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Even more delays in 1980 Davis murder case - Families of Davis sweethearts wait patiently for justice

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SACRAMENTO — If Richard J. **Hirschfield** is purposefully delaying his murder trial for the 1980 killings of two 18-year-old Davis sweethearts, he and his defense are doing a masterful job.

Hirschfield , linked by DNA to the brutal Dec. 20, 1980, murder of John Riggins and the rape-murder of Riggins' girlfriend, Sabrina Gonsalves, was arrested in 2004 after being identified via a 2002 DNA match to a semen-stained blanket found in Riggins' van.

Few expected a speedy resolution to a local murder case that has been prosecuted twice, with separate suspects, by two counties. But what has — or has not — transpired since **Hirschfield** 's arrest more than four years ago amounts to a dizzying array of motion commotion.

The court motions have ranged from the suspect's medical care to his inability to get along with cellmates to information on a quartet of suspects Yolo County futilely pursued in the 1980s and early 1990s.

On Wednesday, the case was dealt another setback when Judge Trena H. Burger-Plavan, who presided over **Hirschfield** 's preliminary hearing to the satisfaction of both sides, officially opted out of being appointed trial judge, with no reason given.

"The case is certainly not a 'Law & Order' script where they have an hour to bring justice," Kate Riggins, John's mother, said from her home on the Central California coast. "I was very naive about the court system — and to this day I still shake my head in disbelief. At least Richard **Hirschfield** is in the Sacramento jail."

The case has crawled forward despite its unwieldy, almost tragicomic history:

* There have been more than 80 court hearings/continuances since **Hirschfield**'s arrest. The most fruitful of these has been a preliminary hearing in early 2007, when **Hirschfield**, now 59, was held to answer for the murders.

* **Hirschfield**, a wily convict known for jailhouse lawyering, is trying to file lawsuits over his medical care, and his perceived threat of contracting the HIV virus from a cellmate who he contends has AIDS, and who he claims was purposely matched with **Hirschfield** for vindictive reasons by Sacramento jail personnel.

* The expenses for the case are astronomical, though the Sacramento DA's office, currently short-staffed because of budget cuts, assured the families in 2004 that the case would be prosecuted.

Pursuing death

Hirschfield, who has appeared haggard at most hearings, and looks closer to 70 than 60, has had two jailhouse scuffles since his arrest, the latter resulting in a broken hip that required expensive surgery that delayed his preliminary hearing by months.

He is charged with the death penalty, and automatically gets two attorneys. One of them, now-retired Public Defender Linda Parisi, is a savvy legal strategist who has agreed to stay on for the case as part of her private practice. The defense was recently granted a request for an additional \$462,500 in public funds, court records show.

Both victims' families favor the death penalty, even if it prolongs the case and they are not around if and when it is carried out. The "if" is a huge factor, considering **Hirschfield**'s health, age and the automatic appeal that follows death penalty convictions in California.

"I have no problem with the death penalty," Kate Riggins says. "I understand that asking for a death penalty prolongs a case. And if so, I will accept that cause for the length it will take to see this thing to the end."

George Gonsalves, Sabrina's father, agrees.

"We hope to be alive when the trial starts," he said from his home in Hawaii. He added that he and his wife Kim hope to be "able to walk or be carried to the opening of the trial and sentencing; I want to plead for the death penalty to the judge and jury."

The lone Sacramento County prosecutor assigned to the case said in court documents there likely will be more than 50 motions filed when there is a trial.

(More than 25 motions slowed the preliminary hearing; many were concerned with the legality of a **Hirschfield** jail cell search when he was at a medium-security facility in Washington state at the time of his DNA match. The search yielded a Northern California map and the name "Sabrina" on it. There was also a lot of wrangling about admissibility of a suicide note implicating **Hirschfield**'s younger brother Joe in the murders.)

2009 timeline

The DA expects oral arguments addressing the blizzard of motions in the case will be heard in the spring, with jury selection over the summer.

"There will be hundreds of witnesses and items of evidence and the trial will last nine to 12 months," the prosecutor's office noted. "And if there is a penalty phase, even longer."

If that is not enough, there is a motion before the court requesting a change of venue because of news coverage of the case. The coverage has been considerable at times, but has been almost nonexistent of late as the trial continues to be postponed. Family friends of the victims continue to loyally attend court hearings.

"On Aug. 27, 2002, a DNA match from the semen stain on the blanket was made to Richard **Hirschfield**, who has since been the focus of the vindictive community with this case," the defense motion notes. "A court has already concluded that the venue for the trial of the 'Sweetheart Murders' is appropriately moved to Sonoma County for all purposes. The same factors that were used to decide it was an appropriate change of venue in 1992 still exist today."

That 1992 venue change was for a quartet of suspects known as the Hunt group. Yolo County's case against the defendants fell apart when their DNA didn't match a sample from the crime scene.

While **Hirschfield**'s defense contends that the prosecution has dragged its feet providing discovery — including transcription of some 200 audio tapes from the Hunt group prosecution — some believe he is content with the many delays.

"There is a saying," said a longtime defense attorney familiar with the case, "a continuance is as good an acquittal — it just does not last as long."

Sad irony

Meanwhile, the families of the victims continue with their lives. Saturday marks

the 28th anniversary of murders that shocked Davis, senseless slayings on a foggy winter solstice night that continue to haunt friends and family of the victims. Saturday is also the Rigginses' 50th wedding anniversary, a sad irony in a case with no shortage of them.

"A day does not go by — and frequently it is the middle of the night — that I don't replay in my mind what may have happened, for we do not know what really happened to (John and Sabrina) up to the time they were murdered by having their throats slashed," Kate Riggins says.

"The emotions we had upon the discovery of John and Sabrina missing are as real to me today as the emotions were 28 years ago."

Kate Riggins, 74, says she and her husband, retired orthopedic surgeon Richard Riggins, can nevertheless still "smile and laugh" at family experiences they had with John.

"As Sabrina and John were murdered on the date of our wedding anniversary, our hearts are very heavy and sad on what should be a joyous day," she explains. "December 20th is the day of our 50th anniversary. And we will have a toast. But it will be to what Sabrina and John's lives brought to their families."

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