

Orthopedic surgeon from Hawaii refuses to testify in Hayes trial

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SANTA CRUZ — A man who allegedly received a package of cash from double-murder suspect Royal Kenneth Hayes refused to testify in Hayes's trial this morning.

On the advice of local attorney Tony Salatich, Dr. Bernard J. Fogel, an orthopedic surgeon from Hawaii, asserted his Fifth Amendment right to avoid incriminating himself.

According to earlier testimony, Fogel is a friend of Hayes's who met him on Hawaii's Kona Coast.

He was one of the recipients of packages that had some of the money given to Hayes by a San Francisco area couple who expected to buy cocaine from him.

Hayes is accused of killing Lauren Laet, 36, and her companion Donald Mac-

Vicar, 32, and stealing the \$250,000 they gave him to buy dope.

One of the women, who said they helped him set up, commit and conceal the murders, testified that several thousand dollars were packaged and mailed to associates of Hayes in Hawaii, where the 47-year-old ex-convict lived. Diane Susan "Big Red" Weller has said she and MacVicar spent the day before his Dec. 29 murder in Santa Cruz driving around San Francisco mailing packages of money from various mailboxes.

"Even knowing Kenny Hayes would tend to incriminate Dr. Fogel under the law," Salatich said outside court this morning.

"The prosecution is alleging Dr. Fogel knew Hayes just before he left for California, and that he received 'blood money' in the mail from from him.

"He came here ready to testify. We asked for a grant of immunity from the prosecution, but were refused.

"Without immunity, I advised him not to take the stand," Salatich said.

Assistant District Attorney Madeleine Boriss said she would not give Fogel immunity because "I don't need him that badly, and I don't believe he'd tell the truth anyway."

Fogel made his refusal out of the hearing of the jury at defense attorney Jon Minsloff's request.

The trial was recessed after Fogel's refusal because Hayes was feeling ill, reportedly with the flu. The trial is scheduled to reconvene Tuesday, when Boriss said she would wind up her case.

Minsloff said this morning he would conclude his case next Thursday.