

# Witness in Bandler murder case tells why he didn't call for help

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SANTA CRUZ — The key witness in the Richard Bandler murder hearing wound up his fifth day of testimony Friday trying to explain why he didn't call police before the killing, when he had a chance.

On cross examination, witness James Marino, 54, acknowledged there was a telephone in every room of victim Corine Christensen's townhouse, and there was a time he was upstairs alone, while downstairs, he said, Bandler held a gun on Christensen.

He went upstairs looking for an escape, he testified, even though he he knew there was none.

His only hope, he said, was to call 911.

But, Marino said, he didn't call for help because he knew Bandler would just kill him anyway when police arrived.

The first week of the preliminary hearing for Bandler, accused of killing Christensen, came to an end Friday with Marino still on the witness stand.

Under cross-examination by M. Gerald Schwartzbach, Marino testified that Bandler pulled a gun shortly after he and Marino arrived at Christensen's townhouse the morning of Nov. 3.

Bandler said, "The three of us are not leaving this house alive," Marino testified.

Marino said Christensen was drunk when he and Bandler arrived about 6 a.m.

When Bandler turned his attention to Christensen, Marino said he walked upstairs and tried to get out a window in Christensen's bedroom.

But, he said, the window had locks, which allowed him to slide it open only about six inches.

Marino said he knew about the locks because he bought them for Christensen when the two previously had lived together.

"Couldn't you unscrew them?" asked Municipal Court Judge Tom Kelly.

"No, Corine fixed them so you needed pliers," Marino answered.

Marino said Bandler was acting irrationally downstairs, so he felt it was futile to call 911.

"I didn't because I felt if the police arrived he'd kill us all anyway; he'd just go berserk," Marino said.

"What did you have to lose?" Schwartzbach asked.

"I thought maybe he'd calm down like most people would," Marino answered.

"But he wasn't acting like most people," Schwartzbach shot back.

"That's why I didn't hit 911," Marino answered.

Marino said he opened and shut a closet and a drawer to try to make noise to distract Bandler.

He said he didn't recall telling sheriff's investigators he went upstairs looking for a shirt he had worn to a Halloween party the week before.

"Why would I need a shirt? — I was going to die," Marino said.

Schwartzbach contends Marino committed the murder because he felt Christensen had set him up for a serious beating he had suffered at that Halloween party.

Marino has testified he was still suffering from a skull fracture and had thought he was being driven to a doctor's appointment when Bandler took him to Christensen's townhouse instead.

Because of that injury, Marino said he stopped to lie on a couch while he was upstairs.

Marino said eventually he returned downstairs. Bandler and Christensen were seated at the dining room table and Christensen was snorting cocaine, Marino said.

As he walked by the door, he said, Bandler pointed the gun at him and said, "Don't touch that door, sonny."

Marino said he then went into the kitchen and drank a bottle of Gatorade.

"I see, you knew you were going to die, but you didn't want to die thirsty," shot Schwartzbach. When Assistant District Attorney Gary Fry objected, Schwartzbach withdrew his comment.

After the drink, Marino said he walked out into the garage, again looking to escape. He said he tried the garage door opener, but Christensen had disconnected it. "It was part of her game," Marino said, explaining that Christensen also liked things such as hidden microphones.

The hearing will resume at 10:30 a.m. Monday.