

CNN: McVeigh's attorneys set to seek execution stay; Oklahoma City: Convicted bomber will make the final decision before filing request



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DENVER (AP) - Convicted Oklahoma City bomber Timothy McVeigh has authorized his attorneys to draft a request to block his execution, but will make the final decision before anything is filed, one of his attorneys said Tuesday.

The request would be based on about 4,000 documents the FBI turned over to McVeigh's attorneys earlier this month, just days before he originally was scheduled to be executed.

"Mr. McVeigh believes that the information that we have discovered is worthy of judicial review," McVeigh attorney Rob Nigh said in a statement provided to CNN. "We are optimistic that he will permit us to make a filing on his behalf. No final decision will be reached until we meet with him in person later this week."

ABC, CBS and NBC also reported Tuesday that the attorneys were preparing a request for a stay. Nathan Chambers, McVeigh's Denver-based attorney, did not return messages from The Associated Press seeking comment.

Dianne Mullen, legal assistant to Nigh, said he was in a meeting Tuesday at his Tulsa, Okla., office and would have no comment until later this week. "He's working away," she said.

ABC and NBC reported that McVeigh's lawyers were prepared to file documents in federal court in Denver as early as Thursday. CBS reported that the attorneys now believe they have enough grounds to appeal McVeigh's death sentence.

"The Justice Department has reviewed these documents carefully and we are prepared to defend McVeigh's conviction and the sentence that was imposed," said

Chris Watney, a Justice Department spokeswoman in Washington.

McVeigh was convicted and sentenced to die for the April 19, 1995, bombing of the Oklahoma City federal building, which killed 168 people.

He told a federal judge in December that he would not appeal his death sentence.

In early May, the FBI gave McVeigh's attorneys thousands of documents from the bombing case that it said inadvertently had not been turned over to the defense. Attorney General John Ashcroft then postponed McVeigh's execution at a federal prison in Terre Haute, Ind., from May 16 to June 11

Last week, Ashcroft said all the documents had now been turned over to McVeigh's attorneys and that he would not further postpone the execution.

Meanwhile, a former FBI agent who worked on the Oklahoma City bombing case told a member of the Senate Judiciary committee last year that the FBI ignored evidence in the case.

Ricardo Ojeda, a former special agent in Oklahoma City, wrote Sen. Charles Grassley, R-Iowa, in March 2000, complaining of corruption and discrimination in the FBI's field office.

"I am also aware of instances in other cases, including the Oklahoma City bombing, where exculpatory evidence was ignored and not documented. Including exculpatory information I personally gathered from leads assigned me in the case," Ojeda wrote.

He said he was fired from the FBI after testifying in a discrimination hearing against FBI management.

Ojeda's allegations were first reported on CBS' "60 Minutes II."

The FBI said Ojeda's records were turned over to McVeigh's lawyers, but that none of his investigation was used at trial.

"Because he is no longer on the rolls, former Agent Ojeda would not know that his concerns are unfounded," said FBI Deputy Director Tom Pickard in a statement. "Thousands of agents worked on this case but, in the end, most did not have their work presented at trial."

Ojeda could not be reached by the AP; there was no answer at his home in Oklahoma and a message left at his wife's business was not returned.