

Haldeman Files Motion Seeking a New Trial

Post 1/18/75

All four men convicted in the Watergate cover-up trial have asked for new trials.

Former White House top aide H.R. (Bob) Haldeman filed his new-trial motion yesterday, saying his first trial was improper because, among other things, "the central figure" in the case was too ill to testify.

Haldeman made the specific reference to former President Nixon as he became the last of four convicted defendants in the case to ask for a new trial through his attorneys.

Lawyers for former Attorney General John N. Mitchell, former White House aide John D. Ehrlichman and former Assistant Attorney General Robert Mardian also have filed the motions for a new trial or a judgment of acquittal, after the Jan. 1 conviction.

U.S. District Court Judge John J. Sirica has not indicated when he will rule on the motions, which are routinely filed, but rarely granted.

Ehrlichman's attorneys also cited the illness of Nixon as a

reason for a new trial. They also said Sirica erred when he did not grant Ehrlichman a separate trial or did not delay the trial because of publicity, and claimed that prosecutors "expressed disbelief" with gestures or side comments during Ehrlichman's testimony.

Mardian's motion for a new trial focused heavily on the illness of his attorney, David Bress, who had to withdraw from the trial after it began. Forcing Mardian to continue the trial with one of Bress' associates as his attorney deprived Mardian of his constitutional right to an attorney of his choice, Mardian's lawyers said.

Mitchell's attorneys contended that there was insufficient evidence presented during the trial to convict their client of conspiracy.

All of the attorneys claimed that massive pretrial publicity, improper questioning of prospective jurors by Sirica and improper instructions to the jury by the judge were reasons for new trials.