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By LLOYD VRIES / CBS/AP / July 24, 2003, 6:40 AM /

2nd Sniper Trial Venue Changed



Sniper suspect John Allen Muhammad, center, is led into a Prince William County Courtroom by Sheriff's deputies at the start of a hearing in Manassas, Va., Monday June 30, 2003. A judge Monday rejected a defense request seeking dismissal of one of the indictments against sniper suspect John Allen Muhammad based on claims that the state's new anti-terrorism capital murder law is too vague. / AP

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The trial of sniper suspect John Allen Muhammad will be moved 200 miles from Prince William County to Virginia Beach, a judge ruled Wednesday.

Circuit Judge LeRoy Millette said it "has been clearly shown that such a change of venue is necessary to ensure a fair and impartial jury."

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Millette's decision means that neither Muhammad nor fellow suspect Lee Boyd Malvo will face trial in the Washington suburbs, which were terrorized during a three-week spree of fatal shootings in October.

Muhammad, 42, is charged in the Oct. 9 slaying of Dean H. Meyers, 53, at a gas station. Malvo, 18, is facing trial in the Oct. 14 shooting in Fairfax County of Linda Franklin, 47. Both could face the death penalty.

Muhammad and Malvo have been linked to 20 shootings, including 13 killings, in Virginia, Maryland, Georgia, Alabama, Louisiana, and Washington, D.C.

Prosecutors have said the killings in metropolitan Washington were part of a scheme to extort \$10 million from the government.

Earlier this month, the judge in the Malvo case, Jane Marum Roush, moved his trial from Fairfax County to Chesapeake, which is adjacent to Virginia Beach. Roush agreed with defense lawyers who argued that every resident of Fairfax County could be considered a victim in the case because of the intense fear that gripped the area during the spree.

The defense lawyers in the Muhammad case made a similar argument. Initially, Prince William County prosecutor Paul Ebert had opposed a change in venue, saying that an impartial jury could be found. But Ebert changed his mind after Roush moved the Malvo trial, saying that it would be inconsistent to move one trial and not the other.

Millette, in his decision Wednesday, cited the prosecution's reversal in moving the trial.

At the time of the Malvo trial change, prosecutor Robert F. Horan called the judge's decision "nonsense."

For all the residents who think they were victims, "there are 20 who know they weren't," he said.

CBS News Legal Analyst Andrew Cohen had noted at the time of the Malvo ruling that requests for changes in venue are rarely granted.

In this case, the way the sniper spree changed the lives of many people who were never shot -- shutting them in their homes, pulling their kids out of after school sports, making them crouch as they pumped gas -- apparently convinced the judge.

"But the ruling could end up helping prosecutors because a trial in Fairfax County, no matter how it turned out, would have generated significant appeals issues for Malvo, who would have been able to argue that his trial was unfairly prejudiced," Cohen said. "Now, with this change, that argument goes away."

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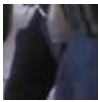


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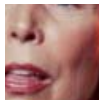




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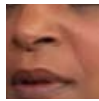
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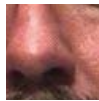
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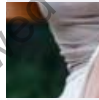
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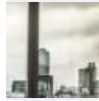


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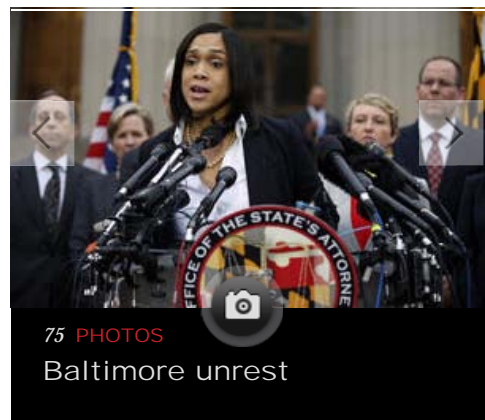
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