

Sex and drugs drove victim, witness says

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By MARK BERGSTROM,

Sentinel Staff Writer

SANTA CRUZ — James Marino testified Wednesday that he dropped murder victim Corine Christensen because she was heavy into drugs and had an insatiable appetite to sexually dominate men and women. But, he denied ever telling anyone he was going to fix her so that she wouldn't be pretty anymore.

Christensen was killed by a gunshot to the face in her Live Oak townhouse last Nov. 3.

Marino, 54, is the key witness in the case against Richard Bandler, 37, a well-known psychotherapist charged with the murder.

He testified Monday at the preliminary hearing for Bandler that he was with Bandler when Bandler killed the 31-year-old woman.

He retook the stand Wednesday for cross-examination after being granted immunity from prosecution for drug dealing. His testimony was halted Tuesday when he asserted his Fifth Amendment right against self-incrimination after defense attorney M. Gerald Schwartzbach began probing into that area.

Schwartzbach maintains that Marino killed Christensen, and he began trying to prove a motive with his questions to Marino.

Marino testified that both he and Christensen dealt drugs. He said Christensen used cocaine heavily, but he just ingested "minute" amounts.

He said he also knew that Christensen was working as a prostitute when he met her in 1984, but thought she had quit when they developed a serious relationship a few months later.

He said Christensen's use of drugs and "kinky" sexual appetite led to their breakup.

He said Christensen kept six or seven fake penises in her townhouse that she used in her domination of men.

Marino said Christensen had an "insatiable" sexual appetite, an "itch" sometimes for six or seven partners a night.

He said she frequently got up and went out after he fell asleep. Once, he said, he found her downstairs in bed with another man.

Marino said he became angry after finding a tape recording Christensen made on which, he said, she urged a female friend to leave her husband and children and move in with her.

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Bandler—

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He said he also was upset with her for having sex with his friends. Marino testified he has a gift for seeing through people, and could tell which ones were having sex with Christensen.

He said he saw through Bandler, but saw only that Bandler was hiding the fact that Bandler's friends were hiring Christensen for trysts.

He said he was upset with Christensen for dominating Bandler's time. He said he and Bandler had a father-son type relationship for a number of years until she stepped in.

Marino testified that Bandler and Christensen didn't like each other when he first introduced them in 1984. Then suddenly in the summer of 1986, he said, Bandler and Christensen became close friends.

He admitted he called Christensen a "black widow," but said not because he feared harm from her.

He had testified earlier he thought Christensen was out to have him killed.

He came to believe that she may have tried to poison him twice, once by tainting his soup and the second time by putting something in his coffee.

But, he said, he didn't believe she was behind a severe beating he suffered at a Halloween party just a week before her death.

Marino suffered a fractured skull when he was attacked by two men. He said he told Christensen to call police, but she later told him she did not. He said if he thought she were behind it, he wouldn't have gone to her house to recuperate.

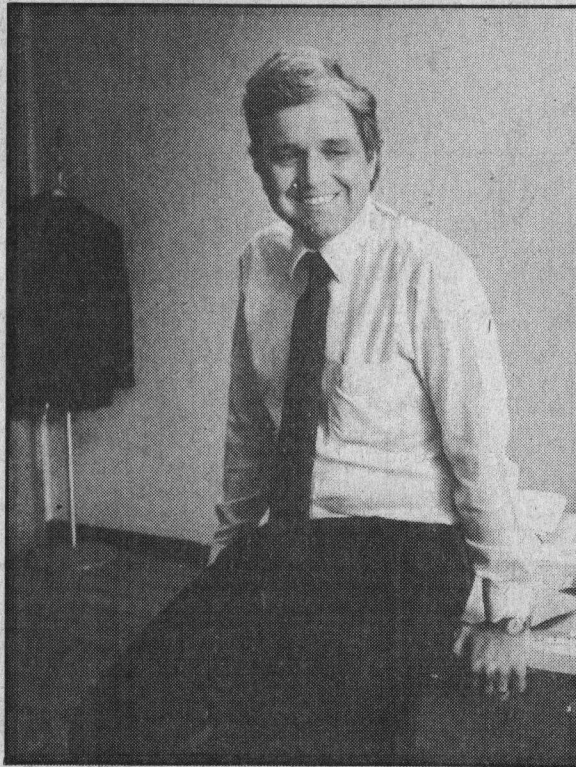
Schwartzbach asserted that nobody called police because the beating was in retaliation for Marino's trying to kill a friend who owed him money. Marino admitted he hit the man over the head, but denied he was trying to kill him. He also denied offering another man \$10,000 to hold the "victim" down so that Marino could inject him with a chemical.

Marino denied he ever told a friend that he would fix Christensen so that she wouldn't be pretty anymore. He agreed to another question by Schwartzbach that the friend called police after Christensen's body was discovered. Schwartzbach indicated that the friend called police because of threats Marino allegedly made.

Marino's daylong testimony was less clear than it was when he was answering prosecution questions.

Often Schwartzbach shook his head or asked Marino to clarify his answer.

"I think he knows what he's doing and he's just being evasive," Schwartzbach said outside court. "When I would ask him a question he didn't want to answer he would just talk about something else," the attorney said.



Dan Coyro/Sentinel

Gary Fry

For the people...

SANTA CRUZ — Gary Fry gave up being district attorney in Plumas County for more challenging cases here.

Being DA in a three-lawyer office, Fry had to pitch in at every level, often handling traffic court in the morning and felony preliminary hearings in the afternoon.

The lure of bigger cases brought him to Santa Cruz County last November. He had only been on the new job a matter of days when he was assigned to prosecute Richard Bandler, a well-known psychotherapist who had been arrested on suspicion of murdering Corine Christensen.

Fry recently was named Superior Court Supervisor, overseeing the prosecution of major felony crimes.

Fry graduated from law school at UC Davis in 1978 and accepted a job as deputy DA in Plumas County. When his boss decided not to run for re-election in 1982, Fry decided to enter politics.

He was elected on a staunch anti-drug platform he said was based on growing up in the 1960's and knowing people whose lives were ruined by narcotics.

He and his two assistants filed about 600 misdemeanor and 200 to 300 felony cases in each of the four years he was district attorney.

Many of those cases involved domestic violence. Wife-beating, Fry says, is a major problem in that rural, forested county. Fry refused to drop charges in domestic violence cases solely at a victim's request. That policy, Fry says, resulted in a number of guilty pleas by offenders.

Family is another topic dear to Fry. He and his wife, Laura, have a son, Nathan, and are expecting their second child.

"For someone who said he just used a minute amount of drugs, something certainly has invaded his cranium," Schwartzbach said.

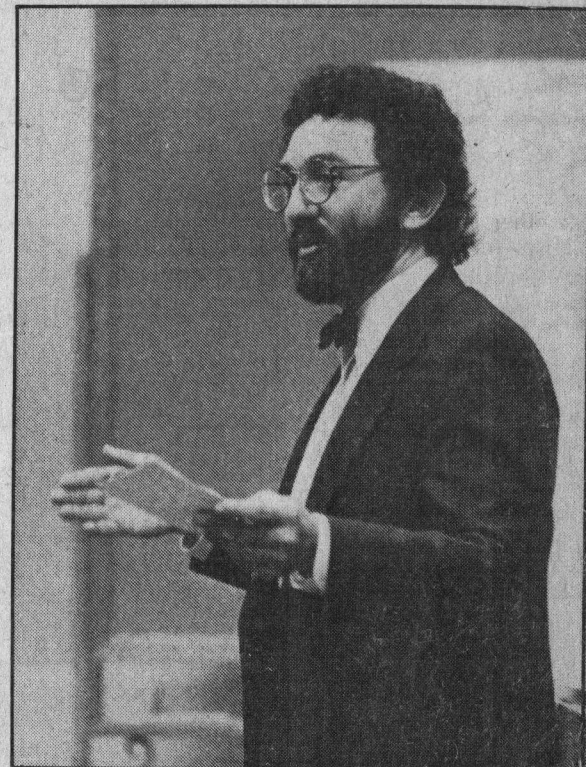
Schwartzbach will continue questioning Marino when the hearing resumes this afternoon before Municipal Court Judge Tom Kelly.

Asked to evaluate the day's testimony, prosecutor Fry abruptly re-

plied: "Obviously we believe the evidence will support the charge (against Bandler.)"

"We have evidence which I am not now free to disclose that will corroborate his (Marino's) testimony. I've said from the start we're not basing this solely on Marino's testimony," Fry said.

The only other evidence,



Dan Coyro/Sentinel

M. Gerald Schwartzbach

For the defense...

SANTA CRUZ — A case that attorney M. Gerald Schwartzbach won before the state Supreme Court gives Richard Bandler and all felony suspects the right to a preliminary hearing on evidence against them.

The decision, in effect, wiped out the old grand jury indictment as a means of ordering suspects to stand trial.

Schwartzbach also has participated in a second Supreme Court case that resulted in a change in law. That case established the right for a defendant to have two lawyers in a capital case.

But the San Francisco attorney is best known for winning acquittal last year for fugitive attorney Stephen Bingham, who had been accused of smuggling a weapon to imprisoned Black Panther George Jackson in 1971. The gun Bingham had been charged with smuggling was used in a prison shootout in which Jackson was killed.

Schwartzbach earned his law degree from George Washington University in Washington, D.C. He then served as a Vista volunteer in Detroit, where he later joined the city defender's office.

He moved to San Francisco in 1974, serving for two years as staff attorney at the Hunter's Point Defenders Office.

He began private practice in 1977, specializing both in trial and appeals.

In that same year, Schwartzbach was the first attorney to use the battered-wife syndrome as a defense. He won acquittal for a woman charged with fatally shooting her police officer husband.

In addition to his legal profession, Schwartzbach serves as president of a shelter for battered women in San Francisco.

Schwartzbach contends, is Bandler's fingerprint on a tequila bottle found at the murder scene and blood on Bandler's clothing.

"We're not disputing that he was there. He was there," Schwartzbach said.

But, the San Francisco attorney contends, it was Marino who pulled the trigger.