

# Driver of pickup describes man's fall to death

By MARK BERGSTROM  
Sentinel staff writer

SANTA CRUZ — Robert Spedding did not seem unhappy after Ernie King jumped to his death from the back of a fast-moving pickup truck, the driver of the truck testified Tuesday.

Bret Erickson, 25, already has pled no contest to a felony charge of driving away from the scene and is serving a one-year sentence in County Jail. He was called to the witness stand Tuesday by the defense in Spedding's murder trial.

Erickson at first gave support to defense attorney Mitchell Page's contention that King, who had hitched a ride in the back of the truck, jumped for no apparent reason, except that he may have been afraid of the way Erickson was driving.

But on cross examination, Erickson conceded he told a detective Spedding said afterward that King "deserved what he got" because he didn't have any money.

Prosecutor Christine McGuire contends that Spedding, 30, ordered King out of the truck after producing an empty wallet when Spedding demanded money.

Erickson said he did not see what happened just before King left the truck. Erickson said he happened to turn around and "I saw him put his ass on the flat part of the bed, sling his backpack on his back and lunge out."

The case began at a dirt turnout on Summit Road just east of Highway 17 about 7 p.m. on June 24, 1988.

King, 38, was returning home from a graduate class at San Jose State University and was let off at the

turnout — used as a commuter lot — by a classmate. King was to call his wife for a ride the rest of the way home to Live Oak.

Nancy King testified earlier that her husband, whom she had met at a church gathering, was legally blind and could not drive. He sometimes depended on the generosity of others for rides, she said. Twice recently, she said, her husband had received rides home from "good, family people" so he had not had to call her.

This time King encountered three young construction workers who had shared in the drinking of 20-25 pitchers of beer at a Los Gatos pizza parlor before heading up to the summit and eventually on to Soquel.

Erickson and Gregory Kern also had been to the pizza parlor and were following Spedding and the others.

When Erickson swung his 4x4 pickup into the turnout, he said he saw Spedding strike King. "It was an open-palmed smack," Erickson said.

Erickson, son of a veteran San Jose police officer, said King staggered. "He didn't fall to the ground like on his back or nothing," Erickson said. "He fell on his ass."

Kern, Erickson said, jumped from the truck and ran up to King and "booted him."

Despite the beating, Erickson said he heard King say he still needed a ride.

King got into the back of the truck with Spedding of his own will, Erickson said.

Erickson said he pulled out of the lot "fast, like

normal." King and Spedding were in the back and Kern was in the cab with him.

Two other co-workers, Albert Eslit and David Revelles, followed in a Pinto.

Erickson said he was driving 40 to 50 mph downhill when he saw King jump from the truck.

He said he heard Spedding say nothing immediately, but then he came up to the sliding rear window of the cab and said, "I don't know what's going on but that guy might be hurt."

Neither Erickson nor Eslit stopped to go back to find out.

Instead, Erickson said, they went to Eslit's house where they drank beer and took drugs. On cross-examination, Erickson agreed that he had told investigators that Spedding did not appear unhappy.

After a couple of hours at Eslit's house, Spedding wanted to leave, Erickson said. Spedding said he would take a taxi back to the summit when Erickson said he wasn't ready to go.

"I said, all right, asshole, I'll give you a ride," Erickson testified.

Erickson said he and Spedding, who he said is his cousin and good friend, discussed surrendering and what they would tell police.

Erickson was arrested the next day. Spedding hid in the woods for two days before surrendering.

In other defense testimony Tuesday, a Mountain View psychiatrist said he saw Spedding three times in May 1988 for problems Spedding was suffering from having been involved in a fatal accident the year before. He said Spedding had been referred by a

workman's compensation attorney.

Dr. Richard Cochran testified that Spedding had been moving a piece of construction equipment across a highway in June 1987 when a young motorcyclist came speeding around a bend and crashed into the tractor.

Cochran said Spedding told him he saw the boy's eyes as the boy crashed. "He said 'I will never forget the look in his eyes as he looked up at me. His eyes were the size of baseballs,'" Cochran said.

Spedding told detectives the first thing he thought of when King went out of the truck was that boy's eyes. Jurors earlier in the trial saw a videotaped recording of Spedding's statements to detectives.

Cochran said Spedding came to only three sessions "because he told me he couldn't even afford the gasoline to come to my office in Mountain View."

On cross-examination, Cochran said he wrote a report for Spedding to be used for a workman's compensation claim.

Also under questioning by McGuire, Cochran said Spedding was angry at the insurance company for not paying his claim.

Cochran testified Spedding was unhappy he had to return to driving the same piece of equipment, but McGuire pointed out that Cochran's report indicated Spedding was upset over his wages. Cochran agreed he wrote that Spedding thought it unfair he was paid only as a laborer even though he was driving heavy equipment.

The trial will continue today in Superior Court.