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Both sides eager to question witness in Bandler murder trial

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When Richard Bandler's murder trial resumed this morning, attorneys on both sides were looking forward to questioning the key witness, James Marino.

A one-week recess had been called in the trial by Superior Court Judge Christopher Cottle, to give investigators a chance to find Marino, who had been missing since the start of the trial. Marino turned himself in Thursday, after his attorney convinced him it would be in his own best interest to testify as scheduled.

Marino, 54, had testified at Bandler's preliminary hearing that Bandler shot Corine Christensen, early one morning in November 1986. Bandler, 37,

thought Christensen was behind a violent attack on Marino a week earlier, Marino said, and shot her in retaliation.

But Bandler's attorney, M. Gerald Schwartzbach, contends Marino's the one who pulled the trigger, although it was Bandler's gun and Bandler was present at the time. Schwartzbach said he will put Bandler on the witness stand to tell what happened that day.

Assistant District Attorney Gary Fry was prepared to read Marino's earlier testimony for the jury, had Marino not been found. All along he has said he'd much prefer to have Marino appear in person, so the jury could hear the story firsthand.

Fry said Marino stayed away because he feared for his life,

and that he thought local police would not provide him with sufficient protection. Marino will be asked to tell that story when he takes the witness stand, Fry said, because his fear has become an issue in the trial.

Schwartzbach said he is "quite pleased" that Marino is now in custody. He said he tried to talk to Marino since he has reappeared, but that Marino has refused.

Marino was expected to take the witness stand this afternoon.

He is being held in custody under a no-bail bench warrant issued by Judge Cottle when Marino failed to appear at the start of Bandler's trial. The details of where he is being held have not been revealed.