



Dan Coyro/Sentinel

Shooting victim Steven Haertle (left) tells of picking David Carpenter (right) from police line-up.

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Trailside Victim Recalls Picking Murder Suspect

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Steven Haertle, the only survivor of the so-called trailside killer shootings, took the stand Monday and described a police line-up in which he identified David Joseph Carpenter as the man who wounded him and killed Ellen Hansen on a well-used hiking trail in Henry Cowell Park last year.

Appearing in open court for the first time, the dark-haired UC Davis student said it took him "15 seconds to half a minute" to pick Carpenter from a six-man line-up.

"Something clicked in my mind, my recollection," said Haertle in a strong voice. "...Something like second nature told me this was the man that had shot me."

Haertle said he also noticed a "familiarity" in the way the Carpenter looked down at his shoes during the line-up.

"When he looked down at his feet and raised his eyes — that's what I saw on the trail," said Haertle. "There was something about that movement that was familiar."

The fact that Carpenter appeared to have been growing a beard for only about six weeks also aided in his identification, Haertle said.

The killer had been clean shaven at the time of the shooting April 29. The line-up occurred May 15, following Carpenter's

arrest at his San Francisco home.

Haertle's testimony came as defense attorneys challenged the line-up staged by detectives.

The attorneys are attempting to prove Haertle's identification of Carpenter was tainted by the fact he knew a suspect had been arrested in the case and the manner in which the line-up was held.

The attorneys want the identification suppressed because of what they say is a faulty line-up.

Today, defense attorney Jerry Christensen continued to attack the manner in which detectives set up the line-up.

Monday, Haertle stuck firm to his testimony that he picked Carpenter from the line-up because he appeared to be the man who had shot him.

In his testimony, Haertle said he was not told the reason he was being called to Santa Cruz on May 15 but found out as he listened to the radio on his way to the area from his Davis home.

He said he was driving with his mother when the news came over the radio that someone had been arrested in connection with the shootings.

His mother, Beverly Lee Haertle, testified her son "just said, 'Oh, mom' and then he cried."

Haertle, who still bears a long scar on his neck from the shooting, said his mother held his hand.

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Under questioning from Christensen Haertle, admitted he figured the newly-arrested suspect would probably be in a line-up he would view.

However, he said detectives warned him the man who shot him may not be not be in the line-up and he thought there was a possibility detectives would stage two or more line-ups.

When he saw Carpenter in the line-up, he picked him as the suspect.

Under questioning from Christensen, Haertle touched on the subject of the shooting at the park, but that line of questioning was quickly stopped by Superior Court Judge Chris Cottle.

Cottle said questioning about the shooting was not applicable to the motion to suppress the line-up and repeatedly ordered Christensen to stop asking questions about it.

Haertle, who wore a blue striped shirt and light yellow tie to court, testified the killer did not stutter or stammer at all during the confrontation before the shooting.

Carpenter suffers from a severe stutter.

He also said he heard the killer fire "at least five shots." He believed it was the third or fourth shot which hit him in the neck.

On the stand Monday, Haertle was able to describe the killer's face and clothing in detail. He told defense attorneys he spent most of the two- to three-minute confrontation before the shooting staring at the killer's face.

Haertle's testimony lasted nearly three hours.

Earlier Monday, Cottle refused to drop two of the three special allegations which could mean the death penalty if Carpenter is convicted.

He said there was enough evidence to show probable cause that the killer lay in wait for his victims and that the murder occurred during the course of an attempted rape.

Cottle also refused to throw out charges against Carpenter because of alleged "errors" during Carpenter's preliminary hearing.

Defense Attorney Larry Biggam had argued one witness was given improper immunity for portions of her testimony and said he was not allowed to fully question a key witness in the case.

He charged that Municipal Court Judge William Kelsay refused to allow him to confront a key prosecution witness about her background and character.

He said the witness, Candace Townsend, linked Carpenter to a jacket which tied him to the murder weapon.

Because he could not question Townsend about her background, Kelsay could not properly evaluate her testimony for credibility.

He also said there were questions about the way the district attorney's office put Townsend up in a motel room and paid for her meals, and her relationship to a former boyfriend who was wanted in Montana on a murder charge.

"We want to know what price they (the district attorney's office) were paying for her testimony," said Biggam.

He also questioned whether two witnesses connected to six Northern California bank robberies had gotten "a deal" because they agreed to testify. One witness was not prosecuted for any of the robberies and the other was not prosecuted for four holdups, he said.

This morning, detectives told how they had to scurry around the city looking for persons to include in the photo line-up with Carpenter.

Detective Bob Pifferini said he was told

to find a group of persons who looked like Carpenter the day before the balding printer was arrested.

Pifferini said he found six persons from a list of suspects which had been phoned in by citizens during the time a drawing of the killing suspect was distributed and arranged for them to be in a line-up.

The day Carpenter was arrested, Pifferini was notified the suspect had a beard. He and a group of detectives and FBI agents were sent out into the streets in an attempt to find people for the line-up.

They rounded up six persons and five were chosen for the line-up with Carpenter.

Detective Bob Tanner testified those in the line-up were chosen because they closely resembled Carpenter.

Under questioning from Christensen, Tanner testified two of those in the line-up were in their 30s and one weighed 200 pounds. Carpenter is 51 years old, 5 feet 10, and 170 pounds.