

Witness admits lying, but says she's now telling the truth

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SANTA CRUZ — One of the two key witnesses against double-murder suspect Royal Kenneth Hayes admitted Monday to lying under oath, but said she is now telling the truth.

Diane Susan Weller, 33, during two days of testimony, has described in detail how she helped Hayes prepare and carry out the murders of a San Francisco Bay-area couple on the UCSC campus in 1981.

Weller's credibility, and that of another alleged girlfriend of Hayes, are crucial to Assistant District Attorney Madeleine Boriss' case against the 47-year-old ex-convict.

As the trial entered its second week Monday, Boriss brought out before the eight-woman, four-man jury that Weller had lied in her initial statements to authorities, and again under oath at Hayes' preliminary hearing.

Weller had denied knowing before hand that the murders were going to happen. She admitted only that she had helped cover them up.

She said Monday afternoon that she had lied in an attempt to shield others involved. She also said he had been unable to face her own guilt.

"I was guilty. I knew it," she told Boriss in a soft voice that cracked and finally broke. "I couldn't say it. I couldn't say it to myself, much less to you or to a group of strangers."

She finally told the entire story, Weller testified, "because I just couldn't hold it inside myself anymore."

She also said she was afraid Hayes would have her killed in jail to keep her quiet. She testified she believed Hayes has taken out a \$25,000 contract on her life.

Judge Chris Cottle's courtroom has been under heavy guard during the trial. Spectators are searched before they enter, and four to six deputies sit around the room's edges and at the doors.

Hayes' attorney, Public Defender Jon Minsloff, continued this morning cross-examination he began late Monday, and immediately began raising questions about Weller's credibility.

He began taking her detail-by-detail through the same story she told under Boriss' direct examination, focusing on inconsistencies and drug use.

Boriss contends Hayes murdered his ex-lover, Lauren deLaet, 36, and her companion, Donald MacVicar, 31, after luring them to a remote spot on the UCSC campus with a promise of cocaine for sale.

Instead, he took the \$250,000 the pair had

given him to purchase the drug, shot them, and hacked their heads and hands from their bodies to thwart identification, Boriss charges.

Weller and Debbie Chichiletti Garcia, 31, have confessed to helping murder the couple and cover up the killings.

If Hayes is convicted of the killings, and the special circumstance of double murder is found to be true, he may be sentenced to the gas chamber.

Garcia and Weller have been given immunity for their testimony against Hayes.

Weller has testified she met a suave, sophisticated Hayes in 1977 in Minneapolis, Minn., and fell immediately under his spell. She believed his stories about his connections with the Teamsters Union and the Mafia, she said.

They moved to Hawaii, she testified, where they began using large amounts of cocaine. He became paranoid, violent and unpredictable, according to her testimony. At one point, she said, they used up to a quarter ounce a day.

Lauren deLaet, whom Hayes had met and fell in love with in 1980 in Hawaii, mailed them some of the dope, Weller said.

After the Dec. 29, 1981 murders, Weller flew to Minneapolis, determined to leave Hayes and in fear of her life. Hayes had threatened to kill her, she said.

At Hayes' direction, she was met in Minneapolis by Jim Johnson, a crony of his, she said.

Johnson is a career criminal, she testified, who dealt cocaine and built illegal guns and silencers for a living. It was Johnson who built the silencer Hayes used. Another partner of Hayes', Larry Dahl, drove the weapon to California from Minneapolis, she testified.

Johnson's apartment was a small arsenal, according to her testimony, filled with pistols, revolvers, and machine guns as well as cocaine and cash.

Both Jonson and Dahl are now serving federal prison terms for federal firearms violations stemming from the Hayes case, Boriss said outside of court. Johnson is also serving a state term after pleading guilty to second-degree murder in connection with the killing of a suspected police informant in Minnesota.

Weller said she lived with Johnson and his wife, helping him deal cocaine until February. She lived in terror of Hayes, she said, who called her regularly in the middle of the night, begging her to come back to Hawaii. Hayes was becoming more and more irrational, she said, because of his drug use.

She said she was in mortal fear of him, convinced he was going crazy and would kill her to keep her quiet.

She said she saw Hayes just once in Minneapolis. He and Garcia flew there so Hayes could plan an armored-car robbery with Johnson.

Hayes beat her, threatened her and left with Garcia shortly after his arrival. The next time she saw him was in court, after his March 1982 arrest.

She said she did not come out of her apartment for more than a month after the arrest. Finally, in late April, she turned herself in.

Still, she said, she was terrified Hayes' confederates would kill her. She is still convinced, she said, Hayes could have used his alleged ties with organized crime to have her killed, even while they both were in jail. She waited another three months before deciding talk to authorities, she said, because of her fear.

But in July, she decided to cooperate. Boriss asked her why, and she replied:

"I decided — I'm in fear of my life right now, as I was then. And (I figured) if I didn't say anything, then Kenny Hayes would probably have me killed in jail, because he couldn't take the chance I might eventually say something."

"I thought I could do that, and die in jail, or I could live my life to the fullest every day out here like normal people do, and cooperate with the police, and try to

strike a bargain for immunity. He may try to kill me out here, but at least I'm going

to try to enjoy the rest of my life." Minsloff's cross examination is expected

to last through today. Garcia is scheduled to testify next.