

# The trial of Murl Craig

## Defendant acting as own attorney loses case, faces prison

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Murl Craig decided the only way to get a job done right was to do it himself.

So, when he was charged with robbing a store in Santa Cruz, he eschewed the services of an attorney, and represented himself.

Craig's strategy proved to

was a surprise witness — a man who briefly shared a jail holding cell with Craig and testified that Craig told him he committed the robbery.

Among Craig's problems was when he called to the stand one victim who had never before been able to identify him. After a few minutes with Craig, the woman finally recognized

trivial points, confused the issues and kept Judge William Kelsay on his toes anticipating what Craig might say or do, and trying to keep him from doing anything that could seriously interfere with a fair trial.

Craig had been represented by two different attorneys in Santa Cruz, and fired them both because he didn't agree with their strategy.

"There's so much stuff that's involved in this case," Craig said. "For an attorney to have a useful knowledge of that, they'd have to spend an inordinate amount of time.

"The rest of my life depends on this case, and I don't have the money to hire an attorney."

Representing himself meant long hours in the small law library in County Jail and a few extra privileges, such as more access to the telephone than most prisoners have. Kelsay even appointed an investigator to assist Craig with the preparation of his case.

While Kelsay said he fully supported Craig's right to defend himself, he's the first to admit the trial was at times quite trying on his patience. While such a case should take about two weeks to try with competent attorneys on both sides, Kelsay said, Craig's trial dragged on more than four weeks.

Kelsay's impatience showed often in the courtroom, and he interrupted the proceedings many a time to warn the jury not to make any inferences from his tone of voice or admonitions to Craig.

"(Craig) oftentimes has a difficulty expressing himself clearly in his questioning," Kelsay said during a break in the trial. "Since he doesn't know what's important, the jury may never focus on what he wants them to consider."

As presiding judge of the Superior Court, Kelsay could have avoided hearing the Craig trial, but said instead he was "paying my dues."

"I could have given it

'The rest of my life depends on this case, and I don't have the money to hire an attorney.'

— Murl Craig

defendant who acted as own attorney

be a grave error — yesterday he was convicted of robbery and using a gun in the commission of a felony. He faces up to 27 years in prison.

Dubbed the "Budweiser bandit" because he began each of several alleged robberies with the purchase of a six-pack of Bud, Craig was found guilty of the June 1986 robbery of a clerk at the Santa Cruz Alpha Beta store.

After the clerk at the express check-out counter rang up the beer, Craig lifted his T-shirt, displaying a handgun tucked inside his waistband, and demanded money.

To help prove Craig was the robber, Assistant District Attorney Mary-Margaret Bierbaum presented evidence of several other robberies in the San Francisco Bay area with the same *modus operandi* as the Santa Cruz robbery. The victims had identified Craig as the robber.

Even though Craig has already been acquitted of three of the robberies and awaits trial on one other, the law allows them to be introduced at trial to help identify the robber. The jury did not know the legal status of the other robbery charges.

Also aiding the prosecution

him, adding to the list of robbery victims who pointed to Craig in the courtroom and said, "You robbed me."

Craig has a long criminal record — he has served time for two armed robberies and four bank robberies. Those prior convictions push his potential sentence up to 27 years, instead of a maximum of seven years simply for the robbery and the use of a gun.

Craig, who will turn 40 next week and lived in the Martinez area until his arrest last year, listed his occupation as a truck mechanic. He had no legal background when he began planning his defense.

"I got a real fast education," Craig said in a jailhouse interview during the course of the trial. "I know I probably look like an idiot out there. I'm just trying to get the truth out."

Actually, to the casual observer, Craig might look like an attorney. Wearing the same blue suit to court each day, only the jail identification band around his right wrist gave him away.

But as he questioned witnesses or droned on for three hours giving his closing arguments, it was evident Craig was no attorney. He was not familiar with many rules of the court, belabored



Chip Scheuer

Defendant-attorney Murl Craig during trial on charge of robbing supermarket.

away," Kelsay said, "but it's hard when you're the presiding judge to give away too many of the problems."

But the judge said the ordeal hasn't been entirely unpleasant, not even his constant contact with Craig.

"Mr. Craig has a certain flair of personality, if not endearing, interesting," he said. He even surmised the jury found it entertaining at times.

At times Kelsay seemed incredulous about the things Craig came up with. Once, when the jury was out of the room, he looked, disbelieving, at Craig as Craig argued to admit a T-shirt into evidence that the district attorney said she would not use as part of her case.

Kelsay turned to his court reporter, and said, "Mark that sentence. That's another one for my scrapbook."

Kelsay said he sees about

one or two felony defendants a year who represent themselves.

"They historically don't do too well," he said. Self-representation, or "pro-per" in legal parlance, hurts the defendant, Kelsay said, because in essence he is testifying as he questions witnesses and talks to the jury, giving up his Fifth Amendment right not to testify against himself.

By the end of the trial, even before the jury returned a verdict, Craig apparently knew he had made a mistake by not having an attorney defend him.

A high school class had come into the courtroom, and after the jury left the room to begin deliberations, the judge took questions from the students.

Asked about Craig's lack of an attorney, Kelsay told the students, "It's a very serious

'I could have given it (the case) away. But it's hard when you're the presiding judge to give away too many of the problems.'

— Judge William Kelsay

charge. I think he should have gone with a lawyer."

When a student asked how Craig did as his own attorney, Kelsay deferred the question to Craig.

"I'll never do it again," Craig said.