

<sup>CF</sup>  
<sup>BANDLER, RICHARD</sup>  
**T H E • S U N**

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# A gun, like money, can be a weapon of distance—it allows you to kill people with- out smelling the fear

on their breath. But at close range firearms can be a messy business. The same gases that discharge a bullet powerful enough to end human life can also cause bits of blood and tissue to spray the shooter, a phenomenon forensic specialists call blowback. The killer who risks being marked in this way has a special need: to be close to his victim, to be as close as possible to the act of murder.

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**The Curious  
Case of  
Richard  
Bandler**



# blowback

By Tom Maderos



# blowback

(from front page)

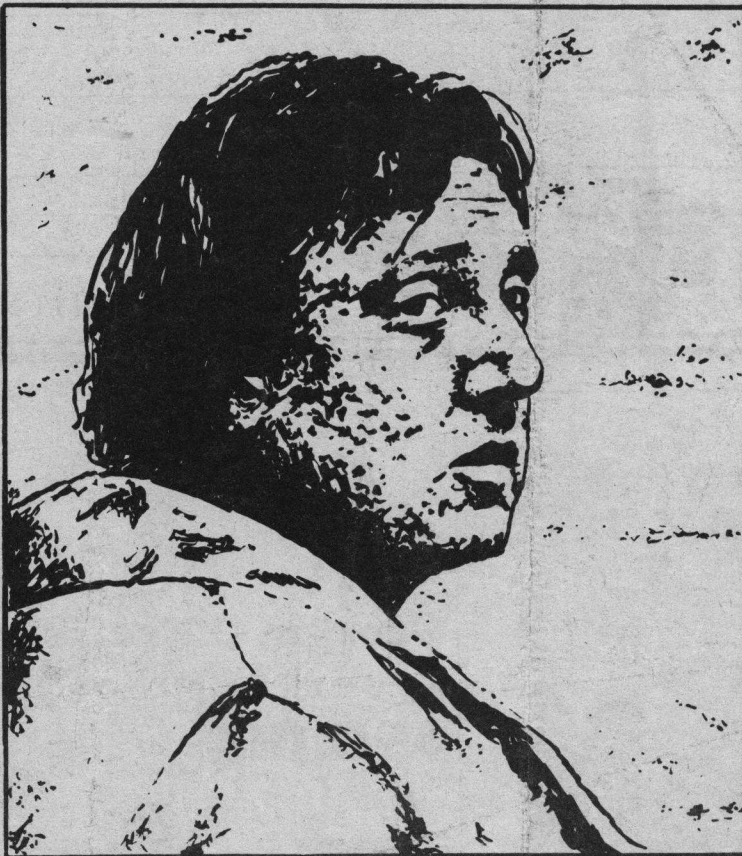
**O**n November 3, 1986, Santa Cruz County Sheriff's deputies were called to investigate a possible homicide at 2526 Charlene Lane. There they found 31-year-old Corine Christensen sprawled on her back, dead from a single gunshot wound to the face. They also encountered a somewhat incoherent witness at the scene named James Marino, accompanied by his friend and attorney J.D. Wells. Marino, identified as an ex-boyfriend of Christensen, said he was present at the shooting but fingered Richard Bandler, co-founder of the psychotherapeutic process known as Neuro-Linguistic Programming, as Christensen's murderer.

Bandler's arrest and Marino's subsequent disappearance, coupled with lurid tales of sexual revenge and cocaine retribution, have forged one of the strangest local murder cases in recent history. The police work has appeared inept at times, the counsel for the defense has accused the chief witness for the prosecution of being the real murderer, and allegations of prostitution and blackmail have been leveled against the murder victim. Even the minor players are fit material for melodrama: a cautious chiropractor, an amateur bodyguard, and a late-night card-dealer. Unfortunately, one cold fact is at the center of a case that often resembles a Raymond Chandler novel: Someone put a bullet

in Corine Christensen's brain.

Though Marino and Bandler give different versions of the event, both admit they were at the murder scene. Bandler admits the murder weapon was his gun. Marino admits dropping the gun off the Capitola Wharf (at Bandler's insistence, he says). Though they have implicated each other in a capital crime, Marino and Bandler are said to have a father-and-son relationship. Just as the principal characters tell divergent stories, so the case itself has two distinct elements: the linear sequence of the murder—whoever pulled the trigger—and the criminal justice system's attempt to reconstruct the truth.

**I**n every session so far, the courtroom drama has managed to reflect the bizarre, mundane, and ultimately tragic details of the crime. If local restaurant designer Michael Bates were asked to build a set for TV's Judge Wapner, it would probably resemble Department 3 of Santa Cruz Superior Court. The room where Judge Chris Cottle presides over *People vs. Bandler* is crammed with light-colored oak. There's even an ornamental oak relief behind the judge's bench depicting the scales of justice hanging in midair. With a youthful face and graying hair, Assistant DA Gary Fry stares at his notes in preparation for the opening arguments. The seven-man, five-woman jury, all dressed with typical Santa Cruz informality, appear a little ill at



ease in their new role. To Fry's left, three men sit at the table for the defense.

At the center of the group is the acne-scarred defendant, Richard Bandler, looking more like a dumpy night watchman than a brilliant therapeutic theoretician. To his left sits the defense attorney's young assis-

stant, whose job, among other things, is to cart in the boxloads of files and paraphernalia that may keep Bandler out of a small cell on Death Row. But the most important man at the table seems to be the short, bearded man on Bandler's right: M. Gerald Schwartzbach, counsel for the defense.

Schwartzbach's bowtie, tailored

suit, and raccoon-ring socks are the sign of an out-of-town hotshot, and his record as a trial lawyer is even more impressive than his *GQ* flair. Twice he has successfully argued cases before the state Supreme Court that resulted in substantial alteration of law, winning the right for a preliminary hearing in all felony cases and the right for two defense lawyers to be present in any capital case. In 1977, he won acquittal for a client charged in the shooting death of her husband, becoming the first attorney to use battered-wife syndrome as a defense.

But Schwartzbach's biggest media attention came in 1986, in the case of Stephen Bingham. Leftist lawyer Bingham was accused of smuggling a gun to imprisoned Black Panther notable George Jackson; Bingham lived as a fugitive from justice for more than a decade. When he finally turned himself in, he hit the headlines again. Despite negative publicity concerning Bingham's years in hiding, Schwartzbach won an acquittal for his client in the controversial case.

During the first day's session of *People vs. Bandler*, Schwartzbach is eyed by more than just the press. Aside from a number of random on-lookers, there is one tightly-knit group that seems to be giving a great deal of attention to the defendant and his legal troops. It is the family of Corine Christensen. They have already filed a wrongful death suit against Bandler in civil court, but they do their best to sit quietly through

MOTT JORDAN



all the testimony, including the allegations about Corine's involvement with drugs and prostitution. It is only later, when grisly police videotapes of the murder scene are being played, that family members are conspicuously absent from the courtroom.

**B**ut when Gary Fry delivers his opening remarks, Corine's family is seated squarely behind him. Fry, who gave up his job as district attorney of Plumas County to become Superior Court supervisor here, is certainly experiencing his own trial by fire. *People vs. Bandler* is Fry's first Santa Cruz murder case, and it has been complicated by some questionable police work, a disappearing witness, and possible motives that point toward James Marino as much as Richard Bandler.

While Bandler was given blood and gunpowder tests at the time of his arrest, the police seem to have administered no such tests to Marino, an admitted drug dealer and convicted felon. Following the rambling,

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sometimes inconsistent account of the murder Marino gave at the preliminary hearing in April, he disappeared when local officials refused to provide him around-the-clock protection after an alleged attempt on his life. Police were unable to determine whether or not a shot had actually been fired at Marino's car, calling the request for protection highly unusual. Marino repeated his claim that a professional hit man was out to get him and took the opportunity to drop out of sight.

With Marino gone, and with some people speculating that Bandler has made him permanently "disappear," Fry's case for the prosecution has fallen back on forensic evidence. Some of it, like the blowback found on Bandler's confiscated clothes, has been disputed by the defense, although fingerprints clearly place Bandler at the scene. But since both Marino and Bandler admit being at Corine Christensen's home at the time of her death, Fry's real problem is to link up the physical evidence with Marino's disjointed testimony. Marino maintains that Bandler killed Christensen because of a lesbian affair she was allegedly having with one of Bandler's girlfriends. The defense's version of the story seems to be that Marino, who certainly showed a tendency toward paranoia during the preliminary hearing, thought

Christensen was planning to have him murdered and decided to get her first.

Marino's criminal record, his erratic statements in court and his disappearing act are perfect material for Schwartzbach. If he can manage to stir up the already murky aspects of the case he may be able to generate enough reasonable doubt to set Bandler free. But counsel for the defense has had to spar with a number of prosecution witnesses, the last of whom displayed a great deal more reasonable certainty than the elusive Marino.

Schwartzbach did well at first, challenging Santa Cruz County Sheriff's officer Craig Little, a Johnny Carson look-alike in an elbow-patched sports

jacket. Little, who had filmed the videotape of Corine's blood-spattered corpse, claimed that attending a 60-hour course covering a variety of crime-scene phenomena qualified him as an authority on the tricky subject of blowback. Just how bits of Corine Christensen's draining life got onto Richard Bandler's shirt remains a central question in the case. After some grilling from Schwartzbach, Little answered a few questions from Judge Cottle, who instructed the jury to disregard the officer's opinion on bloodstains.

The defense had rougher sledding with Dr. Richard Mason, the county's tough-minded forensic pathologist. Mason gave everyone present a gnarly

miniature lecture on ballistics and the physics of high-velocity blood. It was Mason's contention that what he termed "bowling-pin shaped" bloodspots and bits of tissue on Bandler's clothes were clearly a result of the blowback phenomenon. Schwartzbach struggled unsuccessfully to get Mason to say the blood and tissue might have reached Bandler if he sat across the table from the victim at the time of her death. But all that Schwartzbach could get out of Mason was the possibility that someone right next to Christensen might have been stained by the effects of the shot. The gun that killed Christensen, Mason testified, was fired at extremely close range, perhaps a half inch

away from her face. And there were no bloodstained clothes found to implicate Marino.

At the end of last Thursday's session, Judge Cottle granted a continuance to the prosecution so Fry can have another chance to locate his wayward witness. But the question remains whether the appearance of James Marino, the invisible man, will help or hinder the people's case against Richard Bandler. ●

*This article is the first of a continuing series on the Bandler case by Sun associate editor Tom Maderos. Copyright © 1987 by Tom Maderos. Next week: Richard Bandler and NLP—the background.*