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Why the Robel Phillipos Verdict Could Be Bad for Dzhokhar Tsarnaev's Defense



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Jurors' [lengthy deliberation](#) in the trial of Robel Phillipos, friend of accused Boston Marathon bomber Dzhokhar Tsarnaev, could be used to argue Tsarnaev's case can, in fact, be fairly adjudicated in Boston.

Tsarnaev's defense lawyers have [argued](#) in pre-trial proceedings that a Boston jury pool will be prejudiced against Tsarnaev given the magnitude and emotional impact of the bombing. A judge [denied](#) their appeal to move the trial to Washington, D.C., but that line of defense could come up again during his trial or in potential appeals down the road.

On Tuesday, after 35 hours of deliberation, [jurors found](#) Tsarnaev's friend Phillipos guilty of two counts of lying to investigators in a terrorism probe. Prosecutors charged Phillipos with making nine false statements over the course of two interrogations, but jurors found him guilty on just five of those statements.



The length of deliberations in the trial of Robel Phillipos (left) may have repercussions for Dzhokhar Tsarnaev's upcoming trial.

AP

“An argument could be made that a Boston jury was not swept away by the horror of the marathon bomb and gave their consideration to the facts of this case,” Boston defense lawyer Martin G. Weinberg said. “Had this been driven by emotionality you would have expected a faster verdict.”

Weinberg was one of several legal experts who said the extended deliberations and split verdicts in Phillipos’s trial proved that Boston jurors could fairly judge a case concerning the deadly bombings.

“This is detrimental to any move by Jahar Tsarnaev to get a change of venue in the case, because it shows that the jurors can be thoughtful and thorough and go through the evidence without a knee jerk reaction to a horrible case,” defense lawyer Philip A. Tracy, Jr. said. “A lot of people thought this was a slam dunk case.”

“They split the verdicts, which shows contemplation, which shows deliberation,” Gerry Leone, Jr., a former state and federal prosecutor, said.

Peter Bellotti, a Boston trial attorney, said prosecutors could make use of the length of deliberations should Tsarnaev’s defense argue that a Boston jury is necessarily biased.

Weinberg did, however, note the issue in comparing reactions to Phillipos, who was charged with making false statements, and Tsarnaev, who faces 30 counts of terrorism and could get the death penalty.

“The potential gravity of the prejudice against Tsarnaev is profoundly more severe than [Phillipos],” he said. “I don’t think you can extrapolate an absence of prejudice when the man charged with the bombing goes on trial.”

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