

KING, Ernie  
(Murder)

# Final arguments in Spedding trial

By MARK BERGSTROM  
Sentinel staff writer

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SANTA CRUZ — If jurors acquit Robert Spedding of murder in the death of Ernie King, they won't be patting him on the back, attorney Mitchell Page argued Monday as the three-week trial wound down in Superior Court.

"All you'd be saying is you can't be certain enough to convict him," Page argued. He urged the jury to judge the case solely on the facts. "It's not a choice between good guy and bad guy."

Spedding, 30, was not a good guy on June 24, 1988 when he encountered King at a commuter lot on Summit Road near Highway 17, Page admitted.

He conceded that testimony in the trial was "ugly" — about how Spedding and fellow construction workers teased King and beat him when King approached looking for a ride home.

King, 38, the father of two small boys, attended graduate classes at San Jose State University. Because he suffered from tunnel vision, he could not drive and depended on the generosity of others for rides.

Page said Spedding someday will be found guilty for his moral conduct that evening.

Assistant District Attorney Christine McGuire urged the jury to convict Spedding — now — of first-degree murder because King died during the attempted commission of a robbery.

She pointed out testimony by witnesses that Spedding knocked King to the ground at the commuter lot and then ordered him into the back of a pickup truck.

As the truck pulled out, Spedding demanded money and King pulled out an empty wallet, McGuire argued.

A fellow construction worker who was following the truck testified that Spedding appeared angry. Spedding pointed past King toward the shoulder of the road, then threw a bar stool which was between he and King in the back of the truck up against the cab.

As Spedding leaned toward King, King jumped out the back of the fast-moving truck to his death, McGuire argued.

It makes no difference whether Spedding meant to kill King or whether King's death was an accident, McGuire said.

She said she does not have to prove deliberation or pre-meditation.

"The felony-murder rule is designed to hold people strictly responsible for deaths that occur during the commission or attempted commission of a felony," she explained. "It is meant to discourage the commission of felonies and to afford the community and its residents protection."

McGuire said her only burden is to prove that Spedding attempted to rob King.

And, she said she has to go no further than Spedding, himself, to prove that. She reminded the jury of Spedding's video-taped interview with sheriff's investigators in which Spedding said, "I guess my intentions were to take his money if he gave it to me."

Page told jurors to pause "in the midst of all the ugly testimony" and ask themselves one important question.

He asked the jury to ponder why Spedding — who had just gotten paid and had some \$500 cash in his pockets — would want to steal any money.

He reminded jurors that just hours earlier that day Spedding had told a co-worker to keep his money when the co-worker tried to repay a \$20 loan to Spedding.

Page will continue with his final argument to the jury this morning. Since McGuire holds the burden of proof in the case she will then get an opportunity for rebuttal.

The jury could begin deliberating by noon.