

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
CHIEF JUDGE RICHARD P. MATSCH

CRIMINAL NUMBER: 96-CR-68-M

DATE: February 18, 1997

Katherine Hasfjord - Courtroom Deputy
Paul Zuckerman - Court Reporter
Kathy Terasaki - ECR

UNITED STATES OF AMERICA

Joseph Hartzler
Larry Mackey
Beth Wilkinson
Sean Connelly
Scott Mendeloff
James Orenstein
Patrick Ryan
Aitan Goelman

vs.

TIMOTHY MCVEIGH and
(not present)

Stephen Jones
Robert Nigh, Jr.
Jeralyn Merritt
Christopher Tritico
Cheryl Ramsey

TERRY LYNN NICHOLS
(not present)

Michael E. Tigar
Ronald G. Woods
Adam Thurschwell
Reid Neureiter
Jane Tigar

COURTROOM MINUTES

Court in session: 9:00 a.m.

DAY 1

Nichols Motion to Exclude Eyewitness Testimony Document #2729
McVeigh Motion to Suppress Eyewitness Identification Document #2825

Mr. Jones asks that expert witnesses Gary Wells and David Fechheimer be allowed to be present in the courtroom. No objections by government counsel. Granted by the Court.

Waivers for appearance on the defendants are on file with the court.

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Witnesses are sequestered out of the courtroom - BY ORDER OF THE COURT.

Mr. Woods (Nichols) agrees that Mr. McVeigh will go first today.

Mr. Jones (McVeigh) waives opening remarks.

Defendant witness THOMAS KESSINGER

Direct by Mr. Jones

Cross by Mr. Mendeloff (10:05)

Exhibit 1 - offered and admitted

Exhibit 1 RECEIVED During Testimony of Mr. Kessinger

Exhibit 2 - offered and admitted

Exhibit 2 RECEIVED During Testimony of Mr. Kessinger

Exhibit 3 - offered and admitted

Exhibit 3 RECEIVED During Testimony of Mr. Kessinger

Exhibit 4 - offered and admitted

Exhibit 4 RECEIVED During Testimony of Mr. Kessinger

Exhibit 5 - offered and admitted

Exhibit 5 RECEIVED During Testimony of Mr. Kessinger

Exhibit 6 - offered and admitted

Exhibit 6 RECEIVED During Testimony of Mr. Kessinger

Exhibit 7 - offered and admitted

Exhibit 7 RECEIVED During Testimony of Mr. Kessinger

Exhibit 8, a, b, c - offered and admitted

Exhibit 8a, 8b, 8c RECEIVED During Testimony of Mr. Kessinger

Exhibit 9 - offered and admitted

Exhibit 9 RECEIVED During Testimony of Mr. Kessinger

Exhibit 11 - offered and admitted

Exhibit 11 RECEIVED During Testimony of Mr. Kessinger

Recess 10:30 a.m.

Reconvene 10:50

Mr. Kessinger returns to the stand.

Cross by Mr. Mendeloff

Exhibit 14 - offered and admitted

Exhibit 14 RECEIVED During Testimony of Mr. Kessinger

Exhibit 21 - offered and admitted

Exhibit 21 RECEIVED During Testimony of Mr. Kessinger

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Exhibit 16 - offered and admitted
Exhibit 16 RECEIVED During Testimony of Mr. Kessinger

Redirect by Mr. Jones (11:00)

Exhibit AA - Tim McVeigh photo - offered and admitted
Exhibit AA RECEIVED During Testimony of Mr. Kessinger

Exhibit BB - Photo of Mr. Hertig - offered
and objections by government -
Exhibit 21 - previously admitted
Exhibit CC -
Exhibit DD -
Exhibit EE -
Exhibit 3 - previously admitted
Exhibit 2 - previously admitted
Exhibit 2 marked by Mr. Kessinger - to be included with
Exhibit 2.

Recross by Mr. Mendeloff (11:35)

Exhibit 17 - offered and admitted
Exhibit 17 RECEIVED During Testimony of Mr. Kessinger

Exhibit 18 -
Exhibit 19 - offered and admitted
Exhibit 19 RECEIVED During Testimony of Mr. Kessinger

Exhibit 7 - previously admitted

Exhibit 20 - offered and admitted
Exhibit 20 RECEIVED During Testimony of Mr. Kessinger

WITNESS KESSINGER EXCUSED.

Defense witness ELDON ELLIOTT

Direct by Mr. Jones (11:45)

Exhibit 2 - previously admitted

Recess 12:15 p.m. lunch until 1:30
Reconvene 1:30 p.m.

Defense witness Eldon Elliott continued with direct by Mr. Jones.

Exhibit 2 marked on by Mr. Kessinger is remarked 2A and admitted.

Exhibit 2A RECEIVED After Testimony of Mr. Kessinger

Direct by Mr. Jones

Exhibit 5 - previously admitted

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Exhibit 4 - previously admitted

Cross by Mr. Mendeloff (1:53)

Exhibit 21 - previously admitted

Redirect by Mr. Jones (2:11)

WITNESS ELLIOTT EXCUSED.

Defense witness TIMOTHY DONAHUE

Direct by Mr. Jones (2:20)

Cross by Mr. Mackey (2:29)

Exhibits 26, 27, 28, 29 - offered and admitted

Exhibit 26 RECEIVED During Testimony of Mr. Donahue

Exhibit 27 RECEIVED During Testimony of Mr. Donahue

Exhibit 28 RECEIVED During Testimony of Mr. Donahue

Exhibit 29 RECEIVED During Testimony of Mr. Donahue

Cross by Mr. Woods (Nichols) (2:48)

WITNESS DONAHUE EXCUSED

Defense witness GLYNN TIPTON.

Direct by Mr. Jones (2:52)

Cross by Mr. Mendeloff (2:59)

Redirect by Mr. Jones (3:09)

Recross by Mr. Mendeloff (3:15)

WITNESS TIPTON EXCUSED.

Recess 3:15 p.m. until 3:35 p.m.

Reconvene 3:35 p.m.

Defense witness MARION CHARLES OGDEN

Direct by Ms. Merritt (3:36)

Cross by Mr. Goelman (4:00)

Exhibit 29 - previously admitted

WITNESS OGDEN EXCUSED.

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Defense witness FRED SKRDLA.

Direct by Mr. Jones (4:09)

Cross by Mr. Mackey (4:35)

Exhibits 30, 31, 32, 33, 34 - offered, admitted

Exhibit 30 RECEIVED During Testimony of Mr. Skrdla

Exhibit 31 RECEIVED During Testimony of Mr. Skrdla

Exhibit 32 RECEIVED During Testimony of Mr. Skrdla

Exhibit 33 RECEIVED During Testimony of Mr. Skrdla

Exhibit 34 RECEIVED During Testimony of Mr. Skrdla

Exhibit 4 - previously admitted

Redirect by Mr. Jones (4:47)

Recross by Mr. Mackey (4:51)

WITNESS SKRDLA EXCUSED.

Defense witness RAYMOND ROZYCKI

Direct by Ms. Merritt (4:54)

Witness will review his notes for tomorrow's hearing.

Recess 5:00 p.m.

LIST OF EXHIBITS RECEIVED AS OF
February 19, 1997, 07:21am

Exhibit 1	RECEIVED	During Testimony of Mr. Kessinger	2
Exhibit 2	RECEIVED	During Testimony of Mr. Kessinger	2
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Exhibit 4	RECEIVED	During Testimony of Mr. Kessinger	2
Exhibit 5	RECEIVED	During Testimony of Mr. Kessinger	2
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Exhibit 7	RECEIVED	During Testimony of Mr. Kessinger	2
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Exhibit 11	RECEIVED	During Testimony of Mr. Kessinger	2
Exhibit 14	RECEIVED	During Testimony of Mr. Kessinger	2
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Exhibit 16	RECEIVED	During Testimony of Mr. Kessinger	3
Exhibit AA	RECEIVED	During Testimony of Mr. Kessinger	3
Exhibit 17	RECEIVED	During Testimony of Mr. Kessinger	3
Exhibit 19	RECEIVED	During Testimony of Mr. Kessinger	3
Exhibit 20	RECEIVED	During Testimony of Mr. Kessinger	3
Exhibit 2A	RECEIVED	After Testimony of Mr. Kessinger	3
Exhibit 26	RECEIVED	During Testimony of Mr. Donahue	4
Exhibit 27	RECEIVED	During Testimony of Mr. Donahue	4
Exhibit 28	RECEIVED	During Testimony of Mr. Donahue	4
Exhibit 29	RECEIVED	During Testimony of Mr. Donahue	4
Exhibit 30	RECEIVED	During Testimony of Mr. Skrdla	5
Exhibit 31	RECEIVED	During Testimony of Mr. Skrdla	5
Exhibit 32	RECEIVED	During Testimony of Mr. Skrdla	5
Exhibit 33	RECEIVED	During Testimony of Mr. Skrdla	5
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LIST OF EXHIBITS REJECTED AS OF
February 19, 1997, 07:47am

RULING RESERVED/NO RULING AS OF
February 19, 1997, 07:21am