

Jury quickly finds Bandler innocent

By NANCY BARR
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Richard Bandler has been found not guilty of killing a Live Oak prostitute.

It took a Santa Cruz County Superior Court jury less than five hours to return the acquittal yesterday, in one of the most celebrated cases in the county in years.

It was the classic whodunit, with only two people present at the scene of the crime, and each one pointing an accusatory finger at the other.

This time, the mystery remains unsolved.

Bandler left the courthouse almost immediately after the verdict was read, in a hurry to find his mother to tell her the good news. His mother, along with a host of other supporters, had sat through almost the entire trial. Many who came to see the trial were involved in some way with Neuro Linguistic Programming, the behavioral modification therapy Bandler co-founded with a professor at UC-Santa Cruz.

Also present when the jury returned from its relatively quick deliberations were several members of the Christensen family, who apparently were dejected after hearing the not guilty verdict.

Not present when the jury came back was James Marino, the man who turned Bandler in to police and the key prosecution witness. Marino, who was staying in the area after testifying at Bandler's trial, reportedly boarded a plane for Florida early yesterday, before the verdict came in.

Bandler, 37, claimed it was his former friend, Marino, 55, who shot and killed Corine Christensen, 31, in her condominium Nov. 3, 1986. But Marino was the one who first called the police and reported the murder, saying he saw Bandler shoot Christensen at close range.

Both men apparently had motives to harm Christensen, who at one time had been Marino's lover.

Bandler was heard to threaten to kill Christensen in a taped conversation, in which Bandler was trying to get information about who beat up Marino a few days before Christensen's death. Marino had said he and Bandler had a father and son type relationship, and that Bandler tried to look out for him.

Marino had been angry at Christensen because he thought she was somehow responsible for his beating, and because he believed Christensen was having sex with all his friends and had stolen from him.

Marino was the prosecution's key witness against Bandler, which made for a shaky case, since Marino was clearly not the most credible witness ever to take the stand. Under close questioning, Marino changed many of the details of his story of the events surrounding Christensen's death.

Defense attorney M. Gerald Schwartzbach also brought out many of Marino's idiosyncrasies, such as his fear that the "special forces" were out to get him because he was testifying against Bandler, and

his belief that he could turn street lights on and off with his mind.

"James Marino was perhaps the most incredible witness I've ever seen in the many years I've been practicing law," a jubilant Schwartzbach said after the verdict was in.

Schwartzbach said he believed all along Bandler didn't kill Christensen.

"It's hard to imagine they could possibly convict him," the attorney said. "I felt quite strongly that the prosecution didn't have a case."

Nonetheless, he said he didn't think it was unreasonable that the case went to trial. He repeated his contention that the testimony of the county's forensic pathologist, Dr. Richard Mason, was greatly flawed. Mason had testified that the blood on Bandler's clothes was

"blowback" from the victim because he shot her at close range.

Prosecutor Gary Fry while obviously disappointed with the verdict, said "I made it a habit of not arguing with juries."

He and District Attorney Art Danner acknowledged it was a tough case to try because of the credibility problems with Marino and other witnesses.

"We don't get to pick our witnesses," Danner said.

Danner and Fry say they are confident they were prosecuting the right person, even if it was difficult to prove to a jury "beyond a reasonable doubt," as required by law.

"If we had to do it over again," Danner said, "we'd do the same thing. We had the right person."

"The jury apparently felt there's reasonable doubt," Fry said, adding that while he didn't agree with the jury, the verdict does not vindicate Bandler.

"Legally, a not guilty verdict does not mean he's innocent," Fry said. "I feel sympathy for Corine's family."

Danner said he received a letter yesterday from the Christensen family before the verdict was returned, in praise of Fry's work. They said "they think he did a good job and represented their daughter's interests in the best possible way," Danner said.

While many who observed the trial thought the District Attorney would prosecute Marino if Bandler was acquitted, Fry said there is no evidence to prosecute Marino. Fry said he is convinced the right person was brought to trial, even though he was unable to prove that to a jury beyond a reasonable doubt.

Superior Court Judge Christopher Cottle said he hadn't decided for himself who killed Christensen, but that he believed the verdict was reasonable.

"I think the jury could have gone either way," Cottle said. "It was a very difficult case because it depended in large part on the credibility of another person, and it was clear the other person had made a number of misleading and wrong statements."

Cottle said he believed Marino made many of these statements without the knowl-

edge of the prosecutor, which left the prosecutor to deal with all the inconsistencies as they came up.

Cottle, who has been on the bench for 10 years and the district attorney for 10 years before that, said he was surprised at the attention the trial generated — the courtroom was packed almost every day of the trial. The combination of drugs, sex, violence and a well-known professional person charged with murder combined to bring out the large crowds, the judge surmised.

The jury took only one ballot before reaching its verdict, according to juror Murray Fontes.

"Personally, I'm not certain whether he did it or not," Fontes said. "I'm not certain who pulled the trigger. If (Marino) weren't involved, it wouldn't have happened.

"It was a chain of events that took place," he said, "and it was Marino's involvement that was the catalyst."

Fontes said he didn't spend any time speculating whether Marino was the killer because he was charged simply with the duty of determining whether he believed beyond a reasonable doubt whether Bandler had done it.

Fontes said several members of the jury felt strongly that Bandler had pulled the trigger. However, they harbored a reasonable doubt, and therefore voted for acquittal.

The jury had been instructed by the judge that if there were two reasonable explanations for what happened, they were to go for the one that pointed to the defendant's innocence.



Richard Bandler's a free man today.

Chip Scheuer