

Bandler trial goes to jury

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The outcome in the Richard Bandler murder trial, which is now in the hands of the jury, may hinge on the testimony of key prosecution witness James Marino.

Both the prosecuting and defense attorneys ended closing arguments yesterday by claiming Marino's testimony supports his side.

Assistant District Attorney Gary Fry reviewed numerous instances in which Marino's version of what happened Nov. 3, 1986 — the day 31-year-old Corine Christensen was fatally shot in the face at her Live Oak townhouse — coincided with evidence Sheriff's Office investigators found at the scene.

Defense Attorney M. Gerald Schwartzbach, on the other hand, pointed out instances in which Marino's story was contradicted by the evidence or by testimony from other witnesses. He also suggested that investigators had deliberately construed evidence to coincide with Marino's version of the facts.

Schwartzbach described Marino as a paranoid pathological liar who shot Christensen in Bandler's presence and then tried to pin the blame on Bandler. Schwartzbach reviewed the testimony of witnesses who said Marino had vowed to set up Bandler and Christensen, because he believed they were conspiring against him, then to "play dumb."

Marino's story is so full of holes, Schwartzbach said, that it actually implicates him in Christensen's murder, his former lover whom he referred to as a "black widow spider."

"He probably knows that they kill their mates after they make love — that's what he thought," Schwartzbach said. "That's what he thought she was, and he thought she was trying to kill him."

Not only was Marino paranoid regarding Christensen and Bandler, Swartzbach said, he was also afraid of local and

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federal law-enforcement agencies, such as the Special Forces and the CIA, and believed they were out to get him.

An admitted cocaine dealer, Marino is also an ex-felon who lied about possessing guns, Schwartzbach said, about his cocaine use at various times, and about his belief that Christensen had arranged a beating he received and was out to kill him. Marino's delusions gave him plenty of motive to kill Christensen, Schwartzbach said.

"He testified falsely," Schwartzbach told the jury. "You are free to reject his testimony entirely. He lied about a material part of the testimony."

Scientific evidence does not support the prosecution, he said, and without Marino's testimony, there is no case against Bandler.

Schwartzbach admitted he'd made fun of Marino for Marino's claims that he had supernatural powers and could turn street lights on and off by looking at them, and could heal people by touching them.

However, jurors should not underestimate Marino, Schwartzbach said. Proof of his craftiness is that he was able to deal in kilos of cocaine and not get arrested, he said.

The fact that only Bandler had blood on his clothing, and that he threatened to blow Christensen's brains out in a

taped telephone conversation hours before her death, does not prove his guilt, Schwartzbach said.

Fry quoted a line from Shakespeare in rebutting Schwartzbach, "'Methinks the lady doth protest too much.' And I think that's what we have here."

He argued that the scientific evidence does support his case against Bandler, and is borne out by Marino's testimony. If Marino lied on the witness stand on some issues, that does not mean he did not tell the truth on others, Fry said.

"If you conclude that Marino's a liar," he said, "it doesn't mean that he's incapable of telling the truth."

He rebutted Schwartzbach's allegation that investigators slanted the evidence to support Marino's story, and argued that all the evidence points to Bandler. To reinforce his argument that Bandler was exceedingly angry with Christensen, he replayed the tape of the telephone conversation in which Bandler threatened to blow her brains out.

The tape proves premeditation, Fry said, along with Bandler's attempts to cut a plastic bottle for use as a silencer, and to hire a bodyguard two hours before Christensen's death.

At the conclusion of Fry's rebuttal, Superior Court Judge Christopher Cottle directed the jury to return this morning for legal instructions.