

# Spedding jury to be bused over hill

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In a highly unusual change-of-venue procedure, jurors from Santa Clara County will be chosen to hear the retrial in Santa Cruz of a laborer accused of murdering a legally blind man by forcing him to leap from the back of a speeding pickup truck 17 months ago.

Santa Cruz County Superior Court Judge Bill Kelsay said Monday that the procedure for impan-

eling jurors from another county is allowed under a state law adopted two years ago.

Kelsay said this would be the first time Santa Cruz County has taken advantage of the new law. It also may be one of the first times it has been used in California.

In his first trial, Robert Spedding, 31, was found guilty of attempting to rob Ernie King before the victim fell to his death from the truck as it drove along Summit

Road in the Santa Cruz Mountains.

But jurors in that trial said on Sept. 27 that they were hopelessly deadlocked on the question of whether Spedding was guilty of murder. By an 11-1 vote, jurors split in favor of convicting him of first-degree homicide.

King, 38, a career counselor at Fort Ord, was coming home to Santa Cruz from classes at San Jose State University in June 1988 when he was attacked while hitch-

ing a ride in a parking lot at Summit Road and Highway 17.

Witnesses testified during the trial that Spedding and others beat King. They also testified that the victim was possibly forced into the back of the truck; that he showed an empty wallet to Spedding as the vehicle was moving; and that he then was apparently forced to leap from the speeding pickup.

King died on the spot from head

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## 'Imported' jury allowed for Spedding murder trial

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injuries.

On Monday, Kelsay — who presided over the first jury trial — gave his blessing to an unusual deal worked out between the prosecutor and Spedding's lawyer.

Under the agreement, the judge and lawyers will begin the trial in Santa Clara County Superior Court around the end of January. But after picking a jury in Santa Clara County, the trial will move back to the Santa Cruz County Courthouse. Jurors will be bused back and forth daily.

Judge Kelsay said the arrangement needed approval by Santa

Clara County court officials. He also noted that transporting jurors back and forth would depend on whether Highway 17 is open to traffic once testimony gets under way.

Kelsay praised prosecutor Christine McGuire for bringing the relatively new state law to the court's attention. McGuire and Mitchell Page, Spedding's defense attorney, agreed to the unusual change-of-venue procedure.

The arrangement will allow Kelsay, who already has issued a number of legal rulings in the case, to preside over the retrial.