

Prosecution close to concluding case

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SANTA CRUZ — Assistant District Attorney Madeleine Boriss said Wednesday she may conclude her case against suspected mutilation-murderer Royal Kenneth Hayes by next week.

"I expect to rest next Tuesday," she said outside court Wednesday after the third and last key prosecution witness stepped down from the stand. "If I haven't made my case by now, I don't believe I can make it with peripheral witnesses."

The witnesses will include police and other investigators, chemical and firearms experts, hotel and motel workers. Also testifying will be friends and associates of Hayes, many of whom knew him by his nickname of "Penguin."

Hayes' trial on charges of double-murder, assault, false imprisonment and drug violations began Dec. 3. If convicted of the slayings and the special circumstance of multiple murder, he could be sentenced to die in the gas chamber.

The key witnesses Boriss has called have been three women.

Two were former girlfriends of the 47-year-old ex-convict who said they helped set up, commit and conceal the murders of a San Francisco-area couple on the UCSC campus Dec. 29, 1981.

The third was the wife of an alleged crime partner of Hayes in Minnesota. According to testimony, Jim "Big John" Johnson built a silencer, fitted it to a .45-caliber pistol and sent it to Hayes in California via an underworld courier. That gun was used in the killings, the prosecution contends.

Sondra Johnson, 47, Jim Johnson's wife,

has testified to Hayes' Minnesota connection. She said the gun was returned to her husband immediately after the killings here, and he destroyed it. She finished testifying Wednesday after 1½ hours of direct examination by Boriss and two full days of questioning by defense attorney Jon Minsloff.

Boriss has painted a picture of Hayes as a drug dealer who boasts of — and who may have — Mafia and teamster connections, and who has an "almost mystical power" over women.

"Penguin" Hayes is accused of using Debbie Chichiletti "B.B." Garcia, 30, and Diane Susan "Big Red" Weller to help him lure Lauren deLaet, 36, allegedly an ex-lover of his, and her companion Donald MacVicar, 32, to Santa Cruz with a promise of a large cocaine buy. Instead, say authorities, he took their \$250,000, shot them in the head and hacked off their heads and hands to prevent identification.

Both Garcia and Weller testified that a cocaine-crazed Hayes held them in a thrall of love, terror and brutality.

He bought them gifts, gave them cash and treated them to the good life on Hawaii's Kona Coast, they testified.

He also had them followed, they said, threatened them with torture and death and beat them. When he ordered them to help him with the killings and to keep quiet, they did it because they feared for their lives, they testified.

Hayes twice before has been arrested for murder. He was acquitted of one, and was found not guilty by reason of insanity in the other.

Public Defender Minsloff has said Hayes is innocent of the Santa Cruz killings.