

DA to seek death for Carpenter

By JOHN McNICHOLAS
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LOS ANGELES — A triumphant District Attorney Art Danner said Friday he will pursue his vow to send convicted Trailside Killer David Joseph Carpenter to the gas chamber.

The penalty phase of the trial is to begin Aug. 15.

Defense counsel Larry Biggam promised he will try to "stop the cycle of violence" and save his client's life when the jury meets to decide Carpenter's fate.

And Biggam promised he will use several grounds to appeal Carpenter's conviction for two of the so-called "Trailside Killings."

A jury Friday afternoon found the 54-year-old Carpenter guilty of first-degree murder, rape and attempted rape in the 1981 shooting deaths of Ellen Marie Hansen and Heather Scaggs in two separate attacks in the Santa Cruz Mountains.

The eight-woman, four-man panel deliberated just 8½ hours before returning the verdict. They also convicted the balding, stuttering ex-convict of attempted murder, assault with a deadly weapon, personal use of a firearm and inflicting great bodily injury in the shooting of Hansen's boyfriend, Steven R. Haertle. All the victims were age 20 at the time of the shootings.

The jurors also ruled that special circumstances existed — raising the possibility of the death penalty. Those special circumstances are murder during a rape or attempted rape, lying in wait and multiple murders.

He faces death in the gas chamber for those circumstances. A second jury will decide whether he should be sentenced to life in prison or death in the gas chamber when the penalty phase begins. Attorneys estimate that phase will last one month.

Biggam admitted in court Carpenter had shot the victims, but argued the killings were second-degree murder, and that the special circumstances did not apply.

After the verdict Friday, in the hallway

Please see back of section

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DA Art Danner is flanked by Mary Scaggs, left, and Marilyn Hansen, right, at a press conference following the announcement of a guilty verdict Friday.

DA to seek death penalty

Continued from Page A1

outside court, Danner embraced the elated and relieved mothers of the murdered girls.

The smiling, laughing jurors crowded around Danner and Assistant District Attorney Jim Berglund, hugging them and chattering about how the case unfolded in the view from the jury box.

One complex and hard-fought issue in the trial was whether Carpenter had lain in wait for Hansen and Haertle. To prove he had, Danner used a confusing welter of footprints found at the scene, made by a pair running shoes Danner said Carpenter wore.

The jurors, as exuberant as high school seniors after their last final exam, gave Danner a gift-wrapped box. Inside, he found a tiny pair of Nike shoes.

One woman juror called judging Carpenter "scary." She said she worried that Carpenter would someday win his freedom and kill again. She said she personally would release the pellets in the gas chamber to execute him.

At the other end of the hall, Biggam and Deputy Public Defender Steve Wright said neither they nor Carpenter were surprised the verdict.

"There's a certain amount of disappointment," Biggam said, "but given the evidence they had, I understand why they

did what they did."

Carpenter, who has shown no emotion throughout the trial, "took it pretty well," Biggam said. He termed his relationship with Carpenter as "close" after three years.

Asked why he believes Carpenter should be sentenced to life in prison, rather than death, Biggam said:

"I think we should stop the cycle of violence," he said. "Right now he (Carpenter) is going to die in prison. He poses no threat to society. I don't think the death penalty deters.... It certainly doesn't deter people like David Carpenter, and I don't think it is necessary."

Carpenter is also charged with five murders in Marin county, which investigators say were committed with the same gun Carpenter used in Santa Cruz.

Although Carpenter has not been arraigned in connection with those killings, three of the five murders were discussed by the prosecution. Danner explained he did so in an effort to show Carpenter's intent.

Biggam called it an "outrageous" effort to prejudice the jurors, and to bias them against his client. He said he will base an appeal on the admission of that evidence into the trial.

He also said the presence of the penalty-phase jury, which sat through the guilt

phase of the trial, prejudiced the guilt-phase jury. He called it a "clear message" from Superior Court Judge Dion Morrow that a penalty-phase jury would be needed.

The trial was held in Morrow's Los Angeles courtroom because of publicity about the case in Northern California.

The Santa Cruz killings capped a string of murders along hiking trails in the San Francisco Bay Area. Carpenter is a suspect in as many as 12 killings, Danner has said, but has been charged with only seven of them.

Hansen and Haertle, UC Davis students, had come to Henry Cowell State park to camp when they were gunned down on a hiking trail the afternoon of March 29, 1981. Haertle survived the attack, and in the Los Angeles courtroom identified Carpenter as the "gentleman" who had pulled the trigger on him and Hansen after telling her he wanted to rape her.

Scaggs worked with Carpenter in a Hayward trade school. She disappeared May 2, a day she was to have gone with Carpenter to Santa Cruz to look for a new car and a different job.

Her naked, decomposing body was found three weeks later in Big Basin State Park. She had been raped and shot in the head, a pathologist testified. Carpenter was arrested soon after the deaths.