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NATION

Separate Trials Sought for McVeigh, Nichols

Apparent split between suspects

Associated Press

Denver

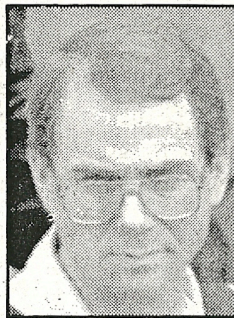
With the rift apparently growing between Timothy McVeigh and Terry Nichols, the lawyers for the two Oklahoma City bombing defendants say they want separate trials for their clients.

The remarks were another indication of increasing rancor between the onetime Army buddies, who could get the death penalty if convicted of murder and conspiracy in the blast that killed 168 people and injured more than 500.

The chief prosecution witness, Michael Fortier, has said a split developed shortly before the bombing when Nichols told McVeigh he was on his own and tried to pull out of the plot.



Timothy McVeigh



Terry Nichols

During a court hearing Tuesday — the first since the trial was moved to Denver — the two defendants entered the room together and sat at tables a few feet apart. They barely glanced at each other.

Prosecutors have shown a willingness to exploit the rift by using statements Nichols made against McVeigh shortly after the bombing — for instance, Nichols' claim that he went to Oklahoma City three days before the bombing to pick up McVeigh when his

car broke down.

McVeigh's attorneys dispute the story, saying that he was seen that afternoon at a motel in Junction City, Kan.

"In its zeal to prosecute Mr. McVeigh, the government is willing to introduce the statement of a co-defendant with his own self-interests to protect, over the statement of completely disinterested witnesses," said McVeigh's attorney Stephen Jones.

Jones said after Tuesday's hearing that he wants separate trials because the "defenses are different."

He also submitted a request for information that he wants withheld from Nichols' defense team as well as from prosecutors. He said both could use the material to figure out his defense strategy.

"There are matters in there that relate to our strategy," he said. "Our interests are different. In some ways, they're antagonistic."

U.S. District Judge Richard Matsch told Nichols' attorney Michael Tigar that the

idea troubled him: "It's unfathomable for me to be reading material that's kept from you."

Tigar also plans to seek separate trials. "A capital case particularly requires individual consideration of the circumstances," he said. "We believe Terry Nichols is entitled to better than a media circus."

Neither lawyer has formally asked for separate trials; Matsch has told them to submit their requests in July, and he set a hearing for August 27. He did not indicate when he would rule on Jones' request for information.

Michael Bender, a criminal defense lawyer, said splitting the cases would allow the defendants to blame each other.

"There is no question the defendants will benefit from separate trials, just as the government benefits from a joint trial" by saving time and money, he said. "The two defense teams are going to try to separate themselves as much as they can."