



Suspect's attorney calls third rape retrial a waste

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Associated Press

The suspect in the shooting deaths of a judge and three others may be in court as early as Monday to face initial charges for the Friday killings.

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But questions remain about whether Brian Nichols, who was on trial for rape when he allegedly grabbed a deputy's gun and shot the presiding judge and three others, will see that case continue.

Nichols, 33, is expected in federal court as this week to face a charge of possession of a firearm by a person under indictment. That's the charge authorities are using to keep Nichols in custody while they investigate the slayings, said U.S. Attorney David Nahmias.

Nichols is accused of fatally shooting Superior Court Judge Rowland Barnes and his court reporter, Julie Brandau, on Friday before his trial resumed. He then killed Sheriff's deputy Sgt. Hoyt Teasley outside the courthouse and later federal agent David Wilhelm as he sought to elude authorities, police said.

The courthouse deputy he assaulted for her gun remained in critical condition on Sunday.

The date of the federal hearing had not been scheduled as of Sunday. The District Attorney's Office hopes to formally charge Nichols for the new crimes within 30 days, said spokesman Erik Friedly.

However, there's still the matter of the rape trial. Nichols was on trial for the second time in as many weeks for a rape charge after the first jury to hear the case deadlocked on a verdict.

Fulton County District Attorney Paul Howard still would like to "resolve" Nichols' rape trial, Friedly said Sunday. Friedly declined to say whether that would mean having to select a new jury in addition to assigning a new judge for the trial.

However, Nichols' defense attorney on the rape charge 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?" defense attorney Barry Hazen said on Sunday.

He also questioned how the jurors, many of whom were in the courthouse when the shooting happened, could continue on the case. "It would be rude to say 'All you jurors who ran out of the courthouse, come back and try to pretend you can hear the case without this knowledge,'" Hazen said.

The other option would be to start the trial over again - for a third time - which Hazen said would put the alleged rape victim through more trauma.

"And where would we have this trial? It would have to be someplace where no one reads or has electricity," Hazen said.

In the rape case, Nichols allegedly broke into his ex-girlfriend's house, bound her with duct tape and brought a cooler stocked with food.

"He said he would assault her for three days until her birthday," Howard said, adding that Nichols brought a loaded machine gun.

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