

Bandler
Richard

Nervous moment in the Bandler trial

By MARK BERGSTROM
Sentinel staff writer

1-26-88

SANTA CRUZ — Speculation ran rampant Monday morning when suspect Richard Bandler did not show up at his murder trial.

Clusters of excited court-watchers speculated outside the double doors leading to Judge Chris Cottle's courtroom, where Bandler's trial has been under way since early November. Bandler, a Neuro-Linguistic Programming guru, is charged with the November 1986 shooting death of Corine Christensen of Capitola.

"Did he flee just as the case was getting set to go to the jury?" was the main topic of that speculation.

Even Bandler's attorney, M. Gerald Schwartzbach, paced nervously, especially after his telephone calls to Bandler went unanswered.

Schwartzbach admitted his worry, saying Bandler, out of jail on \$100,000 bail, had been early to court every day of his trial.

More than half an hour after the trial was to have resumed, Bandler answered his attorney's call and the riddle was solved. Schwartzbach said Bandler had difficulty sleeping Sunday night and had taken a sleeping pill. The pill, Schwartzbach said, worked too well.

Fifteen minutes later, Bandler rushed through the courtroom doors and the case resumed.

The trial is rapidly drawing to a close. Attorneys say they will present their final arguments following the conclusion of rebuttal testimony this morning.

The case then would go to the jury Wednesday. Every piece of evidence in the case is in

dispute, except that Bandler and his best friend James Marino went to Christensen's house early on the morning of Nov. 3 and that Christensen was shot to death a short time after they arrived.

Marino testified that Bandler pulled a gun during an argument with Christensen and fired at close range.

Bandler testified that Marino pulled a gun during an argument with Christensen and fired the fatal shot.

Forensic pathologists agree that the 31-year-old Christensen died of a wound to the face, just alongside her left nostril.

The prosecution's pathologists contend the shot was fired at close range, as Marino testified.

Defense pathologists say the gun was at least 4 to 5 inches away.

Assistant District Attorney Gary Fry tried to shore up his case Monday by calling yet another expert.

But Paul Dougherty, who ran San Mateo County's crime lab for 19 years, testified that after reviewing the evidence, a case could be made for either side.

He said he believed Marino's story was more likely. Smoke and gunpowder particles found on Christensen's face, he said, are most consistent with the shot having been fired at close range.

Of particular contention are small wounds to Christensen's face from gunpowder particles. The wounds are known as stippling.

Dr. Richard Mason, the county's forensic pathologist, testified earlier he could not explain why stippling would be present on the right side of the dead woman's face if the muzzle of the gun

was closer than the tip of her nose on the left side of her face.

The defense pathologist said the stippling proves the muzzle of the gun had to be farther back.

Cottle has allowed questions from jurors, and during early debate on the subject of stippling, a juror asked if it weren't possible the stippling could have been caused by powder being expended out of the cylinder of the pistol.

Dougherty said Monday that is quite possibly how the stippling got on the right side of Christensen's face.

Lindberg Miller, the defense's chief gunshot expert, later disputed that theory and showed a high-speed photo of a gun being fired which showed powder particles being blown back rather than forward from the chamber.

Prosecutor Fry also sought to contradict Bandler's testimony that Christensen fell forward over her dining room table after Marino shot her. A large pool of blood was found on that table in front of the chair where she had been sitting.

But, Fry contends that had Christensen been sitting at the angle Bandler described, she would have fallen backward out of her chair. And, that, he contends is inconsistent with the pool of blood on the table.

Dougherty said he would have expected Christensen to have fallen over backward. But on cross-examination by Schwartzbach, Dougherty conceded he did not have enough information concerning Christensen's balance in the chair to really make that determination.

If she had had one arm resting on the table, she could have fallen forward, Dougherty conceded.