

Murderer Gets Death Verdict in Santa Ana Case

By Jerry Hicks

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A death verdict was returned Thursday against a 28-year-old transient in the 1984 killing of a woman with cerebral palsy during a robbery at her home.

The jurors, who ordinarily would have been dismissed after the verdict, found their work wasn't over. Orange County Superior Court Judge Mason Fenton interviewed them individually in his chambers about an evidentiary error in the trial, when jurors were mistakenly given access to a transcript they should not have been allowed to see.

Fenton ordered the defendant, Kenneth Clair, to return Sept. 18 for sentencing and said he would at that time consider a motion for a mistrial. Clair was convicted a week ago of first-degree murder in the Nov. 15, 1984, strangulation of 25-year-old Linda Faye Rodgers. Rodgers, who was partially paralyzed, lived with a couple and cared for their four children and her own child. She was found bound, gagged and partly nude. She had been stabbed twice and strangled.

The district attorney's office alleged special circumstances in an attempt to obtain a death sentence for Clair. The jurors rejected an allegation of attempted rape but did find the murder occurred during a robbery, so they had to decide between death and a life sentence without parole for Clair.

Before the jurors could hear the penalty phase of the case this week, however, court officials discovered that jurors had mistakenly been given an unedited transcript which mentioned the defendant's criminal record.

Clair's attorney, Julian W. Bailey, asked for a mistrial, and Fenton decided to consider it after the penalty phase.

During the penalty phase, Deputy Dist. Atty. Michael A. Jacobs presented evidence of Clair's robbery conviction 11 years ago. He served five years in a Louisiana prison. Jacobs also introduced evidence that Clair had participated in a burglary after his release from prison. Those charges were later dismissed. Bailey depicted Clair as a young man raised alone by his mother in New Orleans, who had never known his father. After his release from prison he learned that his father was living in Northern California and that his paternal grandmother, whom he had never known, wanted to see him. Bailey migrated to Southern California, where police say he was a transient.

Clair had been arrested on suspicion of breaking into the home where Rodgers lived eight days before the murder. Police said he returned there and killed the woman the day he was released from Orange County Jail.