

Bundy plea: Let jury hear hypnosis session

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ORLANDO, Fla. — Theodore Bundy and one of his attorneys today waged passionate legal argument to permit them to play a tape recording of a hypnosis session involving the key witness in the murder case against Bundy.

Vic Africano, defense lawyer, pleaded to the trial judge that it is necessary for the jury to hear how C.L. Anderson was hypnotized "for us to have any opportunity to attack the credibility of Mr. Anderson" as an eyewitness. The jury, said Africano, should hear "what was done to him to give him the memory he now has."

Joining in the lawyers' tense argument, Bundy told Judge Wallace Jopling that, if he denied admission of the tape recording, he

would be "crippling this case." Anderson has been called the prosecution's "star witness." He testified that in early February, 1978, he saw a man who looked like Bundy take a girl resembling Kimberly Leach into a white van from the Lake City, Fla., Junior High School.

Bundy is accused of kidnaping and murdering the 12-year-old that day.

Anderson underwent hypnosis in late July, 1978, to enhance his memory.

Africano argued at length, trying to convince Judge Jopling that "in the sense of fairness" the jury should hear that hypnosis session, to be able to decide whether or not Anderson's recollections were "materially affected," adding: "This jury should be able to hear what was done to Mr.

Anderson."

Judge Jopling seemed to agree with the objection of State Attorney Jerry Blair, who argued that two previous Florida decisions held that recordings of hypnosis sessions were not admissible. The judge withheld his ruling, pending the testimony of defense hypnosis experts.

Bundy argued articulately in a personal plea, reminding Judge Jopling that a recording of a hypnosis session was played to the jury in his Miami trial for the Chi Omega murders.

"You know very well," Bundy told the judge, "that this case, for the state, may well pivot on the credibility of C.L. Anderson. I don't think that this court can fail to exercise its notions of fairness and its attempt to be cautious in allowing the defense to exercise

reasonable attack on the state's key, sole and only eyewitness in this case."

The state attorney noted the state did not object to the tape recording in Miami, so no legal issue was drawn.

Blair suggested that Bundy's recollection of what happened in the Miami trial should be ignored. "Mr. Bundy is not under oath and I suggest he would not be a very credible witness if he were," Blair said.

With the jury out of the courtroom, the tape recordings of Anderson during the hypnotic sessions were played for the judge, lawyers and courtroom spectators. This afternoon, Judge Jopling again said he was going to withhold a ruling on whether or not the jury could hear the recordings.