

3rd co-defendant may take plea deal in O.J Simpson case

By KEN RITTER - Associated Press Writer

LAS VEGAS (AP) - A man accused of pulling a gun during an armed robbery of two sports memorabilia dealers appeared ready Wednesday to accept a plea deal and testify against O.J. Simpson and two other men.

Michael McClinton, 49, of Las Vegas, was scheduled to appear Monday before Las Vegas Justice of the Peace Joe M. Bonaventure to waive his preliminary hearing, court officials said.

He would be the third person among the five men accused of joining Simpson in the hotel room holdup to accept a plea in return for his testimony against the former football star.

Simpson lawyer Yale Galanter said Wednesday that he understood McClinton was accepting a plea deal, including an agreement to plead guilty to robbery without the use of a gun.

"It's all the same," Galanter said. "Same prosecutor. Same plea deal. And they're still giving away the courthouse."

Galanter earlier criticized deals Clark County District Attorney David Roger made with two other co-defendants who pleaded guilty to reduced charges. Walter Alexander pleaded guilty Tuesday to felony conspiracy to commit robbery, and Charles Cashmore pleaded guilty to felony accessory to robbery.

McClinton's lawyer, William Terry, declined comment "other than to confirm that the matter's been placed on calendar."

A spokesman for Roger declined comment.

McClinton's testimony for the prosecution would be another blow to Simpson's contention that no guns were involved in the Sept. 13 confrontation with memorabilia dealers Bruce Fromong and Alfred Beardsley. Simpson has said he did not tell anyone to bring guns when they went to a Las Vegas hotel room to retrieve items he said belonged to him.

Memorabilia taken from the hotel room included football game balls signed by Simpson, Joe Montana lithographs, baseballs autographed by Pete Rose and Duke Snider, photos of Simpson with the Heisman Trophy, and framed awards and plaques, together valued at as much as \$100,000, according to police reports.

McClinton, who worked as a security guard and had a concealed weapons permit, according to his lawyer, was accused of wielding a large-caliber handgun

and acting like a police officer during the encounter at the Palace Station hotel-casino.

He allegedly gave another gun to Walter Alexander, a Simpson golfing buddy who told police he never took the .22-caliber handgun from his waistband and was surprised at McClinton's aggressive behavior in the room, according to a transcript of Alexander's tape-recorded statement to police.

Alexander also told police that at a restaurant after the confrontation, Simpson advised him and McClinton to say no guns were involved.

"He's like, 'hey man, don't worry about it, you know, no guns was involved,'" Alexander quoted Simpson as saying. "Long as there's no guns involved, you know, it ain't (expletive). Just stick to no guns involved."

The development involving McClinton came as both sides geared up for a Nov. 8 preliminary hearing.

New charges of felony coercion were filed Wednesday against Simpson, McClinton and two other co-defendants: Clarence Stewart and Charles Ehrlich. The new coercion charges allege that the men threatened Fromong and took his cell phone, and took a baseball cap and sunglasses at gunpoint from Beardsley. The revised complaint increased to 12 the number of charges against the four men, including kidnapping, armed robbery, assault with a deadly weapon, conspiracy and coercion, and one gross misdemeanor, conspiracy to commit a crime. A kidnapping conviction alone could result in a sentence of life in prison with parole.

Conviction on felony coercion carries a sentence of up to six years in prison. Galanter said again Wednesday that Simpson was not guilty of the charges against him, and that no guns were present.

He said he didn't think any other co-defendants would take plea deals. "Our understanding is there are no more cooperators," he said. Stewart's lawyer, Jose Pallares, denied allegations that Simpson and Stewart conspired to persuade the others to tell authorities that no guns were used.

"We absolutely deny that he, A, helped plan this event, B, that he knew in advance that there would be any weapons, or that C, he saw a weapon present in the room," Pallares said outside the courtroom.

Ehrlich's lawyer, John Moran Jr., complained Wednesday that the revised complaint contained wholesale changes in prosecutors' theories of the crimes and was filed so late it put defense lawyers at a disadvantage.

"It violates due process and fair play for us, this far down the road with the preliminary hearing set," Moran said.

According to their lawyers and police reports, Alexander and Cashmore can testify that guns were brought to the hotel room.

The revised complaint also describes the role California collectibles broker Thomas Riccio played in arranging the meeting between Simpson, Fromong and Beardsley.

Riccio is not charged in the case. His lawyer, Ryan Okabe of Redondo Beach, Calif., said Roger promised Riccio immunity. Riccio also has provided authorities with an audio tape he said he recorded during the encounter.

Riccio, Cashmore and Alexander were expected to be key witnesses for the prosecution at the preliminary hearing, when Bonaventure will decide whether there is enough evidence to send the case to trial in state court.

Roger has said he will seek a suspended sentence for Alexander, which could get him probation instead of one to six years in prison.

Cashmore could get probation or up to one to five years in prison at sentencing, according to his agreement with the district attorney.

Sentencing for both men will come after an April 15 status check.