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Tripp friends say testimony based on her; State seeks to prove Starr probe not used in wiretapping case; Events 'kind of a blur'

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State prosecutors in the Linda R. Tripp wiretapping case continued testimony yesterday to show that they gathered evidence without using information gleaned from the federal investigation of President Clinton.

Tripp's bridge club partners, another friend, and a lawyer for Paula Corbin Jones testified that they told a Howard County grand jury only what they learned from Tripp herself.

But they did acknowledge that they got some information about Lewinsky's relationship with Clinton from media accounts of the report issued by independent counsel Kenneth W. Starr.

Tripp's lawyer attacked state prosecutors yesterday. Once Monica Lewinsky and other witnesses testify, Joseph Murtha said, "it will all become even clearer" that evidence is tainted by Starr's investigation.

Lewinsky is expected to testify today in pretrial hearings before Howard County Circuit Judge Diane O. Leasure.

Tripp, who lives in Columbia, was indicted in July on two counts of violating Maryland's wiretapping law for tape-recording a Dec. 22, 1997, conversation with Lewinsky and then having her attorney disclose its contents to Newsweek magazine. That disclosure led to Clinton's impeachment.

In their case, state prosecutors have faced two major hurdles. They had to show that Tripp's grant of immunity by federal authorities did not bar the state charges -- a ruling made this week by Leasure. They still must show that they developed their case independently of the federal authorities.

Lewinsky is expected to testify about what she told state prosecutors June 16 at their Towson offices. She is expected to say that the information she gave investigators at that meeting was based on her own knowledge.

Though Lewinsky could not be reached for comment about whether she looked forward to testifying against her former friend, she revealed her feelings about Maryland's Tripp investigation in her book, "Monica's Story."

"Everyone in our family wants Linda Tripp to lie awake at night worrying about going to jail," Lewinsky says in the book, "because that's what happened to us. I was thrilled, literally jumping for joy. There was a feeling that somehow, justice would prevail."

Tripp's attorneys are expected to hammer Lewinsky about her truthfulness and whether she used any information from Starr's investigation to refresh her memory. State Prosecutor Stephen Montanarelli has said she did not.

Yesterday, T. Wesley Holmes, one of Jones' former attorneys, testified that information he gave the Howard County grand jury investigating Tripp was based on his interaction and conversations with Tripp.

Kathleen Manwiller, one of Tripp's neighbors and bridge partners, testified that she saw Tripp change the batteries on her phone recording device. She said she asked Tripp whether the device might be illegal.

Manwiller said that she knew "at some point that [Tripp] was taping conversations" of Lewinsky.

Patricia Mancuso, a friend but not a bridge club member, said she was unsure about when she saw a tape recorder used by Tripp but that she definitely saw one.

"It was all very confusing," she said, adding that her grand jury testimony in December 1998 was also "kind of a blur."

State investigators also testified. Murtha and Tripp attorney David Irwin questioned whether the investigators were tainted by the Starr Report and its aftermath. They asked the investigators whether they read or knew about a memorandum prepared by their law clerk, Gavin Patashnick.

Patashnick participated in several interviews of witnesses in the case and also retrieved an FBI report, from the Starr Report, on a potential state witness.

State prosecutors contend that they did not use the memo or report in their investigation.

Tripp's lawyers also argue that Montanarelli never warned grand jurors to be careful about reading in the media about the Starr Report.

On Tuesday, Leasure issued a crucial ruling that Tripp was not protected from state prosecution by the immunity promise made by federal prosecutors. She said Tripp's protection started Feb. 19, 1998, when a federal judge approved the immunity deal.

Tripp's attorneys had argued that her protection started much earlier, when Tripp received a letter from Starr's office promising her

immunity.

If **Leasure** had ruled that **Tripp's** immunity began Jan. 16, the day she gave **Starr's** office the tapes and received **Starr's** promise, state prosecutors likely would have lost most of their evidence and their tape.

Tripp's trial is scheduled for next month. She could face 10 years in prison and a \$20,000 fine. Under Maryland law, it is illegal to record a conversation without the other person's consent.

Graphics:

PHOTO(S)

DAVID HOBBY: SUN STAFF

Caption:

Witnesses: Four acquaintances of **Linda R. Tripp** -- **Cynthia Haus** (from left), **Kathleen Manwiller**, **Patricia Mancuso** and **Cathy Sarkis** -- arrive at the Howard County Courthouse in Ellicott City.

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