

Court Of Appeal Stays Trailside Murder Trial

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The trial of trailside murder suspect David J. Carpenter has been granted a delay by the state Court of Appeal.

This morning, Public Defender Larry Biggam received notice from the presiding judge of Division 2 of the First Appellate District in San Francisco, informing him that all proceedings will be stayed pending a review of an issue they had raised.

Biggam had filed a writ on June 22 on the issue of whether Carpenter can be charged with a special allegation of "lying in wait" in the murder of Ellen Hansen, a 20-year-old UC-Davis coed who was slain in Henry Cowell Redwoods State Park March 29.

Biggam said his writ claimed there is not enough evidence to sustain the special allegation.

If convicted of the special allegation of lying in wait, Carpenter could receive the death penalty.

District Attorney Art Danner has also filed other special allegations of rape and attempted rape, as well as double murder. Any of these, if proven, can mean the death penalty.

Deputy Public Defender Michelle Vague, who assisted in writing the appeal, said, "The case has some merit."

Biggam said the notice of the stay did not indicate whether the Appeals Court will ask for a hearing on the matter, or request a legal brief by the attorney general's office.

The appeal on the lying in wait charge was the first and only appeal filed so far by defense attorneys for Carpenter.

But Biggam said he is preparing to file another appeal on Tuesday, which will challenge the legality of search warrants sued by investigators to gather evidence. Biggam will also include an appeal on some evidence that was seized without warrants, he said.

In May, Superior Court Judge Chris Cottle had denied the defense motions that are now going up on appeal.

Carpenter is charged with the murder of Hansen and the attempted murder of her hiking companion, Steven Haertle. Carpenter also faces a murder charge in the slaying of 20-year-old Heather Scaggs of San Jose, who knew the murder defendant from a Hayward print shop.

Carpenter is also facing five murder counts and more than a dozen other charges in Marin County.