

Man in car recalls swerving just before King left pickup

KING, ERNIE, (Memocal)

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SANTA CRUZ — The driver of a car following a speeding truck down Summit Road testified Wednesday that he swerved to the left just before Ernie King jumped to his death from the back of the truck.

Albert Eslit said he veered over when King held out an empty wallet to Robert Spedding, a construction worker who was riding in the back of the truck with King and now is on trial for murder.

Eslit said his passenger, David Reveles, told him to pull over. "He said 'You never know what these guys might do,'" Eslit testified.

Eslit and Reveles worked construction with Spedding and the two men in the cab of the truck, Brett Erickson and Gregory Kern. They all were headed into Soquel for a party after work on June 24, 1988.

King was a graduate student at San Jose State and had approached the construction workers a few minutes earlier at a commuter lot at the Highway 17 summit for a ride

down the hill. King was legally blind and could not drive.

After King held out the wallet, Spedding reached over toward King and pointed a finger as King went out of the truck backward, Eslit said.

King, a 38-year-old father of two small boys, died of massive head injuries when he hit the shoulder of the road.

Assistant District Attorney Christine McGuire has charged Spedding with first-degree murder because she claims King was ordered to leap to his death during the commission of a robbery.

Defense attorney Mitchell Page contends that King just suddenly jumped from the truck, afraid of the wild manner in which the truck was being driven.

Eslit said that both he and Erickson were driving "pretty fast" and unsafely. Eslit was never charged with criminal wrongdoing in the case.

Erickson testified earlier that he was "straightening out" the curves on the windy road before King

jumped.

Erickson finished up his testimony Wednesday and, on cross examination, conceded to McGuire that Spedding later said of King's death, "The vagrant had no money" and that he had brought his death upon himself.

Reveles testified earlier in the trial, saying first that it appeared that Spedding ordered King to jump and that Spedding raised his fist in a victory gesture afterward. But on cross examination Erickson said the gesture may have been one of "oh, no" because he then put his head between his knees and covered his head with his hands.

Only Spedding and Kern have not testified at the trial. Page said after court Wednesday that he will probably rest his case today, but he would not say whether he would call either man to the stand.

Kern faces felony assault charges for allegedly having kicked and punched King at the commuter lot before King got into the back of the truck for the ride down Summit Road.