

✓ Bandler (Richard)

Bandler witness 'shot at'

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MOUNTAIN VIEW — The key witness in a Santa Cruz murder trial said he was shot at while driving here Saturday afternoon and has asked Santa Cruz County authorities for protection.

But authorities say such protection would be "extremely unusual" and that they don't have the resources to provide it.

James Marino, 54, the only eye-witness in the case against murder suspect Richard Bandler, told Mountain View police that he was driving along Edgewood Road in a car with his girlfriend, Sherry Diaz, when he was shot at.

"Suddenly the whole window exploded," Marino said Saturday night. "It looked like they aimed at my windshield and just caught the driver's side."

Mountain View police investigators could not confirm that a shot had been fired, but they did acknowledge that the car window was smashed.

Marino said he got only minor cuts on his hand and that Diaz was unhurt. He asked Mountain View police to notify the Santa Cruz County Sheriff's Department and became upset when, he said, the authorities to whom he talked told him they could do nothing until Monday.

"I've got no protection," Marino said. "I'm naked and there's nothing I can do."

"How do I know if I get in my motor home it won't blow up?" Marino asked. "I've never been in a situation like this before. It doesn't pay to be a witness."

According to Santa Cruz County Assistant District Attorney Gary Fry, the man prosecuting Bandler, witness protection is "extremely unusual" in a local homicide case.

"We just don't have the resources to do it," Fry said. "I wish we did."

"At this point we know very little (about the incident Saturday)," Fry said. "I plan to look into it as thoroughly as I can. We're not dismissing it by any means."

The Santa Cruz County Sheriff's Office said it was "aware of the situation."

Authorities said Marino was in a Live Oak townhouse Nov. 2 when Corine Ann Christensen, 31, was killed by a gunshot to the head. He is the only witness directly linking

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Bandler, the 35-year-old co-developer of a psychotherapeutic technique called Neuro Linguistic Programming, to the killing.

Investigators believe the killing revolved around drugs and possibly prostitution, not Bandler's work in psychotherapy.

Bandler was released from jail in December after his bail was reduced from \$500,000 to \$100,000 by Municipal Court Judge Richard Kessell, who said at the time that the letters of recommendation he received supporting Bandler were the most impressive he had seen in his career.

A preliminary hearing in the case is scheduled April 13.

"I want to hammer at the judicial system for not offering me any protection," said Marino, who fears that homing devices have been put on his car and motor home. "This is professional," he said. "This isn't a mediocre, run-of-the-mill situation."

He also said Santa Cruz authorities have told him they don't have the equipment needed to detect such devices.

Marino said a Sheriff's investigator told him that if he called the media, he would "look like an idiot."

"I'd rather look like a live idiot than a dead idiot," Marino said. "I'm in danger."