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WEEKEND EDITION

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# Gunshot testimony challenged

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*Editors note: Some material in this story may be offensive to some readers.*

SANTA CRUZ — An expert called by the defense testified that blood and tissue particles found on Richard Bandler's clothing were not caused from firing the gun that killed Corine Christensen, as the prosecution alleges.

Dr. Paul Herrmann, a forensic pathologist from Oakland, testified Thursday at Bandler's murder trial. He disagreed strongly with the conclusion of Santa Cruz County's forensic pathologist that the blood and tissue on Bandler's shirt was "blowback," blood and tissue forced back out in a stream from the wound by expanding gasses from the gunshot.

Santa Cruz pathologist Dr. Richard Mason had concluded that the spattering on the shirt was blowback from a shot fired at close range,

striking Christensen just to the side of her left nostril.

The presence of blowback would not put the the murder weapon in Bandler's hand. But Assistant District Attorney Gary Fry is counting heavily on it to corroborate testimony by James Marino that Bandler stuck a gun in the woman's face and pulled the trigger. Marino testified that he witnessed the shooting.

Mason testified that he test-fired the murder weapon on paper targets and matched smoke deposits found

on Christensen's face at a distance of about a quarter-inch from the target. He concluded that the muzzle of the gun was closer than the tip of Christensen's nose, because smoke was deposited only on the left side of her face.

Along with smoke, particles of gunpowder struck Christensen's face. The phenomenon is called stippling.

Mason said stippling patterns are so random he disregarded them and  
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## Gunshot testimony

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used only the smoke pattern left by the gunshot to determine the distance of the muzzle from Christensen's face.

Herrmann, who heads a private firm which conducts all of the autopsies in Alameda County, said stippling cannot be ignored in determining the distance of a gunshot. Criminalist Lindberg Miller later agreed.

Herrman said stippling found on the right side of Christensen's face indicates the gun was fired at a distance beyond her nose. He estimated four or five inches.

At that distance, he said, there would be no blowback from the wound since gases from the gun, which create the pressure under the skin forcing the matter out the wound, would dissipate in the air. "The gases would expand and escape," Herrmann said.

He further said that Mason's opinion also was flawed by his incorrect determination of the path of the

bullet inside Christensen's head.

Herrman said he analyzed the tissue from the T-shirt and determined it to have come from Christensen's nose and nasal passage. He said the tissue and blood likely were "aerosoled" from her nose and mouth as she breathed deeply just before death.

Bandler's attorney, M. Gerald Schwartzbach, contends that Bandler's shirt was stained because he was next to Christensen when Marino shot and killed the woman.

On cross-examination, Herrmann said the atomizing of the blood and tissue would normally be expected to be in a downward path. He said the path would be dictated largely by the position of the victim's head.

Mason is rarely challenged on his findings in local courts, where he often is qualified as an expert in areas such as gunshots.

Herrmann said he leaves such matters up experts in that field. He said he has not test-fired a gun and probably never will.

On cross-examination, Fry asked Herrmann if he knew Mason to be an expert in firearms.

"I know he owns a number and fires them a great deal, but I don't know what expertise he has," Herrmann replied.

In his testimony, Mason said he test-fired the murder weapon with .38-caliber target rounds. He said he believed the bullet removed from Christensen's brain was a target round.

Mason said he could fairly dupli-

cate the smoke pattern on Christensen's face at a range of a half-inch or less from the target.

Miller, a gunshot expert called by the defense, said he examined the bullet that killed Christensen, but said he could not determine what kind of ammunition it was from.

He said it had a weight considerably less than a target round.

Miller will return to the witness stand on Monday when he will explain his conclusions from nearly 100 test-firings.