

KING, ERNIE (Murden)

Suspect in Ernie King killing takes the stand

By MARK BERGSTROM
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SANTA CRUZ — When Ernie King held out his wallet it was not because he was being robbed, but because King apparently wanted to buy marijuana, Robert Spedding testified Thursday.

The testimony came as a surprise, contradicting other witnesses at Spedding's murder trial and even Spedding's own statements to detectives after his surrender.

Spedding, 30, spent almost two hours on the witness stand Thursday. He is accused of first-degree murder for allegedly ordering King to jump to his death from a fast-moving pickup after attempting to rob King.

King had hitched a ride in the back of the truck at a commuter lot at the summit, Spedding said. He said King got into the back of the truck with him voluntarily, even though Spedding had attacked King and knocked him to the ground.

Other witnesses had testified that Spedding appeared to have ordered King into the truck. One said Spedding also ordered King to "give me your (expletive) money."

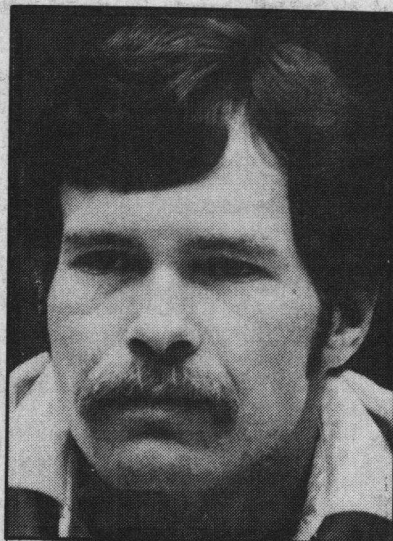
Spedding said once in the truck, he yelled something about getting marijuana to two co-workers in a car following the truck out of the lot. He said they were on their way into Soquel to buy some pot.

At Spedding's mention of marijuana, King held out his wallet and asked "You want my money, huh?" Spedding said.

Spedding said he answered, "Well how much do you got?"

"I thought he wanted to buy some marijuana," Spedding said.

Witnesses have testified they saw King hold out an empty wallet as



Robert Spedding
Accused of murder

the truck headed down Summit Road.

Spedding said the truck was accelerating down a hill and was swerving, in a game with the car behind. Once, the car and truck bumped, Spedding said, and King appeared scared. "I told him he'd better plant his ass," Spedding said.

"I saw him out of the corner of my eye. I saw him looking forward and backwards ... then I saw Mr. King sit up on top of the (truck bed) rail. He tightened up and grabbed his body and rolled out the back of the truck," Spedding said.

Spedding said he jumped up and raised a fist, shouting an obscenity because he couldn't believe what had happened.

The gesture previously had been described in court as a victory-type salute.

Spedding said he then sat back down in the back of the truck and buried his head in his hands.

He said he stood up again when the truck passed the Summit Store a minute or so later. He said he shouted at whoever was there, holding up a finger indicating he would be back in a minute.

"I thought maybe somebody there might have heard if he (King) was all right or something."

An electronics engineer who had just gotten out of his car at the store testified earlier that he saw the truck go by and heard someone let out a triumphant yell "like when you're skiing and have a great run."

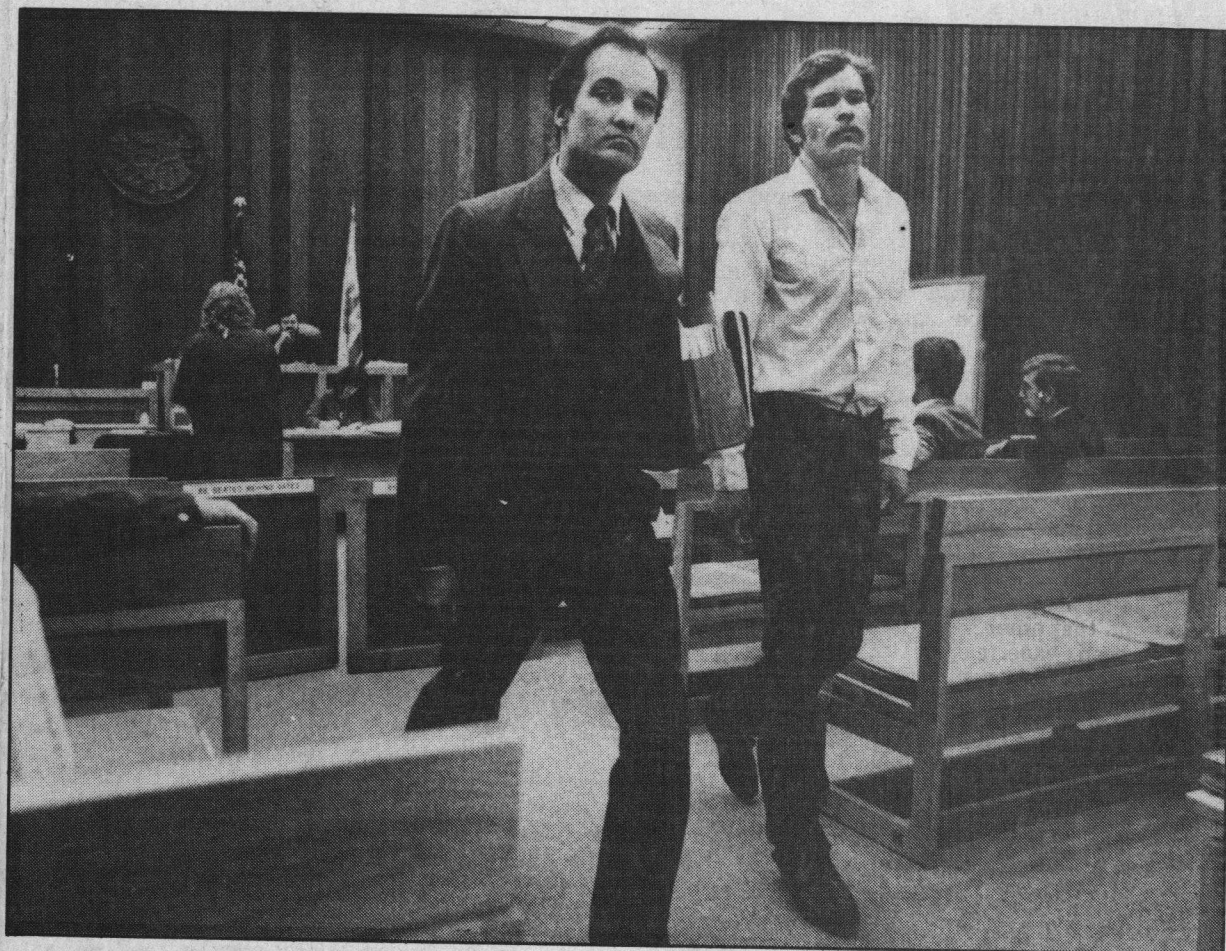
Other testimony at the two-week trial indicated that the truck never came back to the store, but continued on to Soquel, where Spedding and co-workers drank beer and used drugs.

On cross-examination, Spedding said he knocked King to the ground "as a reflex" because he thought King was a "queer."

King, according to earlier testimony, was not gay. His widow, Nancy, and two young sons were sitting outside the courtroom when the jury left for the day.

Nancy King testified earlier that her husband, a graduate student at San Jose State University, was against drinking and drugs and never would have gotten into the back of a truck of his own will with someone who appeared to be under the influence of either.

She said her husband, who was legally blind and could not drive, got a ride from class to the commuter lot, where he either called her to pick him up or, if he were lucky, found a ride the rest of the way to Live Oak.



Bill Lovejoy/Sentinel

Defense attorney Mitchell Page leaves the courtroom Thursday with Robert Spedding.

Spedding said that he and his construction friends stopped at the commuter lot after drinking heavily in Los Gatos. Spedding said he had less than the others, consuming only four or five glasses of beer.

Spedding said he "shoved" King down after King said he was going to use the phone and had started to walk around Spedding.

A teen-ager at a phone booth at the lot said he saw Spedding strike King and it looked like a "boxer hitting a punching bag."

Spedding told prosecutor Christine McGuire that despite his belief that King was gay, he still would have purchased marijuana

for King if King had the money.

"This was the same man you called a goon, scum, queer and vagrant (according to others' testimony)," McGuire asked rhetorically. Spedding said he had called King those names and had later told friends that King deserved what he got to hide his real feelings about what had happened.

Reminding Spedding that a co-worker had testified that he had to stop Spedding from starting a fight in Los Gatos earlier while they were drinking, McGuire asked the defendant: "It was just a matter of time until you got to pick a fight, wasn't it?" she asked.

"You were just in the mood to

pick a fight, weren't you?"

"No!" Spedding shot back to each question.

And, she charged that Spedding demanded money.

"It (money) came into our conversation," Spedding answered.

"He didn't just offer you his money — he didn't have any money to offer, did he?" McGuire asked.

Spedding paused. He tapped the witness stand with his fingers, then he said: "I don't know."

Spedding's mother sat in the front row of the courtroom. His pregnant wife, who had been present on previous days, was absent. Attorney Mitchell Page said she went into labor Wednesday night.