

Sex offender admits to killing teens
Chelsea King and Amber Dubois

Deal with prosecutors spares him
death penalty, resolves both cases

GARDNER PLEADS GUILTY

2. I have not been induced to enter this plea by any promise or representation of any kind, except: (State any agreement with the District Attorney.)

Parties stipulate to maximum punishment Allowed by law other than death

By **Dana Littlefield**
and **Matthew T. Hall**
STAFF WRITERS

John Albert Gardner III's surprise admission Friday that he took the lives of North County teenagers Chelsea King and Amber Dubois saved his own.

Gardner avoided the death penalty but agreed to spend the rest of his life in prison in striking a deal with prosecutors that allowed them to link him to Amber's death for the first time.

Gardner told prosecutors that he would take them to Amber's remains if they didn't use it against him. They found her remains north of Pala on March 6 but lacked DNA and other evidence to charge him with her death.

He still could have faced the death penalty for Chelsea's murder, but prosecutors and the girls' families agreed to the plea deal to bring closure to Amber's case.

"To end the anguish of the unknown for the Dubois family and to bring Amber home, we agreed we would not use this information against Gardner in court,"

District Attorney Bonnie Dumanis said Friday after the hearing in San Diego Superior Court.

Dumanis said authorities worked day and night to find another way to tie Gardner to Amber's death Feb. 13, 2009, but could not.

"By accepting this guilty plea, we are obtaining a conviction for the murder of Amber that we otherwise would not have been able to obtain," Dumanis said. "Accepting this plea has been an extremely difficult decision. We have the evidence to pursue a murder charge against the defendant for Chelsea's murder, but not for Amber's murder."

Chelsea's father, Brent King, said, "We couldn't imagine the confession to Amber's murder never seeing the light of day, leaving the eternal question mark."

Kings gave consent to plea agreement

By **Matthew T. Hall**
and **Janet Lavelle**
STAFF WRITERS

To let the community heal. To save their son the trauma of a long trial. To help another family whose daughter was killed escape the "unthinkable hell" of not knowing who did it.

These are a few reasons Chelsea King's parents came to support life without parole for their daughter's murderer instead of pushing for the death penalty — the couple's "unequivocal first choice."

It wasn't something they did easily, accepting a plea deal so that prosecutors could pin two murders on John Albert Gardner III, not just one.

"The decision whether to give our blessing to the district attorney's proposal was torturous," Brent King said Friday.

District Attorney Bonnie Dumanis said that Gardner, 31, will die in prison for raping and killing Chelsea, 17, of Poway and Amber Dubois, 14, of Escondido.

Authorities had a case in Chelsea's death, but said they didn't in Amber's, in part because they had promised Gardner some immunity in exchange for leading them to Amber's remains.

Short of the plea, Gardner might never have been identified as Amber's killer. So the deal allowed some closure for both families.

An hour after Gardner's chilling courtroom admission to the crimes Friday, the fathers of the two girls talked about justice and pain.

SEE **Families, A10**



John Albert Gardner III, with public defender Michael Popkins, appears in San Diego Superior Court on Friday to enter his guilty pleas.
Earnie Grafton / Union-Tribune

Amber's father, Moe Dubois, spoke at a news conference after Friday's hearing. Behind him are Chelsea's parents, Brent and Kelly King (center), District Attorney Bonnie Dumanis, Sheriff Bill Gore and Amber's mother, Carrie McGonigle.
John R. McCutchen / Union-Tribune

Online: For a compilation of Gardner case documents, go to uniontrib.com/gardner

SEE **Gardner, A11**

GARDNER

CONTINUED FROM A1

'This defendant will die in prison,' Dumanis says

Gardner, 31, of Lake Elsinore, admitted in court that he killed Chelsea, a 17-year-old high school senior from Poway, and Amber, 14, who vanished as she walked to school at Escondido High.

Chelsea was raped and strangled by Gardner on Feb. 25 within an hour of their initial encounter while she was jogging at Rancho Bernardo Community Park, the judge said. Her body was found five days later in a shallow grave near Lake Hodges.

Gardner also pleaded guilty to assault with intent to commit rape in connection with a Dec. 27 attack on a jogger, Candice Moncayo, near Lake Hodges.

Superior Court Judge David Daniels accepted the pleas in a courtroom packed with onlookers, including the victims' parents, volunteers who had helped search for the missing teens, attorneys and law enforcement officials.

Gardner will be sentenced June 1 to two life terms without the possibility of parole and an additional 33 years to life. He has a previous felony conviction from May 2000, stemming from an attack on a 13-year-old girl who lived near his mother's Rancho Bernardo home.

"We couldn't imagine the confession to Amber's murder never seeing the light of day, leaving the eternal question mark."

BRENT KING,
Chelsea's father

Gardner said little in court yesterday, except to utter a few words when questioned by the judge. At times, Gardner bowed his head slightly.

Their faces somber, Brent and Kelly King looked directly at Gardner throughout most of the hearing. Brent King rested a hand on his wife's knee.

Amber's parents, Moe Dubois and Carrie McGonigle, were seated in the same row. Dubois leaned forward with his head lowered and turned away when he heard the judge say that the teen had been raped, stabbed and buried Feb. 13, 2009.

Deputy District Attorney Kristen Spieler said in court that Dumanis had spoken with the families before Friday's hearing and discussed with them the reasons for accepting the plea deal.

Later, Dumanis described California's death penalty as "a hollow promise" that, if imposed, would cause the King family to endure a trial, years of appeals and "the pain of reliving the murder over and over again."

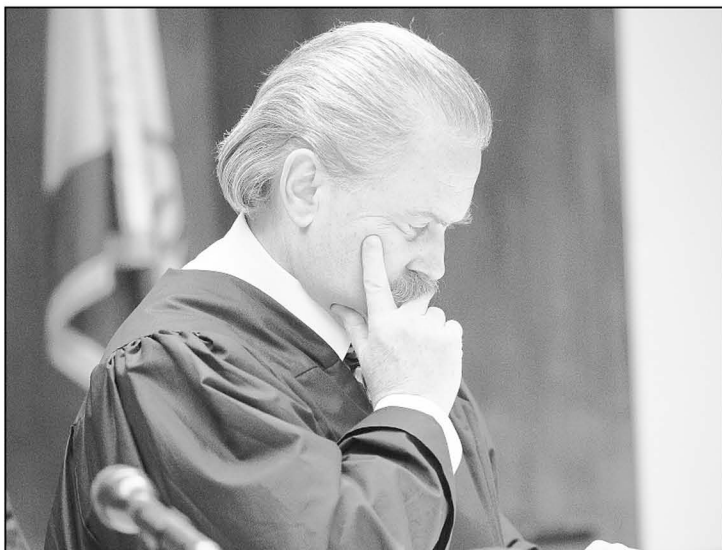
Dumanis said the Kings realized that also would leave Amber's case without legal closure.

"As a result of the plea, we will not be seeking the death penalty," she said. "But we do know that a sentence of life without parole means this defendant will die in prison."

Dumanis thanked the investigators, including the Sheriff's Department, the FBI and the search-and-rescue teams that worked to resolve the case. In particular, she noted Sheriff Bill



FBI investigators last month searched the remote area in Pala where Amber Dubois' skeletal remains were found. K.C. Alfred / Union-Tribune



Superior Court Judge David Daniels reads over the guilty pleas by John Albert Gardner III in the cases of Amber Dubois and Chelsea King. Earnie Grafton / Union-Tribune

Gore and Escondido Police Chief Jim Maher, both of whom attended the hearing.

She also thanked the thousands of volunteers from the community who helped search for the missing girls.

Two men, wearing T-shirts promoting Chelsea's Light Foundation, said they participated in the five-day search for Chelsea after she went for a jog and never came home. They said any deal that spared Gardner's life was unacceptable.

"I personally feel that he needs to go through the same pain that Chelsea and Amber went through," said Chad Goodman, an East County resident who works for the city of San Diego.

Gardner's lawyers, Michael Popkins and Mel Epley of the Public Defender's Office, declined to comment outside the courtroom.

Defense attorney Michael L. Crowley, who is not connected to the case, said in a telephone interview that the plea agreement was a coup for Gardner's lawyers.

"From the defense perspective, anytime we save a life, that's a victory," Crowley said, adding that Gardner's lawyers had

boldly handled the high-profile, emotionally charged case.

Crowley, a past president of the San Diego Criminal Defense Bar Association, commended Dumanis for her practice of involving the defense in discussions about capital cases before deciding whether to pursue the death penalty.

"I have not agreed in many instances with Ms. Dumanis' decisions in death-penalty cases, but she does have a process that I respect," he said.

Dumanis is seeking her third term as district attorney in June. She is running unopposed.

With the support of the King family, state Assemblyman Nathan Fletcher, R-San Diego, is pushing a proposal for "Chel-

sea's Law," which could increase potential penalties for convicted sex offenders. It would require lifetime parole with GPS monitoring for violent sex offenses against children, and parolees would be barred from entering parks without prior permission from authorities.

The Kings, who have a 13-year-old son, Tyler, have dedicated themselves to seeing the law enacted.

"Now, unencumbered from a protracted trial, we can fully devote ourselves to raising our son and bringing about changes that protect our children," Brent King said.

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FACTUAL BASIS FOR THE PLEA

As to Count One, I admit that on February 25, 2010, I attacked Chelsea King while she was running. I dragged her to a remote area where I raped and strangled her. I then buried her in a shallow grave. I admit that this killing was done with premeditation and deliberation. I further admit that this murder occurred during the course of a rape, within the meaning of Penal Code Section 109.2(a)(17). This murder took place within an hour of my initial contact with Chelsea King.

As to Count Two, I admit that on December 27, 2009, I attacked Candice Moncayo while she was running and unlawfully assaulted her with the intent to rape her.

As to Count Three, I admit that on February 13, 2009, I took Amber Dubois to a remote area of Pala where I raped and stabbed her. I then buried her in a shallow grave. I admit that this killing was done with premeditation and deliberation. I further admit that this murder occurred during the course of a rape, within the meaning of Penal Code section 109.2(a)(17). This murder took place within an hour and a half of my initial contact with Amber Dubois.

(signed) John Gardner