

# Prosecutor quizzes Bandler on killing

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SANTA CRUZ — A long-sleeved shirt that murder suspect Richard Bandler wore the day Capitola prostitute Corine Christensen was shot lay almost forgotten in a bag on the evidence table in the courtroom.

Experts for the prosecution and defense had argued for days over the short-sleeved shirt Bandler had worn over it. Was the blood on that shirt "blowback" from having fired the fatal shot at close range, or blood splattered on him by Christensen, who was sitting next to Bandler when James Marino pulled the trigger?

Bandler testified that the blood must have gotten on the short-sleeved shirt when he grabbed Christensen after James Marino shot her in the face.

He told his seven-man, five-woman jury Wednesday that he jumped up from the dining room table when Marino fired the fatal shot. He said Christensen slumped forward over the table, choking and spitting blood.

"I reached out and lifted her chin up," Bandler said. He said he used one or maybe both hands.

Assistant District Attorney Gary Fry opened the bag on the table and held up the spotless long-sleeved shirt. He showed it first

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## Bandler

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to Bandler and then to the jury.

"Why didn't you get any blood on your sleeves?" Fry asked.

"I don't know," replied Bandler.

Photographs of the death scene showed a large pool of blood on the table.

Fry showed Bandler one of the photos, and asked him again: "Why didn't you get any blood on your sleeves?"

Again, Bandler said he didn't know.

Bandler also couldn't explain where Marino had hidden the large, .357-caliber Magnum handgun that Bandler said Marino fired at Christensen.

Bandler said the first time he saw the gun was when he looked over his shoulder from the table and Marino was firing the gun.

He had testified earlier that Marino was wearing a burgundy-colored jacket when he and Bandler entered Christensen's home on Nov. 3, 1986. Bandler said Marino took that jacket off shortly after he arrived.

Underneath, Bandler said, Marino wore a printed shirt over a turtleneck sweater.

"If he took the jacket off, where did he have a gun this large hidden?" Fry asked.

"I don't know," Bandler answered.

Fry showed Bandler the shoes Marino was wearing. "Could this gun be hidden here?" Fry asked. Bandler said no.

"And you said both shirts were tucked in?" Fry asked.

"As far as I know," Bandler replied.

"Wouldn't you notice a bulge if he had had it hidden inside his belt?" Fry said.

"I would think so," replied Bandler.

Bandler said he had put that handgun, a Colt Python model, on a table in his living room the night before. Bandler said Marino had spent the night on the couch in his home, located less than two blocks from Christensen's townhouse.

Bandler said Marino had been ranting all night about how he believed Christensen had set him up for a severe beating, and he was afraid he was still in danger.

Bandler said he didn't believe Christensen had anything to do with the beating and didn't feel Marino had any reason to be afraid. So, he said, he checked to see that the gun was unloaded before he put it on the table.

Bandler said he didn't know where Marino got the ammunition for the gun to kill Christensen. He said he kept ammunition in the living room and "presumed" some of it fit the .357. Bandler said he kept 10 or 11 handguns in his home.

Fry asked Bandler why Bandler took a loaded .380-caliber pistol in a shoulder bag when he and Marino went to Christensen's that morning.

"James had been going on about people still out to get him and I thought it was possible," Bandler said.

"But you gave him an unloaded gun?" pressed Fry.

"It was still possible," Bandler answered.

After court Thursday, Bandler's attorney, M. Gerald Schwartzbach, said he didn't know if the lack of blood on the long-sleeved shirt has any significance in the case.

If the prosecution's blowback theory is correct, Schwartzbach said, then there should have been blood on that shirt, too.

Schwartzbach said there's no blood on the short sleeves of the shirt Bandler was wearing over it, either.

As for where the gun came from, Schwartzbach said Bandler couldn't say where Marino had been carrying it "because he couldn't see."

Schwartzbach pointed out that Bandler testified that Marino had taken the jacket off. "It could have been with the jacket all the time," Schwartzbach said.

"This is not like a puzzle where all the pieces fit together. They sure don't from the prosecution point of view," he said.

Schwartzbach called Bandler a "terrific witness."

"The contrast between Richard and James Marino in terms of demeanor, logic and intelligibility of testimony was striking.

"It's obvious he was telling the truth," said Schwartzbach.

"I didn't see any evidence of any great persuader," said Fry.

He called Bandler's testimony "very poor," and went on to point out the lack of explanation for the gun, the bullets and the lack of blood on the long-sleeved shirt.

Marino's testimony that Christensen was leaning over the table snorting cocaine when Bandler put a gun in her face and pulled the trigger, "fits like a glove."