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Judge to rule next month on evidence for Tripp trial; Lawyers plan to offer briefs in wiretapping case as pretrial hearing ends

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A Howard County Circuit judge overseeing the wiretapping case against Linda R. Tripp said yesterday that she would rule next month on what evidence, if any, state prosecutors can use against the Columbia resident.

State prosecutors ended their questioning of witnesses yesterday at pretrial hearings before Judge Diane O. Leasure.

Leasure must determine whether state prosecutors gathered evidence gleaned from the investigation of President Clinton by independent counsel Kenneth W. Starr, who promised Tripp federal immunity.

Tripp's attorney, Joseph Murtha, said he would likely seek to postpone the Jan. 18 trial date to work on legal briefs to buttress his claim that prosecutors used Tripp's immunized testimony against her.

"If we lose on this issue, there will be additional issues raised," Murtha said. "The pretrial hearings just began. I wouldn't be surprised to see another week's worth of pretrial hearings. There are complicated issues. This case is presenting issues that attorneys and this court have not seen before."

Tripp was indicted in July on charges she illegally tape-recorded a telephone conversation with former White House intern Monica Lewinsky on Dec. 22, 1997, and then had her attorney disclose the tape's contents to Newsweek.

Tripp's tapes of her conversations with Lewinsky led to Clinton's impeachment.

Lewinsky testified Thursday that she did not give Tripp her consent to tape-record the conversation.

Maryland law prohibits telephone taping without the consent of the person who is being recorded.

Deputy Attorney General Carmen Shepard, who handled the pretrial hearings for State Prosecutor Stephen Montanarelli, said prosecutors would be filing "incredibly lengthy" legal briefs in the case.

Yesterday, Assistant State Prosecutor Thomas M. McDonough testified about his role in the investigation and said his office did not take evidence from the Starr inquiry.

He said it was clear from the first articles published about the brewing scandal involving Clinton that Tripp taped Lewinsky without her consent.

It was also clear that Tripp taped Lewinsky from her home in Columbia, McDonough said.

Murtha challenged McDonough's testimony, saying a copy of the Starr report was in the state prosecutor's office in Towson.

Murtha contends that's evidence the prosecutor relied on Starr's work, rather than independent evidence, to indict Tripp.

McDonough said he didn't read the Starr report or a memo prepared about it by a law clerk in his office.

Murtha contends state prosecutors did not give written instructions to staff members to avoid the Starr report or news stories describing it.

Another witness, a friend of Tripp's, was scheduled to testify yesterday but prosecutors did not call her.

Kate Friedrich listened to one of Tripp's tapes of Lewinsky, prosecutors said.

Prosecutors got Friedrich's name from Lewinsky, who acknowledged on Thursday she might have learned Friedrich's last name from Starr's investigators. That could rule her out as a witness and jeopardize the case against Tripp.

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Caption:
Defending Tripp: Attorney Joseph Murtha arrives for a Howard County Circuit Court hearing with a sheriff's deputy. Murtha said he might ask to postpone the Jan. 18 trial date to work to support his claim that prosecutors used Linda Tripp's immunized testimony against her.

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