

ay, Sept. 28, 1984

# Carpenter verdict may be five days off

SANTA CRUZ — District Attorney Art Danner returned to Santa Cruz today while a Los Angeles jury deliberates the fate of convicted murderer David Carpenter.

Danner, back in Santa Cruz this morning, said Judge Dion Morrow told jurors to consider all the evidence from both the guilt and penalty trials.

Danner said the jury could spend four or five days just reviewing evidence.

He said he and defense lawyers will have a half-day notice to return to Los Angeles when a verdict is reached.

Before deliberations began Thursday, Deputy Public Defender Steve Wright told jurors that life in prison without possibility of parole is enough punishment for a man he said is "warped and twisted" by abuse as a child.

"There is no necessity to vote for death," said Wright.

"You have an opportunity with your verdict to put a stop to the cycle of violence," Wright told the four-man, eight-woman jury, which can also recommend that Carpenter, 54, be executed in the gas chamber.

Citing testimony from people who knew Carpenter as an abused child often ridiculed for his severe stutter, Wright said there is "sadness on both sides of this case."

"That's the same boy sitting over there, so warped and twisted," he said, gesturing toward the balding, bespectacled defendant.

Carpenter was convicted July 6 of the first-degree murders of Ellen Marie

Hansen and Heather Scaggs, both 20, in separate 1981 attacks in Santa Cruz County. He was also convicted of raping Ms. Scaggs, attempting to rape Ms. Hansen, and the attempted murder of Ms. Hansen's boyfriend, Steve Haertle, then 20.

Marilyn Hansen, Ellen's mother, said outside court Thursday, "I want the death penalty. I see this as punishment, and I think the acts he committed" warrant it.

"People say, 'That (Carpenter's execution) won't bring Ellen back.' That's the point. Ellen's not coming back, and what are we going to do about it?" Mrs. Hansen said.

She also issued a written statement criticizing an earlier ruling that she said prevented relatives from testifying and another that moved the case from Santa

Cruz County to Los Angeles because of extensive pre-trial publicity.

Both Mrs. Hansen and Mary Scaggs, Heather's mother, attended the nearly five-months long trial.

In his remarks, Wright disputed prosecution arguments that the facts of the case make the death penalty inevitable.

"I have this recurring fear, that you (the jury) return the verdict, and the verdict is death. And one of you tells me, 'I had no choice,'" Wright said. "You have a choice. Your hands are not tied by the law. You have a choice — the choice is life."

"We never said David's childhood experiences allowed him to kill," he argued. But the abuse Carpenter suffered is a mitigating factor against the death penalty, Wright said.

The prosecution, which concluded its remarks earlier, said Carpenter was not under the "influence of extreme mental or emotional disturbance" when he killed Ms. Scaggs and Ms. Hansen.

Danner asked jurors to reject defense arguments that Carpenter was not "morally responsible."

He was reluctant to speculate about the outcome.

"Anything can happen," he said. "But if they consider the overwhelming evidence, use their commonsense and follow the law, which I'm sure they will, I'm confident they will return a verdict of death, he said.

**Sentinel Staff Writer John McNicholas and Associated Press Writer Lynn Elber contributed to this report.**