

# Prosecution wins key ruling: It can pick psychiatrist in trial

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The Associated Press

LOS ANGELES — Despite protests from convicted "Trailside Slayer" David Carpenter's defense attorneys, a judge ruled that he must submit to examination by a prosecution psychiatrist or psychologist.

The prosecution asked to present its own expert testimony during the penalty phase of Carpenter's trial, during which a jury is weighing death in the gas chamber or life imprisonment without parole.

Carpenter, 54, was convicted in July of the first-degree murders of two women in Santa Cruz County.

In ruling for the prosecution Wednesday, Superior Court Judge Dion Morrow brushed aside defense attorney Larry Biggam's contention that defense witnesses in the penalty phase had "not entered a mental defense" for Carpenter's crimes.

"You have produced three expert witnesses and I don't know how many lay

witnesses," Morrow told Biggam. "Each has given opinion on his (Carpenter's) mental state at various points of his life."

Carpenter was described by defense witnesses as a victim of emotional and physical abuse by his parents, who made him feel like a failure.

Morrow, who at first denied the prosecution's motion, reversed himself after hearing cross-examination of defense witness Dr. William Pierce, a San Francisco clinical psychologist who has examined Carpenter since April 1983.

Morrow said Pierce provided "a definitive opinion" of Carpenter's state of mind when the crimes were committed.

Carpenter created a "fantasy world" to compensate for his feeling of inadequacy, Pierce told Santa Cruz District Attorney Arthur Danner.

"It's as if he is the supermale, the person who is competent," said Pierce. "He's telling himself he is not this wimp, this sissy, this stuttering person."

Carpenter was "unable to control strong emotions" because of his mental state, Pierce said. "It certainly influenced his behavior in the crimes he has been convicted of."

Pierce said Carpenter did not acknowledge involvement in either of the two 1981 Santa Cruz murders, or in five Marin County killings he also is accused of committing. He has not been tried in the Marin County slayings.

Carpenter was convicted July 6 of murdering Heather Scaggs and Ellen Marie Hansen, both 20, in separate attacks in state parks in Santa Cruz County. He also was convicted of raping Scaggs and attempting to rape Hansen and attempting to murder her boyfriend, Stephen Haertle, then 20.

Two juries heard testimony at the trial, one to decide Carpenter's guilt or inno-

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## Trailside—

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cence and the other to set the penalty if he was convicted.

The five murders in Marin County, just north of San Francisco, occurred along hiking trails, as did those in Santa Cruz County.

The Santa Cruz charges were tried in Los Angeles because of pretrial publicity on the case in Northern California.

This morning, prison employees in court described Carpenter as a hardworking, responsible inmate who was "a pleasant guy to have around."

Jack Fleming, a psychologist who knew Carpenter when he served from 1970 to 1977 at the California Medical Facility in Vacaville, said Carpenter was "friendly and filled with good will. He has enthusiasm for everything from going to group therapy or doing his job. He was an inmate that the staff did not have to worry about.