

Nichols' Lawyers Seek Withheld Evidence

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McALESTER, Okla. (AP) - Attorneys for Terry Nichols claim the prosecution is withholding evidence that is crucial to the Oklahoma City bombing conspirator's murder defense.

Federal law enforcement authorities testified Monday the material Nichols' lawyers are seeking may not exist.

Chief among evidence the defense says it wants handed over is a purported security video footage of the attack that suggests Timothy McVeigh may have had accomplices at the scene.

In a 90-page motion filed last week, the attorneys asked Judge Steven Taylor to dismiss first-degree murder charges against Nichols because prosecutors have fought attempts to obtain evidence of McVeigh's connection with other co-conspirators.

But current and former FBI and Secret Service agents testified Monday that the existence of such evidence is purely speculative.

"There is no such tape," said Jon Hersley, a retired FBI agent who was a primary investigator in the April 19, 1995, bombing of the Oklahoma City federal building, which killed 168 people.

Hersley testified Monday night during a three-hour hearing on Nichols' motion after testimony at his trial had concluded for the day and jurors were sent home.

Trial testimony in the case was scheduled to resume Tuesday. Taylor was to rule on Nichols' motion Tuesday night.

Nichols, 49, is serving a life prison sentence on federal convictions for his role in the April 19, 1995, bombing of the Oklahoma City federal building, which killed 168 people.

He was convicted of conspiracy and involuntary manslaughter for the deaths of eight federal law enforcement officers.

Nichols is being tried on 161 counts of first-degree murder for the deaths of the other 160 victims and one victim's fetus. Prosecutors are seeking the death penalty. McVeigh was convicted on federal murder charges and executed in 2001.