

Green Sheet

Bill Watson, Managing Editor

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District attorney's million dollar bet

DAVID CARPENTER, the accused Trailside killer, may or may not die for crimes committed in Santa Cruz County. Either way, it's going to cost us a bundle.

Carpenter's trial and conviction for murder, attempted murder and rape will cost the county about \$1 million.

The fact is, as disclosed in this newspaper, defense attorneys were willing to strike a bargain with the district attorney's office as far back as a year ago. Under its broad outlines, Mr. Carpenter, whose guilt was apparently never in doubt, was said to have been willing to plead guilty in exchange for the promise of a life sentence in prison without parole.

That idea was rejected by District Attorney Art Danner who has strongly advocated, as is his right, the maximum penalty for Mr. Carpenter — execution.

In retrospect, there seems to the layman every justification for having accepted the invitation by Mr. Carpenter's attorneys for a plea bargain. For example:

- ✓ A costly trial would have been avoided. The ordinary cost of a murder trial, not a minor expense, was inflated because of the necessity of moving the trial to another city (Los Angeles) and the unusual decision to have two juries instead of one (one to decide guilt or innocence, the other to ponder the penalty).

- ✓ Even if the jury decides on the death penalty, there is less than an even chance it will ever be carried out. There hasn't been an execution in California since 1967, even though the death penalty was reinstated in 1977 after a lapse in the early 1970s when capital punishment was outlawed. Further, the time consumed by appeals and legal maneuverings could exceed the natural lifetime of Mr. Carpenter, who's in his mid-fifties.

- ✓ If Mr. Danner had settled for a mandatory life sentence, it would not necessarily have ruled out the death penalty, although there is an eyewitness here and none there. Mr. Carpenter still faces trial in Marin County for five more "Trailside" murders. Conviction could lead to the gas chamber.

- ✓ There can be only two justifications for the death