

Summers to face Oregon. . .

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charges false."

Emerson, a court-appointed attorney, told Circuit Court Judge Thomas Mosgrove Monday that if Summers is tried in Oregon first, "there's an unnecessary risk that the jurors will hear of the charges in California."

But Mosgrove said, "I don't agree . . . that he wouldn't get a fair trial. I don't think the rather minor amount of newspaper publicity in the Bulletin (newspaper) would hurt his ability to get a fair trial (here)."

"We've got him and we're going to keep him," said Mike Dugan, Deschutes County Chief Deputy District Attorney.

And San Bernardino authorities aren't really in any hurry for Summers to come here, as long as he gets here eventually.

"We'll take him whenever we can get him," Police Chief B. Warren Cocke said Monday. "We have no control over what Oregon does."

Added San Bernardino County Chief Deputy District Attorney Joseph Cauty: "I don't understand the logic of Summers' argument. What we're doing here would have nothing to do with Oregon. In California, normally you can't mention if a defendant is wanted on other untried charges. The mere fact that he is charged with other crimes is not admissible per se."

Cauty hadn't received a copy of the letter, but a reporter read him the contents over the telephone.

Also in the letter, Summers expressed fear of the two police de-

tectives who have been handling the case and requested that when he is brought to California, that someone other than those two pick him up.

Cocke said he didn't believe Summers "has any basis to feel he'd be harmed," and that generally the detectives who handle an investigation are the ones who pick up people being extradited.

Summers faces three trials in Bend in connection with the attempted murder, assault and kidnapping of his current wife, Connie, and the assault and kidnapping of his mother Loucyle Herman last fall. The first trial is scheduled to begin next Monday.

Connie Summers, who married Summers in Nevada last June, was granted a divorce Dec. 31 from her husband and has assumed her maiden name of Kohler. Summers didn't contest the divorce.

Oregon court records show that Kohler filed for divorce Nov. 14 calling it an "emergency situation" which developed "as a result of an assault, with premeditation, carried out to take my life."

Because of the petition's emergency status, the judge waived the usual 90-day waiting period required before signing a divorce decree.

In addition, John Copenhaver, the circuit court judge who signed the divorce papers, issued a restraining order forbidding Summers to try to see Kohler.

During one attack — allegedly by her husband — Kohler suffered a severely broken arm. She has postponed needed surgery, which will include obtaining a bone graft

from her hip, until after Summers' trials.

Meanwhile, Summers' family has retained Placerville, Calif. attorney David Weiner to defend him in the Wise murder and kidnapping.

In a telephone interview Monday, Weiner agreed that it was unusual for him to handle a case 500 miles away, but he decided to take it because "it sounds interesting." He said he had never met any members of Summers' family before he was contacted by them.

He said he hadn't yet talked to Summers because he is waiting to see copies of the police reports of the March 30, 1977 murder.

Summers was originally considered a prime suspect in the case, but was cleared a few days afterward when he was located in Utah. Witnesses interviewed placed him there on March 29 and 30.

Despite an intensive investigation, leads in the case had just about fizzled. But a three-month renewed investigation begun last fall led San Bernardino police again to Summers, who was formally charged last month, and to the possibility that the missing children may still be alive.

Summers' sister, Karen Carino of Springfield, Va. was arrested at her home in November on charges of accessory to murder and kidnapping. Police believe that a few months after the children were abducted, they visited Carino's home in Pleasanton, Calif., where she then lived.

Carino posted bond soon after her arrest and her extradition to California is pending.