

DAILY REPUBLIC

By Jess Sullivan

FAIRFIELD - The alleged burglar who was found passed out clutching a bottle of tequila in the bed of the Suisun City homeowner took the witness stand Thursday to explain why he wasn't guilty.

Howard M. Sanders, who is looking at a possible 42- year prison sentence as a three-strikes offender if convicted, testified he was merely the house guest of the real robber.

Sanders, 27, told jurors he went to the Chipman Lane home when a friend whose name he couldn't remember invited him to share some drugs. He was already drunk when he got to the home and he had no idea how the homeowners' coins ended up in his pocket or how the homeowners' 10-inch Bowie knife ,ended up near him on the bed when police awoke him from his drunken slumber.

Sanders had been out of prison two weeks when the incident occurred.

Sanders' attorney, Deputy Public Defender Robert Warshawsky, told jurors his client's version of events was confirmed because there was no sign of forced entry into the home and because testimony reflected the tequila bottle was brought to the home by Sanders.

Warshawsky also tried to convince jurors Sanders wasn't guilty of burglary but only trespassing because he didn't have the intent to steal when he went in the home, a legal requirement to defining burglary.

Warshawsky said Sanders' previous drinking along with his prescription medications and his "not being very bright" made it impossible for him to have the intent to commit a burglary.