

Wednesday, May 7, 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 82)

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 7th day of May, 1997,
in Courtroom C-204, United States Courthouse, Denver, Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription

Produced via Computer by Paul Zuckerman, 1929 Stout Street,

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APPEARANCES

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, LARRY A. MACKEY, BETH WILKINSON, 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.

ROBERT NIGH, JR. and AMBER McLAUGHLIN, Attorneys at Law, Jones, Wyatt & Roberts, 999 18th Street, Suite 2460, Denver, Colorado, 80202; and CHERYL A. RAMSEY, Attorney at Law, Szlichta and Ramsey, 8 Main Place, Post Office Box 1206, Stillwater, Oklahoma, 74076, appearing for Defendant McVeigh.

* * * * *

PROCEEDINGS

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

THE COURT: Please be seated.

Good morning. Are we ready for the jury?

MR. HARTZLER: Yes.

MR. NIGH: Yes, your Honor.

THE COURT: Okay.

(Jury in at 9:00 a.m.)

THE COURT: Members of the jury, good morning. We're ready to resume our trial.

Call the next witness.

MR. HARTZLER: Luule Suozzi. Mr. Goelman will do the questioning.

MS. RAMSEY: Your Honor --

THE COURT: Yes.

MS. RAMSEY: -- we would object to this witness as not being given appropriate notice as the Court has ordered that we be given.

THE COURT: Well, what's the response?

MR. GOELMAN: Your Honor, they were provided with notice that there would be a NYNEX records custodian testifying. At that time, we did not know the exact identity. It would be our position that the records custodian are fungible as far as --

THE COURT: Well, what's the testimony going to be about?

MR. GOELMAN: Simply NYNEX records kept in the ordinary course of business.

THE COURT: Objection is overruled. Swear the witness.

(Luule Suozzi affirmed.)

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

State your full name for the record and spell your last name.

THE WITNESS: My first name is Luule. It's spelled L-U-U-L-E. My last name is Suozzi. It's spelled S-u-o-z-z-i.

THE COURT: Proceed.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN.

DI MR. GOELLMAN:

Q. Good morning, Ms. Suozzi.

A. Good morning.

Q. Where do you live?

A. I live in New York.

Q. What do you do in New York?

A. I work for NYNEX as a security investigator.

Q. What kind of company is NYNEX?

A. NYNEX is a telecommunications company. It provides local service to our providers.

Q. And what area does NYNEX cover?

A. It handles New York state as well as New England.

Q. Does NYNEX coverage extend to the Buffalo area in New York state?

A. Yes, it does.

Q. And what do you do as an investigator of corporate security?

A. I investigate internal matters concerning our employees. I investigate subscriber fraud, and I'm also called to testify in court on company records as a custodian of records.

Q. How long have you worked for NYNEX?

Luule Suozzi - Direct

A. It'll be 20 years this coming August.

Q. And through -- in these 20 years, did you get a chance to become familiar with the different kinds of records that NYNEX keeps?

A. Yes, I have.

Q. As a local phone company, how does NYNEX make money?

A. By billing customers for their calling and also for their services that we provide.

Q. Does NYNEX keep track of every call that's made within its area?

A. Yes, we do.

Q. And what kind of information does NYNEX record for each phone call made?

A. It would record the date and the time and the duration of the call so we could bill you properly and the location that was called.

Q. When does NYNEX first retain this information?

A. When you actually pick up your phone and make a phone call, when it's connected to the other location, it starts registering; and we keep that on magnetic tapes. The tapes are then retrieved on bill cycle when your bill would be prepared for you.

Q. Without the information on these magnetic tapes,

Ms. Suozzi, could NYNEX make any money?

A. Unfortunately not.

Luule Suozzi - Direct

Q. Would you please pick up the binder up there that's marked Government Exhibit 521 and turn to page 77 and tell me if you recognize that.

Do you recognize that, ma'am?

A. Yes, I do.

Q. What is it?

A. This is called an AMA tape, which is "automated message accounting" tape; and it provides information on a particular call number, all the calls that either originate or terminate from a particular line on the date.

Q. Is that record something that NYNEX kept in the regular course of its business?

A. Yes. It's kept because of billing search tape.

MR. GOELMAN: Your Honor, we move to admit page 77, Government Exhibit 521.

MS. RAMSEY: Your Honor, our objection would be as to relevancy at this time.

THE COURT: Overruled. Subject to connection is the way I'll be receiving these.

MR. GOELMAN: Yes, your Honor.

BY MR. GOELMAN:

Q. Ms. Suozzi, as a local telephone company, does NYNEX also keep records of who its subscribers are?

A. That's correct. That's how we bill our customers.

Q. And does this include subscriber name and address?

Luule Suozzi - Direct

A. It would give a subscriber name, the location of the phone as well as the bill address.

Q. Why is location of the phone important to NYNEX?

A. In case you have any troubles on your line, we need to send

a repairman; or if you have any changes on your service, we need to know where your phone is located.

Q. Can you pick up the other enormous binder that you have up there, Government Exhibit 520.

A. Sorry. This one opened.

Q. Take a look at pages 142 to 151.

A. Okay.

Q. Do you recognize those records?

A. Yes, I do. In front of me, I have repair records called DLR, which is "display line record." It would be records kept in the normal course of business for the repair.

Q. Okay. Are all the pages between 142 and 151 records that NYNEX would keep in the normal course of business?

A. Yes, they would be.

MR. GOELMAN: Your Honor, we move to admit pages 142 to 151 of Government Exhibit 520.

MS. RAMSEY: Same objection, your Honor.

THE COURT: All right. Same ruling. It's received subject to connection.

MR. GOELMAN: I have nothing further, your Honor.

THE COURT: Any questions?

Luule Suozzi - Cross

CROSS-EXAMINATION

BY MS. RAMSEY:

O. Good morning.

2. Good morning.

A. Good morning.

Q. Ms. Suozzi, in the records that you have provided, which would be in 521 and 522, I believe, and the pages that you have looked at, can you tell me who placed a telephone call?

A. No. All I can do is tell you the number that was called and the number the call came from. We would not be able to tell you who actually made the call.

Q. So you cannot tell me who placed the call or who received the call or what the telephone conversation was regarding; isn't that correct?

A. That's correct, ma'am.

Q. And you cannot tell me that Timothy McVeigh ever made a phone call either from or to the numbers that you're sponsoring as being business records; is that correct?

A. That's correct.

MS. RAMSEY: Nothing further, your Honor.

THE COURT: Any other questions of this witness?

MR. GOELMAN: No, your Honor.

THE COURT: Is she excused?

MR. GOELMAN: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

Next, please.

MR. HARTZLER: Government calls Marshall Weldy.

Ms. Behenna will question.

THE COURT: All right.

(Marshall Weldy affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Marshall Weldy, W-E-L-D-Y.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Are you employed, Mr. Weldy?

A. Yes, I am.

Q. Where do you work?

A. I work for General Telephone Company, GTE telephone operations in Tampa, Florida.

Q. And how long have you worked there?

A. I've worked there 17 and a half years.

Q. What do you do for GTE?

A. I am the manager of security operations.

Q. And your job responsibilities include what?

A. Primarily, job responsibilities include functioning as custodian of records to comply with subpoenas and court orders for records.

Q. Are you familiar with the subscriber records kept by GTE

Marshall Weldy - Direct

telephone?

A. Yes, I am.

Q. Let me have you look at Government's Exhibit 520, pages 121 through 138.

A. Do you want me to go ahead and browse through them?

Q. Can you identify them?

A. Yes. These are all subscriber records for GTE.

Q. Why does GTE keep subscriber information?

A. Well, the primary reason for keeping subscriber information is to respond to custom -- customer requirements and requests for service with their telephone. It -- it basically provides the service address or the physical location where the telephone is located.

Q. Is this subscriber information recorded at the time the customer establishes service with GTE?

A. Yes, it is.

Q. And are subscriber records -- let me ask it this way, is it the regular practice of GTE to keep and make subscriber records?

A. Yes.

Q. And they are kept in the ordinary course of business with GTE?

A. That is correct, yes, ma'am.

MS. BEHENNA: Your Honor, at this time I would move for the admission of Government Exhibit 520, pages 121 through

Marshall Weldy - Direct

138.

MS. RAMSEY: Same objection.

THE COURT: Same objection, I take it, and conditionally admitted.

MS. BEHENNA: Thank you, your Honor.

BY MS. BEHENNA:

Q. Mr. Weldy, let me have you look at Government's Exhibit 521. I think it's in the other binder. Pages -- I'm sorry -- 75 and 76.

MS. RAMSEY: 75 and 76?

MS. BEHENNA: Yes.

THE WITNESS: Okay.

BY MS. BEHENNA:

Q. Can you identify those?

A. Yes. These are universal message searches, message searches which was conducted by GTE.

Q. Do they contain toll information on them, toll records?

A. Yes, they do. And I do recognize the two numbers as being coin telephones.

Q. Why does GTE keep toll records?

A. Toll records are kept just like they would for anybody's telephone bill, for the purpose of billing for toll calls.

Q. And the records of these calls are made at or near the time a long distance call is placed?

A. That is correct, yes.

Marshall Weldy - Direct

Q. And it's the regular practice of GTE to make such records?

A. That's correct, also.

Q. And the records are kept in the ordinary course of

business?

A. That is correct.

MS. BEHENNA: Your Honor, at this time, we move for the admission of pages 75 and 76 of Government's Exhibit 521.

MS. RAMSEY: Same objection.

THE COURT: I think we could have a continuing objection if that's agreeable to --

MS. RAMSEY: That's fine, your Honor.

THE COURT: The objection as being relevance, really?

MS. RAMSEY: Yes.

THE COURT: And I'll be receiving them conditionally subject to connection later so -- let's have that understanding for the next series of witnesses producing the same types of records.

MS. RAMSEY: That would be fine, your Honor.

MS. BEHENNA: Thank you, your Honor.

THE COURT: Okay.

BY MS. BEHENNA:

Q. Mr. Weldy, real quick before you -- I forgot to ask you on Government's Exhibit 520. Let me -- I think it's the bigger binder. Let me have you look at page 136. Are you with me?

A. Yes, I am.

Marshall Weldy - Direct

Q. Okay. Can you tell the jury what subscriber has been assigned the No. (703)289-6958?

A. Yes. The subscriber for that -- and by the way, there was an area code change on that, and the current area code is 540, which is reflected on this particular record. But the 703 area code and 540 are essentially one in the same.

Q. Okay. And whose --

A. And the subscriber for that particular telephone number was Greg, middle initial, Pfaff, P-A -- excuse me -- P-F-A-F-F. And the address is 1790-10 East Market Street, Suite 224, Harrisonburg, Virginia. Zip code is 22801.

Q. Thank you. Let me have you turn to page 17 -- 137. I'm sorry. And can you tell the jury what subscriber has been assigned the number, again area code (703)433-3978?

A. Yes. That particular telephone number is assigned to -- it's a second line at Brooklyn's Delicatessen at 2035 East Market Street, Suite 51, Harrisonburg, Virginia, zip code 22801.

Q. And one more. Let me have you look at page 138.

Mr. Weldy, can you tell the jury what subscriber has been assigned the number (715)627-7087?

A. The subscriber for that telephone number is Paulsen's, P-A-U-L-S-E-N apostrophe S, Military Supply, 705-5th Avenue, Antigo, Wisconsin. And the zip is 54409.

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

Marshall Weldy - Direct

Honor.

THE COURT: MS. Ramsey.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Mr. Weldy, can you tell me in any of the exhibits that you have identified anyone who has placed a phone call from any number?

A. Could you restate the question for clarification, please.

Q. Yes. You've looked at certain records from 520 and 521. Can you tell me the name of a person who has placed a phone call from any of the exhibits that you have just discussed with the Court?

A. No, I cannot.

Q. Can you tell me anyone who has received a phone call from any of these numbers?

A. No, I cannot.

Q. And can you tell me the content of any conversation with regard to these particular numbers?

A. No, I cannot.

Q. And can you tell me that Timothy McVeigh ever placed a call or received a call from either of the numbers that you have discussed?

A. No, ma'am.

MS. RAMSEY: No further questions, your Honor.

THE COURT: Witness to be excused?

MS. BEHENNA: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

THE WITNESS: Thank you.

THE COURT: Next.

MR. HARTZLER: Government calls Shirley Hiner.

Mr. Goelman will question.

THE COURT: Thank you.

(Shirley Hiner affirmed.)

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

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

THE WITNESS: Shirley Hiner, H-I-N-E-R.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Ms. Hiner.

A. Good morning.

Q. Where do you work?

A. For Ameritech.

Q. Where is that located?

A. Ameritech is located in Chicago, Illinois.

Q. And is that where you live?

A. Yes.

Q. How long have you worked for Ameritech?

Shirley Hiner - Direct

A. 19 years.

Q. And what's your position there?

A. I'm a manager in corporate security.

Q. What kind of responsibilities does that involve?

A. What we do there, we respond to subpoenas, court orders, and summons that are served on Ameritech. We also obtain, provide, and interpret Ameritech documents for federal, state, and local law enforcement agencies as well as private attorneys.

Q. What kind of company is Ameritech?

A. Ameritech is a local telephone company.

Q. And what areas does it cover?

A. It covers the state of Illinois, Wisconsin, Michigan, Ohio, and Indiana.

Q. And does Ameritech keep subscribers -- keep information about subscribers in those states?

A. Yes, we do.

Q. What kind of information do you keep about those particular subscribers?

A. We keep the subscriber's name, the address where services are located and the address in case -- where the bills are sent in case it's different. We also keep credit information on the subscriber.

Q. Ms. Hiner, can you look in the binder that's labeled Government Exhibit 520. And take a look at pages 4 to 36 and

Shirley Hiner - Direct

see if they are Ameritech records that you recognize.

A. 426 -- and the alphabetical index --

Q. The numbered pages.

MS. RAMSEY: What pages were those, Mr. Goelman?

MR. GOELMAN: 4 through 36.

MS. RAMSEY: Thank you.

BY MR. GOELMAN:

Q. Miss Hiner, did you review this before coming to court?

Did you review these pages?

A. Yes, I did.

Q. Okay. Are these records that Ameritech makes and keeps in the regular course of business?

A. Yes, they are.

MR. GOELMAN: Move to admit pages 4 through 36 of Exhibit 520, your Honor.

THE COURT: Conditionally admitted pursuant to agreement.

BY MR. GOELMAN:

Q. Ms. Hiner, will you please turn to page 26, that same exhibit. Does that particular record contain subscriber information for (313)787-2295?

A. For -- on page 26?

Q. Yes.

A. Not my page 26. Look at the page at the bottom on the right? The number at the bottom on the right?

Shirley Hiner - Direct

Q. One second, please. It's not the number up top. That says

(810)787-2295. is that right?

(310) 707-2233, is that right.

A. Yes.

Q. And is that 810 area code the same thing as a 313 area code?

A. Yes.

Q. Can you explain why.

A. With the growth of the -- of the telecommunication industry, we are running out of numbers; so what happens is that we started what we call splitting area codes. 818 -- I'm sorry. 810 and 313 covers the same area. And we had to split an area code, which means that a person who may have had a -- a 313 telephone number at one point would have the same telephone number with a different prefix of 810 to just free up some numbers.

Q. Ms. Hiner, did you respond to the Government's subpoena in this case yourself?

A. Yes, I did.

Q. Okay. And when you're looking at the record on page 26, do you see whether or not that phone was in service when you responded?

A. It was not in service when we responded.

Q. When was it disconnected?

A. It was disconnected August 1 of 1994.

Q. So who would the subscriber have been on January 24, 1995?

Shirley Hiner - Direct

MS. RAMSEY: Your Honor, we're going to object.

That's not contained in the record that's been provided.

THE COURT: Yeah. I don't see that on page 26.

MR. GOELMAN: That's why I'm eliciting testimony, your Honor. She personally has knowledge that there was no subscriber on that particular date.

THE COURT: How does she get such knowledge?

BY MR. GOELMAN:

Q. Ms. Hiner, did you respond to the subpoena yourself?

A. Yes.

Q. And did you check to see if there was any subscriber for this particular number besides the one indicated on page 26?

A. Yes.

Q. How did you do that checking?

A. We have a system where we -- where our records are kept and we will look for the particular month in question. If there is a subscriber, that information will come up. If there is not one, then we will get an indication that the number is not in service.

Q. And did you get that indication for this particular number?

A. Yes, we did.

MS. RAMSEY: Your Honor, we would continue to object for the reason that these records obviously do not reflect what she's testifying to.

THE COURT: Well, it shows discontinued 8-1-94,

doesn't it?

MS. RAMSEY: Yes, it does. But it doesn't show the subscriber information that I believe she's going to testify to.

THE COURT: As I understand it, there is no subscriber information after that date. Is that what you said?

THE WITNESS: Yes.

MS. RAMSEY: I mean prior to that date.

THE COURT: Overruled.

MR. GOELMAN: I have nothing further, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Ms. Hiner, in all of the records that you have provided to the Government, can you tell me who placed a call from any of these numbers in pages 4 through 36?

A. No, I cannot.

Q. Can you tell me who received a call in the pages 4 through 36 which you have provided?

A. No, I cannot.

Q. And can you tell me the content of any conversation?

A. No, I cannot.

Q. And can you tell me that Timothy McVeigh ever placed a phone call or received a phone call at any of these numbers in the pages that you have provided to the Court?

Shirley Hiner - Cross

A. No, I cannot.

MS. RAMSEY: Nothing further, your Honor. I have no objection to her being excused.

THE COURT: All right. Are you excusing her?

MR. GOELMAN: Yes, your Honor.

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

MR. HARTZLER: Our next witness is Tamara Winkler.

Mr. Ryan will question.

THE COURT: All right.

(Tamara Winkler affirmed.)

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

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

THE WITNESS: Tamara Winkler, W-I-N-K-L-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning. With whom are you employed, Ms. Winkler?

A. Southwestern Bell.

Q. You'll have to speak up a little.

A. Southwestern Bell.

Q. Where is that located?

A. I'm in Oklahoma City.

Q. Following the bombing in Oklahoma City on April 19, 1995, were you -- was your company, Southwestern Bell, subpoenaed by

Tamara Winkler - Direct

the United States to locate certain records?

A. Yes, we were.

Q. Please try to speak up just a little bit.

A. Yes, we were.

Q. Okay. What did you do?

A. We were subpoenaed to pull certain telephone records and documents and --

Q. And did you do that?

A. Yes, I did.

Q. And what records, in a general sense, did you locate and provide to the United States?

A. Well, there were several different documents that we pulled. Mostly, they were records to confirm subscriber information on particular phone numbers, where the phones were located and who they belonged to during a certain time period. Plus, we also were requested to provide long distance records on certain numbers.

Q. All right. Now, you did that; correct?

A. Yes, I did.

Q. And before coming here today, you've reviewed the records that you've provided to the United States pursuant to a subpoena?

A. That's correct.

Q. All right. Would you please turn to your binder there that's marked Exhibit 520. And I'd like to direct your

Tamara Winkler - Direct

attention to pages 169 to 296.

A. Okay.

Q. Take a moment to satisfy yourself that those are the records of Southwestern Bell, about 128 pages, and let us know whether those are, in fact, records you supplied from your company to the United States pursuant to the subpoena.

A. These are all our records.

Q. Speak up just a little bit more.

A. Yes. These are all our records.

Q. All right. Now, what is your position with Southwestern Bell?

A. I'm manager in the corporate security office.

Q. And is one of your functions concerned as the custodian of records of Southwestern Bell?

A. Yes, it is.

Q. What are the records we're looking at, generally?

A. Generally, these are records showing particular phone numbers, who they belong to and where the phones are located.

Q. So did the FBI provide you with a list of numbers and ask you to provide information as to who they belonged to?

A. Yes.

Q. And is that what these records are?

A. That's correct.

Q. Are these records kept in the ordinary course of the business of Southwestern Bell?

Tamara Winkler - Direct

A. Yes, they are.

Q. And are these -- are these records created contemporaneous with the actual installation of service and the various things that occur regarding a customer's account?

A. Yes.

MR. RYAN: Your Honor, we would move into evidence pages 169 to 296 of Exhibit 520.

THE COURT: Again, with the continuing objection --

MS. RAMSEY: Yes, your Honor.

THE COURT: -- agreed upon, they are received conditionally.

BY MR. RYAN:

Q. Now, you don't know who made these calls?

A. No.

Q. In fact, these aren't even calls right here. These are just records of who they belong to?

A. Right.

Q. All right. Would you please turn to page 209. Actually, turn to page 181 first.

A. Okay.

Q. What information is contained in that particular record that's been admitted conditionally regarding the name of the subscriber and the telephone number involved?

A. The telephone number is area code (316)382-3535. The

customer who owns this service is Terry Nichols in Marion,

Tamara Winkler - Direct

Kansas.

Q. All right. Please turn to page 222. What does that record tell us?

A. The telephone number is (913)258-3400. The customer is Terry Nichols, Herington, Kansas.

Q. All right. Please turn to page 255. What does that record tell us?

A. This is a Telephone No. (913)539-2700. It is listed for VP Racing Fuels in Manhattan, Kansas.

Q. And finally, turn to page 209. And what does that record tell us?

A. It's for Telephone No. (405)232-6331. It's listed for Mid-America Chemical, Incorporated. And that's in Oklahoma City.

Q. All right. Thank you. Now, if you would, please turn to the other binder in front of you there, Exhibit 521. And please turn to pages 111 to 125, and take a moment to look at those records.

A. Okay.

Q. Okay. Are those records that you provided to the United States in connection with a subpoena in this case?

A. Yes, they are.

Q. And tell us generally what they are.

A. This is what we call a verbatim search, and it's where we can go in and search our system for calls that originate or

Tamara Winkler - Direct

terminate to a particular number. It's a long distance record.

Q. And do these calls originate or terminate or both?

A. These are -- these are calls originating.

Q. All right. Now, again, I'd ask you the same questions with respect to you being the custodian, and these are ordinary business records of the company?

A. Right.

Q. Would that be true?

A. That's correct.

Q. And these are again -- are these calls made to the -- these records made at the same time the calls are being made?

A. Yes. That's correct.

Q. And is there a consistent phone number with respect to the -- all of these records, pages 111 to 125 on Exhibit 521?

A. It looks like these are calls that our search was conducted for all calls originating from a particular number.

Q. What is that number? Or excuse me.

MR. RYAN: Your Honor, I'll offer pages 111 to 125 of Exhibit 521.

THE COURT: Same --

MS. RAMSEY: Yes.

THE COURT: -- agreed procedure here. Received

conditionally.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Tamara Winkler - Direct

Q. What telephone number was involved with these 15 or so pages in Exhibit 521?

A. It is -- the calls are originating from -- area code (316)767-5230 is the originating number.

Q. And is there a terminating number?

A. There is a terminating number. It's area code (800)793-3377.

Q. Now, if you would, you have -- if you'll close the binder and set it aside. You should have in the folder that was handed to you three additional exhibits. Do you see those?

A. Yes.

Q. And are they marked Exhibit 574, 575, and 576?

A. That's correct.

Q. And would you identify these records in a general sense.

A. Okay. Exhibit 574 is a document showing telephone records for area code (316)382-3535, belonging to Terry Nichols, Marion, Kansas. It's his -- it's a telephone -- like a telephone bill.

Q. Yes.

A. It would -- it shows some long distance calls.

Q. And turn to the next exhibit, please, 575.

A. 575 is for area code (316)662-2213. That's for Gary Mussatto, doing business as Hutchinson Raceway Park in Hutchinson, Kansas.

Q. All right. And again, please turn to Exhibit 576.

Tamara Winkler - Direct

A. Area code (316)283-4484. It's listing information for Newton Hobby Center, and this is in Newton, Kansas.

Q. All right. Now, are these all business records of Southwestern Bell?

A. Yes, they are.

Q. Are you the custodian of these records?

A. I am.

Q. And were these records made in the ordinary course of the business of Southwestern Bell?

A. That's correct.

Q. And were these records at least created within the Southwestern Bell computer at the same time these calls were generated?

A. Yes.

MR. RYAN: Your Honor, we would move into evidence Exhibits 574, 575, and 576 conditionally.

THE COURT: All right. Same reservation; they are received.

BY MR. RYAN:

Q. Now, Ms. Winkler, you don't know who made these calls;

correct?

A. No. We do not know.

Q. You don't know who received the calls?

A. No.

Q. You don't know if Timothy McVeigh was on the calls?

Tamara Winkler - Direct

A. No.

Q. And you don't know the content of the calls?

A. No.

Q. You just know the numbers that were used to make the calls
and the numbers at the other end where the person called?

A. Right.

MR. RYAN: No further questions, your Honor.

THE COURT: Ms. Ramsey?

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. You don't know if Terry Nichols placed any calls or
received any calls from these records, do you?

A. No, I do not.

Q. And you don't know whether the subscriber name for Terry

Nichols or any of these other places are actually true, do you?

A. We know that the phone is listed to who is on the account.

I mean, that's what the information is.

Q. Right. They applied for the telephone number in the name

that's on this account; correct?

A. That's correct.

Q. But you don't know whether the person or the business that applied for that account was telling the truth, do you?

A. When -- whenever we establish phone service, we do a check on Social Security numbers, or we do a check on -- do credit checks and such to determine if that person is legitimate.

Tamara Winkler - Cross

Q. Okay.

A. If the information we have is legitimate so that we can set up phone service.

Q. Can you tell by looking at these records if that was done?

A. It's done on all of our accounts.

Q. Can you tell by looking at these records if that was done?

A. It does not have any record on here to indicate.

MS. RAMSEY: No further questions, your Honor. I have no objection to her being excused.

THE COURT: May she be?

MR. RYAN: No, your Honor. Yes, she may be excused.

No, I don't have any further questions. Yes, she may be excused.

THE COURT: Thank you. You may be excused.

Next witness.

MR. HARTZLER: Ralph Cayton. Mr. Goelman will question.

THE COURT: All right.

(Ralph Cayton affirmed.)

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

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

THE WITNESS: It's Ralph Allen Cayton, C-a-y-t-o-n.

DIRECT EXAMINATION

BY MR. GOELMAN:

Ralph Cayton - Direct

Q. Good morning, Mr. Cayton.

A. Good morning.

Q. What do you do for work?

A. I'm the government and community relations director for the Arizona Telephone Division of Citizens Utilities Company.

Q. Where do you live?

A. In Kingman, Arizona.

Q. Is that where the company is based?

A. Yes, it is.

Q. Describe your educational background real briefly, sir.

A. I have an undergraduate degree in education, majors in physics and mathematics, and a master's in business administration from the University of Missouri.

Q. When did you go into the telecommunications industry?

A. Started in 1969. Have been there to the present.

Q. And how long have you been at Citizens?

A. Since 1982.

Q. What's your responsibilities as director of government and community relations?

A. I handle a lot of regulatory-related matters. I handle all incoming subpoenas for various types of actions, civil, criminal, those -- those types of things.

Q. Through your work, are you familiar with the kinds of records that Citizens keeps?

A. Yes, I am.

Ralph Cayton - Direct

Q. And does Citizens Utilities keep records of every phone call that's made within its area?

A. Yes, they do.

Q. What is Citizens' area that you're responsible for?

A. Our service area covers basically all Mohave County, which is in the northwestern portion of Arizona.

Q. At what time is the information about a particular phone call first recorded by Citizens?

A. The information is reported, in effect, in real time, as the various call events occur, and they are recorded in memory in the central office switches.

Q. And why are these particular records kept, Mr. Cayton?

A. All of those record pieces become a portion of what is later compiled, and calls are rated for billing purposes. And it's the source data to back up our billing to our customers

for revenue.

Q. Did you receive a subpoena from the Government in connection with this case, Mr. Cayton?

A. Yes, I have.

Q. And did you respond to that subpoena?

A. Yes, I have.

Q. I ask you to pick up Government Exhibit 521, which you have in front of you. And before coming to court, did you review pages 1 through 72 of Government Exhibit 521?

A. Yes.

Ralph Cayton - Direct

Q. Did you find that those were business records of Citizens Utilities?

A. Yes, I did.

Q. Records of calls that were made at the time that the calls themselves were placed?

A. Yes.

Q. And records that Citizens keeps in its regular course of business?

A. Yes.

MR. GOELMAN: Your Honor, we move to admit pages 1 through 72, Government Exhibit 521.

MS. RAMSEY: Same objection, your Honor.

THE COURT: Same continuing objection. They are admitted conditionally.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Mr. Cayton, can you take a look at one of the pages -- I guess just page 1. Look at -- look at a couple of the different pages and tell me if the "to" number is the same on all those pages.

A. Yes.

Q. What's that "to" number?

A. "To" number is (800)793-3377.

Q. Thank you, Mr. Cayton. Does Citizens also keep records of the -- of who the subscribers to the various phone numbers in

Ralph Cayton - Direct

its area are?

A. Yes, we do.

Q. Why do you keep these records?

A. It's the basis of a portion of our billing system, also.

We need to know billing information, physical address information, the types of services the customers have, and so on.

Q. Did you also produce this type of record in response to a Government subpoena in this case?

A. Yes.

Q. And can you take a look at Government Exhibit 520, pages 60

through 113. Tell me if this is something that you also

reviewed before coming to court today. You don't have to look

reviewed before coming to court today. You don't have to look at each page, as long as you recognize it's the same --

A. Yes, it is.

MR. GOELMAN: I move to admit with the same reservation.

THE COURT: Same reserved objections continuing, and conditionally admitted.

MR. GOELMAN: Thank you, your Honor.

THE COURT: 60 to 113?

MR. GOELMAN: Yes, your Honor.

THE COURT: All right.

BY MR. GOELMAN:

Q. Mr. Cayton, to your knowledge, was there an area code split

Ralph Cayton - Direct

in your area of Arizona at some point in the last several years?

A. Yes, there was.

Q. And what area code was -- was there previously and what are there now?

A. Previously, Arizona was a single -- single area code, 620.

The --

Q. 620, or --

A. Excuse me. 602. And when the area code split took place, the Phoenix metropolitan area maintained 602. The remaining portion of the state is now 520.

Q. So calls that were made to a 602 area code can now be reflected as either 520 or 602?

A. That's correct.

Q. Let me ask you to turn to page 110 in that same exhibit, Government Exhibit 520. Who's the listed subscriber for this particular phone number?

A. This is page 110?

Q. Yes.

A. Listed subscriber is Ryder Truck Rental One Way, Inc.

Q. Mr. Cayton, did you also produce another subscriber record in response to a subsequent government subpoena?

A. Yes.

MR. GOELMAN: May I approach, your Honor?

THE COURT: Yes.

Ralph Cayton - Direct

BY MR. GOELMAN:

Q. Can you look inside there and see if you can find Government Exhibit marked for identification 579.

A. Yes.

Q. Is that also a subscriber record from Citizens Utilities?

A. Yes, it is.

Q. And is it also made and kept in the ordinary course of Citizens' business?

A. Yes, it is.

MR. GOELMAN: Your Honor, move to admit Government

Exhibit 579 conditionally to prove -- until we prove up relevance.

THE COURT: All right. It's received with the same continuing objection, conditionally.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. What number does this particular record pertain to?

A. The subscriber number is area code (520)757-9154.

Q. Can you tell from the face of that record what kind of phone this is?

A. Yes. It's a coin telephone, competitive -- COCOT provider.

We provide the public access line to service that phone.

Q. And can you tell from the face of that record where that phone is physically located?

A. Yes. The physical address page shows that the phone is

Ralph Cayton - Direct

located at 3595 Andy Devine Avenue in Kingman.

Q. Can you tell from that record whether that was the same location for that phone number on November 14, 1994?

A. It's -- the connect date for service at this location was 10-21-93, with no subsequent disconnect date, which means that the line is still in service at that address.

Q. And do you have personal knowledge, Mr. Cayton, as to where this pay phone is located?

A. Yes, I do.

Q. How do you have that knowledge?

Q. how do you have that knowledge:

A. I actually checked out the location at your request at a Tri-Mart in Kingman on Andy Devine.

Q. And how did you verify that that number was to that particular pay phone?

A. I called back to the company switchboard from that pay phone, gave the number that I carried in the subscriber record to the switchboard attendant, and asked her to call me back at that number. And she subsequently did, and I answered the phone.

Q. Mr. Cayton, I think you'll find Government Exhibits marked 202 and 243 for identification inside the accordion folder up there.

A. I have them here.

Q. Turning first to Government Exhibit 202 for identification, do you recognize that picture?

Ralph Cayton - Direct

A. Yes, I do.

Q. And what is it?

A. That shows the Tri-Mart on Andy Devine in the location of Pacific's pay station.

Q. Is that a fair and accurate depiction of the way that Tri-Mart station appears today?

A. Yes, it is.

Q. Moving into Government Exhibit 243, Mr. Cayton, do you

recognize that?

A. Yes.

Q. And what is that?

A. It's a closeup view of the same location. It shows the coin telephone as you're facing the front of the building on the left-hand side, exterior.

Q. And is that also a fair and accurate depiction of the way that pay phone appears?

A. Yes, it is.

MR. GOELMAN: Your Honor, move to admit Government Exhibits 202 and 243.

MS. RAMSEY: Your Honor, I believe he asked the question "Is that how it appears today," not as it appears in 1995.

THE COURT: It wasn't clear as to when the photos were taken.

MR. GOELMAN: Yes, your Honor. I believe Mr. Cayton

Ralph Cayton - Direct

only knows how it appears today.

THE COURT: Well, when -- when were you out there?

THE WITNESS: Within the last, oh, seven or eight days.

THE COURT: All right.

MS. RAMSEY: Object, your Honor.

THE COURT: I'll receive it for what it's worth. 202

and 243.

MR. GOELMAN: May I publish, your Honor?

THE COURT: Do we really need to do that?

MR. GOELMAN: Not if you don't want to, your Honor.

THE COURT: Well, I'd like to keep moving here, and I don't know whether looking at a pay phone is going to help us right now.

BY MR. GOELMAN:

Q. Mr. Cayton, do you have any idea who actually made or received any of the telephone calls that are relevant to your records that you've introduced here today?

A. From the content of the records, we know the -- the "from" numbers, the "to" numbers, the billing numbers, things of that type.

Q. Sure. But do you know who actually picked up the phone and made the phone call?

A. From --

Q. From your records?

Ralph Cayton - Direct

A. From the records, no.

MR. GOELMAN: I don't have anything further, your Honor.

THE COURT: All right. Do you have any questions?

MS. RAMSEY: Yes, your Honor.

CROSS-EXAMINATION

BY MS. RAMSEY:

BY MS. RAMSEY:

Q. Mr. Cayton, did you receive a subpoena from the defense for phone records on or about September the 10th and on or about October the 15th of 1996?

A. Yes, I did.

Q. And when did you respond to that subpoena, please, sir?

A. It wasn't until -- I'm going to say the last two or three weeks.

Q. Could it have been April 1?

A. Yes.

Q. All right. And at that time, did you fax some records to us?

A. I believe they were Fed Ex'ed due to volume; they weren't faxed.

Q. All right. And I -- you have been handed what has been marked as Defense Exhibit I-4. And you should have a green tab on that. Yes. Is that a record that you provided to us as well as to the Government, I believe?

A. It appears to be.

Ralph Cayton - Cross

Q. And is that a record that you normally keep in the course of business?

A. Yes, it is.

Q. Would you please count the number of phone calls that were made to (800)793-3377 on that page, please, and tell me how

made to (800) 755-5577 on this page, please, and tell me how many there are.

A. On this page, there appear to be 10 entries for 3377.

Q. That's correct. And do you receive funds as a result of making 800 calls or 800 calls being made from your phone?

A. I don't know.

Q. Okay. And are you aware of the purpose for -- for sending and supplying these records to the Government?

A. I'm assuming it's -- it's associated with the proceeding here.

Q. Okay. Can you tell me who made any phone calls relating to the records that you have provided to the Government and to the defense?

A. Not based on the records. We can tell the numbers, and that's it.

Q. Are these all originating numbers that you have provided?

A. I believe this -- the subpoenas asked for originating and terminating type of records.

Q. And so you have provided terminating records?

A. Yes.

Q. Can you tell me who received any of the phone calls in the

Ralph Cayton - Cross

terminating records --

A. No.

Q. -- that you have provided?

Can you tell me about any of the conversations?

A. No.

Q. Can you tell me -- you cannot tell me that Timothy McVeigh made any calls or received any calls from this number, can you?

A. No, I can't.

Q. And when did you make the phone call from the pay phone back to your office to verify the phone number?

A. I don't remember the exact date. It's been within the last seven or eight days when I physically went out and looked at the location.

Q. That's when you took the photographs?

A. I did not take the photographs, no, ma'am.

Q. Someone went with you and took the photographs?

A. No. Nobody -- I didn't take any photographs of that location.

Q. Okay. There have been two photographs that have been introduced into evidence. Is that when you checked the pay phone number?

A. I was requested to go out and just verify that that station was at that location, and that's what I did.

Q. And you were requested by whom?

A. By the Government.

Ralph Cayton - Cross

Q. Have you ever gone out to check a pay phone like this before?

- - -

A. Yes, I have.

Q. For purposes of what?

A. For purposes of fraud occurrence; for purposes of verifying that a station was at a location in -- in a legal proceeding; for maintenance purposes; for coin retrieval, audit-type situations. A variety of reasons.

MR. GOELMAN: All right. No further questions, your Honor.

THE COURT: Excusing the witness?

MR. GOELMAN: Yes, your Honor.

THE COURT: Agree? Do you agree to excuse the witness?

MS. RAMSEY: Yes, we do.

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

Next.

MR. HARTZLER: Jeff Smith. Mr. Goelman will question him.

(Jefferson Smith affirmed.)

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

THE WITNESS: Jefferson Neil Smith, S-M-I-T-H.

Ralph Cayton - Cross

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. Smith.

A. Good morning.

Q. Where are you from?

A. Jackson, Mississippi.

Q. And what do you do in Jackson?

A. I'm installation and investigator with LDDS/Worldcom.

Q. What kind of company is LDDS/Worldcom?

A. It is a telecommunications provider.

Q. About how big is it?

A. It's -- we cover the whole United States and international traffic, also.

Q. And were you formerly an investigator for the same company?

A. Yes, sir.

Q. Was one of your responsibilities as investigator responding to subpoenas?

A. Yes, sir, it was.

Q. In the course of its business, does LDDS/Worldcom obtain information about its subscribers?

A. Yes, sir, we do.

Q. And does that information include the name of the listed subscriber and the physical address of the telephone?

A. Yes, sir.

Jefferson Smith - Direct

Q. Why does LDDS need that information?

A. It's for billing purposes.

Q. I'm going to ask you to pick up Government Exhibit 520 and turn to pages 139 to 140.

Do you recognize those as records that LDDS kept in its ordinary course of business?

A. Yes, sir.

MR. GOELMAN: Your Honor, I move to admit conditionally these two pages of Exhibit 1 -- 520.

THE COURT: They will be received conditionally subject to the continuing reservation -- or objection.

BY MR. GOELMAN:

Q. Mr. Smith, as part of its business, does LDDS resell long distance service to other smaller companies?

A. Yes.

Q. And is Pacific Bell one of those smaller companies?

A. Pacific Communications?

Q. Pacific Communications.

A. Yes.

Q. What kind of information is retained so that LDDS can bill its customers?

A. Depending on the contract with the customer itself, we -- we'll do the billing as far as all the calls and length of calls for their purpose.

Q. And will this information include the date, time, duration

of call, what the number called was?

A. Yes, sir.

Q. Ask you to turn to Government Exhibit 578. It should be --
actually, do we have --

MR. GOELMAN: Your Honor, may I approach?

THE COURT: Yes.

BY MR. GOELMAN:

Q. You're being handed Government Exhibit 578.

You may take a moment to look at it and tell me if you
recognize that.

A. Yes, sir, I do.

Q. What is it?

A. This is a search card for all calls originating from a
particular number.

Q. And is that a business record of LDDS/Worldcom?

A. Yes, sir, it is.

Q. Something that is maintained in the regular course of
business?

A. Yes, sir.

MR. GOELMAN: Your Honor, we move to admit Government
Exhibit 578.

THE COURT: Was this for a particular date?

MR. GOELMAN: It covers a range of dates, your Honor.
We're only going to deal with one particular phone call
reflected in these records.

Jefferson Smith - Direct

THE COURT: All right. Well, again, we'll admit it subject to connecting up and over the continuing objection.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Could you please turn to the eighth page of this record.

Did you get there, Mr. Smith?

A. Yes.

Q. Okay. What particular phone number does this record relate to?

A. This is the ANI total for (602)757-9154.

Q. You said the ANI?

A. Yes.

Q. What does ANI mean?

A. It's the "automatic number identifier" where the call originated from.

Q. The number that the call was made from?

A. Yes.

MR. GOELMAN: May I publish, your Honor?

THE COURT: Well, why?

MR. GOELMAN: Just to illustrate the specifics of one particular phone call that's made, the date, the time.

THE COURT: All right.

BY MR. GOELMAN:

Q. See about halfway down where it says 11-14-94, sir?

A. On page 8?

Jefferson Smith - Direct

Q. Still on page 8, yes.

A. No, I don't --

Q. You can also look on the screen that's underneath the witness stand there.

A. Yes, sir.

Q. Can you please describe the phone call that this record is relating to as far as date, time, and what the different fields of information mean.

A. It's 11-14 of '94 at 10:46 p.m. It was a call that was placed.

Q. Sure it was p.m., Mr. Smith?

MS. RAMSEY: Your Honor, can I have just a moment with Mr. Goelman regarding this exhibit?

THE COURT: Yes.

THE WITNESS: It's a.m., I think.

THE COURT: Just wait a minute.

MR. GOELMAN: Your Honor, it's actually page 9.

THE COURT: Is that what we're looking at, page 9?

MR. GOELMAN: That is what we're looking at, what we've been looking at.

THE COURT: All right.

BY MR. GOELMAN:

Q. Getting back to that call, Mr. Smith, you said it was 10:46 a.m.?

A. Yes, sir, it is. I misread it.

Jefferson Smith - Direct

Q. It was made from (602)757-9154 to what number?

A. A number in Lockport, No. (716)434-8992.

Q. Can you tell how long the call lasted?

A. Yes, sir. That was approximately 2.9 minutes.

Q. And you see where it says .30 over in that last column under "Amount"?

A. Yes, sir.

Q. What does that mean exactly? Who -- what does that mean as far as the cost of the call goes?

A. That would be the cost of the call to the Pacific Communications Company.

Q. Okay. But not necessarily to the person making the phone call?

A. No, sir.

Q. Do you know from this record who made that phone call, Mr. Smith?

A. No, sir.

Q. Do you know from this record who received it?

A. No, sir.

MR. GOELMAN: Nothing further, your Honor.

THE COURT: Any questions?

MS. RAMSEY: Yes, your Honor.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. From the information that you have provided the Government,

Jefferson Smith - Cross

do you know who the subscriber of this number is, from this information?

A. On the ANI or the terminating number?

Q. Either one.

A. Just Pacific Communications. I know that they are the owner of that number.

Q. All right. And do you know whether or not Timothy McVeigh ever made or received a phone call from any of the records that you have provided to the Government?

A. No, ma'am.

MS. RAMSEY: No further questions. Your Honor.

THE COURT: I take it he's excused.

MR. GOELMAN: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

Next, please.

MR. HARTZLER: Deborah Revie. Ms. Behenna will

question.

(Deborah Revie affirmed.)

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

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

THE WITNESS: Deborah J. Revie, R-E-V-I-E.

DIRECT EXAMINATION

BY MS. BEHENNA:

Deborah Revie - Direct

Q. Are you employed?

A. I am.

Q. Where are you employed?

A. At US West Communications.

Q. What do you do for US West Communications?

A. I'm the custodian of records.

Q. And how long have you been in that position?

A. Since 1984.

Q. Are you familiar with the subscriber records kept by US West?

A. I am.

Q. Let me have you look at Government's Exhibit 520, pages 415 through 430. Can you identify those records?

A. Yes.

Q. What are they?

A. They are subscriber records of US West Communications.

Q. Why does US West Communications keep subscriber records?

A. To bill customers, to be aware of where the service is located and what type of service they are provided with.

Q. Is that subscriber information recorded at the time the customer establishes service with US West?

A. Yes, it is.

Q. And it's the regular practice of US West to make these kind of records, subscriber records?

A. Yes, it is.

Deborah Revie - Direct

Q. And those records are kept in the ordinary course of business?

A. They are.

MS. BEHENNA: Your Honor, we would move for the admission of pages 415 through 450 of Exhibit 520.

THE COURT: Admitted conditionally with the same objection.

MS. BEHENNA: Thank you.

BY MS. BEHENNA:

Q. Are you familiar with a type of phone record called an AMA record?

A. I am.

Q. Can you explain what that is?

A. They are the records that are kept when a call is generated that are to produce billing.

Q. Let me have you look at Government's Exhibit 521, pages 308 and 308A.

A. Okay.

Q. Can you identify that?

A. They are copies of an AMA.

Q. Why does US West keep AMA records?

A. They are what are generated so that we can produce bills for the carriers and for the customer.

Q. And again, a record is made -- an AMA record is made of a phone call when that phone call is placed?

Deborah Revie - Direct

A. That's correct.

Q. And it's a regular practice of US West to make these kind of records?

A. It is.

Q. And they are kept in the ordinary course of business?

A. Yes.

MS. BEHENNA: Again, your Honor, we would move the admission of pages 308, 308A of Government's Exhibit 521.

THE COURT: They are received conditionally, as well, with the reservation of objection.

MS. BEHENNA: Thank you, your Honor.

BY MS. BEHENNA:

Q. There's no way to tell from the records that you've just gone over who placed the call?

A. That's correct.

Q. Or who received the call?

A. Correct.

Q. There's no indication as to who -- whether Terry Nichols made any of those calls or received any of those calls?

A. Correct.

Q. Or whether the defendant in this case?

A. Correct.

MS. BEHENNA: Thank you, your Honor. That's all we have.

THE COURT: Ms. Ramsey?

Deborah Revie - Cross

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. And you can't tell us whether Timothy McVeigh ever made or received any of the phone calls that you have provided the information to the Government?

A. That's correct.

MS. RAMSEY: No further questions.

No objection to her being excused.

THE COURT: All right. You may step down. You are excused.

THE WITNESS: Thank you.

MR. HARTZLER: Call Frank Dottle.

(Frank Dottle affirmed.)

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

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

THE WITNESS: Frank Dottle, D-O-T-T-L-E.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Mr. Dottle.

A. Good morning.

Q. You can face me. Mr. Dottle, you're employed by a telecommunications company called ENMR; is that right?

A. Yes, sir.

Frank Dottle - Direct

Q. And where are your offices located?

A. Clovis, New Mexico.

Q. Did your company own and operate a pay phone at the Yucca Motel near Logan, New Mexico, prior to March 1996?

A. Yes, sir.

Q. Did your company make and keep records of telephone calls from that pay phone?

A. Yes, sir.

Q. Prior to your appearance -- you're familiar with those records?

A. Yes, I am.

Q. Prior to your appearance, did I ask you to review pages 73, 74 and 120 from Government group Exhibit 520, which is in front of you? Did you look at those previously and will you look at them now? 520.

MS. RAMSEY: What were those pages again, please?

THE COURT: 73, 74, and 120 was it?

MR. HARTZLER: 521. Is he looking at 520?

THE COURT: We're looking in Exhibit 520 for pages 73
and 74?

MR. HARTZLER: That is correct.

THE COURT: And 120.

MR. HARTZLER: 120 is in Exhibit 521.

THE COURT: Oh.

MR. HARTZLER: Pardon me.

Frank Dottle - Direct

THE COURT: Okay.

THE WITNESS: I have those.

BY MR. HARTZLER:

Q. Are those records of your company?

A. 73 and 74 -- no.

Q. Look in Government Exhibit 521.

A. Okay. I've got the wrong book.

Q. It was not your fault, Mr. Dottle. It was mine.

A. Yes.

Q. And page 120 in Government Exhibit 520.

A. Yes. Those are our records.

MR. HARTZLER: I move the admission conditionally of
Government Exhibit -- or of page 120 in 520 and 73 and 74 in
Government Exhibit 521.

THE COURT: They are received conditionally with the
continuing objection.

BY MR. HARTZLER:

BY MR. HARTZLER:

Q. Mr. Dottle, those records reflect that the telephone number at the pay phone at the Yucca Motel near Logan, New Mexico, is (505)487-9916; is that correct?

A. Yes.

Q. And they reflect a telephone call that was made to an 800 number, (800)99 -- (800)793-3377, on December 13, 1994; is that right?

A. Yes.

Frank Dottle - Direct

Q. Do you have any idea who placed that call?

A. No, sir.

Q. Do you have any idea who received the call?

A. No.

Q. Do you have any idea what the contents of the call were?

A. No.

MR. HARTZLER: Nothing further.

THE COURT: Ms. Ramsey?

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Did you only provide the three pages of information to the Government that you have been asked to identify here today?

A. Yes, ma'am.

Q. All right. And you cannot tell us whether Timothy McVeigh made or received a call at the Yucca Motel, can you?

A. No, ma'am. I cannot.

... ..

MS. RAMSEY: No further questions, and no objection to his being excused.

THE COURT: All right. You may step down. You are excused.

Next, please.

MR. HARTZLER: Bruce Wells. Mr. Goelman will question.

(Bruce Wells affirmed.)

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

THE WITNESS: Thank you.

THE COURTROOM DEPUTY: Would you state your full name for the record and spell your last name.

THE WITNESS: Bruce Alexander Wells. Last name is spelled W-e-l-l-s.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. Wells.

A. Good morning.

Q. Where do you work?

A. I work for MCI Telecommunications in Dallas, Texas.

Q. What do you do there?

A. I am currently the senior manager of the operational support group for new product development.

Q. How long have you worked for MCI?

A. 14 years.

Q. Are you familiar with the different kinds of records that MCI keeps when it sells long distance?

A. Very much.

Q. Ask you to turn to Government Exhibit 521, pages 78 to 110.

You don't have to read each one of them. Just tell me if you've reviewed those particular records before. Are they records that we asked you to review before coming to court today?

Bruce Wells - Direct

A. Yes, they are.

Q. And do you recognize these as business records that MCI made and kept in the ordinary course of its business?

A. Yes, they are.

MR. GOELMAN: Move to admit with the same conditions, your Honor.

THE COURT: Received with reserved objection.

BY MR. GOELMAN:

Q. Do these records all pertain to a particular 800 number?

A. Yes, they do.

Q. And can you read what that number is, please.

A. It's (800)793-3377.

Q. From these records, Mr. Wells, do you have any idea who made or received any of the calls reflected therein?

A. No, sir. Certainly, a customer of ours received them, but I have no idea who made them.

Q. And do you have any idea which customer received them or who actually picked up the phone?

A. No.

MR. GOELMAN: Nothing further, your Honor.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. And you cannot tell us today from the records that you have provided who placed the call; correct?

A. That's correct.

Bruce Wells - Cross

Q. And as Mr. Goelman asked you, you cannot tell who received the call?

A. That's correct.

Q. And you cannot tell us today that Timothy McVeigh ever received or placed any of the phone calls in the records that you have provided to the Government; correct?

A. That's correct.

MS. RAMSEY: Nothing further, your Honor.

THE COURT: Excused by --

MS. RAMSEY: No objection.

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

Next, please.

MR. HARTZLER: Pat Sain. Mr. Mackey will question.

(Patricia Sain affirmed.)

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

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

THE WITNESS: Patricia S. Sain, S-a-i-n.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mrs. Sain.

A. Good morning.

Q. Would you tell the jury where you work, please.

A. I work for Sprint United Telephone Company, also known as Sprint Western Operations.

Patricia Sain - Direct

Q. How long have you worked there?

A. 25 1/2 years.

Q. And where is your place of business?

A. Overland Park, Kansas.

Q. And what did you -- geographical area does Sprint cover?

A. My section of Sprint covers Kansas, Missouri, Nebraska, Minnesota, Wyoming, Texas, Las Vegas, Washington and Oregon.

Q. I might ask you just about really one place, Junction City, Kansas. Do you cover there?

A. Yes, we do.

Q. All right. Mrs. Sain, before coming to court today, did you have an opportunity to review the contents of Exhibits before you, notebooks 520 and 521?

A. Yes, I did.

Q. Did you find on examination what you recognized from 25 years of service to be the business records of your employer?

A. Yes, I do.

Q. I want to turn your attention first to Exhibit 520; and specifically, did you look at the records that appear on pages 319 through 403? That's 319 through 403 in Government Exhibit 520. 520.

A. Yes, I did.

Q. Are you satisfied those are the same records that you looked at before coming to court today?

A. Yes, sir.

Patricia Sain - Direct

Q. All right. And do they consist of subscriber records?

A. Yes.

Q. Created and maintained in the ordinary course of your employer's business?

A. Yes, sir.

MR. MACKEY: Your Honor, we would move to add those Exhibit pages 319 through 403 contained in Exhibit 520.

THE COURT: They are received conditionally with the same continuing objection.

BY MR. MACKEY:

Q. Mrs. Sain, based on your previous examination, do those pages include the phone number and location for a pay phone at the Kansas City airport?

A. Yes, they do.

Q. And do those pages also include the number and location of

a phone subscribed to a Dreamland Motel in Junction City?

A. Yes, they do.

Q. And do they also include the phone number and location of a

company known as Bell Taxi --

A. Yes.

Q. -- in Junction City, Kansas?

A. Yes, sir.

Q. Do they also include the phone number and location of a

number assigned to the Ryder Rental on Golden Bell --

Goldenbelt Boulevard in Junction City?

Patricia Sain - Direct

A. Yes, sir.

Q. And finally, do they also include the number and location of a pay phone at J & K Bus Depot in Junction City, Kansas?

A. Yes, sir, they do.

Q. Turn our attention, now, Mrs. Sain, to 521, the second large white notebook before you.

Did you see the contents of Exhibits 126 -- that is, pages 126 through 307 -- before coming to court?

A. Yes, sir, I did.

Q. Did you satisfy yourself then and now that they are the business records of your employer?

A. Yes, sir.

Q. As a general matter, do they describe and -- the kind of information your employer keeps concerning billing activity or

telephone activity?

A. Yes, it is.

MR. MACKEY: I would move to admit those pages, 126 through 307, of Exhibit 521.

THE COURT: They are also received conditionally with the continuing objection.

MR. MACKEY: Thank you, your Honor.

BY MR. MACKEY:

Q. Ms. Sain, I've got a couple of other additional exhibits for you, if you don't mind, in the accordion folder.

A. Yes, sir.

Patricia Sain - Direct

Q. Thanks. Take a look at Exhibit 533 and tell his Honor and the jury what that document appears to be.

A. This is a page from a telephone book for United Telephone Company of Kansas, at Junction City, Kansas.

Q. And does it contain the page that would have been current in April of 1995?

A. Yes, sir.

Q. Listing -- listing the numbers for Ryder Rentals?

A. Yes, sir.

MR. MACKEY: I would move to admit Government Exhibit 533.

MS. RAMSEY: Your Honor, we would make the same objection to relevancy at this time.

THE COURT: Overruled and received. 533.

BY MR. MACKEY:

Q. In the Yellow Pages distributed by your employer in Junction City, Kansas, in April of 1995, was there a listing for a Ryder rental agency on Goldenbelt Boulevard in Junction City?

A. Yes, sir.

Q. With the benefit of that or any other document, what was the number for that Ryder rental agency in Junction City?

A. For the Ryder rental agency? I'm sorry?

Q. On Goldenbelt Boulevard.

A. 238-8534.

Patricia Sain - Direct

Q. Thank you. Turn now, Mrs. Sain, to Exhibit 577.

A. Yes, sir.

Q. Do you recognize what that is?

A. Yes, sir.

Q. All right. And tell his Honor and the jury what this is.

A. This is a subscriber listing for Hunam, which is a Chinese restaurant in Junction City, Kansas.

Q. You know that from the record and because you've also visited there?

A. I've seen the record and I've also visited there.

Q. All right. Mrs. Sain, does that represent a business record of your employer?

A. Yes, sir, it does.

Q. Does it identify the phone number for the Hunam Palace in Junction City, Kansas, as it existed in April of 1995?

A. Yes, it does.

MR. MACKEY: I would move to admit Government Exhibit 577.

MS. RAMSEY: Same objection, your Honor.

THE COURT: Overruled. Received.

BY MR. MACKEY:

Q. As part of your examination of records in connection with this case, Mrs. Sain, did you look to identify whether there were any phone listings in the white pages in Junction City for Elliott's Body Shop?

Patricia Sain - Direct

A. Yes, sir, I did.

Q. And did you identify two such numbers listed in the phone book?

A. Yes, sir, I did.

Q. What are those numbers, if you know?

Let me turn your attention. I can help you out. I'm sorry.

A. Okay. That's all right.

Q. Let's go to Exhibit 526.

A. Okay.

Q. I'm sorry. 580. That's my fault. Pages 2 and 3.

A. Okay.

Q. By examining the contents of 580, pages 2 and 3, can you identify the phone numbers that were listed in the white pages for Elliott's Body Shop in April of 1995?

A. Yes, sir.

Q. Let me ask you first, is Government Exhibit 580 a business record of your employer?

A. Yes, sir, it is.

MR. MACKEY: I would move to admit 580.

MS. RAMSEY: Same objection.

THE COURT: Overruled. Received 580.

BY MR. MACKEY:

Q. Tell the jury the two phone numbers that one could call to call Elliott's Body Shop in April of '95 based on your phone

Patricia Sain - Direct

book.

A. 238-2425 and 238-7103.

Q. Ms. Sain, keeping our attention for a moment at Exhibit 580, tell the jury what page 2 consists of. What information have you captured on page 2 of Exhibit 580?

A. Page 2 consists of the telephone calls placed to the body shop on April 14, 1995, to number 238-2425.

Q. Okay. How many phone calls went into Elliott's Body Shop on that phone line on Friday, April 14?

A. Five.

Q. All right.

A. Five telephone calls.

Q. Turn now to page 3 and tell the jury what information is captured on that page of that document, page 580.

A. This was a telephone call that was placed from a coin phone in Junction City, Kansas, to the body shop, No. 238-7103.

Q. And how many phone calls, according to your records, went into Elliott's Body Shop on that line on Friday, April 14, 1995?

A. One.

Q. At what time?

A. 8:44 in the morning.

Q. And how long did that phone call last, according to your records?

A. 52 seconds.

Patricia Sain - Direct

Q. Let's turn our attention back finally, Mrs. Sain, to two other exhibits, 525 and 526. Do you have those in front of you?

A. Yes, sir.

Q. As part of your preparation for testimony, did you research the records of your employer to identify how many phone calls were made to 800 numbers from the J & K Bus Depot pay phone previously identified?

A. Yes, sir.

Q. Is that information captured on Exhibit 525?

A. Yes, sir, it is.

MR. MACKEY: I would move to admit Government Exhibit 525.

MS. RAMSEY: Same --

THE COURT: This is with respect to a particular date?

MR. MACKEY: I'm sorry, your Honor.

BY MR. MACKEY:

Q. Does it capture the information only as to April 14?

A. Yes, sir, it does.

MR. MACKEY: Thank you, your Honor.

MS. RAMSEY: Same objection.

THE COURT: Overruled, received.

BY MR. MACKEY:

Q. Would you tell the jury what information you learned by researching the activity for 800 number calls placed from --

Patricia Sain - Direct

from that J & K Bus Depot?

A. There were four calls placed from the J & K No. 762-9765.

Two were placed to an 800 number, 793-3377. One was placed to (800)225-5288, and one was placed to (031)297-8667.

Q. So there are four phone calls listed on that record?

A. Yes, sir.

Q. Two of them are to the same 800 number?

A. Yes, sir. (800)793-3377.

Q. Based on the record, when did the first phone call to that 800 number take place at J & K Bus Depot?

A. At 9:52:05 in the morning.

Q. And when did the second phone call to the same 800 number take place at the J & K Bus Depot pay phone?

A. At 9:54:07.

Q. Finally, Mrs. Sain, Exhibit 526, please. And tell his Honor and the jury, generally speaking, what information is captured in that exhibit.

A. This exhibit contains two telephone calls which were received at 238-8534 on April 14, 1995.

Q. And is that the same number previously identified as that listed in the Yellow Pages for Ryder rental in Junction City on Goldenbelt Boulevard?

A. Yes, it is.

Q. And how many -- excuse me. Is that information captured as part of your business records?

Patricia Sain - Direct

A. Yes, it is.

MR. MACKEY: I would move to admit Exhibit 526.

MS. RAMSEY: Same objection.

THE COURT: Objection overruled. 526 received.

BY MR. MACKEY:

Q. Again, this is only as to April 14, 1995, is that right?

Q. Again, this is only as to April 14, 1995; is that right?

A. Yes -- yes, sir.

Q. According to the research you've done and the record that you have identified, how many phone calls came into Ryder Rental in Junction City on Goldenbelt Boulevard on Friday, April 14?

A. Two.

Q. When was the first?

A. 9:54:35.

Q. And when was the second?

A. I'm sorry?

Q. When was the second?

A. And 1441:48.

Q. The first phone call that was dialed into the Ryder company, how long did that phone call last?

A. 7 minutes 34 seconds -- 7 minutes 34 5/10 seconds.

MR. MACKEY: I think that's all I have, your Honor.

Thank you.

MS. RAMSEY: Your Honor, I expect to ask her some questions. Could we perhaps take a break at this time?

THE COURT: Well, how long will you take?

MS. RAMSEY: Probably take about ten minutes, I would think.

THE COURT: All right. Well, you can step down now, and we'll take a recess.

THE WITNESS: All right. Thank you.

THE COURT: And have you back in about 20 minutes.

Members of the jury, I'm sure -- I'm sure with your

adrenaline levels as they are from this exciting testimony,
you'll want to take a break now, so we'll recess for 20 minutes
with the usual cautions, of course, of not discussing anything
about the case. You're excused 20 minutes.

(Jury out at 10:28 a.m.)

THE COURT: Okay. We'll recess.

(Recess at 10:28 a.m.)

(Reconvened at 10:49 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:49 a.m.)

THE COURT: Ms. Sain, if you'll resume the stand.

Ms. Ramsey, you may inquire.

MS. RAMSEY: Thank you, your Honor.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. You received a subpoena on or about April 20 of 1995 with
regard to the call details placed from (913)238-8534,

Pat Sain - Cross

(913)238-2425 and 7103; is that correct?

A. I would think so. I'd have to see it.

Q. And the dates of April 14 and 15?

A. Could I see it to see? We've gotten a lot.

Q. I understand.

A. Thank you.

Yes.

Q. Is that your initial contact with the Federal Government with regard to the phone calls on April 14 and 15?

A. I would think so, yes.

Q. And how many times have you met with the Government with regard to these particular days of phone calls?

A. Twice.

Q. Okay. And was that on or about April 20 for the first time?

A. Yes, I think so.

Q. And when was the second time?

A. Monday night.

Q. All right. Now, these calls are in what community?

A. Junction City, Kansas.

Q. All right. And is Fort Riley military post, I believe, in Junction City?

A. Yes, it is.

Q. All right. Now, you have prepared a report, did you not, to Sid Younger with regard to the two phone calls that you

Pat Sain - Cross

discussed earlier?

A. A report?

Q. Uh-huh.

A. I may have responded to a letter.

Q. Okay. And did you tell him that on 4-14 of '95 at 8:44 a

number of phone calls were placed from (012) 762 8638 to

number or a phone call was placed from (913) 762-9638 to

(913) 238-7103?

A. I don't know. Could I see the document?

Q. Yes.

A. Thank you.

Q. That's the first highlight.

A. Okay.

Q. And is there a second number that is highlighted on that?

A. Yes, ma'am.

Q. And what is that?

A. 238-2425.

Q. And what time?

A. 1423.

Q. And are those the two calls that you testified about on direct examination?

A. These calls are from a different printout.

Q. But are they the same calls?

A. Can I look at the exhibit?

Q. Sure.

A. Thank you.

Pat Sain - Cross

No.

Q. And who owns the terminating call -- terminating numbers on those calls?

A. The terminating numbers?

Q. Yes.

x. 100.

A. I don't know who the (913)922 would be.

Q. All right. And who owns the (913)238-7103?

A. Elliott's Body Shop.

Q. And is that also reflected at the -- I believe the 1426 time that you discussed earlier on direct examination? There were two calls you said went into Elliott's Body Shop?

A. There were several calls that went into Elliott's Body Shop. The 7103 call is on here.

Q. And what was the time of the second call?

A. The second call on here -- there was no second call to 7103.

Q. Okay. And what was the number of the second call that you discussed on direct examination?

A. You're talking about 2425?

Q. I'm asking you. I don't know.

A. No, I'm asking you --

Q. You testified that there was one call at approximately 8:41 and then one call at 1446 something.

1441:48.

A. That call was not to 2425.

Pat Sain - Cross

Q. Where was that to?

A. 8534.

Q. And who owns that number?

A. Ryder Rental.

Q. And where was that from?

A. A coin phone in Junction City.

Q. All right. Now, is that coin phone that you're talking about in Junction City reflected on page 3 of Exhibit 580 that was introduced into evidence?

A. Not on page 3.

Q. All right. What's reflected on page 3?

A. A call to 7103.

Q. And can you tell me where that was from?

A. The call to 7103?

Q. Uh-huh.

A. It was to 76 -- it was from -- excuse me -- 762-9638.

Q. 9638?

A. Yes, ma'am.

Q. Where that is on 580? What page that is on where you have that number?

A. It would be on page 3.

Q. Looking at page 2, can you tell me what number does that have -- that is from?

A. No, ma'am.

Q. All right. Can you only determine that that was a 762

Pat Sain - Cross

prefix?

A. Yes, ma'am.

Q. How many prefixes are there in Junction City?

A. Approximately five, I think, unless they have a new one I'm not aware of. There may be six.

Q. Can you tell me that the 844 call -- now I'm looking at the page that I gave you. Is your report to Sid Younger -- your letter to Sid Younger, (913)762-9638: Is that from actually Fort Riley, as opposed to just a toll or a coin number?

A. I'd have to look at the listing for 9638 to determine where it was. I know it's a telephone number in Junction City, but I'd have to look at the listing and see where it's from.

Q. You can tell us that that is not from the pay phone?

A. It may be from a pay phone. I don't know.

Q. Not from the pay phone?

A. Which pay phone?

Q. The pay phone that you're saying is from the bus depot, (913)762-9765.

A. I do not show that 9765 reflected on 580.

Q. Okay. Fine. Now, you cannot tell whether -- or can you tell from these records whether phone calls are long distance calls or whether they are local calls?

A. Yes, I can.

Q. Can you tell particularly from that pay phone record that you have?

Pat Sain - Cross

A. Now, which one are we talking about?

Q. The pay phone at the bus depot

Q. The pay phone at the bus depot.

A. The bus depot is not on these records.

Q. Anywhere?

A. Are we talking about 9765?

Q. Talking about -- yes.

A. No.

Yes, I'm sorry. It's on a different -- it's on 525.

Q. Okay. Can you tell me the calls that were placed from that number, whether they were to a long distance number or whether they were to across town?

A. I can tell that 9765 placed four calls to a long distance number.

Q. Okay. And can you tell me for certain that there was a number -- there was a call from that pay phone to a number at the Ryder rental truck or Elliott's Body Shop?

A. Not on this printout, I cannot.

MS. RAMSEY: Okay. If I might have a moment, your Honor.

THE COURT: Yes.

BY MS. RAMSEY:

Q. Can you prove that any phone calls went to Elliott's Body Shop from any of the printouts that you generated?

A. Not on these printouts. I can show that two calls went to the Ryder Rental.

Pat Sain - Cross

Q. But you can't tell me where they're from?

A. No.

MS. RAMSEY: Nothing further.

No objection to her being excused.

THE COURT: Mr. Mackey?

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Ms. Sain, look at Exhibit 525, please.

A. All right.

Q. Do you have that in front of you?

A. Yes.

Q. And that's a record you testified that shows calls from the
J & K Bus Depot?

A. Yes, sir.

Q. When Sprint captures phone information, someone dials it,
what number do they record?

A. They record the originating number and the terminating
number or the number the call was placed to.

Q. So if a person had an 800 number that they would enter
first, is that the information that Sprint would record?

A. Yes, sir.

Q. And is that the information reflected on 525?

A. Yes, sir.

Q. If that caller then dials in the destination number they
truly want to call, does Sprint record that?

A. The only time we would record that number is if the call terminated in our area. And it would be on a different printout. It would be on a terminating call.

Q. So Sprint doesn't have a record that would show both the 800 number and the destination number?

A. Not -- not with this record, no, sir.

Q. So you'd have to go to the company that kept the records for that 800 card?

A. Yes, sir.

Q. To get that information?

A. Yes, sir, I would.

Q. You're better at numbers than I am, but I want to see if I got it straight. There are three phone lines that go into a business that has the same address at 1430 Goldenbelt Boulevard in Junction City, Kansas?

A. Yes, sir.

Q. Two of those lines go to Elliott's Body Shop; correct?

A. Yes, sir.

Q. And a third and separate lines goes to the Ryder rental agency at that same address?

A. Yes, sir.

Q. Based on your research, you found a total of six phone calls going into the body shop phone lines on Friday, April 14.

Is that correct?

A. Yes, sir.

Pat Sain - Redirect

Q. And one of those six phone calls going to the body shop lines happened at 8:44 in the morning?

A. Yes, sir.

Q. And they lasted 52 seconds?

A. Yes, sir.

Q. And then you looked at this third line, the Ryder lines, to the activity there; correct?

A. Yes, sir.

Q. All right. That's what's called a reverse toll?

A. Right. We were asked to look at any calls terminating at that number.

Q. And you found looking at the Ryder number that a call came into the Ryder number Friday, April 14, at about 9:54 in the morning?

A. Yes, sir.

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

MS. RAMSEY: I just have one question, or a couple of questions.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MS. RAMSEY:

Q. But you cannot prove where that call came from. Is that correct?

A. Not with my records, no.

O. And would a call from the J & K Bus Depot to Elliott's Body

Pat Sain - Recross

Shop be a local call?

A. If it was dialed directly to the bus depot. If it went to an 800 number or a credit card number, it would be a long distance call.

Q. But they're both in Junction City; isn't that correct?

A. Yes.

MS. RAMSEY: Nothing further, your Honor.

MR. MACKEY: Nothing.

THE COURT: All right. I take it she's excused.

MS. RAMSEY: Yes, your Honor.

MR. MACKEY: Yes.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. HARTZLER: Nelda Nolan. Mr. Ryan will question.

(Nelda Nolan affirmed.)

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

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

THE WITNESS: Nelda Nolan, N-O-L-A-N.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning.

A. Good morning.

Q. Could we ask you to speak up just a little bit?

Nelda Nolan - Direct

A. Yes.

Q. A little bit more.

A. Yes.

Q. And what do you do, Mrs. Nolan?

A. I'm a supervisor for Bell Atlantic.

Q. Where are they located?

A. In Baltimore, Maryland.

Q. And are you a records custodian for Bell Atlantic?

A. Yes, I am.

Q. Did the FBI subpoena certain records from your company in connection with this matter?

A. Yes, they did.

Q. What did they subpoena?

A. They subpoenaed subscriber information.

Q. Would you please turn to the booklet there that's marked Exhibit 520 and turn to pages 40 and 41.

A. Yes.

Q. Would you identify those records, please.

A. Yes. Page 40 is a telephone number in Pittsburgh, Pennsylvania, and it was --

Q. Don't need to give the information. Just tell us what they are.

Are these records from your company?

A. Yes, they are.

Q. Both these two pages?

Nelda Nolan - Direct

A. Yes.

Q. They're business records?

A. Yes, they are.

Q. And are you the records custodian?

A. Yes.

Q. Were these records created and prepared in the ordinary course of the business of Bell Atlantic?

A. Yes, they are.

Q. And are these records created within the computer of Bell Atlantic at the same time the calls are made?

A. Yes, they are.

Q. All right. And these particular records: Are they recorded at the time the customer provides the information or work is done regarding these numbers?

A. Yes, they are.

MR. RYAN: Your Honor, we would move the admission of pages 40 and 41 from Exhibit 520.

MS. RAMSEY: Same objection.

THE COURT: Yes, they're received conditionally with the same objection.

BY MR. RYAN:

Q. These records are simply identifying within the records of

Bell Atlantic certain telephone numbers and associating them with certain individuals or companies.

A. That's correct.

Nelda Nolan - Direct

MR. RYAN: No further questions, your Honor.

THE COURT: Any questions?

MS. RAMSEY: Yes, your Honor.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. You cannot tell who made any phone calls or received any phone calls from the records that you have in front of you; is that correct?

A. That's correct.

Q. You cannot tell what the content of the conversation was; is that correct?

A. That's correct.

Q. And you cannot tell whether Timothy McVeigh did or did not place any phone calls or received any phone calls from the numbers that you have in front of you.

A. That's correct.

MS. RAMSEY: Nothing further, your Honor.

THE COURT: Excusing the witness?

MR. RYAN: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

you.

MR. HARTZLER: Call Fran Murphy.

THE COURT: Okay.

MR. HARTZLER: Mr. Goelman will question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Francine Murphy affirmed.)

THE COURTROOM DEPUTY: Thank you.

Would you have a seat, please.

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

THE WITNESS: Francine Murphy, M-U-R-P-H-Y.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Ms. Murphy.

A. Good morning.

Q. Where do you work?

A. Ameritech Corporate Security.

Q. Where is that located?

A. Cleveland, Ohio.

Q. What do you do for Ameritech?

A. I maintain records to -- for billing purposes and provide them --

Q. I'm sorry.

A. I'm sorry. And provide them.

Q. How long have you worked at Ameritech?

A. 23 years.

Q. Are you familiar with subscriber records that Ameritech keeps?

A. Yes, I am.

Francine Murphy - Direct

Q. Can you please pick up the binder that's labeled 520 in front of you and turn to pages 37 to 39A. And tell me if they're Ameritech subscriber records.

A. Yes, they are.

Q. Records that Ameritech kept routinely in its ordinary course of business?

A. Yes.

MR. GOELMAN: Your Honor, move to admit pages 37 to 39A, Government's Exhibit 520.

THE COURT: Received conditionally with the same objection.

MR. GOELMAN: I have nothing further.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Ms. Murphy, you cannot tell from the records that you have in front of you who placed, who received a call, can you?

A. No.

Q. And you can't tell the content of the conversation?

A. No.

Q. And you cannot tell whether or not Mr. Timothy McVeigh ever placed or received a phone call from any of the records that you have in front of you?

A. No.

MS. RAMSEY: No further questions. No objection to her being excused.

Francine Murphy - Cross

THE COURT: You may step down. You are excused.

Next?

MR. HARTZLER: John Hooper. Ms. Behenna will question.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(John Hooper affirmed.)

THE COURTROOM DEPUTY: Thank you.

Would you have a seat, please.

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

THE WITNESS: John Lowell Hooper, H-O-O-P-E-R.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Are you employed, Mr. Hooper?

A. Yes, I am.

Q. Where are you employed?

A. I'm employed with Century Telephone.

Q. How long have you worked there?

A. Approximately eight years.

Q. What is your job title with Century Telephone?

A. I'm the region customer service manager.

Q. What do you do as part of your job?

A. I'm in charge of all customer service functions, including new orders, removals, billing and collection, retention of

John Hooper - Direct

records.

Q. Are you familiar with the subscriber records kept by Century Telephone?

A. Yes, I am.

Q. Let me have you look at Government's Exhibit 520, pages 50 through 57.

Can you identify those?

A. Yes, I can.

Q. What are they?

A. They are telephone records that was furnished from my office.

Q. Do they have subscriber information on them?

A. Yes, they do.

Q. Why does Century Telephone keep subscriber information?

A. Well, for active customers, it's to keep track of their account and for billing purposes.

Q. Is the subscriber information recorded at the time the customer establishes service with Century Telephone?

A. Yes, sir, it is.

Q. And it's the regular practice of Century Telephone to keep these records?

A. Yes, it is.

Q. They're made in the ordinary course of business?

A. Yes, they are.

Q. Do the information pages 50 through 57 -- is that just

John Hooper - Direct

subscriber information? Is that right?

A. Yes, it is.

Q. There is no toll call information or long distance information contained on any of those records?

A. No, there is not.

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

THE COURT: Are you going to offer the pages?

MS. BEHENNA: Oh, yes, I would, your Honor. Sorry.

THE COURT: All right. Pages 50 through 57 of Exhibit 520 received conditionally with the same reserved objection.

You may cross.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. You cannot tell me who placed or received any phone calls, can you?

A. No, ma'am.

Q. You cannot tell me the content of any conversation with regard to the records that you have in front of you, can you?

A. No, I cannot.

Q. You cannot tell me whether Timothy did or did not receive

any phone calls. From the records that you have in front

or make any phone calls from the records that you have in front of you; is that correct?

A. No, I cannot.

MS. RAMSEY: No further questions.

THE COURT: Excusing the witness?

MR. RYAN: Yes, your Honor.

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

Next, please.

MR. HARTZLER: Steve Sackrider. Mr. Ryan will question.

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

(Stephen Sackrider affirmed.)

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

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

THE WITNESS: Stephen L. Sackrider, S-A-C-K-R-I-D-E-R.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning.

A. Hi.

Q. Where do you work, Mr. Sackrider?

A. I work for Wamego Telephone Company in Wamego, Kansas.

Q. Where is that located?

A. It's 100 miles west of Kansas City, in northeast Kansas.

Q. And are you the records custodian for Wamego Telephone Company?

A. I am.

Q. Did you bring certain records to the FBI pursuant to a

Q. Did you bring certain records to the FBI pursuant to a subpoena from your company?

Stephen Sackrider - Direct

A. I did.

Q. And would you please turn to Exhibit 520. It's in the notebook there in front of you, pages 431 to 443.

A. Yeah.

Q. Are those business records of Wamego Telephone Company?

A. Yes, they are.

Q. Tell us what they are generally.

A. The --

Q. Without specifics to the document itself, just what the records consist of.

A. The one is the service order that has the information of a customer that we keep in the computer. And the next is the -- next page has the actual bill that was sent to the customer on that certain date.

Q. Do they contain information with respect to telephone calls?

A. They -- yes, they do.

Q. Are these records kept in the ordinary course of the business of Wamego Telephone Company?

A. They are.

Q. And are these records created contemporaneous with the calls themselves?

A. The -- you'll have to repeat that.

Q. Yeah. Are the records that are kept within the computer of Wamego Telephone Company -- does it record that information at

Stephen Sackrider - Direct

the time the calls are made?

A. The -- where this information is is in the billing system; and the billing system is done -- these things are created as customers are installed.

Q. Okay.

MR. RYAN: Your Honor, we would offer pages 431 and -- to 443 of Exhibit 520.

THE COURT: With the continuing objection, the exhibits are admitted conditionally.

BY MR. RYAN:

Q. You don't know who made the calls?

A. No.

Q. You don't know who received the calls?

A. No.

Q. There is no video recording or tape recording of what was discussed?

A. No.

Q. You don't know whether this defendant or any other person made the calls or was involved in the calls.

A. No.

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

THE COURT: Ms. Ramsey?

MS. RAMSEY: No questions.

THE COURT: If you wonder why everybody is laughing, it's because Mr. Ryan trumped her card and asked the questions she's been asking.

You may step down. You're excused.

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. HARTZLER: We'll call Evelyn Sanchez. I think with the next group of witnesses, we're finished with 521 -- group Exhibit 521.

THE COURT: Okay.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Evelyn Sanchez affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Evelyn R. Sanchez, S-A-N-C-H-E-Z.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Ms. Sanchez.

A. Good morning.

Q. Please tell us where you work.

A. Sprint Telephone Company, Las Vegas, Nevada.

Q. What are your responsibilities there?

A. I -- custodian of records.

Q. Could you look at the exhibit in front of you, the binder that's marked Government's Exhibit 521, and review pages 297 to

Evelyn Sanchez - Direct

I said 521. I keep getting this number wrong. It's

520.

A. Yes, that's correct.

297 to which? I'm sorry.

Q. 312.

A. Okay.

Q. Are those the same records that you previously had an opportunity to review?

A. Yes, sir.

Q. And what are they?

A. They're subscriber records for our company.

Q. And those records are created at the time that you take on a new subscriber; is that correct?

A. That's correct.

Q. And they're maintained in the ordinary course of your business?

A. That's correct.

MR. HARTZLER: Your Honor, I move the admission of pages 297 of 312 of Government's Exhibit 520.

THE COURT: They're received conditionally with the continuing objection.

BY MR. HARTZLER:

Q. Ms. Sanchez, those are largely subscriber records -- correct -- not reflecting telephone detail except maybe in one

instance; is that right?

Evelyn Sanchez - Direct

A. That's correct.

Q. So they don't actually reflect telephone calls, do they?

A. No, sir.

MR. HARTZLER: Thank you. Nothing further.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. In the information that you have provided to the Government, does it include any phone calls being made whatsoever?

A. No, ma'am.

Q. It is only subscriber names and telephone numbers; is that correct?

A. That's correct.

Q. And is there any listing in that information for a Timothy McVeigh?

A. May I look again?

Q. Sure.

A. No, ma'am.

MS. RAMSEY: No further questions, your Honor.

MR. HARTZLER: She may be excused. Thank you.

MS. RAMSEY: No objection.

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

excused.

Next, please.

MR. HARTZLER: Darrel Santos. Mr. Goelman will question.

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

(Darrel Santos affirmed.)

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

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

THE WITNESS: Darrel Santos, S-A-N-T-O-S.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. Santos.

A. Good morning.

Q. Where do you live?

A. In Danville, California.

Q. What do you do there?

A. I'm a special investigator for Pacific Bell Telephone Company.

Q. What do you do as a special investigator?

A. I coordinate electronic investigations. I'm also a custodian of records for Pacific Bell, and I investigate electronic crimes against our company.

Q. How long have you worked for Pacific Bell?

A. 25 years.

Q. In those 25 years, did you get a chance to become familiar

Darrel Santos - Direct

with different subscriber information that Pacific Bell keeps?

A. Yes, sir.

Q. When does Pacific Bell obtain information relevant to subscriber name and physical location of telephone number?

A. As soon as the customer calls us to request telephone service.

Q. Mr. Santos, can you pick up Government's Exhibit 520, turn to pages 152 to 155.

A. Okay.

Q. Just quickly look at that and tell me if you recognize them as Pacific Bell business records.

A. Yes, they are.

MR. GOELMAN: Your Honor, we move to admit pages 152 to 155 of Government's Exhibit 520.

THE COURT: They're received conditionally with the continuing objection.

MR. GOELMAN: I have nothing further. Thank you.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. What is this information that you provided?

A. These are telephone records, address and customer name off certain telephone numbers.

Q. And what is the date?

A. The dates of these telephone records are -- some have been established since 1985. Exhibit (sic) 153 was established in

Darrel Santos - Cross

'90. '54 has been with us through -- through '94. And Exhibit (sic) 155 has been with us since '93.

Q. Are any of these Timothy McVeigh?

A. No, they're not.

Q. Do you only keep -- do you keep these kinds of records for how long?

A. We keep these for six years.

Q. But you do not keep any call records for any longer than six months; is that correct?

A. That's incorrect.

Q. How long do you keep those?

A. Six years.

Q. Also?

A. Yes.

Q. Didn't you respond to a subpoena saying that you don't have any records from 1994?

A. I don't recall that.

MS. RAMSEY: No further questions, your Honor.

THE COURT: Excusing him?

MR. GOELMAN: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

Next, please.

MR. HARTZLER: Barbara Richardson. Ms. Behenna will question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Barbara Richardson affirmed.)

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

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

THE WITNESS: Barbara Richardson, R-I-C-H-A-R-D-S-O-N.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Ms. Richardson, are you employed?

A. Yes, I am. Yes.

Q. Where are you employed? I'm sorry.

A. Tri-County Telephone.

Q. How long have you worked there?

A. Since 1984.

Q. What do you do for Tri-County?

A. I'm a billing clerk.

Q. Are you familiar with the subscriber records and the billing records and the service records of Tri-County Telephone?

A. Yes.

Q. Let me have you look at Government's Exhibit 520, pages 404 through 414.

Are you able to identify those records?

A. Yes. These are Tri-County's telephone records, customers'

Barbara Richardson - Direct

records.

Q. Why does Tri-County keep subscriber information?

A. So that we know telephone number location of the customer, so we can bill the customer, toll records, billing records.

Q. Is the subscriber information recorded at the time the customer establishes service with Tri-County Telephone?

A. Yes.

Q. And it's a regular practice of Tri-County Telephone to make such records?

A. Yes.

Q. And they're kept in the ordinary course of business?

A. Yes.

MS. BEHENNA: Your Honor, I move for the admission of pages 404 through 414 of Government's Exhibit 520.

THE COURT: Admitted conditionally with the continuing objection.

BY MS. BEHENNA:

Q. Ms. Richardson, can I have you look at page 406.

Can you tell the jury where that pay phone was located?

A. It is located in the town of Lincolnvilleville, Kansas.

MS. BEHENNA: Thank you, your Honor. I have nothing further.

THE COURT: Questions?

CROSS-EXAMINATION

Barbara Richardson - Cross

BY MS. RAMSEY:

Q. Where is Lincolnvillle, Kansas?

A. It's south of Herington, Kansas.

Q. Okay. And are the records that you furnished, pages 404 through 414, from just that pay phone?

A. No. They're from -- also from subscribers, telephone subscribers.

Q. Are there telephone records, or only subscriber records? Isn't page 411 a telephone record?

A. 411 is actually a customer's telephone bill. It's a microfiche record.

Q. Right. Do you see any listing in your subscriber information in these pages for Timothy McVeigh?

A. No, I do not.

Q. And can you tell me on the listings of the personal subscriber, were any phone calls made to or from numbers by Timothy McVeigh?

A. I would have no way of knowing that.

Q. Can you tell us the content of any conversation?

A. No.

MS. RAMSEY: No further questions.

No objection to her being excused.

THE COURT: All right. You may step down. You are excused.

Next?

MR. HARTZLER: Bertha Coffin. Mr. Goelman will

question.

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

(Bertha Coffin affirmed.)

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

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

THE WITNESS: Bertha L. Coffin, C-O-F-F-I-N.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, ma'am.

Where do you live, Mrs. Coffin?

A. Council Grove, Kansas.

Q. What do you do there?

A. I'm president and general manager of Council Grove Telephone Company.

Q. How long have you worked at Council Grove Telephone Company?

A. Since 1947.

Q. And how big is Council Grove Telephone?

A. We have 2100 access lines.

Q. Did you recently start another business, Mrs. Coffin?

A. Yes.

Q. What kind?

A. Wireless.

Q. And in addition to being president and general manager of Council Grove Telephone, are you also a majority owner?

A. Yes.

Q. And records custodian?

A. Yes.

Q. And in your 50 years at Council Grove, are you familiar with the kind of records you keep?

A. Yes.

Q. Do you keep records of subscriber names and the physical location?

A. Yes.

Q. Of telephones?

I'm going to ask you to pick up the book labeled Government's Exhibit 520.

A. Uh-huh.

Q. Please turn to page 118.

Is that one of those business records that Council Grove Telephone keeps?

A. Yes.

Q. And do you keep this in the regular course of your business?

A. Yes.

Q. Did you personally respond to the Government's subpoena in this case, ma'am?

A. Yes.

Q. And do you remember whether or not this account was active when this record was sent to us?

A. Yes.

Q. Was it active?

A. Yes.

Q. One final question --

MR. GOELMAN: Move to admit page 118, your Honor.

THE COURT: Received conditionally, same continuing objection.

BY MR. GOELMAN:

Q. Who is running Council Grove Telephone while you're up here, ma'am?

A. My assistant general manager.

MR. GOELMAN: Nothing further.

THE COURT: Questions?

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Ms. Coffin, this is a pay phone; isn't that correct?

A. Yes.

Q. So there is no name attached to the subscriber information?

A. There is a name attached to the subscriber information.

Q. What is that name?

A. Pay Phone Concepts, Inc.

Q. All right. And you cannot tell us whether or not Timothy

Bertha Coffin - Cross

McVeigh ever made a phone call from this pay phone, can you?

A. I do not know who made calls from the pay phone.

MS. RAMSEY: No further questions, your Honor.

No objection to her being excused.

MR. GOELMAN: Yes, your Honor.

THE COURT: You're excusing? All right.

You may step down. You are excused.

Next?

MR. HARTZLER: Ms. Fortner. Mr. Ryan will question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Kathleen Fortner affirmed.)

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

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

THE WITNESS: My name is Kathleen Fortner. That's F, like in Frank, O-R-T-N-E-R.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning. Are you employed?

A. Yes, I am, sir.

Q. By whom are you employed?

A. I'm employed by Alliant Communications, Lincoln, Nebraska.

Q. Are you the record custodian for your company?

A. I am, sir.

Q. Did the FBI subpoena a record from your company in

Kathleen Fortner - Direct

connection with this case?

A. They did.

Q. Would you please turn to Exhibit 520, page 141.

MS. RAMSEY: What page?

MR. RYAN: 141.

Do you have that?

BY MR. RYAN:

Q. Do you have that?

A. I do, sir.

Q. Would you identify it generally?

A. This is a customer identification record from Alliant Communications. It indicates when the customer applied for telephone service, telephone number, who the services subscriber is, the location of the telephone, any activity up to the time these records were required to be given to the FBI.

Q. It doesn't contain any telephone calls?

A. No, sir.

Q. This just tells one -- what someone's telephone number is?

A. That's correct. Subscriber information.

Q. Is this a business record of your company?

A. It is, sir.

Q. Is it kept in the ordinary course of your business?

A. Yes, sir.

Q. Is this record created as your company performs work for

that particular customer?

Kathleen Fortner - Direct

A. That's correct, sir.

MR. RYAN: Your Honor, we would offer page 141 of Exhibit 520.

THE COURT: What's the name of your business?

THE WITNESS: Alliant Communications, formerly Lincoln Telephone.

THE COURT: Oh, it was Lincoln Telephone.

THE WITNESS: Yes, sir.

THE COURT: Well, I'll receive it conditionally with the same continuing objection.

Ms. Ramsey?

BY MR. RYAN:

Q. This isn't Mr. McVeigh's number, is it?

A. No, sir.

MS. RAMSEY: No questions.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. HARTZLER: Dianna Stamps.

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

(Dianna Stamps affirmed.)

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

Would you state your full name for the record and

would you please your full name for the record and spell your last name.

Dianna Stamps - Direct

THE WITNESS: Dianna Stamps, S-T-A-M-P-S.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Ms. Stamps.

Can you tell us the name of the company where you're employed.

A. Bell South Telecommunications.

Q. What are your responsibilities?

A. Compliance assistant, and the responsibilities are that we comply to the subpoenas that come to Bell South.

Q. Does your company make and maintain records of subscribers?

A. Yes.

Q. Could you look at the binder in front of you that's marked Government's Exhibit 520 and look specifically at pages 158 to 168.

A. Okay.

Q. You've had an opportunity to review those?

A. Yes.

Q. By the way, the current name of your company is different than it used to be -- is that right -- or did you acquire Southern Bell?

A. Used to be Southern Bell.

Q. Are those records for a period of time when the company was

named Southern Bell?

A. Yes.

Dianna Stamps - Direct

Q. And those are records which were created at the time the information was received and are maintained in the ordinary course of business?

A. Yes, it is.

MR. HARTZLER: Your Honor, I move the admission of pages 158 to 168 of Government's Exhibit 520.

THE COURT: All right. They're received conditionally with the continuing objection.

BY MR. HARTZLER:

Q. Those records reflect subscriber names and the times in which they had service; is that right?

A. That's correct.

Q. And none of the subscribers were Timothy McVeigh, were they?

A. No.

MR. HARTZLER: Nothing further.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Do you know who Mr. Davis is?

A. I beg your pardon?

Q. Do you know who Mr. Davis is?

A. No, I don't.

MS. RAMSEY: No further questions, your Honor.

THE COURT: And I take it South Central Bell was also a previous name.

THE WITNESS: A part of it, yes.

THE COURT: You're excusing her, I assume.

MR. HARTZLER: Yes, we are.

MS. RAMSEY: Yes.

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

MR. HARTZLER: Dennis Devoy. Mr. Goelman will question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Dennis Devoy affirmed.)

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

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

THE WITNESS: Dennis Robert Devoy, D-E-V-O-Y.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. Devoy.

A. Good morning.

Q. Where do you work?

A. Chariton Valley Telephone.

Q. What do you do for them?

A. I'm the comptroller.

Q. Did you receive a subpoena from the Government after the Oklahoma City bombing, sir?

A. Yes I did.

A. Yes, I did.

Dennis Devoy - Direct

Q. And that subpoena requested subscriber information for the telephone number (816)486-5505?

A. That's correct.

Q. And did you attempt to retrieve this information?

A. I did.

Q. What did you learn?

A. That that number has never been a working number in the Ethel exchange, which is the 486 exchange.

Q. No one has ever subscribed to that number?

A. That's correct. The only numbers that have ever been issued in that exchange have been in the 32- to 3400 range.

Q. And, Mr. Devoy, because no one has ever subscribed to this number, does that mean this defendant nor anyone else ever could have subscribed to that number?

A. Correct.

MR. GOELMAN: Nothing further.

MS. RAMSEY: No questions, your Honor.

THE COURT: You may step down.

Next?

MR. HARTZLER: David Ropiequet. Ms. Behenna will question.

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

(David Ropiequet affirmed.)

- -
THE COURTROOM DEPUTY: Thank you. Have a seat.

David Ropiequet - Direct

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

THE WITNESS: My name is David C. Ropiequet. Last name is spelled R-O-P-I-E-Q-U-E-T.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Mr. Ropiequet, are you employed?

A. Yes, I am.

Q. Where are you employed?

A. I'm employed with Consolidated Communications in Mattoon, Illinois.

Q. How long have you worked for Consolidated?

A. 26 years.

Q. What do you do for Consolidated Communications?

A. I am presently the risk manager for Consolidated Communications.

Q. Are you familiar with the subscriber records of Consolidated Communication?

A. Yes, I am.

Q. Let me have you look at pages 114 through 117 in Government's Exhibit 520.

Can you identify those?

A. Yes, I can.

Q. What are they?

A. They are subscriber billing information records from

David Ropiequet - Direct

Consolidated Communications' database dealing with billing information and also plant subscriber information.

Q. Is subscriber information recorded at the time the customer establishes service with Consolidated Communication?

A. Yes, it is.

Q. And it's the regular practice of Consolidated Communication to keep such records?

A. Yes, it is.

Q. And they're made in the ordinary course of business?

A. Yes.

MS. BEHENNA: Your Honor, I move to admit pages 114 through 117 of Government's Exhibit 520.

THE COURT: They're admitted conditionally with the reserved and continuing objection.

MS. BEHENNA: Thank you, your Honor.

THE WITNESS: Thank you.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Who is the subscriber for this number?

A. The subscriber for this number is the Motel U.S. Grant.

Q. And if calls were placed from the U.S. Grant Motel to an 800 number, should those or should those not be recorded on

phone records?

A. Not on U.S. Grant Motel --

Q. They would not be?

David Ropiequet - Cross

A. They would not be, no.

Q. Would they be recorded anywhere?

A. They would be actually sent with the message and sent to the -- to where the billing is established and billed from.

Q. I don't understand. Who would get the bill for the 800 number?

A. Whoever subscribes to that 800 number.

Q. So it would not necessarily be U.S. --

A. U.S. Grant Motel, no, it wouldn't.

Q. But there would not even be a record of an 800 call at the U.S. Grant Motel; is that what you're saying?

A. At the motel, no. Not on their billing information, no.

Q. All right. And you don't -- never mind.

MS. RAMSEY: I have no further questions, your Honor.

THE COURT: I'm just curious: Is U.S. Grant Motel in Mattoon?

THE WITNESS: Yes, it is.

THE COURT: Did Ulysses Simpson Grant have some connection with Mattoon?

THE WITNESS: Not the motel but with Mattoon. He mustered his first troops in Mattoon to head south.

THE COURT: Thank you. Irrelevant, but we appreciate that bit of history.

You're excused.

Next, please.

MR. HARTZLER: Shari Stephens.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Shari Stephens affirmed.)

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

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

THE WITNESS: Shari Stephens, S-T-E-P-H-E-N-S.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Ms. Stephens.

Where are you currently employed?

A. Cellular One, Kansas City.

Q. And does Cellular One provide cellular service?

A. Yes.

Q. Do you maintain records of the numbers that are assigned to Cellular customers?

A. Yes.

Q. Do you know the series of numbers that are assigned in the Lawrence, Kansas, area?

A. Yes.

Q. What are those?

A. (913)766-0000 through 9999.

Q. Have all those numbers been assigned yet?

A. No, no. They've not all been assigned yet.

Q. Did you produce a record reflecting the -- a particular

Shari Stephens - Direct

telephone number in that area, (913)766-6088?

A. Yes.

Q. Could you look in the book in front of you at page 46.

A. Yes.

Q. That is a record that your company produces and maintains in the ordinary course of its business?

A. Yes.

MR. HARTZLER: Your Honor, I move the admission of 46 of group Exhibit 520.

THE COURT: Received conditionally with the same objection.

BY MR. HARTZLER:

Q. And does this record reflect that the number (913)766-6088 was not even assigned until June 30, 1995?

A. That's correct.

Q. And at that time, it was assigned to somebody whose name has nothing whatsoever to do with this case. Is that fair?

A. That's correct.

MR. HARTZLER: No further questions.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Can you tell me if that number was active from March 9 of 1993 and 6-30 of 1995?

A. At that time, the number had never been assigned.

Q. Never?

Shari Stephens - Cross

A. Never been assigned.

Q. It has just since been assigned. Is that correct?

A. Correct. June 30 of '95 was the first time it has ever been assigned.

Q. All right. And I believe you were asked: That was not to Timothy McVeigh?

A. That was not.

Q. And you do not have any knowledge of any connection between this number and Timothy McVeigh; is that correct?

A. I have no knowledge.

MS. RAMSEY: No further questions, your Honor.

MR. HARTZLER: She may be excused.

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

Next, please.

MR. HARTZLER: Kelly Sutter. Mr. Goelman will question.

THE COURTROOM DEPUTY: Raise your right hand.

(Kelly Sutter affirmed.)

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

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

THE WITNESS: Kelly Sutter, S-U-T-T-E-R.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning.

Kelly Sutter - Direct

A. Good morning.

Q. Where do you work?

A. AT&T Wireless Services.

Q. What do you do there?

A. I am the custodian of records for California, Nevada and Hawaii.

Q. How long have you worked at AT&T Wireless?

A. Six years.

Q. Do you know the procedure that the company goes through when someone wants to establish cellular service?

A. Yes, I do.

Q. Will you please describe that briefly.

A. When a customer wants to establish service, they will go to either our office or to one of our dealers. They fill out a subscriber agreement and give some information on themselves. We assign a telephone number, program the phone and then activate the service.

Q. Is there -- what information does the subscriber or potential subscriber have to provide in order to get service established?

A. Name, address, Social Security number, driver's license

number. They show their photo ID, signature. If they want it billed to a different address, then they give us a billing address as well.

Q. Ms. Sutter, I'm going to ask you to turn to pages 47 to 49

Kelly Sutter - Direct

in that book in front of you.

THE COURT: 520? Exhibit 520?

MR. GOELMAN: Yes, your Honor.

BY MR. GOELMAN:

Q. Page 47, the application that you were just describing?

A. Uh-huh. Yes.

Q. And after a customer fills it out, does AT&T Wireless keep it in its formal course of business?

A. Yes, it does.

Q. What are the next two pages?

A. Page 48 is a page from an invoice dated November 21, 1994, and page 49 is the first page of an invoice dated April 19, 1995.

Q. And do all these records reveal subscriber information?

A. Yes, they do.

MR. GOELMAN: Your Honor, move to admit pages 47 to 49, Government's Exhibit 520.

THE COURT: On this index, I see a different entity there.

THE WITNESS: Probably Cellular One.

THE COURT: Yes, it is.

THE WITNESS: It probably states Cellular One, what AT&T Wireless formerly did business under the name of. We became AT&T Wireless two years ago, so the records are under the name Cellular One for that time frame.

Kelly Sutter - Direct

THE COURT: Thank you for the explanation.

The exhibits -- these pages are received conditionally. Same objection.

MR. GOELMAN: I have nothing else, your Honor.

THE COURT: Ms. Ramsey.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Page 47 of the pages that you have is not an application by or on behalf of Timothy McVeigh, is it?

A. No, it is not.

Q. That is for someone totally different; isn't that correct?

A. Yes, it is.

Q. And I believe you said this was in Las Vegas?

A. Correct.

Q. According to the first page?

A. Yes, ma'am. I don't know if I stated that or not, but it is in Las Vegas.

Q. Okay. And on page 48, those are actually listings of phone calls -- is that correct -- incoming to a number?

A. I'm sorry. I didn't hear the question.

A. I'm sorry. I didn't hear the question.

Q. Is page 48 a list of incoming phone calls?

A. Incoming and outgoing phone calls.

Q. And 49 is a bill; is that correct?

A. It's the first page of the billing invoice. It does not show call records, just the summary.

Kelly Sutter - Cross

Q. And page 49 does not have anything to do with Timothy McVeigh, does it?

A. No. It does not state his name.

Q. And you cannot tell me on page 48 who made a call, who received a call, or the content of any conversation, can you?

A. No.

Q. And you cannot tell me whether or not Timothy McVeigh is associated with page 48 in any of these calls, can you?

A. No.

MS. RAMSEY: No further questions, your Honor.

THE COURT: Excusing her, I assume.

MR. GOELMAN: Yes, your Honor.

MS. RAMSEY: Yes, your Honor.

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

MR. HARTZLER: Call Mr. Ty Rogers.

MS. RAMSEY: Your Honor, as to Mr. Rogers, we would object -- make the same objection we made previously as far as notice is concerned.

THE COURT: I take it the notice was for a records

keeper from this entity.

MR. HARTZLER: That's correct.

THE COURT: The objection is overruled.

THE COURTROOM DEPUTY: Raise your right hand.

(Ty Rogers affirmed.)

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

Would you state your full name for the record and
spell your --

MR. HARTZLER: Could I have a moment, please.

THE COURT: Go ahead.

THE COURTROOM DEPUTY: State your full name for the
record and spell your last name.

THE WITNESS: My name is Ty, T-Y, Rogers, R-O-G-E-R-S.

THE COURT: Proceed, please.

MR. HARTZLER: Thank you, your Honor.

Just to clarify for your benefit and Ms. Ramsey's, we
had notified that the records custodian for this company would
be Deanna Bache, B-A-C-H-E, who is now on vacation out of the
country; so this is a substitute records custodian for the same
company.

THE COURT: And the same records, I take it --

MR. HARTZLER: Of course, yes.

THE COURT: -- which notice was given for.

That's why I overruled the objection. Go ahead.

MR. HARTZLER: Thank you.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Mr. Rogers, where are you employed?

A. I work for AT&T Wireless Services.

Q. Did AT&T Wireless Services previously do work under the name Cellular One?

Ty Rogers - Direct

A. Yes, sir.

Q. Where are you located?

A. West Palm Beach, Florida.

Q. Do you take records of the company and produce them in court?

A. Yes, I do.

Q. Could I ask you to look at pages 42 through 46 in the exhibit in front of you.

Do you see those?

A. Yes.

Q. Page 42, 43, 44 and 45 but not 46 are records of your company?

A. Yes, they are.

Q. Are those records -- those records provide subscriber information?

A. Yes, they do.

Q. Which is created and maintained in the ordinary course of your business; is that right?

A. Yes, it is.

Q. Could you please --

MR. HARTZLER: Your Honor, I move the admission of

pages 42, '3, '4 and 45 of group Exhibit 520.

THE COURT: All right. Received conditionally with the continuing objection.

BY MR. HARTZLER:

Ty Rogers - Direct

Q. And could you look specifically at page 42. Is that in front of you?

A. Yes.

Q. Do you see that -- I believe it reflects that No. (305)494-4806 was subscribed to by Patricia Davis between 11-13-92 and 11-2-94. Is that correct?

A. That is correct.

Q. And then service was terminated for her on 11-2-94 and that number was inactive then until it was assigned to Grace Wing on 2-4-95. Is that correct?

A. That is correct.

Q. None of these records reflect Mr. McVeigh's name. True?

A. No, they do not.

Q. And none of them reflect any individual telephone calls; correct?

A. No, they do not.

MR. HARTZLER: I have nothing further.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. Do you have any idea who Patricia Davis is?

A. No, ma'am, I do not.

MS. RAMSEY: No further questions, your Honor.

THE COURT: All right. You're excusing him?

MS. RAMSEY: Yes.

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

THE WITNESS: Thank you.

MR. HARTZLER: Bonnie Wiley. Mr. Goelman will
question.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Bonnie Wiley affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Bonnie Jo Wiley, W-I-L-E-Y.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Ms. Wiley.

A. Good morning.

Q. Where do you work?

A. I'm with AT&T.

Q. What do you do at AT&T?

A. I'm an investigations manager.

Q. How long have you been with the company?

A. Almost 26 years.

Q. In those 26 years, have you had a chance to become familiar
with the procedure that AT&T goes through when it assigns an
800 number?

A. Yes, I have.

Q. And does it require assignees of that 800 number to provide their name and address?

Bonnie Wiley - Direct

A. Yes.

Q. Did you respond to a subpoena from the Government in this case, ma'am?

A. Yes, I did.

Q. Can you please turn to pages 1 to 3 in Government's Exhibit 520.

A. Okay.

Q. Do those three pages contain subscriber information from AT&T 800 customers?

A. Yes, they do.

Q. And are those records kept in the ordinary course of AT&T's business?

A. Yes, they are.

MR. GOELMAN: Your Honor, we move to admit pages 1 to 3 of Government's Exhibit 520.

THE COURT: They're received conditionally with the same objection to relevance reserved.

MS. RAMSEY: Thank you, your Honor.

BY MR. GOELMAN:

Q. Ms. Wiley, are 800 numbers free for callers?

A. Yes, they are.

Q. Who pays for these calls?

A. The customer pays for the usage of the 800 numbers.

Q. But not the caller?

A. Not the caller. Correct.

Bonnie Wiley - Direct

Q. So is there any economic reason for someone to use a debit card to dial an 800 number?

A. No, not that I would be aware of.

Q. And from these records, you don't have any idea, do you, of whether or not this defendant made any calls to or from that particular 800 number?

A. No, I do not.

MR. GOELMAN: Nothing further, your Honor.

MS. RAMSEY: No questions.

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

THE WITNESS: Thank you.

THE COURT: Next.

MR. HARTZLER: Gary Lynch, our last one.

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

(Gary Lynch affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

Would you state your full name for the record and

spell your last name.

THE WITNESS: Gary A. Lynch, L-Y-N-C-H.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Lynch, where do you live?

A. Oklahoma City.

Q. And how long have you lived there?

Gary Lynch - Direct

A. 42 years.

Q. Where do you work?

A. I work for Southwestern Bell Corporation.

Q. Based there in Oklahoma City?

A. Yes.

Q. What's your job?

A. I'm a security manager.

Q. How long have you worked for Southwestern Bell in Oklahoma City?

A. 23 years.

Q. In the course of those 23 years, have you become familiar with a broad range of services offered by your employer?

A. Yes, I have.

Q. Including the production and distribution of Yellow Pages?

A. Yes, I have.

Q. All right. Can you tell the jury a little bit about the practices of Southwestern Bell as it existed in 1994 and '95

concerning the production and distribution of your Yellow Pages?

A. Yellow Pages are produced through business customers that subscribe to the Yellow Pages. They take ads out. Those books are published on a yearly basis at different times throughout the year.

Q. And in 1994 and '95, did Southwestern Bell publish and distribute Yellow Pages in various cities in the state of

Gary Lynch - Direct

Kansas?

A. Yes, they did.

Q. Now, Mr. Lynch, the law requires me sometimes to ask obvious questions. Does the public use and rely upon the phone books produced by Southwestern Bell?

A. Yes, they do.

Q. Turn your attention now, Mr. Lynch, to exhibits before you in the accordion folder. You should find seven of them beginning with Government's Exhibit 527. You've seen that before coming to court?

A. Yes, I have.

Q. And generally look at all of those for a moment.

All right.

A. Yes.

Q. For the record, have you examined Exhibits 527, 528, 529, 530, 531, 532, and 581?

A. Yes, I have.

Q. And are each of those exhibits from Yellow Pages published by your employer?

A. Yes, they are.

Q. And distributed in 1994 in the state of Kansas?

A. Yes, they were.

MR. MACKEY: Your Honor, I'd move to admit each of those exhibits.

MS. RAMSEY: We object as to relevancy.

Gary Lynch - Direct

THE COURT: You're seeking conditional admission at this time?

MR. MACKEY: I am, your Honor.

THE COURT: They are received conditionally, subject to connection, with the reservation of the objection on relevance.

BY MR. MACKEY:

Q. Mr. Lynch, tell the jury what the Yellow Pages is for Exhibit 527.

A. This is a page out of 205 of the Wichita, Kansas, directory.

Q. And does Exhibit 527 show a listing for chemical companies that would have been distributed in Kansas in the fall of 1994?

A. Yes, it would have.

Q. Let's go to 528.

To that a listing of hobby shops in the Yellow Pages

is that a listing of hobby shops in the yellow pages
in the fall of 1994 in Kansas?

A. Yes, it is.

Q. 529: Is that a listing for racetracks distributed in the
fall of 1994 in Kansas?

A. Yes, it is.

Q. 530: Is that a listing for demolition contractors as
published and distributed in Kansas in the fall of '94?

A. Yes, it is.

Q. 531: Is that a listing for barrels as published and

Gary Lynch - Direct

distributed in Kansas in 1994?

A. Yes.

Q. 532: Is that a Yellow Pages from another Yellow -- another
phone book out of greater Kansas for barrels in the year 1994?

A. Yes.

Q. And finally, 581: Is that the Yellow Pages distributed in
and near Hutchinson, Kansas, in 1994?

A. Yes.

Q. Does it have a listing for racetracks?

A. Yes, it does.

MR. MACKEY: Nothing else, your Honor.

THE COURT: Any questions?

MS. RAMSEY: Yes, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MS. RAMSEY:

Q. When you retrieved these exhibits that you have just testified to, were these from any particular phone book?

A. Yes. '27, '28, '29, '30, '31 were from the Wichita, Kansas, telephone book. 532 is from the Kansas City, Kansas/Missouri, telephone book; and then Exhibit 581 is from the Hutchinson, Kansas.

Q. Have these pages that you have provided actually been in a phone book -- these particular pages themselves?

A. I verified these pages here with actual phone books and

Gary Lynch - Cross

verified the listings that they were exact.

Q. There had not been any markings, though, on these particular pages to show that someone has looked at them and circled a number or anything like that, is there?

A. No, ma'am.

Q. These came from your actual records, as opposed to coming from an actual phone book; isn't that correct?

A. I do not know if these were xeroxed or torn out of a phone book.

Q. Well, do they look like they were torn out of a phone book?

A. No, they look like they're xeroxed, Xerox copy.

Q. I want you to look at 527. While it does have a "Chemical" listing, doesn't it also have a listing for "Chicken Dinners"?

A. Yes, it does.

Q. And on 528, it also has a listing for "Hobbies," doesn't it?

A. "Hobby" and "Model Construction Supplies, Retail."

Q. As well as "Hockey Clubs" and "Hogs"?

A. Yes, it does. It has -- not necessarily a listing for "Hogs" but for hogs to see livestock dealers.

Q. And on 529, it also has a listing for "Racquetball Equipment and Supplies"?

A. Yes, ma'am.

Q. And "Radiators," doesn't it?

A. Yes.

Gary Lynch - Cross

Q. Which could be for a car, I would assume?

A. Yes.

Q. For Clark's Radiator Service at 351 South Laura?

MR. MACKEY: Objection.

THE COURT: Sustained.

It's the whole page; right?

THE WITNESS: Yes. Yes, sir.

BY MS. RAMSEY:

Q. You will agree that 530, 531 and 532 also list a lot of other things other than what Mr. Mackey asked you about; isn't that correct?

A. Yes, that is correct.

MS. RAMSEY: No further questions, your Honor.

MR. MACKEY: Nothing else.

THE COURT: Can't call any hogs from that --

THE WITNESS: No. No, sir, you can't.

MS. RAMSEY: We can order chicken dinners.

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

Yes.

MR. RYAN: Your Honor, the Government would offer Exhibits 523 and 524, which are affidavits with business records from the Philippine long distance company; and they are in compliance with 18 U.S.C. Section 3505.

MS. RAMSEY: Same objection, your Honor.

THE COURT: Relevance?

MS. RAMSEY: Yes.

THE COURT: They're received with the objection to relevance, continuing objection. So they're received conditionally.

What were the numbers again, please?

MR. RYAN: Government's Exhibit 523 and 524, your Honor.

THE COURT: Thank you.

Well, can we go to lunch now?

MR. RYAN: Yes, your Honor.

THE COURT: Okay. We'll take the luncheon recess.

And I just am sure you understand, but just to make it very clear to you, what we've done this morning is, as I was talking about, foundational material, evidence; and conditional admission means there have been objections to the relevance of

a lot of these documents; and when I admit them conditionally,
I mean subject to being connected up that makes them relevant.

So we have to do some of these things a step at a
time.

So that's what's been going on here, and that explains
what my rulings are.

Now we're excusing you for the usual luncheon period
of an hour and a half; and of course, please avoid discussion
of anything you've heard this morning and any other time in the
course of the trial, remembering to keep open minds and avoid
anything outside the evidence in the case which could in any
way influence you in deciding on these issues that are going to
be decided in this trial.

You're excused now for the luncheon recess, an hour
and a half.

(Jury out at 12:07 p.m.)

THE COURT: Okay. Recess. 1:38.

(Recess at 12:08 p.m.)

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INDEX

Item
Page

WITNESSES

Luule Suozzi

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Marshall Weldy

Direct Examination by Ms. Behenna

Cross-examination by Ms. Ramsey

Shirley Hiner

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Tamara Winkler

Direct Examination by Mr. Ryan

Cross-examination by Ms. Ramsey

WITNESSES (continued)

Ralph Cayton

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Jefferson Smith

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Deborah Revie

Direct Examination by Ms. Behenna

Cross-examination by Ms. Ramsey

Frank Dottle

Direct Examination by Mr. Hartzler

Cross-examination by Ms. Ramsey

Bruce Wells

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Patricia Sain

Direct Examination by Mr. Mackey

Cross-examination by Ms. Ramsey

Redirect Examination by Mr. Mackey

Recross-examination by Ms. Ramsey

Nelda Nolan

Direct Examination by Mr. Ryan

Cross-examination by Ms. Ramsey

=0D

WITNESSES (continued)

Francine Murphy

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

John Hooper

Direct Examination by Ms. Behenna

Cross-examination by Ms. Ramsey

Stephen Sackrider

Direct Examination by Mr. Ryan

Evelyn Sanchez

Direct Examination by Mr. Hartzler

Cross-examination by Ms. Ramsey

Darrel Santos

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Barbara Richardson

Direct Examination by Ms. Behenna

Cross-examination by Ms. Ramsey

Bertha Coffin

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Kathleen Fortner

Direct Examination by Mr. Ryan

=0D

-00

WITNESSES (continued)

Dianna Stamps

Direct Examination by Mr. Hartzler

Cross-examination by Ms. Ramsey

Dennis Devoy

Direct Examination by Mr. Goelman

David Ropiequet

Direct Examination by Ms. Behenna

Cross-examination by Ms. Ramsey

Shari Stephens

Direct Examination by Mr. Hartzler

Cross-examination by Ms. Ramsey

Kelly Sutter

Direct Examination by Mr. Goelman

Cross-examination by Ms. Ramsey

Ty Rogers

Direct Examination by Mr. Hartzler

Cross-examination by Ms. Ramsey

Bonnie Wiley

Direct Examination by Mr. Goelman

Gary Lynch

Direct Examination by Mr. Mackey

Cross-examination by Ms. Ramsey

=0D

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
202	7351	7352			

243	7351	7352
520 pp. 142-151	7320	7320
520 pp. 121-138	7323	7324
520 pp. 4-36	7330	7330
520 pp. 169-296	7337	7337
520 pp. 60-113	7347	7347
520 pp. 139-140	7358	7358
520 pp. 415-450	7365	7365
520 p. 120	7369	7369
520 pp. 319-403	7375	7375
520 pp. 40-41	7396	7396
520 pp. 37-39A	7399	7399
520 pp. 50-57	7402	7402
520 pp. 431-443	7405	7405
520 pp. 297-312	7407	7407
520 pp. 152-155	7410	7410
520 pp. 404-414	7413	7413
520 p. 118	7417	7417
520 p. 141	7420	7420
520 pp. 158-168	7422	7422
520 pp. 114-117	7426	7426
520 p. 46	7429	7429

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
520 pp. 47-49	7432	7433			
520 pp. 42-45	7436	7436			
520 pp. 1-3	7439	7439			

521 p. 77	7319	7319
521 pp. 75-76	7325	7325
521 pp. 111-125	7339	7339
521 pp. 1-72	7346	7346
521 pp. 308-308A	7366	7366
521 pp. 73-74	7369	7369
521 pp. 78-110	7372	7372
521 pp. 126-307	7376	7376
523 - 524	7446	7447
525	7381	7381
526	7383	7383
527-532	7442	7443
533	7377	7377
574-576	7341	7341
577	7378	7378
578	7359	7360
579	7349	7349
580	7379	7379
581	7442	7443

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 7th day of May, 1997.

Paul Zuckerman

Bonnie Carpenter