

PROSECUTORS DROP EYEWITNESS

THE ONLY PERSON EXPECTED TO PLACE DEFENDANT MCVEIGH AT BOMBING SCENE WON'T BE CALLED TO TESTIFY AT TRIAL

Rocky Mountain News

Rocky Mountain News (Denver, CO)

February 15, 1997 | Flynn, Kevin

Byline: Kevin Flynn Rocky Mountain News Staff Writer

Prosecutors in the Oklahoma City bombing case have decided not to present an eyewitness placing defendant Timothy McVeigh in the city the morning of the bombing.

This week, the government dropped the only witness on its list who had been expected to say he saw someone resembling McVeigh get out of a Ryder truck in front of the Alfred P. Murrah Federal Building.

McVeigh goes on trial March 31 in Denver for the April 19, 1995, bombing that killed 168 people.

Despite the absence of an Oklahoma City eyewitness, prosecutors have said a chain of circumstantial evidence will prove that McVeigh is guilty.

Justice Department spokeswoman Leesa Brown declined to explain why prosecutors have decided against using testimony from William Dunlap. She said the move will be explained at a hearing Tuesday and Wednesday in U.S. District Court.

Also scratched from the dwindling prosecution witness list was David Ferris, a taxi driver from Junction City, Kan. He was expected to testify that he gave McVeigh a ride to a McDonald's restaurant about 20 minutes before the Ryder truck used in the bombing was rented nearby.

Prosecutors had planned to call Dunlap as their only witness who would place McVeigh in Oklahoma City the morning of the bombing. At least seven other people claim to have seen McVeigh there that day, but they all saw him with one to four other people, raising potential problems for prosecutors if they contend McVeigh delivered the bomb by himself.

Dunlap told the FBI that as he drove past the federal building shortly before 9 a.m. April 19, he saw a white man in his mid- to late 20s get out of a Ryder truck parked in front. He described a man 3 to 4 inches shorter than McVeigh. He saw no one else with the truck.

Dunlap said the man looked like McVeigh but that he couldn't be sure.

Next week's hearing will focus on defense arguments to keep out testimony by seven witnesses who say they saw McVeigh during various stages of the bomb plot.

On Friday, U.S. District Judge Richard Matsch gave prosecutors a victory by denying McVeigh's motion to bar testimony from an eighth witness.

Matsch said he will allow videotaped testimony from auto repair shop owner Tom Manning of Junction City, from whom McVeigh bought the car in which he was arrested after the bombing.

The testimony was videotaped to preserve it due to Manning's ill health.

It wasn't until his deposition in November that Manning first mentioned that McVeigh left his shop for 10 or 15 minutes while the car he was buying was prepared for sale.

That brief absence is crucial to the government's case. Around that time, records show, a call was made from a pay phone near Manning's shop to the Ryder agency to reserve the truck.

Despite the importance of linking McVeigh to that call, Manning said he never was asked whether McVeigh briefly left the shop until a prosecutor inquired about it while preparing for his testimony.