

# Ahwatukee double murder trial testimony paints bloody picture

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Neighbors yelled, chased and tried to stop Matthew Cunningham while he allegedly stabbed and killed two people in an Ahwatukee apartment complex in 2004, a witness recounted during Thursday's murder trial in downtown Phoenix.

The trial for Cunningham, 29, charged with double murder, began this week and is expected to continue through January at the Maricopa County Superior Court.

Thursday, a Maricopa County medical examiner, a Phoenix police officer and a Phoenix police detective, as well as a witness answered questions painting a picture of the chaos the day of the murders at the Andante Apartments in October 2004.

Throughout the testimony, family members of the two victims - Cunningham's roommate Robert Barker and neighbor Katharine Spain dabbed away tears as they listened in the audience.

"The defense doesn't doubt that he did it, they are pleading insanity," said Bill Albu, Spain's father, who came from the Chicago area with his wife Pat for the trial. "We want to show the jury that we are here to support our daughter, try to establish a face."

Neither prosecuting attorneys Mark Barry and Kristin Larish nor defense attorney Joel Brown would comment on how they thought the trial was going.

Brown did say the defense still maintains that Cunningham is insane.

The trial was delayed in 2005 due to Cunningham's mental condition. Results of independent evaluations concluded that Cunningham could not stand trial in his mental state at that time.

On the day of the murder in 2004, according to Phoenix police, Cunningham got into an argument with Barker, 38, who was also his co-worker, before stabbing him to death. Spain, 28, heard the commotion and went outside her apartment to check into it. Cunningham stabbed her in her doorway, according to police. Her father said she had not known Cunningham.

Just after that, Cunningham allegedly broke into another apartment and stabbed Gerardo Barrientos, who tried to fight him off with a baseball bat until he became too weak and his wife took the bat and fought Cunningham until he fled. Barrientos survived.

"To me everything seemed slow, slow motion," witness Leslie White said on the stand Thursday.

White said he was visiting friends at the apartment complex, which is on 48th Street near Chandler Boulevard, the evening of the murder. He said he and some friends had gone to the complex's pool. While there, White said, he heard someone yell, "Help me! Get him off of me!"

He said he then saw a man, who turned out to be Barker, running from apartment buildings towards a fence near the pool and another man "chasing him."

The man chasing Barker got "right up on top of him" fighting and it looked like he was "hitting down on him," White said.

He said a man he didn't know who was also near the pool went up to them and yelled, "Stop" or words to that effect and then, "He has a knife."

"Everyone goes completely quiet," White said, adding one girl with his group fainted. "He keeps stabbing him (Barker) until he is falling down on the ground."

White said he then saw two men on the second story of a nearby apartment building and the man with the knife looked up at them and "ran towards them." He said the alleged killer ran up the stairwell and they ran "back into the corridor."

White said he walked toward the fence to check on Barker, who had fallen down, and realized he was dead.

Then the man with the knife ran back down the stairs and down the corridor, White said, and he heard "a female screaming."

"I hopped over the fence," White said. "I picked up a rock" and headed towards the screaming. He said someone from the second floor "threw down a golf club" to try to help.

White said he saw the man with the knife stabbing the woman, who turned out to be Spain, "repeatedly."

"I was scared," he said. "I crept . . . trying to move forward."

The man with the knife saw him and "looked at me for a second and ran off," White said.

"(Spain) began to stumble," White said. "I tried to catch her."

White said he told someone nearby to call 9-1-1. He then tried to cover Spain's wounds with towels or blankets "and help her."

A police officer arrived on the scene and later an officer talked to him about what he witnessed. White said he did not get a good look at the killer's face but he is sure that the same person stabbed both Spain and Barker.

Also on Thursday, Maricopa County medical examiner Robert Lyon testified about the

extensive stab wounds that Barker and Spain suffered during the attacks. Lyon said he had ruled both deaths "homicide."

Spain's son, now 5, was living with her at the time of her murder. He's now living in the Chicago area with his father, Spain's father said.

"He is doing fine," Albu said, though "he doesn't understand why he doesn't have a mommy."