was extraordinary. After the war, he settled with his large family in western Pennsylvania, where he died at age 60 on December 14, 1799. Another person who died that very same day was his old commander, George Washington (at age 67).

Marmaduke (or "Marmad") Curtis was a resident of "Black Horse" and was an acquaintance of Shreve.

To help you better understand the letter, we offer some assistance with of some of the old words, phrases and abbreviations:

"Dr. Coll" means "Dear Colonel"

"Vendue" means "public sale"



"Washhouse" is a structure that sat in the back yard of many 18<sup>th</sup> and 19<sup>th</sup> century homes and was where laundry was done. Separation from the main house protected it from fire hazards, humidity and large volumes of water needed for washing clothes, which was often a three-day process

"Pail'd garden" - where flowers, plants and vegetables are grown in buckets rather than directly in the ground

"Piggin" - a wooden bucket with a handle (see left)

"Brickbats" - pieces of brick

"Stalk knife" - a huge blade used to cut corn stalks

"Urinary" - a chamber pot (see right); some were shaped like gravy boats - men usually used these. Can you imagine getting whacked in the head with that?



"The Double Wag" - probably a bawdy song, perhaps a song that includes double entendre, with an obscene meaning

"Your aff. Servt." means "your affectionate servant"

### **60<sup>TH</sup> ANNIVERSARY OF THE PRISON MUSEUM ASSOCIATION**

This year marks the 60<sup>th</sup> Anniversary of the Historic Burlington County Prison Museum Association. It's Certificate of Incorporation was filed with the State on July 15, 1966. We want to give special thanks to Brenda Marris, who handles our books and gift shop technology, Lisa Kruczek, who manages our extensive website and audio/visual projects, Wade Jablonski, who archives, Dan Wolverton, who manages inventory, Ian Johns, who deals with advertising, Carl Taraschi, who conducts tours, Stan Fayer and Dennis MacDonald, who give us ideas. And of course all our members who support us. Some have been with us for 26 years, including Richard Andronici, Glen Filippone, Warren Jones, Carol Melman, Rocco Minervino, Michael Mober, Michael Rothmel, Brooke Tidswell and Gary Woodend. People give Janet Sozio much credit for the organization's achievements, but she could not have done it without all these great people.

Destroy not the ancient landmarks which the fathers have set. *Proverbs 22:28*

**Dr. Coll:**

You doubtless have heard of the dissensions that have subsisted this sometime past between the Whigs & Tories about collecting the Militia Fines. They have occasioned such a battle on Saturday last as perhaps never was recorded in history. As I expect an account of any Military engagements will be acceptable to you, I propose giving you a detail of this, as I have it from several who were in the battle.

Capt. Jones had given orders to his Sergeants to collect fines from sundry delinquents in his company. Among the rest they levied on two cows belonging to Anthony Taylor, Commander in Chief of the Tory Party. The Whigs hearing that he had hired and was collecting a number of persons to oppose the Vendue, collected to about a number of thirty about 10 o'clock on Saturday Morning. When after selling from place to place without opposition (except at Edward Rockhills where 14 or 15 attempted to oppose, but finding they were too weak retreated to their main body at Taylors) a detachment of eight was sent to demand the cows, which they found, one locked in his washhouse, and the other in a pail'd garden, the Gate of which was lock'd. On demanding the cattle they were answered by Taylor that they were there, & take them if they dare. - - He had got a sheet fix'd to a long Pole, hoisted on Top of his House, his forces consisted of about 40 men & 10 or 12 Women, the Women had two Kettles of Boiling water & each one a pail or piggin, the Men had each one a Club, 9 loaded Guns and about four Waggon Loads of Stones & Brickbats. The attachment observing them so well prepared blew a Horn for the remainder of their forces, when a most furious and bloody Battle ensued. The onset was begun by General Taylor who with a Club broke the Jaw bone of a Whig & lay him for dead. The Women play'd their part to a miracle, scalding several so that their cloaths were obliged to be cut off - Stones, Brickbats, Axes, Hoes, Wagon Tires, hinges, stalk Knives, Hot Water, &c &c. Flew to and fro for about half an Hour incessantly. The behavior of the Generals Daughter in this engagement cannot be too much Admired, at some time she was seen with a Club in one hand and a Urinary in the other, at other times beating upon a brass Kettle which she had for a drum, whilst a serjeant of the Whig party was singing the double Wag.

But the Tories' ammunition being nearly expended, and many of them bruised, they were obliged to retreat into the house, from the first story they were obliged to retreat in a short time up to the second, where the engagement continued until there were scarce a whole pane of glass in the windows, when the Whigs observing that the noise of the engagement frightened the cattle so that they had broke out of their confinements, the drove them off and left there adversaries to dress their wounded. Happily there were no lives lost, but where it will end God only knows, as the Tories and the London traders are bent upon ruling the country, and the Whigs are determined to oppose it.

I am, Dr Coll,  
Your aff. Servt.,  
Marmad Curtis

Black Horse, August 10, 1784  
Coll. Israel Shreve  
Brunswick

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Please help us preserve and promote the museum by joining the PMA. Annual dues are \$15 (individual) and \$25 (family). Membership benefits include a quarterly newsletter and free admission to the museum. See website for application.

**MOUNT HOLLY**

Scale 300 FT. per Inch.

**Save  
the Date!**

**June 14, 2026**

**AMERICA'S  
250<sup>TH</sup> ANNIVERSARY  
IN MOUNT HOLLY**



Presented by the Burlington County Commissioners and Division of Parks

[www.co.burlington.nj.us.parks](http://www.co.burlington.nj.us.parks)

