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THE GARDNER CASE

Attorneys acquainted with high-profile cases

By **Dana Littlefield**
STAFF WRITER

The murder case being built against John Albert Gardner III is cloaked in secrecy.

The lawyers are under a gag order, and law enforcement officials are saying little publicly. Even so, both will continue to gather evidence in the months leading up to an Aug. 4 San Diego Superior Court hearing, when a judge is expected to decide whether Gardner will stand trial.

A trio of experienced trial lawyers has been tapped to handle the case, which grabbed the public's attention immediately after Chelsea King, 17, of Poway went missing on Feb. 25. Gardner, a convicted sex offender, was arrested three days later on suspicion of murder. Chelsea's body was found March 2.

Gardner, 30, has pleaded not guilty to rape and murder charg-

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es in what could become a death-penalty case. He is also a focus of the investigation into the death of 14-year-old Amber Dubois of Escondido, whose remains were found March 6.

Defense lawyers Michael Popkins and Mel Epley, both of the county Public Defender's Office, requested the order that bars all parties in the case from commenting publicly about Gardner. They told a judge the gag order was necessary to protect their client's right to a fair trial.

Deputy District Attorney Kristen Spieler, the prosecutor, did not object.

"Although I've handled cases with media exposure, as a trial at-

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Defense team called 'good combination'

torney I would prefer, of course, there be no media," Spieler told reporters before the gag order was signed. "Having said that, I do understand the public's right to have access to what's going on in the courts."

Like the defense lawyers, Spieler, 44, has handled cases that made headlines.

Most recently, she prosecuted Richard Saldivar, 40, who was arrested in the October stabbing death of his 28-year-old neighbor, Jennifer Lee Jones, in Rancho Bernardo. Saldivar pleaded guilty to first-degree murder and is scheduled to be sentenced next month.

Spieler took the case against Gerald Nash to trial in 2008. Nash was accused of killing and dismembering a homeless man he had befriended, then scattering the victim's body parts around San Diego County. He was sentenced to 50 years to life.

Among the more controversial cases she has handled were those involving Matthew Hedge and Douglas Badger, the first sexually violent predators cleared to live in San Diego County after completing years of treatment at a state hospital. South Bay residents protested their release after state officials proposed placing them in Otay Mesa.

Although the District Attorney's Office opposed their release, a judge determined they had satisfied the program's requirements and could live safely in the community under close supervision. Both men were eventually returned to the hospital, though neither committed new crimes.

Spieler worked as a deputy city attorney in San Diego before then-District Attorney Paul Pf-

ingst hired her in 1998. She was named prosecutor of the year in 2008 by the Deputy District Attorneys Association of San Diego County.

"She is obviously very bright, very articulate," Pfingst said, adding that Spieler has a "guileless" quality that makes people trust her. "You can't go wrong assigning Kristen Spieler to any case."

Members of the legal community had similar praise for Gardner's defense team, which will no doubt face public backlash for defending a person accused of horrific crimes.

"It's as stressful as anyone can ever imagine," said Michael L. Crowley, past president of the San Diego Criminal Defense Bar Association. "You have everyone second-guessing you."

Popkins, 59, is Gardner's lead attorney. He has more than 30 years' experience and has been an adjunct faculty member at California Western School of Law.

Defense lawyer Kerry Steigerwalt, who is not involved in the Gardner case, worked in the San Diego County Public Defender's Office from 1986 to 1990. Popkins was his supervisor.

"He was very cautious in exercising judgment," Steigerwalt said. "He will take as many factors as he can into consideration."

In 1992, Popkins defended Hai Van Nguyen, an Orange County man accused of killing an El Cajon liquor store owner. Nguyen, then 19, avoided the death penalty by pleading guilty to felony charges days after another man, Robert Alton Harris, became the first inmate in 25 years to be executed after California reinstated the death penalty.

Popkins said at the time that Harris' execution was a consideration in Nguyen's plea agreement, but not the deciding factor.

Six years later, Popkins represented Veronica Gonzales of Chula Vista, who — along with her husband, Ivan — was convicted of torturing and murdering her 4-year-old niece in 1995. Authorities said the couple burned the

PROFILES

KRISTEN SPIELER

Position: Deputy district attorney

Age: 44

Education: Bachelor's degree, University of California San Diego; law degree, California Western School of Law

Passed the bar: 1994

Home: Point Loma

MICHAEL POPKINS

Position: Deputy public defender

Age: 59

Education: Bachelor's degree, Villanova University; law degree, University of San Diego School of Law

Passed the bar: 1976

Home: Tierrasanta

MEL EPLEY

Position: Deputy public defender

Age: 45

Education: Bachelor's degree, San Diego State University; law degree, University of San Diego School of Law

Passed the bar: 1989

Home: Chula Vista



John Gibbins / U-T photos

child with scalding water and waited hours before seeking assistance.

They became the first couple in California history to be sent to death row together.

In 2008, Popkins defended Kajamar "Kai" Carpenter, a mentally ill man accused of fatally stabbing his mother the previous year. Popkins successfully argued that his client, who pleaded guilty to second-degree murder, belonged not in prison but in a state hospital, probably for life.

A Chula Vista judge found Carpenter was legally insane when he attacked his mother, Diane Carpenter, 54, an assistant principal at Eastlake High School.

Epley has more than 20 years of experience defending people accused of offenses ranging from theft to murder.

Most recently, Epley, 45, han-

dled the case of Dragon Jones, whom authorities dubbed "The Backroom Bandit." Jones was accused of robbing 20 small businesses in a month last year. At each location, Jones ordered a female employee into a backroom and warned her not to call police. He was sentenced to 14 years in prison.

Steigerwalt said Epley is a skilled researcher and legal writer, which — coupled with Popkins' experience in high-profile cases — makes them well-suited to handle the Gardner case.

"It's a good combination," Steigerwalt said. "Between those two lawyers, everything that needs to be covered will be."

Staff librarian **Anne Magill** contributed to this report.
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