

Defendant in '98 murder receives 25-years-to-life term

By David L. Beck
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Gabriel Banes, 23, was sentenced to 25 years to life Monday for his role in the murder of Gaylord Chilcote, while the attorney for Sean Petznick, another defendant in that case, announced plans to move for a new trial.

Petznick was convicted in July. Banes pleaded no contest at about the same time.

Banes and Petznick, 22, are among five defendants in a case

that links two grisly murders and has wound through the courts for nearly three years, since Chilcote, 58, and a young drifter were beaten, stabbed and slashed to death in November 1998.

Two of the five are in prison. Two others, including Petznick, await sentencing.

The drifter has never been identified. He is known to authorities only as John Doe, and to his

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killers as Huck. He died in a house some of the defendants were using in Boulder Creek.

Chilcote's subsequent murder in his Watsonville home is seen by prosecutors as having been a means of raising getaway money.

All the hearings at Santa Cruz County Superior Court have been attended faithfully by a dozen or more of Chilcote's family and friends. Three of them spoke Monday, remembering Chilcote fondly and wishing Banes a long and unpleasant stay in prison.

"Your days of mocking us are over," said Chilcote's longtime girlfriend, Pam Barrington.

Banes winked at some friends in the courtroom but said nothing. His attorney, Thomas Wallraff, submitted letters from Banes' mother and from former co-defendant Kimberly LaBore, who

second-degree murder in the John Doe case and will go to prison for at least 22 years after his sentencing Sept. 24.

No plea bargain

Only Petznick has gone before a jury. Unlike the others, he was not offered a plea bargain. He grew up across the street from Chilcote and planned the crime, according to prosecutor Ariadne Symons. Without Petznick, she argued, Chilcote would still be alive.

But Petznick's attorney, Tony Salatich, said something similar in his client's defense: "If LaBore and Dotson hadn't killed John Doe, Gabriel Chilcote would be alive today."

Salatich and his co-counsel, Peter Leeming, will file motions this week arguing that Petznick should have received at least the same deal as LaBore.

"If Miss LaBore can be given a plea bargain where she has a potential release date, and she's involved in the murder of two individuals, why then does Sean Petznick face life without parole?" he said Monday.

As for Petznick as the moving force in Chilcote's robbery and murder, "That's a real crock," Salatich said.

Petznick had been "shooting his mouth off" for a year and a half about the rich old guy in Watsonville who was ripe for robbing. But "the only reason it ever happened is because LaBore and Dotson killed John Doe, and they needed to get out of town."

"Next thing we hear, Sean Petznick is hiding out from these people and telling his girlfriend that he's afraid of them. Does that sound like he's a mover and a shaker?"

Salatich said there was "overwhelming evidence of coercion and duress" and that he asked Judge Kelly to instruct the jury on the issue. Kelly's failure to do so will be a "major issue" in his motion for a new trial, Salatich said.

Symons said Monday that such motions are "not unusual and not necessarily unexpected." She said she plans to reply in writing, which would delay Petznick's sentencing, now set for Monday.

Gabriel Banes' attorney, Thomas Wallraff, insisted that Banes' role in the Chilcote raid was merely to help tie up the victim.

blamed herself for getting Banes involved.

Wallraff reminded Judge Thomas Kelly that Banes had no record of violence, and insisted that his role in the Chilcote raid was merely to help tie up the victim.

"Nothing different would have happened that night if Gabriel Banes had not been there," he said.

25 years in prison

Kelly then gave Banes the sentence that had been agreed upon: a minimum of 25 years in prison.

Banes and Petznick were to have been tried jointly for Chilcote's murder, but the two cases were severed after Banes attempted suicide in jail.

Petznick faces life without parole, a prospect his attorney considers inequitable since LaBore, 30, is serving 62 years to life for her role in two murders. Petznick and Banes were charged only in the Chilcote murder.

James Dotson, 28, is serving life without parole for killing Chilcote and John Doe.

A fifth defendant, Jeremy Towner, pleaded guilty to

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