

Bandler, Richard

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Key Bandler witness a no-show in court

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SANTA CRUZ — A bench warrant was issued late Monday when the star witness in the Richard Bandler murder trial failed to show up for the opening day of jury selection.

James Marino has been under court order to appear at every stage of the proceedings.

Bandler, 37, co-founder of Neuro-Linguistic Programming, is accused of murdering Corine Christensen, a Capitola prostitute, last Nov. 3.

Marino is considered the key witness for both the prosecution and the defense.

Marino testified at Bandler's preliminary hearing that Bandler pulled the trigger on the gun that killed Christensen. Schwartzbach contends that Marino lied at the hearing and that Marino, himself, is the killer. Schwartzbach has said Marino's testimony before a jury is im-

portant to the defense case.

Superior Court Judge Chris Cottle, who ordered the bench warrant for Marino, said Monday that jury selection will take most of the month. He said testimony in the case will not begin before Nov. 30. He estimated the trial will last six to eight weeks.

Prospective jurors were asked to fill out questionnaires and then were given appointments for individual questioning later. More than 130 prospective jurors are scheduled to be questioned.

Schwartzbach and Assistant District Attorney Gary Fry have agreed to individual questioning because Bandler is well known and the case has received extensive press coverage. Fry said the attorney's don't want one juror's views expressed in open court and poison the whole jury pool.

In another new development Monday, Schwartzbach filed court documents seeking a San

Jose newspaper reporter to turn over her notes and any tape recordings used in an interview with the key witness in the case.

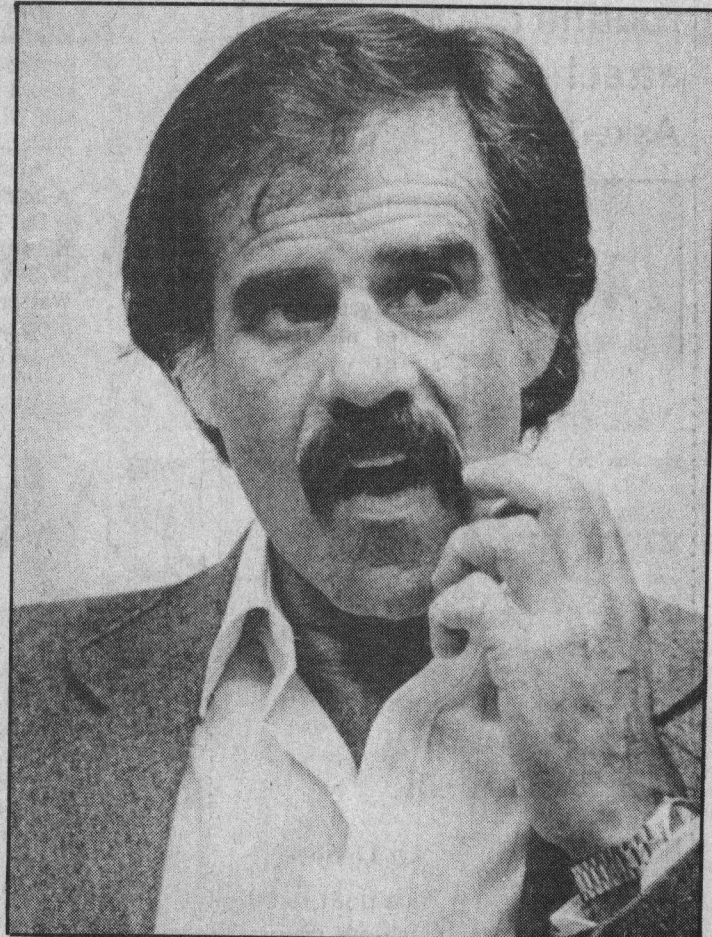
An attorney for the Mercury News told Cottle the newspaper will fight that attempt.

Reporter Kathy Holub interviewed star witness Marino for an upcoming story in the newspaper's Sunday magazine.

Cottle set dates for the filing of legal briefs in the matter and said he wants to hold a hearing on the issue before the jury is seated.

Schwartzbach indicated that either side likely will appeal a decision from that hearing, and that would delay the start of the trial.

He said the reporter's notes and tapes are crucial to the defense because they might show inconsistencies within Marino's testimony at the preliminary hearing.



Dan Coyro/Sentinel file

Witness James Marino at court hearing in April.