

Spedding's retrial half finished

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SANTA CRUZ — The retrial of Robert Spedding, who is accused of murdering a popular Live Oak man by forcing him out of a moving pickup, reached its midpoint this week with a virtual repeat of testimony heard in the first trial.

Spedding, 30, is accused of killing Ernie King, the father of two children and a well-known former Soquel High School football quarterback.

Spedding stood trial for murder last year, but a mistrial was declared after a jury deadlocked 11-1 for conviction. Spedding was convicted of attempting to rob King, but he maintains that King either jumped voluntarily or accidentally fell to his death from the truck.

The prosecution rested Tuesday and witnesses for the defense began to take the stand Wednesday.

According to testimony, Spedding and a group of fellow construction workers collected their week's pay on the afternoon of June 24, 1988, and started drinking. They eventually consumed more than 25 pitchers of beer at a pizza restaurant in Los Gatos. On their way home, the group stopped at a Summit area parking area where they were approached by King, who asked for a ride to Santa Cruz.

King, a graduate student at San Jose State University, often hitched rides home from school. He didn't drive due to a degenerative disease that left his hearing and sight impaired.

According to testimony, King approached the group and was beaten,

knocked to the ground and kicked while down. King, however, got into the back of a pickup with Spedding. As the pickup drove at about 55 miles an hour along Summit Road, King fell to his death from the back of the truck.

Assistant District Attorney Christine McGuire contends that Spedding beat King at the Summit turnout and ordered him into the back of the truck. She said that Spedding then attempted to rob King and forced him out of the truck, either by pushing him or by threatening him.

Witnesses for the prosecution testified that after King tumbled from the truck, that they heard Spedding yell "Ya Ha," and that Spedding referred to King as "scum."

Spedding's attorney, Mitchell Page,

acknowledged that Spedding struck King once at the parking lot, but said that Spedding stopped others from continuing the attack on King. Page said that Spedding apologized to King for the beating and that King voluntarily got into the truck.

"He never would have forced him out of the back of the truck," Page said. "And he had no intention of taking any money from him."

A major issue will be what caused King to fall from the truck. Page said it is unclear whether King tried to jump from the truck due to its speed and the reckless way it was being driven, or whether he simply slipped and fell out.

Spedding is expected to testify today or early next week. The trial is expected to end next week.

KING, Ernie - murder of