

# O.J. case clips stay in state hands

By KEN RITTER, Associated Press Writer  
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LAS VEGAS - Lawyers for three co-defendants in the O.J. Simpson armed robbery case lost a bid Thursday to force prosecutors to turn over audio recordings made by the man who arranged the meeting between the former football star and two memorabilia dealers.

The hearing before Justice of the Peace Joe Bonaventure Jr. was first effort by defense lawyers to cast doubt on the validity of the recordings that California memorabilia broker Tom Riccio sold to a celebrity gossip Web site after Simpson's arrest.

Bonaventure said justice courts have a limited role in criminal fact-finding and he could not order the state to turn over the recordings to defense lawyers before a preliminary hearing scheduled next week.

"This court simply doesn't have the authority," he said.

One clip depicts Simpson cursing and yelling during what prosecutors say was an armed robbery in a casino hotel room. Another part of the recording depicts the memorabilia dealers discussing Simpson's fate and how much money they might make from the incident.

Lawyers William Terry and Edward Miley protested that their respective clients, Michael McClinton and Charles Cashmore, should be able to review what Riccio has characterized as "hours" of audio before the Oct. 4 evidentiary hearing. Lawyer Jose Pallares, representing Clarence Stewart, joined the request.

"We need to be able to review the tape and see what the tape says and what is attributed to our client," Miley said. "We also need to review the tape to see if it has been altered or doctored in any way."

Riccio's lawyer, Ryan Okabe of Redondo Beach, Calif., said Riccio made the recordings because he didn't trust Beardsley after past business dealings.

Okabe declined to detail what was on the recordings, which he said included digital recordings and telephone messages.

"It's going to be clear to everybody that this information is in the original format and has not been doctored in any way," Okabe said by telephone from Los Angeles.

Police confirmed they have the recordings, but Clark County prosecutor Christopher Owens declined to say when prosecutors would turn them over to the defense.

Riccio has said the recordings detail his dealings before, during and after the Sept. 13 confrontation between Simpson, five other men and memorabilia dealers Alfred Beardsley and Bruce Fromong in the Palace Station casino hotel room.

Okabe said Riccio was an innocent character in a scheme by Simpson to obtain sports memorabilia from Beardsley and Fromong, and is cooperating with authorities.

Simpson, McClinton, Cashmore, Stewart and co-defendants Walter Alexander and Charles Ehrlich each face kidnapping, armed robbery, assault with a weapon and conspiracy charges that could result in life prison sentences.

Simpson, Alexander, Stewart and Ehrlich are not due in court until Oct. 22, when Bonaventure ordered all parties to appear for a status hearing.

Pallares is due in court Friday to ask Bonaventure to order the state to use Riccio's original recordings at the Oct. 4 preliminary hearing or in grand jury proceedings.

Pallares and partner Robert Lucherini argue that full disclosure of the evidence will exonerate Stewart.