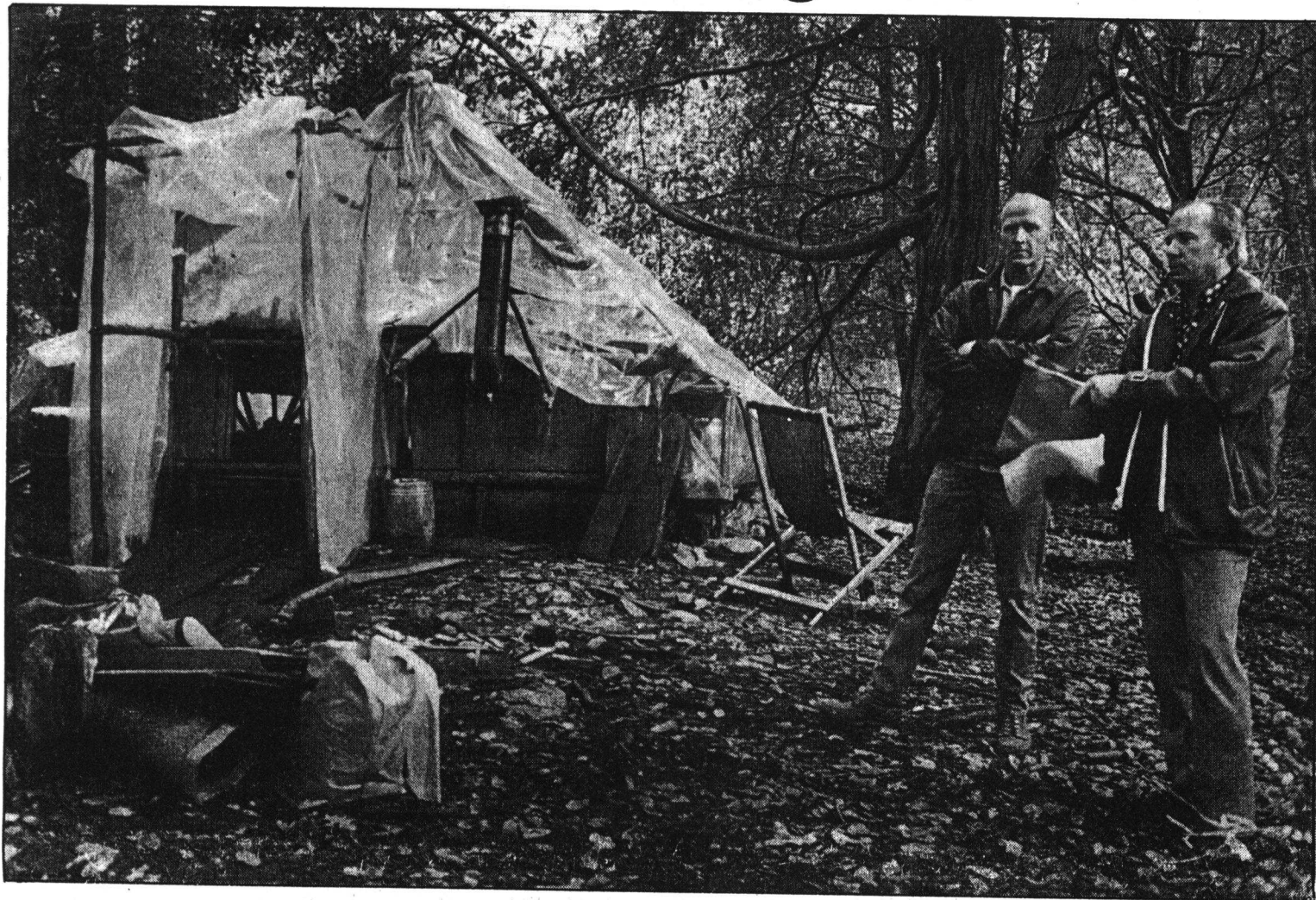


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# Months of shocking discoveries



Ray Belgard, left, then chief investigator for the District Attorney's Office, and Paul Daugherty, a forensic investigator from San Mateo County, confer at the camp in Henry Cowell State Park, in

Felton, where Herbert Mullin killed four young men. Belgard later became Watsonville police chief and is now a county supervisor for the south county areas.

## Epic courtroom drama

### Passions high during trials of Kemper, Mullin

*Editor's note: This is the second in a two-part series on the mass murders in Santa Cruz County 20 years ago.*

By LANE WALLACE  
STAFF WRITER

When serial killers Herbert Mullin and Edmund Kemper went on trial in Santa Cruz County 20 years ago, what they had done was not an issue.

Mullin, then 25, of Felton, confessed during his trial to the 10 murders he was officially charged with, plus three others.

Kemper, then 24, began telling authorities of his eight murders from the moment he called from Colorado to turn himself in on April 24, 1973.

Few would question that both men were mentally ill — Kem-

per was in a mental hospital for five years after killing his grandparents at age 15, and Mullin had been in an out of mental hospitals five times.

Mullin "was as crazy as can be," recalled Santa Cruz attorney Jim Jackson, who represented Mullin and Kemper as the county's public defender.

Mullin's murders included a high-school friend and the friend's wife, four youths camping in Henry Cowell State Park



**Mullin**

in Felton, a woman and her two small children, a woman hitchhiker, and a priest. He said he was getting telepathic messages from his father to kill.

Kemper killed six young women he picked up hitchhiking, plus his mother and her friend.

The question for the courts was whether Kemper and Mullin met the legal definition of insanity — that they didn't understand the consequences of their actions.

In both cases, juries found



**Kemper**

Kemper and Mullin legally sane, and returned guilty verdicts that meant life in prison for both men.

The Kemper and Mullin cases contrasted with that of Santa Cruz County's first mass murderer, John Linley Frazier, who killed five people in October 1970 — prominent eye doctor Victor Ohta, his secretary, wife, and two of his children at their home in the Soquel hills.

Frazier did not confess at first, and he faced the possibility of the death penalty if convicted. The jury imposed the death penalty, but it was abolished before a date was set for Frazier's execution.

"Trying Frazier was like a final exam every day," recalled

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# Community anxiety eased with convictions

Charles Franich, the judge for the Frazier and Mullin cases. "You're in a tough spot. You don't want to make a (legal) mistake" that could be grounds for an appeal.

Frazier was tried in three phases — guilt, sanity and penalty. "The jury really labored (on the guilt issue) and finally decided he was guilty," said Franich, now retired. The trial was held in Redwood City, with the judge and attorneys from Santa Cruz County.

## Admitted guilt

Frazier's admission of guilt to a psychiatrist came out in the sanity phase, and couldn't be revealed right away, because the jury was deliberating. He had made the statement that the Ohtas were damaging the environment at their expensive home, when in reality the family had taken steps to protect the environment.

When the jurors found out about the confession, "they were madder than hornets," that they hadn't been told, recalled Franich, 77, a lifelong resident of Watsonville. The jury found Frazier legally sane.

After the trial, the jury foreman said, "We really knew he was insane," but didn't want to take the chance he could be released at a later date, Jackson recalled.

If a person is found not guilty by reason of insanity, he is sent to a state mental hospital. The hospital system can release that person as soon as he is judged not to be a risk to society. It could be six months, or never.

"The menace the jury sees rises exponentially with the

number of murders," said Jackson.

## Overwhelming evidence

Harry Brauer, judge for the Kemper trial, said juries tend to ask themselves about the safety of turning somebody loose in such serious cases. "I'm not so sure that isn't reasonable," said Brauer, who later became an appellate court justice. He's now retired and living in Santa Cruz.

Brauer agrees with Jackson that the more slayings involved, the less likely a jury will find a defendant not guilty by reason of insanity.

In the Kemper case, Brauer said, "the evidence was so overwhelming that no other verdict (than first-degree murder) was in contemplation."

Kemper had told, in gruesome detail, how he had killed and dismembered six young women hitchhikers, then his mother and her friend before turning himself in.

Before his arrest there was no outward evidence that Kemper was anything but normal. He worked on a state highway crew, where his size — six feet, eight inches, 280 pounds, earned him the nickname "Forklift."

Prosecutors sought 10 first-degree murder convictions against Mullin, but the jury came back with two first-degree (premeditated) convictions and eight of second degree (unpremeditated) murder.

## Diminished capacity

"To this day I don't understand it" Franich said of the differing verdicts. "I guess they didn't want to pour it on," knowing the verdicts they returned were enough to put Mullin away for life.

Defense attorney Jackson believes the second-degree verdicts indicated the jury "bought the diminished-capacity defense." Jackson said his view from the beginning was that Mullin was too mentally ill to understand the responsibility for his actions.

At one point, Kemper and Mullin were housed in adjacent cells in San Mateo County Jail because security was better there than in Santa Cruz.

Kemper would needle Mullin, and once made a widely reported statement that Mullin had "no class" for killing indis-

criminally. At a time when Mullin was accused of 11 slaying and Kemper 10, including his grandparents, Kemper "offered" — perhaps in jest — to even the score if authorities would put Mullin in his cell.

Franich feels a jury today would find Mullin, and possibly Frazier, not guilty by reason of insanity. "They were a little more conservative then. This was still a country county."

Jackson disagrees, referring back to his argument that the possibility of a jury accepting an insanity plea decreases with the number of murders.

County Supervisor Ray Belgard, chief investigator for the district attorney's office in the '70s, said the chance for an insanity verdict on Mullin would be greater today than in 1973.

"But it would still be unlikely" in mass murder cases, Belgard said.



Kurt Ellison

Charles "Chick" Franich presided over the Frazier and Mullin murder trials.