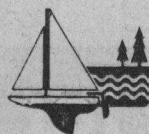


Local



Witness' last day on stand

By JOHN McNICHOLAS

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SANTA CRUZ — Admitted perjurer Diane Susan Weller took the stand this morning for her fifth and final day of testimony against suspected double-murderer Royal Kenneth Hayes.

Since Monday, Public Defender Jon Minsloff has pounded at the testimony she gave for the prosecution, repeatedly forcing her to admit she has lied several times in statements to authorities, and under oath in two separate court proceedings.

He also repeatedly has forced her to admit that even when she was thousands of miles away from Hayes, she did not tell authorities of the killings.

Weller shed tears while talking about the actual murders. But otherwise, Minsloff has not shaken either her story or her composure.

Authorities charge that Hayes lured his ex-lover Lauren deLaet, 36, and her companion Donald MacVicar, 31, to the UCSC campus in December 1981 with a promise of a large cocaine deal.

Authorities contend Hayes forced Weller and another woman help him set up and shoot the victims, mutilate the bodies to thwart identification and bury the headless, handless torsos in shallow graves on campus. The decayed skulls were found by mushroom hunters months after the murders.

Minsloff told the eight-woman, four-man jury in Superior Court Judge Chris Cottle's courtroom when the trial began Dec. 3 that he will prove Hayes did not commit the murders. He has declined to



Eric Mathes/KMST-TV

Sketch of Diane Weller on the witness stand.

discuss the case with the press.

"Annie" Weller, 33, has testified Hayes was using cocaine steadily before, during and after the murders. She said she helped Hayes because she was terrified of him, and believes he is connected to organized crime. She said she has been told he has taken out a \$25,000 contract on her life.

She testified she had lied previously because she was unable to face her own complicity and guilt, and to shield people in Minnesota who sheltered her after the killings.

Weller is one of two key witnesses for the prosecution. The other is Debbie

Chichiletti Garcia, 31.

It's crucial to Assistant District Attorney Madeleine Boriss' case that the jury believe the two were unwilling participants in the killings.

If the jury decides they were willing participants, or accomplices, then their testimony must be corroborated by other independent evidence, Boriss said this week outside court. And while there is circumstantial evidence and an admission of guilt by Hayes to another person, there is no physical evidence directly tying Hayes to the killings, she said.

Weller has testified that all the clothing,

metal, paper, and other objects connected with the murders were put into separate garbage bags and disposed of in various ways. Gloves were worn by all involved, including the victims, at Hayes direction, she has said, so no fingerprints were left in motel rooms or rental cars.

Two bullets were recovered, one from the ground near the graves and one from the skull of MacVicar. (It was erroneously reported in an earlier story that two bullets were recovered near the graves). But the murder weapon was broken down and disposed of, Boriss said, so there is nothing with which to compare the bullets.