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Suspect's rape case declared a mistrial

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ATLANTA - Prosecutors on Monday dropped a weapons charge against a man accused of opening fire in an Atlanta courthouse, and a mistrial was declared in the suspect's rape case as officials continued sorting out charges in the slayings of a judge and three others.

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The suspected gunman, Brian Nichols, is to face a magistrate today to be advised of current charges and his rights, authorities said. He was arrested Saturday morning after a rampage that began when he overpowered a sheriff's deputy who was escorting him to his rape trial.

Nichols, 33, had been in federal custody since his arrest on a federal firearms charge. But officials announced Monday that the charge had been dropped so he could be handed over to Fulton County authorities, who will likely be the first to prosecute him.

He faces federal and state charges in the deaths of a judge, a court reporter, a deputy and a federal agent.

Prosecutors should decide within 30 days what charges to file against Nichols, said Fulton County District Attorney's spokesman Erik Friedly, who referred to today's 10 a.m. hearing as a "status hearing" at which no new charges would be announced.

Nichols was being retried for rape and other charges when he escaped from a deputy Friday. That case was declared a mistrial Monday at the request of Nichols' attorney, Friedly said. Nichols' first trial was a mistrial as well.

Barry Hazen, Nichols' attorney on the rape charge, has said continuing with that earlier case would be a waste of time and tax dollars. "He's facing four homicide charges that could carry the death penalty. In the best-case scenario, he's in jail for life. What's the point?" Hazen said Sunday.

Nichols is accused of fatally shooting Superior Court Judge Rowland Barnes and court reporter Julie Brandau on Friday before his trial resumed.

Police said he then killed sheriff's deputy Sgt. Hoyt Teasley outside the courthouse, and allegedly gunned down federal agent David Wilhelm as he sought to elude authorities.

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