

Supreme Court rejects McVeigh appeal

Bomber claimed jury misconduct, media tainted trial

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WASHINGTON — Timothy McVeigh, sentenced to die for the 1995 Oklahoma City bombing that killed 168 people and injured hundreds more, lost a Supreme Court appeal yesterday.

The court refused to hear McVeigh's arguments that his trial was tainted by jury misconduct and news reports that he confessed.

His lawyer, Richard Burr, expressed disappointment, saying, "We had hoped the Supreme Court would be able to rise above the terrible human consequences" of the case in evaluating McVeigh's appeal.

McVeigh was convicted of first-degree murder, conspiracy and weapons-related charges in the April 19, 1995, bombing of the Alfred P. Murrah Federal Building.

A federal appeals court last fall upheld his convictions and death sentence in the deaths of eight federal



Timothy McVeigh received the death penalty after being convicted of the 1995 Oklahoma City bombing that killed 168 people and injured hundreds.

law-enforcement officers. Oklahoma prosecutors have said they plan to charge McVeigh with first-degree murder in state court for the deaths of the other 160 bombing victims.

McVeigh still can pursue a new round of appeals challenging the constitutionality of his federal prosecution. Under a 1996 federal law, inmates have up to a year to file such an appeal.

His Supreme Court appeal said the 10th U.S. Circuit Court of Appeals ruling that upheld his conviction sent a message that "the rules of law may be applied on a sliding scale when the crime is unspeakable and public outrage is great."

The appeal said pretrial news reports of a purported confession by McVeigh to his lawyers created a serious threat to his fair-trial rights.

Four jurors indicated in pretrial questioning that they had seen the reports.

"No such procedure should send Mr. McVeigh to his death," his appeal said.

Justice Department lawyers said the bombing "caused extraordinary harm" and that courts took "extraordinary steps" to ensure McVeigh a fair trial, including disqualifying the original judge and moving the trial to Denver.

Prospective jurors in McVeigh's trial in 1997 were examined thoroughly for signs of bias, and news reports never established that McVeigh actually confessed, prosecutors said.

McVeigh's jury-misconduct allegation concerned one juror's comment to others during the trial.

An alternate juror told a court official that jurors discussed which of them would decide the case and which would serve as alternates, and that one juror said: "It wouldn't be very hard. I think we all know what the verdict should be."

McVeigh's appeal said the trial judge should have questioned the juror or held a hearing on whether the juror was biased.

Co-defendant Terry Nichols was convicted of conspiracy in a separate trial and sentenced to life in prison.

OTHER ACTION

The court also:

- Refused to free filmmaker Oliver Stone from a lawsuit that says his movie "Natural Born Killers" led a couple to shoot a woman during a robbery. The lawsuit accuses Stone and others of inciting copycat crimes. Filmmakers say the suit threatens freedom of expression.
- Rejected the appeal of a Missouri high school teacher fired for letting her students use profanity in class while performing self-written plays. School officials said she violated a policy requiring teachers to enforce a ban on students' use of profanity.
- Turned away Marlena Ramallo Cooke's appeal in her effort to avoid being deported over a 1986 guilty plea to a drug conspiracy charge. She is the widow of Jack Kent Cooke, who owned the Washington Redskins football team.