Bandler trial begins

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Psychotherapist Richard Bandler stands accused of murdering a woman.

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Murder suspect Bandler will take stand at his trial

By MARK BERGSTROM
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SANTA CRUZ — Murder suspect Richard Bandler will take the witness stand at his trial, his attorney told the jury Tuesday.

M. Gerald Schwartzbach made the announcement during opening arguments to the seven-man, five-woman jury.

Bandler, 37, author, publisher and co-founder of Neuro-Linguistic Programming, is charged with murdering 31-year-old Corine Christensen of Capitola on Nov. 3, 1986. Christensen has been described as a cocaine dealer and a prostitute with an insatiable sexual appetite.

When the time comes, Bandler will take the stand and point the finger at the prosecution's star witness, James Marino, the man Schwartzbach says really pulled the trigger.

However, Bandler may be pointing at thin air. Marino, an admitted cocaine dealer, is missing.

Judge Chris Cottle issued a bench warrant for

Marino's arrest when Marino failed to show up for the start of the trial.

In his opening statement, Assistant District Attorney Gary Fry told jurors they would hear from Marino that Bandler fired the fatal shot.

What he did not say was Marino's words most likely will be read from the transcript of Bandler's preliminary hearing.

One juror broke in during the opening statements to ask if Marino was in court.

Cottle told her that was not important to know at that point. Later, Schwartzbach broke the news.

"As I speak, law enforcement doesn't know where he is," Schwartzbach said.

"I'd like him to show. I'd like you to see him. But whether he's here or his testimony is read to you, you'll find out he's lying," said Schwartzbach.

He termed Marino's testimony at the preliminary hearing "a pack of lies by a sick and dangerous man."

Bandler

Schwartzbach conceded that at first glance, the evidence Fry says supports Marino's testimony seems stacked against Bandler. The murder weapon belonged to Bandler and his clothes were found covered with Christensen's blood.

But the gun doesn't tell who pulled the trigger, Schwartzbach said. And the bloody clothes, Schwartzbach said, "simply prove what we already know — that Richard Bandler was present."

"When (the evidence is) subjected to careful analysis, you'll see Corine Christensen was murdered by James Marino," Schwartzbach said.

He outlined a defense devoted to showing that Marino had the real motive for the killing Christensen, Marino's former girlfriend.

"He had a real and substantial motive and he lied about it (at the preliminary hearing) under oath," Schwartzbach charged.

Schwartzbach alleged that Marino believed Christensen was out to have him killed. And, Schwartzbach charged, Marino believed the woman was having sex with all of Marino's friends and was trying to turn them against Marino.

Prosecutor Fry said Bandler was

motivated by the belief that Christensen had ordered Marino, a man Bandler treated like a father, beaten up shortly before her death. And, Fry contended, Bandler went to Christensen's townhouse early on the morning of Nov. 3, 1986 after she left his house following an argument. Fry said he will play a tape recording of that argument in which Bandler threatens to blow Christensen's head off.

Fry said testimony, again from Marino, will show that as soon as Bandler and Marino arrived at Christensen's townhouse, Bandler locked the door and said "the three of us aren't leaving alive."

Fry contends that Marino feared he would be killed, too.

If Marino did fear for his life, Schwartzbach challenged, Marino had chances to get away. Schwartzbach said Marino went from room to room, not looking for an escape, but looking for drugs and money.

If he had been trying to get away from Bandler, he would not have voluntarily gone to a house where he believed Bandler would be after th killing.

Marino did not call police, Schwartzbach charged, until four hours after the killing.

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Attorney M. Gerald Schwartzbach displays one of Bandler's guns in court.