

# The Oklahoma City Bombing Trial Transcripts

**Friday, April 25 (afternoon)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,  
Defendant.

REPORTER'S TRANSCRIPT  
(Trial to Jury - Volume 63)

Proceedings before the HONORABLE RICHARD P. MATSCH,  
Judge, United States District Court for the District of  
Colorado, commencing at 1:41 p.m., on the 25th day of April,  
1997, in Courtroom C-204, United States Courthouse, Denver,  
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription  
Produced via Computer by Paul Zuckerman, 1929 Stout Street,  
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## APPEARANCES

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appearing for Defendant McVeigh.

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PROCEEDINGS

(Reconvened at 1:41 p.m.)

THE COURT: I take it on the sequestration of witnesses, it's still agreed that Agents Hersley and Tongate can be here as advisory witnesses.

MR. TRITICO: Yes, your Honor.

THE COURT: All right. I think we needed to clarify on that.

Mr. Nigh, did you have something before the jury returns?

MR. NIGH: I did, your Honor. I wanted to interpose an objection to testimony in the nature of victim impact evidence during the first stage. It's my understanding that two of the witnesses coming up are also witnesses in the second stage; and rather than interrupt during the examination, I wanted to impose -- or interpose the objection now.

THE COURT: What are you characterizing as victim impact? The type of testimony we've had from this witness and also from Mr. Norfleet?

MR. NIGH: Yes, your Honor. Some of the previous witnesses, in terms of extensive conversations and things not related to what the witness saw, heard, experienced during the relevant time period.

THE COURT: Well, I haven't considered that we've gone beyond the bounds of what the immediate effects were; so as long as we're staying with the immediate effects and not the long-range effects, I think it's permissible; and you can have a continuing objection to it.

MR. NIGH: Thank you, your Honor.

THE COURT: And is Mr. Jones going to be absent for awhile?

MR. NIGH: He is, your Honor. He's dealing with his mother.

THE COURT: And is that agreeable, Mr. McVeigh?

THE DEFENDANT: Yes, sir.

THE COURT: To proceed without him?

Okay. Bring in the jury.

(Jury in at 1:43 p.m.)

THE COURT: Members of the jury, Mr. Jones has been called away on a personal emergency for awhile, so we're going to proceed with other counsel; and he's been excused for awhile, so we'll proceed with Miss Hunt.

Please resume the stand, Ms. Hunt, and we'll continue with your testimony.

Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MR. RYAN:

Q. Good afternoon.

A. Good afternoon.

Q. I think when we broke. you last stated that a man

Q. I think when we spoke, you had stated that a man approached you asking, "Where is the day-care center?" Would you please take from there what you did next in response to that question.

A. Yes. I told him it was on the second floor, and that was the floor we were on at that point.

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Q. Then what happened after you gave him the information about

the location of the day care?

A. He -- he turned and went through a hallway that would have -- would lead to the office space, and I helped Larry out the door, down the --

Q. This is Larry Cook?

A. Larry Cook.

Q. All right.

A. And I helped Larry to the stairs that went down the west side of the Murrah Building and laid him down on the sidewalk, and that was at the Harvey Street sidewalk.

Q. All right. Let me -- do you have in front of you Exhibit 954?

A. I have the eighth floor.

Q. No, I'm not talking about you screen; on the documents you have on your desk there.

A. Yes.

Q. Do you see that?

A. Yes, sir.

Q. Can you identify that exhibit, please.

A. Yes. That's the Alfred P. Murrah Building plaza looking at the Murrah Building from the south from South -- N.W. 4th to the building with Harvey on the left side and Robinson on the right.

Q. All right. And again I want you to turn the page to the

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next exhibit, Government's Exhibit 1004.

A. Yes.

Q. Would you identify that for us.

A. That is a closer shot of the plaza that's south of the Murrah Building.

Q. And are both of these photographs photographs of the way the plaza looked the morning of April 19th after the bombing?

A. Yes, sir.

MR. RYAN: Your Honor, we would move Exhibits 954

and

1004 into admission.

MS. RAMSEY: No objection, your Honor.

THE COURT: All right. They're received.

MR. RYAN: May I publish?

THE COURT: Yes.

BY MR. RYAN:

Q. Is that up on your screen?

A. Yes.

Q. All right. Now, if you would, would you describe the -- you were telling us about when you were helping Larry Cook and where you took him; and can you show with the marker, the pen marker there, what your steps were.

A. Okay. The walkway is hidden by the trees, but right there is the stairwell. The windows are the little dots that you see; and then if you go back between the trees, there's stairs that go down to the street.

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Q. All right. And what did you do when you got there?

A. I laid Larry on the concrete, and he started shivering like

he was going into shock; and a policeman ran up to me offering to help. I told him that it appeared that we needed something to cover him with, his clothes were torn. The policeman ran back to his squad car and brought a blanket, and others then joined him.

Q. All right. Now, what did you do after you turned over Larry Cook to the policeman there at the side of the building?

A. I went back up the same stairs that I had come down, went back to the building; I reentered the door that I had just come

out of. I went back into the office space on the second floor,

but I couldn't go very far. There was another person with me. I'm not really sure. I know it was an employee also of the Murrah Building, but we saw a body under the rubble and the rubble was -- looked like the floors were all on top of each other; and there was a barrier that we didn't feel we could get

through, and I just put my hands over my face and went back outside to the plaza.

Q. All right. Let me stop you there, and we'll put on the screen Exhibit 1004. Do you see that?

A. Yes.

Q. Why don't you, if you would, show the jury where you went in and out of the building before you saw this -- the body that

was in the rubble that you've described.

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A. Okay. Right there is the doorway -- doorway into the Murrah Building.

Q. All right. Now, after you came back out of the building the second time, what did you do?

A. I started walking towards 4th Street, basically through the plaza, but I didn't get real far until I heard someone I knew to be V. Z. Lawtan and Ken Altizer, who are both HUD

employees.

I turned around and looked at them, and they were supporting a blond-headed woman that was Ruth Heald. She appeared to have been cut very badly. They asked me if I would take her to -- they were starting to set up a triage up the street by that time, asked me if I would take care of her so they could go back in the building and see if they could help others out.

Q. Now, Mrs. Heald was another HUD employee that you worked with?

A. Yes, sir. She worked for the Office of Native American Programs, which is part of HUD.

Q. Okay. Now, did you take Mrs. Heald from Mr. Lawtan and --

A. Yes, I did.

Q. Tell me what you did next.

A. Ruth was able to walk, but she did not -- her face was cut severely. I looked at her neck, and I instantly put my hand up

to her neck to hold an artery that appeared to be cut. I don't

know that it was, but she was bleeding a lot; and she just -- I

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spoke to her and she said, "Susan, I know that's you. I recognize your voice, but I can't see you. Do I have an eye?"

And I didn't answer her because she didn't; and I just said, "Well, come on, Ruth, let's go to triage. They'll take care of you." And I -- she just looked up at me and she said,

"I have five kids, and I'm alive," and that's all she said.

I took her to triage and sat on the curb with her until a caregiver -- someone came to help her.

Q. All right. Now, after you left Mrs. Heald with the medical folks, did you go back to the plaza?

A. Yes. By that time there were several HUD employees that had gathered in the southernmost point of the -- of the plaza, and we were all just brainstorming who -- what HUD -- we had so

many employees in the building, and we knew that each of us were in varying stages of injury, and we were just trying to account for all 124 people.

We started throwing names out, but we had no way of track -- keeping up with the ones; so Robert Chumard -- he was

chief of our A and E department, our engineering department. His wife was also in the building, and he was scared for Terry;

but he said, "I'll just -- I'll run to one of the closest offices and see if I can get some paper for us to write on." So he did that, and he came back.

While -- while he was gone there were some parents

--  
appeared to be parents. They were screaming and crying and

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trying to get in the Murrah Building; and since I had already been in there and others had and I knew that we couldn't get to the day care from that angle, I -- we were holding them back. The police and other rescue people were starting to arrive; and

they asked us to help them hold these people back, so we did.

Q. Show us -- I've moved you back now to Exhibit 954, and could you tell me where you and your colleagues from HUD were located when you were holding the parents back.

A. It must have been -- there was a ledge that we were all standing at, so it must have been about right here, because there were people going in and out.

Q. Okay. Why don't you put a big X there so the jury can see

it more easily. Okay?

A. Okay.

Q. All right. And how many parents are we talking about?

A. There was -- there were several, but the one in particular that I remember was a real pretty black girl, a young girl that

I know now is Helena Garrett.

Helena was hysterical, wanting to get in the building, and we feared -- we didn't want anyone else injured because we knew what it was like in there; so we were holding them back while -- while there was a lot of chaos around. But really we were fairly calm compared to the situation.

And I -- I don't know why, but a fireman came out and was holding a little red-headed girl, Rebecca Denney. We saw

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the children a lot of times riding up and down the elevators when we came to work during the day, and we visited the day care a lot.

Q. Did you recognize Ms. Rebecca Denney as being one of the small children from the day care?

A. Yes. I -- as a mother, I ran to the fireman to take the baby from him; and he, rightly so, told me no, he was handling it, you know, to go back and help hold the people back.

Q. All right. What did you next see?

A. Next I saw a little black boy, and he was cradled -- I don't remember if it was a policeman or a fireman. I think a fireman, but -- and the little boy was P. J., and P. J. we all knew because he was kind of a cute little boy; and we all knew him, so I knew it was P. J.

And then another one came out a short time later with a little Oriental child that I now know is Cris Nguyen.

Q. All right. All right. Did Mr. Chumard return with the notepad and something to write with?

A. Yes, he did. He -- he came back to -- there was a group of HUD employees huddled together, and we were throwing names back and forth of people that we knew that were at work that day and those that we saw going to the hospital being taken by ambulance; and we also were trying to identify the ones that we had not seen at all.

Q. All right. Now, would you turn to Exhibit 955.

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Do you have that exhibit before you?

A. Yes, sir.

Q. Would you tell his Honor and the jury what that exhibit is.

A. This is the handwritten list of employees that -- written in my handwriting that all of us together put together. We were just throwing names. We tried to put each other's names on there so that we could account for all 124 HUD employees.

We put three headings, one "hospital," the ones that we knew went to the hospital that we saw being attended to and put in an ambulance. We had an "okay" list that some of these people were injured but they were the walking wounded. And then we had an "unknown," and the unknown were the ones that we just had -- no one had seen.

Q. This is in your handwriting?

A. Yes, sir.

Q. And these are the notes that you took within minutes following the explosion on April 19th?

A. Yes, sir.

MR. RYAN: Your Honor, we would offer into evidence Government's Exhibit No. 955.

MS. RAMSEY: No objection, your Honor.

THE COURT: 955 received.

We'll get you some water.

JUROR: Please.

MR. RYAN: May I have permission to publish the

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exhibit, your Honor?

THE COURT: Yes, but let's take care of this.

THE WITNESS: She's the one.

MR. RYAN: Take your time.

BY MR. RYAN:

Q. Now, the document that's --

THE COURT: Let's wait just a moment for our juror.

MR. RYAN: Sorry, your Honor.

Are you okay?

JUROR: I think so.

THE COURT: We'll just take a moment.

All right?

Proceed.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Now, the document that the jury has in front of them are the actual notes -- or a copy of the actual notes that you took that morning?

A. Yes, sir.

Q. A minute ago you were telling us about these three categories, and we're not going to be able to go down all the names and all the list; but the heading here "Hospital," explain it, please.

A. Sherri Coleman was injured. We sat with her in triage, so we knew to put her name down. Of course Ruth Heald is the

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person that I had assisted and retrieved from V. Z. and Ken.

Q. Mrs. Hunt, I'm not going to go down all the names. It's a long list here, and I can -- this is the first column we're looking at; correct?

A. Yes, sir.

Q. And it extends all the way -- it looks like about two-thirds the way down that page.

A. Yes, sir.

Q. People you knew of had gone to the hospital?

A. Yes, sir.

Q. All right. Now, the second column, I think you previously told us the "okay list," didn't mean they weren't injured?

A. No.

Q. But they were either walking wounded or were on the plaza there, you knew where they were?

A. Right. Either they were on the plaza -- and we didn't just

stand and write this in one -- one stand. We were writing as people would tell us, "I saw Marla," "I saw Sheila," "She's okay."

Bob Chumard, of course, was standing there and was one of them contributing. Shannon Sawyer, also, was assisting me with names.

As other HUD employees came by us, we would add their names and ask them, "Did you see anyone else that got out of the building or know for absolute, positive that they weren't

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in the building," and we would add their names.

Q. Now, let's move over to this last column that is marked, what, at the top?

A. "Unknown."

Q. Now, these are the people that, what?

A. These are the people that we knew to be there that day that no one had seen and we had no idea what had happened to them, and we added their names. I saw 12 of them earlier in the day.

Others from the other floor had seen them; and to the best of our abilities, we tried to identify all of the HUD employees on one of the three lists.

Q. All right. Did you see Robert Roddy on that list on the plaza?

A. Yes. While we were trying to make our list, Robert came up to me and asked me if I would assist him on putting on rubber gloves.

The volunteers from the fire department and police evidently had told those that were going in -- back in and -- back in the building that in order to assist them -- they had a stretcher; that one of the ambulances had brought a stack of them, and Robert asked me to assist him in putting on rubber gloves, and I did.

Q. All right. What did you do after that?

A. After that Sheila Schick, our ATA for HUD, our computer specialist, came running up to the group of us -- and I had

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sent Tom Ward, my employee, around the building to try -- we had pretty much exhausted the list that we were able to make at

that point. And I asked Tom and Bob Chumard, also several others left, to go around the building to see if we could find

any of our other employees -- but Sheila ran up to me and said

I had to find Tony Reyes because Michael Reyes had been injured, he had fallen four stories and was alive but badly injured, and would I help her find Tony so that he could know what hospital Michael was being taken to.

At that point, my --

Q. Let me stop you for just a second. After you had this conversation with Sheila, is that when you went around to the side of the building?

A. Yes.

Q. All right. Before we leave the list, how many names are on the list under the "Unknown" column? Have you counted them?

A. I haven't really counted them, but my recollection was -- because later in the day I called the regional office of HUD

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and told them that there appeared to be 46 people that were unaccounted for that we could not find that we didn't know where they were.

Q. And in fact how many people that worked for HUD on April 19th did you never see or talk to again?

A. There were 35.

Q. All right. Now, after you had this conversation with

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Sheila, tell us what you did.

A. I ran to the N.W. 4th Street down the stairs -- actually about the opposite side of the building from --

Q. Okay. Let me put the photograph up on the screen there. It's Exhibit 954, which is the south view that we've already admitted.

All right. Can you take your pen there and help the jury understand your movements.

A. Yes. We were still in about that area, and I ran across the plaza and down the stairs and across the street on the --

I guess it would be the Robinson and N.W. 4th Street. There was a bank, and there was a group of people there; and I ran through the crowd asking someone to help me in yelling for -- Tony's name.

There was a lot of people. They were injured, and there were police and fire that had -- were down lining the street across the street from the Murrah Building plaza; and I ran through them yelling, "Tony, Tony. I need Tony Reyes."

At that time I crossed Robinson again, so I would have made a trip kind of like this.

Q. All right.

A. And I rounded the corner of the Murrah Building.

Q. What did you see when you rounded the corner?

A. The fire -- there were sirens everywhere; and there had been for quite awhile, but there were automobiles in the

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parking lot where I used to park still on fire, smoking.

There

was -- the building the way it used to be was no longer there.

It all was stacked kind of in the middle. There was a body on the ground that someone had covered with a blanket or a coat or

something, but it was obvious that that person was not alive.

Q. All right. Let me ask you to turn to Exhibits 964 and 957.

Do you have those?

A. Yes, sir.

Q. Can you identify those two exhibits.

A. 964 is close to what I saw when I rounded the building,

the  
automobiles smoking; and there were some firemen out in the  
parking lot trying to put the fire out. And the next one --  
Q. 957?

A. 957 is how the building looked, and I knew as soon as I  
saw

that that the chances of the people that we had on the  
"unknown" were probably not good in finding them alive.

Q. Are these two photographs, 964 and 957 -- do they  
accurately portray what you saw that morning?

A. Yes, sir.

MR. RYAN: Your Honor, we would move admission of  
Exhibits 964 and 957.

MS. RAMSEY: No objection, your Honor.

THE COURT: They are received, and you may publish  
them.

MR. RYAN: Thank you, your Honor.

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BY MR. RYAN:

Q. This is Exhibit 964. And again would you describe for the  
jury what it is that they're seeing in this photograph and  
where it's located.

A. There was a parking lot on the corner of Robinson and N.W.  
The parking lot -- there were actually three parking lots that  
butted up to each other. There was kind of a tree at the back  
that sat almost flush with the -- the drive between the  
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Record and the parking lot. There was just a multitude of  
parking across the street that catered to the federal building  
and also the other buildings, Water Resources and so forth.

Q. All right. Now we'll turn to Exhibit 957. Is that what  
you saw that morning?

A. Yes, sir.

Q. Is this the reason that you discontinued looking for  
Mr. Reyes?

A. Yes.

Q. After you saw the front and the north side of the  
building,  
where did you go next?

A. I went back around on the Robinson side of the building;  
and instead of going all the way to 4th, I -- there was a  
stairwell that was about even with the back, the south side of  
the Alfred P. Murrah Building. I went up those stairs and  
rounded the building. At that point, I heard someone and  
looked up; and on the seventh floor were two HUD employees,

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Glenda Riley and Rhonda Griffin, and they were screaming for  
help to get down. They were trapped on the seventh floor.

Q. Would you turn to Exhibit No. 1017.

A. Yes.

Q. What is that exhibit? Please identify it.

A. The lady on the -- on my left is -- with glasses on is Glenda Riley, and the one on the right is Miss Griffin.

Q. Did you see that picture, and does it accurately portray what you saw that morning as you came back around the building on the south side of the building?

A. Yes, sir, it is.

MR. RYAN: We move admission of Exhibit 1017.

MS. RAMSEY: No objection, your Honor.

THE COURT: Received. It may be published.

BY MR. RYAN:

Q. Who is this lady here with her hand to her face?

A. That's Glenda Riley.

Q. And the woman next to her?

A. Rhonda Griffin.

Q. Were they ultimately saved and gotten out of the building that day by the police force?

A. Yes, they were.

Q. All right. Does -- after you saw Glenda and Rhonda, what did you do?

A. I went back to the plaza where some of the HUD employees

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were still huddled. We chatted, trying to see if we had -- any

of us had gained any further knowledge on any additional HUD employees.

We added a few more names to our list; and we were all still brainstorming on who they saw or who they got a hold of to add to our list, and about that time we had a bomb scare. We didn't want to leave Rhonda and Glenda on the seventh floor, but we didn't have any choice because we had already tried to get up to get them and GSA prudently told us they didn't need any more injury.

Q. Now, there never was another bomb?

A. We know that now, but --

Q. But at the time, some rumor got started and everybody was told to leave, and you left?

A. Right.

Q. All right. Where did you go when you left?

A. We ran out from the triage area that was on Harvey and N.W.

4th, and we ran -- started running down Harvey. We'd stop at a -- if we saw an office or building door -- and yell in, "Do you have a phone? Do you have a phone?" because our families still didn't know that we were alive. But they kept pushing us further and further back.

We tried to turn around and go back for Rhonda and Glenda, but the police were still pushing us back until finally

we were on the parking garage -- there's a parking garage that

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the top of it is flush with the ground, and that parking garage is at Main and Hudson.

And we were shivering. I think we were all in shock.

And they had bandaged my legs at the scene earlier, so we were trying -- they were afraid that I couldn't walk much further, so we found an attorney that was very kind to let us in his office even though the building manager said they were evacuating the building; and the attorney pulled us into his office and let us call our families.

Q. And did you ultimately go from there to the post office where your family picked you up and someone took you home?

A. Yes, we made arrangements to meet. We knew that they probably couldn't get downtown, so we walked further south; and

I think it's around S.W. 2d, what we called the big post office, and we waited on the corner together.

Q. And did you ultimately get home around noon or so that day?

A. Yes.

Q. What did you do when you got home?

A. Well, I went in and hugged my husband; and my kids were there. My mother had already started on her way from Texas to be sure that I was okay, not knowing that I was alive or dead. And I -- it wasn't long after I got in that the phone started ringing; and I have call waiting, so I never hung the phone up.

It just rang, and I would talk to one person; and it would beep

in, and I'd talk to another. A lot of people calling for -- of

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course our Washington people checking to see because I was one of very few supervisors that lived -- now I know lived. I was also the central point for them to call.

As the families would check with their co-workers of their family members, they would give them my phone number. And I talked to -- I talked to John Taylor, who was Theresa Luderdale's father. I talked to Diana Day's sister. I talked to Fran Williamson; Mat Gardner, who is a HUD employee and one of the few supervisors that had lived. His mother also worked for HUD, and he would check with me periodically and see if I had heard anything about her.

My regional office people called and were making plans.

Q. All of these people that were calling, they were people who

were trying to find out if their mother or father were alive?

A. Right. And if it wasn't them, it was the other employees

seeing if I knew anything about their friends and co-workers.

Q. All right. Let me turn to the following day, Thursday, April 20th; and tell me what you did that day vis-a-vis the HUD

agency.

A. Okay. I got a rental car as soon as I could get a replacement driver's license. I met --

Q. Why did you get a rental car?

A. My car was trapped under the building. I parked it three stories under the parking garage that was under the plaza; and

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my purse was missing, so I had to go get a driver's license.

And the regional people, Steve Weatherford, who was our coordinator of Region 6, had informed me that we were going

to set up a command center at Oklahoma Housing Authority on N.E. 4th. And so I did that so that I could go over there and help and -- but there was little work we could do.

Q. Why is that?

A. Well, we had no computer hookups. We had lost virtually a hundred percent of our paperwork, not counting all the supervisors that were missing at that point and all the technicals that were missing; so some divisions, we had no one that we could account for.

Q. So you were trying to work the next day; but you didn't have any papers, you didn't have any documents and you lost 35 employees?

A. Right. Right. And I wasn't the only HUD employee. There were several that were like me that were walking wounded, and we were trying to man the phones; but I was really -- myself and the computer tech were really the only two that had a resemblance of a job.

Q. All right. Now, we're almost through, but I've got to show

you some exhibits. You've looked at them before you came here today, haven't you?

A. Uh-huh.

Q. You looked at the three boards that contain the pictures of

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the men and women that worked at HUD --

A. Yes.

Q. -- and that all died.

And do those charts, which are Exhibits -- which is Exhibit 1129 -- are they the actual portrait photographs of the

35 people who died in HUD on April 19th?

A. Yes, they are.

MR. RYAN: Your Honor, we would move the admission of

Exhibit 1129.

MS. RAMSEY: No objection.

THE COURT: All right. 1129 is received.

MR. RYAN: Your Honor, I think I could make this go

a  
little more efficiently if I can ask Mr. Hersley to handle the  
board next to the witness.

THE COURT: Yes, we can use him; and we've got still  
an exhibit on the monitor here.

MR. RYAN: Excuse me, your Honor.

BY MR. RYAN:

Q. Mrs. Hunt, would you just simply go down the list of names  
and tell what each person did in their work for HUD.

A. Okay. Ted Allen --

Q. Mrs. Hunt, there's -- right behind you there is a  
microphone.

THE COURT: Get that, yeah.

MR. RYAN: Mr. Hersley, could you pull the exhibit

Susan Hunt - Direct

further toward the Court so the jurors in the back might be  
able to see it.

THE COURT: Can you all see it now?

Thank you.

BY MR. RYAN:

Q. All right. If you just start with Mr. Allen there and  
just

briefly state what each person did for HUD.

A. Okay. Ted Allen was acting director of Community Planning  
and Development. He had been with HUD for about 4 years.

Diane Althouse -- Diane was a clerk-typist for the  
Housing Asset Management Division.

Peter Avillanoza was director of Fair Housing and  
Equal Opportunity.

Andrea Blanton was a clerk-typist for Mortgage  
Credit,

which was a division of Single Family Housing.

Paul Broxterman was an OIG agent for HUD. He had  
been

with HUD for about 2 years.

Dave Burkett was a housing specialist in Community  
Planning Development in the office of Native American  
Programs,

HUD, and had been with HUD about 21 years.

Don Burns. Don was a construction analyst in Native  
American Programs for HUD and had been with HUD 25 years.

Kim Clark. Kim was a legal assistant and had been  
with HUD about 10 years.

Kim Cousins was a clerk-typist for Single Family

Susan Hunt - Direct

Housing

housing.

Diana Day was a housing specialist in Public Housing, a division of HUD.

Castine Deveroux was a realty clerk in the Mortgage Credit Division, Single Family Housing, HUD.

Susan Ferrell was a lawyer for HUD and had been with HUD about 10 years.

Judy Fisher was a realty clerk in the REO Division, Single Family Housing, HUD.

Linda Florence was a secretary for REO Division, Single Family.

Colleen Guiles was the underwriter for HUD in Mortgage Credit.

Gene Hodges was the acting director of Evaluation of HUD.

George Howard was a new employee -- new employee that had transferred in. He was with Native American Programs and had been with HUD for about 4 years.

Carolyn Kreyborg was a clerk-typist for Single Family Asset Management, Single Family.

Teresa Lauderdale was secretary to the director of Single Family Housing.

Jim McCarthy was director of Single Family Housing.

Betsy McGonnell was a clerk-typist for Asset Management, Single Family Housing.

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Trish Nix was a housing specialist in Public Housing for HUD.

Terry Rees was Bob Chumard's wife, and she was chief of Public Housing, one of the divisions of HUD.

Mary Rentie was a housing specialist in Public Housing.

MR. RYAN: Jon, would you put the next board up.

BY MR. RYAN:

Q. Ms. Hunt, why don't you just get a drink of water and just rest for a second.

A. Tony Reyes was a housing specialist, Fair Housing Equal Opportunity.

Lanny Scroggins was a construction analyst for the office of Native American Programs.

Lee Sells was secretary to the legal staff.

John Stewart was chief of a branch of Public Housing, had been with HUD 36 years -- 30 years.

Jules Valdez was a chief of one of the divisions of the Office of Native American Programs.

John Van Ess was an appraiser for the Evaluation Department, Single Family Housing.

David Walker had worked for HUD 36 years and was the environmentalist for the office.



Mike Weaver was an attorney, was a lawyer for HUD.  
Jo Ann Whittenberg was secretary to the director of

Susan Hunt - Direct

Public Housing.

Fran Williams was secretary to the director of  
Community Planning and Development.

Clarence Wilson was the chief counsel of HUD,  
Oklahoma  
City office.

Q. All right. Why don't you just stay right there, if you  
would, Mrs. Hunt.

MR. RYAN: Mr. Hersley, will you take those three  
boards down.

Would you put the next board on, please.

Would you hand Mrs. Hunt the -- hand Mrs. Hunt the  
little pallet behind you there, please.

BY MR. RYAN:

Q. You don't need to testify now. What I want you to do is  
take that pallet of the 35 names of the people from HUD and  
place them where their offices were located.

MR. RYAN: Jon, would you take that board down --  
excuse me, Mr. Hersley -- and put on the seventh floor.

BY MR. RYAN:

Q. Would you do the same, please.

Now, there were other people who lived on that floor  
on the south side of the building, was there not?

A. Yes, sir.

MR. RYAN: Mr. Hersley, would you please take that  
board down and put on the eighth floor.

Susan Hunt - Direct

All right, Mr. Hersley --

BY MR. RYAN:

Q. Ms. Hunt, you can please sit down in the witness chair.

MR. RYAN: Mr. Hersley, will you please take the  
exhibit off the easel.

BY MR. RYAN:

Q. One final question, Mrs. Hunt. How many funerals did you  
attend in the two weeks after April 19th?

A. I attended 22.

MR. RYAN: That's all I have, your Honor.

THE COURT: Do you have any questions?

MS. RAMSEY: No, your Honor, we do not.

THE COURT: Is the witness excused?

MR. RYAN: Yes, your Honor.

THE COURT: All right. You may step down. You're  
excused. Thank you.

Next witness, please.

MR. HARTZLER: Government calls Helena Garrett.

Mr. Ryan will question her.

THE COURT: Thank you.

We have the wrong witness.

MR. RYAN: Helena Garrett.

THE COURT: All right.

MR. RYAN: There was a lot of things wrong with that witness.

THE COURT: Yeah.

I will explain to the jury: The witnesses are in a different room so that they cannot hear the testimony of other witnesses. That's why there's a little delay in getting the witnesses in. That's a rule that we follow in all criminal trials.

If you'll just come in, please, and raise your right hand to take the oath from the clerk.

(Helena Annette Garrett affirmed.)

COURTROOM DEPUTY: Would you have a seat, please.

Would you state your full name for the record and spell your last name, please.

THE WITNESS: Helena Annette Garrett, G-A-R-R-E-T-T.

COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: May I approach the witness, your Honor?

THE COURT: You may.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon.

A. Hi.

Q. Would you please state your name.

A. Helena Annette Garrett.

Q. I'm going to have to ask you to try to speak up just a little bit. Okay?

Helena Garrett - Direct

A. Okay.

Q. You live in Oklahoma City?

A. Yes, I do.

Q. And where are you employed?

A. I work for the Regents of Higher Education.

Q. And how old are you?

A. 28 years old.

Q. Where were you born?

A. In Peoria, Illinois.

Q. Where did you grow up?

A. In Oklahoma City.

Q. Went to high school there?

A. Yes, I did.

Q. What high school did you go to?

A. Star Spencer.

Q. You have two children?

A. Yes, do I.

Q. What are their names?

A. Sharonda Garrett and Tevin Garrett.

Q. How old is Sharonda?

A. She's seven.

Q. How old is Tevin?

A. He's 16 months.

- A. He's -- he was 16 months.  
Q. The -- tell us when Tevin Garrett was born.  
A. It was on Thanksgiving, November 25th, 1993.

Helena Garrett - Direct

- Q. When did Tevin Garrett die?  
A. On April 19th of 1995.  
Q. Was he born in Oklahoma?  
A. Yes, he was.  
Q. Now, you told us earlier that you worked for the Regents of Higher Education.  
A. Yes.  
Q. What did you do for them in April of 1995?  
A. I was a micrographics clerk.  
Q. What does that mean?  
A. It's to help cut down on the paperwork of all the student files. We would film them, and after they filmed -- I would enter each document on film so that we could just retrieve it from the film instead of having all that paper.  
Q. All right. Now, you worked where?  
A. It was in the Journal Record Building.  
Q. Now, behind you is the exhibit that the jury's already seen. It's Exhibit 940. And you have a -- you should have a pointer or a laser light up there. Do you see it?  
A. Yes.  
Q. Would you please take that and point out to the jury where the -- where the Journal Record Building was and where you were working.  
A. Okay. With this right here?  
Q. Either one is fine.

Helena Garrett - Direct

- A. Either one. Okay.  
This is the Murrah Building. This is the Journal Record where I worked at the time.  
Q. Please speak up.  
A. This is the Journal Record Building that I worked at.  
Q. Where is it in relationship to the Murrah Building?  
A. Right across the street.  
Q. There's a parking lot that separates them is all; is that right?  
A. Right.  
Q. Okay. Why don't you please sit down.  
Where did you work in the Journal Record Building?  
A. On the second floor.  
Q. And what was on the second floor besides the work that you were doing?  
A. It was some attorneys' offices up there, just a couple of them.  
Q. All right. Now, when you had -- what kind of hours were you keeping at work in April of 1995?

You keeping us work in April of 1990.

A. From 8 to 5.

Q. Monday through Friday?

A. Monday through Friday, yes.

Q. And when you were at the Journal Record Building working from 8 to 5, where was Tevin?

A. He was in the day-care center at the federal building.

Helena Garrett - Direct

Q. On the second floor?

A. Yes.

Q. All right. Why did you put Tevin in that day-care center?

A. I had heard about it through a friend; and when I went over there, I loved it. Workers was nice, and it was open and clean; and the windows -- it was just all open, and I loved it.

Q. Was one of the factors that you were only a block away?

A. Yeah, he was -- that's as close as I could get him to my job besides taking him with me.

Q. All right. Did you ever have occasion to go over and see Tevin during the day?

A. Yes, I went often. I went often.

Q. How many children normally attended the day-care center there at the Murrah Building?

A. About 25 to 30. It depended on the days, because every child didn't go every single day. It just depends.

Q. Did you know the children at that day-care center?

A. Yes, I did.

Q. Did I ask you to look at a chart that was made up that contained the pictures of the children in the day-care center and some of the workers?

A. Yes. Yes, you did.

Q. And how many people were on that chart; do you recall?

A. 18.

Q. And do you know -- do you know now as you sit here today

Helena Garrett - Direct

that those people all died on April 19th?

A. Yes.

MR. RYAN: Your Honor, again could I elicit Mr. Hersley's help in moving the charts?

THE COURT: Yes. Yes, sir.

MR. RYAN: Your Honor, we would move into admission Government Exhibit 1047.

MS. RAMSEY: No objection.

THE COURT: All right, 1047.

Is that the chart we're getting?

MR. RYAN: Yes, your Honor.

BY MR. RYAN:

Q. What I'd like for you to do, Mrs. Garrett, is to start over there on the far top left-hand corner with the child Baylee

Almon and tell us if you had seen the child there and what little you might know.

A. Okay. Before the bombing --

THE COURT: I think we'll get the microphone for her so that it will help.

MR. RYAN: Yes.

THE WITNESS: Before the bombing, I --

BY MR. RYAN:

Q. A little closer.

A. -- I worked with Baylee's mom, Erin, at the Journal Record Building, and we used to talk about Baylee a lot in the break

Helena Garrett - Direct

room at my job; and one morning I was in there and Erin said, "Helena, Baylee can walk."

MR. NIGH: Your Honor, this is what I was talking about.

THE COURT: Yes.

BY MR. RYAN:

Q. Yes, we'll move on. And who was the next child there?

A. That's Danielle Bell.

Q. Did you know her mother as well?

A. I didn't know her mother, but I knew her.

Q. Had you seen Danielle in the day-care center?

A. Yes, I did.

Q. Please go to the next child.

THE COURT: I think it's going to be agreed that she knew these children so that the identification can move along.

MR. RYAN: Yes, your Honor.

THE WITNESS: That's Zackary, and the next baby is Anthony that was Dana's baby; and then that's Antonio, that's Antone.

That was Dana. She had just taken over the day-care center.

BY MR. RYAN:

Q. She was one of the workers there?

A. Yes.

Q. Okay.

Helena Garrett - Direct

A. And that was Aaron and his brother Elijah Coverdale. And that's Jacie.

Q. Jacie Coyne?

A. Uh-huh.

MR. RYAN: If you can put on the next exhibit.

BY MR. RYAN:

Q. Again, if you'd start up there in the top left-hand corner.

A. Brenda was Tevin's teacher at the time of the bombing, and she worked there. That was Tylor Eaves; and that's my son, Tevin; and that's Baby Lee.

Q. Kevin Lee Gottshell?

A. Yes. Everybody called him Baby Lee. He was so little.  
And then that's Wanda. She just started working  
there  
recently; and that's Tevin's best friend, Blake; and then  
Dominique London and Chase Dalton.

Q. Thank you.

MR. RYAN: Mr. Hersley, would you put the exhibit  
back, please.

BY MR. RYAN:

Q. Mrs. Garrett, how many times do you think you were over at  
the Murrah Building in the day-care center area --

A. That --

Q. -- ever?

A. On --

Q. Ever. Your whole life.

Helena Garrett - Direct

A. Tevin went there since he was 8 weeks, and I went on an  
average at least twice a day.

Q. So you had been there hundreds of times?

A. Oh, yes, every day.

MR. RYAN: The exhibit I would like to show, your  
Honor -- it's already been admitted into evidence -- is the  
second floor of Exhibit 952.

THE COURT: All right.

BY MR. RYAN:

Q. And do you recognize this second-floor floor plan as being  
the floor plan of the day-care center in the Murrah Building?

A. Yes, it is.

Q. And is it accurate as of April of '95, as far as you can  
tell?

A. Yes.

Q. All right. Can you tell us a little bit about the layout  
of the day-care center, where things were located, the various  
rooms that were contained within that floor.

A. Yes. Let me see. I usually came in from the -- the three  
and four year olds. There's a walkway where we sign the  
children in at.

Q. Okay. Can you take that marker, the pen you have there,  
and show the jury where you're speaking about.

A. Okay.

Q. Okay.

Helena Garrett - Direct

A. It's right here. They're so --

Q. Right there?

A. Yes. Right here is the opening where I usually came in  
with Tevin.

Q. All right. And then continue, if you will, to explain the  
layout of the day-care center.

A. Okay. Okay. Over here, the kindergarten room, it was  
mostly the -- mostly the bigger kids was in there; and it was  
just tables for their crafts and arts and cubbyholes for like

just tables for their chairs and arts and cubbyholes for like their jackets and things like that.

Q. All right.

A. And then the four year olds' room was pretty much like the same.

Q. I'm sorry. What is here?

A. The four year olds' room. It's like tables and toys, a lot of toys in there.

Q. All right. Go ahead.

A. And then in the three year olds' room, it was toys and cubbyholes and -- and a slide was in there.

Q. Okay.

A. If I'm -- yeah, a slide -- a big slide was in there and a lot of riding toys; and then after that, it was the two year olds' room, and they also had pretty much the same thing, a lot of toys and cubbyholes and tables for them to eat at and everything. And then from there it was the toddlers' room, and

Helena Garrett - Direct

they had -- there's like a divider in there, but they had toys and all the same thing, the cubbyholes and everything.

Q. Okay.

A. Then in the infants' room, they had -- coming this way, they had cribs along the window and rocking chairs; and over here they had cubbyholes where the teachers would record like the infants' intakes for the day.

And over here was a sink and changing table; and over the sink it had like cabinets for all of our babies' food and things like that. And there was a refrigerator in there for the formula, and there was also a changing table in the middle of the day care.

Q. Okay.

A. I mean of that particular room. And then there was also cribs along this.

Q. Okay. Can you erase the --

A. Okay.

Q. Now, what I'd like to talk to you about is this -- what appears to be the bottom part of the floor plan. Do you see what I'm saying?

A. Yes.

Q. Why don't you draw a line down that bottom line of the floor plan.

A. Like right here?

Q. Yes, exactly.

Helena Garrett - Direct

A. Okay.

Q. Now, what is -- what is -- if you were in that room in April of '95, what -- what does that line represent?

A. It's a window. It's all window.

Q. It's windows all the way across?

A. All the way through the whole day-care center, the whole second floor.

Q. And these are north-facing windows --

A. Yes.

Q. -- is that correct?

All right. So immediately outside the window is where the cars were parked in front of the building?

A. Right.

Q. Okay. Now, what I'd like to do is --

MR. RYAN: Kathi, you can turn it off. Thank you.

BY MR. RYAN:

Q. What I'd like for us to do right now is turn to April 19th, 1995; and tell us about your day, when you got up and what you did.

A. I got up about between 6 and 6:30, and I got myself showered and dressed, and then I plug up my curling iron because I do my hair while my daughter is getting dressed; and I went and woke up Tevin, and he came into the bathroom with me, and Sharonda was still asleep. And he came to the bathroom with me; and he would always -- always reach up, in the

Helena Garrett - Direct

bathroom where I'm at, and pull the curling irons down, but he would never get burned. He would pull them down and run out, and I would get them and put them back up; and I would tell him, "Go wake up sissy."

And he would have this -- he had this plastic vase like and he'd go in the room where she sleeps at; and he hit her on the head, and that's how he woke her up every morning. And she'd wake up, "Tevin." She got on up. She never got mad.

And she got up and began to get dressed, and I dressed Tevin; and I played with Tevin that morning. And I remember airplaning him from my -- to his room, all the way to my room; and I kind of tossed him on the bed and played with Tevin on that morning.

MS. RAMSEY: Your Honor, we renew our objection.

MR. RYAN: We'll move this along.

THE COURT: Get to it.

MR. RYAN: I understand.

THE WITNESS: And then I was running a little late, and I was going to take Sharonda to Tevin's day care that morning; and I told her -- I told her, "Sharonda, I'm running late. I have to take you to Tevin's day care."

She said, "No, mama, because we have to practice our graduation." And at the time, she was in kindergarten.

BY MR. RYAN:

Q. What time did you all leave the home that day?



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A. About 7:15 or so.

Q. Where did you go?

A. I went to St. John Christian Academy to drop off Sharonda; and after I dropped off Sharonda, I went downtown to Tevin's day care.

Q. About what time is it when you arrived downtown?

A. About 7:45 or so.

Q. All right. What time were you supposed to be at work?

A. At 8:00.

Q. So where did you park that morning?

A. I parked in the federal building garage. They had like 2-hour parking, and you could park there; and I said, "I'll come back and move my car about 9."

Q. Where do you normally park?

A. Across from the Journal Record Building, there was a garage that we were supposed to park at.

Q. So you parked your car around 7:45 at the Murrah Building, and then where did you go?

A. I took Tevin -- I took the stairs that morning, and I took Tevin up to the day-care center.

Q. And tell us what happened when you were in the day-care center.

A. I rung the -- you always had to ring to get into the day-care center; and I rung and nobody came, and then I rung again and Aaron Coverdale came and he looked at me and he shot

Helena Garrett - Direct

off and he came back and opened the door.

Q. All right. Then what happened?

A. And I asked him, I said, "Aaron, what are you doing opening this door?" And he said, "She told me to."

MS. RAMSEY: Your Honor, we renew our objection.

MR. RYAN: We have a right to establish --

THE COURT: Objection's overruled. Let's proceed.

MR. RYAN: Yes, your Honor.

BY MR. RYAN:

Q. Okay. Who else did you see at the day care that morning?

A. When I went in, Wanda said, "I'm sorry I couldn't get the door. I was changing -- I couldn't leave the baby on the changing table." And she just had the baby's feet up, and that's all I seen of the baby because it had like a wooden thing in front of the baby.

Q. All right.

A. And I seen the children. I seen Aaron and Elijah chasing Colton and Zackary and --

Q. Zackary Chavez?

A. Yes.

Q. Chasing Colton Smith?

A. Yes.

Q. Elijah and Aaron Coverdale?

Q. Elijah and Aaron Coverdale?

A. Yes. And I seen Dominique London, and I seen Rebecca and Brandon. They were all sitting on the floor.

Helena Garrett - Direct

Q. Rebecca and Brandon Denney?

A. Denney, yes.

Q. All right. And then did you leave the day care?

A. Tevin was crying.

Q. Okay.

A. And I was running late, and I told Wanda, I said, "Well, here's his card"; because I had to sign a new card for people who was allowed to pick him up. And I laid it on the table; and he was crying that morning, and Elijah and Aaron came and sat him down and they patted him.

Q. To try to console him?

A. Console him, yeah.

Q. All right. And then did you leave the Murrah Building at that time?

A. Yes, I did.

Q. All right. Had you ever parked your car there in that temporary space at the Murrah Building before?

A. Yes, I did.

Q. When was the last time you had done that?

A. It was about a week or so prior to the bombing.

Q. And did you see anyone as you were leaving the building that week prior after having parked at the Murrah Building parking garage?

A. I was going to my car, and I had ran into a friend I haven't seen in a long time. It was Anita Hightower.

Helena Garrett - Direct

Q. Okay. Tell me about what happened to you and Anita that morning.

A. She was working in -- she had like a table set in front of the Social Security doors, office doors, and we talked and everything; and I gave her a hug. And she said -- I told her, I said, "Well, I have a baby now -- I have a new baby."

She said, "Really?"

I said, "Yes. He's upstairs on two," I said, "but you can see him. Come outside."

She kind of looked at me. We went outside, in front of the federal building, and it was always -- most of the child's at the window looking out at something, and it was Aaron again. And I reached up -- I looked up and I said, "Go get Tevin."

So Brenda came, and she had Tevin in her arms, and she just -- because I did it so often, looked at Tevin from the window, and she just kind of pushed him up to the window like this for me.

-----

Q. And could you and Anita see Tevin from the window down below?

A. Yeah, she seen Tevin; and she said he was real pretty.

Q. Okay. Now let's -- what time is it by the time you depart

the Murrah Building on the 19th?

A. What time did I leave?

Q. Yes.

Helena Garrett - Direct

A. About 7:50 or so.

Q. Okay. And did you go directly over to the Journal Record Building?

A. Yes, I did.

Q. Well, tell the -- tell the members of the jury what you did that morning from the time you arrived at the Journal Record Building.

A. I -- I wasn't late. I got there on time, and I -- on that

particular day, I was filming the files. So I started my camera and I just started filming files and everything until about a few minutes before 9, and I thought I should go move my car.

Q. Okay. Tell us about that.

A. I didn't get to leave because the lady approached me that I

worked with and was asking questions about the filming and everything and she was talking to me, and I was still thinking I need to go move my car; and then it was a boom.

Q. All right. Now, before the boom, were you also going to see Tevin or were you just going to move the car?

A. I was going to go see Tevin before I moved my car from the

federal building garage where I always check on him.

Q. Now, tell us what happened, what you saw, what you felt, what you heard.

A. It was like a thunder boom, and it just shook me; and I screamed, and I screamed for my friend Deborah who was in a

Helena Garrett - Direct

little -- was in a real small room that they change film and stuff in and she does some filming in there. And I screamed for her, and she came out; and we grabbed each other's hands, and the ceiling tiles was falling on us.

Q. I'm sorry. What?

A. The ceiling tiles was falling and everybody was screaming, and it was dark.

Q. How long did it take you to get out of the building?

A. We went -- where our desk is located at, we weren't too far

from the stairway; and we was told, like in an emergency, to take the stairs down. And when we got down to the first floor, we couldn't get out; something blocked the door to the stairway, and it was some people on the other side. And I guess they moved the rubble or whatever, and we was able to get out after we -- we was like in this little hallway. It was a big wall made out of like marble, a real high wall, and we had to climb over that; and so Deborah went first, and then I went second.

Q. You eventually got out of the building?

A. Yes, we went out. We went to the side of the Journal Record Building.

Q. What did you think had happened?

A. I really didn't know. Everybody was saying -- they called it the old Journal Record Building, and I just thought it was going to -- it was just collapsed. I don't know.

Helena Garrett - Direct

Q. What did you see once you got outside?

A. Glass. The buildings around the Journal Record Building was destroyed. There was glass everywhere and windows out.

Q. Where did you go?

A. Deborah screamed for Kendra, and I ran with her; and we screamed for Kendra. We went back to the Y.

Q. Who is Kendra?

A. Kendra is Deborah's little girl.

Q. Where was Kendra while you and Deborah were working in the Journal Record Building?

A. She was in the YMCA day care.

Q. So it's a different day care altogether than the Murrah day care?

A. Yes, it's across the street.

Q. Where is it located?

A. It's across the street from the Journal Record Building.

I

think it's 5th Street. I'm not for sure.

Q. It's north and east of the Murrah Building; would that be correct?

A. Yes.

Q. All right. Please, Mrs. Garrett, if you would look on the documents that you have there with you to Exhibits 954, 965, and 957 and 1014. I may have given them to you in the wrong order, so --

A. Yeah, okay.

Helena Garrett - Direct

Q. So Exhibit 1014.

A. Okay.

Q. Exhibit 954, Exhibit 965 and Exhibit 957.

A. Okay.

Q. Can you see those?

A. Yes.

Q. Do those pictures -- those exhibits accurately show the -- or portray what you saw the morning of April 19th a few minutes after 9:00?

A. Yes, it does.

MR. RYAN: Your Honor, we would move into admission these four exhibits.

THE COURT: Some of them are already in, I think, 954 and 957. Right?

MS. RAMSEY: I believe so.

THE COURT: Well, but at any rate --

COURTROOM DEPUTY: Yes, 957 is admitted.

MR. RYAN: 954 and 957 are already in evidence, your Honor. I apologize. We move into admission 1044 and 965.

THE COURT: 1014.

MR. RYAN: 1014 and 965.

THE COURT: 965.

MS. RAMSEY: No objection.

THE COURT: All right. They're received.

MR. RYAN: I'm afraid I'm needing some reading

Helena Garrett - Direct  
glasses, your Honor.

THE COURT: You may publish them.

MR. RYAN: Thank you.

BY MR. RYAN:

Q. Now, would you tell the members of the jury what we're looking at in Exhibit 1014.

A. That's the Y -- the YMCA day care. That's the playground.

Q. This is an outdoor portion?

A. Yes. It was -- originally the stockade gate was up where you couldn't see the children or anything like that while they played.

Q. What did Deborah do?

A. Deborah -- we got to this scene, and there was a man standing -- it was a man standing there and he said, "All of the children are out. They're on the other side," is what he said. And he said, "They're fine."

And I said, "See, Deborah, Kendra's okay." And then when I said that, I turned around and I said, "I'm going to go get Tevin." And I turned around and seen the -- first I seen the parking lot.

Q. This scene right here?

A. Yes.

Q. Exhibit 965?

A. Yes. Yes.

Q. Then what did you see after that?

A. Then I looked up and I saw the federal building.

Q. Exhibit 957?

A. Yes.

Q. What did you do when you saw Exhibit 957?

A. I tried to go over there, and there was a policeman on the corner of the Y's day-care center. He said, "You can't go over there."

And I said, "My baby's in there."

He said, "You can't go over there"; and I ran back around to the Journal Record Building where we came out at.

Q. Right.

A. And I got a lady that I know named Mary -- I mean named Margaret, and she went back with me to that corner; and she said, "You have to let her through there. Her baby's in there."

And he said, "I told this lady I cannot let her through here, and I'm not going to let her through."

And as soon as he said that, I took off running, and I went back around the Journal Record Building because I couldn't get through in front because of the fire. The cars was all on fire.

Q. Okay.

A. And I went back around the only way I knew that I can get around there, which was on 6th Street. I went down 6th Street.

Then I came up Harvey.

Helena Garrett - Direct

Q. All right. And what happened when you rounded the corner there at Harvey and 5th?

A. There was smoke and debris everywhere.

MR. RYAN: Your Honor --

BY MR. RYAN:

Q. Or, excuse me. Ms. Garrett would you look at Exhibits 945, 968.

A. Okay.

Q. 954 has already been admitted. 1004 and 974.

A. Okay.

Q. Do those photographs show the events that you witnessed and watched on the morning of April 19th?

A. Yes, it does.

MR. RYAN: Your Honor, we would move these exhibits into evidence.

MS. RAMSEY: Your Honor, we've previously objected and you ruled on 974. We have no objection to 1004 or to 968.

THE COURT: All right. The exhibits are received.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Do you see Exhibit 945?

A. Yes, I do.

Q. All right. Is this what you saw when you rounded that corner on the west side of the Murrah Building?

A. Yes, it is.

Helena Garrett - Direct

Q. Please tell us about what you did.

A. I came on this side of the Water Resource Building, which is just up here, to the federal building.

Q. What did you do when you got there?

A. I closed my eyes and I said, "One, two," because I tried to

imagine the building like it was, and I said, "two," that's where Tevin is, and I started climbing the debris.

Q. You're talking about this scene we're looking at now?

A. Yes.

Q. And where did you start climbing?

A. It was right up in here.

Q. How far did you get?

A. Not very far because a man came and he pulled me down. He said I couldn't go up there, and I told him my baby was in there.

Q. Why did you start climbing at that spot in the rubble?

A. Because if the building wasn't destroyed, Tevin would have been in that particular room of the day-care center. He would have been right there; and I just closed my eyes and tried to be where he was, and that's why I just imagined that that's -- that's where he was at.

Q. Now, after the man made you come down from the rubble, what did you do?

A. I saw two ladies on a stretcher. They were like back over here; and I said, "I'm going to ask them about the babies."

Helena Garrett - Direct

And I bent down and I asked one of the ladies and I said, "Do you know where the babies are?" And she said, "No, I don't know where they're at."

Q. What did you do next?

A. I went around the federal building. I went -- I left her -- okay.

Q. Show us where you went, if you would.

A. I came this way, just like that.

Q. All right. Is that where you stopped?

A. I came down to the corner and I yelled for Tevin, I yelled for Tevin and for Brenda. And there was a lot of people out there who were injured, but they were just sitting down and laying down on the ground; and I didn't see Tevin outside.

Q. Then what did you do?

A. I went up the plaza, the plaza area of the day-care

center.

Q. And once you got up on the plaza area of the day-care center or on the plaza behind the day-care center, what did you do next?

A. I -- there was two men back there and I was screaming. I said, "My baby's in there." And one said, "What do you mean?"

I said, "There's a day care in there. My baby's in there." And they both immediately went inside.

Q. Now, where are you in this photograph when you're telling the two men there's a day-care center?

A. Here.

Helena Garrett - Direct

Q. Okay. Tell us what happens next.

A. They went inside, and then it's like a few minutes later they start bringing out children.

Q. Tell us what you saw.

A. I saw Rebecca Denney, and she was -- she wasn't unconscious, and her eyes was opened. And I screamed, I said, "Rebecca." And she looked over at me, and she looked as if she

was dipped in blood. She was real, real bloody; and I told the

man who was carrying her, I said her name was Rebecca. He didn't say anything; and I said, "Did you hear me? I said her name is Rebecca."

And he said, "Okay." And he took her down the stairway.

Q. Okay. What happened next.

A. They brought out Nekia McCloud, and -- and she had a -- she

was covered in -- how do you say it -- I had forgot that I did

not take Sharonda there that morning, and I thought Nekia was my baby. And I screamed and I said, "That's my baby." And he took a step to me, and I realized that that wasn't my baby because her hair is different than my daughter's. Nekia had a little ponytail.

Q. What did you see after they brought Nekia out?

A. Her head looked as if it was gashed. It was kind of smashed, and she was unconscious. I didn't know if she was alive.

Helena Garrett - Direct

Q. Did they take her for medical assistance?

A. Yes, they took her. He walked real slow with Nekia he walked.

Q. What did you see after they brought Nekia out?

A. Her head looked as if it was gashed. It was kind of smashed, and she was unconscious. I didn't know if she was alive.

Q. Did they take her for medical assistance?



Q. Did they take her for medical assistance?

A. Yes, they took her. He walked real slow with Nekia. He walked --

Q. What did you see after they brought Nekia out?

A. They brought out -- I seen --

Q. Did you see a man there who was yelling for stretchers?

A. Yes. He was inside the federal building. He was inside the building, and he screamed out, "I need two stretchers. I can put four on two stretchers." And then after that, I saw Brandon.

Q. You saw who?

A. Brandon Denney.

Q. All right.

A. And I thought he was deceased. I thought he was dead.

Q. All right. Then what happened next?

A. Then I saw Christopher and --

Q. Christopher Ngyen?

A. Yes. A man was holding Christopher; and his pants was

Helena Garrett - Direct

down. I remember Christopher's pants being down.

Q. Okay. What did you see after they brought out these children that you had described, Rebecca and Brandon and Christopher, Nekia?

A. Then they brought out Colton, and he -- I was, at the time, between them screaming for the stretchers; and by the time they brought out Christopher, I was on this side. And there is a bench over there, and they brought out Colton Smith. And he ran -- it was -- by this time, there was a doctor there; and he was standing, oh, not too far from me. And he brought the baby; and he said, "Here."

And the doctor said -- he laid him on the bench by my knees and he said -- the doctor said, "There's nothing I could do." And Colton was -- he was bleeding from the mouth, and his stomach looked like it had been busted open. And I didn't want to leave Colton, but I had -- I didn't leave Colton, and I was still looking for my own baby; but I didn't leave him.

Q. Mrs. Garrett, there's a water pitcher there with some glasses there in front of you. Would you like for me to pour you a glass of water? Can you do it?

Let's -- let's skip ahead beyond Colton. All right.

Tell me what -- what happened after you saw what you've described for us about Colton Smith.

A. I moved to the side of the bench where his head was laying and just watched him, and I -- I didn't want to leave him.

Helena Garrett - Direct

Then they brought out some -- they brought out a bigger child. And by this time, they had some white sheets, not big, though, because the legs was still showing. And they brought out these sheets, and they started bringing our babies out wrapped up in these sheets; and they laid them by my feet. And I didn't move, because I didn't want to leave our babies.

And they started making a line from my feet past Colton all the way down of our babies wrapped up in these sheets, and I didn't see Tevin. And I started crying up there and I -- and I was crying and I was screaming. I said, "You got to -- please don't lay our babies on this glass." It was black glass everywhere. I said, "Please, don't lay our babies on the glass. We don't want our babies on the glass."

And I didn't realize that these babies they were laying down was already dead; and I said, "Please, don't lay them on the glass." And this man left and he came back with this big type of broom, and he swept the glass for me; and he swept the glass and got it away from our babies.

Q. Did you leave his side after that?

A. No, I wouldn't leave the babies. They didn't have anybody else up there that knew them, and I stayed right there by Colton and the larger baby that was by my feet; and a lady came, a nurse. She was in uniform. She was a nurse, and she

came and she started tagging our babies; and right then I realized they were dead.

Helena Garrett - Direct

And I don't know how I got -- was moved away from the babies. And she said, "We're going to move the babies to the playground." But while I was there, they wasn't moved, not while I was there. They kept them right where they were at.

And I seen one baby come out, and I thought it was Tevin. It was the size that Tevin would have been. And there was a man standing behind me; and I went to go see if that was my baby, and he said, "No." He said he would look.

And he went down and moved the blanket off the baby and he came back and he said, "That isn't your baby."

And I said, "Are you sure?"

He said, "That's a white baby."

And I said, "Tevin was really light. Are you sure that's not my baby?"

And he said, "No, ma'am. I'm positive that's not your baby."

Q. All right. If you look at your screen there, you're looking at Exhibit 974.

A. Yes.

Q. That's the playground area outside of the day care at the Murrah Building, is it not?

A. Yes, it is.

Q. Were you there when they moved all the babies over there

to  
the playground area?  
A. Did I know what?

Helena Garrett - Direct

Q. Were you there when they moved the babies over to the playground area?

A. They didn't move the babies while I was right there.

Q. Have you finished telling us what you saw and observed there on the plaza?

A. They started bringing out the bodies that was deceased. There was a man -- there was two ladies who was alive standing inside of the building. I don't know what floor they were on or anything. There was a man there who had a salt-and-pepper beard. It was kind of full. And he was sitting on the edge of the federal building a few stories up, and they tried to cover his face because he was dead also; and the wind kept blowing it off of his face.

Q. All right. Let's kind of move forward away from the --

A. Okay.

Q. -- away from the building site, okay?

A. Okay.

Q. I don't think we should go through the rest of what you saw.

When did you ultimately find out about your son?

A. Saturday.

Q. Excuse me?

A. Saturday.

Q. And prior to that time, had the police or law enforcement officers been to your home?

Helena Garrett - Direct

A. Yes. They came and fingerprinted Tevin's -- he had a mirror, Mickey Mouse picture -- it was real big -- over his crib, and he would stand up and look at himself and touch it. They took fingerprints off of that. They took fingerprints off

of his -- off of his high chair and off of my stereo glass.

Q. They lifted prints off of those objects --

A. Yes.

Q. -- is that right?

A. Yes.

Q. Then they later took them down for identification purposes?

A. Yes.

Q. And sometime after that is -- if I understand correctly -- is when you were notified of Tevin's death?

A. Yes. They told me Saturday at -- at the church.

Q. All right. Did you ever see Tevin again after that?

A. Yes, I did. I saw him at the funeral home on that Monday.

it had to be a closed casket because he had a severe head injury.

Q. Were you able to see him?

A. No, I just seen my baby's feet and his hands; and they were still with like black stuff I guess, from the fingerprints. And I kissed his feet and I kissed his legs, and I couldn't go up higher.

Q. Did you know that was your son?

A. Yes, I did.

MR. RYAN: That's all I have, your Honor.

THE COURT: Do you have any questions?

MS. RAMSEY: No.

THE COURT: You may step down. You're excused.

I take it you are excusing the witness.

MR. RYAN: Yes, your Honor.

THE COURT: You're excused.

I think we'll take the recess at this time, too, mid-afternoon recess.

Once again, members of the jury, please -- I know you remember the caution; but again, as I told you, I have to repeat it for the record. Don't discuss the case or anything about it during the time of this recess.

You are excused; 20 minutes.

(Jury out at 3:23 p.m.)

THE COURT: We'll be in recess 20 minutes.

(Recess at 3:23 p.m.)

(Reconvened at 3:43 p.m.)

THE COURT: Be seated, please.

All right. Bring in the jury.

(Jury in at 3:43 p.m.)

THE COURT: Your next witness, please.

MR. HARTZLER: Your Honor, the Government calls

Donna

Weaver. Ms. Behenna will do the questioning.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand, please.

(Donna Weaver affirmed.)

THE COURTROOM DEPUTY: Would you state your full name

and spell your last name for the record.

THE WITNESS: My name is Donna Weaver. My last name is spelled W-E-A-V-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Ms. Weaver, you've just been handed some exhibits we'll be discussing.

Can you tell the jury where you live?

A. I live in Edmond, Oklahoma.

Q. Are you employed?

A. Yes. I work at Southwestern Bell Telephone Company.

Q. How long have you worked for Southwestern Bell?

A. 20 years.

Q. What do you do for them?

x. What do you do for them.

A. I'm area manager of rates and tariffs. That's in the regulatory area.

Q. Where is the Southwestern Bell Telephone located?

A. I work in 800 South Harvey -- North Harvey, in the old Central High School Building in downtown Oklahoma City.

Q. I'm going to show you an exhibit that's already admitted,

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Government's Exhibit 958.

A. Yes.

Q. Do you recognize that?

A. Yes.

Q. And can you show the jury where it is? The Southwestern Bell building is located in downtown Oklahoma City?

A. This is the Southwestern Bell building in Oklahoma City. I don't know what that is.

There.

Q. And you said the address was what?

A. 800 North Harvey.

MS. BEHENNA: Your Honor, before I begin, so I don't have to interrupt again, if I could put the chart, the diagram,

of the downtown area. I think it's Government's Exhibit 940.

THE COURT: 940?

MS. BEHENNA: Yes. Thank you.

THE COURT: We need to turn it a little more so that all the jurors can see it.

Okay. Thank you.

MS. BEHENNA: Thank you, your Honor.

BY MS. BEHENNA:

Q. The jury has already seen Government's Exhibit 940; and I suspect from the description and the address that you gave me that the Southwestern Bell building is not represented on that chart.

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A. Right. It's two blocks north of the Journal Record Building at the top of the chart.

Q. Did your husband work downtown in Oklahoma City?

A. Yes.

Q. Where did he work?

A. He worked for the Department of Housing and Urban Development in the Murrah Building.

Q. HUD?

A. HUD.

Q. And do you know what floor he worked on in that Murrah Building?

A. Yes. He was on the eighth floor.

Q. Do you know where his office was located in the Murrah Building?

A. Yes. It was right on the north side of the building, right

on the glass.

Q. This is a zoom-in of Government's Exhibit 958. It shows a picture of the Murrah Building. Can you with the pen just demonstrate for the jury where your husband's office would have been located?

A. Right. He's in the one floor down on this front window, about right there.

Q. How long did he work for HUD?

A. He's worked for HUD since 1990, when we moved from Texas.

Q. What did he do?

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A. He was an attorney.

Q. Since both of you worked downtown, did you drive to work together often?

A. Not too often; but occasionally, we did. He had the responsibilities for getting our boys ready in the morning and car-pooling to school, things like that. I went in early. He stayed late.

Q. Did you sometimes have lunch together downtown?

A. Yes. We would have lunch together sometimes, and I would see him at the Y.

Q. That was my next question. Did you also have memberships at the YMCA where you would go and work out?

A. Right. We often went to work out during the lunch hour. He played basketball, and I went to the aerobics class, so I'd see him there.

Q. Would you see him sometimes as you were walking down Robinson Street?

A. Right. I'd come down Robinson Street toward the Y; and because he's facing north, I could see him in the building often. He might be --

Q. You could see him on the eighth floor?

A. At the eighth floor at the window. Sometimes he'd be at the window on the phone, and I could wave and he'd wave back.

Q. You mentioned earlier that you have children. How many children do you have?

Donna Weaver - Direct

A. I have two sons.

Q. And their names?

A. Jeff and Tim.

Q. How old are they?

A. Jeff is 18 now, and Tim is 14.

Q. Were you and your husband involved in their activities, social and sporting activities?

A. Right. We did lots of sporting events.

Q. What kind?

A. Mike was coach often, since we've been involved. He coached them in -- both in baseball at different times and both

in soccer. He coached basketball for my younger son, and baseball had just started. In fact, he had been to a coaches' meeting on Tuesday, the 18th.

Q. That would have been April 18?

A. April 18.

Q. Just before the bombing?

A. Uh-huh.

Q. Had the baseball season for the spring of 1995 started yet?

MS. RAMSEY: Your Honor, we would object at this time.

MS. BEHENNA: I'll move on, your Honor.

THE COURT: Please.

BY MS. BEHENNA:

Q. Let me direct your attention to April 19, 1995. Where were you on that morning?

Donna Weaver - Direct

A. I was in my office.

Q. Had you and your husband driven to work together?

A. No. But he had taken my car to the Goodyear place in downtown to have service; and I was -- had gone on with a different car to my office.

Q. What time did you arrive at your office, then?

A. Oh, probably about 7:45, something like that.

Q. And from 7:45 until approximately 9:00, what were you doing in the office?

A. Just normal morning things. I was having a meeting at the time, a meeting with two of my co-workers, discussing a computer project.

Q. Do you recall an explosion occurring?

A. Yes. In the middle of the conversation, there was a loud explosion. We thought it was in our building initially.

Q. What did you see?

A. Well, down the corridor we could see a kind of a puff of what we thought was smoke, later found out it was the glass falling in and just really dust coming up. And we immediately started to exit the building.

Q. And let me go back to the aerial picture, Government's Exhibit 958. I believe you have that up now. Is that right?

A. Yes.

Q. Can you tell the jury where it is you exited your building?

A. Okay. My office is toward the northwest corner, and I

Donna Weaver - Direct

think we came out the north doors there. And we also thought it was an earthquake possibly initially and -- but then we saw across the street toward the south side of the opposing building that the windows were all gone.

So we were walking -- whoops. Where did that come

so we were walking whoops. where did that come from?

We were walking out toward --

Q. Did you walk to that parking lot? Is that what you're trying to demonstrate?

A. We were walking on 8th Street there toward Harvey.

Q. What did you see as you exited your building?

A. Well, we'd been seeing the glass. And we did see some people coming out of the -- onto the streets out of other buildings; and we got -- we cleared around my building and could look south, and then we saw the big cloud of smoke rising up south of us.

Q. Did you know where it was coming from?

A. No, not initially. We thought it was possibly General (sic) Record Building, some chemicals had gone there. And then

we proceeded on toward -- toward Harvey -- well, toward Harvey and --

Q. And I believe you have a light pen as well. If it's easier

for you to show the jury where Harvey is located, you can use that. There is a light pen on the desk. Do you see that?

A. Yes.

Donna Weaver - Direct

Oh, okay.

Well, it would have been up on 7th -- 8th Street;

but

we came over to Harvey here. And as we were looking down to try to decide what it was, the smoke cleared just slightly, just enough for me to see the west end of the -- of the

Murrah

Building. And I could see the framework of the windows, but I could tell the windows were gone and I could see that that was the building damaged.

And I knew that was Mike's building.

Q. So what did you do?

A. I sat on the curb for a minute, and then I really couldn't see anything still; but I headed down -- down that way. My district secretary, Jannie, walked with me; and we went down Harvey and then cut across here on 7th Street to Robinson and headed south from there.

Q. I'm sorry. As you walked down Robinson, what did you see?

A. Well, I could see the east side of the building and see that the -- the big chunk was out of it at that point. And I knew that was Mike's side. We saw people coming out of other buildings.

This building right here is -- there is the arrow. The building right here is Southwestern Bell building, also; and we saw people coming out of there, leaning against the walk, waiting for help. There were no ambulances yet at that point. It was very early.



Donna Weaver - Direct

Q. Was there glass on the streets?

A. There was glass on the street even up there; but as we went further south, it was just -- there was more and more glass and debris and bricks and rocks. And we saw people coming out of buildings in all directions at that point.

Q. Was there debris in the air?

A. Yes, there were some things falling, it seems, paper and --  
I don't remember anything really hard but kind of paper fluttering -- fluttering down.

Q. And was there smoke still over downtown Oklahoma City?

A. Yes. There was a lot of smoke coming from in front of the building.

Q. As you approached the corner of 5th and Robinson, what did you see?

A. Well, we went -- as we went down toward the Y there -- and that's down here -- there was wire and debris, and people were hollering about being careful; and of course, we were down in front of the building then and looking up at the big gaping hole, and the roofing material was kind of waving in the wind and smoke everywhere.

Q. Did you notice some cars on fire?

A. Oh, yes. There was cars on fire across in the parking lot.

There were no firemen there at that point.

Q. Let me show you Government's Exhibit No. 964, which I believe has already been admitted, and ask you if that's what

Donna Weaver - Direct

you saw as you approached the corner of 5th and Robinson?

A. Yes. Except there was no firemen.

Q. You just saw smoke and the fire?

A. Right.

Q. And that would have been in the parking lot, which is represented on Government's Exhibit No. 940, the parking lot just north of the Murrah Building?

A. Right.

Q. Is that where you saw this scene?

A. Right. We were across on the corner by the Y, but we were right there by the parking lot.

Q. You stated earlier that as the smoke cleared, you were able to see the east side of the Murrah Building.

A. Uh-huh.

Q. Let me show you Government's Exhibit No. 956, which I don't believe has been admitted.

MS. BEHENNA: Can I go ahead and put it up without  
it  
being shown to the jury?

THE COURT: Well, is there any objection to 956?

MS. RAMSEY: No, your Honor.

THE COURT: All right. We'll receive it, and now  
you  
can publish it.

MS. BEHENNA: Thank you, your Honor.

THE WITNESS: Yes, that's what I saw, right down  
there  
looking up at the big hole where I knew that Mike's office had

Donna Weaver - Direct

been. I knew that if he'd been in that office, he wasn't here  
anymore.

BY MS. BEHENNA:

Q. You say if he were in that office. Where did you expect  
him to be?

A. I was hoping at that point that he was still at Goodyear;  
that he had been detained down there with my car and that he  
wasn't even in the building.

Q. So as you saw the picture that's represented in  
Government's Exhibit 956, what did you do?

A. I just stared at it and I stared at it and was hoping that  
he wasn't in it; but -- and then a voice kind of talked to me  
and told me that in my head that -- that I had to be careful,  
I

couldn't get hurt; that I had to take care of those boys. And  
I think it was Mike telling me to go back.

Q. And so -- to go back where?

A. To get away from there. Not to go any further.

Q. So what did you do?

A. I wanted to go further. We turned around and went back to  
my building parking lot.

Q. And why did you go back to your parking lot?

A. Well, I was still clinging to the idea that Mike was at  
Goodyear, and I thought that he would go there. If he had  
been

at Goodyear, he would know I'd been looking for him and he  
would go back to my lot to meet me there. So we got back to

Donna Weaver - Direct

the lot, and I looked for him and waited a few minutes, trying  
to judge whether that had been long enough for him to get back  
here. And I thought that it would be. I thought that was  
long

enough for him to make it; so I went to try to make some  
calls,

got my cellular phone out of the car.

Q. And who did you call?

A. I tried several numbers. I was trying to reach someone to  
notify my boss that I was alone; try to get word to Mike's

notify my sons that I was okay; try to get word to Mike's mother and brother. And I called several places. I got a hold of my church. My minister is part of a clerical disaster team that comes into play, and I knew he would be down on the scene.

And I wanted him to know that that was Mike's building and to look for him.

So I got a hold of them, and I also asked them to call the schools, because I was -- it was real difficult to get a line out or get a signal to even call out cellular; and we couldn't go back in our buildings and use the other phone.

So they called the schools for me just to let them know I was okay. And then I called my brother-in-law in Tulsa.

I called Greg and tried different places, but I got through to his office.

He wasn't there, but I talked to his secretary and I -- and I said it was Mike's building; tell Greg; tell him to call his mother, get over here.

Q. After you made these phone calls, then did you go down to

Donna Weaver - Direct

the Murrah Building site for a second time?

A. Yes. After we -- we had to drive out north a little bit to get those phone calls made, to get the cellular phones to work.

Then we came back; and I just had this feeling that, you know, if Mike was hurt and he was laying on the side somewhere down there that I needed to go be with him, I needed to go find him.

So I took off south again with another co-worker in tow trying to keep up with me, I guess. And we headed back down.

By then, they were starting to block off some streets; and the ambulance was there just north of that General Record Building at 6th and Robinson; so at that point, we had to divert over. Someone told us at that point, at that triage place, that they were taking wounded to the Y.

Q. Did you go over to the Y?

A. Yes.

Q. And did you look -- did you look for Mike?

A. Yes. Yeah.

Q. Were you able to find him?

A. No. No. He wasn't there. There was lots of people there,

babies, people in shock; and there was an ambulance there trying to care for people. And all the babies were held by people in someone's arms. I remember that was impressing.

Q. Did you leave the area around the YMCA then?

A. Right. We asked -- we asked where else they were taking

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injured; and of course, they didn't know a lot, but they said -- a policeman was there who said that they were setting up a headquarters at Harvey and 5th Street -- 6th Street, you know, 6th and Harvey.

Q. Okay.

A. So we headed back that way; and of course, we couldn't go over toward the building and up Robinson, so we went back through the alleys again. And I did make some more phone calls

kind of in the middle there to get a hold of my sister-in-law, found out that Greg was on his way, and that my mother-in-law knew and she was on her way. She had been in Fort Smith working. And went over to -- down 6th Street, just right beside the General Record Building on the north side. And then

I noticed just all the destruction at that point.

Q. What are you talking about, what kind of destruction?

A. The General Record Building, the destruction there. I noticed more on the way back.

Q. Windows broken?

A. Windows broken, drapes fluttering out in the breeze; and over on our other building there on the north side of 6th Street, you know, the windows were all broken and the blinds were hanging out. You know, it just looked like a war zone. It was really a mess.

Q. Did you make it to the headquarters that you were trying to reach on 6th and Harvey?

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A. Yes, through some tape. And we saw a group of firemen heading toward the building; and we saw the command mobile unit

just setting up at that point, just pulling in and parking, and

we got down to it. They were setting it up and getting it ready, but they didn't know anything.

Q. You asked them for information.

A. We asked them for information, but they were just getting it going and they didn't know anything. They gave me a telephone number to call. Supposedly when the injured were taken to hospitals, there was a central number that was supposed to communicate that.

Q. Did you decide sometime that morning to go ahead and go on home?

A. Well, I did in a little while. First I saw a friend. A father of one of my son's teammates was there. He worked for the OSBI; and I told him that that was Mike's building and asked him if he was going to go in to look for him. And we exchanged pager numbers. So I felt like then I had the

minister looking and I had him looking, and I could tell that nobody was going to know anything very soon; that I needed to get someplace I could be reached.

So we headed back.

Q. On the way home, do you stop by the -- your sons' school and pick them up from school?

A. Yeah. Before I -- before that, I went to my office again;

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and I did call and reach my sons' schools. And I did talk to my older son. He had just walked into the counselor's office as I was talking with them and, you know, told him that I was okay but I didn't know about dad yet and I was coming to get him.

I was worried that he would -- would go driving. He had just gotten his license and was 16. I was worried that I didn't want anybody to let him drive and go anywhere.

So we then had to leave our building. We were told to leave. And a friend drove me home, and we went by both schools and picked up both my sons and took me home.

Q. For the rest of the evening of April 19, 1995, do you stay at your house, then?

A. Yes. I stayed at my house, and relatives were coming in. Mike's mom came in, aunt and uncle, sister from Phoenix. My brother-in-law was still down at Saint Anthony's trying to get word and trying to find out something. But we got no word that night.

Q. You heard nothing about --

A. We heard nothing.

Q. Let me show you Government's Exhibit 968, which I believe has previously been admitted. And can you for the jury demonstrate on that with the cutout after the explosion where Mike's office was located?

A. Okay. He was in the second office from the east, which is

Donna Weaver - Direct

the left side of that on the eighth floor; so his office was about right here.

Q. On the window?

A. On the window, just facing that. Of course, the chunk is gone where his office would have been further out, but that's where it was.

Q. I assume at some point you were notified that Mike had been found and he had been identified.

A. Right. It was several days later.

Q. Do you recall when?

A. It was on Saturday evening; so it -- we really didn't

have

any word until then. Relatives would get antsy and try to get down to the Christian Church. We went down to the Christian Church, but no word really came until Saturday evening about 5:30.

Q. When you refer to the Christian Church, are you referring to that family assistance that was set up?

A. At the First Christian -- yes.

Q. And you were notified on Saturday that Mike had been found?

A. He had been identified, yes.

Q. And his funeral was when?

A. We buried Mike two years ago today, on the 25th of April.

Q. Were you able to see Mike before he was buried?

A. Yes. Yeah, we were fortunate to have done that. My sons and I got to see him and know that it was him.

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Q. And no doubt in your mind that that was your husband?

A. No doubt.

MS. BEHENNA: That's all I have, your Honor.

THE COURT: Any questions?

MS. RAMSEY: No, your Honor.

THE COURT: Witness excused?

MS. BEHENNA: Yes, your Honor.

THE COURT: You may step down. You're excused.

Next, please.

MR. HARTZLER: The Government calls Sergeant John Avera. Mr. Ryan will do the questioning.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand, please.

(John Avera affirmed.)

THE COURTROOM DEPUTY: Have a seat, please. And would you state your full name for the record and spell your last name.

THE WITNESS: Sergeant John Avera, A-V-E-R-A.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Sergeant Avera, where do you live?

A. I live in Oklahoma City.

Q. And how have you spent most of your life?

John Avera - Direct

A. As an Oklahoma City police officer.

Q. All right. Have you retired recently?

A. Retired February 13 of this year.

Q. Two months ago?

A. That's right.

Q. Your age?

A 49

44. 15.

Q. Date of birth?

A. April 5.

Q. Where did you grow up?

A. I grew up on a farm in Washita County, in western Oklahoma.

Q. And what was the nearest town to where you grew up?

A. Sentinel. Sentinel, Oklahoma.

Q. Where did you go to high school?

A. Port. Port Community, a little community high school.

Q. And you graduated from Port High School in what year?

A. In 1966.

Q. In a class of how many?

A. 13.

Q. What did you do following your graduation from Port High School?

A. I went to Oklahoma City and got a job working in retail stores until 1970. And the first of 1970, I applied for the Oklahoma City Police Department and joined the police department in May of '70.

John Avera - Direct

Q. So you were with the police force in Oklahoma City for how many years?

A. About 26 years and 10 months.

Q. We'll round it off to 27.

A. 27 years, we'll call it.

Q. Tell the Court and Jury the kinds of things you did as a police officer, in an abbreviated fashion, from the time you joined the force up through April of 1995.

A. I joined the force in 1970 and was assigned to the airport detail and worked there for two years. Then I transferred from

there to communications, and I worked there for a little less than a year and then went to patrol division. And 1969, I had an accident and was unable to work for a while; and they transferred me to recruiting, back to communications, and then I worked permit and ID office, which issues permits and does background checks. And in 1991, '90 or '91, I went to the forensics crime lab and worked there the rest of my career.

Q. Return your attention to April 19, 1995. What were you doing?

A. April 19, I was assigned the day before to move some sensitive DNA equipment from a storage room into the new DNA lab. And I arrived at work at 7:00 in the morning, and we started moving the equipment from the storage room just directly across the street into the lab.

Q. What were you doing at 9:00?

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A. We had just completed setting up the equipment or putting equipment on the tables. And at 9:00, we went into visit with my commander and found out what we was going to do the rest of

the day. And we just poured us a cup of coffee and sat down to visit with him.

Q. Who was present in that room at that time?

A. It was Lieutenant Bob Bowman, which was my commander, and Sergeant -- oh -- I can't remember. Sergeant I was working with. I'm the other.

Q. Two months can be a long time.

A. It is.

Q. Tell us what happened while you were in the room.

A. Okay. We was sitting in the room and just started to visit. And we heard an extremely large or loud explosion.

And the ceiling tiles started coming down on the -- from the ceiling. The windows kind of bowed in and bowed out, and it shook extremely heavy.

Q. How many explosions did you hear?

A. Just one.

Q. All right. What did you do?

A. The lieutenant -- this was the -- we was in the equine lab, which tests horses for drugs -- and he said, "Evacuate the building." And he was out, you know, hollering, "Evacuate the building"; so I ran out of the building down into the parking lot. And my idea was that somebody had blown up the police

John Avera - Direct

station. I looked towards the police station, and it was still standing.

And as I scanned the sky, I could see debris going up into the air. And so I started running towards the -- these black smoke and debris that I saw going into the air. And as I was running towards the building, the closer I got, the debris started falling down on us. And I stopped and grabbed some of the paperwork that was falling and looked at it. And one of them was an application for a visa that I looked at. And so I continued running towards the building.

MR. RYAN: Would you turn the computer on?

BY MR. RYAN:

Q. I'm going to show you what's already been admitted in evidence as Exhibit 958. And if you would take a highlighter pen that you have there at the desk -- and I realize that police station where you work is not in this photograph, but tell us when you come into the photograph on your path or the path you took.

A. Okay.

Q. Okay. Do you have it there?

A. Yes, sir.

Okay. I was probably a block and a half off the picture here; and I ran through the parking lot till I came to the church here. I ran in front of the church and then up



the  
side of the building. And right here is where I turned around

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the building. And this is where I was, right here, in that area. That's where I was when I first saw -- I mean there was damage all the way, but that's when I realized that that was the point of the impact, was where I was at at that point.

I was looking over here, and the extremely dense black smoke was going up in the air. You couldn't see what was there; and I thought that was ground zero, where the building had blown up. And as I rounded the corner, I saw a man laying in the middle of the street in a fetal position; and I started walking towards him or running towards him to see if I could help him.

As I got to him, I realized that he is hurt worse than anything -- I couldn't do anything for him; and the closer I got to him and was looking at him, the more he was trying to roll around and get away from me. And he was laying in a bunch of glass, so I thought it would be best to leave him alone, so I backed off.

And a gentleman immediately came up to me and said, "There is a day-care center in the building," and he pointed at the Murrah Building. He said, "There is a day-care center in there. We need to go get the kids out."

I immediately went over to the closest window and crawled inside the window and went inside the building.  
Q. Let me stop you right there; and if you would, turn to Exhibit 968. It's about the fifth or sixth exhibit in that

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stack of papers that you have there.

It's already in evidence, so let me just pull it up there on your screen, Sergeant.

A. Okay.

Q. Can you see it there?

A. Yeah.

Q. All right. Would you use your marker and point to the area where you entered the building after you had rounded the corner?

A. Okay. We entered the building through a window right there, or I entered in there. I was by myself at that time, but I entered the building right there.

Q. Would you make it a little larger X so everybody can see what you're talking about.

A. Right there.

Q. Okay. All right.

Q. Okay. All right.

Tell us what happened after that.

A. As I entered the building, I recognized or saw Sergeant Yeakey carrying a gentleman from the building or from the room in the building; and he was carrying him on his side. And I hollered at the sergeant and told him he was going to hurt himself trying to carry somebody by himself like that. And -- he didn't stop, he just carried him out.

When they met me, or met him, I helped him carry him;  
and we took him to that window that I went in and set him on

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the ledge. And then they got him outside, and there was some men outside to help carry him on out.

So I turned around and started going through the building. And I got close to the back of this room. This one room is -- it's -- at this point was a huge room, but the debris was so deep you had to crawl over things and through -- through the debris to get to where we were going. And I found two women laying down in the back of that room. Both of them were conscious and both of them were talking, but they weren't able to get up at that point.

And we -- there was a gentleman with me; and I don't know who he was. He was in a suit, asked me -- we sat down and talked to him and found out how bad he was injured. And they were both extremely bloody, and one of them thought her leg was broken.

So each one of us on -- I took one of the ladies and carried her out to the window, and we got to the window. There was a gentleman there, and me and him both carried her out to the middle of the intersection out there.

And before we could lay her down because the -- she had no shoes on, and her stockings had been blown off around her knees from the bottom up; so we couldn't set her down for afraid the glass would cut her, there was so much glass out there. So we brushed off the best place we could to set her down and laid her down in the middle of the intersection,

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hoping that as soon as the ambulances had got there they could find her.

Q. All right. Now, after you had taken this lady out of the building, what did you do next?

A. We -- I turned around and went directly back in. She told me as we was putting her on the concrete -- she said, There is 14 of my employees or fellow employees in that room that we just had taken her out of; and she said, Please go back in and get them people out of the room.

And so I told her I'd go and see if I couldn't find them; and so I crawled back through that same window and crawled back into the room, and we looked around in that room best we could, and we couldn't hear anybody nor see anybody in that room.

As I got near the back of the room, there was a real dark hallway; and we could hear people down that hallway, and they were hollering for help and screaming for help. And so instead of going and searching that room, we went ahead and left there, because we couldn't see anybody, went into the hallway, and started walking down the hallway towards the east end of the building.

This particular area was extremely dark, very, very dusty, had a real bad odor. I hadn't ever smelled it before.

Anyway, we got back into the elevator area and listened for the people hollering; and again, it was extremely

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dark and dusty. And we crawled over the debris and the rocks, and we got to an area where we could hear three or four women talking in this area, but we couldn't see them.

And so I continued -- we continued trying to talk to them and visit with them so we could try to find where everybody was. And I found -- personally found three people, a location where three people were and marked them in my mind so when we got more help in there we could start digging them out.

I was back at the very back, as far north as I could go in that particular room, just north of the elevators. And when I arrived at that point, I was talking to a young lady whose foot was sticking out. That's all I could see at that point, or feel, was a foot; and I heard a baby choking. And it was -- it was having a very difficult time breathing. And the gentleman with me and I started trying to find where it's at. And we had to back towards the elevators about 10 or 15 foot and started digging down.

The rock that we were moving took -- there was three of us at that point digging in that hole. It took two of us to lift the rock off these babies, it was so heavy.

When we got to the baby that was making the noise, Don Helmuth and I picked it up; and Sergeant Helmuth picked up the baby and he exited the building, ran out of the building with it.

As I stood up to leave that area to go back to where

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the lady was, I looked down in the hole and was feeling around there; and I found another baby down there. And I picked this

baby up and decided I needed to -- it was not making any noise, and I knew it was unconscious. I couldn't feel any life; so I thought maybe if I cleared the throat out, I could get some -- get it back to breathing. And I stuck my hand down into the throat, and it was very hard and very, very dry. So my next thought was just to get the baby into the building into some light so we could get it some help.

I knew that I couldn't hold the baby. The baby was broke up pretty bad, and I knew it was hurt real bad. And I knew I couldn't crawl out the way I came, because you'd have to crawl over debris and I couldn't crawl and hold the baby at the same time. So I decided to find another exit out of the building.

So I went south by the elevators and waded through water. The water was going over the top of my boots and into my boots. The water was deep. And we -- I found a parking garage; and it was extremely dark back there, but I ran through the parking garage, or I could walk there till I saw some light. And then I ran out of the parking garage onto Robinson Street.

On Robinson Street, I -- I was going north on Robinson Street carrying this baby; and this is the first time that I had saw anybody on the outside of the building other than just

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a few people. At this point, I could see fire trucks and ambulances and lots and lots of people lined up right next to the building. There is a concrete fence, and there was people laying just all the way up the street, up this concrete -- on the sidewalk. And there was people working on them.

Now, they weren't -- as far as I could tell, were just people.

And as I was running up the street, there was firemen standing in the street doing something. They was pointing up towards an ambulance that was parked up very close to 5th Street. And I got close to the ambulance, and there was a gentleman that came out from behind the ambulance and put his arms out and said, I'll -- basically, I'll take the baby from you. And I said, I think the baby is critical. And I said, Please take it; I've got to get back in the building.

Q. Let me stop you right there.

A. Okay.

Q. A photographer took a picture of you handing the baby to the fireman, didn't he?

A. Yes, sir. That was --

Q. And that fireman -- his name is Chris Fields?

A. That fireman is Chris Fields. The photographer was Chuck

Porter.

Q. Who was the baby?

A. The baby was Baylee Almon.

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MR. RYAN: Your Honor, I would offer -- first of all, let me ask Sergeant Avera to turn to Exhibit 978.

Kathi, could you turn the computer off.

THE COURTROOM DEPUTY: All of it?

MR. RYAN: Just the jurors' part.

I'm sorry.

BY MR. RYAN:

Q. Turn to Exhibit 1018.

A. Okay.

I've got it.

Q. Would you identify that exhibit, please.

A. Yes, sir. That's the point in time that I was telling the firefighter that I had a critical baby and that I needed some help with it.

Q. Does that photograph, Government's Exhibit 1018 --

A. Yes.

Q. -- is it a correct and accurate photograph of what was occurring at that moment in time?

A. Yes, sir.

MR. RYAN: Your Honor, we would offer Exhibit 1018.

MS. RAMSEY: Your Honor, we have previously objected to 1018, 1019 and 978. You've taken that under advisement, I believe.

THE COURT: The objection is overruled. The exhibit is received. 1018.

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MR. RYAN: Kathi, could you publish that?

THE COURTROOM DEPUTY: You want to publish it?

THE COURT: Yes.

BY MR. RYAN:

Q. Sergeant Avera, this is you in the ball cap and the dark shirt?

A. Yes, sir.

Q. Just tell us a little more about the picture. What was happening?

A. As I say, the baby had broken bones, and I was trying to immobilize it the best I could. And the picture doesn't show it, but the baby was covered with a big gray film. In fact, everybody we brought out was covered in a gray film, and you really -- it looked different than the picture.

My idea at that point was I knew that the baby was beyond any help that I could give it, and I wanted to get it to the medical attention as soon as possible; so maybe they could do something with the baby. And I was just trying to pass it

to something with the baby. And I was just trying to pass it off.

Q. After you passed off Baylee Almon to the fireman, Chris Fields, what did you do?

A. I immediately turned around and ran back down through the parking garage and back up to the women that were hollering that were buried in the concrete.

Q. Tell us about that.

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A. When I got back into that area, there was -- there was probably four or five people in that area only. I mean there was only about four or five people in the building at that point. And I made my way back to the very back corner, where I decided that was the person that I would start working on, because I could see her leg. The rest of them I could hear, but I couldn't see them.

So I went back in there and started trying to dig in the area where the leg was sticking out. And I could talk with the lady that was in there. She was very calm. She didn't -- I don't think she knew where she was at or how she got there, but she was talking to me.

And as I was digging, I realized that I couldn't move the rocks, the bricks and the concrete and stuff that was around her. So I just stayed there and visited with her.

And there was another gentleman that came up; and to visit with her, we had to crawl down in a little hole, a little cubbyhole, because you could hear better down there. When you crawled in that hole, you could see her hand back in there. We couldn't touch it, but we could see it. But we could talk through that little tunnel to her and talk real plain.

We discussed her husband and her two children. We discussed what she had for breakfast that morning, what school her kids went to. I had a piece of paper that I took out, because they was bringing in some lights at that time. And the

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lights was coming through the top, because the dust and stuff was kind of clearing, or the smoke was clearing so we could see

a little better. So I got me a piece of paper and pencil out;

and I'm writing on this piece of paper and pencil her name and her husband's name. And I thought as soon as I got out of the building, I've got to call him and tell him she was alive, because it was -- I was -- I thought that's what I'd do. But

I  
lost that piece of paper. I never made it out of the building  
with it. And all I knew her by at that point was Terry. I  
could remember her name was Terry, and that was it.

And while we was talking to her, there was a  
gentleman  
came up to me and said -- we was crouched down there in them  
rocks. And he said that the building was not safe and that he  
expected it to continue falling in some more. And we told  
him  
that was fine; if we heard it coming, we'd get out of there.

He said, "Well, if it does fall --" he showed us the  
breaks across the top of the ceiling with the flashlight. And  
he said, "If it falls, this is where I want you to get."

And I remember turning out and looking at it and  
laughing at it and said, "There is too much rebar in between  
me  
and there. We're not going to be able get there if it starts  
falling down."

He said, "Just a minute." We continued talking to  
Terry; and he comes back a little later with bolt cutters, and  
he cuts us a path with the iron rebar so if the building did

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start falling again, we could crawl in that little path. It  
was a concrete beam that went across the top.

Q. Did you continue to work?

A. Yeah, we continued. We took turns. One of us talked to  
her, the other one would dig.

Packed around her real tight was cases and cases of  
reams of paper, and the chair -- she was still sitting in the  
chair sideways, and the chair leg was sitting there. And we  
couldn't -- we couldn't get a whole ream of paper out; so we  
was getting bits of paper at a time from around the chair, but  
we weren't doing any good. With didn't make any progress at  
all the whole time we was with her, other than we got to visit  
with her and keep her company. That's basically what we was  
doing.

Q. Then what happened after that? Did some equipment arrive?

A. They started -- one of my problems from here on out is  
that -- is I can't remember exactly what happened. I know  
that

at times they brought some lights in. And they started the  
generator up, and they gave us some lights. And then they  
said, "Shut the generators down, because it's vibrating the  
stuff loose and it's coming down again." So they had to shut  
the generators off. They also said that the exhaust fumes  
from

the generator would make us sick; that they had to take them  
back outside. And they did get us lots of light in there  
while  
we was there.

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There was a Sergeant Jerry Flowers -- was on the floor above me. At the time, I didn't realize it was a floor above me. And he was telling me that there was somebody here, somebody right under him, and that I needed to go get him. And he was very upset because I wouldn't go under where he was standing, that floor he was standing on and get this person out. But when I went there to look, there was nothing there but concrete. I couldn't hear the person, nor see it. And Jerry Flowers -- he kept discussing -- he couldn't understand why I wouldn't go under that floor and get the person that he could hear.

And finally, I crawled up and looked where he was at; and the last thing I saw was he was disappearing down through a little tunnel and disappeared into the wall trying to go to this person that he was hearing. But I never did hear her.

At one time there was a -- somebody came to us and said that there was a bomb in the building, another bomb was found in the building, and that we should leave as soon as possible.

And the gentleman in the white shirt continued and I continued at this point kind of digging frantically at the paper, thinking if we just worked a little harder we could get her out. And we worked probably another 5 or 10 minutes.

And somebody came up and put their hand on my shoulder and said, "John, I don't think you understand." He said,

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"We've got to evacuate the building. I want out of here, and I can't leave until everybody is gone. You all are coming with me." And at this point, we got up and left the building.

Q. What did Terry say?

A. Terry was saying, you know, "Please don't leave me. Don't leave me in here. Don't go." And -- but we left her in there anyway.

Q. Have you since found out who you were talking to?

A. Yeah. I found out that she survived. I understand she was injured pretty bad, and I don't recall -- I've never met her and have never talked to her again.

Q. All right. Did you leave the building at that time?

A. I left the building at this time, and I don't -- I don't remember where I went to. I know I went outside and I walked close to the south side of the building between the federal courthouse and the federal building; and everybody was running, and I was -- I didn't know where to go. And so I just kind of



and I was I didn't know where to go. And so I just kind of wandered around out there a little while.

And then I noticed people going back in the building.

So I says I'm going back in. I went back in the building and went right straight back to where Terry was. And when I got down to where Terry was, there was several people in the building at that point with equipment they brought in. And they was trying to dig her out. So I wasn't trained in digging equipment or any equipment; so I just stood there, wondering

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what I could do.

And one of the firemen hollered that they needed an air bag like they blow up -- they turn trucks back over, pick trucks up with. He said maybe if we had an air bag we could get under the rocks and pick them up. So I told them I'd go get it.

So I exited the building back through the parking garage and ran up Robinson to the closest fire truck. And they

advised me that the air bags were in a fire engine parked at -

-  
I believe it was 6th and Broadway. And so I ran on up to 6th and Broadway, and they gave me two bags. And I carried two bags, and the fireman carried a board with a big pump on it to blow them up. And we carried that back down to the building, and we set it down by a big pillar in there. And they immediately said they needed more axes and more -- axes to chip stuff away with. So I ran out to the fire truck and got an axe. As a matter of fact, we got three or four axes; and we carried the axes back down and put them with the air balloons, or the balloons to pick things up.

And there was a fireman trying to pick a big copy machine off of a person in that same area that we was talking to them, and he was hollering he couldn't hold it up much longer, that he was going to have to let it go and let it drop

down on top of them and he didn't want to. And somebody said -- he said, "Somebody tie a rope onto it."

John Avera - Direct

And I again left the building through the parking garage and went to the fire truck and asked for some rope.

And they handed me a rope. And I said, "Well, there is two of them." They handed me the next rope; and the next thing I know, I'm lying on the ground and my legs are shaking and weak, and I couldn't get up. And I told the person there at the fire

truck that they needed ropes in there fast and bad, and he picked up the ropes and ran in. And I sit there and regained some thoughts and -- but I couldn't -- my legs were hurting and

I couldn't stand up straight. And so I rested a little bit, then got up and started wandering slowly back towards the police station. And at that point, I just -- I felt like I was -- there was plenty of help down there and there was nothing else I could do.

Q. What did you do after that? Went on back to the station?

A. I went back to the police station. On the way, I met a lady that was -- she wanted her car and she said her car was parked up in that area. And I told her that she couldn't -- that there was no way she could get her car out of that area; that they had already blocked it off and nothing would be leaving the area; that she needed to call someone to come and get them. And she walked with me, and we visited all the way to the station.

And I can remember I didn't feel right; there is something wrong. I described for a long time as being in a

John Avera - Direct

bubble; and I still feel like I was in a bubble; that there was, you know -- I wasn't actually there.

When I got to the police station, I gave her a telephone at the information desk and let her call some people from Shawnee to come and get her; and I went up to the serology lab. And they have green soap and stuff up there, and I took a bath -- or actually, just bathed in the sink and washed up, because I had blood all over me. I had black -- in fact, the picture that we just showed shows the dust and the dirt that was all over.

And I washed off as good as I could in the sink.

And

I thought I'd go sit down and rest a little bit, because I was still shaking. I was just -- I had no control over my muscles from shaking. And I decided it was time to go home. And I was

going to tell my lieutenant that I was going to go home; and I walked over back over to the lab that I was in when the explosion went off. And I went into the lieutenant's office and said, "I think I'm going home."

And he said, "No, you're going to sit here and we're going to visit for a while."

And he wouldn't visit with me. He -- every time I tried to get up, he said, "Go ahead and sit down, because you're not going anywhere right now." He says, "Your shift is not over." I knew my shift was over, and I couldn't figure out what he was talking about.

John Avera - Direct

And I sat in there, and we turned the television on. And he told me to sit and watch television and relax. And the television was showing the picture of the Murrah Building, and that is the first time that I had ever seen that the Murrah Building had been blown up; that it was -- it was what was damaged. I thought it was a secondary explosion. Standing in front of the building, the smoke and the dust was so thick I could not see the area that it caved in from the outside.

Q. You couldn't see the front side or the north side of the building that had been blown away?

A. No. I couldn't see anything past the little doors, the windows that we had crawled in; so I had no idea that building had been blown up that bad.

Q. Do you know now today that the baby that you gave to Sergeant Helmuth was P.J. Allen?

A. Yes, sir.

Q. He lived?

A. He lived.

Q. And do you know the baby that you gave to fireman Chris Fields was Baylee Almon and she died?

A. She was dead.

MR. RYAN: No further questions, your Honor.

THE COURT: Any questions?

MS. RAMSEY: No, your Honor.

THE COURT: All right. I take it you're excusing

the witness, of course.

MR. RYAN: Yes, your Honor.

THE COURT: You may step down. You're excused.

Next, please.

MR. HARTZLER: The Government calls Danny Atchley. Ms. Behenna will do the questioning.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Danny Atchley affirmed.)

THE COURTROOM DEPUTY: Would have you a seat, please.

Would you state your full name for the record and spell your last name.

THE WITNESS: My name is Danny Atchley, A-T-C-H-L-E-Y.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Where do you live, Mr. Atchley?

A. I live at 2101 Northwest 23d in Oklahoma City.

Q. Are you employed?

A. Yes.

Q. How are you employed?

A. I'm employed by the Oklahoma City Fire Department.

Q. How long have you worked for the Oklahoma City Fire Department?

A. 16 years.

Q. What are you doing for the fire department now?

Q. what are you doing for the fire department now?

Danny Atchley - Direct

A. I'm a graphics specialist and photographer.

Q. Is your job as a photographer -- what are you supposed to do?

A. Document fire scenes for training and for investigations.

Q. Prior to that, what did you do for the fire department?

A. I was a firefighter for 13 years.

Q. What station?

A. Various stations around the city.

Q. All around Oklahoma City?

A. Yes.

Q. Do you have other responsibilities currently with the fire department?

A. Yes.

Q. What do you do?

A. I'm on the underwater rescue team.

Q. Which means if there is a car that goes over a bridge --

A. Yes.

Q. -- or into a lake, you go find them?

A. Yeah.

Q. Are you stationed to a particular -- or are you assigned, I

guess I should say, to a particular station in Oklahoma City as

a photographer?

A. I have an office at the administration building.

Q. And where is that located?

A. It's on 5th and Shartel.

Danny Atchley - Direct

Q. Is there also an office that you have on 5th Street further

west of downtown?

A. No.

Q. Where were you the morning of April 19, 1995?

A. In my office on 5th and Shartel.

Q. And that is on 5th Street. I misunderstood you.

A. Yes.

Q. I'm sorry. And what were you doing that morning?

A. I was working on my computer.

Q. What time did you get to work?

A. Around 8:00.

Q. Approximately 9:00, do you remember anything happening at that time?

A. Yes. A loud boom.

Q. I'm sorry?

A. There was a loud boom, like somebody ran into the building or something.

Q. Is that what you thought?

A. Yes.

O. And what did you do?

A. I immediately got up and walked outside, thinking I was going to look to see what had happened to the building.  
Q. Okay. And what did you see?  
A. I saw nothing done to our building, and I started around to the front of the building.

Danny Atchley - Direct

Q. Would that be on 5th Street?  
A. Yes.  
Q. Okay.  
A. And as I started around the building, I heard some of the fire engines starting up their engines; and so I immediately realized that it wasn't our building and probably somewhere down the street and turned around and went back and jumped in my vehicle to follow them and document what they were going to do.  
Q. Follow the engines that you heard starting up?  
A. Yes.  
Q. 5th Street is a one-way street going east?  
A. Yes.  
Q. Is that right? So do you fall in behind the fire engines that are starting downtown?  
A. Yes.  
Q. Where do you first stop when you reach the downtown area?  
A. On 5th and Harvey.  
Q. Okay. And do you stay there?  
A. I stopped for a second, pulled up to the curb, and realized after I had seen the smoke on 5th Street, realized that it was probably going to be a pretty good-sized fire and --  
Q. Is that what you thought it was?  
A. Yes.  
Q. Okay.

Danny Atchley - Direct

A. A lot of smoke. And so I went ahead and decided to pull up to the next block to be out of the way of the fire engines, so I wouldn't be blocking their way, and pulled up to 6th and Harvey.  
Q. Okay. Do you get out of your car then?  
A. Yes.  
Q. Okay. What is your primary responsibility on April 19, 1995?  
A. To document the process of the -- what the firemen are doing.  
Q. Take pictures?  
A. Yes.  
Q. So as you exit your car on 6th and Harvey, do you start taking pictures?  
A. Yes.

Q. Before we go to the photographs, can you briefly describe to the jury what it is you see on the corner of 6th and Harvey?

A. I see a lot of damage to several buildings, glass laying in the street, cars with windows that were busted out.

Q. Debris?

A. Debris flying -- floating in the air.

Q. I believe in front of you are several photographs and exhibits that you have in that wallet, some of which have already been admitted. And I'm going to go through the exhibits right now that have not been admitted.

Danny Atchley - Direct

Let me have you look at 962, 963, 1001 -- with me?

966 --

A. Okay.

Q. 10,000 -- or 1007. I'm sorry.

A. Okay.

Q. 967.

A. Okay.

Q. And 1005.

A. Okay.

Q. Are those all photographs that you took on April 19, 1995?

A. Yes.

Q. You're familiar with those?

A. Yes.

MS. BEHENNA: Your Honor, at this time I'd move for the admission of those exhibits.

MS. RAMSEY: Your Honor, we had previously objected to 967, and we would further agree to the admission of 973, 1003, 966 --

THE COURT: Well, these are not the ones being offered.

MS. RAMSEY: I thought they were.

THE COURT: There is a little confusion here.

MS. BEHENNA: 962, 963.

THE COURT: Let's take them slower. 962 and 963.

MS. RAMSEY: No objection, your Honor. 962 and 963,

Danny Atchley - Direct

we would not have any objection.

THE COURT: All right. 962, 963.

MS. BEHENNA: 1001.

THE COURT: Any objection to 1001?

MS. RAMSEY: No, your Honor.

THE COURT: Hand me 967 there, will you?

MS. BEHENNA: The next one, your Honor, would be 966.

MS. RAMSEY: No objection, your Honor.

MS. BEHENNA: 1007.

THE COURT: 966, 967, 1001, 1003, 1007.

THE COURT: 966 received. Okay. 1007.

MS. RAMSEY: 1007?

MS. BEHENNA: Yes.

MS. RAMSEY: No objection, your Honor.

MS. BEHENNA: I'd also ask for the admission, your Honor, of 967.

THE COURT: I'm going to exclude 967.

MS. BEHENNA: Your Honor, with clarification, would

I be able to lay a foundation and reask the Court to consider that for admission at sometime into his testimony?

THE COURT: Perhaps. At this point, I'm sustaining the objection.

MS. BEHENNA: Thank you.

BY MS. BEHENNA:

Q. Let me have you -- as you began walking down Harvey -- let me have you with these pictures and using the diagram,

Danny Atchley - Direct

Government's Exhibit 940, describe what you're seeing as you walk down. And let me put up Government's Exhibit 962. And you should have it on the screen in front of you. I think that might make it easier. Do you see it?

A. Yes.

Q. Can you tell the jury what that is and in relation to Government's Exhibit 940 where that picture is taken?

A. That is looking south on Harvey, as I got out of my vehicle.

Q. Do you see the light pen in front of you? There is a -- yeah. If you push the button and can you point on the board on

Government's Exhibit 940 where it is you're standing when that picture is taken.

A. About here, looking that way.

Q. Okay. But it's up there at the corner of 6th and Harvey?

A. Yes.

Q. All right. And is that the smoke that you see down on 5th Street?

A. Yes.

Q. Let me have you look at Government's Exhibit 963. And can you -- do you see that?

A. Yes.

Q. Can you tell the jury where that photograph is taken?

A. That is a building on Harvey just to the right of the intersection there. It's a -- some kind of a law office or

Danny Atchley - Direct

something.

Q. Okay. And on Government's Exhibit 940, that would be right there. where it says "law office"?

CHIEF, WHOSE IT SAYS LAW OFFICE .

A. Yes.

Q. And it looks like there is a lot of material out on the street. What is that?

A. That's broken glass, window frames, stuff like that.

Q. Do you continue down Harvey toward the Murrah Building or 5th Street?

A. Yes.

Q. What do you see as you're walking down there?

A. More smoke, a few people that have been hurt, bleeding, walking away from that area, a lot of paper floating and stuff,

a lot of dust and dirt swirling around.

Q. Let me have you look at Government's Exhibit 1003; and I believe it's previously been admitted, but I went to check before --

THE COURTROOM DEPUTY: Yes.

MS. BEHENNA: Thank you.

BY MS. BEHENNA:

Q. And can you again tell the jury what that is and where that

picture is taken?

A. That's a picture looking east towards the Murrah Building on 5th and Harvey.

Q. Okay. And again on the board, that would be right at the

Danny Atchley - Direct

corner? Is that right?

A. Looking that way.

Q. Let me have you look at Government's Exhibit 1001. And can

you describe what that is and where that picture is taken?

A. That is standing in front of the Murrah Building looking northeast towards that parking lot, kind of right in there looking back that direction.

Q. Okay. The fire that we see in this photograph: Is that -

- well, what is that?

A. That's cars on fire.

Q. In the parking lot?

A. Parking lot right there.

Q. And its like there is a lot of paper and stuff. Where is that? Is that in the street?

A. That's totally covering the street. Yes. You couldn't really see the street at that point.

Q. That's 5th Street?

A. Yes, that is 5th Street.

Q. Let me have you look at Government's Exhibit 965. And again, describe what that is and show the jury on the board where it is that photograph is taken.

A. Okay. Again, that's in front of the Murrah Building looking back almost straight north, looking back in that direction.

Q. At this point in time, do you know what has happened to the



Danny Atchley - Direct

Murrah Building? Have you been able to see it?

A. I really hadn't paid much attention at that point. I was looking -- I was focusing on the cars, because I thought that's

where whatever had happened had taken place.

Q. So you hadn't seen the building behind you.

A. No.

Q. And what was the reason for that?

A. Because of the smoke and stuff was totally covering the front of that building.

Q. Let me have you look at Government's Exhibit 964. I believe it's previously been admitted, but if you can show the jury on Government's Exhibit 940 where that photograph is taken.

A. It's taken right here, looking back this way.

Q. Looking --

A. Looking south.

Q. Through the parking lot?

A. Yeah.

Q. I'm sorry.

A. Looking through all the smoke, right, which you can't see the building right there; but it's that direction.

Q. Let me have you look at Government's Exhibit 966. And can you describe what that is?

A. That's looking straight west from right here, Robinson, looking back -- looking down 5th Street back that direction.

Danny Atchley - Direct

Q. Is that the first time you had seen the building and realized what had happened?

A. Yeah, pretty much around that time.

Q. Do you stay out on 5th Street?

A. No. I proceeded back down 5th Street, back over to about right here in front of the building.

Q. Let me have you look at Government's Exhibit 957, which I believe has previously been admitted. And that's looking back at the Murrah Building.

A. It's looking west, yes.

Q. Do you at some point in time enter the building?

A. Yes.

Q. Let me have you look at Government's Exhibit 1007. And again, that's a picture of the Murrah Building?

A. Yes.

Q. On that photograph, can you see where it is you entered the building?

A. Yes.

Q. And can you with a pen -- there is another pen up there -  
-  
if you can mark on the screen where it is you entered.

A. Right about there.

Q. And did you follow some other firefighters into the building.

A. Yes, two firefighters.

Q. Who were they?

Danny Atchley - Direct

A. Mike Shannon and Monte Baxter.

MS. BEHENNA: Your Honor, there seems to be some confusion as to whether or not 1007 had been admitted.

THE COURT: It was agreed to.

THE COURTROOM DEPUTY: Yes.

MS. BEHENNA: Okay. Thank you.

BY MS. BEHENNA:

Q. What do you see as you enter the front of the Murrah Building?

A. It was pretty dark. Really couldn't see a whole lot. Just

a jumble of furniture tossed and turned, partial walls, a lot of sheetrock dust, smoke at that time. The wind would whip it over and blow in the front there, so it was pretty hard to see much of anything.

Q. Were there any lights on in the building?

A. No.

Q. Were there walls up?

A. There was partial walls. There were some walls that were still up.

Q. Were there any alleys or aisles to walk down?

A. No.

Q. What do you do on this -- I assume this is the first floor.

What do you do in this area?

A. I called out for anybody who might be hurt, checking under things, moving debris around, trying to find if there was

Danny Atchley - Direct

anybody there who could call out.

Q. Do you walk to the back of the building?

A. Yes.

Q. What you think is the back of the building?

A. Yes.

Q. What do you do when you get there?

A. Searched around again and came upon a stairwell and proceeded up the stairs.

Q. What happens when you get to the top of the stairs?

A. I walked out on to the second floor and began looking around.

Q. Looking for?

A. Anybody that might be there that needed help.

Q. And again, can you tell the jury what the -- what the conditions are like inside the building on the second floor?

Are there any lights?

A. No lights.

A. NO LIGHTS.

Q. Can you see what's going on? Do you get glimpses of light from the north side of the building?

A. Yeah. When the wind would whip the smoke a certain way, there would be glimpses of light would come through; and you could barely see, but you can still kind of get an idea of it was all jumbled up, just like the first floor; and it was desks

and everything tossed over.

Q. Is the debris everywhere?

Danny Atchley - Direct

A. Yes.

Q. What do you do when you're on the second floor?

A. As I stood there for the first few minutes, I heard a child

crying. And he was really letting it out. He was really screaming and going on; and so I immediately proceeded in the direction that I thought I could hear it coming from.

Q. Could you see him?

A. No.

Q. So you're just going by the sound?

A. Yeah. I was just moving forward and then stopping to listen and try to pinpoint, because it was -- it was hard to tell with all the debris.

Q. Are you able to find where the noise is coming from?

A. Yes. Finally, I found a certain pile there and started removing the chairs and stuff and dug down to where the child was at.

Q. Do you know if it was a little boy or a little girl?

A. No.

Q. What do you do when you find the child?

A. I started talking to it, trying to comfort it and speaking

to it. And I knew had I to get it out of there, so I was -- I

did kind of a primary assessment of it and run my hand down the

back of its neck and down its spine to see if it had any kind of spinal injuries. I didn't want to just snatch it up. Once I assessed that, I picked him up and held him for a little bit.

Danny Atchley - Direct

And turned around and decided I better get him out of there. But there was so much debris to crawl over, I hollered for somebody to come and thought maybe we could just kind of get a chain going so I could hand the child out without a lot of jostling around.

Q. Is that what you do?

A. Yes. I think a policeman came in, and I handed the child off to him and told him to get him out of there.

Q. Was there anything covering the child's body?

A. There was a lot of sheetrock dust and stuff; and it gave the child a total white appearance, the hair. Everything was almost totally white.

Q. After you hand off that first child, what do you do?

A. I turned around and hollered again to see if I could -- I thought, Well, maybe there may be more in here. So I began listening and trying to figure out if there were any more children around or anybody around.

Q. Do you hear anything else?

A. Yeah. I heard a slight moan.

Q. A slight moan?

A. Yeah. It was just real faint. And for a few seconds, I waited and finally started making my way over to where I thought I heard it. And then he moaned again, and I started digging down to try to find this child. And I found another child down not far from where I found the first one.

Danny Atchley - Direct

Q. Okay. You located the moan.

A. Yeah.

Q. Okay. What do you do as you're digging debris up?

A. Just throwing chairs and stuff out of the way, trying to get down to where I thought -- this one was even more covered than the first one.

Q. Okay.

A. And I was trying to figure out how I was going to get down there and get him out. It was -- like I said, there was quite a bit of debris. Sheetrock dust was more prevalent there. After I got down to where I thought the floor was, I still couldn't see the child. And at that time, he opened his eyes and kind of shocked me at first when I first saw him, because I thought I was actually looking at the flat floor. And once I realized that it was -- he was alive, I started brushing away the sheetrock dust and stuff to try to allow it to breathe better.

Q. Were you able to remove that child?

A. No, not at that point. As I was digging down, there was

--

I noticed across where I thought his lower part was, there was like a big bookshelf or something loaded with books. And I was

crouched over, and I tried to pick it up. And I knew at that point I wasn't going to be able to pick it up by myself. So

I

hollered for somebody to come help me; and a fire fighter somewhere over -- I couldn't tell -- somewhere in the distance

Danny Atchley - Direct

hollered and said he would be there and started -- I could hear

him crawling over stuff and coming that direction; so I just

waited till he got there.

Q. And then the two of you lifted the bookcase?

A. Yes, we lifted it up. And then I went ahead and finished uncovering the child from the debris and stuff and picked him up.

Q. The child was alive?

A. Yes.

Q. And do you take the child out of the building?

A. I handed it off to -- I don't know if it was that firefighter or somebody else had come up behind him. I'm not sure, but I handed the child off and told them to get him out of there, also.

THE COURT: We're after 5:00.

MS. BEHENNA: This would be a fine place to stop.

THE COURT: All right. We'll have to have you back Monday to finish your testimony.

THE WITNESS: Okay.

THE COURT: Thank you. You're excused till then.

Members of the jury, you are also going to be excused till Monday morning. We'll be resuming in the courtroom at 9:00. Of course, between now and then, you're free to go and do as you choose, with certain exceptions, the exceptions being, of course, that you must not discuss this case or anything about it with anyone. And you must be very careful in that which you read, see, and hear in any form of communication, to avoid anything which could relate to this case and influence or affect you in your judgment of the evidence.

You know that, but I must underscore it and emphasize it. It will seem short to you, probably; but it's a long time between now and Monday morning.

Also, I just want to caution you that there will be hearings held outside your presence at times in connection with this case, hearings on motions, other things that arise here that don't directly concern you; and that's the kind of thing that may appear, of course, in news programs and the like.

And that's the very kind of thing you have to stay away from but also, even, of course, with respect to those things that relate

to what you have actually seen and heard here in the courtroom; that somebody when it's reported -- it's somebody else's interpretation of it. And it's your interpretations that count, not what somebody else thinks the significance or lack of significance of any of the evidence might be.

So, you know, it can occur to a person, well, why can't I see what I've already seen in the courtroom? But, of course, it goes through a filter that makes it inappropriate for you. I'm sure that you understand my cautionary instructions; and I'm sure, too, that you will follow them. And again, if you do come across something, you'll let us know

about it, as I told you before, by giving me a note.

Now, you're excused till Monday morning; and we hope that each of you has a pleasant weekend. I hope the weather is better.

You're excused.

(Jury excused at 5:05 p.m.)

THE COURT: We have the hearing scheduled for tomorrow morning. Mr. Jones, have you discussed with Mr. McVeigh whether he wishes to be present for that hearing?

MR. JONES: Your Honor, he waives his appearance tomorrow.

THE COURT: Is that right, Mr. McVeigh?

THE DEFENDANT: Yes, sir, it is.

THE COURT: All right. So Mr. Hartzler, did you have something?

MR. HARTZLER: We did, your Honor. We had a short evidentiary matter that we wanted to address to the Court at some point in the nature of a side bar. We'd be delighted to do it this evening or tomorrow morning, whenever we're most likely to get a favorable ruling.

THE COURT: Well, I -- that puts it to me in a way in which I don't know how to respond. I may be fresher tomorrow.

MR. HARTZLER: That would be fine. So may we.

Thank you.

THE COURT: All right. We can take it up perhaps after we're done with the media matters at 9.

MR. HARTZLER: Thank you.

THE COURT: So we'll recess till 9:00 tomorrow morning.

(Recess at 5:07 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
945	5036	5036			
954	4988	4988			
955	4994	4994			

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
956					
957	5000	5000			
962	5092	5093			
963					
964	5000	5000			
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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 25th day of April, 1997.

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Paul Zuckerman

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Pam Andasola

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