

Utah lawyer can question, videotape Terry Nichols

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Posted: 2:44 PM- A judge has reaffirmed an order that a Utah attorney can conduct taped depositions of Oklahoma City bombing conspirator Terry Nichols and a federal death-row inmate.

Attorney Jesse Trentadue says the two prisoners have information about the 1995 death of his brother, who he believes was murdered in a federal prison after guards mistook him for an accomplice in the bombing.

Kenneth Trentadue was found hanged in his cell in August 1995 at a federal prison in Oklahoma City, where he was being held on an alleged parole violation.

Although the death was ruled a suicide, Trentadue family members think Kenneth died during an interrogation that got out of hand. To support that theory, Jesse Trentadue has filed three Freedom of Information Act (FOIA) lawsuits seeking information on the bombing and the FBI's alleged withholding of relevant documents he has requested.

In September 2007, U.S. District Judge Dale Kimball gave him the go-ahead to depose Nichols and David Paul Hammer, who is on death row at the federal penitentiary at Terre Haute, Ind. The judge said information from the two men might help Trentadue better identify the existence of other records pertaining to his FOIA requests.

Lawyers for the FBI asked Kimball to reconsider his ruling, contending that judges in FOIA cases lack the authority to order depositions and that a video recording would pose a threat to prison security.

Kimball rejected those arguments, but on Thursday did limit the use of video recording equipment to the rooms where the depositions are taken.

Both inmates already have supplied Trentadue with written affidavits concerning Timothy McVeigh, who carried out the bombing and was executed in 2001.

Nichols - who is serving a life sentence at the U.S. Penitentiary Administrative Maximum Facility in Florence, Colo. - claims a high-ranking FBI official "apparently" was directing McVeigh in the plot. Both Nichols and Hammer, who says he had lengthy conversations with McVeigh while the two were both housed at the Terre Haute facility, say McVeigh claimed to be an undercover operative for the military.

The FBI has denied any role in the bombing.

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