

Trailside Murder's Supreme Court rejects appeal by 'Trailside Killer'

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WASHINGTON — The U.S. Supreme Court on Monday rejected appeals by two of California's death-row inmates, one of them convicted of seven murders and known as the Trailside Killer, and another convicted of a murder-for-hire.

David Joseph Carpenter, who got his nickname after terrorizing Northern California hikers two decades ago, was given a second death sentence for five fatal Marin County shootings in October and November 1980. He got his first death sentence for two Santa Cruz County murders in the spring of 1981.

"It's not surprising," said deputy state public defender Kent Barkhurst, who represented

Carpenter's appeal on the Marin case. "The U.S. Supreme Court grants very few petitions for review."

Barkhurst said Monday's ruling will be appealed. The state's high court upheld Carpenter's death sentence in the Santa Cruz case in 1997. That appeal has been pending in federal court for two years. Carpenter is on death row in San Quentin.

UC Davis student Ellen Hanson and her boyfriend, Steven Haertle, were hiking in Henry Cowell Redwoods State Park in March 1981 when Carpenter confronted them on a trail near the observation deck. Carpenter pulled a gun and shot both of them. Haertle survived and identified Carpenter as the couple's attacker.

Carpenter was also convicted of raping and murdering Heather Scaggs of San Jose. Scaggs worked with Carpenter at a Hayward trade school, and in May 1981, accepted a ride to Santa Cruz. Her body was later found near an infrequently used trail in Big Basin State Park.

In a 6-1 ruling last year, the state Supreme Court upheld his second death sentence, saying the prosecution's evidence was overwhelming. Dissenting Judge Stanley Mosk argued that the sentence should have been overturned because of jury misconduct, a claim considered and rejected in a 1995 ruling.

Witnesses had said the jury forewoman admitted during the trial she knew Carpenter had already been convicted and sentenced to die for the 1981 murders, a fact the judge had

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tried to keep from the jury.

Curtis Lee Ervin, an Oakland musician, was sentenced to death for the \$2,500 contract killing of another man's wife in 1986. He was accused of taking Carlene McDonald from her home, driving her to the hills above Berkeley and fatally stabbing her while a co-defendant, Arestes Robinson, held her down.

Her ex-husband, Robert McDonald, owner of an insurance agency, was convicted of hiring the pair and also was sentenced to death. Both he and Robinson, who was sentenced to life without parole, died in prison.

Sentinel staff writer Marina Malikoff contributed to this report.