

Trailside Murders Carpenter defense planning an appeal

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SANTA CRUZ — Public Defender Larry Biggam said "the cost to the state has just begun" after a jury Friday returned a verdict of death in the gas chamber for convicted "Trailside Killer" David Joseph Carpenter.

"The case is replete with substantive appellate issues from the beginning of jury selection to the verdict," he said Saturday. And he vowed to pursue those issues in a bid for a new trial.

Los Angeles Superior Court Judge Dion Morrow has until November 2 to decide whether to impose the jury's death sentence on Carpenter, 54, convicted in the 1981 trailside slayings of two women in the Santa Cruz Mountains.

Morrow could impose a sentence of life in prison without parole. But Santa Cruz District Attorney Art Danner said there is "almost no chance" Morrow will set aside the jury's sentence.

Biggam said Marin County authorities plan to prosecute Carpenter for five killings there with which the balding ex-convict is charged.

Carpenter sat impassively Friday as the verdict was read, in his habitual pose with his chin in his hand, his index finger on his lips. Biggam said his client was "prepared for the verdict. You hope for the best and prepare for the worst."

Jurors had deliberated for six days, after six weeks of testimony in the penalty phase of the trial. As the days passed without a verdict, defense hopes had risen. But those hopes were punctured Friday just after 2 p.m.

Outside the courtroom Biggam and Deputy Public Defender Stephen Wright said they were "extremely disappointed."

"I respect their verdict. I'm just disappointed," Biggam said.

He said that he understood Danner's reasoning and respected his efforts in the case.

"But," he said, "I think it's sort of a waste of public resources to decide whether this man dies in prison or in the gas chamber. I think the money spent in the case could better be spent on programs for emotionally disturbed children, abused children, victims of crimes, or some similar program."

Danner too said he deplored the cost of the trial. There has been no final tally, but estimates range from \$500,000 to more than \$1 million in county funds.

Danner said the voters have twice voted for the death penalty, the law demands it in such cases, and as an elected public servant he is bound to pursue that end.

"I have never said these costs are justified," he said Saturday. "I don't think we should spend this kind of money on these cases, and I think we should change the system if we have to."

Biggam criticized California's Briggs Initiative, which he said forces jurors to vote for the death penalty if they feel aggravating circumstances outweigh mitigating circumstances. The directive "handcuffs" the jury, he said, and indicated the initiative would figure in his appeals.

The initiative, passed by California voters in November 1978, substantially expanded the categories of murder punishable by death. It also added a provision on the weighing of aggravating and mitigating factors that is on appeal to the state Supreme Court.

Carpenter was convicted by another jury in July of murdering Ellen Marie Hansen and Heather Scaggs, both 20, in separate attacks along hiking trails here in 1981.

He was also convicted of raping Scaggs, attempting to rape Hansen, and attempting to murder Hansen's boyfriend, Steven Haertle, then 20.

Scaggs' body was found on a hiking trail in Big Basin State Park in May 1981, about three weeks after she disappeared. Hansen, a UC-Davis student, was killed in March 1981 in Henry Cowell Redwoods State Park.

Danner said outside of court that "the punishment is beginning to fit the crime."

The mothers of the murdered women, who have closely followed the three years of court proceedings in anticipation of the final verdict, tearfully hugged each other

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