

Green Sheet

28 Pages — 20 Cents

Capitola, Calif., Wednesday, May 12, 1982

Thirteenth Year — No. 19

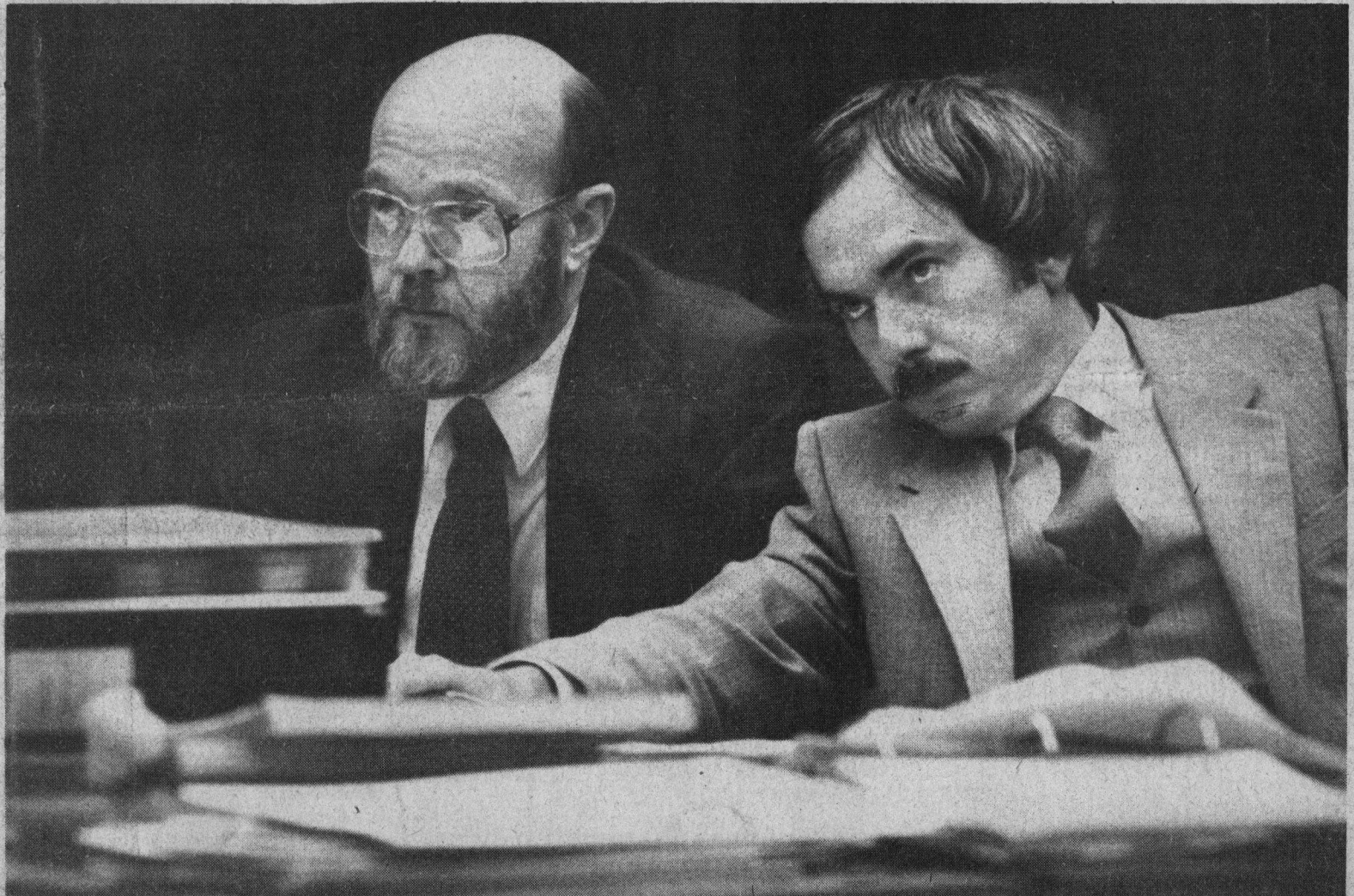


Photo by Kurt Ellison

David Carpenter, left, suspect in the so-called trail-side killings, conferred with his lawyer, Larry Biggam, during pre-trial hearings Tuesday in Santa Cruz County superior court.

Trailside survivor gives testimony

By JAMIE MARKS

It was something in the way David Carpenter raised his head in a line-up May 15 that confirmed in Steven Haertle's mind that Carpenter was the man who shot him and fatally wounded Haertle's friend in Henry Cowell Redwoods State Park six weeks earlier, Haertle testified Monday.

Haertle, the only survivor of the so-called trail-side attacks, was the first witness from the March 29 shooting to be called to the stand by defense attorneys, who are attempting to challenge the line-up conducted by local police authorities after Carpenter's arrest.

Haertle recalled how Carpenter and five similar-looking men were brought before a two-way mirror in the line-up room. All six men had beards, something Haertle had thought the suspect might grow, he said.

As Carpenter raised his head from looking at his feet, Haertle said, "Something about that movement was familiar. The whole movement, the whole process..." He asked an officer later if he'd picked out the right man, but the officer wouldn't say.

Testimony from other witnesses has revealed that the officers were instructed not to talk with the seven people called to view the line-up, for fear of prejudicing their decisions.

The defense is trying to show that the procedures were not proper and that the selection of men for the line-up was not "fair."

According to two officers who testified Tuesday, they were somewhat surprised to learn that Carpenter had changed his appearance by growing a beard. One officer, Deputy Bob Pifferini, said he got six or seven men without beards for the line-up, only to learn later that afternoon that six men with beards were needed. That set off a search through the streets of Santa Cruz and the Boardwalk area for men who resembled Carpenter, Pifferini said.

Edward Fritz, of Fresno, who was at the park with his son, Kenneth, the day of the shooting and who saw Carpenter on the observation deck, also recalled the line-up procedures Tuesday in court. The one problem he said he had with the line-up was in

the lighting of the room where the men were told to stand. Fritz said there wasn't quite enough light for him to make out the suspect's eye color. However, he asked the second man in the line-up (Carpenter) to step forward one more time for a closer look at his eyes. He did not say whether he was able to identify Carpenter as the man he had seen March 29.

In Monday's hearing, defense attorney Gerry Christensen attempted to shake Haertle on his recall of Carpenter's appearance. But this drew objections from District Attorney Art Danner, who claimed that the defense was just trying to get one more statement with minor inconsistencies in it to discredit his case against Carpenter.

Haertle said he saw Carpenter walk past him after the shooting. Haertle had run from the murder scene to the observation deck, where he encountered a nurse who tried to stem the bleeding from his neck wound. While Haertle was explaining how he'd just been shot and his friend had been killed, Carpenter walked past, he testi-

fied.

Carpenter was wearing a gold jacket with the word "Bud" on the front. Haertle couldn't remember any writing on the back, but other witnesses saw "Olympic drinking team," they told detectives.

Haertle described the killer, and said he looked closely at the gun in the killer's hand. It appeared to be a .38-caliber handgun, he said. Also, Haertle said the man on the trail who ordered him and his companion, Ms. Hansen, to move off the trail did not stutter or stammer. Carpenter is known to have a severe stammer on occasion.

The defense is expected to call more witnesses who were part of the line-up in an effort to win a motion to suppress some of the statements which were derived as a result of it.

On Monday afternoon, Superior Court Judge Chris Cottle handed the defense its first loss when he denied the motion to dismiss special allegations of lying in wait and attempted rape. While Cottle said he had some problems with the lying in wait charge, he said the question of whether it can

be proven "beyond a reasonable doubt" will be put to a jury later.

Defense attorney Larry Biggam raised questions about the prosecution's relationship with Carpenter's former girlfriend who lived with him at his parents' San Francisco home while some of the killings allegedly took place. The woman, Candace Townsend, would not answer some questions put to her at the preliminary hearing, Biggam said. The attorney said this denied Carpenter a right to cross-examine his accuser.

Biggam also questioned the prosecution's offering of immunity to Molly Purnell, of Sacramento, who allegedly gave a gun to Carpenter. She has been offered immunity on a charge of furnishing a gun to an ex-felon (Carpenter has been convicted of assault and rape), Biggam noted.

Both of these women and a pair of suspected bank robbers — Shane Williams and Karen Kilroy — have special relationships with the prosecution. Biggam called the "scope of the bargain" with Ms. Purnell "muddy," and said (Continued on page 7)