

Lawsuit filed for stay of execution for Tim McVeigh

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World exclusive - must credit Alamance Independent:

While Tim McVeigh and his attorneys continue studying the newly-revealed, illegally-withheld evidence the FBI just turned over to them - and try to decide what, if any, appeals to mount now, at least one lawsuit has just been filed asking a federal court to indefinitely stay McVeigh's execution.

Filed last Friday afternoon by a Dallas lawyer representing Jane Graham and V.Z. Lawton, two bombing victims who were in the destroyed federal building at the time, the lawsuit asks the federal court governing Terre Haute prison to stay McVeigh's execution pending a civil suit the victims have filed - claiming that McVeigh is an indispensable witness in that lawsuit, which is now in the discovery phase.

Dallas lawyer Harmon Taylor's lawsuit's complaint - plus a subsequent motion and brief he filed - also argues that McVeigh cannot legally be executed now for two other reasons. The strongest is an apparently-clear rule under the Constitution barring trying McVeigh in any other state for crimes committed in Oklahoma - making his Colorado trial null and void; Taylor's brief cites numerous cases in support of his argument that nobody can be tried by a federal court in another state from the one in which the crime he is charged with occurred in.

A likely-much-weaker argument in Taylor's lawsuit claims that, absent proof that the land the bombed federal building was on was itself federal property, federal courts never had jurisdiction to try McVeigh for murder. As of this Monday afternoon, Taylor states that no hearing date has yet been scheduled in his lawsuit.

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