

Murder trial nears end



Bill Lovejoy/Sentinel

Suspect Richard Bandler and mother, Ruby Ryan, walk outside court Tuesday.

Attorneys start final arguments in Bandler case

By MARK BERGSTROM
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SANTA CRUZ — It's not a trail of blood that leads to murder suspect Richard Bandler. It's the absence of blood, Assistant District Attorney Gary Fry told the jury Tuesday in his final argument.

If James Marino shot and killed Corine Christensen on Nov. 3, 1986, as Bandler has testified, then Marino would have had blood on his clothing — and there is no blood, Fry said.

Fry has argued throughout the trial that Bandler shot Christensen and that Marino witnessed it. Bandler has claimed that Marino did the shooting.

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Victim Corine Christensen in 1981

Bandler

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But, Fry argued Tuesday that if, after the shooting, an innocent Bandler had rushed to Christensen's aid and lifted her head up with one or two hands, he would have gotten blood on the sleeves of his shirt. Again, Fry told the seven-man, five-woman jury, there is no blood on the sleeves of the shirt.

Fry claimed that Bandler gave that testimony to try to explain how he got blood on the T-shirt he was wearing over that long-sleeve shirt.

"But he tripped himself up because there is no blood on the long sleeves," Fry said.

But to believe that Bandler committed the murder, defense attorney M. Gerald Schwartzbach said later, the jury must believe Marino, a convicted burglar and self-confessed cocaine dealer.

Fry conceded that Marino — who testified he feared that Bandler, the CIA, sheriff's deputies and even the District Attorney's Office have been out to kill him — is an "easy target" in the case. Fry referred to Marino as "insufferable on the witness stand."

"It would be easier to try to prove that Mr. Marino killed Corine Christensen, but he just didn't do it," Fry said.

All of the physical evidence, Fry said, fits the story Marino told: that Bandler tried but abandoned an at-

tempt to convert a Mr. Clean cleanser bottle into a silencer for his gun before shooting Christensen in the face at close range. Marino testified that after the shooting, Bandler ordered him to drop the murder weapon off the Capitola wharf.

The evidence fits, Schwartzbach countered, only if the jury believes Marino.

Schwartzbach hinted that Fry just glossed over Marino's paranoia. And, he reminded the jury that Marino testified he could command street lights on and off.

"He'd be a great guy to have around in a storm," Schwartzbach quipped.

He promised the jury he would "talk to you a whole lot more about James Marino than Mr. Fry did." Schwartzbach's closing argument will continue today.

The courtroom was overflowing with spectators, as it often has been during the 18 days of testimony in the sensational case.

Bandler is a co-founder of Neuro-Linguistic Programming, a controversial psychotherapeutic technique to enhance communication, and a variety of supporters have been keenly interested in the trial.

Bandler's mother, Ruby Ryan, and a host of friends, colleagues and followers have crowded the rows of seats behind the suspect.

Christensen's parents, sister and

brother occupied the front row behind the prosecution table.

The slain woman's relatives have left the courtroom only when the testimony has turned to graphic medical evidence.

When Fry held up autopsy photos in his closing argument, Peter Christensen, a retired San Francisco police officer, closed his eyes. His wife covered hers with one hand.

Fry didn't dwell on the hours of expert testimony in the case. A host of experts have disagreed over the distance the gun was from Christensen's face when the fatal shot was fired.

Fry's experts have argued the gun was about a half-inch away, supporting Marino's testimony that Bandler

put the gun in Christensen's face.

Schwartzbach's experts testified the gun was at least four to six inches away, disputing the prosecution theory that the blood that did get on Bandler's shirt was "blowback" from having fired the gun at close range.

In the final analysis, Fry argued, it doesn't really matter. Even if the gun were fired from a distance of four inches or more, he contended, Bandler still is the killer.

But Schwartzbach said, "I can't believe the prosecution didn't spend a whole lot more time with you on the evidence. I can't believe the prosecution feels the technical evidence is not significant in this case."

He began his argument by attacking the testimony of Dr. Richard Mason, the county's forensic pathologist. The prosecution case was built upon Mason's testimony.

Mason testified the blood on Bandler's shirt was blowback, backspattering blood and tissue from Christensen's face wound. Other experts testified that no significant amount of blowback would be expected from Christensen's wound.

And, Schwartzbach charged, even the prosecution's expert firearms expert concluded Mason was wrong about the distance from the muzzle of the gun to Christensen's face. That expert's test-firings at a target from four to five inches, Schwartzbach said, duplicated the powder and smoke pattern on

Christensen's face.

There would be no blowback at all from that distance, defense experts testified.

Depending upon how long Schwartzbach spends on his closing argument today, the case could go to the jury by this afternoon.

Because of an agreement Tuesday morning by the attorneys and Judge Chris Cottle, the jury will be asked to consider only a first-degree murder conviction in the case.

Usually a jury can consider lesser verdicts, such as second-degree or manslaughter.

A first-degree murder conviction, including an enhancement for use of a firearm, carries a 27-years-to-life sentence.



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