

# Bandler jurors hear tape of him threatening victim

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SANTA CRUZ — Richard Bandler was sitting on the floor, his back propped against a sofa in a woman friend's home when detectives knocked on the door. They were armed with a warrant charging him with murdering a Capitola woman earlier on that Nov. 3, 1986 day.

Sheriff's Deputy Kim Allyn testified Wednesday at Bandler's murder trial that he and Detective Art Parga lifted Bandler to his feet and handcuffed him.

Detective Steve Hartness searched the house, finding a pillow case containing Bandler's blood-splattered clothes: cowboy boots, a blue T-shirt and size 46 jeans. Bandler's attorney, M. Gerald Schwartzbach, has conceded the blood was that of 31-year-old Corine Christensen.

Detectives had been led to Bandler by James Marino, who was standing by outside Christensen's townhouse a short time earlier, waiting for deputies to arrive to find the woman's body.

Marino waited some eight hours after the killing he said he witnessed to tell anyone. He told a chiropractor friend, who, in turn, called Marino's attorney.

That attorney, J. D. Wells, testified that he drove Marino to Christensen's home about 3 p.m. Marino, he said, was crying and not making much sense.

"He said Corine had been killed, but I wasn't sure if it were true. I went to her house to verify what happened," Wells said.

He said he entered her Charlene Lane townhouse and found Christensen laying on her back near the dining-room table.

As he and Marino waited for deputies to arrive, Wells told Marino he did not have to talk to police. "He said he wanted to talk," Wells told the seven-man, five-woman jury.

When deputies arrived, Wells said, Marino "babbled on" about what had happened.

"He told officers he was upstairs when a gun went off. He said he came down and saw Richard Bandler holding a gun," Wells said.

Wells' testimony contradicted what Marino said at Bandler's preliminary hearing last spring. Marino said he was lying on a sofa in the living room when he heard the shot.

Marino may not testify at the trial. Judge Chris Cottle issued a bench warrant for the prosecution's key witness when Marino failed to appear at the start of the trial.

While some detectives went looking for Bandler at his woman friend's home in Capitola's Jewel Box area, others went to Bandler's house, just 200 yards from Christensen's townhouse, on Mattison Lane.

Detective Joe Henard said he searched the house and a studio in back. In that studio, Henard found a tape-recorder.

He said he punched the button and began hearing a recorded argument between a man and a woman.

Attorneys have stipulated the voices are those of Bandler and Christensen.

The jury heard that poor-quality tape recording Wednesday afternoon.

Not only was the quality poor, but the conversation was disjointed. Jurors were given a police transcript of the tape, in which Bandler presses Christensen for information about who had beaten up his friend Marino at a Halloween party.

Bandler said he wanted "data" and wanted it "like a big dog." He told Christensen to give answers, not ask questions.

And Bandler threatened to blow her head off.

Assistant District Attorney Gary Fry contends Bandler made the recording when Christensen came to his home early in the morning of Nov. 3.

But, a card-room employee and former boyfriend told the jury Tuesday that he had spent the entire night drinking and talking with Christensen. And a neighbor testified he saw Christensen outside her townhouse about 5:45 a.m. The killing allegedly occurred around 7 o'clock.

Defense attorney Schwartzbach contends the tape was made the night before.

Outside court, Schwartzbach explained what he believes is the significance. He pointed out that at the preliminary hearing Marino testified he had told Bandler on Nov. 2 that Christensen was having a sexual affair with Bandler's girlfriend. Marino, Schwartzbach said, testified that Bandler went wild when he heard that.

If Bandler had been so crazy when he confronted Christensen the next morning, as the prosecution contends, Schwartzbach said Bandler would have grilled the woman about the alleged affair with Bandler's girlfriend.

"There's not one word" about lesbians on the tape, Schwartzbach said.

The tape had to have been made before Bandler heard the news, Schwartzbach said.

If it were, he said, Marino lied at the preliminary hearing.

That's what the case is all about, Schwartzbach contends. He says Marino has lied about everything, including who pulled the trigger.

Schwartzbach said Bandler was attempting to tape Christensen confessing that she was behind Marino's beating.

Marino, Schwartzbach contends, killed Christensen because he believed she had him set up for the beating.