

Trailside Murders

Death penalty for Carpenter

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LOS ANGELES — David Carpenter, convicted in two Santa Cruz County "Trailside Killer" slayings, was sentenced today to die in the gas chamber.

"I must conclude with the prosecution that if ever there was a case for the death penalty, this is that case," said Superior Court Judge Dion Morrow.

He also indicated he agreed with prosecution evidence linking Carpenter to five other slayings on hiking trails in Marin County north of San Francisco.

But in a separate action, Morrow denied a motion by the Marin County district attorney asking for the exhibits that had been used in prosecuting the case in Los Angeles.

Jim Berglund, Santa Cruz County assistant district attorney who with District Attorney Art Danner prosecuted the case, said Thursday that Carpenter is "without a doubt the most evil, self-serving and manipulative person I've ever encountered in this line of work. He humiliated his victims before shooting them at point-blank range, and he's absolutely without remorse for any of the crimes he's committed."

"He's a rapist who's learned to kill his victims and likes to kill his victims."

Gerry Christensen, county public de-

fender, said his office will carry the automatic appeal of Carpenter's conviction to the state Supreme Court. He said Danner's errors during the trial were "substantial," and are grounds for a new trial.

Carpenter will also stand trial for five 1980 slayings in Marin County, even though a judge sentenced him to death, according to John Posey, a Marin County assistant district attorney.

"We feel we have to do everything possible to see he doesn't get out and do these things again," said Posey, who is handling the Trailside Slayings case there.

In a telephone interview earlier this week, Posey said, "given the track record of death penalty cases in front of the (state) Supreme Court, you just don't know what's going to happen."

Ed O'Brien, an assistant attorney general in San Francisco, this morning said the Rose Bird Supreme Court has heard 27 death-penalty cases, and reversed 24 of them for a variety of legal reasons. More than 150 people in California are awaiting execution, said a spokesman for the attorney general. One execution date has been set.

A jury in July convicted Carpenter, 54,

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Carpenter sentenced—

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of murdering Ellen Marie Hansen and Heather Scaggs, both 20, in separate 1981 attacks on Santa Cruz County hiking trails. He also was convicted of raping Scaggs, trying to rape Hansen, and trying to murder Hansen's companion, Steven Haertle, then 20.

A separate jury recommended the death sentence for the balding Carpenter in September.

The mothers of both victims had hugged each other outside the courtroom after the jury recommended the death penalty.

"I don't know how the jury could vote otherwise," Marilyn Hansen said at the time. "I thought of Ellen today and what she would say. She'd be pleased."

Posey said he intends to seek the death penalty for the Marin County killings with which Carpenter is charged.

"The voters have indicated they favor the death penalty, and given the magnitude of this situation, I don't see how you could do anything else. And the overriding thing with Carpenter is, even though people think it's all over with after the sentence, it isn't. The appeals could go on for 10 years."

"What would happen if the Supreme Court said there was some kind of error and Carpenter went free? Wouldn't that be a terrible thing to have happen?"

But Public Defender Christensen, who with his partner Larry Biggam spent three years preparing for the trial before he pulled out for personal reasons, said, "It is not a public-safety issue."

"David Carpenter will never be released from prison. It's excessively expensive to do this again, and I wonder why — why are we going to go through it all over again?"

Christensen said his office has been approached to defend Carpenter in Marin County, but that resources have been stretched by Carpenter's defense and "we belong here."

There is a slight chance they will accept the offer, he said.

The Marin County victims are Cynthia Moreland, 18, Cotati; Richard Stowers, 19, Petaluma; Ann Alderson, 26, San Rafael; Shana May, 25, Idaho; and Diana O'Connell, San Jose. The bodies were found near hiking trails on Mount Tamalpais and at Point Reyes.

The gun used in the Santa Cruz County killings was the same weapon used to kill the five hikers in Marin County, according to testimony.

In addition to murder, Carpenter also is charged with rape, attempted rape and special circumstances of rape during a homicide, lying in wait and multiple murder. If found to be true, those circumstances make the death penalty a possibility.

Posey said Carpenter will be arraigned in Marin County before the year's end.

During Carpenter's trial in Los Angeles, where the case was moved because of publicity, Public Defender Biggam admitted his client had committed the murders. But he contended Carpenter should be spared the gas chamber because he had been an abused, speech-impaired child and was emotionally disturbed.

But in the murders of both women, the jury found "that the circumstances in aggravation outweigh the circumstances in mitigation and we impose the sentence of death."

Scaggs' body was found in May 1981 on a hiking trail in Big Basin State Park, about three weeks after she vanished. She had been raped and shot in the head.

Hansen, a University of California-Davis student, was killed in March 1981 in Henry Cowell Redwoods State Park.

Her companion, Haertle, survived a gunshot wound to the neck, and testified against Carpenter.

By Sentinel Staff Writer John McNicholas, with reports from The Associated Press.