

Thursday, May 8, 1997 (afternoon)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Criminal Action No. 96-CR-68
UNITED STATES OF AMERICA,
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,
Defendant.

REPORTER'S TRANSCRIPT
(Trial to Jury - Volume 86)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:25 p.m., on the 8th day of May,
1997,
in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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McVeigh.

* * * * *

PROCEEDINGS

(Reconvened at 1:26 p.m.)

THE COURT: Be seated, please.

Are we going to go to the Manning deposition?

MR. RYAN: Yes, your Honor.

THE COURT: For purposes of our record, I have the original transcript that was lodged by the court reporter who took this. I will suggest that we not require the court reporter in the courtroom to take the audio off of the tape, that we use the official transcript, but then for purposes of the -- of giving copies to the people who have been ordering copies, we could simply have this, take out the cross-examination that we're going to exclude, and make a copy available.

MR. RYAN: That's agreeable, yes, your Honor.

MR. NIGH: It is, your Honor.

THE COURT: All right. That's the way we'll do it.

MR. RYAN: For the record, we should, I believe at this time, offer the video deposition or the transcript of the deposition in evidence at this time.

THE COURT: Yeah. Well, I think we'll do it both ways. The videotape itself has been marked as an exhibit or -

-
we don't need it marked as an exhibit. It can just be the videotape of the deposition of November 7, 1996.

MR. RYAN: Okay. Your Honor, that's fine.

THE COURT: And then we'll use the original transcript as the court record, and a copy can be made deleting the cross-examination -- was it Mr. Tigar who did it?

MR. RYAN: It was Mr. Woods, your Honor. And actually, talking to Mr. Nigh a little further since we addressed the Court on this subject, we are going to delete everything after page 79. Prior to that, we have Mr. Mackey's direct, Mr. Nigh's cross, Mr. Mackey's redirect, and Mr. Nigh's recross. And then we have Woods, Mackey, Woods. We're going to delete the Woods, Mackey, Woods, if that makes sense.

THE COURT: So what makes sense to me is nothing after page 79.

MR. RYAN: Exactly.

THE COURT: Okay. Well, we'll get that done.

MR. RYAN: Okay. Thank you, your Honor.

With the Court's permission, I'm just going to stay here at the podium in a chair. Mr. Paul Johns is going to assist me with the video, and we'll present the exhibits --

THE COURT: I'll explain to the jury what -- why this is a video. This is a health -- the health of the witness; right?

MR. RYAN: Yes.

MR. NIGH: That is also explained in the context of the testimony during the deposition, your Honor.

I would also ask that the Court inform the jury that I've agreed to withdraw the objection --

THE COURT: Yes.

MR. NIGH: -- as to leading questions.

THE COURT: Yes. I'll -- or whatever objections are

in here, they are withdrawn, as I understand it.

MR. NIGH: Except the one that we made by motion as to the whole thing.

THE COURT: Yes. Of course. Okay. Bring in the jury.

(Jury in at 1:29 p.m.)

THE COURT: Members of the jury, we delayed resuming for a few minutes because we are setting up the videotape testimony of the next witness. Under the rules that govern us in criminal cases, there is provision for the taking of testimony before the trial in the unusual situation where a witness is unable to come to the courtroom and testify for any reason. In this case, Mr. Thomas Manning is the next witness. Mr. Manning has a health condition that prevents him from traveling here and testifying. And accordingly, his testimony was taken earlier, in November 7 of 1996. And it was taken with the attorneys for both sides there to ask the questions, and he was under oath and gave answers under oath, everything pretty much the same except you weren't there and I wasn't there.

So -- and the fact that a judge wasn't there means that there are some objections that were raised by counsel in the course of the taking of this testimony and nobody there to rule on them. So the objections are in here, but these objections which were raised by Mr. Nigh in the course of this videotape have been withdrawn, so they are no longer objected to. We didn't go back and edit the tape, however. Therefore, you will hear objections raised, but you just ignore that part.

And of course, what the rule also says is that -- and this is why we do it on videotape, so you get a chance to see what the person looks like and the manner in which the person answers the questions. So you must consider the testimony taking -- taken by this procedure, insofar as it is possible to do so, in exactly the same way as you consider the testimony of all other witnesses who come here and testify at the trial.

So with that, we have the videotape of the testimony of Thomas Manning ready to play.

MR. RYAN: Thank you, your Honor.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Your Honor, Exhibits 2 through 9 of the Manning deposition referred to by Mr. Manning have been marked for purposes of this trial as Exhibits 273B through 273I, and the Government would offer these at this time.

THE COURT: Any objection?

MR. NIGH: No, your Honor.

THE COURT: All right. Then 273B through --

MR. RYAN: 273I.

THE COURT: I, thank you. Received.

MR. RYAN: Your Honor, we would also -- the photograph that Mr. Manning was speaking of regarding his store and the surrounding buildings was Manning Deposition Exhibit 11 and

surrounding buildings was Manning deposition exhibit 11, and that has been re-marked for purposes of this trial as Exhibit 273K; and we would offer that at this time, as well.

MR. NIGH: I'm sorry.

MR. RYAN: 273K.

THE COURT: 27 --

MR. NIGH: Did he identify that? If I may inquire -

-
MR. RYAN: Yes. In the deposition.

MR. NIGH: No objection, your Honor.

THE COURT: 273K is also received.

MR. RYAN: Could we take a moment right now, your Honor, and briefly publish these exhibits?

THE COURT: Yes. Yes.

MR. RYAN: This is 273B, 273C, 273D, 273E, 273F, 273G, 273H, and 273I. Next is 273K, which, again, is the -- what the witness described as the Firestone building and the surrounding buildings to that store. If I might, your Honor, I would point out to the jury where the Firestone store is.

Where my finger is right here. Thank you.

THE COURT: Okay.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Government Exhibit No. 12 to the Manning deposition, your Honor, has been re-marked for purposes of this trial as Government Exhibit 273L. We would offer this exhibit at this time.

MR. NIGH: I'd object on the grounds of relevance and 402, your Honor.

THE COURT: Overruled. 273L is received.

MR. RYAN: We're displaying to the jury the name of the defendant on this particular exhibit, this credit application, 1989, and the signature and date at the bottom of this 1989 credit application.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Your Honor, what has been referred to in this deposition as Manning Exhibit 13 is being re-marked for purposes of this proceeding as Government's Exhibit 273M, and we would offer it at this time.

MR. NIGH: No objection, your Honor.

THE COURT: 273M (sic) is received and may be published.

MR. RYAN: What we're displaying now is what is listed

as the name, address and the city on the exhibit.

And what we are displaying now is the name of the store on the exhibit form.

What we are displaying now is the time in portion of the exhibit. And we'll -- there's not a whole lot of other information on the exhibit. We'll display the entire document at this time.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: May I have just a moment, your Honor?

THE COURT: Yes.

MR. RYAN: Your Honor, Exhibit 14 that he referred

to
has already been admitted as Government's Exhibit 269.
Exhibit
15 Mr. Manning referred to has already been admitted as
Exhibit
270. And Exhibit 16 that Mr. Manning referred to has already
been admitted as Government's Exhibit 268. Exhibit No. 17
that
Mr. Manning referred to, I believe has not been admitted and
we
re-marked that for admission as Government's 273Q. And we
would offer Exhibits -- we would offer 273Q at this time.

MR. NIGH: Your Honor, actually, I think 273Q was
previously admitted under a different number. I believe that
it's 270, which has not yet been admitted, but I don't have
any
objection.

THE COURT: All right.

MR. RYAN: Let me take a moment and get this
straightened out, your Honor.

THE COURT: Okay.

MR. RYAN: Let me try this again, your Honor.

Manning
Exhibits 14, 16, and 17 have been previously admitted. And
Manning Exhibit 15 is the one, I believe, that has not been
admitted, and we have marked that as Government's Exhibit
273-0 -- 270-0, rather. We would offer it at this time.
I'll
withdraw what I said earlier.

MR. NIGH: No objection, your Honor.

THE COURT: 273-0 is received.

MR. RYAN: And may I publish those at this time,
your
Honor?

THE COURT: Yes.

MR. RYAN: The jury is looking at Government Exhibit
273N --

THE COURT: Well, not now, it isn't.

MR. RYAN: You're right, your Honor. I've been
corrected.

THE COURT: Why don't we go back to the exhibits
already received.

MR. RYAN: Let's do it a different way. Thank you,
your Honor. Government's Exhibit 268 was one of the exhibits
referred to by Mr. Manning just now. Government Exhibit 269
is
another one of the exhibits Mr. Manning referred to.
Government Exhibit 270 is one of the exhibits Mr. Manning
referred to.

Thank you, your Honor.

THE COURT: Do you want to show 273-0?

MR. RYAN: No, your Honor.

THE COURT: Okay.

MR. RYAN: Thank you.

THE COURT: Won't hurt my feelings any.

MR. RYAN: I didn't think it would. We have enough pictures of that car in evidence, I believe, your Honor. Thank you.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Government Exhibit 20 that was referred to in the Manning deposition, your Honor, has been re-marked as Government's Exhibit 273T, and we would offer it at this time. It's a two-page exhibit.

MR. NIGH: No objection, your Honor.

THE COURT: 273T received.

MR. RYAN: May we publish?

THE COURT: You may publish, yes.

MR. RYAN: This is the title to the Pontiac in the name of Mr. McVeigh. And then the back side of the exhibit, which has actually now been made a second page, is contained on -- what we're looking at here, bears the date of April 14, 1995.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Your Honor, Exhibit No. 18 of the Manning deposition has been re-marked as Government Exhibit 273R in this trial, and we would move its admission.

MR. NIGH: No objection, your Honor.

THE COURT: All right. 273R is received. May be published.

MR. RYAN: This is the entire document, and we'll try to zoom in and go down the page.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Government Exhibit No. 10 of the Manning deposition has been re-marked as Government Exhibit 273J for this trial, your Honor, and we would offer it into evidence.

MR. NIGH: No objection, your Honor.

THE COURT: All right. 273J is received.

Do you want to publish it?

MR. RYAN: Yes, your Honor. Again, if I may, this is the Firestone store where my finger is, where Mr. Manning worked.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: Your Honor, Government Exhibit 19 to the Manning deposition has been re-marked as Government Exhibit 273S, and we would offer this two-page exhibit at this time.

MR. NIGH: Your Honor, I object to 19. According to Mr. Manning's testimony, it has false information on the reverse side of it.

THE COURT: What's the purpose of this?

MR. RYAN: I think the only purpose of this exhibit, your Honor, is to demonstrate that Mercury had, in fact, been sold to Mr. Manning. The one he had sold to Mr. McVeigh is reflected at kind of the bottom part of the second page. It has a very limited purpose, your Honor.

THE COURT: Will that be all for this exhibit?

THE COURT: Well, but it could be a problem with respect to the odometer reading.

MR. NIGH: That's correct, your Honor. And the other information that appears there, as well.

MR. RYAN: Then of course, the jury heard Mr. Manning's testimony with respect --

THE COURT: I'm going to exclude the exhibit.

MR. RYAN: All right.

THE COURT: Objection sustained as to 273S.

(Videotape deposition of Thomas Manning played.)

MR. RYAN: That concludes Mr. Manning's deposition.

THE COURT: Thank you.

Well, we're going to take the recess before we resume, although I would mention, members of the jury, you'll recall at the beginning of this videotaped deposition, reference was made to the presence there of attorneys for Mr. Terry Nichols. Terry Nichols is named in this indictment, of course, as I think you know; but he, of course, is going to be tried separately and is not on trial at this time. Therefore, the examination that was conducted of that witness by counsel for Mr. Nichols is not being given to you. It's not a part of this trial.

We'll recess for our usual 20-minute break; and as you know, please continue to avoid discussion of the case, keep open minds and avoid anything outside of our evidence.

You're excused, 20 minutes.

(Jury out at 3:14 p.m.)

THE COURT: Okay. We'll recess.

(Recess at 3:15 p.m.)

(Reconvened at 3:34 p.m.)

THE COURT: Please be seated.

We're ready?

MR. HARTZLER: We are. Thank you.

(Jury in at 3:35 p.m.)

THE COURT: Next witness, please.

MR. HARTZLER: The Government calls Eric McGown. Mr. Ryan will question him.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Eric McGown affirmed.)

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

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

THE WITNESS: Eric Mark McGown. McGown is M-C-G-O-W-N.

THE COURT: Mr. Ryan?

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon.

A. Hello.

Q. Mr. McGown, where do you live?

A. I live in the Dreamland Motel in Junction City, Kansas.

Q. And how old are you?

A. I'm 19.

Q. What is your date of birth?

A. My date of birth is April 14, 1978.

Q. Tell us about the Dreamland Motel.

Eric McGown - Direct

A. It's a small motel that is owned and operated by my mom and

me, and it's -- it's just right on the edge of Junction City.

Q. And you say you live there?

A. Yes, I do.

Q. And your mother lives there?

A. Correct.

Q. What is your mother's name?

A. My mother's name is Lea McGown.

Q. How many units are in the motel?

A. There is 24 units.

Q. And do you and your mother actually physically live on the grounds of the motel?

A. Yes, we do.

Q. And do you have a sister?

A. Yes, I do.

Q. And how old is she?

A. She's 17.

Q. And where does she live?

A. She lives at the motel with us.

Q. So the three of you live there?

A. Yes.

Q. All right. Now, are you in school?

A. Not at the moment.

Q. Have you graduated from high school?

A. Yes, I have. I've graduated last May.

Eric McGown - Direct

Q. In May of 1996?

A. '6. Yes.

Q. And where did you go to high school?

A. I went to high school at Junction City High School.

Q. Now, what do you do besides work in the motel, or is that a -- pretty much a full-time occupation?

A. That's pretty much full-time right now.

Q. How many hours a week do you work there?

A. It varies. From -- it varies from what needs done.

Whatever needs done, I do. Usually, a few hours of day, I work.

Q. Are you married?

A. No, I'm not.

Q. Any children?

A. No.

Q. Do you have any special hobbies or interests?

A. Yes. Computers and cars. That's my interests.

Q. And when you say you have an interest in computers, would you explain for us what you mean?

A. Basically anything about them from -- I do a little bit of programming to I play around on the computer whenever I have some spare time.

Q. Is that something that you advocate (sic) to in the future?

A. Yes. I plan on having a career in a computer-related field.

Eric McGown - Direct

Q. And tell us about your interest in cars, if you would.

A. Basically, learned on my own how to make cars go faster and

I just have a love for cars. I've owned a few older cars and I love them, so . . .

Q. Do you consider yourself to have a special knowledge with respect to being able to identify automobiles?

A. Yes.

Q. All right. Let's turn, if we could, Mr. McGown, to the week of April 14 to 17 of 1995.

A. Okay.

Q. Do you recall that week?

A. Yes, I do.

Q. And April 14 again is what?

A. It's my birthday.

Q. All right. And do you recall what you were doing at that time in that period of your life, from April 14 to the 17th of 1995?

A. Generally, yes.

Q. And you were still in high school?

A. Yes.

Q. And you had how much time before you graduated?

A. I had a full year left.

Q. All right. And did you have access to your automobile on April 14?

A. No, I did not. It was in the shop again.

Eric McGown - Direct

Q. And what was it in the shop for?

A. I think it was for another turbocharger.

Q. And you did not have access to it then on your birthday, April 14. Is that right?

A. That's correct.

Q. Is that one of the things that helps you remember this particular period of time?

A. That's one of them, yes.

Q. All right. Now, what were you doing besides being a junior

in high school in April of 1995? Were you working then?

A. I was working for my mom and -- just in school and working for my mom. That was basically it.

Q. Okay. And back at that time at that period, which is now a

little less -- a little more than two years ago, what kind of work did you do for your mom at the motel?

A. Basically the same as I do now, just less of it. I did general maintenance, took care of the pool, the yard.

Anything

that needed to be fixed that she couldn't do, I would do.

Q. All right. Let's start with the first thing that someone sees when they come to any motel, and that's the front desk.

A. Correct.

Q. What duties did you have with respect to the front desk in April of '95?

A. I would answer the phone. I would check in clientele. I would check out. If they dropped a key at the office, I would

Eric McGown - Direct

check for the phone records, see if they had any long distance phone calls they'd have to pay for and check them out of the rooms. So basically, I was a desk clerk, too.

Q. Okay. That was one of the things you did, then, was work at the front desk?

A. Correct.

Q. I think you said a moment ago you did something with respect to the swimming pool. Tell us what that is.

A. Basically when -- generally in April we start up the swimming pool, we drain it, repaint, repair any cracks it has over the winter, we fill it back up.

Q. About how long does it take you to get the pool ready at the end of every spring?

A. About a week, about a full week.

Q. Did it take you a week to do this in April of '95?

A. Yes.

Q. And was it during this same period of time we've been talking about?

A. Yes, it was.

Q. All right. Now, we've covered the front desk, we've covered the swimming pool. What other kinds of things did you do there at the Dreamland in April of '95?

A. In April -- there is -- just general maintenance, whatever had to be done, I would do.

Q. Lightbulb went out in a room?

Eric McGown - Direct

A. Yeah, I would have to change it. If a phone doesn't work, I'd have to go get a phone that does work.

Q. Now, I want to show you an exhibit, a couple of exhibits, actually. And if you'll look in the little folder there on

actually. And if you if look in the little folder there on your desk, and if you would turn to Exhibits 287 and 283, if you would.

A. Okay.

Q. Do you see those?

A. Yes, I do.

Q. Could you identify Exhibit 283?

A. It's an aerial view of the motel.

Q. Of the Dreamland?

A. Of the Dreamland Motel.

Q. And did the photograph -- does it accurately reflect the way the motel looked in April of '95?

A. Yes, it does.

Q. Now, of course, these cars come and go, but I'm talking about just the general design of the motel, the location of the

pool and where the highway is.

A. Yes.

Q. Okay. And is the same true for Exhibit 287?

A. Yes, it is.

MR. RYAN: Your Honor, we would offer Government's Exhibits 283 and 287.

MR. JONES: No objection.

Eric McGown - Direct

THE COURT: They are received, 283 and 287. You may publish.

BY MR. RYAN:

Q. Do you see that on your computer screen?

A. Yes, I do.

Q. All right. Now, tell the jury what we're looking at here.

A. We're looking at an aerial view of the motel from across I-70.

Q. Okay. Now, where is I-70? You have a little marker there.

Why don't you, if you would, put that marker directly on the screen below your desk.

A. Okay.

Q. And put an X where the highway is.

A. This would be I-70 right here.

Q. Okay. Now, if you would, draw a line from one end of the motel to the other on the roof of the motel.

A. Okay. That would be it.

Q. And again, how many rooms are there?

A. There would be 24.

Q. Now, if you would erase that mark.

Now, where do you and your sister and your mother live?

A. We live in an extension behind the office, right there.

Q. All right. Now, if you'd erase that.

And if you would, then, put an X where the

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registration desk is located.

A. Registration desk is right in front of our living quarters.

Q. Okay. Now, where in relationship to the front -- to the front desk is the housing quarters where -- excuse me -- your mom and your sister and you reside?

A. Directly behind the front desk.

Q. Is there an opening there between the front desk and the living quarters?

A. Yes. There is three doors between the front office and the living quarters.

Q. So you can -- you can be back in the back of the house watching TV or whatever and hear the -- someone come into the registration area?

A. Yes.

Q. Okay. Now, let's look at Exhibit 287. Do you see that all right?

A. Yes.

Q. What are we looking at here?

A. We're looking at a view of someone standing by the Interstate taking a picture downward of Rooms 26, 25, our entryway to a laundry room, and the office.

Q. All right. Now, if you would with this -- with your marker

there, why don't you put an X, if you would, where the check-in area is?

A. That would be right here.

Eric McGown - Direct

Q. All right. Now, do you have a Room No. 25 there at the Dreamland Motel?

A. Yes, we do.

Q. Is it displayed here in the Photograph 287?

A. Yes, it is.

Q. Would you make a circle around the room, front door of Room 25?

MR. JONES: Your Honor, I'd like to ask that be printed and marked 287A.

THE COURT: All right. We'll delay a moment to get that done.

BY MR. RYAN:

Q. Now would you erase the mark, please.

A. Okay.

Q. Now, again, we're turning to -- or we're staying with this Exhibit No. 287. Where would someone park if they were residing in Room 25?

A. Directly in front of the room.

Q. On the asphalt paving there in front of that door you circled?

A. Yes, they would.

Q. Okay. Now, let's talk a little bit about registration at the motel. I'm sure everyone here has registered at a motel from time to time; but nonetheless, if you would, take us kind of through the process by which someone goes through when they

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come in the front door there at the Dreamland.

A. They come through. We ask them if -- how many people and how many beds. And we quote them a rate for the room for the time it will be, and then we hand them a registration card and a pen. We let them fill out the top half of the card and we -

-
with their name, address, any pets, type of car and license plate number; and on the bottom half we would fill out the room

rate, the tax, and the dates that they're there.

Q. So the customer fills out some portion of the card?

A. Correct.

Q. In their own handwriting?

A. Yes.

Q. And then you or your mom fills out the remaining portions of the card?

A. Correct.

Q. Okay. And do you assign a room to them on that particular registration card?

A. Yes, we do.

Q. You mark it on the card somehow?

A. Yes, on the top-hand corner, there is one corner for the room number, another corner is for the wake-up call.

Q. And how many times do you think that you have assisted a guest in filling out this registration card?

A. Thousands.

Q. You're quite familiar with it?

Eric McGown - Direct

A. Yes.

Q. Okay. Now, I'm going to show you an exhibit that has not been offered in evidence and is marked as Exhibit No. 294.

And

you should have a copy of it up there either on your screen or in the folder there at your desk.

Do you have a copy in front of you there?

A. Yes, I do.

Q. All right. Could you tell us what you're looking at there with Exhibit 294.

A. All right. You're looking at a registration card for Room 25 for the days of April 14, 15, 16, and 17.

Q. Now, is this a business record of your motel?

A. Yes, it is.

Q. And are you one of the custodians of these records?

A. I do some of the maintenance on the records, yes.

Q. And you're quite familiar with this record?

Q. And you're quite familiar with this record?

A. Yes, I am.

Q. And it's kept, I gathered from what your testimony was, like all other registration cards in the normal and ordinary course of your business of running the motel?

A. Correct.

MR. RYAN: Your Honor, we would move into admission Government's Exhibit No. 294.

MR. JONES: Well, your Honor, we object. I recognize that it may be a business record, but I don't believe it's been

Eric McGown - Direct

established that this is the gentleman that handled this particular registration.

MR. RYAN: We can cover some more. I don't think that's a prerequisite for the submission, but let me ask a few more questions.

THE COURT: Yeah. He has to be the custodian of the records and produce it from those.

BY MR. RYAN:

Q. Are you familiar with these records?

A. Yes, I am.

Q. Are you quite knowledgeable about them?

A. Yes, I am.

Q. Did you see this particular record during the time in question here of April 14 through the 17?

A. Over that time, yes, I did.

Q. And is this record created in the normal course of your business at the same time a guest registers in the motel?

A. Yes, it is.

Q. And who was the particular person, if you can tell by the handwriting on the document, that checked in this customer?

A. The handwriting is my mother's handwriting.

Q. So you weren't there that day?

A. Not at the moment that he checked in.

Q. But you are familiar with these records?

A. Yes, I am.

Eric McGown - Direct

MR. RYAN: Your Honor, we would reurge the admission of this exhibit.

THE COURT: I take it -- excuse me -- the bottom of the card is your mother's handwriting?

THE WITNESS: Yes, it is.

MR. JONES: I also object on the grounds that the record is hearsay.

THE COURT: It's hearsay as to the guest registration.

Objection sustained.

It isn't with respect to the bottom there on the assignment of the room. Are you agreed, Mr. Jones?

MR. JONES: Yes, sir, I do.

MR. RYAN: Your Honor, I would remind the Court that Ms. Jennifer McVeigh has seen this document and has identified the handwriting on this document --

THE COURT: It's hearsay and it's excluded as to the top.

BY MR. RYAN:

Q. Now, during the week here of April 14 through the 18th, did

you have occasion to see Mr. Timothy McVeigh?

A. Yes, I did.

Q. And on how many occasions do you have a specific recollection of seeing Mr. McVeigh?

A. On three occasions.

Q. Excuse me?

Eric McGown - Direct

A. On three occasions.

Q. Now, if I ask you to point out Mr. McVeigh or the gentleman

that stayed there in the motel during this four-day period, would you be able to do that?

A. Yes, I could.

Q. Then would you please point to Mr. McVeigh and call him by name, please.

A. Mr. Timothy McVeigh is on the end of the table.

MR. RYAN: I'd like the record to reflect that the witness has correctly identified the defendant.

THE COURT: He pointed to him, yes.

BY MR. RYAN:

Q. Now, you said -- you indicated to us a moment ago that you saw Mr. McVeigh -- at least you have a current recollection of seeing Mr. McVeigh on three occasions.

A. Correct.

Q. During this four-day time period.

Could you please tell us about the first time that you saw Mr. McVeigh.

A. First time was I was working on the pool doing something, and I had walked past his car and he had hit a button which buzzed and had an electric trunk and the trunk popped open, and

I thought that was interesting on a car that was that old; so I

went over and talked to him for a brief conversation, a few minutes at most.

Eric McGown - Direct

Q. All right. Now, if I could, I'm going to put back on the ELMO Exhibit -- Government's Exhibit 287. Again, it's already in evidence.

And Mr. McGown, if you would, take your marker there

and put a -- draw the outline -- well, first of all, before you

do that, is where you saw the car that you're speaking of that Mr. McVeigh had -- is the position or location of that vehicle displayed here in Exhibit 287?

A. It could be drawn on. It was parked directly in front of his room.

Q. All right. And why don't you, if you would, draw the outline of the vehicle where it was parked at the time you had this first meeting with Mr. McVeigh.

A. Parked directly in front of his room.

Q. The car was parked directly in front of which room?

A. Room 25.

Q. Now, does your motel have a practice of requiring some form

of identification before a guest registers at the motel?

A. Yes, it does, requires a driver's license or ID.

Q. As far as you know, is that process always complied with by

you and your mother?

A. It's complied with always except for -- I know of only three people that we do not require that; and they have been paying for rooms for more than two years now, so we do not require them to have an ID.

Eric McGown - Direct

Q. But all other guests that are there for a night or a few nights, you always require them to show some form of personal identification?

A. Yes. That's our policy.

Q. Now, a moment ago, you said you could identify Mr. McVeigh.

If you would, please tell us what he is wearing in this courtroom.

A. From what I can see, he's wearing a white long-sleeved shirt and a white undershirt.

Q. Thank you. All right. Now, going back to this first conversation that you had in front of Mr. McVeigh's room, tell us what it was again that you and he discussed and how long you were with him.

A. It was generally just over the car, and I saw he had -- I guess we talked whether -- I saw he had Arizona tags. We talked about -- I guess it was the temperature or the heat, and

I was more interested in the car having an electric trunk more than anything, because I'm interested in cars. It was just a brief conversation.

Q. All right. Now, I'd like for you to go through your folder

there that you have in front and turn to the Exhibit 414, if you would.

A. Okay.

Q. Can you recognize the vehicle shown in this photograph?

- .. -

A. Yes, I can.

Eric McGown - Direct

Q. And what is it?

A. It's a Mercury Grand Marquis.

Q. And where have you seen this vehicle?

A. I've seen it parked over the weekend of the 14th at the motel, in front of Room 25.

Q. Is this the vehicle that -- that you had the discussion with Mr. McVeigh about?

A. Correct.

MR. RYAN: Your Honor, this is already in evidence, but I'll place it here on the easel.

BY MR. RYAN:

Q. What is it about this vehicle that causes you to recall it from April 14 of '95, or 15?

A. Other than it -- the electric trunk, other than it was in running condition, the primer spots on one side and the gray spot on the hood where there was some kind of silicone kind of putty put on.

Q. And you recall that from when you saw the car in front of Room 25?

A. Correct.

Q. Now, do you know when it was that you saw and had this conversation with Mr. McVeigh about his electric trunk on this Mercury Marquis?

A. I do not know, sir.

Q. You don't know whether it was Friday, the 14th, or

Eric McGown - Direct

Saturday, the 15th?

A. I do not know.

Q. Can't help us with that.

A. I can't remember.

Q. All right. When was the next time that you saw Mr. McVeigh?

A. The next time I saw Mr. McVeigh was when he was backing up a Ryder truck next to our pool.

Q. Where were you when you saw Mr. McVeigh backing up a Ryder truck next to the swimming pool?

A. I was probably inside the building.

Q. Do you have a recollection of where you were?

A. No, I do not. I have a recollection of my mom telling me to go and tell him he can't park there because the person having Room 34 is a long-time resident and gets upset when someone parks back there.

Q. All right. Now, I'm going to put Exhibit 283 back on the ELMO for you.

A. Okay.

Q. And if you would, take your marker --

A. Okay

.. Okay.

Q. -- and show us what you saw the truck doing and where the truck parked prior to your mother giving you some instruction.

A. Okay. Truck was backing up slowly next to the pool and stopped with the rear of it facing the creek that we have right

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there.

MR. JONES: Your Honor, I'd move to print this.

THE COURT: All right. Again, if we can wait a moment to get that done.

MR. RYAN: Certainly.

THE COURTROOM DEPUTY: It's done.

THE COURT: Done? Okay.

BY MR. RYAN:

Q. So if I understand then correctly, has the truck stopped moving at the time that you went out there to talk to Mr. McVeigh?

A. By the time I got to the truck, he had stopped and was starting to get out of the truck.

Q. All right. Now, where is the front of the truck facing?

A. The front. Truck is facing our sign or the front office.

Q. So it's facing towards the front of the motel or the office of the motel?

A. Correct.

Q. And the back is towards -- looks like some grass and trees and whatnot there to the left of the photograph?

A. Correct.

Q. All right. Tell us what you did there when -- after your mom told you to go out there and tell him to move the truck.

A. I went out to the truck. He was starting to get out of the truck, and I asked him if he could move the truck up next to

Eric McGown - Direct

the sign because the person in 34 was kind of grouchy, so --

Q. What did he say?

A. He was really polite about it. He said yes and went and moved it right away.

Q. All right. And where did he move it to?

A. He moved it to -- on the sign -- parked next to the sign on the other side that's not connected.

Can I mark it? It would be easier for me to mark it.

Q. Tell you what: Let's use another exhibit here.

A. Okay.

Q. And see if this won't help you more.

I'll tell you what: Before we do that, why don't you

use this photograph here, Government's Exhibit 283, and mark on it in a general way the movement of the vehicle towards ultimately where you had him park the Ryder truck.

A. Okay. He drove it from where it was parked, at a normal pace, and he parked right there to the side of the sign.

Q. Okay. Now, if you'll erase that mark.

Does this photograph, 287, help you demonstrate where it was you parked -- or excuse me -- Mr. McVeigh parked the Ryder truck?

A. Somewhat, yes.

Q. Would you draw on the -- on this photograph where the vehicle was then parked.

A. The vehicle was parked right up next to our sign with two

Eric McGown - Direct

tires in the dirt, rear tires, and two tires on the pavement.

MR. JONES: Your Honor, I ask to print this.

THE COURT: All right.

BY MR. RYAN:

Q. Now, did you walk around the Ryder truck?

A. Not to my knowledge, no.

Q. Did you see only one side of the Ryder truck?

A. Yes. The side facing the office. That's the only side I saw.

Q. What side, the passenger or the driver's side, of the truck

did you see?

A. The driver's side.

Q. Now, if you would, describe the truck that you saw and that

Mr. McVeigh was in.

A. It was a Ryder truck, one medium-sized. It wasn't one of the newest models.

It was not so rounded. It had a different compartment

for the one cab, and it had the trailer portion.

Q. Now, did you actually see Mr. McVeigh in the car driving?

A. In the Ryder truck?

Q. Excuse me. Pardon me. Of course. In the Ryder truck.

A. Yes.

Q. You saw him behind the wheel?

A. Yes.

Q. Now, did you see during this occasion that you saw him in

Eric McGown - Direct

the Ryder truck, the time that you asked him to move it from the swimming pool area -- did you see this Mercury Marquis that

you have -- had earlier discussed with Mr. McVeigh?

A. No. Once I saw the Ryder truck, I never saw that Marquis again.

Q. Never saw it again at the Dreamland Motel?

A. That's correct.

Q. Okay.

MR. RYAN: If you will turn this off from the jury's standpoint, please.

BY MR. RYAN:

Q. Can you see what I placed before you, Exhibit 306A? Do you

have that on your screen?

A. Yes, I do.

Q. Now, have you seen this particular exhibit before?

A. Yes, I have.

Q. When did you see it?

A. During some kind of questioning more than a year ago.

Q. All right. And were you asked to look at this series of Ryder trucks and see if you could identify the size and type of

the Ryder truck that you had seen Mr. McVeigh in?

A. Yes, I was asked.

Q. And did you do that?

A. I identified the third one down.

Q. All right.

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MR. RYAN: Your Honor, I would move into admission Exhibit 306A.

MR. JONES: No objection.

THE COURT: 306A received.

MR. RYAN: May I publish, your Honor?

THE COURT: Yes.

BY MR. RYAN:

Q. Now, if you would, Mr. McGown, would you please circle the vehicle that most closely resembles the size and type of Ryder truck that you recall seeing Mr. McVeigh in.

MR. RYAN: And we would like a copy of this to be marked as 306B, your Honor.

THE COURT: All right.

BY MR. RYAN:

Q. Now, what day between this time frame of April 14 to the 17th was it that you saw Mr. McVeigh parking this Ryder truck next to the swimming pool?

A. I do not know.

Q. Now, Mr. McGown, you have given a jillion interviews, haven't you?

A. Yes, I have.

Q. You've talked to the FBI?

A. Correct.

Q. You've talked to defense investigators?

A. Think so.

Eric McGown - Direct

Q. You've been hounded by the media, haven't you?

A. Yes.

A. Yes.

Q. Have you ever said before that you thought the vehicle, this Ryder truck, was there on Sunday, the 16th?

A. I have said I thought it may have been, but I was not -- I was never sure it was there.

Q. Are you sure today?

A. No, I'm not.

Q. All right. Let's go to the third time that you saw Mr. McVeigh.

A. Okay.

Q. And if you would, please tell the Court and jury when it was and under what circumstances that you saw Mr. McVeigh the third time.

A. The third time was at sometime after he had parked the Ryder truck by the sign. The rear of the Ryder truck was facing the sign, and he had -- was trying to close the rear tailgate of the Ryder truck but he was having trouble closing it. He was leaning on it and trying to close it shut instead of lifting it up and letting it slam shut.

Q. And then after he -- did he finally get it shut?

A. Yes, he did.

Q. Did you ever see any moving boxes?

A. No, I did not.

Q. Did you ever see any luggage?

Eric McGown - Direct

A. No.

Q. Did you ever see any sign that anyone was moving, other than the fact that a Ryder truck was on the premises?

A. Other than the Ryder truck, no.

Q. Now, what did you see after Mr. McVeigh got the back end, rear end, of the Ryder truck closed?

A. After he got it closed, that's all I -- I turned around and

I was in the front office and I went to the back to the living quarters.

Q. Did you see him secure the vehicle in any way?

A. I did not see that -- him secure it.

Q. Now, tell us about what happens or what the system is in your motel with respect to people making telephone calls from their room.

A. Whenever someone picks up the phone and dials numbers, our computer system prints out the numbers they have dialed, whether it's local or long distance. It prints immediate printout when they hang up, and it saves the records in the computer. We save it and print out approximately -- we print out daily reports and we print out monthly reports and all the phone calls that all the rooms have made.

Q. And if you would turn in the folder you have there and turn to Exhibit 295.

A. Okay.

Q. And would you please identify for us what that exhibit

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consists of?

A. This is a chronological report for almost the month of April that we printed out.

Q. What's the earliest date displayed by this record?

A. The report period, it says from April 2, '95, to April 25, '95.

Q. Now, this is a business record of the Dreamland Motel?

A. Yes, it is.

Q. When does the internal computer regarding time and telephone calls record the making of a telephone call from within the room?

A. It saves it as soon as the person hangs up. It saves it into memory. The call is started when he picks up the telephone.

Q. And are you the custodian of the telephone records for the Dreamland?

A. One of them, yes.

Q. And do these -- does Exhibit No. 295 record the calls of Room 25 during the time that Mr. McVeigh stayed there from April 14th to the 18th?

A. Yes, they do.

MR. RYAN: Your Honor, we'd move into admission Exhibit No. 295.

MR. JONES: All of it?

MR. RYAN: Well, I'm just going to talk about the ones

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that have the calls to Room 25. I mean -- I don't know if you want to delete some of the pages. We certainly don't have any objection.

MR. JONES: I think all of the pages should be introduced -- I have no objection -- for that period of time.

THE COURT: All right. 295 is received.

And while we're talking exhibits, I have checked; and

Exhibit 294, the top half, was identified by Jennifer McVeigh as being the handwriting of Timothy McVeigh. So I'll receive the top half of that exhibit based on that testimony. The bottom half of the exhibit based on the business records exception.

MR. RYAN: Thank you, your Honor.

THE COURT: So 294 is received as well.

BY MR. RYAN:

Q. We were talking about the telephone records, 295, but I think what we'll do now -- we'll come back to that in a minute.

A. Okay.

Q. Let's go back to the -- let's go back to Exhibit 294, the registration.

A. Okay.

Q. You have a copy of it there at your -- in your folder.

Okay. Why don't you, if you would, Mr. McGown, just take us from the top down the front page here of this exhibit.

A. The first -- the very top is which room they're putting in,

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in this case Room 25, and whether they want a wake-up call or not. This indicates that he didn't want a wake-up call. And that -- those two things, we usually fill in, the desk clerk.

Then the name filled in. The street, the city, the state, the car license, the state of the license, the make of the car, the number of people and the pets are all filled in by the customer.

Q. I'll tell you what, here. Let's do this: Tell me what in this exhibit, 294, you recognize as your mom's -- your mother's handwriting.

And if you would, just take your pen there and circle what is her writing and what is not. Only circle what is hers.

A. This is her writing right here.

The room number is hers and that he didn't want a wake-up call is hers.

Q. So what did -- if you would, then, read the portion there that the guest would have recorded on this registration card.

A. His name -- would be Tim McVeigh. The street address that he put down would be 3616 Van Dyke. The city was Decker. The state was Michigan. His car license plate was LZ6 -- I can't --

Q. If you're not sure, don't guess. Tell us what you're sure of.

A. -- 034. The state was Arizona. The make was Mercury. Number of people was one, and the pets was no. No pets.

Eric McGown - Direct

Q. All right. Now, he recorded -- or the guest here, Mr. McVeigh, recorded there was only one person staying in the room.

A. That's correct.

Q. Did you ever at any time during these occasions that you've told us about seeing Mr. McVeigh, see him with anyone else?

A. I've never seen him with anybody else.

Q. When you saw this Ryder truck, was anybody else in the Ryder truck?

A. No, it was just him.

Q. Did you ever see anyone around the Ryder truck?

A. Not with him.

Q. Did you ever see anyone else around the Mercury Marquis?

A. NOT WITH HIM.

Q. All right. Now, let's go back to the areas that you have circled here, and starting at the top tell us the portion that your mother wrote, if you would. Read that into the record.

A. At the top part under the box that says "Room," she put in -- she put "25" down for stating Room 25. And on the other side, on the box that says wake-up, she put a slash into the box. That means no wake-up call.

Q. What about then after the information that Mr. McVeigh wrote?

A. He checked in on Friday, so she -- and he paid for the four days, so she circled both Friday, Saturday, Sunday and Monday.

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Those were the nights he was staying. It was in April of '95. The rate he had, \$20 a night, so she put down -- 4 times \$20 would be \$80. Tax is 8.95. Would be 88.95 for the four nights.

Q. And what are the four nights?

A. That would be April 14, 15, 16 and 17.

Q. And which day of the week is the 14th?

A. 14th is a Friday.

Q. And the 17th?

A. 17th would be the Monday.

Q. Now, did you ever see Mr. McVeigh on the 18th, which is typically the day that someone would be leaving, if they stayed

there the night of the 17th?

A. No, I did not.

Q. So the only four choices for these three times that you saw

Mr. McVeigh then would be 14th, 15th, 16th, and 17th?

A. That's correct.

Q. Now, as to any of these three times that you saw Mr. McVeigh, can you tell us what days those were?

A. No, I cannot.

Q. Let me go back, if I might, to a -- the conversation that you had with Mr. McVeigh when you first saw him the first time there next to the Mercury Marquis. Did you talk to him about where he was from or where he was going?

A. Yes. I saw his Arizona license plates and I asked

Eric McGown - Direct

something about how hot it was there compared to -- it was kind

of chilly, I guess, in April here. So I said, "Well, you're from nice and hot, and I bet you wish you were from there" (sic). And it was just casual conversation.

Q. Did he indicate to you where he was going?

A. He said was from, oh -- I do not know where he was from. He -- I know he said something, but I'm not sure what he said.

Q. At the time that you saw him there in front of Room 25

Q. At the same time that you saw him enter in front of Room 25 with

the Mercury and the Arizona plates, had you seen his car and his registration card indicating his address?

A. I'm not sure.

Q. Now, if we could, let's turn to the -- to these telephone records we were talking about earlier. Have you -- you reviewed these before coming here today, didn't you?

A. Yes, I have.

Q. And can you tell us how many telephone calls were made from

Room 25 on either -- this time frame from April 14 through April 17 of 1995?

A. There was four -- four phone calls placed from his room during the days that he stayed there.

Q. All right. I'm going to put one of the pages of this exhibit on the ELMO. We'll try to zoom in here a little bit.

Can you tell us here the first indication of a phone call involving Room 25?

A. Yes, there is one on April 15 at 9:50 a.m.

Eric McGown - Direct

Q. All right. And would you please circle that.

Now, would you read into the record the time of the call?

A. The time of the call was at 9:50 a.m.

Q. On what date?

A. On April 15, 1995.

Q. And what number was called?

A. 1(800)793-3377.

Q. All right. Then there is a column, the next column. What is that for?

A. The destination, whether it's local or which state it's to;

or if it's a free call, it would put the SS.

Q. And SS signifies what?

A. All the phone company told me was that is a non-charged phone call, so . . .

Q. All right. And then the next column is what?

A. It would be the trunk number, which trunk is used to call out. We have that disabled -- we have it disabled since beginning of the phone system.

Q. So we're not going to learn anything from that column.

A. Correct.

Q. The next column tells us what?

A. It's the room number that dialed out.

Q. And what room number are we talking about?

A. Room 25.

Eric McGown - Direct

Q. Now, what was the duration of the call?

A. The duration of the call was 36 seconds.

Q. And was there any charge?

A. No charge.

Q. And why is that?

A. It's a collect call.

Q. It was not charged to the room?

A. It was not charged to the room.

Q. Okay. Now, do you see on further down that page any other calls from Room 25 on April 15?

A. No, I do not.

MR. RYAN: I'm going to get my reading glasses, if I might, your Honor.

THE COURT: All right.

BY MR. RYAN:

Q. Look on down about two-thirds or three-quarters of the way down the page there, Mr. McGown, if you would. See if you don't see two calls there involving Room 25.

Excuse me. That's probably the reason you can't see it -- is I don't have it on the ELMO.

A. Yes, now I see two more calls.

Q. See it okay now?

A. Yes, now I see two calls.

Q. I was wondering.

Okay. Tell us here which one -- what is the second

Eric McGown - Direct

call? You've already told us about the first call. Tell us about the second call made from Room 25 there on April 15.

A. It was made on April 15 at 1713 military time. It was to local phone number, 238-8888, and it lasted for a minute 42 seconds.

Q. Military time, 1713, is 5:13 in the afternoon. Is that right?

A. Correct.

Q. Okay. Now, take us to the third call that day, April 15.

A. Okay. The third call was April 15 at 1801 military time, would be 6:01 standard time. Same number. It was 238-8888. It was a local call from Room 25. Lasted only 30 seconds.

Q. All right. Now, let's turn to the fourth and final call from that room while Mr. McVeigh stayed there.

A. Okay.

Q. Do you see it on the screen?

A. Yes, I do.

Q. And would you circle what it is? Just the 25 portion so we can get focussed on it.

A. All right.

Q. I'm sorry. Faked you out there, didn't I?

A. Yes.

Q. Sorry. Okay. Start again.

Now, tell us about that telephone call.

A. It was placed on April 17 at 9:40 a.m. to a 1(800)793-3377.

Eric McGown - Direct

It was placed from Room 25, lasted a minute 36 seconds. It was free.

Q. So this is the same free 800 number that he had made the very first call from?

A. Correct.

Q. So he really called two different phone numbers twice.

A. Correct.

Q. While he was at the motel?

A. Yes.

MR. RYAN: May I have just a moment, your Honor?

THE COURT: Yes.

BY MR. RYAN:

Q. Do you have brochures there at the motel regarding local restaurants for your customers?

A. Yes, we do. We have several local restaurants that come and put brochures in the front office advertising their restaurant.

Q. Do you remember the names of any of them?

A. Pizza Palace. We have Pizza Hut. We had Cone's when it was still there. We had Stacey's. We had several restaurants and several fast-food places.

Q. Do you have any Chinese delivery places?

A. At certain -- when they bring up photos, yes, we put them up. We had I think two Chinese places.

Q. Do you remember their names?

Eric McGown - Direct

A. Only the name of one.

Q. What was that?

A. That would be Hunam Palace.

Q. Have you ever eaten there?

A. Not myself.

Q. And I guess you don't know their phone number?

A. No, I don't.

Q. Now, did there ever come a time, Mr. McGown, that you saw that same 1977 Mercury that you had seen Mr. McVeigh in -- around in front of Room 25?

A. The old Mercury? I saw it again on TV later.

Q. And in what connection?

A. In connection with someone who was arrested, a suspect of the Oklahoma City bombing.

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

THE COURT: All right. Mr. Jones?

CROSS-EXAMINATION

BY MR. JONES:

Q. Mr. McGown, this motel, the Dreamland Motel in Junction City, has how many rooms?

A. 24.

Q. And you identified from an exhibit that Mr. Ryan introduced

with you Government's Exhibit No. 283. I'll show it to you now. Do you have it in front of you, sir?

A. Yes, I do.

A. 100, 100.

Eric McGown - Cross

Q. Now, you showed me where Room 25 would be. Would you just take that aerial photograph and show the jury where the numbers

start and how they go around?

A. The numbers start at Room 10 back on our L portion back

here.

Q. All right.

A. And they get numbered 10, 11, 12, starts at 14, and it goes

on to 24 right here on this side of the office; and 25 is the first room on the other side of the office, goes 25 to 34.

Q. All right. So 25 then is the first room west of the office.

A. Correct.

Q. And which means that it's the first room west of the residence that you and your mother and your sister Kathleen have there.

A. Yes.

Q. And then 24 is the first room east of the office.

A. Correct.

Q. And then I take it that 23 is east of it, and so forth.

A. Yes.

Q. Now, Room 25: Is it the first door west of the office, or is there a door between 25 and the office?

A. There is a door between 25 and the office that's the door to our maid's room.

Q. To the maid's room?

Eric McGown - Cross

A. We have a storage area for the maid's carts and supplies.

Q. I'm sorry. Is that room numbered in any way?

A. No, it is not.

Q. So it's just a door?

A. It's a white screen door in front of another door.

Q. And is it any different from the other rooms other than the

fact that it doesn't have a number?

A. It's a small hallway instead of a room.

Q. All right. But I mean the door is painted the same and looks the same?

A. No, it is not.

Q. All right. Then tell me how it's different, please.

A. It's -- instead of a wooden door, it's a metal door, plus it has a white screen door in front of it.

Q. All right. Room 24 and 23 and so forth: Do they all have

the same type of doors as Room 25?

A. Yes, they do.

Q. I noticed when you were telling me about the rooms over

there, you said 10, 11, 12, 14.

A. Yes.

Q. So I take it there is no Room 13.

A. Correct.

Q. And has there ever been a Room 13 since you and your mom had it?

A. No.

Eric McGown - Cross

Q. All right. Now --

MR. JONES: Could I see the photographs, please.

BY MR. JONES:

Q. You have previously identified Government's Exhibit 295 as the phone records, the first page of which looks like this. You remember that?

A. Yes, I do.

Q. All right. Do you have a set in front of you, or do you need it shown on the ELMO?

A. I'd like it shown.

Q. All right. I'll show you what's been marked as page 22 of Government's Exhibit 295. Can you see that?

A. Could you enlarge it some, please.

Q. Sure.

A. Okay.

Q. Now can you see it?

A. Yes, I can.

Q. Now, I'm just going to use my pencil and ask you, do you see this -- where I'm pointing?

A. Yes, I do.

Q. And that would indicate, would it not, that on April 16, a call was placed at 2136 to a 238-6560, it looks like, from Room

13. Do you see that?

A. Yes, I do.

Q. Which lasted about a minute?

Eric McGown - Cross

A. Yes.

Q. Now, of course, there -- as you pointed out, there is no Room 13, is there?

A. Correct.

Q. All right. So this is some type of code, isn't it?

A. At this point in time, we were changing from -- our calling

system from dialing 23 to get Room 23 to 13 because people were

getting woke up because the local number to dial out was 238; and people were dialing 23 and getting connected to Room 23, and so we changed Room 23 from 23 to 13.

Q. Sure. And that was a system that your mother arranged to change, wasn't it?

A. Yes.

Q. And so when it says Room 13 here, what it really means is Room 23?

A. Yes.

Q. Because there is no Room 13?

A. Correct.

Q. And you're confident in your own mind as much as anything that this is a call from Room 23.

A. Correct.

Q. Now, Mr. McGown, on April 16, was there a registered guest in Room 23?

A. I do not recall.

Q. You have the records, do you not?

Eric McGown - Cross

A. Not in front of me.

Q. Have you looked in the past? You're familiar with this here, aren't you?

A. With the phone records, but I do not have the records in front of me as to who was renting each room over that weekend.

Q. Have you previously looked up to see if any guest was registered in Room 23 on that day?

A. Not in the past two years.

Q. Are you aware that no guest was registered?

A. I'm not aware whether there was or was not.

Q. You had problems at the motel off and on over the years with phone numbers and being charged to the wrong room and phone calls charged that were not made, haven't you?

A. We have guests that said that, yes.

Q. Well, you have had more than one guest that said that, haven't you?

A. We've had guests that said that.

Q. In fact, your mother has said it?

A. Yes, we've had that trouble.

Q. You remember back from September, 1994, to April 6, 1995, just a few days before this that there was a dispute about whether some phone calls were being made from the hotel to the Dominican Republic?

A. I do not recall that incident.

Q. You're not familiar with that?

Eric McGown - Cross

A. No, I'm not.

Q. Okay. You're not familiar with Room 26 on March 19, 1995, showing two calls from the Dominican Republic when the room is not rented?

A. I do not recall that incident.

Q. What about phone calls made to the Blakesley residence in Iowa? You remember that incident?

A. I remember Bruce Blakesley, a resident of the motel, but I do not recall the incident with his number.

Q. Do you know a Joseph Nave, N-A-V-E?

A. No, I do not.

Q. All right. Has your mother been subpoenaed?

Q. All right. Has your mother been subpoenaed?

A. I think she may have.

Q. Is your mother going to be here?

A. I do not know.

Q. You don't know whether your mother is going to testify in this trial?

A. I do not know. My mom's testimony is her testimony, and mine is mine.

Q. You still live there with her?

A. I live in a different part of the motel.

Q. Now, Mr. McGown, Mr. Ryan asked you if you had previously made statements that you saw Mr. McVeigh and the Ryder truck there on Sunday, and you said that you had.

A. I said I may have saw the truck then. I was never sure of

Eric McGown - Cross

that. I've never said I was positive of that fact.

Q. Do you know Jayna Davis of Channel 4 in Oklahoma City?

A. Yes, I do.

Q. Were you interviewed by her on behalf of KFOR shortly before the first anniversary of the bombing on or about May 16, 1996?

A. Yes.

Q. And did you tell her that you saw the Ryder truck there and

Mr. McVeigh on Sunday evening?

A. I said I thought I saw it there.

Q. Have you seen that film again?

A. No, I have not.

Q. Your recollection is that you told her that you thought you had seen it there?

A. I have told everybody I thought I saw it.

Q. I'm asking what you told Jayna Davis.

A. I told her the same as I told everybody else: I thought I saw it.

Q. Has your mother said that she saw it there on Sunday evening?

MR. RYAN: Objection, your Honor.

THE WITNESS: I do not know.

THE COURT: Just a moment.

Sustained.

Wait before you answer so an objection can be raised.

Eric McGown - Cross

BY MR. JONES:

Q. You didn't tell Jayna Davis you thought you saw it there on

Monday night, did you?

A. I don't recall.

Q. You don't recall. You didn't tell her that you thought

you
saw it there on Saturday night, did you?
A. I don't recall.
Q. What you told her, according to you, is that you thought
you saw it there on Sunday night?
A. Correct.
Q. And that was a year after the anniversary about, wasn't
it?
A. About.
Q. Did you tell Jayna Davis that you were confused and you
didn't know which night you saw it?
A. I said I was not sure which night I saw it.
Q. That's what you told her?
A. Yes.
Q. All right. Now, you were also interviewed by the FBI
shortly after the bombing incident, were you not?
A. Correct.
Q. In fact, you were interviewed on April 20 and April 21.
Is
that correct?
A. I do not remember the dates.
Q. Well, have you seen these 302's?
A. I briefly looked at it.

Eric McGown - Cross

Q. You briefly looked at them. When was the last time you
looked at them?
A. I think two days ago.
Q. Well, as a matter of fact, you read them then, didn't you?
A. I read a paragraph of it, yes.
Q. Well, they're not very long, are they?
A. No, they are not.
Q. Which paragraph did you read? The paragraph talking about
Sunday night?
A. Yes, I did.
Q. Okay. And what does the 302 say?
A. It says I think I may have saw it.
Q. Actually, what you told the FBI was that the man who came
to the motel with the Ryder truck, "He thinks the man came
there with a truck on April 16, 1995, and that the Ryder truck
sat at the motel all day on April 17, 1995."
A. I said "I think." I wasn't saying I was sure.
Q. I understand that you said you think. That's what the FBI
agent wrote down, isn't it?
A. Uh-huh.
Q. Now, you and your mother have given numerous other
interviews to the media, haven't you?
A. That is correct.
Q. Yeah. ABC, Washington Post?
A. I do not recall.

Eric McGown - Cross

Q. Well, you've given other interviews?

A. Yes, many.

Q. Can you think of any interview where you ever said that you thought you saw that Ryder truck there on Monday afternoon or Monday evening?

A. I have never told at any time that I was sure I saw it then. I always have said I think I may have saw it.

Q. Mr. McGown, how many hours did you spend with the prosecutors before you testified here today?

A. Between two and three hours.

Q. And they called your attention to this Sunday night sighting, didn't they?

A. Briefly, yes.

Q. Briefly?

A. Yes.

Q. And did you discuss with them and did they discuss with you how to answer the question that I was going to ask?

A. Yes, they told me to answer it honestly.

Q. I see. That's all they said.

A. Yes.

Q. Well, did the FBI want you to answer it honestly when they interviewed you?

A. Apparently. I think they might have said that, yes.

Q. You know that the FBI says that this truck was rented on Monday.

Eric McGown - Cross

A. I was not aware of that.

Q. You're not aware of that at all?

A. No.

Q. You've never heard that?

A. That has nothing to do with me.

Q. I didn't ask you that. Have you ever heard that the FBI thinks it was rented on Monday?

A. I've heard of it rented on a Friday, on Saturday, and on Monday. I do not know when it was rented.

Q. I'm asking you what you've heard the FBI say.

A. I've heard the FBI say it may have been rented Friday, too.

Q. You have? What FBI agent said that?

A. I've heard everything. It's -- it's been over two years of

people I've heard accusing one thing or another. It has nothing to do with my testimony, so I do not pay attention to it.

Q. I understand. But on April 20, this was the following day after the Oklahoma City bombing, wasn't it?

A. I believe so.

Q. And the 21st was two days later.

A. Correct.

Q. Which was the same week, wasn't it --

A. Correct.

Q. -- that Mr. McVeigh, according to your testimony, was registered there.

Eric McGown - Cross

A. Correct.

Q. So we're only talking about at the most four or five days after you saw the Ryder truck either on Sunday or whatever day you saw it.

A. But understand this, sir: They had taken (sic) out the bridge to go to school, so I had to drive ex -- to school.

My car was in the shop. I had to repair the motel. I was under extreme stress that week. I do not remember exact times or dates. I remember the incidents.

Q. Well, my question to you was, sir, this happened within four or five days after you saw the Ryder truck, whether it was

Monday or Sunday.

A. Correct.

Q. Okay. Now, as a matter of fact, what you originally said to them was that you had gone out Sunday afternoon with your family on Easter Sunday and you all had come back. Isn't that true?

A. Yes.

MR. RYAN: Could you please show us what you're talking about, Mr. Jones? Are you --

THE COURT: Mr. Ryan.

MR. RYAN: Excuse me, your Honor. I can't follow this.

THE COURT: Mr. Ryan, that's not an objection; and it's an interruption that's not appropriate.

Eric McGown - Cross

MR. RYAN: I apologize, your Honor.

BY MR. JONES:

Q. Your mother owns the motel, doesn't she?

A. That's correct.

Q. And she works tirelessly there, doesn't she?

A. She works 24 hours a day.

Q. Exactly. She takes two days a year off, doesn't she?

A. Approximately.

Q. Christmas and Easter?

A. Correct.

Q. That's her only time she takes off?

A. More or less, yes.

Q. And you and your sister and your mother run that motel, don't you?

A. Yes.

Q. And you know what day is Easter Sunday, don't you?

A. No, not off the top of my head.

Q. You don't?

A. No.

Q. You don't remember Easter Sunday of 1995. One of the two

Q. You don't remember Easter Sunday of 1999, one of the two days your mother took off?

A. No, I do not.

Q. Well, on Easter Sunday, didn't your mother go to church with some friends?

A. I was sleeping at the time that she goes to church, so I do

Eric McGown - Cross

not know.

Q. Did she pick you up about 1:00 and take you to lunch?

A. Approximately 1:00, yes.

Q. Yeah. And you all went up to Manhattan, didn't you?

A. Yes.

Q. And how long does it take to drive to Manhattan?

A. About 30 minutes.

Q. And so if you left at 1, you would have gotten to Manhattan

about 1:30?

A. Yes.

Q. And you ate where? Carlos O'Kelly's?

A. Correct.

Q. What time did you leave Carlos O'Kelly's?

A. I do not know.

Q. How long did it take you to eat?

A. I do not know. It's two years. I don't remember a meal two years ago.

Q. I see. Haven't you seen the receipt to show when you left?

A. No, I did not.

Q. Where did you go after Carlos O'Kelly's?

A. I do not recall.

Q. Did you come back to the motel?

A. We may have.

Q. And did you then go back into the apartment?

A. Probably.

Eric McGown - Cross

Q. And when you got back to the apartment on Sunday afternoon at about 4:00 in the afternoon, didn't your mother tell you, "Go out there and tell Mr. McVeigh to move that Ryder truck and

get it away from Room 34"?

A. She may have told me that day, or she may have told me the next day.

Q. Well, you didn't go to Carlos O'Kelly's Monday, did you?

A. No.

Q. And Monday is not Sunday, is it?

A. Correct.

Q. And Monday wasn't Easter, was it?

A. Correct.

Q. And Monday wasn't a day your mother had off, was it?

A. I believe so.

Q. You think your mother took Monday off?
A. I do not know what day she took off.
Q. Were you in school on Monday?
A. I do not recall.
Q. Well, was it a holiday?
A. I do not remember two years ago what day I had off.
Q. So you don't know whether you were in school or not?
A. That is correct.
Q. All right. Now, do you have a long-time tenant in Room 34?
A. Yes, we do.
Q. And is he a day sleeper?

Eric McGown - Cross

A. When he was working, he would work -- sleep both days and nights.
Q. Well, who was he?
A. It's a Mr. Frank Bigelow.
Q. And where did Mr. Bigelow work?
A. He worked, I think, at that time at a cab company.
Q. And did he work during the day, or did he work at night?
A. He worked both shifts sometimes.
Q. Okay. Do you know what shifts he was working Sunday and Monday, that Easter Sunday and Monday?
A. No, I do not.
Q. All right. Now, in all of these statements that you have reviewed that you've made with the FBI, did you ever find one where you said that you saw the Ryder truck there down by his room on Monday?
A. No. I've never seen that.
Q. So as far as the Ryder truck, the only time that you remember seeing the Ryder truck down there, a statement where you talked about it, was a statement where you said you thought it was Sunday.
A. I thought it was Sunday. It might have been Monday. I wasn't sure.
Q. Does the FBI statement say that?
A. No, but it says I was not sure if it was Sunday. It might have been Saturday, it might have been Sunday, it might have

Eric McGown - Cross

been Monday.
Q. Mr. McGown, do you think the FBI agent would have left out if you had said Monday?
A. It was a brief statement. He might have.
Q. A brief statement?
A. I've talked to investigators for hours, and that's just a page or two condensed from hours of talking.
Q. You also said you talked to a defense investigator.
A. I may have. I wasn't sure of that.

Q. You may have.

A. Yes.

Q. What defense investigator of Mr. McVeigh's have you talked to, Mr. McGown?

A. I do not know.

Q. You haven't talked to any of them because you refused to, didn't you?

A. I refused to talk to the investigators, yes.

Q. So when Mr. Ryan asked you if you had talked to defense investigators, you were mistaken. You haven't talked to a defense investigator for Mr. McVeigh, have you, Mr. McGown?

A. I have not -- I was not sure whether I've had or not, because we've had -- I recall vividly one person saying he was an investigator, and then he turned out to be an investigator for some newspaper. So I'm sure I talked at least to say no, I

will not talk to you, to defense.

Eric McGown - Cross

Q. Well, Mr. McGown, have you talked to a McVeigh defense investigator or not?

A. To say no, probably.

Q. But you certainly have talked to a lot of media people, haven't you?

A. Not recently.

Q. I'm not talking about recently.

A. Yes, I have.

Q. In the months after this.

A. Yes.

Q. And you've talked to the FBI?

A. Correct.

Q. And the prosecutors?

A. Yes.

Q. Now, you know there is a \$2 million reward out in this case, don't you?

A. I've heard that there was a reward, yes.

Q. And I don't have anything to do with who gets that reward, do I?

A. I believe you don't.

Q. Now, let's talk a little bit, if we can, Mr. McGown, about some other matters that you testified to.

As I understand it, you remember Mr. McVeigh's automobile not only because you're interested in cars --

A. Uh-huh.

Eric McGown - Cross

Q. -- but because of this unusual coloration.

I'll show you Government's Exhibit 414. You talked about this spot right here, didn't you?

A. The brown primer.

Q. Yes. And then you remember the gray putty?

A. Not that gray putty. There is another gray putty on the hood that this picture does not show

hood that this picture does not show.

Q. I see. All right. So what you remember then from what you

could see on the side without looking up is this area here?

A. That area, yes.

Q. All right. Now, Mr. McGown, from April 15 to, say, April 19, a period of four days, was there any other automobile

at the Dreamland that had a primer coat like that on it?

A. Not like that.

Q. Okay. Well, was there any other with a primer coat, period?

A. None that I can recall.

Q. Okay. And you, with an interest in automobiles, would recall that, wouldn't you?

A. Correct.

Q. And you said that after you saw the Ryder truck, you never again saw the Mercury.

A. Correct.

Q. Have you talked with any guests at the motel if they saw the Mercury there on Monday and Tuesday?

Eric McGown - Cross

A. I do not believe I have.

Q. Did you have any other guests at the Dreamland on Sunday, Easter Sunday, that had a Ryder truck?

A. No.

Q. Did you have any guests there on Saturday that had a Ryder truck?

A. No, no Ryder truck.

Q. And any truck that looked like a Ryder?

A. None that I can remember.

Q. Okay. How about Monday, other than -- let's just concede for a moment for purposes of this question that Mr. McVeigh had

a Ryder truck: Were there two Ryder trucks there on Monday?

A. During the days in question of that approximate week, there

was only one Ryder truck there.

Q. So from, say, Saturday, which would be the 15th, to, say, the 19th, or let's say the 18th, as far as you can recall as a

custodian of the record and as someone that lived at the motel,

there was only one guest with a Ryder truck.

A. Correct.

Q. And you never saw anybody else during that time with a Ryder truck except Mr. McVeigh.

A. Correct.

Q. Who were the ladies that were employed at the motel as the cleaning crew?

A. I -- I think they were Teresa DeLeon and Hilda Soster, if

I

Eric McGown - Cross

recall.

Q. And do they still work there?

A. No, they do not.

Q. Neither one, or --

A. Neither one does not.

Q. Are they still in Junction City?

A. I do not know where they are.

Q. So you don't know whether they're in Junction City.

A. I do not know.

Q. Now, after the interview that I talked to you about a moment ago that occurred on April 20th and 21st, you were also interviewed again on April 25th, were you not?

A. I do not recall.

Q. By a special agent of the FBI?

A. I'd have to know what that interview -- what the conversation was to remember it. I do not recall that date.

Q. You don't remember it, even though you saw some 302's two days ago?

A. The only paragraph I was interested in was that one paragraph.

Q. Did you see a 302 of an interview on April 25, 1995?

A. I do not recall.

Q. How many times in April were you interviewed by the FBI?

A. In April, I do not know.

Q. April of '95?

Eric McGown - Cross

A. I do not know.

Q. Well, then I'll ask you, sir, if on April 25, 1995, you didn't tell FBI Special Agent Mark Bouton that you saw a yellow

Ryder truck being driven by Tim McVeigh, the man who was a guest at that time in Room 25 of the Dreamland Motel, arrive at

the Dreamland Motel at about 4:00 p.m. on Sunday afternoon, April 16, 1995. You saw this Ryder truck when it (sic) returned from eating at a restaurant from Manhattan, Kansas, with his family on Easter Sunday?

A. I said I thought I saw it, but I was never sure of that date or the next day.

Q. So Special Agent Mark Bouton made a mistake?

A. I do not know what he wrote down. All I know is what I said.

Q. And you don't remember seeing this when you were in the U.S. attorney's office two days ago?

A. No, I do not.

Q. Now, you were working on the swimming pool, weren't you?

A. That week, yes.

Q. And you also associated the swimming pool with seeing the Ryder truck, didn't you?

A. Yes.

Q. And you worked on the swimming pool on both Sunday and

Monday, didn't you?

A. And on a few other days after school, yes.

Eric McGown - Cross

Q. All right. But you only had Easter Sunday one day, didn't you?

A. Easter Sunday is only one day.

Q. Yes, sir. And you only left on that Sunday, April 16, to go eat in Manhattan, didn't you?

A. Correct.

Q. You didn't go to Manhattan on Monday, did you?

A. I don't recall what I did Monday.

Q. Mr. Bouton -- I'm sorry -- Mr. McGown, you are aware, are you not, that the statements as reflected in the FBI 302's that you gave on April 21 and April 25 are inconsistent with the theory that Mr. McVeigh rented the truck on Monday? Aren't you?

A. If that's the case, it is. I'm not aware of that.

Q. You're not aware of it.

A. I'm not aware of anything that's not dealing with what I remember.

Q. Well, doesn't this deal with what you remember?

A. That's -- what they think is what they think. What I remember is what I remember.

Q. Now, one other thing: You said that you always ask for identification when someone checks in the motel.

A. Yes. That's required that we have to have a form of identification.

Q. I understand it may be required. I just want to be sure

Eric McGown - Cross

that your testimony under oath is that you always ask for identification.

A. Yes, I always ask to see a driver's license --

Q. And your mother does?

A. I do not know what my mother does. All I know is what I do.

Q. So your mother might not always ask?

A. I do not know. That's her, not me. If you want to ask her

that question, you call her here and ask her that question.

MR. JONES: No further questions, Mr. McGown.

THE COURT: Do you have any redirect?

MR. RYAN: Could I have just a moment, your Honor?

THE COURT: Yes.

REDIRECT EXAMINATION

BY MR. RYAN:

Q. You're 19 years old, aren't you?

A. Correct.

Q. You were 17 at the time that the entire national media

descended upon you there at the Dreamland Motel in Junction City?

A. Correct.

Q. Are you nervous?

A. Yes.

Q. Do you feel like you're being picked upon?

A. A little. This is -- it's very nervous for me.

Eric McGown - Redirect

Q. All right. Just slow down for a minute. And I want to talk to you about two interviews you gave to the FBI.

A. Okay.

Q. Isn't it a fact that on April 21 when you are interviewed by the FBI, you said, quote, "He thinks the man came there with the truck on 4-16-95"?

A. Yes.

Q. Isn't that what you said?

A. Yes.

Q. And then you told the FBI a few days later, quote, "He also associates seeing the Ryder truck with the afternoon that he was cleaning the swimming pool at the Dreamland Motel. He cleans the swimming pool on both Sunday, April 16, and Monday, April 17."

A. Correct.

Q. That's what you told the FBI.

A. Uh-huh. Yes.

Q. You're just not sure.

A. I'm just not sure.

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

RE-CROSS-EXAMINATION

BY MR. JONES:

Q. When you were interviewed by the gentleman whose names I mentioned, you knew they were special agents for the FBI?

A. At the time I was doing the interview, I would have been.

Eric McGown - Recross

Q. You were a junior in high school?

A. Yes.

Q. You were 17 years old?

A. Correct.

Q. And you were responsible enough that you've testified here that you are a custodian of the records of the motel?

A. Correct.

Q. And in fact, your mother depended upon you and counted upon you to assume responsibility to assist her in managing the hotel?

A. Correct.

Q. And you had all of those duties?

A. Correct.

Q. Including the registration?

2. increasing the legislation.

A. Correct.

Q. Supervising people there and helping them?

A. Yes.

Q. And your mother would dispatch you to take care of guests?

A. When it was needed, yes.

Q. Yes. And you have continued those duties.

A. Yes.

Q. Now, you weren't 17 on April 16, 1996, when you were talking to Jayna Davis, were you?

A. No. I would have been a year older.

Q. And Jayna Davis is not with the FBI, is she?

Eric McGown - Recross

A. That's correct.

Q. And you and your mother, in order to have the interview, you must have consented to the interview?

A. I think one of the very last interviews we did.

Q. I mean, you didn't think you were talking to the FBI when you were talking to Jayna Davis?

A. Correct.

Q. And when the cameras came on and the lights came on and you

started -- she started to ask you these questions about Sunday,

you knew what she was talking about, didn't you?

A. The questions --

Q. Yes.

A. And I've told her and I told everybody else, I think it may

have been that day. It may have been the next day.

Q. I didn't ask you that, Mr. McGown. I asked you if you knew

what she was asking you.

A. Yes.

Q. And was your mother there present?

A. For part of it, she may have been.

Q. Right. In fact, the interview was actually with both of you?

A. Yes.

Q. Yes?

A. A portion of it, yes.

Q. Right. And this was a year after the bombing?

Eric McGown - Recross

A. Yes.

Q. A year in which you had to think and reflect back on what you remember?

A. Correct.

Q. And I take it your mother was not 17 in April of 1995, was she?

A. Correct.

Q. And how long had she had the motel in April of 1995?

A. Since late 1989.

Q. Okay.

MR. JONES: No further questions. Thank you, sir.

THE COURT: Is the witness to be excused?

MR. RYAN: Yes, your Honor.

MR. JONES: No, your Honor. We'd like to have him available, please. He can certainly leave as long as he's under the subpoena.

THE COURT: Yeah. Well, I take it you're going to be back at your home.

THE WITNESS: I would like to go back home, yes.

THE COURT: All right. But you're still under orders

not to discuss your testimony with anyone.

THE WITNESS: Okay.

THE COURT: And you are particularly not to discuss your testimony with your mother.

THE WITNESS: Yes, sir.

THE COURT: You understand that's my order?

THE WITNESS: Yes, sir.

THE COURT: Okay. You can go home. We'll let you know if you have to come back.

THE WITNESS: Thank you.

THE COURT: Well, we're, members of the jury, near 5:00; so we're going to be generous and give you extra time off today. We'll take the recess at this point.

And, of course, please, I know it's difficult, some days more difficult than others, to not think about what it is that you've heard today, what it means in the overall picture here and the like; and of course, I'm telling you, don't do it.

Remember that this trial is lengthy, takes place a witness at a time, an exhibit at a time; so please withhold judgment in your

own minds until you have heard it all and you hear me tell you now it's time to talk about it, which will be a while.

So just put it at rest in your own minds; and of course, don't discuss it with other jurors or with anybody else. And be very careful now about what you read, see, and hear in any form of communication or publication so that you can be true to your oath and decide on the law and the evidence.

You're excused till 9:00 tomorrow morning.

(Jury out at 4:58 p.m.)

THE COURT: Recess, 9:00.

(Recess at 4:58 p.m.)

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Direct Examination by Mr. Ryan

Cross-examination by Mr. Jones

Redirect Examination by Mr. Ryan

Recross-examination by Mr. Jones

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
270-O	7728	7728			
273B - 273I	7725	7725			
273K	7725	7726			
273L	7726	7726			
273M	7727	7727			
273Q	7727				
273T	7729	7730			
273R	7730	7730			
273J	7730	7730			
273S	7731				

283 7739 7740

PLAINTIFF'S EXHIBITS (continued)

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
287	7739	7740			
294					
294	7746	7760	7746		
295	7759	7760			
306A	7756	7756			

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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 8th day of May, 1997.

Paul Zuckerman

Bonnie Carpenter