

Monday, April 28, 1997 (morning)

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 66)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 9:00 a.m., on the 28th 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,
P.O. Box 3563, Denver, Colorado, 80294, (303) 629-9285

APPEARANCES

PATRICK M. RYAN, United States Attorney for the Western District of Oklahoma, 210 West Park Avenue, Suite 400, Oklahoma City, Oklahoma, 73102, appearing for the plaintiff.

JOSEPH H. HARTZLER, SEAN CONNELLY, LARRY A. MACKEY, BETH WILKINSON, SCOTT MENDELOFF, JAMIE ORENSTEIN, AITAN GOELMAN, and VICKI BEHENNA, Special Attorneys to the U.S. Attorney General, 1961 Stout Street, Suite 1200, Denver, Colorado, 80294, appearing for the plaintiff.

STEPHEN JONES, ROBERT NIGH, JR., and RICHARD BURR, Attorneys at Law, Jones, Wyatt & Roberts, 999 18th Street, Suite 2460, Denver, Colorado, 80202; JERALYN MERRITT, 303 East 17th Avenue, Suite 400, Denver, Colorado, 80203; CHERYL A. RAMSEY, Attorney at Law, Szlichta and Ramsey, 8 Main Place, Post Office Box 1206, Stillwater, Oklahoma, 74076, and CHRISTOPHER L. TRITICO, Attorney at Law, Essmyer, Tritico & Clary, 4300 Scotland, Houston, Texas, 77007, appearing for Defendant McVeigh.

PROCEEDINGS

(In open court at 9:00 a.m.)

THE COURT: Be seated, please.

Good morning. You ready for the jury?

MR. JONES: May we approach the bench just a moment?

THE COURT: Yes.

(At the bench:)

(Bench Conference 066B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

(Jury in at 9:02 a.m.)

THE COURT: Members of the jury, good morning.

You will recall that when we recessed on Friday afternoon, we were hearing testimony from Mr. Danny Atchley from the Oklahoma City Fire Department, photographer and graphic specialist with that department. We'll continue with his testimony now. So we'll return the witness.

(Danny Atchley was recalled to the stand.)

THE COURT: Good morning. If you'll resume the witness stand under the oath when you were with us on Friday, we'll resume your testimony.

Miss Behenna, you may continue.

MS. BEHENNA: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MS. BEHENNA:

Q. Mr. Atchley when we last broke on Friday afternoon, you just described to the jury that you were on the second floor of the Murrah Building and you had just rescued two children. Do you recall that?

A. Yes.

Q. Okay. And you had also described for the jury how difficult it was to rescue the children on that second floor. Do you recall that?

A. Yes.

Danny Atchley - Direct

Q. And in particular, you told the jury that the debris and that this white chalk or dust that was covering the children made it difficult to see them.

A. Yes.

Q. Did you also attempt to locate yet another child?

A. Yes.

Q. Can you tell the jury just briefly about that experience?

A. Well, after I rescued the second child, there was slight

pause, and I tried to listen to see if I could hear any --
hear

any other children or anybody else that might need some help;

and after a few minutes, I thought there was nobody else, so I

was -- about made up my mind to leave. And I thought I heard
a

slight moan; and I paused and waited and didn't hear anything

again for quite a while and started to leave again, and I
heard

it again and tried to home in on where the sound came from and

then realized it was a child. I wasn't sure with all the
noise

going on outside. And then I went over to where I thought I

heard the noise and starting digging in and found a third

child.

Q. And again the condition of that child, can you describe

that for the jury?

A. Seemed to be going in and out of consciousness, she was,

couldn't tell if there were any bones broken; but she wasn't

real lively, wasn't moving much at all.

Q. You're saying "she." Could you tell if it was a boy or

Danny Atchley - Direct

girl?

A. No, I couldn't.

Q. Was this child again covered in this white chalky substance?

A. Yes, totally covered.

MS. BEHENNA: Your Honor, at this point in time, the Government would move the admission of the Exhibit 967. It's one that we had discussed previously.

THE COURT: Well, perhaps you ought to establish with the witness the relationship of that particular exhibit to what he's testifying to.

MS. BEHENNA: Thank you, your Honor.

If I could have the computer screen, please.

THE COURT: Just for the witness and counsel.

BY MS. BEHENNA:

Q. Do you have Government's Exhibit 967 in front of you?

A. Not on the screen.

Q. Do you have it now?

A. Yes.

Q. And can you describe what it is -- let me ask the question

this way, first. Is this representative, accurate photograph of the condition of the children that you saw on the second

floor of the Murrah Building?

A. Yes.

Q. This child is one of the children you spoke about

Danny Atchley - Direct

previously?

A. Yes.

Q. That you were involved in the rescue and recovery?

A. Yes.

Q. Does this photograph show the condition of the child being covered with this white chalky substance?

A. Yes.

MS. BEHENNA: Your Honor, at this point in time, I would move for the admission of Government's Exhibit 967.

MS. RAMSEY: Your Honor, the Court has previously ruled that this photograph is inadmissible, and we would urge that the Court stand on that ruling.

THE COURT: The objection is overruled. The exhibit will be received to exhibit the difficulties encountered with respect to the material covering the child at the time of the rescue effort.

You may publish it.

MS. BEHENNA: Thank you, your Honor.

BY MS. BEHENNA:

Q. Now, for the jury, so that they will understand, this child

is alive?

A. Yes.

Q. And you recovered this child and she is removed from the building; right?

A. Yes. This is the second child.

Danny Atchley - Direct

Q. This is the second child you talked about?

A. Yes.

Q. And this is the one that the eyes pop up at you as you're trying to recover?

A. Yes.

Q. And can you for the jury just describe what you see in this picture?

A. This child is laying with her head towards me, cut on the forehead. The reason you can't see the bottom part of the child because there was like a big bookcase or something laying on the lower extremity. And I shot this while I was waiting for the firefighter to come help me get the bookcase off of her.

Q. And the white?

A. The white is the chalky residue from the Sheetrock.

Q. Thank you. Do you find any more children on the second floor?

A. Only the three.

Q. Do you move to another location --

Q. Do you move to another location?

THE COURT: Let's cut the screen off now. The exhibit has been up.

MS. BEHENNA: Thank you.

THE COURT: Thank you. Proceed.

BY MS. BEHENNA:

Q. Do you move to another location within the Murrah Building?

Danny Atchley - Direct

A. Yes.

Q. Can you tell the jury briefly where it is that you go?

A. I saw a firefighter come through the area where I was rescuing the children, and he crawled down in a hole in the floor which later became known as the pit; and I went over, followed him down in the hole in the floor. And as we got down there, we found more intertwinement of rebar and all kinds of office equipment, turmoil. There were people down there alive that were hollering for help, and we started a rescue on a couple of ladies that were down there.

Q. When did you leave the Murrah Building on that first day?

A. About 2:00 in the morning.

Q. Did you return to the scene later on?

A. About 5 or 6:00 the next morning.

Q. That would have been April 20?

A. Yes.

Q. Is that right?

And your purpose at the scene is to further document the recovery and rescue efforts?

A. Yes.

Q. How long do you stay on the site of the Murrah Building?

A. Until May 4. I came every day and documented all the processes that were going on until May 4.

Q. What happened on May 4?

A. At midnight, they shut down the process of trying to find

Danny Atchley - Direct

any more people.

Q. Trying to find any more victims --

A. Yes.

Q. -- of the bombing.

After April 19, 1995, were any more survivors recovered from the Murrah Building site?

A. No.

Q. So the rest of the mission would have been a mission of just recovering victims --

A. Yes.

Q. -- from the rubble?

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

THE COURT: You have cross-examination of this witness.

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

THE COURT: Okay. I take it this witness is going to

be excused?

MS. BEHENNA: Yes, your Honor.

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

Next witness, please.

MR. HARTZLER: Your Honor, the Government calls
Charles Hanger. Mr. Mendeloff will question him.

THE COURT: All right.

(Charles Hanger affirmed.)

THE COURTROOM DEPUTY: Would you state your full name

Danny Atchley - Direct

and spell your last name for the record.

THE WITNESS: Charles J. Hanger, H-A-N-G-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mendeloff.

MR. MENDELOFF: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Mr. Hanger, please tell the members of the jury where you
live.

A. I live in Perry, Oklahoma.

Q. How big is Perry?

A. Approximately 5,000 people.

Q. Where is it located in relation to Oklahoma City?

A. About 60 miles north of Oklahoma City, off I-35.

Q. I-35?

A. Yes, Interstate 35.

Q. Where does Interstate I-35 run?

A. Completely through Oklahoma from the Texas-Oklahoma border to the Kansas-Oklahoma border.

Q. How long have you lived in the vicinity of Perry, Oklahoma?

A. Approximately 20 years.

Q. And how are you employed?

A. I'm a state trooper with the Oklahoma Highway Patrol.

Q. How long have you been employed as a state trooper with the

Oklahoma Highway Patrol?

Charles Hanger - Direct

A. Since September, 1976.

Q. What are your responsibilities in that job?

A. Primarily responsible for traffic enforcement, accident investigation, assisting the motoring public, and whatever else that comes up.

Q. And, sir, let me ask you, what sorts of laws do you enforce?

A. Enforce all the laws of the state of Oklahoma, traffic and criminal laws.

Q. On April 19, 1995, were you employed in your position as a Oklahoma highway state trooper?

A. Yes.

Q. When did you go to work that morning?

A. Around 7 a.m.

Q. And at some point that morning, did you learn of an event

that had occurred in Oklahoma City?

A. Yes.

Q. What did you learn?

A. I learned that there had been some type of explosion in downtown Oklahoma City.

Q. Where were you when you learned this?

A. I was at the Troop YA headquarters, which is the Cimarron Turnpike headquarters in eastern Noble County.

Q. For the ladies and gentlemen of the jury, will you explain to them where the Cimarron Turnpike is in relation to I-35?

Charles Hanger - Direct

A. That would be approximately 20 to 22 miles east of I-35 just off of U.S. 64.

Q. Now, sometime later that morning, did you receive an assignment relative to the Oklahoma City bombing?

A. Yes.

Q. What was that assignment?

A. I was advised by my dispatcher to report to the Oklahoma City area and assist as needed.

Q. Where were you when you received this assignment?

A. I was still at the headquarters there on the Cimarron Turnpike.

Q. What did you do when you received that assignment?

A. I got in my unit and got off of -- off of the Cimarron Turnpike onto U.S. 64 and proceeded west on 64.

Q. And at what rate of speed did you travel?

A. At a high rate of speed.

Q. Did you make it to Oklahoma City?

A. No, I did not.

Q. Why not?

A. I was told to disregard that assignment and stay in my own area.

Q. Where were you when you received notice to disregard your assignment and stay in your own area?

A. I was southbound on Interstate 35 between the two Perry exits, which is on the west side of Perry.

Charles Hanger - Direct

Q. On the west side of Perry, Oklahoma?

A. Yes.

Q. After you were instructed not to respond to Oklahoma City, what did you do?

A. I resumed my normal patrol duties.

Q. At about 10:30 that -- excuse me, about 10:20 that morning,

did you have occasion to perform a traffic stop?

A. Yes.

Q. Where did you perform this traffic stop?

A. On Interstate 35 northbound between Mile Markers 202 and 203.

Q. Where is that on I-35 in relation to any particular exit?

A. That's about 1 mile south of the Billings exit.

A. That's about 1 mile south of the Billings exit.

MR. MENDELOFF: Your Honor, if it's possible, I'd like this displayed only to the witness until we get it admitted.

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Do you see anything on your screen there?

A. No, it's blank.

I do now.

THE COURT: It's on the jury's screen. Why don't we just hand him the photographs.

MR. MENDELOFF: Very well, your Honor.

THE COURT: And deal with it that way.

BY MR. MENDELOFF:

Charles Hanger - Direct

Q. Let me direct your attention to Government Exhibit 410. Do

you have that in front of you?

A. Yes, I do.

Q. What is that?

A. That's a map of the northern part of Oklahoma from Oklahoma

City north.

Q. How familiar are you with the geography between Oklahoma City and the Kansas-Oklahoma border?

A. I'm very familiar with it.

Q. You patrol it on a regular basis?

A. Part of that.

Q. Looking at Government Exhibit 410, does that map fairlv

and

accurately reflect that area?

A. Yes.

MR. MENDELOFF: We move in Government Exhibit 410,
your Honor.

MS. RAMSEY: No objection, your Honor.

THE COURT: 410 is received.

MR. MENDELOFF: May we publish it?

THE COURT: Publish it, yes.

BY MR. MENDELOFF:

Q. Now, Trooper Hanger, looking at the map and looking at
the

screen underneath your desk there, do you see the map on that
screen?

A. Yes, I do.

Charles Hanger - Direct

Q. And can you take the light pen that's located on the
screen -- it should be to your left -- draw on the face of
the

screen where Oklahoma City is located.

A. It's in this area.

Q. All right. And can you also indicate where Perry,
Oklahoma

is.

Finally, can you point out for the ladies and

gentlemen of the jury the location of the traffic stop that
you

performed on the morning of April 19, 1995.

Now, there's a little button on the pen. If you press that three times, it will clear the screen.

Can you describe the vehicle that you stopped that morning?

A. Yes, that was a yellow 1977 Mercury Marquis, four-door, with a primer spot on the left rear quarter panel.

Q. Step by step, can you tell the ladies and gentlemen what happened just prior to the time that you stopped this car.

A. I was northbound on Interstate 35 in the left-hand lane, and I passed that vehicle. As I was passing by it, I noticed that it was not displaying a tag; so I slowed down, got in behind it. It was in the right lane, I was in the left lane. And I pulled in behind that vehicle and initiated my emergency lights signaling for it to pull over.

Q. And this is in the northbound lane going towards Kansas?

A. Yes.

Charles Hanger - Direct

Q. At about 10:20 that morning?

A. Yes.

Q. And what side of the road did the vehicle pull over? Did the vehicle pull over?

A. Yes, it did.

Q. On what side of the road?

A. On the right shoulder of the roadway.

Q. What did you do?

A. I pulled up behind the vehicle. And as I was pulling up approaching the vehicle, I was watching the driver. And appeared to be only one occupant, the driver. I stopped my vehicle approximately 20 feet behind the Mercury. And I was offset to the Mercury, I was 3 to 4 feet further to the west or the left than the Mercury was. He was partially in the grass and partially on the shoulder. I was all on the shoulder.

Q. Now, after both vehicles were stopped, what happened?

A. I took my seat belt off, opened the car door, observed that the Mercury door was open. I got out, stood behind my door. As I was getting out, the driver of the Mercury's feet came out the door. There was a slight pause, a couple of seconds, and then the driver stood up. I was able to see both his hands, and he started walking toward me.

Q. Now, at this time were you still standing behind your car door? Was your car door between yourself and that driver?

A. Yes.

Charles Hanger - Direct

Q. Look around the courtroom and tell us if you see the individual who was driving that car.

A. Yes, I do.

Q. Can you point him out and describe an article of his clothing?

A. He's the gentleman in the blue shirt, has a black watch, dark hair, sitting at the table there next to the lady with the black and white jacket.

MR. MENDELOFF: Let the record reflect the identification of the defendant, Timothy McVeigh, your Honor.

THE COURT: Yes.

BY MR. MENDELOFF:

Q. What was the reason you stayed behind your car door throughout this time?

A. My car door affords me some protection in the event that anything violent might occur.

Q. Were you particularly focused on this issue at this point?

A. Yes, I was.

Q. What was the reason for that?

A. Exactly two weeks to the day prior to this, we'd had a trooper involved in a shooting on Interstate 35, not 15 miles from where I was making this stop.

Q. All right. Now, after Defendant McVeigh started walking toward you, what did you do?

A. I stepped out from behind my door and also walked toward

Charles Hanger - Direct

him.

Q. Did you meet him at some point?

A. Yes.

Q. Where?

A. At a point 3 to 4 feet south of the left corner of his car

and then 3 to 4 feet west.

Q. So this would have been behind the driver's side back corner of the car?

A. Yes.

Q. Now, let me ask you to look at Government Exhibits 411, 412, 413, and 414 in the sheaf of papers in front of you.

All four, please.

A. Okay.

Q. What are those photos?

A. These are the photographs of the car that I stopped that morning.

Q. Do they fairly and accurately depict the appearance of Defendant McVeigh's Mercury when you stopped him a little before 10:20 a.m. on April 19, 1995?

A. Yes, they do.

MR. MENDELOFF: Your Honor, we'd move the admission of Government Exhibits 411 through 414.

MS. RAMSEY: No objection.

THE COURT: They are received.

BY MR. MENDELOFF:

Charles Hanger - Direct

Q. Now, Trooper Hanger, did you take these photographs?

A. No, I did not.

Q. And do you know whether they were taken on the day of the arrest or sometime thereafter?

A. Sometime thereafter.

Q. Let me direct your attention to Government Exhibit 414.

MR. MENDELOFF: May I publish it, your Honor?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. First, with your light pen, could you please point out for the ladies and gentlemen of the jury the primer spot that you were referring to.

And if you could clear that, please.

Where in relation to the back driver's side corner of

the car did you meet with Defendant McVeigh at that point?

A. It probably doesn't show enough of the distance, but it would be back over in this area and then back toward me.

Q. Can you point out where it is? Right about there; is that

right?

A. Yes.

Q. Off the picture?

A. Yes.

MS. RAMSEY: Your Honor, could we have a copy of that photograph, please? Of the drawing that was on that.

THE COURT: Has it already been cleared?

Charles Hanger - Direct

MR. MENDELOFF: Yes, your Honor.

THE COURT: You'll have to go a little faster.

MS. RAMSEY: Okay.

BY MR. MENDELOFF:

Q. Direct your attention to Government Exhibit 411. What is that?

A. That's the same automobile looking at it from the front.

Q. 412?

A. Also the same automobile looking at it from the rear.

Q. And 413?

A. And that is the same automobile looking from the right side.

Q. When you met with Defendant McVeigh at a point near the rear of his car, did you have a conversation with him?

A. Yes.

Q. Who spoke first?

A. I did.

Q. Tell the ladies and gentlemen of the jury what you said to Defendant McVeigh.

A. I told him the reason I stopped him was because he wasn't displaying a tag.

Q. Did he make any physical movement at that point?

A. Yes.

Q. What did he do?

A. He looked back at the back of the vehicle, of his vehicle.

Charles Hanger - Direct

Q. Toward what area?

A. Toward the bumper area.

Q. Was there a tag there?

A. No.

Q. At that point, did Defendant McVeigh offer any statement?

A. Yes.

Q. What did he say?

A. He said he hadn't had the vehicle very long and didn't have

a tag.

Q. And did he say how he had obtained it?

A. Pardon?

Q. Did he say how he had obtained it?

A. He had purchased it.

Q. Did you ask him any questions about the purchase?

A. Yes.

Q. What did you ask him?

A. I asked him if he could produce a bill of sale.

Q. And his response?

A. He said, no; that the person that he had purchased it from was still filling it out.

Q. Did you ask him anything else?

A. I said, "How long does it take to fill out a bill of sale?"

Q. What did he say?

A. "I don't have one with me."

Q. Did ask you him for anything at that point?

A. Yes. I asked him for his driver's license.

Q. What did he do?

A. He went to his right rear pocket and produced a camouflage-

colored billfold and took his driver's license from it.

Q. Now, as he reached for his billfold, in his right rear pocket, can you describe to the ladies and gentlemen of the jury physically how did he this?

A. Turned like this, reached into his pocket.

Q. As Defendant McVeigh reached for his driver's license, did you notice anything out of the ordinary underneath his clothing?

A. Yes.

Q. What?

A. I noticed a bulge under his left arm. He was wearing a jacket, and it was -- there was a bulge under his left arm, in this area right here.

Q. What type of jacket?

A. It was a light windbreaker-type jacket.

Q. After Defendant McVeigh took out his wallet, did he hand you anything?

A. Yes.

Q. What did he hand you?

A. His driver's license.

Q. Let me ask you to look at Government Exhibit 427.

MR. MENDELOFF: Your Honor, maybe we could do it with

Charles Hanger - Direct

the other --

THE COURT: Well, that doesn't seem to be working.

THE WITNESS: I found it.

THE COURT: Do you have it, 427?

THE WITNESS: Yes, sir.

MR. MENDELOFF: He's got it.

BY MR. MENDELOFF:

Q. What is Government Exhibit 427?

A. That is a Michigan driver's license in the name of Timothy James McVeigh.

Q. And do you recognize this driver's license?

A. Yes.

Q. What do you recognize it as?

A. That appears to be the same driver's license that was given

to me that morning.

Q. Do you discern any difference in it from the last time you saw it?

A. No.

MR. MENDELOFF: Move the admission of Government Exhibit 427.

MS. RAMSEY: No objection, your Honor.

THE COURT: Received, 427.

MR. MENDELOFF: May we publish it, your Honor?

THE COURT: Yes.

BY MR. MENDELOFF:

Charles Hanger - Direct

Q. Now, after Defendant McVeigh produced his driver's license,

did you instruct him to do anything?

A. Yes, I did.

Q. What did you instruct him to do?

A. I told him to take both hands and to slowly pull back his jacket.

Q. Okay. Physically, what did he do?

A. His jacket was zipped just a little bit. He unzipped it and began pulling it back.

Q. As he did that, did he make any remark?

A. Yes, he did.

Q. What did he say?

A. He said, "I have a gun."

Q. What did you do at that point?

A. At that point, I reached for the bulge in the jacket. I grabbed it with my left hand and instructed him, "Get your hands up and turn around."

Q. All right. And as you did that, what did you do with your right hand?

A. I pulled my weapon, and I stuck it to the back of his head.

Q. Did you give him any instructions?

A. Yes. I said, "Walk to the back of your car."

Q. Did you keep your weapon in the back of his head as you walked him to the back of his car?

A. Yes, I did.

Charles Hanger - Direct

Q. When you got to the back of his car, what did you do?

A. I instructed him to put his hands on the trunk, to spread his legs, and he did so.

Q. And then?

A. Then I removed the weapon from the underneath side of the jacket.

Q. What did you do with the weapon?

A. I threw it on the side of the roadway.

Q. At this point in time in the encounter, did Defendant McVeigh make any statement to you?

A. Yes.

Q. What did he say?

A. He told me that he had a clip also on his belt with the -- a pouch that contained an ammunition clip.

Q. Now, what is a clip?

A. A clip is a magazine that goes in the bottom of a weapon that holds ammunition.

Q. After he told you that, what did you do?

A. I removed that clip, also tossed it on the shoulder of the road.

Q. Did he make any further remark?

A. Yes. He said, "I also have a knife."

Q. And what did you do when he said he had a knife?

A. I again pulled the jacket back, removed the knife, threw

it

on the shoulder of the roadway, also.

Charles Hanger - Direct

Q. Now, when Defendant McVeigh said -- told you that he had a knife and a clip, where was your gun?

A. Still pointed toward his back -- not his head now, but his back.

Q. After you removed these articles from his person, what did you do?

A. I patted him down.

Q. All right. And then?

A. Handcuffed him.

Q. Where did you put his hands?

A. Behind his back.

Q. And where was his billfold at this point?

A. It was in his pocket.

Q. Rear pocket?

A. Yes; right rear pocket.

Q. At this point in the encounter, did you ask Defendant McVeigh regarding his possession of a gun?

A. I asked him why he would be carrying a loaded firearm.

Q. What did he say?

A. He felt like he had the right to carry it for his protection.

Q. What did you do at this point?

A. I took him to my patrol unit and placed him in the right

A. I took him to my patrol unit and placed him in the right front seat, seat-belted him in.

Q. Now, what type of seats did your patrol unit have?

Charles Hanger - Direct

A. Bucket seats.

Q. At that point, did you leave Defendant McVeigh in the car and do something outside of the car?

A. Yes. I retrieved the evidence that I'd thrown onto the shoulder and took it to the trunk.

Q. Which was what?

A. Which was the gun, the clip, the knife.

Q. And when you took it to the trunk, which trunk: your trunk,

or Defendant McVeigh's?

A. The trunk of my unit.

Q. What did you do there?

A. Opened the trunk; and I put the clip in there, I put the knife in there, I took the clip out of the weapon and put it in

there. It was loaded, also. And then I checked the chamber of

the weapon and found that it contained a .45 caliber Black Talon round, and I also laid it in the trunk.

Q. What is the chamber of the gun?

A. That's the magazine where the bullet goes in, and in that position it's in a firing position.

Q. So that's the bullet that's ready to shoot out of the gun?

A. Yes.

Q. And what is a Black Talon round?

A. It's known to me as a destructive round that when fired into a person, it expands with tentacles and does more severe damage than a normal round to the inner part of the body.

Charles Hanger - Direct

Q. How did that bullet compare to the bullets in the two clips

that you retrieved from Defendant McVeigh?

A. The two clips contained just what I refer to as "round ball

ammunition," this is .45 caliber ammunition. It was round ball.

Q. Were they Black Talon rounds?

A. No.

Q. Now, after you removed the Black Talon round from the gun and put that in the trunk with the other articles, did you take

the gun anywhere?

A. Yes.

Q. Where did you take it?

A. Up to the front, inside my unit there, by the driver's seat.

Q. After you placed Defendant McVeigh's knife and bullet in the trunk, did you take any steps to apprise your dispatcher of

the events surrounding this arrest?

A. Yes.

Q. What time was that?

A. Around 10:22.

Q. How much time had elapsed in this encounter as of that point, roughly?

A. I would estimate no more than five minutes.

Q. Now, how did you contact your dispatcher that morning?

A. By using my cellular phone.

Charles Hanger - Direct

Q. You normally use a cellular phone to contact your dispatcher when you're on the highway?

A. No.

Q. What was the reason you were using a cell phone that morning?

A. Due to the ongoing tragedy in Oklahoma City, our radio net

was directed to only the Oklahoma City headquarters and the units working in that immediate area and prohibited me from talking on the radio unless it was an emergency.

Q. When you telephoned your dispatcher, did you ask her for any information relative to Defendant McVeigh?

A. Yes.

Q. What information was that?

A. I asked if she would run a check for wanted, a criminal records check on Mr. McVeigh.

Q. Let's make clear we understand what that is. What does

"wanted" mean?

A. To see if there's any outstanding warrants for Mr. McVeigh.

Q. When you say "criminal records check," what are you referring to?

A. That is to see if he has any prior criminal record.

Q. While the dispatcher was running the criminal history and warrants check on Defendant McVeigh, what did you do?

A. I was looking for the serial number on the weapon.

Q. And what were you doing physically to do that?

Charles Hanger - Direct

A. I had the weapon in my hand and I was turning it around, trying to see where it was on the weapon. I hadn't seen it immediately.

Q. Did Defendant McVeigh make any remark during that time?

A. Yes.

Q. What did he say?

A. He quoted a serial number.

Q. Which was what?

A. He said the serial number was VM769.

Q. All right. What did you respond?

A. About that time, I had located it. I said, "Well, you're close. It's VW769."

Q. What did he respond?

A. He said, "Well, I knew it was an M or W."

Q. Did you say anything to Defendant McVeigh at this point?

A. I said, "Most people wouldn't know the serial number on their weapon."

Q. What did he say?

A. "I do."

Q. Did he ask you any questions about your gun at that time?

A. He asked what I carried.

Q. What did you say?

A. I said I carried a Sig Model 228.

Q. What did he say?

A. He said, "Oh, a 9-millimeter."

Charles Hanger - Direct

Q. Is a Sig 228 a 9-millimeter?

A. Yes.

Q. At this point, did you again contact your dispatcher?

A. Yes.

Q. And what information did you provide to your dispatcher?

A. I gave her the make and the serial number of the weapon so she could run a check on it to see if it was stolen.

Q. A short time later, did you receive any information back from your dispatcher relative to the inquiries you had made?

A. Yes.

Q. And can you tell us what you were told?

A. She informed me that there was, Mr. McVeigh was not wanted;

that he had no criminal history, and the gun was not reported

stolen.

Q. Did you tell your dispatcher you would contact her again in a short while with other information?

MS. RAMSEY: Your Honor, I'm going to object as leading.

THE COURT: All right. Try to avoid the leading, please.

MR. MENDELOFF: I will, your Honor.

BY MR. MENDELOFF:

Q. What did you tell your dispatcher next?

A. I told her that I was going to obtain the VIN number of the

vehicle, the identification number off the Mercury, and have

Charles Hanger - Direct

her run some checks on that because it was not displaying a tag.

Q. What is a vehicle identification number?

A. That's a number assigned by the manufacturer to identify that specific vehicle, and it's located in an area on this particular vehicle on the lower left-hand portion of the front windshield.

Q. What was the reason you told your dispatcher you'd have to call back with the vehicle identification number?

A. Because I would have to go to the vehicle to obtain it.

Q. After you got off the phone with your dispatcher, what, if

anything, did you do with Defendant McVeigh's gun?

A. I took it and put it in the trunk of my unit.

Q. Now, at about this time, did you have occasion to interview

Defendant McVeigh?

A. Yes.

Q. Prior to the interview, did you take any steps to try to record the conversation you were having with Defendant McVeigh?

A. Yes, I did.

Q. Were you able to record?

A. No.

Q. Why not?

A. I hit the wrong two buttons on my video camera.

Q. In your unit?

A. Yes.

Charles Hanger - Direct

Q. Can you explain the recording system in your car?

A. There's a panel, a short little panel up there on the dash;

and if you -- it's a video camera. If you want to video, you can get video and audio at the same time. You can also record inside the unit. There's a microphone inside the unit, provides you opportunity to record audio inside the unit while you're recording the video outside the unit.

Q. Do you need to press the same buttons, or different buttons, to record audio or video?

A. Different.

Q. Which buttons did you press?

A. I pressed the record/play button, which I thought was activating both the audio and the video; and it only activated the video.

Q. And the video is a camera that records what?

A. It records anything in front of the camera itself, which mounts on the dash and is pointed forward to the front of the unit, or anything in front of the camera it will record in a video picture.

Q. And accordingly, did this video picture record anything relating to Defendant McVeigh's person?

A. No.

Q. What did it record?

A. It recorded the unit, the car he was driving, and myself as

I was walking about.

Charles Hanger - Direct

Q. Now, prior to the interview, did you take any steps to inform Defendant McVeigh of his rights?

A. Yes.

Q. And what did you do?

A. I read him the Miranda warning.

Q. And after you read him the Miranda warning, did you ask him

questions about the Miranda warning?

A. I asked him if he understood it.

Q. What did he say?

A. Yes.

Q. Did he agree to speak with you?

A. Yes.

Q. And what did you ask him then?

A. I asked him why he didn't have a tag.

Q. All right. All right. And what did he say?

A. He said he had recently bought the vehicle and didn't have a tag.

I asked him where he bought the vehicle.

He said that he had purchased it in Junction City, Kansas, from a Firestone dealer, and the salesman's name was Tom.

Q. Did he give you any information about that sale?

A. Yes. He said he paid about \$250 for the car and had traded

in another car that had broken down on him.

Q. And did you ask him any questions about the tag?

Charles Hanger - Direct

A. Yes. I asked him again why he hadn't obtained a tag.

And he said, Well, he had a tag off his other car, but he felt like it was better to drive without a tag than to put the improper tag on there.

Q. All right. Did he describe anything about his prior tag?

A. He said it was an Arizona tag and cited the number.

Q. Do you recall what that was?

A. No.

Q. At this point in the encounter, did you seek Defendant McVeigh's permission with regard to anything in relation to his car?

A. Yes.

Q. What did you ask him?

A. I asked him if I could search his car.

Q. What did he say?

A. He said yes.

Q. Now, what was the reason you wanted to search his car?

A. I was looking for any other weapons or contraband.

Q. At the time of this encounter, did you have any reason at all to believe that the man you had arrested had any involvement at all with the Oklahoma City bombing?

A. No.

Q. After Defendant McVeigh gave you consent to search his car,

what did you do, step by step?

A. I got out, I proceeded up to the car, I first went to the

Charles Hanger - Direct

area where the VIN was located, the vehicle identification number that we spoke of earlier; and I recorded that number down on a -- I don't remember. It was a piece of paper or the

flap of my ticket book

flap of my ticket book.

Q. All right.

A. And then I entered the front seat area of the car -- the door was still standing open -- looked around the front seat area and also in the glove box, and then I glanced into the back seat and wasn't in there very long.

Q. All right. How long did the search take?

A. Oh, probably less than a minute.

Q. While you were in the car doing this cursory search, did you notice anything on the front seat?

A. Yes.

Q. What did you notice?

A. There was a blue ball cap, there was a piece of lined writing paper with some writing on it, and an envelope, legal-sized envelope about a quarter- to a half-inch thick.

Q. Did you notice what writing was on the piece of paper?

A. No.

Q. Did you pick up and examine the legal-sized envelope a quarter- to a half-inch thick?

A. Yes.

Q. And was it sealed, or open?

A. It was sealed.

Charles Hanger - Direct

Q. What did you do with the envelope?

A. I left it on the seat.

Q. Let me show you -- ask you to look at Government Exhibits

445 and 446.

What are these?

A. These are pictures of the interior of the '77 Mercury that I stopped that day. It looked like they're taken from the -- through the window glass on the outside looking in.

Q. All right. Do the photos fairly and accurately depict how the interior of Defendant McVeigh's Mercury looked when you examined it on the morning of April 19, 1995?

A. Yes.

MR. MENDELOFF: Move the admission of Government Exhibits 445 and 446, your Honor.

MS. RAMSEY: No objection.

THE COURT: They are received.

BY MR. MENDELOFF:

Q. And Mr. Hanger, just so we're clear, did you take these photographs?

A. No, I did not.

Q. And did they -- do you know whether they were taken on the day you arrested Defendant McVeigh, or at some point later?

A. Some point later.

MR. MENDELOFF: May I publish, your Honor?

THE COURT: Yes.

Charles Hanger - Direct

MR. MENDELOFF: Let me show first Government Exhibit 446.

I think we need to put on the screen.

Let me see if I can adjust these lights. Well, we'll try to do it the best we can, here.

BY MR. MENDELOFF:

Q. Can you explain for the ladies and gentlemen of the jury what perspective this picture was taken?

A. This picture is looking at the front seat area through the right front passenger window.

Q. All right. Will you point out, just so we can get our bearings, where the steering wheel is.

A. Want me to circle it with a pen --

Q. Yes, please.

A. -- or point at it?

Q. All right. And where the driver's seat is.

And can you circle the passenger's seat.

Okay. Are there some articles sitting on the seat?

A. Yes.

Q. Can you circle the entire part of the seat, including the articles.

If you'd remove those markings, please.

Now, I believe you testified that you saw a piece of lined paper on the seat when you examined the car, and the lined paper had some writing on it.

Charles Hanger - Direct

A. Yes.

Q. Can you circle that in this photo?

Also, I believe you testified that you observed a ball cap. Can you circle that in the photograph?

Now, finally I believe you mentioned that there was an envelope in the car that was about a quarter- to a half-inch thick.

A. Yes.

Q. Can you see that in this photograph?

A. Just the corner of it.

Q. Where is that?

All right. Now, if you'd remove these markings, please.

Let me show you Government Exhibit 445. Can you tell the ladies and gentlemen of the jury what perspective that photograph was taken from?

A. That again is looking in the front seat area, and it appears to be taken from the left -- driver's window.

Q. So we can get our bearings again, can you circle the steering wheel?

And can you circle where the passenger's seat is that you were just directing our attention to in the other photograph?

Now, is there something obstructing your view in this photograph of part of the passenger's seat?

A. It looks like the arm rest.

Q. Would you point that out with an X.

All right.

Would you remove those, please.

Now, does this photograph show any part of the lined piece of paper?

A. Yes.

Q. Can you point that out?

And if you'll remove -- just so everybody can see that. If you'll remove that mark.

Can you see the envelope depicted in this photograph?

A. Just the corner of that.

Q. Please indicate that.

And where is that located in relation to the lined piece of paper?

A. Underneath it.

Q. If you'll remove that mark, please.

Let me direct your attention now in your sheaf of papers there to Government Exhibit 448.

What is Government Exhibit 448?

A. It looks like an envelope.

Q. All right. And in terms of size, general construction, how

does the envelope compare to the one you saw sitting on the seat of the Defendant McVeigh's Mercury on April 19, 1995?

A. It looks the same.

Charles Hanger - Direct

MR. MENDELOFF: Your Honor, I'm not going to display this at this time, but I do need to show the witness the actual exhibit.

THE COURT: All right, you may approach.

BY MR. MENDELOFF:

Q. Does this envelope look any different from the way you saw it that morning?

A. Yes, it's -- it is soiled, and also it's opened.

Q. All right. And is it the same thickness?

A. No, it's much thinner.

Q. Well, let's turn to the sheet of paper you saw sitting on the seat of Defendant McVeigh's Mercury on April 19, 1995. When you saw the sheet of paper, what, if anything, did you do with it?

A. I just picked it up.

Q. And do you recall what the writing said on the sheet of paper?

A. No, I do not.

Q. Let me direct your attention to Government Exhibit 447.

In terms of size and general appearance, how does this sheet of paper compare to the one you saw sitting on the seat of Defendant McVeigh's Mercury when you searched the car on the morning of April 19?

A. It appears the same except it's soiled and it has holes in it that was not there.

Charles Hanger - Direct

Q. All right. Thank you.

After you finished your search of the interior of Defendant McVeigh's Mercury, what did you do?

A. I returned to my unit.

Q. Did you again contact your dispatcher?

A. Yes.

Q. And where was Defendant McVeigh when you spoke with your dispatcher?

A. He was still sitting in the right front seat.

Q. What information, if any, did you give to your dispatcher?

A. I gave the dispatcher the vehicle identification number that I obtained -- had obtained from the Mercury.

Q. And did you seek any information?

A. Yes, I asked if she would run a check through Oklahoma and Kansas on that vehicle identification number.

Q. For what purpose?

A. To try to determine who the vehicle was registered to and if it had a current registration.

Q. Did you receive any information back from your dispatcher a

short time thereafter?

A. Yes, she advised that she found no record of it in Oklahoma

or Kansas.

Q. At that point, did you offer any help?

A. Yes, I said there was a safety sticker on the windshield.

I thought it was a Missouri sticker, she might try the state of

Charles Hanger - Direct

Missouri.

Q. Did Defendant McVeigh make any remark at this point?

A. Yes.

Q. What did he say?

A. He told me that was an Arkansas sticker.

Q. And what did you do?

A. So I asked her to run it through the state of Arkansas.

Q. While you waited for reply on the Arkansas check, did you have any further conversation with Defendant McVeigh?

A. Yes.

Q. What did you ask him?

A. I asked him where he was coming from.

Q. What did he say?

A. He said that he was in the process of moving to Arkansas and that he had taken a load of his belongings down there and was on his way back to get more of his belongings.

Q. In the context of the conversation, where did you understand Defendant McVeigh to say that he was going back to?

A. Junction City, Kansas.

Q. At about this point, did you receive any other information from the dispatcher?

A. Yes.

Q. What?

A. She had obtained information from Arkansas on a registration check, and the vehicle checked to a '77 Mercury

Charles Hanger - Direct

which the VIN was on, to a Paul or Connie Rescorl out of Fayetteville, Arkansas, and the registration had expired in November of 1994.

Q. Now, after you learned to whom Defendant McVeigh's car had been registered, did you have a further conversation with Defendant McVeigh about what he wanted to do with his car that was sitting out on the roadway now?

A. Yes.

Q. What did he say?

A. I asked him if he wanted me to tow the car in or leave it at the roadside, and I further explained to him that if I towed it in, I would inventory it and have a list of his belongings in there; but if he left it at the roadside, it would be at his own risk.

Q. All right. And what did he say?

A. To leave it at the roadside.

Q. Did you ask him anything further?

A. I asked him if he wanted any belongings out of it.

Q. What did he say?

A. He said no.

Q. Did you ask him anything else?

A. I said, "What about the envelope that's sealed up on the front seat?"

Q. What did he say?

A. "No, leave it in there."

Charles Hanger - Direct

Q. What's the reason that you asked him about the envelope sealed on the front seat?

A. I thought that it might contain valuables, the fact that it

was fairly thick and that it was sealed up.

Q. Thereafter, did you perform any investigation of Defendant McVeigh's trunk?

A. Yes.

Q. Was it opened or locked?

A. Locked.

Q. And how did you get into the trunk?

A. Well, I had to ask him, and he told me there was a trunk release button in the glove box; and that's how I obtained entry.

Q. All right. And how long did you review the contents of Defendant McVeigh's trunk?

A. Oh, less than a minute.

Q. What did you do then?

A. I shut the trunk and went around and locked the doors of the automobile and shut the driver's door.

Q. When what?

Q. Then what?

A. Went back to my unit.

Q. And what did you do next?

A. Then just shortly thereafter, backed up, waited for traffic

to clear, went across the median, and then started south down Interstate 35 to Perry.

Charles Hanger - Direct

Q. And where did you drive?

A. Pardon? I couldn't hear you.

Q. Where did you drive into Perry?

A. I went to the Noble County Jail.

Q. Where was Defendant McVeigh throughout the trip from the point of his arrest just south of the Billings exit to the Noble County Jail?

A. He was still sitting in the right front seat.

Q. How long of a drive was this?

A. Oh, 18 to 20 minutes.

Q. Once you arrived at the Noble County Courthouse, what did you do with Defendant McVeigh?

A. I removed him from my unit.

Q. Once Defendant McVeigh exited the car, did he ever again reenter that vehicle?

A. No.

Q. How long had that car been assigned to you?

A. Since June the 29th, 1994.

Q. When you got it, was it new or used?

A. Had 25 miles on it.

Q. As of April 19, 1995, then, how long had you had that car?

A. About 10 months.

Q. Had it been assigned to anyone else during that 10 months?

A. No.

Q. From the time you received this car with 25 miles on it in

Charles Hanger - Direct

June of 1994 until April 19, 1995, had you ever transported high explosives in that vehicle?

A. No.

Q. From the time you received that car with 25 miles on it until April 19, 1995, had you ever used the car to transport any person charged with an offense relating to high explosives?

A. No.

Q. During that time, did you ever use the car to transport any person you later learned had used high explosives?

A. No.

Q. How many cases during the course of your 20-year career as a state trooper have you had involving the use of high explosives?

A. None.

Q. Once Defendant McVeigh and yourself arrived at the Noble County Courthouse, did you remove anything else from the car in

addition to Defendant McVeigh?

A. Yes.

Q. What?

A. The evidence that I had put in there earlier: the gun, the clip -- two clips, the Black Talon round, and the knife.

Q. And where did you retrieve those materials from?

A. From the trunk.

Q. With Defendant McVeigh and those materials, where did you go?

Charles Hanger - Direct

A. I proceeded to the jail, which is on the fourth floor of the courthouse.

Q. And throughout this time, was Defendant McVeigh still handcuffed?

A. Yes.

Q. What time approximately did you arrive at the jail?

A. Around 11:05.

Q. And once you got to the jail, where did you lead Defendant McVeigh?

A. I didn't hear the last part of the question.

Q. Once you got to the jail, where did you and Defendant McVeigh go?

A. We went to the booking area of the jail.

Q. Now, where is the jail located within the courthouse?

A. It's on the fourth floor.

Q. Is there anything on the fourth floor of that courthouse other than the jail?

A. No.

Q. And where is the booking counter within the jail?

A. The booking counter is located in the booking room. It's a

counter. It's located in the middle of the room from the west wall over to about three-quarters of the way across the ways from the room from west to east.

Q. And where is the booking room in relation to the entry of the jail?

Charles Hanger - Direct

A. It would be on the east side of the jail, the back side.

Q. When you arrived at the booking counter, what did you do with respect to Defendant McVeigh's handcuffs?

A. I removed them.

Q. And what did you do with the evidence you had taken from the trunk: the gun and the knife and the bullets?

A. I put them on a computer desk which is located about 6 to 8 feet north of the booking counter.

Q. Did a process begin once you arrived at that booking counter?

A. Yes.

Q. What process is that?

A. It's the booking process.

Q. Who handled the booking process?

Q. Who handled the booking process.

A. Jailer Marsha Moritz.

Q. Are you familiar with the Noble County booking process?

A. Yes.

Q. What are the various steps involved in the Noble County booking process?

A. Well, they begin by having the inmate take his personal belongings out of his pockets, place them on the booking counter, and then also take off any jewelry, rings, watches, or whatever, place those on the counter, also.

Q. Then?

A. Then they fill out a booking card which contains personal

Charles Hanger - Direct

information from the defendant and/or from the driver's license, if he has one.

Q. On this booking card, do the jailers list any articles of property of the defendant's?

A. Just clothing.

Q. All right. Next, what is the next step in the process?

A. Then they have a medical screening form where they ask them

a series of questions, and then they fill out a little sheet which they write down their personal valuables.

Q. All right. Now, how is that different from the clothing?

A. It's on a separate sheet.

Q. And what is listed on the personal valuables sheet that's

not listed on the clothing sheet?

A. They list their money, their billfold, their jewelry, items

they had in their pocket.

Q. After that, those articles are listed on the personal information sheet, personal property sheet, what happens to those valuables?

A. They're put in a property bag.

Q. All right. Which is what?

A. It's a bank bag.

Q. And what happens to that bag?

A. They lock it up.

Q. And do those bank bags have any identifying marks on them to indicate which defendant is -- has valuables in which bag?

Charles Hanger - Direct

A. Yes, each bag is numbered.

Q. And is there valuables from any other defendants in that bag other than the defendant whose valuables are going into that bag?

A. No.

Q. So we have a number associated to a defendant; is that right?

A. Yes.

Q. After the personal belongings sheet is completed and the valuables are placed in the bag and stored, what happens next?

A. Then they do fingerprinting and photos.

Q. And after fingerprinting and photos?

A. They change them out into jail clothing.

Q. Is it the practice at the Noble County Jail to list on the

booking card all of the property the defendant possessed at the

time of his arrest?

A. No.

Q. What else? What is not listed on that card?

A. Well, their personal valuables is not listed there, and also any evidence.

Q. Where is the evidence listed?

A. Well, as far as troopers, it's listed on a confiscated property report form.

Q. What is a confiscated property report form?

A. That is a form that lists the name of the person the

Charles Hanger - Direct

property was taken from, the date, the description of the property, the charges alleged against them, and the reason that

you took that property, and then also who that property is turned over to.

Q. So we have three different forms; is that right?

A. Yes.

Q. Where property is listed?

A. Yes.

Q. The booking form where clothing is listed; is that right?

A. Yes.

Q. The valuables form where -- or the personal property form where valuables are listed?

A. Yes.

Q. And the confiscated property report where evidence like the

gun and the knife and the things you took off of Defendant McVeigh are listed?

A. Yes.

Q. Did you fill out a confiscated property report with respect

to Defendant McVeigh?

A. Yes, I did.

Q. We'll get to that in a minute. But let me ask you, during

the course of Defendant McVeigh's booking process, what were you doing?

A. Well, I was working on a probable cause affidavit and also at times watching the television there in the jail.

Charles Hanger - Direct

Q. And did you observe any of the booking process as well?

A. Some of it.

Q. Now, while you were -- excuse me.

Did you observe any part of the booking process where Defendant McVeigh removed articles from his pockets?

A. Yes.

Q. What did you see him remove from his pockets?

A. I saw him remove his billfold, some keys, some coins, and there was four bullets, .45 caliber bullets that were on the counter.

Q. Now, during the course of the booking process, did you happen to observe Jailer Moritz holding any items of Defendant McVeigh's property in her hands?

A. Yes.

Q. What articles were these?

A. I saw her holding a pair of earplugs.

Q. When Defendant McVeigh had placed all the items in his pockets on the booking counter, did you see what Jailer Moritz did with that property -- did with respect to that property?

A. She put it in the bank bag.

Q. And do you remember what number was on the bank bag that she put Defendant McVeigh's property into?

A. No, I do not.

Q. At the tail end of the time the jailer was obtaining personal information from Defendant McVeigh for the booking --

Charles Hanger - Direct

for booking, excuse me, did you move from the computer?

A. Could you repeat that, please.

Q. Toward the tail end of the time that Jailer Moritz was completing the booking process, did you move away from the computer and back to the counter?

A. Yes.

Q. And at the conclusion of the booking process, did Jailer Moritz ask you to assist her in any way with respect to that process?

A. Yes, she did.

Q. What did she ask you to do?

A. She asked if I would go with him when he changed out his clothing.

Q. Is it common for you as a trooper to assist the jailers in

changing out the prisoner?

A. It is whenever you have a female jailer and a male prisoner.

Q. Step by step, what is the normal process for changing a prisoner out of his clothing and into jail clothes?

A. Well, a jailer will hand the prisoner a bag with his name on it, and then that bag is taken into the room there where the

change-out occurs; and he is asked to remove his clothing and put it in that bag.

Q. Now, when you say a bag, what sort of bag?

A. It's a paper bag.

Charles Hanger - Direct

Q. Is it the general practice at the jail to use a used bag or

a fresh bag?

A. Fresh bag.

Q. Is there any other information that the jailer puts on the bag other than the defendant's name?

A. The bag number with his personal property is located on that bag.

Q. That was the number that you had forgotten?

A. Yes.

Q. And when the prisoner receives the paper bag with his name and valuables bag number written on and accompanies you into another room, what happens in that other room?

A. That's where the defendant is instructed to remove his clothing and then put the clothing that he had on in that paper

bag and put on the jail clothing.

Q. And what happens to the paper bag with the clothing?

A. It's left sitting there on the floor there with other bags.

Q. Now, is that second room located inside or outside the jail?

A. Still inside, still on the fourth floor, still inside the jail.

Q. And where is this room in relation to the booking counter?

A. It would be across the hall to the south. It's probably 10, 12 feet from the booking counter.

Q. In Defendant McVeigh's case, did that change-of-clothing

Charles Hanger - Direct

process begin any different than it ever -- normally does?

process begin any different than it ever normally does.

A. No.

Q. What did Jailer Moritz do?

A. She produced a bag, paper bag, with McVeigh's name on it and a number and handed it to him.

Q. And do you know whether that bag was fresh or used?

A. It was fresh.

MR. MENDELOFF: Your Honor, may I hand this exhibit to him?

THE COURT: Yes.

BY MR. MENDELOFF:

Q. I'm showing you what's been marked Government Exhibit 435 and ask you to look at it and tell the ladies and gentlemen of the jury what that is.

A. That is a paper bag with the name "Best Yet" on it, also the name "McVeigh" and the number "2."

Q. What does the "McVeigh" and the number "2" indicate to you?

A. The name "McVeigh" is the prisoner's name and number "2" is

the number off the bank bag where his personal valuables were located.

Q. Is that the same bag that was used in that change-out?

A. Yes.

Q. Is it in substantially the same condition?

A. From what I can tell.

MR. MENDELOFF: Move the admission of Government

Charles Hanger - Direct

Exhibit 435, your Honor.

MS. RAMSEY: No objection, your Honor.

THE COURT: 435 received.

MR. MENDELOFF: Your Honor, may we publish that to the jury, please. We just want to show the name and the number that he didn't remember.

THE COURT: All right.

BY MR. MENDELOFF:

Q. Is the number of the valuables bag that you referenced located on that bag, on that paper bag?

A. Yes, it's the number "2."

MR. MENDELOFF: Judge, if it's all right with the Court, we can publish it by just holding it up.

THE COURT: The clerk will do that.

Just hold it in front of the jurors there, in front of the jury box.

All right.

Proceed.

BY MR. MENDELOFF:

Q. After Jailer Moritz handed Mr. McVeigh the paper bag and the orange jumpsuit, did you accompany him anywhere?

A. Yes.

Q. Where?

A. To the change-out room, the storage room across the hall.

Q. When you arrived in the storage room, what were your

Charles Hanger - Direct

instructions to Defendant McVeigh?

A. I instructed him to remove his clothing and to place them in the bag that he had been given.

Q. And what did he do?

A. He did that.

Q. Did you see him drop any of that clothing on the floor, or where did the clothing go?

A. It went in the bag.

Q. And after he changed, dropped -- put the clothing in the bag, what did he change into?

A. To orange jail clothes.

Q. What happened to the paper bag with Defendant McVeigh's clothing?

A. It was placed on the floor there next to other bags.

Q. Now, then where did you take Defendant McVeigh?

A. Back to the booking area.

Q. And what happened to him at that point?

A. Then he was given the cups, blankets, and taken to a cell.

Q. What sort of clothing was Defendant McVeigh wearing on his upper body when you arrested him on April 19?

A. He had a lightweight windbreaker-type jacket, was blue in color.

Q. What else?

A. And he had a tan-colored T-shirt with a picture of Lincoln on the front. And on the back, it had a picture of a tree
and

Charles Hanger - Direct

some writing on it.

Q. And underneath his T-shirt?

A. He had another light-colored T-shirt that was either dark blue or black, three-quarter-length sleeves.

Q. And the body was white?

A. Yes, light.

MR. MENDELOFF: Your Honor.

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Let me ask you first to direct your attention to Government

Exhibit 431. Have you had occasion to review that previously before coming to court?

A. Yes.

Q. What is that?

A. That is the lightweight, blue, windbreaker jacket that he was wearing.

MR. MENDELOFF: Move the admission of Government Exhibit 431.

THE COURT: Do you have any objection?

MS. RAMSEY: Your Honor, I don't believe he's sufficiently identified that, and I'm not sure that that is -- that he's the proper person to testify. I don't believe he's

testified that that is the correct --

THE COURT: Well, ask him how he knows.

BY MR. MENDELOFF:

Charles Hanger - Direct

Q. How do you know?

A. It appears to be the same one. The one uniform jacket I wear is similar to this only it's brown, and it's of a similar weight; and the one that he had on was this color, and it was the same weight and appearance.

THE COURT: That's all you can say?

THE WITNESS: Yes, sir.

THE COURT: Objection sustained.

MR. MENDELOFF: All right, your Honor.

BY MR. MENDELOFF:

Q. Now, let me ask you to direct your attention to Government Exhibit 429. What is that?

A. That is the outer T-shirt that he was wearing.

Q. Have you had occasion to review that T-shirt before coming to court?

A. Yes.

Q. And have you ever seen this T-shirt before?

A. Yes, that's the T-shirt that Mr. McVeigh was wearing -- I'd

like to see the front of it, if I could.

Q. Go ahead and take it out of the plastic bag.

THE COURT: But don't display it. Just look at it,

yourself, please.

THE WITNESS: This appears to be the same T-shirt that he was wearing that day.

BY MR. MENDELOFF:

Charles Hanger - Direct

Q. How do you know that?

A. It has the picture of Abe Lincoln on it with writing below

it. On the back is a picture of a tree with red blood droplets

and writing on it.

Q. Have you ever seen a T-shirt like that before in your life?

A. No.

MR. MENDELOFF: Move the admission of Government Exhibit 429.

MS. RAMSEY: Your Honor, we object for the same reasons, we do not --

THE COURT: Sustained.

BY MR. MENDELOFF:

Q. Let me show you -- let me ask you . . . let me ask you some

questions relating to the file room where you left the clothes.

What type of security protects the security in the file room where you left Defendant McVeigh's clothing?

A. The same security that protects the whole jail. The jail is a secured area. You can only access it by the elevator

is a secured area. You can only access it by the elevator which takes a key; and once getting off the elevator, you are confronted with a large steel-barred door which is padlocked. And then also on the stair area -- there is a stairwell in the jail, however that, it also has a large steel door that is locked; and at the top of the stairway is another barred door. However, it does not have a padlock on it.

Q. And where is the file room in relation to these secured

Charles Hanger - Direct

locations?

A. It's within the confines of that area that I described.

Q. Is it in any way accessible to the general public?

A. No.

Q. Is it in any way accessible to other employees of the court

facility other than law enforcement people and jailers?

A. No.

Q. During your 20 years with the Oklahoma State Highway Patrol, how often have you had occasion to visit the Noble County Jail?

A. Probably 900-plus times.

Q. How many prisoners have you booked into the Noble County Jail?

A. Probably 800 plus.

Q. During that entire time, have you ever observed law enforcement personnel rummaging through prisoners' clothing

that had been left in that file room?

A. No.

Q. After you returned Defendant McVeigh to the booking area and he was put in the cell area, did you see him again that day?

A. No.

Q. Shortly thereafter, did you leave the jail?

A. Yes.

Q. Where did you go?

Charles Hanger - Direct

A. To lunch.

Q. All right. What did you have in your possession?

A. All the evidence that I'd brought with me.

Q. And what did you do with that evidence?

A. I put it back in the trunk of my car.

Q. And did you leave your trunk open or locked?

A. Locked.

Q. How long were you at lunch?

A. A little less than an hour.

Q. And to your knowledge, was your trunk and car locked throughout that lunch period?

A. Yes, it was.

Q. Where did you go then?

A. Back to the sheriff's office.

Q. And by the way, who did you have lunch with that day, with

anybody?

A. My wife.

Q. Now, when you returned to the sheriff's office, did you retrieve anything from your trunk?

A. Yes.

Q. What did you retrieve?

A. The same evidence that I had put in there earlier.

Q. When was the last time that you had opened that trunk?

A. When I placed it in there.

Q. Where did you take the property?

Charles Hanger - Direct

A. Into the sheriff's office.

Q. And once you got to the sheriff's office, what did you do?

A. I turned the evidence over to Sheriff Cook.

THE COURT: You seem to be at an interrupting point.

I think we'll take the recess here.

MR. MENDELOFF: Perfect.

THE COURT: We'll have you back.

Members of the jury, we're going to take our
midmorning recess at this time --

If you want to step out . . .

-- and of course, just like last week, I have to
remind you every time we excuse you from the courtroom to
avoid
discussion of the case among yourselves and all others and
stay

away from anything outside the evidence which could influence your decision in the case.

You're excused now, 20 minutes.

(Jury out at 10:14 a.m.)

THE COURT: Counsel at side bar.

(At the bench:)

(Bench Conference 066B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

Charles Hanger - Direct

(In open court:)

THE COURT: Court's in recess, 20 minutes.

(Recess at 10:17 a.m.)

(Reconvened at 10:37 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:37 a.m.)

THE COURT: Please resume the stand.

Mr. Mendeloff, you may continue.

MR. MENDELOFF: Thank you, your Honor.

BY MR. MENDELOFF:

Q. Now, we were going through Defendant McVeigh's clothing, and we shifted to the confiscated property report; but I wanted to ask you a couple more questions about his clothing. What

was Defendant McVeigh wearing below his waist?

A. A pair of faded jeans and some black military-style lace-up

boots.

Q. Now, what color were the jeans?

A. Black.

Q. Turning to the confiscated property report that we were just talking about, did you fill that report out when you brought the evidence back to the courthouse?

A. Yes. Most of it was already filled. I had just a couple of items that I didn't have on there at the time when I went to lunch.

Q. All right. And where did you finish filling out the

Charles Hanger - Direct

report?

A. At the sheriff's office.

Q. And what information is included on the confiscated property report?

A. That has the person's name that the property was taken from, the date, the time, description of the property, the charges that resulted in confiscation of the property, and who the property was turned over to.

Q. All right. Let me ask you to look at Government's Exhibit 422, please.

THE COURT: Having trouble finding the exhibit?

MR. MENDELOFF: I believe so, your Honor. If -- I could just do it faster if I could just show it to him.

THE COURT: All right.

MR. MENDELOFF: May I approach, your Honor?

THE COURT: Yes. Sure.

BY MR. MENDELOFF:

Q. Got it?

A. Yes.

Q. What is Government's Exhibit 422?

A. That is a copy of the confiscated property report.

Q. Was this made and maintained in the normal and ordinary course of your business as a state trooper?

A. Yes.

MR. MENDELOFF: Move the admission of Government's

Charles Hanger - Direct

Exhibit 422, your Honor.

MS. RAMSEY: No objection.

THE COURT: 422 received.

MR. MENDELOFF: Now, on Government's Exhibit 422, let me publish it. May I publish it, your Honor?

THE COURT: You may.

BY MR. MENDELOFF:

Q. Can you just go through the form there for us starting at the top and going to the bottom and just explain what

information is contained on the confiscated property form,
just

generically, please.

A. It has the officer's name who confiscated the property, a
description of the property, the time and date the property
was
confiscated.

Q. Where is that located?

A. Do you want me to circle it?

Q. Yes, please.

A. The date and the time.

Q. So the date was April 19 and the time is?

A. 10:20 a.m.

Q. You may remove those, please.

Now, what else is listed on the form?

A. It shows the charges.

Q. What charges were brought against Defendant McVeigh?

A. Those were unlawfully carrying a weapon and transporting a

Charles Hanger - Direct

loaded firearm -- are the ones on this report as it pertains
to

the evidence.

Q. And as to the other charges, are they listed somewhere
else?

A. Yes.

Q. Where are they listed?

A. On copies of tickets.

Q. We'll get to that in a minute. Please continue going through the form.

A. It gives a description of the evidence. There is not enough room for all of the evidence on there, so I've dropped down below the line there to finish the description of the evidence.

Q. All right.

A. I have signed it, trooper's signature and badge number.

There is a place for the defendant to sign. I did not have him

sign; and then -- shows who the evidence was turned over to.

Q. Who was that?

A. Jerry Cook, who is the sheriff of Noble County.

Q. What is the time you turned over the evidence?

A. It listed as 1 p.m. on the 19th of April, 1995.

Q. Now -- excuse me. Does this form indicate the serial number on the firearm that you took from Defendant McVeigh?

A. Yes, it does.

Q. And what serial number is that?

Charles Hanger - Direct

A. VW769.

Q. Let me show you Government's Exhibit 442.

You can remove it from the bag, if you'd like.

What is that?

A. That is the weapon that I removed from the shoulder holster

Mr. McVeigh had. It's a Glock Model 21, .45 caliber semiautomatic pistol.

Q. How do you know it's the same one?

A. It displays the Serial No. VW769.

MR. MENDELOFF: Move in admission of Government's Exhibit 442, your Honor.

MS. RAMSEY: No objection.

THE COURT: 442 received.

MR. MENDELOFF: And may we publish the gun just by holding it up without showing it?

THE COURT: You may just hold it up for the jurors to observe it.

Thank you.

MR. MENDELOFF: May I approach, your Honor? This would be easier.

THE COURT: All right.

BY MR. MENDELOFF:

Q. Let me show you Government's Exhibit 428. What do those appear to be?

A. Those appear to be the jeans that Mr. McVeigh was wearing

Charles Hanger - Direct

at the time I arrested him.

Q. How do you recognize those as the jeans?

A. They're black and they're faded.

Q. In terms of general -- I'm sorry. In terms of general

construction of the jeans and type, how do they compare to the jeans you saw on Defendant McVeigh?

A. The same.

Q. Let me ask you to also look at what has been marked as Government's Exhibits -- pardon me -- 32 and 33. I'm sorry, 432 and 433.

A. This is '32.

Q. 432 and 433.

A. And this is '33.

Q. What do they look like?

A. These appear the same type of boots Mr. McVeigh was wearing

at the time I arrested him. They're a military-style black boot. It's a lace-up boot.

Q. In terms of construction style and size, are they any different in appearance from the boots that you saw on Defendant McVeigh?

A. No.

Q. All right. Now, after you completed the confiscated property report, what did you do with the confiscated property report?

A. With the confiscated property report itself?

Charles Hanger - Direct

Q. Yes.

A. I retained a copy. I gave a copy to the sheriff. I left

a

copy for the defendant's file.

Q. And what happened to the property you were turning over listed on that report?

A. It was turned over to the sheriff for being locked up.

Q. Are you familiar with the lock-up procedures in the sheriff's office generally?

A. Yes.

Q. Now, you said the jail is accessible only by a locked security elevator. Is the sheriff's office acceptable -- accessible only by a locked security elevator?

A. No.

Q. How is the sheriff's office accessible to the public?

A. Anyone can walk into the sheriff's office during business hours.

Q. You said that the jail was protected by barred doors at the entrance. Is the sheriff's office located behind barred steel doors?

A. No.

Q. Now, let me just ask you to back up for one second to a matter that I neglected to ask you during the search out on the highway. I believe you testified you searched Defendant McVeigh's trunk.

A. Yes.

Q. Did you see any luggage in that trunk?

A. No.

Q. Did you see any luggage inside the car?

A. No.

Q. Did you see any clothing or valuables to be transported inside the car, other than what you mentioned?

A. No.

Q. Now, I believe you just testified also that as part of the procedure on the highway, you told the dispatch that you had obtained Defendant McVeigh's VIN number off his car.

A. Yes.

Q. And did you give the dispatcher that VIN number?

A. Yes, I did.

Q. Do you recall what that VIN number was offhand?

A. No.

Q. Is there something you could look at that would refresh your memory of what the VIN number was that you gave the dispatcher?

A. Radio log.

Q. I show you Government's Exhibit 415 and ask you what that is.

A. That is a radio log from highway patrol headquarters at Pawnee dated 4-19-95, begins at 9:27 and goes -- begins at 9:27 a.m. and goes through 12:25 p.m.

Q. Does that radio log contain the communication between

Charles Hanger - Direct

yourself and the dispatcher that morning?

A. Yes.

Q. Is it made and maintained in the normal and ordinary course

of business of the highway patrol?

A. Yes.

MR. MENDELOFF: Move the admission of Government's Exhibit 415, your Honor.

MS. RAMSEY: No objection, your Honor.

THE COURT: 415 received.

BY MR. MENDELOFF:

Q. Does that radio log indicate the VIN number on that Mercury?

A. Yes.

Q. Will you please read it into the record.

A. VIN No. 7Z, zebra, 6 zebra, A, as in Adam, 613847.

Q. And let me ask you now a final thing to look at, Government's Exhibit 466. What is that?

A. This is a photo of the front seat area of the 1977 Mercury Mr. McVeigh was driving and shows the right passenger door open, and the picture looks to be taken through the driver's door.

Q. And do you know where or when that photo was taken?

A. No.

Q. Let me ask to you direct your attention in the photo to the

passenger's seat. Do you see anything seated -- anything on

Charles Hanger - Direct

the seat?

A. Yes.

Q. And what -- is there an envelope there?

A. Yes.

Q. How does that envelope depicted on that seat compare to the

envelope that you saw and examined on Defendant McVeigh's seat

on the highway when you stopped him 1 mile south of the

Billings exit?

A. Appears to be the same.

Q. Same construction?

A. Same size, same construction and from what I can see of the

thickness, the same thickness.

Q. What about the location of the envelope?

A. Same.

Q. All right. Now, at some point, did you have occasion -- at

some point, did you have occasion to complete additional

paperwork relating to your work of Tim McVeigh?

A. Additional paperwork.

Q. Yes.

A. Yes.

Q. All right. And what paperwork was that?

A. A probable cause affidavit.

Q. All right. In addition, any other paperwork?

A. Tickets

A. TICKETS.

Q. All right. When did you complete the tickets?

Charles Hanger - Direct

A. I completed them on 20 -- be Tuesday, the 25th day of May (sic), 1995.

MR. MENDELOFF: And if we could switch to the computer, please.

BY MR. MENDELOFF:

Q. Okay. Let me ask you where did you complete the tickets?

A. I was at Cimarron Troop YA headquarters on the Cimarron Turnpike.

Q. And this was how many days after the arrest?

A. Six.

Q. Let me ask you to look at Government's Exhibit 417.

MR. MENDELOFF: And this is not going to be displayed to the jury, I understand, your Honor.

THE COURTROOM DEPUTY: What number?

MR. MENDELOFF: 417.

Is it displayed, your Honor?

THE COURTROOM DEPUTY: Not for the jury.

THE COURT: All right. Is this going to be probative of anything?

MR. MENDELOFF: Yes, your Honor.

THE COURT: All right.

BY MR. MENDELOFF:

Q. Do you have Government's Exhibit 417 before you?

A. Yes.

Q. What is that?

Charles Hanger - Direct

A. This is a copy of the tickets that I had written showing the charges filed against Mr. McVeigh.

Q. Were they made and maintained in your normal and ordinary course of business as a trooper?

A. Yes.

MR. MENDELOFF: Move the admission of Government's Exhibit 417, your Honor.

MS. RAMSEY: Your Honor, we would object as they were filled out, I believe his testimony was, on May --

THE COURT: Well, it depends on what you're offering them for.

MS. RAMSEY: And it's not relevant.

THE COURT: What are you offering it for?

MR. MENDELOFF: There are physical descriptions on there, your Honor, that we believe are relevant to the case.

THE COURT: Physical descriptions?

MR. MENDELOFF: Yes, your Honor.

THE COURT: And that's all you're offering it for?

MR. MENDELOFF: Yes, your Honor. I can give a further description, if you'd like. I don't know if you want me to do it here or -- there is a weight description there, your Honor, that we think is relevant.

THE COURT: This man's authoring?

MR. MENDELOFF: Yes, your Honor.

THE COURT: Well, if you're going to limit it to that,

Charles Hanger - Direct

we can. I don't know what the traffic tickets have to do with it.

MR. MENDELOFF: That's all we're going to limit it to, your Honor.

MS. RAMSEY: We object as cumulative to the information from his driver's license.

THE COURT: Overruled.

Why don't you read the description into the record, and we don't have to bother with an additional exhibit.

MR. MENDELOFF: We can, your Honor.

BY MR. MENDELOFF:

Q. Trooper Hanger, when you -- where did you receive the information that you put onto the ticket?

A. For most of it, I received it from information I copied from the driver's license onto the flap of my ticket book.

Q. Is there anything on that ticket in terms of physical description that you did not obtain from the driver's license?

A. Yes.

Q. What was that?

A. The weight.

Q. All right. And what weight did you place in this -- on

this ticket?

A. 175 pounds.

Q. Where did you receive that information?

A. That was just my estimate of Mr. McVeigh's weight from my

Charles Hanger - Direct

personal observation of him.

MS. RAMSEY: Your Honor, we object and ask it be stricken as speculation.

THE COURT: Overruled.

BY MR. MENDELOFF:

Q. You testified that you arrested the defendant on Wednesday,

April 19. When you got off work that day, where did you go?

A. Home.

Q. And how did you get home?

A. I drove my unit.

Q. Why did you drive your unit home?

A. That -- we have a one-man/one-unit concept in Oklahoma; and

everyone takes their unit home.

Q. After you arrived home on April 19, when was the next time you used your squad car?

A. Been on Saturday, the 22nd.

Q. What was the reason you didn't use it until Saturday?

A. I was off duty.

Q. During the period you were not using your squad car from

that Wednesday to the following Saturday, did anyone else have

access to the vehicle?

A. No.

Q. Where was the vehicle parked that time?

A. Parked in my driveway.

Q. Was it open or locked?

Charles Hanger - Direct

A. Locked.

Q. When you begin a shift in your squad car, do you follow any

routine practice?

A. Yes.

Q. What is that?

A. I look around on the floor, front floor, rear floor area to

make sure there is nothing laying around that could be used as a weapon against me that may have been left in the car.

Q. Does your review of the inside of the squad car vary at all

depending on how you used the car the last time you had it?

A. If you've transported a prisoner, a little more thorough.

Q. When you entered your squad car on the morning -- or on Saturday, April 22, 1995, to go to work that day, did you follow this normal practice?

A. Yes.

Q. Where did you look?

A. I looked in the front floorboards and the rear floorboards,

the seats, all the area I could see around from where I was sitting in the driver's seat.

Q. Completing your review of the inside of the car, do you discover anything?

A. Yes.

Q. What did you discover?

A. I discovered a crumpled business card in the right rear floorboard of my unit.

Charles Hanger - Direct

Q. All right. And where was that located?

A. Directly behind the front passenger's seat.

Q. Let me show you Government's Exhibit 418. What is that?

A. That is a -- that is the copy or that is the copy on the computer and the actual card I found inside the plastic.

Q. On the computer is a photograph mark of that card marked Government's Exhibit 418A. Does that fairly and accurately depict the card?

A. Yes. It's soiled. It wasn't soiled, didn't have the purple tinge on it whenever I found it.

Q. After your arrest of Defendant McVeigh on April 19, had anyone been in the car other than yourself?

A. My wife.

Q. And that was when you went to lunch; right?

- ..

A. Yes.

Q. Excuse me, but let me just ask you, looking at the front of

that card, do you see a business name on that card?

A. Yes.

Q. And is your wife a customer of that business, to your knowledge?

A. No.

Q. Are you familiar with her handwriting?

A. Yes.

Q. Let me ask you to look to the reverse of that card. Do you

see any handwriting there?

Charles Hanger - Direct

A. Yes.

Q. Is that your wife's handwriting?

A. No.

Q. How do you know that this is the same card that you found?

A. It has the same writing on the front and on the back.

MR. MENDELOFF: Move the admission of Government's Exhibit 418, your Honor.

MS. RAMSEY: Your Honor, we object as to chain of custody.

THE COURT: Overruled. 418 is received.

BY MR. MENDELOFF:

Q. Let me ask you also whether 418 -- and let me show you 418B

on the computer screen. Is that a fair and accurate depiction of that business card?

A. Yes.

MR. MENDELOFF: Your Honor, if I might, I'd like to publish 418B1.

THE COURT: 418B1?

MR. MENDELOFF: 418B. Excuse me, your Honor.

THE COURT: Do you have any objection to the photographs?

MS. RAMSEY: Yes, your Honor. 418B has not been admitted nor has 418A, and we do object to the photographs being admitted. It's not the best evidence.

MR. MENDELOFF: We move the admission of the

Charles Hanger - Direct

photographs, your Honor.

THE COURT: These are enlargements?

MR. MENDELOFF: Yes, your Honor. That's all they are.

THE COURT: Is there any question about the validity of the enlargements?

MS. RAMSEY: I haven't seen the card itself, your Honor. The card itself would be the best evidence.

THE COURT: The clerk will hand you the card, and you can compare it to the photograph, it that's what's holding us up.

MS. RAMSEY: Are you asking to admit A and B?

THE COURT: B is what's been offered so far.

MR. MENDELOFF: I'm sorry, your Honor. So the record is clear, we're seeking the admission of A -- excuse me. I believe they're marked B1 and B2, your Honor. Those are either side of that same card.

THE COURT: Well, that isn't how I have them on the index here.

MR. MENDELOFF: That's how I have them on my computer here, your Honor. I'm sorry. A and B. We're seeking to admit A and B, and those are photos of either side of that card.

MS. RAMSEY: We would make the same objection, that they're cumulative. I think one blowup is good enough; and if the card has already been admitted into evidence, I think the jury can view the card for themselves.

Charles Hanger - Direct

THE COURT: Well, we're not going to take the time for them to do that. The objections are overruled. A and B are received.

MR. MENDELOFF: Thank you, your Honor.

We would like to publish Government's Exhibit 418A.

THE COURT: Yes.

BY MR. MENDELOFF:

Q. Have you ever visited Antigo, Wisconsin?

A. No.

Q. And has your wife?

A. No.

Q. Is the card in the same condition that you found it on April 22 on the right rear floorboard behind the passenger seat

of your car?

A. No, it's not.

Q. How is it different?

A. It's discolored, has a purple tint and smudges on the front

of it.

Q. And based on your experience in over 20 years of law enforcement, do you know what the purple tint is from?

MS. RAMSEY: Your Honor, we would object unless a proper foundation is laid.

THE COURT: Sustained.

MR. MENDELOFF: If I might, your Honor, I'd like to publish the other side of that card, 418B.

Charles Hanger - Direct

THE COURT: Yes.

BY MR. MENDELOFF:

Q. How does this compare to the appearance of the back of the business card as you found it on the morning of April 22?

A. Again, the -- it's discolored. Other than that, the same.

Q. Now, you had mentioned that the card was crumpled.

A. Yes.

Q. Is there any indication of that crumpling on this exhibit?

Q. Is there any indication of that crumpling on this exhibit?

A. Yes. You can see dark lines where the card has been crumpled, lines running up and down and at an angle on the card.

Q. All right. And would you read the card into the record, please, the reverse of the card.

A. It says, "Dave," then in parenthesis, "TNT at \$5 a stick, need more." Below that is a telephone number, "708-288-0128." Below that, it says, "Call after 1 May, see if I can get some more."

Q. Now, you testified that you found this card on the right rear floorboard behind the passenger's seat. Where was Defendant McVeigh sitting on April 19?

A. Directly in front of where the card was found there in the passenger's seat.

Q. Have you examined the structure of the passenger's seat where Defendant McVeigh was seated?

A. Yes.

Charles Hanger - Direct

Q. If someone is sitting in the front passenger's seat, placed

an article from their pocket in the area between the seat back and the seat cushion, what could happen -- would that article be able to pass through to the back?

MS. RAMSEY: Your Honor, that calls for speculation.

THE COURT: Overruled.

THE WITNESS: After looking at the seat, yes, it's possible -- it's an open area. You could stick your hand all the way through it.

BY MR. MENDELOFF:

Q. All right. After you found this business card with the TNT

reference written on the reverse side in your car, what did you

do with the card?

A. I placed it inside a Noble County court clerk's envelope.

Q. What did you do with it?

A. I then took that envelope containing the card to the command post in Oklahoma City and advised what I had and asked that it be turned over to the FBI.

Q. Now, at the beginning of your testimony, you testified that

you arrested Tim McVeigh driving north on I-35 between Mile Markers 202 and 203 on the morning of April 19. Do you remember that?

A. Yes.

Q. And I believe you testified that this was 1 mile south from

the Billings exit on I-35.

Charles Hanger - Direct

A. Yes.

Q. In anticipation of your testimony here today, did you perform any measurements between the point at which you arrested Defendant McVeigh on April 19 and the place where the Murrah Building once stood in downtown Oklahoma City?

A. Yes.

Q. What did you do?

A. I measured the distance from that location, from the location of the Murrah Building to the point of arrest between 202 and 203, and also timed the amount of time it took to drive from that location to the arrest point.

Q. At what speed?

A. At the posted speed limit that was posted on April 19, 1995.

Q. How far was the point of Defendant McVeigh's arrest from the site of the Murrah Building in downtown Oklahoma City?

A. 77.9 miles.

Q. Driving at the speed limit posted on April 19, 1995, how long did it take you to drive from the Murrah Building location to the place where you arrested Defendant McVeigh?

A. 75 minutes and 15 seconds.

Q. If you leave the site of the Murrah Building at 9:02 a.m. and drove to the post -- drove the posted April, 1995 speed limit on interstate highways, where would you be at 10:17?

MS. RAMSEY: Your Honor, calls for speculation.

Charles Hanger - Direct

THE COURT: All it calls for is an arithmetic calculation. Overruled.

THE WITNESS: It would put me at the same spot of the arrest between Mile Marker 202 and 203 a mile south of the Billings exit.

MR. MENDELOFF: Thank you, your Honor. Nothing further.

THE COURT: Can we turn this off?

MR. MENDELOFF: Yes, your Honor.

THE COURT: All right. Ms. Ramsey?

MS. RAMSEY: I request that the physical evidence be removed.

THE COURT: Yes. Do you want to come and help remove these things?

MR. MENDELOFF: Yes. I'd love to.

THE COURT: Proceed, please.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Good morning, Trooper Hanger.

A. Good morning.

Q. I want to ask you how many times you have talked with the FBI agents with regard to this particular case.

A. I believe that I had been up here once in '96 and three times in '97.

Q. And that was when you talked with the United States

Charles Hanger - Cross

Attorney's representatives, or FBI agents, or both?

A. Both.

Q. And so that would be four occasions?

A. Yes.

Q. And did you talk with the FBI, or with Oklahoma Highway Patrol representatives when you were in Oklahoma?

A. When I turned over evidence and when I talked to Mr. Zimms,

yes.

Q. And how many times did you talk with Agent Zimms?

A. Once in person and maybe one time on the phone.

Q. And did you talk with anyone from your organization, Department of Public Safety, or the Oklahoma Highway Patrol?

THE COURT: I take it you mean about this case.

MS. RAMSEY: Yes, about this case.

THE WITNESS: I had talked to John Lindsay with the legal division.

BY MS. RAMSEY:

Q. With regard to the facts of this case?

A. He never asked about any of the facts.

Q. So you've talked with representatives of the FBI or the U.S. Attorney's office on six occasions prior to today?

A. I believe that's correct, yes.

Q. And did you talk with anyone yesterday or the day before?

A. Yes.

Q. And who did you discuss your testimony with at that time?

Charles Hanger - Cross

A. Scott Mendeloff and Mr. Jon Hersley.

Q. And have you talked with any of the representatives of Mr. McVeigh?

A. No.

Q. I want to draw your attention to the stop now that was on I-35. And I believe you have Exhibit No. 410 which has previously been admitted, which is the map of a portion of Oklahoma.

A. Yes.

Q. Now, you stated that when you stopped Mr. McVeigh, he was a mile short of the Billings exit. Is that correct?

A. Approximately.

Q. Now, this map also shows Interstate 40. Is that correct?

A. Yes, it does.

Q. Or a portion of Interstate 40. Is that correct?

A. Yes.

Q. And it also shows Highway 81, which is on the left side of the exhibit, your left side of the exhibit. Is that correct?

A. Yes, it shows. 81 north of Highway -- of U.S. 60.

Q. Right. And I believe it also shows Highway 177; is that correct -- which goes through Stillwater?

A. Yes.

Q. Now, turning your attention to the location prior to your stopping Mr. McVeigh, where were you? Were you driving down

the roadway, or did you have someone else stopped?

Charles Hanger - Cross

A. Just prior to me stopping him? I was driving down the roadway.

Q. Had you stopped anyone that morning since you went on duty at 7:00?

A. Not on the interstate.

Q. At anywhere else?

A. East of Perry, 60 -- between Perry and Morrison.

Q. So was Mr. McVeigh the first person you had stopped on Interstate 35 on April 19?

A. Yes.

Q. And how far away from the one mile the Billings exit did you notice Mr. McVeigh?

A. It would have been closer to the 202 marker when I first noticed him.

Q. And did anything draw your attention to him prior to your not noticing a tag on the back of the vehicle?

A. No. Just the tag.

Q. What about the vehicle itself?

A. I didn't pay any attention.

Q. Because it was an old clunker-looking-type vehicle?

A. It didn't come to mind. The only thing that got my attention was it didn't have a tag.

Q. Did you drive even with the driver's side of Mr. McVeigh's vehicle?

VEHICLE:

A. I actually overshot him. We passed him.

Charles Hanger - Cross

Q. Were you intending to stop him when you overshot him?

A. No. I mean, I was reacting -- still reacting to what I had

saw. I was slowing down but I had passed him, slowed down, then got behind him.

Q. What speed were you driving at that time?

A. Around 90 to 100 miles an hour.

Q. Okay. And what speed was Mr. McVeigh driving?

A. I don't have any idea.

Q. Did you have your radar on in your vehicle?

A. It was on, but I have a kill switch, deactivates it until you wish to clock someone; and it was off.

Q. It's not the type of radar that at a certain speed goes off?

A. It will go off at a certain speed.

Q. So you were not clocking anyone that morning.

A. Not at that particular time.

Q. Okay. Did he appear to be speeding to you?

A. I made no observation of him speeding. To my knowledge, he

was not.

Q. Okay. And you followed him for how long prior to overshooting him?

A. Well, I just came right up on him; and when I got up

behind

him close enough that I could see the back of the vehicle, that's the first time I took any knowledge that he was even there.

Charles Hanger - Cross

Q. Okay. So that would be around the 202 mile marker. Is that correct?

A. Close to that.

Q. And you stopped him within how many feet or quarter of a mile, half a mile, after the 202 mile marker?

A. A little over half a mile.

Q. So we would be about 202.6 or .7, something like that?

A. About 202.6, yes.

Q. Did you make any eye contact with Mr. McVeigh when you overshot the stopping of the vehicle?

A. No.

Q. And at what point did you hail Mr. McVeigh to stop?

A. It was probably no more than a quarter of a mile had passed

from the time that I was slowing down and got behind him and initiated my lights.

Q. And did you have any contact with him such as pointing to him to pull over or anything of that nature?

A. No.

Q. Okay. So you activated your lights. Is that correct?

A. Yes.

Q. Did you use your siren?

A. No.

Q. And how long did it take Mr. McVeigh to pull over?

A. Less than a quarter of a mile.

Q. Anything unusual about that whatsoever?

Charles Hanger - Cross

A. No.

Q. Stopped in a routine length of time in a safe -- in a safe place?

A. Yes.

Q. Was there anything that caused you any concern at the time that you stopped him with regard to Mr. McVeigh himself?

A. Not to Mr. McVeigh himself.

Q. I understand you're always apprehensive. That's what you testified on direct examination with regard to stopping anyone; isn't that correct?

A. More so because of the incident that had happened two weeks earlier in that -- within 15 miles of there.

Q. You always want to make sure you're safe when you make a stop -- isn't that correct -- until you're in control?

A. Sure.

Q. Okay. Now, I believe you testified on direct examination that you opened your door and stood between your door and your car; is that correct?

car; is that correct?

A. Yes.

Q. At that time, did Mr. McVeigh open his door; or when in relationship to your getting out of the vehicle did he get out?

A. By the time I had opened my door, his door was already open.

Q. Was he out of his vehicle?

A. He was swinging his feet out to the asphalt.

Charles Hanger - Cross

Q. Did you tell him to get out of the vehicle and come back to

you?

A. No.

Q. What did you tell him?

A. I didn't say anything at that point.

Q. And what did he do next?

A. He got out, stood up.

Q. And did he walk back towards you?

A. He started toward me.

Q. Was there anything about that that caused you any concern?

A. No.

Q. Did you advise Mr. McVeigh where to stop?

A. No. We just kind of met and stopped.

Q. Did you meet kind of halfway between the cars or in the area where it would be safe for the two of you to talk?

A. About halfwav between the two cars, not quite. We were a

little bit closer to his car than mine.

Q. Nothing unusual at this point as far as you're concerned?

A. At that point, no.

Q. No concern for your safety at that point?

A. There is always a concern for my safety when I stop anybody, because I never know who I'm dealing with.

Q. I understand that; but there was no unusual concern on your

part at this point.

A. Nothing had happened at that point.

Charles Hanger - Cross

Q. What was the traffic like on this morning on I-35?

A. Oh, it was moderate.

Q. Pretty usual, standard?

A. I would say so.

Q. Did many cars pass you during the time that you had Mr. McVeigh stopped?

A. I really wasn't paying any attention. I know that -- I'm sure they did, but as far as me taking notice of how many or whatever, I didn't.

Q. Were there any moving violations that you were stopping Mr. McVeigh for at that time?

A. Only the tag violation.

Q. But no speeding or reckless driving or anything of that

nature?

A. No.

Q. When -- I believe on direct examination you called him back

or he came and met you at the back of the car and you told him

he didn't have a tag --

A. I told him why I had stopped him, because he wasn't displaying a tag.

Q. And was his a verbal response at first, or did he look first?

A. He looked first.

Q. Anything out of the ordinary about that?

A. I assume not.

Charles Hanger - Cross

Q. And at that point, did you begin to have a conversation with him?

A. Yes.

Q. Tell us what the demeanor of Mr. McVeigh was at that time when you had the conversation.

A. He -- I asked him why he didn't have a tag; and he said that he had recently bought the car and didn't have one, which caused a little suspicion when he said that, because I thought if he knew he didn't have one, why did he look at the back of the car.

Q. And it's probably typical to have a dealer's tag or something like that; isn't that correct?

A. I don't know how Kansas operates, whether they give dealer's tags.

Q. I mean a temporary tag.

A. Like I said, I don't know how Kansas operates, whether they

do that on used cars or not.

Q. And did you ask him about that?

A. No.

Q. Was the engine on Mr. McVeigh's vehicle off, or on, at the time that you were talking with him?

A. I don't recall.

Q. After you advised him what you were stopping him for, then did you ask him for his driver's license?

A. I asked him about the bill of sale.

Charles Hanger - Cross

Q. All right. And his response was that he didn't have one; is that correct?

A. He said that the individual he had bought it from was still

filling it out.

Q. And at some point after that, did you ask him for his driver's license?

A. Yes.

Q. I believe that's Exhibit No. 427.

MS. RAMSEY: Request that exhibit be put up. I believe it's already been admitted into evidence.

THE COURT: Yes, it has.

BY MS. RAMSEY:

Q. Do you have that in front of you on your screen?

A. Yes.

Q. I want you to look at Government's Exhibit 427. And would you please advise the name that is on the driver's license.

A. Timothy James McVeigh.

Q. And the birth date on that, please, sir.

A. 04-23-68.

Q. And does it state his height?

A. 6' 2".

Q. And there is not a location of his weight on that; is that

correct?

A. That is correct. There is not.

Q. And what is the expiration date on this driver's license?

Charles Hanger - Cross

A. It would show -- on his birthday, 1997.

Q. So that was a valid driver's license as far as you were concerned at that time and still is; is that correct?

A. As far as I know.

Q. Okay. All right. And when you asked Mr. McVeigh for his driver's license, did he comply?

A. Yes.

Q. I believe you said he reached in his back right pocket.

A. His right rear pocket.

Q. Right rear pocket and pulled out his billfold. Is that correct?

A. Yes.

Q. Did he fumble through his billfold for that driver's license, or did he pull it out immediately?

A. He went right for it.

Q. And what was his attitude at this time? Is it still the same as it was before? No problems?

A. He's still calm.

Q. Okay. Not giving you any problems.

A. No.

Q. Didn't give you any -- didn't give you a bad time about why

you were stopping him or anything of that nature, did he?

A. He did not.

Q. Okay. And you weren't any more concerned about your safety

than you had been previously; is that correct?

Charles Hanger - Cross

A. At that point, I became concerned because I noticed a bulge.

Q. I mean prior to his actually going back for the bill -- billfold.

A. Correct.

Q. Okay. Now, when he goes for the billfold is when you actually see the bulge. Is that correct?

A. Yes.

Q. And is that bulge under his right arm, or his left arm?

A. Left arm.

Q. Okay. And did he -- did you take any action against him physically at this point?

A. Not at that point.

Q. Did you say something to him?

A. I looked at -- first looked at his driver's license, looked at him.

Q. Same person?

A. Yes.

Q. Okay. Go ahead.

A. And then that's when I instructed him to unzip his jacket, take both hands, and slowly pull his jacket back.

Q. Could he have taken the gun out of the holster with his zipped -- with his jacket zipped up?

A. No more than it was zipped, he could have got his hand in there.

Charles Hanger - Cross

Q. That's what I mean. You asked him to unzip his jacket; and did he do that?

A. Yes.

Q. And somewhere in here, he told you he had a gun, didn't he?

^ YCC

A. Yes.

Q. Did he tell you it was loaded?

A. Not initially.

Q. Did he at some point tell you it was loaded?

A. Yes.

Q. And when was that?

A. As we were walking toward the trunk of his car.

Q. Did you know at that point that it was loaded?

A. Before that point? I didn't know.

Q. Okay. So at the time that you began to take the gun out of -- or what the bulge was out, where are Mr. McVeigh's hands?

A. On the trunk of his car.

Q. All right. When he told you he had a gun, did he put his hands out in any way?

A. No. He left them on his jacket, just -- had one hand on each side of his jacket.

Q. So he was doing what you told him to do.

A. Yes.

Q. And what happens after he has his hands on the jacket and he's unzipped it?

A. That's when he started to go back with the jacket and he

Charles Hanger - Cross

says, "I have a gun."

Q. What happens next?

A. I grab the bulge on the outside of the jacket, instruct him

to get his hands up and to turn around, and I pull my pistol.

Q. And did he comply with your request?

A. Yes.

Q. Did he appear to have changed his demeanor in any way at this point?

A. No.

Q. Still cooperating with you and doing everything you're asking him to; is that correct?

A. Yes.

Q. What happens next?

A. We go to the car, to his car, to the trunk. He's instructed to put his hands on the trunk, to spread his legs out.

Q. And he does that?

A. Yes.

Q. Does he say anything to you at this point?

A. Not at that point.

Q. Go ahead. What happens next?

A. I remove the pistol from the holster.

Q. Did you have any trouble getting it out?

A. No.

Q. And that's when you put it on the shoulder of the roadway;

Charles Hanger - Cross

is that correct?

A. Yes.

Q. And then what happens after that? Does Mr. McVeigh tell you something?

A. Yes.

Q. What does he tell you?

A. He tells me there is a clip holder with a loaded clip also on his belt.

Q. And had you at that point felt that clip holder and clip?

A. No.

Q. So you didn't know it was there?

A. Not at that point.

Q. So after he tells you that the loaded clip and clip are on his belt, what do you do?

A. I remove that clip and put it on the shoulder.

Q. Is that clip holder looped through his belt, or is it something that is just attached by a clip or something?

A. It's looped through the belt.

Q. Okay. So you take the clip holder -- or the clip out of the clip holder and put it on the shoulder of the roadway with the gun; is that correct?

A. Yes.

Q. And then what happens next?

A. Then he informs me he also has a knife.

Q. Did you know the knife was there before he told you?

Charles Hanger - Cross

A. No.

Q. And then do you take the knife from him?

A. Yes.

Q. And is it in any type of a compartment or case or anything?

A. It's in a scabbard.

Q. And is that also looped through his belt?

A. Yes.

Q. And do you take it and place it on the roadway with the other two items that you've already placed there?

A. Yes.

Q. And is there any other conversation, other than what you've

just told us, that occurs during this time?

A. No.

Q. What happens after you take the knife, the clip, and the gun from Mr. McVeigh?

A. He's handcuffed and patted down.

Q. Okay. And when you pat him down, he is standing with his hands on the back of the car; is that correct?

A. Yes.

Q. And was this a thorough pat down?

A. It's a cursory-type search, you just pat down for anything that might feel like a weapon.

Q. And did you pat down his front pants pockets?

A. Yes.

Q. Does he still have his jacket on?

Charles Hanger - Cross

A. Yes.

Q. Do you check his pockets of his jacket?

A. I don't go inside them, I just pat down the outside.

Q. But did you pat down the pockets of his jacket?

A. Yes.

Q. Didn't find anything else?

A. No.

Q. Did he tell you that he did not have anything else?

A. I don't recall him saying that.

Q. Could he have?

A. I don't recall.

Q. Did you take it to mean that he didn't have anything else because he didn't tell you he had anything else?

A. I never assume.

Q. You did not find anything that would be an offensive weapon

on Mr. McVeigh after he told you he had the gun, the clip, and the knife; is that correct?

A. Correct.

Q. Did you still have your gun pulled at the time that you were doing the pat down when he had his hands on the back of his vehicle?

A. No. I had holstered it.

Q. At that time after you did the pat down, were you satisfied

that you were in control of the situation and everything was fine?

Charles Hanger - Cross

A. I was satisfied that he didn't have any further weapons on him.

Q. Right. And at this point, you did not have your video camera on; isn't that correct?

A. That is correct.

Q. When you make a stop of someone on the interstate that you think is going to be a routine traffic stop, do you normally turn the camera on?

A. Not always.

Q. Okay. It's just -- how do you decide whether you're going to use the camera or not?

A. Yes.

Q. How do you decide?

A. If you're arresting -- if you think you have an intoxicated

individual, of course, you're following him and you have something to perceive that, you'd want to document that as evidence; and it is used then.

Q. Would you normally in that situation turn the camera on prior to your making the stop so you could watch somebody go left of center or something like that and use their erratic driving against them?

A. Yes.

Q. And you did not have the camera on until sometime later?

A. Correct.

Q. And how much later was it before you turned on the camera?

Charles Hanger - Cross

A. It was after I had called headquarters on the cell phone and we were sitting inside the unit.

Q. You do not have an independent tape recorder in your vehicle, then?

A. No.

Q. And at what point, did you handcuff Mr. McVeigh and put him

in the passenger's seat of your car?

A. It was after I -- he had been patted down and weapons removed and we were still at the trunk of the car. He was handcuffed there and taken to the front seat of the unit and placed in there.

Q. Is it normal for you to place a prisoner in the front seat

of your vehicle?

A. Yes.

Q. Were you concerned at that time when Mr. McVeigh was seated

in your vehicle as to your safety?

A. You never quit being concerned with your safety.

Q. I understand that, but was there anything that overly concerned you at this point since you had all of his weapons and had patted him down?

A. No.

Q. At any time did Mr. McVeigh make any offensive actions towards you in any way?

toward you in any way:

A. No.

Q. Whether that be physical or verbal?

Charles Hanger - Cross

A. Neither.

Q. Now, after you placed him in the front seat of your vehicle, where do you go?

A. I went back up and retrieved the evidence that was on the shoulder and placed it in the trunk.

Q. Now, I believe you testified on direct examination that you

placed the clip and the knife in the trunk at that time. Is that correct?

A. And also the clip out of the weapon.

Q. And the clip out of the weapon. Those three things were placed in the trunk of your car?

A. Along with the chambered round that was found in the weapon.

Q. So we have four things now in the trunk of your vehicle; correct?

A. Yes.

Q. How do you place these in your trunk? Are they in a bag, or do you just lay them in the trunk, or how do you put them in there?

A. They were just laying in the bottom of the trunk.

- - -
Q. Okay. Is there anything else in the back of your trunk?

A. There is a -- there are several things. There is a first-aid kit, a jack, a fire extinguisher, a box that has some

forms in it, a shotgun, and a rifle.

Q. None of these items were placed in any evidence bag of any

Charles Hanger - Cross

kind -- these four things -- while they were in the back of your trunk at this time. Is that correct?

A. That is correct.

Q. Now, you keep the gun itself. Isn't that correct?

A. Yes.

Q. And you take that with you up to the driver's side of your vehicle.

A. Yes.

Q. Is that what you did next?

A. Yes, after I shut the trunk.

Q. Right. You get into your vehicle.

A. Yes.

Q. And at that time, you begin having a conversation with Mr. McVeigh, or do you call your dispatcher first?

A. I called the dispatcher first.

Q. And you advised, I believe, Ms. Warnock of where you were, that kind of thing?

A. Yes.

Q. What else did you advise her of at that time?

A. I told her that I had a subject in custody, gave the location, told them that he had been armed, and then I gave her his personal information from the driver's license.

Q. All right. And admitted into evidence is No. -- Exhibit No. 415. Do you have that on your screen, now?

A. Yes.

Charles Hanger - Cross

Q. And I believe in the bolder print, which I'm not sure you can see on that, it states that you're "on 10-15 1 time with a subject that is armed with a .45 pistol" and your location. Do you see that about halfway down the page --

A. Yes, I do.

Q. -- at No. 95, I believe?

At the time that you are giving this information to Ms. Warknock, is Mr. McVeigh listening to what you're saying?

A. Well, I really couldn't tell if he was listening or not. He's close enough he'd have to hear.

Q. He could hear, though. Does he at any time correct you or say, Why are you calling in, or anything like that?

A. The only thing he said was he gave me the -- what he thought to be the serial number of his weapon when I was looking for it.

Q. Is that because you requested it, or --

A. No. He just spoke up and gave that.

Q. Thought he knew what it was but missed by an M or a W, or something like that, had it reversed?

A. He said it was VM769. It in fact was VW769.

Q. And he at no time corrects you with regard to the purchase of the vehicle or anything like that?

A. Nothing is discussed about the purchase of the vehicle at that time.

Q. All right. After you call in the information with regard

Charles Hanger - Cross

to the gun to Ms. Warknock, what happens next?

A. Then I take the pistol and put it back in my trunk.

Q. And do you place it where -- and where do you place it in your trunk?

A. In the bottom, in the same vicinity where the other evidence was placed.

Q. Same manner that you did before, just put it in the trunk?

A. Yes.

Q. Not in an evidence bag or anything of that nature?

A. No.

Q. And after you place that in the trunk, what happens next?

A. I returned to the unit.

Q. Is there any unusual movement by Mr. McVeigh after he has been in your vehicle when you were placing the first four items

in your trunk and when you placed the gun in your trunk?

--- 1000 ---
A. Not at that point.

Q. Didn't notice anything unusual?

A. Not at that point.

Q. Okay. Now, after you get back in your vehicle, then what happens?

A. Then I read Mr. McVeigh the Miranda warning.

Q. And did he appear to understand that warning?

A. Yes.

Q. And after you read him the Miranda warning, you ask him some questions.

Charles Hanger - Cross

A. Yes.

Q. And he answers those questions?

A. The ones that I ask?

Q. Yes.

A. Yes.

Q. What did you ask him?

A. Well, I asked him why he didn't have a tag.

Q. Okay. And he told you that he just purchased the vehicle; isn't that correct?

A. Yes.

Q. And did he tell you where he purchased the vehicle?

A. Yes. He told me he purchased it in Junction City Kansas.

Q. And from the Firestone dealership from a person named Tom, I believe you said?

A. Yes.

Q. And did you in turn relay that information to Ms. Warnock in Pawnee?

A. Not at that time.

Q. At some point, did you?

A. Yes.

Q. And what else did Mr. McVeigh tell you?

A. I had asked him if I could search his vehicle.

Q. Did he say fine?

A. Yes.

Q. Did you ask him for a key?

Charles Hanger - Cross

A. No.

Q. Did he tell you you couldn't get in with the key, or that he didn't have a key?

A. At that point, the driver's door was standing open.

Q. Okay. So you were just wanting to search the vehicle, as opposed to the trunk. Is that correct, at this point?

A. I didn't specify at that point.

Q. Okay. So does Mr. McVeigh say, "Fine, go ahead and search"?

A. Yes.

Q. Did you tell him what you were actually looking for?

A. I believe that I did tell him I was looking for guns -- guns or contraband.

Q. "Contraband" meaning drugs?

A. Yes. It can be inclusive of drugs or stolen property.

Q. And that's your normal procedure; isn't that correct?

A. Yes.

Q. And when you searched his vehicle, you didn't find anything?

A. No.

Q. The interior of his vehicle.

A. I didn't find any contraband or drugs.

Q. Right. Or other weapons or anything of that nature; isn't that correct?

A. That's true.

Charles Hanger - Cross

Q. Nothing in the vehicle caused you any concern whatsoever at that point.

A. No.

Q. The paper wasn't a concern to you in any way.

A. Which paper?

Q. Any paper that was in the vehicle.

A. No.

Q. You didn't take any of that into evidence in any way, did you?

A. No.

Q. Now, after you searched the interior of the vehicle, do you

go back to your patrol car?

A. Yes.

Q. And what was the purpose of your going back to your patrol car?

A. Well, also -- before I searched the vehicle, I obtained the

VIN number.

Q. You wrote that down, I believe you said?

A. Yes.

Q. You go back to your patrol car, and what happens next?

A. Then I call the dispatcher on the cell phone.

Q. All right. Let me back up just a second. I believe you were asked on direct examination about any clothing that was in

the trunk of the vehicle. Was there any clothing or suitcase or boxes that were in the interior of the vehicle that you

Charles Hanger - Cross

noticed?

A. The interior of the vehicle?

Q. Yes.

A. No.

Q. So you go back to your patrol car and you get in. Is that

correct?

A. Yes.

Q. And what happens next?

A. Then I called the dispatcher on the cell phone.

Q. Call Ms. Warnock and you tell her the VIN number; is that correct?

A. Yes.

Q. Did you tell her anything else at that point?

A. Yes. I told her to run the checks through Kansas and Oklahoma.

Q. All right. And is that the point where Mr. McVeigh tells you that the safety inspection sticker is Arkansas, as opposed to Missouri?

A. It's after -- she first ran the Kansas and Oklahoma checks and came back with nothing; and that's when I said, "Well, there is a safety sticker on there possibly out of Missouri"; and Mr. McVeigh said, "No, that's Arkansas sticker."

Q. During the time that you're waiting on Ms. Warnock to call you back and you're seated in the vehicle with Mr. McVeigh, is there any conversation that goes on?

Charles Hanger - Cross

A. Yes.

Q. And what is that conversation, please, sir.

A. I asked him where he was coming from.

Q. And what did he tell you?

A. He said that he had -- he was in the process of moving to Arkansas, had taken a load of his belongings down there, and was on his way back for more of his belongings.

Q. I want to turn your attention back to Government's Exhibit No. 1, which is the map that has been, previously been admitted -- I'm sorry. No. 410. I want you to look at that map and tell me isn't there on Interstate 40 -- isn't that a route to Arkansas?

A. Depending on what part of Arkansas you're going, yes.

Q. Or coming from?

A. Yes.

Q. All right. Now, isn't there -- or aren't there other ways to get from Arkansas to Junction City, Kansas?

A. I'm not familiar with Junction City, Kansas.

Q. Do you go up the turnpike to Tulsa and then over to Cimarron Turnpike and then get on I-35?

MR. MENDELOFF: Objection, your Honor. He said he wasn't familiar with it.

THE COURT: Well, she's suggesting an answer. He can agree with it or not.

THE WITNESS: Could you repeat that, please.

Charles Hanger - Cross

BY MS. RAMSEY:

Q. Can you go up the Muskogee Turnpike and over to the Cimarron Turnpike, which you're familiar with, to I-35 and then head into Kansas?

A. You could.

Q. Those are toll roads, isn't that correct?

Q. Those are toll roads; isn't that correct?

A. Yes.

Q. I-40 is not a toll road; isn't that correct?

A. That is correct.

Q. And Interstate 35 is not a toll road; isn't that correct?

A. That is correct.

Q. Also, back roads could be taken such as 177 through Stillwater, or 81 through Enid in order to get to Kansas; isn't that correct?

A. Yes, it could be. Longer route of travel.

Q. Right. But it would not be as well travelled a roadway; isn't that correct?

A. Wouldn't be as heavily travelled as the interstate system.

Q. Right. Thank you.

Now -- now, when you're waiting for Ms. Warnock to call the information back to you, he is telling you that he has come from Arkansas and is going somewhere?

A. Going back to get the rest -- another load of his belongings.

Q. And that he's in the process of moving; is that correct?

Charles Hanger - Cross

A. Yes.

Q. And what else do you ask Mr. McVeigh at that point?

A. That's it.

Q. Okay. And do you then wait for Ms. Warnock to call you

back with that information?

A. Yes.

Q. Are you still using your cell phone, or are you at this point using your radio?

A. I'm still on the cell phone.

Q. Okay. So you're just holding, waiting for her?

A. Standing by.

Q. Okay. And do you and Mr. McVeigh have any conversation during the time that you're waiting for Ms. Warnock to call you back?

A. I don't recall of any.

Q. Okay. And what does she respond to you at some point and how long did it take for her to respond?

A. I don't recall how long it was. She did come back with the registration check out of the state of Arkansas and told me that the VIN number I had given and that she had ran through that state checked to a Paul or Connie Rescorl out of Fayetteville, Arkansas, and that the registration had expired November, 1994.

Q. And again, I want to turn your attention to Exhibit No. 415

that previously has been admitted. Is that also reflected on

Charles Hanger - Cross

the log?

A. Yes.

Q. After you received this message from Ms. Warnock, what do you do next?

A. I asked -- I asked the dispatcher, who was Ms. Warnock, if she would send a teletype to Junction City, Kansas, to contact the Firestone dealer and the salesman by the name of Tom to find out whether or not he had sold Mr. McVeigh this particular car.

Q. And you're still holding on?

A. Yes.

Q. And does she make that call, or do a teletype, or something?

A. She says that she'll send it, and then I hang up.

Q. Okay. And what happens next?

A. Then I asked Mr. McVeigh for consent to search his trunk.

Q. And does he give you consent to search the trunk?

A. Yes.

Q. Hesitate in any way?

A. No.

Q. And do you get out, then, to begin the search of his trunk?

A. Yes. He had instructed me -- I asked him how to get in it

since there wasn't a key; and he --

Q. Where are the keys to his vehicle at this point? Does he have them? Do you have them, or are they in the car?

Charles Hanger - Cross

A. They're in the ignition, I assume. I don't remember whether it was running or not.

Q. All right. So he tells you that he doesn't have a key.

A. He said that he doesn't have a trunk key.

Q. Trunk key, right; and tells you how to get into the trunk?

A. Yes.

Q. Does he understand at this point that you're still looking for contraband or illegal weapons of any kind?

A. We didn't specifically talk about that.

Q. But you didn't talk about you looking for anything differently, did you?

A. No.

Q. And is what he told you true about not having a trunk key, and you have to go pop open the trunk from the glove box?

A. Yes.

Q. When you looked in the glove box earlier, did you see anything that was illegal in any way?

A. No.

Q. When you go to open the trunk, everything is the same in the interior, obviously.

A. Yes.

Q. You opened the trunk; is that correct?

A. Yes.

Q. Walk back around; correct?

A. Yes. I had -- I initially went to the passenger's side to

Charles Hanger - Cross

get in to open the glove box, and that door was locked. I had to go back around to the driver's side and enter the vehicle there.

Q. Was the window of the passenger's side up or down at this point?

A. Up.

Q. So you unlocked the door, popped the trunk, and then go to the trunk to search it; is that correct?

A. Yes.

Q. Traffic any different than what it has been earlier on the roadway?

A. See, I really didn't pay any attention to the volume of traffic.

Q. And you probably would have noticed if something had picked

up or if the traffic had picked up, wouldn't you have?

A. I don't know whether I would have or not. There is always a lot of traffic on the interstate.

Q. So you go back to Mr. McVeigh's trunk and you open it?

A. Yes.

Q. Anything in there?

A. There is a tool box with some little hand tools and some rags and soiled rags, some leaves and twigs.

Q. Nothing unusual.

A. No.

Q. Nothing illegal?

Charles Hanger - Cross

A. No.

Q. No boxes, no clothes, no suitcases; correct?

A. Correct.

Q. At this point, do you see Mr. McVeigh doing anything while he's sitting in your vehicle?

A. No. But prior to that, I did.

Q. What?

A. Upon initial search of the inside of the vehicle, I was looking in the front seat; and then when I looked back into the

back seat to see if anything was in the back seat of McVeigh's car, I looked into my -- up into my unit and I saw him twisting

around a little bit.

Q. When you get back into your vehicle, do you ask him what he's doing?

A. Yes, I did.

Q. What did he tell you?

A. He told me the handcuffs were getting a little tight and he

was readjusting them.

Q. When you seated him in your vehicle, his hands were cuffed behind him; isn't that correct?

A. Yes.

Q. And he was sitting either on his hands or they were behind him next to the seat; isn't that correct?

A. In the lower part of his back.

Q. Between him -- between his body and the seat, though; is

Charles Hanger - Cross

that correct?

A. Yes.

Q. Pretty common, isn't it, that people who are handcuffed that you've arrested complain about their cuffs in this position?

A. Sometimes they do.

Q. Not unusual, though.

A. No.

Q. Okay. Do you loosen the cuffs?

A. No. I knew they weren't tight. I thought maybe they might

have slid down around his wrist bone, but I didn't loosen them because I know I didn't put them on tight.

Q. Did he tell you that he thinks he's got it adjusted and he thinks it's fine?

A. He didn't say anything further, and I didn't ask.

Q. So you search the trunk, don't find anything, and you get back in your vehicle? Is that correct? Is that what happens next?

A. Yes.

Q. And then do you have any further conversation with Mr. McVeigh?

A. No.

Q. Let me ask you one question that I neglected to ask you:
Do you smell any drugs of any kind in his vehicle when you're
searching it, either in the interior or in the trunk area?

Charles Hanger - Cross

A. No.

Q. At the point that you get back into your vehicle, do you
have any further conversation with Ms. Warnock?

A. No.

Q. So what do you do next?

A. I back the unit up, wait for traffic to clear, cross over
the center median, and start south on Interstate 35 to Noble
County Jail.

Q. At this time in April of 1995, are you the only one that
is

assigned to Interstate 35 for Noble County that's on duty?

A. I was the only one on duty, yes.

Q. And I don't want to specifically pick out April 19, but is
that usually the routine that there is one trooper on duty for
Interstate 35 for each county?

A. No. Sometimes there are two. The -- that particular
assignment involves a county assignment where you work the
two-lane roadways in addition to the interstate, and you cover
also part of Payne County interstate as well as Noble County.

Q. Do you also go into Kay County some?

A. Kay County is not a part of that detachment area.

Q. So you were the only one on duty on April 19, and that was

normal? Is that correct?

A. I wouldn't say normal, because sometimes there is two; but it wasn't unusual.

Q. Okay. Now, you turn around and you're on your way back to

Charles Hanger - Cross

Perry to the Noble County Courthouse. Is that correct?

A. Yes.

Q. At some point in here, you turned on the video recorder thinking you've turned on the audio recorder; isn't that correct?

A. That occurred before then.

Q. Right. At some point, it does. Doesn't that video recorder pick up what is in front of your vehicle, as opposed to the interior of your vehicle?

A. The video portion? Yes.

Q. So is the video recorder still on on your trip back to Perry?

A. Yes.

Q. Did you at that point think you had on the audio, or did you know that had you the video on?

A. I thought I had both.

Q. Okay. And in fact, you only had the video; isn't that correct?

A. Yes.

Q. Anything unusual on the trip back to Perry?

A. No.

Q. I believe you said it took about 20 minutes, 25 minutes, something like that?

A. 18 to 20 minutes.

Q. And do you and Mr. McVeigh have a conversation?

Charles Hanger - Cross

A. Some, not much.

Q. Just general chitchat?

A. I had asked him or I had cautioned him about carrying a weapon; that a wrong move could have got him shot.

Q. And did he respond to that?

A. "Possible." He said, "Possible."

Q. And did you talk about your gun, I believe you said?

A. That was earlier while we were at the shoulder.

Q. Did you talk generally about guns on the way back to Perry?

A. Not generally. He asked how he could get his weapon back.

Q. Okay. And was he asking you about Oklahoma law specifically as far as return of property, or what did you think he meant by asking you about the return of the gun?

A. I thought that he wanted to know how he could get it back.

Q. At the end of the case?

A. Yes.

Q. And that's a pretty normal question, isn't it?

A. It was a concern for him.

A. It was a concern for him.

Q. Isn't it normal for people who are arrested and you take some of their property to ask when they can get it back or where it's going or something to that effect?

A. Sometimes they do.

Q. Yeah. Did you talk about your car?

A. Not that I remember.

Charles Hanger - Cross

Q. The engine in your car?

A. We could have. I don't recall if we did.

Q. Or perhaps the difference between what a sheriff's deputy or a sheriff and what a highway patrolman is?

A. I don't recall that conversation.

Q. Nothing unusual, though, about the conversation that you had with Mr. McVeigh between the time that you left the location at the Mile Marker, I believe, 202, or between 202 and

203 until you got back to Perry. Is that correct?

A. That's correct.

Q. Did you discuss anything about the value of his gun?

A. He had told me the value of it.

Q. All right. Now, when you go to the Noble County Jail, you take Mr. McVeigh out of the vehicle. Is that correct?

A. Yes.

Q. And then get his property out, or vice versa?

A. Yeah. Get him out first.

Q. Okay. Does he stand there while you get the property out of the trunk?

A. Yes.

Q. Or do you take him up to the jail?

A. No, he's standing there.

Q. And you get the property out.

A. Yes.

Q. He doesn't try to run.

Charles Hanger - Cross

A. No.

Q. Attitude is still the same?

A. Yes, ma'am.

Q. Not giving you any problems whatsoever?

A. None.

Q. Being congenial as far as the conversation is concerned back and forth?

A. We were not having much conversation at that point.

Q. But nothing that would cause you any concern; is that correct?

A. I'm still cautious, because that's the nature of my job.

Q. I understand that, but there is nothing that is causing you

concern with Mr. McVeigh specifically.

A. No.

Q. Okay. When you take Mr. McVeigh and the property up to the

jail, you go into the courthouse, you go out up to the elevator

to the fourth floor; right?

A. Yes.

Q. You have a key to get in; right?

A. Yes.

Q. It's also customary to ring the bell to get up to the fourth floor -- not for you but for other people?

A. Yes. For others. Well, you just can't ring the bell and they're going to automatically key you up; but if you don't have a key and ring the bell and you've contacted them by

Charles Hanger - Cross

radio, why, then they'll know that you're coming and to let you

up.

Q. Isn't it also customary for attorneys to perhaps call from the sheriff's office on the first floor, or the court clerk's office, and say, "I need to come up and see a person," go to the elevator, ring the bell, and you're keyed up?

A. I'm not sure how they do that. I'm not -- don't work there, so I don't know.

Q. Okay. When you go up to the jail, is Marsha Moritz aware that you are coming?

A. I'm not sure that she is or not. I haven't talked to her on the radio.

Q. Okay. That's right. There is no radio traffic, so she

cannot hear whether you're coming or not; isn't that correct?

A. Well, I can talk on the city/county frequency. It's not affected by that -- it's a different radio net; so I had called

the county or the city when I left the point of the arrest and told them that I was en route to the county, but I don't know whether they notified the county or not.

Q. The city is different from the county; isn't that correct?

A. Yes.

Q. And it's in a different location; correct?

A. Yes.

Q. When you get Mr. McVeigh up to the fourth floor, you take him to the booking area, which is on the east side of the

Charles Hanger - Cross

actual jail cells and the east side of the courthouse; isn't that correct?

A. Yes.

Q. And there is a long desk-type area where you put his property; isn't that correct?

A. Yes. There is a booking counter.

Q. At that point, did you ask Mr. McVeigh to empty his pockets, or do you empty his pockets for him?

A. I removed the handcuffs from him and then asked him to remove the articles from his pockets.

Q. And does he have the windbreaker still on at this point, or

is it off?

is it still.

A. He still has it on right after I take the cuffs off.

It's

still on.

Q. All right. And you allow him to place his hands in his

pockets.

A. Yes.

Q. And does he place his hands only in his jean pant pocket

or

in other pockets of his clothing?

A. Other pockets.

Q. Does he take things out of the windbreaker pockets?

A. If he did, I don't recall whether there was anything in

there or not.

Q. Does he have an interior pocket of his windbreaker?

A. I don't recall.

Charles Hanger - Cross

Q. And he takes things out of his pants pocket?

A. Yes.

Q. At the time that he places whatever is in his pants pocket

on the counter, are you satisfied that everything has been

removed from his pockets?

A. He is patted down again at the end of the booking

procedure

to make sure of that.

Q. Okay. But at some point during that time you've patted

him

down again so that you know he has nothing?

A. Yes.

Q. When you asked Mr. McVeigh to take the property out of his pockets, does he do that?

A. Yes.

Q. Give you any problems whatsoever?

A. No.

Q. And what does he place on the counter?

A. Well, I wasn't watching everything that he placed up there.

The jailer was there collecting the items.

Q. I understand that.

A. The items that I saw was some keys, some coins, his billfold, and four rounds of .45 caliber ammunition.

Q. Do you recall if those four rounds of ammunition came from one pant pocket or both pant pockets?

A. I don't recall where they came from.

Q. Were they large bullets?

Charles Hanger - Cross

A. Well, .45 caliber round is a rather large bullet.

Q. But if they had been all in one pant pocket, do you think you would have felt that when you patted him down on I-35?

A. Possibly.

Q. And perhaps would have asked him what it was?

MR. MENDELOFF: Objection, your Honor. Calls for speculation.

THE COURT: Sustained.

BY MS. RAMSEY:

Q. Did you feel a big lump in his pockets when you searched him on I-35?

A. I don't recall feeling one. I was feeling for anything that might be used as a weapon, something offensive; and I was satisfied at the point that I patted him down there was nothing offensive in his pocket.

Q. All right. After he puts everything on the counter, then what do you do next?

A. I go to the computer desk there, which is 6 to 8 feet north of the booking area, the booking counter, and begin working on some of my paperwork.

Q. And that's when you're talking about the arrest affidavit?

A. Yes.

Q. Isn't an arrest affidavit something that you as a police officer must file within 48 hours with the court in order to arrest someone?

Charles Hanger - Cross

A. Yes.

Q. So it's important that you do that right away; correct?

A. Yes.

Q. And that is something then given to the judge for his signature; correct?

A. Yes.

Q. Now, I believe you testified on direct examination, though,

that you did not fill out the tickets. I believe under May 25,

but I think you meant April 25.

A. It was April 25, yes.

Q. Why did you fill the tickets out on April 25 instead of April 19?

A. That was my regular report date, where we send in our seven-day reports; and I didn't need the tickets to get the case filed.

Q. I understand that, but don't you normally when someone is jailed give them the tickets for what they're being arrested for because at the bottom -- not at the bottom but about three-quarters of the way down you write jail?

A. I write "jail," but it's not my normal practice to give them a copy of the tickets. They'll receive an information from the court.

Q. Okay. Do you normally write those tickets then at the seven days, or whenever you're supposed to turn those in?

A. It would vary with whatever -- this was the last day of my

Charles Hanger - Cross

workweek, and --

Q. This was the 19th, and you went back on duty when?

A. I was scheduled to be off for three days.

Q. So you would have been off the 20th, 21st, and 22nd?

A. Yes.

Q. Is that what you were actually off?

A. No, I had to come back to work on the 22nd, and I didn't receive the third day off. Actually, I came back the 21st, although I was not in uniform.

Q. Were you at the Noble County Courthouse on the 21st, or did

you get off at the City?

A. At the Noble County Courthouse.

Q. When you went to the computer area and were working on your

arrest affidavit, where was Mr. McVeigh?

A. He's standing at the booking counter.

Q. And is Marsha Moritz working with him booking him in?

A. Yes.

Q. And do you overhear what's going on?

A. I hear parts of it, but I'm not paying a whole lot of attention to what they're doing.

Q. The television is on, also?

A. Yes.

Q. And are you paying any attention to that?

A. I'm watching the television, yes, at different points.

Q. So you're filling out your forms, the TV is on, and you're

Charles Hanger - Cross

also kind of paying attention to Ms. Moritz and Mr. McVeigh; isn't that correct?

A. Yes. I've got my back to them and --

Q. Isn't it normal, though, you being a law enforcement officer and in an area of the jail booking that you pay attention somewhat to what's going on just for everybody's safety?

A. Oh, you -- you're aware of what's going on. But to listen

in on every word, no.

Q. I see. Now, at some point in this, you find a badge that Mr. McVeigh has.

A. Ms. Moritz found the badge.

Q. Ms. Moritz found the badge?

A. Yes.

Q. And what did she do with that badge?

A. She showed it to me.

Q. And what did you do with it?

A. I examined it and asked him why he had it.

Q. Did you pick it up with your hands?

A. Yes.

Q. And did she hand it to you with her hands?

A. Yes.

Q. Okay. And what is his response?

A. He said that he had worked for Burns -- it was a Burns security badge. He said that he had worked for Burns during,
I

think, 30-day leave from the military back in New York
sometime

back, and he had never returned the badge.

Q. He told you that he had served in, I believe, Desert Storm
or Desert Shield, one or the other, when you were on I-35;
isn't that correct?

A. He could have. I don't recall.

Q. At some point, he told you he had been in the military?

A. Yes. He said he had been in the military.

Q. Okay. And what was your intent in asking him questions
about the badge?

A. I wanted to know if he was supposed to have it or not.

Q. Was it a badge that you would consider to be illegal to
have? I mean, it wasn't a law enforcement-type badge, like
yours is, that you have on.

A. It could be portrayed as that, if a person wanted to try
to

misrepresent themselves.

Q. I see. Were you dressed the way you are now on April 19?

A. I probably had short sleeves on without a tie.

Q. Without a tie?

A. Or the strap.

Q. Did you have on a bullet-proof vest?

A. I did not.

Q. What did you intend to do with the badge after you asked
Mr. McVeigh the question about why he had it?

A. I wanted to do some further checking with Burns to confirm

Charles Hanger - Cross

his story.

Q. In New York?

A. I don't know if they've got an office in Oklahoma or not.

I would have probably started in Oklahoma.

Q. Would you have done that through law enforcement, as

opposed to picking up the telephone and calling to see if there

is a Burns security?

A. Probably would have sent a teletype.

Q. Did Mr. McVeigh tell you that he was from New York?

A. Yes.

Q. And that this Burns security badge came from the company in

New York?

A. Yes.

Q. Did he hesitate in answering your questions about the badge

in any way?

A. No.

Q. Did he seem secretive in any way or upset that you had found it?

A. No.

Q. I believe in some of the information that I've read, you said that there was a spot on the windbreaker where a badge could have been displayed at some point?

A. Yes.

Q. So where do you put the badge?

A. I stuck it in my pocket.

Charles Hanger - Cross

Q. Okay. Your shirt pocket, short-sleeved, but the pocket is like this?

A. Similar. The pocket is similar. It's just upper portion of the pocket is a tan, rather than a dark brown.

Q. Has a button on it?

A. Yes.

Q. So you can put the badge, or do you put the badge in your pocket, pull the flap over and button it?

A. Yes.

Q. All right. And do you have any more discussion with Mr. McVeigh about the badge?

A. No.

Q. All right. And what happens next with that badge?

A. It stays in my pocket.

Q. Until?

A. Until I finally turned it over.

Q. And when did you turn it over?

A. That was at -- I don't recall the exact date. It would probably be Thursday, the 27th.

Q. Several days after this?

A. Yes.

Q. And why did you turn it in on Thursday, the 27th, as

opposed to when you realized Mr. McVeigh was involved in this

case or was wanted with regard to this case?

A. Well, my intention was to have turned it in with the rest

Charles Hanger - Cross

of the evidence; however, I forgot it was in my pocket.

Q. Okay. Is it your normal practice to wear your shirts several times before cleaning them?

A. Well, you'll wear it a couple days.

Q. Did you put that shirt back on and find the badge?

A. I went to change uniforms when I went back to work on the Saturday, the 22nd; and when I was changing out that uniform, that's when I found the badge.

Q. So it wasn't of great importance to you at that point?

A. It wasn't anything pressing.

Q. Okay. Did you ever call Burns, or did you just turn the badge over to someone later?

A. I turned the badge over to an FBI agent, and I never did pursue it due to the fact of the other charges being filed.

Q. And that's what you put in Marilyn Mills' Noble County Clerk envelope?

A. No.

Q. I'm sorry. How did you transport the badge to the FBI?

A. In my pocket.

Q. Down to Oklahoma City?

A. Yes.

Q. They did not come to Perry to get it?

A. No.

Q. Who did you give it to?

A. Agent Jim Elliott.

Charles Hanger - Cross

Q. When you gave it to Agent Elliott, did you make any marks on it to know that it was the same one that you had, such as putting your initials on it, or not?

A. No. He filled out a form describing the badge, stating it had come from me to him.

Q. But nothing was etched in the badge?

A. No.

Q. I want to ask you one question that I neglected to ask you earlier: On the information, the paperwork and items that were in Mr. McVeigh's car that you left in Mr. McVeigh's car, did you put any initials on those at any time?

A. No.

MS. RAMSEY: Do you want to take a break here?

THE COURT: Whenever it's convenient.

MS. RAMSEY: This would be fine.

THE COURT: All right. Let's do it.

You may step down now, and we'll have you back after the noon recess; and we'll take the noon recess till 1:35.

Members of the jury, of course, you're going to be excused from the courtroom during this time with the cautions that I've given before and always will be repeating. You'll

be
tired of hearing it; but it is important that you continue to
avoid discussion about the case in any way, among yourselves,
or with any other persons. Avoid anything outside the
evidence, of course, which could influence you in some
fashion,
knowing you must decide on the basis of what you hear and see
in the courtroom.

And also, be patient about it. You know, we can't put
it on all at once, and we won't. It comes in bits and
pieces;

and I know at times you, as -- for example, when you hear
about

relative locations of states, highways and the like, you may
want to look up something to see that in sources like atlases
or road maps or something. Of course, you can't do that.
You

have to wait for what you're given in the evidence in the case
and decide on the basis of that.

So you're excused now, and we'll have you back at 1:35
and resume this witness' testimony.

(Jury out at 12:05 p.m.)

THE COURT: Recess, 1:35.

(Recess at 12:05 p.m.)

* * * * *

INDEX

Item Page

WITNESSES

Danny Atchley

Direct Examination Continued by Ms. Behenna 5226

Charles Hanger

Direct Examination by Mr. Mendeloff

Cross-examination by Ms. Ramsey

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
---------	---------	----------	---------	----------	-----------

4105237	5237				
---------	------	--	--	--	--

411 - 414	5241	5241			
-----------	------	------	--	--	--

4155300	5300				
---------	------	--	--	--	--

417					
-----	--	--	--	--	--

4185308	5308				
---------	------	--	--	--	--

418A - 418B5308	5310				
-----------------	------	--	--	--	--

4225293	5294				
---------	------	--	--	--	--

4275246	5246				
---------	------	--	--	--	--

4295284					
---------	--	--	--	--	--

4315282					
---------	--	--	--	--	--

4355279	5280				
---------	------	--	--	--	--

4425296	5296				
---------	------	--	--	--	--

445, 446	5260	5260			
----------	------	------	--	--	--

9675228	5229				
---------	------	--	--	--	--

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 28th day of April, 1997.

Paul Zimmerman

Paul Zuckerman

Kara Spitler