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Bandler
witness
surfaces

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SANTA CRUZ — The key witness in the Richard Bandler murder case has surrendered to authorities, saying he hid for almost two months because he feared the man he has accused was out to have him killed.

James Marino, 54, will take the stand when the trial resumes this week.

He fled after Bandler, who is free on bail, came looking for him after the preliminary hearing in the case, said Tom Salciccia, Marino's attorney.

Marino testified at that hearing in April that Bandler shot and killed Marino's ex-girlfriend, 31-year-old Corinne Christensen.

Salciccia said Marino went incognito in his motorhome to Bethel Island in the Sacramento Delta after the preliminary hearing.

"When he got up there, he saw Bandler and someone else. He understood that the other persons had designs to do him harm. He didn't know how they learned of his whereabouts," Salciccia said.

After that, Salciccia said, Marino took off, moving around the country.

Investigators said they were just a few days behind Marino when he surrendered Thursday night.

But, as one investigator said, "the clock was running out." Superior Court Judge Chris Cottle recessed Bandler's murder trial last week to give authorities a last chance to find Marino, who had disappeared by the time jury selection was to begin Nov. 2.

Marino was under court order to appear in court that day. Cottle issued a bench warrant when Marino did not show.

Assistant District Attorney Gary Fry said Marino voluntarily surrendered to investigators after lengthy discussions with Salciccia.

"I had heard that Bandler was going to take the stand and say that Marino did it," Salciccia explained. "That's poppycock. So I told James that rather than have Bandler pointing the finger at him, he'd better come back and testify like he was supposed to do," Salciccia said.

"Marino told district attorney's investigators he failed to appear for the trial because he feared for his own safety and was not confident that Santa Cruz law enforcement authorities would provide him with sufficient protection," Fry said.

"We expect him to further detail those fears when he testifies in the case, as that fact has now become and issue in the case," Fry added.

Fry would not discuss custody arrangements for Marino, saying Marino's whereabouts are being kept a secret because of the fears that Marino expressed.

Fry said he will discuss those fears with the Sheriff's Office to determine whether court security should be beefed up this week.

As for the bench warrant, Fry said

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"That's between Mr. Marino and the judge." The usual sentence for contempt is five days in jail.

Bandler's attorney, M. Gerald Schwartzbach, drove from San Francisco on Friday after, he said, Fry refused to answer his calls about Marino's surrender.

"I heard this morning that they had him, but every time I called (the District Attorney's Office) I was told to call back. I've come to find out for myself," Schwartzbach said.

"I'm sure Marino says he's afraid. What else would he say?" Schwartzbach said.

When asked if Marino has reason to fear Bandler, Schwartzbach answered, "He has no reason to fear Mr. Bandler. He has reason to fear the truth."

Marino refused to speak with Schwartzbach on Friday. It was no surprise. In a recent magazine interview, which Schwartzbach quoted to the jury in his opening statement, Marino called Schwartzbach a

"curly haired, (expletive) jewboy" and said "it's a wonder someone don't dust him down the road."

Schwartzbach hammered away at Marino for almost two weeks on cross-examination at the preliminary hearing.

Both Schwartzbach and Fry said they are happy Marino will testify.

Schwartzbach said he's confident the jury will dismiss Marino's testimony as a pack of lies. Schwartzbach contends that Marino pulled the trigger.

"If you recall, I was the one at the preliminary hearing who asked that Marino be ordered to appear in court," Schwartzbach said.

"The defense will no longer be able to accuse someone else of this killing without the jury assessing the facts for themselves," Fry said.

Fry was prepared to have the transcript of Marino's preliminary hearing testimony read to the jury this week if Marino had not turned up.

Marino testified at the preliminary hearing that he had been staying with his friend Bandler the weekend before Christensen's killing because he had suffered a head injury in a beating two weeks before, and Bandler was taking care of him.

He said Bandler woke him early on the morning of Nov. 3, 1986,

punching madly at a tape recorder and asking him "Do you want to know the truth?"

Marino said he believed Bandler was referring to some kind of evidence that Christensen was behind the beating.

Marino said Bandler drove him over to Christensen's townhouse on Charlene Lane. Once inside, Marino said Bandler locked the door, pulled out a gun and said, "the three of us aren't leaving here alive."

Marino said he was lying on the living room couch when Bandler put the gun to Christensen's face. He said he heard a shot and looked up to see Christensen going over backward in her chair.

Fry would not say where Marino hid out after that preliminary hear-

ing. Investigators had believed early on that Marino fled to Florida, where he has a large network of friends.

But The Sentinel has learned that investigators later traced his credit cards to charges all around the country.

It is believed that Marino was traveling in a motorhome he bought after the murder.

Marino told The Sentinel in February that he was shot at while driving a car in Mountain View. The bullet shattered a window, causing minor cuts on his hands, Marino said.

At that time, Marino complained about lack of protection. "I'm naked and there's nothing I can do. How do I know if I get in my motorhome it won't blow up?" Marino said.