



Chip Scheuer

Having come out of hiding, Marino testified yesterday.

Star witness on stand to tell story of killing

By NANCY BARR
STAFF WRITER

James Marino feared his friend Richard Bandler was going to kill him or Corine Christensen but didn't dial 911 because he was sure there'd be a massacre if the police showed up.

"I was afraid if I did (call) and the police came, he would definitely shoot us and some policemen might get shot at the same time," Marino said when he took the witness stand in Santa Cruz County Superior Court yesterday. "I was apprehensive."

Marino is the key prosecution witness in Bandler's murder trial. Bandler, 37 and the co-founder of a kind of behavior therapy known as Neuro-Linguistic Programming, is charged with first-degree murder in the shooting death of Christensen, 31. Christensen, Marino's former girlfriend, was found dead in her Live Oak condominium Nov. 3, 1986, after Marino reported the killing to police.

Marino and Bandler were the only two people present when Christensen was killed. Bandler's attorney contends it was Marino who pulled the trigger.

Although subpoenaed to appear in court at the beginning of the trial several weeks ago, Marino had been missing until last Thursday.

When he finally took the stand yesterday afternoon, the courtroom was crowded with people eager to see the star witness and with the victim's family, which has been sitting through most of the trial.

"I was in fear for my life," Marino said when Assistant District Attorney Gary Fry asked him why he failed to show up for the trial.

Marino told how the driver's window in his car had been shot out while he was in the car in Woodside in February. He asked the Santa Cruz County Sheriff's Office to provide him protection, but said he was refused.

"I was very afraid," Marino said. "I felt a little resentful due to not being able to get protection from them."

So, he moved to Bethel Island, in the Sacramento Delta region, and stayed there for about five months, he said. Then he moved to a trailer park in Scotts Valley, all the while staying in touch with the

authorities until another incident which scared him, Marino said.

Sometime after Marino had testified against Bandler at Bandler's preliminary hearing, he said, Marino went back up to Bethel Island to get some things he left with a friend there. He went to his favorite restaurant and, when he walked in, there was Richard Bandler sitting at the bar, Marino said. He was sure this was no coincidence, and was "shocked" because he thought nobody knew his whereabouts, he testified.

Marino then left the state, and stayed away until his attorney persuaded him to return and testify.

"I felt like I was being a fugitive," Marino said, "and I didn't want to keep looking over my shoulder."

He turned himself in to the District Attorney's office last week, and has been kept in custody since. The details of where he is being held have not been released.

On the stand yesterday, Marino told how he and Bandler had a "father-son type relationship." Over the years of their friendship, the older Marino had helped Bandler buy a house and offered to help him adopt a child, "so he didn't have to mess with these ladies," which is what Marino said Bandler was doing.

Marino then told of a Halloween party he went to last year with Christensen. At the party, two men attacked him and beat him severely. For the next week Marino was in great pain, felt weak and often came close to passing out. Bandler tried to find out who beat his close friend, Marino said, but had no luck. Bandler also took care of Marino and had Marino spend a couple of nights at Bandler's home on Mattison Lane in Live Oak. On one of those nights, Marino broke the news to Bandler that Christensen was having a sexual relationship with Suzanne Cutter, Bandler's girlfriend.

"His reaction was very angry and aggravated," Marino said. "His response was 'She can't blackmail me.'"

The next morning, Marino was awakened by Bandler, who made him listen to a tape. Marino said he recognized the voices as Bandler's and Christensen's arguing.

Bandler put Marino in the

car, and drove to Christensen's house, about a block away.

"I didn't want to get out of the car," Marino said. "I didn't want to be there."

But Bandler brought him into Christensen's house, closed and locked the door and pointed a gun at Marino's head, Marino said.

"The three of us aren't leaving this house alive," Bandler said, according to Marino.

"I went totally weak at that time," Marino said. "I was totally surprised. This was total fear."

Bandler started yelling at Christensen that she had "stepped over the line with my daughter," Marino said. Although Bandler doesn't have a daughter, he had been known to use that word to refer to his girlfriends, Marino said.

Christensen became upset, and Marino told her to calm down.

"She knew we were in danger at that point," he said.

When he had the chance, Marino left the room, looking around the house and garage for a way to escape, he said. He tried to hide in the garage, but when he came across a scale used for cocaine, he said, he became furious. Marino said he saw the scale as a symbol of cocaine, which he believed was the root of the problem at Christensen's house, with Bandler pointing a gun and acting irrational.

Bandler was shaking as he often did when he ingested both alcohol and cocaine, Marino said.

"He was shaking really, really bad and that gun was cocked," Marino said. "He had a wild look in his eyes."

After a while, Bandler's mood seemed to change, and he was more compassionate, trying to help Marino to the couch to rest. Marino lay down, he said, thinking the danger had passed.

But it hadn't.

He closed his eyes and when he opened them he saw Bandler pointing a gun at Christensen's head. Marino said he closed his eyes again.

He heard a gunshot, he said, and when he opened his eyes, saw Christensen falling to the floor.