

Line-Up Admissible, Judge Rules

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A police line-up in which at least two persons identified David Joseph Carpenter as the man who shot and killed a UC Davis co-ed and wounded her companion was "fair" and should be allowed into evidence at the trial, Superior Court Judge Chris Cottle said Thursday.

Following a week-long attempt by defense attorneys to have the line-up thrown out of court because it was unduly suggestive, Cottle said the procedure "in no way singled out Mr. Carpenter."

Cottle also threw out statements made by Carpenter after his arrest last May and allowed the disputed discovery of a .38 caliber bullet in the bearded printer's car into evidence.

The rulings came Thursday afternoon as a pretrial motions hearing ended its first week.

Carpenter, 51, is accused in the murder of Ellen Hansen and the wounding of her companion, Steven Haertle, during a shooting attack at Henry Cowell Park.

He is also accused of the murder of Heather Scaggs, a 20-year-old co-worker who disappeared after a

scheduled appointment with Carpenter.

He is also facing five murder charges in Marin County.

Thursday, Cottle said he believed the line-up was fair and said evidence presented in the case did not justify claims there was something suggestive about the procedure.

Defense attorneys had attempted to claim witnesses were influenced in the decision by the fact that several of the witnesses looked nothing like the suspect and that some witnesses knew a suspect had been arrested in the case before the line-up.

A motion by defense attorney Larry Biggam to have Carpenter's statements thrown out of court was approved by Cottle, however.

Biggam said the statements were made after Carpenter invoked his Miranda rights to remain silent after his arrest May 15, 1981.

Police, he charged, kept questioning Carpenter despite his request to speak to an attorney before making any statements.

Cottle agreed the statements were a violation of Carpenter's Miranda rights and suppressed the statements.

There was no objection from District Attorney Art Danner.

Biggam also attempted to suppress

the discovery of a bullet found in a brown paper bag in Carpenter's car following Carpenter's arrest.

According to Biggam, police searched through Carpenter's stationwagon after obtaining a search warrant.

One officer found a paper bag full of key chains, glanced into it, and then set it on a nearby workbench.

After searching the car, the officer left and the bag remained on the work counter.

Twelve days later a mechanic looked into the bag and discovered a bullet among the merchandise.

The bullet was later turned over to police.

Biggam charged the bullet was not covered under terms of the original search warrant for the car and therefore was discovered illegally.

Cottle ruled that even though circumstances surrounding the discovery were "negligent," the bullet was covered under terms of the original search warrant and therefore it could be included in evidence at the trial.

Motions in the case were suspended for one week while defense attorneys travel to Marin County to look at evidence there.

The hearing will resume May 24.

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