

# Bandler witness again fails to show in court

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SANTA CRUZ — James Marino, the star witness against murder suspect Richard Bandler, was nowhere to be found Tuesday, a day after a judge issued an order for his arrest for failing to appear in court.

Investigators say they have no idea where Marino is.

Marino, 54, has been under court order to show up every day the case is in court to insure that he will be around when it's his turn to testify. Superior Court Judge Chris Cottle issued the bench warrant Monday when Marino failed to show up for the opening day of jury selection.

Bandler, 37, co-founder of Neuro-Linguistic Programming, is accused of

killing a 28-year-old Capitola woman, who has been described as being a prostitute and cocaine dealer.

The victim, Corine Christensen, was Marino's former girlfriend.

Marino testified at Bandler's preliminary hearing that Bandler took him to Christensen's Live Oak townhouse early on the morning of Nov. 3, 1986 to confront the woman for allegedly having Marino beaten up at a Halloween Party.

Marino testified that he had suffered a severe head injury in the beating, and that Bandler had been taking care of him since then.

Marino testified that Bandler shot and killed Christensen during the confrontation. Even though he said he and Bandler had a close relationship, Marino testified

that he feared Bandler was going to kill him, too.

Both Assistant District Attorney Gary Fry and defense attorney M. Gerald Schwartzbach say Marino is important to their case.

Fry obviously needs Marino because Marino is the heart of his case — Marino has fingered Bandler as the murderer. But, he says his case is not dead in the water without him.

Fry says he can proceed with the trial without Marino by presenting a transcript of Marino's testimony plus additional physical evidence he says will link Bandler to the murder.

The failure of Marino to show up at trial could be even more damaging to the defense.

Schwartzbach claims that Marino murdered Christensen and lied at the preliminary hearing.

He says he's confident a jury would see right through Marino if Marino takes the witness stand. There were long pauses in his answers to a host of questions at the preliminary hearing. And he had trouble explaining why he didn't call for help or escape when he had the chance at Christensen's townhouse after the killing.

Schwartzbach says he fears Marino might be more believable if his testimony is merely read to the jury.

Meanwhile, more than 130 prospective jurors have been given appointments for individual questioning. The jury-selection process is expected to take the entire month.