

Wednesday, May 14, 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 95)

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 14th 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.

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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: Be seated, please.

Are we ready for the jury?

MR. HARTZLER: We are, thank you.

THE COURT: Okay. Mr. Nigh, are you ready?

MR. NIGH: Yes.

(Jury in at 9:01 a.m.)

THE COURT: Members of the jury, good morning.

You will recall when we recessed yesterday afternoon,
we were hearing testimony from Mr. Charles Edwards.

Mr. Edwards, if you'll come in and resume the witness stand under the oath you have taken.

THE WITNESS: Yes, sir.

(Charles Edwards was recalled to the stand.)

THE COURT: Questioning by Mr. Nigh on cross-examination. Mr. Nigh, you may resume.

MR. NIGH: Thank you, your Honor.

RE-CROSS-EXAMINATION CONTINUED

BY MR. NIGH:

Q. Good morning, Mr. Edwards.

A. Good morning, sir.

Q. You will recall that yesterday we were talking about the number of keys in a box of keys and lock sets which might have the same key code.

A. Yes, sir.

Q. And I believe that we determined, if my math was correct, that out of an order of 400, as many as 120 locks and keys might be coded the same.

A. I'm glad you asked me that. I thought about that overnight.

Q. Oh, you did?

A. I did. That wouldn't happen because of the way we build the locks. And let me explain how we do that. We cut -- our key building equipment is set to cut 50 keys per code. Two of

Charles Edwards - Recross

each of those keys are rung together in tags, so you have 25 sets of keys. We then begin to build the locks. Our locks are

built in batches of 25 per code, so you have 25 bins of locks coded alike. That's how we process the locks through the building. So if you had an order for 400 pieces, you would have 16 batches of locks comprising that order; so you would have 16 different codes in that 400-piece order.

Q. Okay. So as many as 25 --

A. 25. That's correct.

Q. All right. Do you know how many lock sets Hurd Corporation provided to Ford in 1993?

A. Millions.

Q. Would it be more than 25 of those locks that had the same key code?

A. I really don't know. We -- the way we processed the codes,

we had to cycle through all of the ignition codes, and there's 1,051 ignition codes. We had to cycle through all 1,051 I guess initial codes before -- per part number we sold Ford.

Some car lines have up to three or four different lock sets associated with them. So for each one of those lock sets,

we had to go through all 1,051 codes before we could repeat. Each time we changed codes -- and like I said, we cut 50 keys

to the same code, then indexed down to the next code in series.

Each time we indexed down on the ignition code, we indexed down to the next door code.

Charles Edwards - Recross

Q. All right. I'm not sure I understand you. You think that there were 50 keys that were the same for each code?

A. There were 50 keys, two keys per set.

Q. Okay. But 25 lock sets for the same code?

A. Yes, sir.

Q. All right. And you don't know how often that process would

be repeated in an order for Ford during the year 1994 -- or 1993, rather?

A. No, sir. There were 253,000 possible combinations.

Q. All right. Do cars and trucks use the same key codes sometimes?

A. Yes, sir, they do.

Q. So there might be Ford cars that have precisely the same key code as a Ford truck might have?

A. Yes, sir.

Q. Is Hurd Corporation the only supplier to Ford for keys and lock sets?

A. We supplied all of the North American operations between 1985 and all of 1995. During that period there were some car lines -- for example, the Probe and the Capri -- that had locks

supplied from another supplier.

Q. All right. Can you tell by looking at a key, just by looking at it, yourself, and visually inspecting it, whether or

not it's a key to a car or a truck?

A. The design of the head of the key on some models I can

Charles Edwards - Recross

tell. For example, the Escorts had a particular shape on -- the head of the key was molded in plastic. And it had a very distinctive shape. The Ford and Mercury keys have unique logos

on them, as does the Lincoln; so there's -- to a degree, I can differentiate between the different keys.

Q. Leaving those few examples aside, can you tell just by looking at a key, generally, whether or not it's a key to a car

or a truck, a Ford key?

A. No. I'd say no.

Q. If I understood your testimony correctly, you didn't do any

work in this case in reference to creating key and lock sets until the summer of 1996; is that right?

until the summer of 1996; is that right?

A. Yes, sir, that's right.

Q. And then eventually you were asked to take Government's Exhibit 699, the key, and see if it would fit in and function the lock sets that you had made?

A. Yes, sir.

Q. Do you know where -- were you told where Government 699 came from?

A. No, sir.

Q. You don't know how it came into the possession of the FBI at all?

A. No, sir, I don't.

Q. Do you know why it took until 1996 for them to ask you to do this?

Charles Edwards - Recross

A. No, sir, I don't.

Q. Do you know if the key was tested for fingerprints before you were asked to perform your work?

A. No, sir.

Q. Or explosives residue, whether those kinds of tests were performed on it?

A. No, sir, I don't.

Q. Did the key that was provided to you appear to have any damage to it, either from abrasives or --

A. None that I could see.

Q. Were you provided with anything associated with the key, such as a Ryder tag or a key chain or anything of that nature?

A. No, sir.

Q. In connection with the work that you did with the FBI, you noticed I suppose yesterday that the key that was marked as Government's Exhibit 699 had a Q number on it, Q2323, I believe?

A. Yes, sir.

Q. In connection with your work with the FBI, did you conduct an examination of an automobile-style lock assembly which would

be consistent with the ones made by Hurd Corporation for Ford which the FBI identified as Q118?

A. No, sir, I don't believe I ever saw that.

Q. To see if the key would fit that lock?

A. No, sir.

Charles Edwards - Recross

Q. Did you ever examine a door-lock assembly identified by the

FBI as Q1183 which appeared to be a Ford-style double-sided lock set to see if the key would fit that set?

A. No, sir, I don't recall doing that, either.

Q. Did you examine a lock assembly identified by the FBI as Q2134, a damaged lock set, to determine whether the key would fit that lock?

A. I don't recall that, sir. Let me say one thing. It seems

during my first visit to Denver, they showed me pieces of another lock set, but it wasn't a Ford lock set.

Q. All right.

A. I didn't try any keys in it or anything.

Q. Well, let me ask you this, if I may, Mr. Edwards. Did you ever examine a lock set taken from the scene of the Murrah Building to determine if that key would fit the lock set?

A. No, sir, I didn't.

Q. The work that you performed began in 1996, the summer?

A. Yes, sir.

Q. Is all that's necessary to build a lock set and a key -- for somebody who's familiar with that kind of process, is all that's necessary a VIN number so that you can find the key code?

A. I just need the key code and the model of the car line or truck.

Q. Do you know whether if you have the VIN number from the

Charles Edwards - Recross

vehicle, you can determine what the key code is by contacting the manufacturer?

A. I don't know that.

Q. Do you know when it was that the FBI discovered what the VIN number was?

A. No, sir, I don't.

Q. Now, I'm assuming -- you've done a little thought since we were here yesterday; right?

A. Didn't sleep a lot last night, yes, sir.

Q. Well, I'm sorry about that.

A. That's okay.

Q. One of the things that you did, I'm sure -- you tell me if I'm wrong -- is to take what I marked as Defendant's Exhibit U1A, the duplicate key --

A. Yes, sir.

Q. -- and see if it would fit in and function the lock set that you made. Did you do that?

A. Did I try it or did I think about it?

Q. Either one.

A. I thought about it.

Q. But you didn't do it?

A. No, sir, I didn't do it.

Q. Did you observe anybody else do it?

A. I think I saw one of the . . . I think I saw somebody do it yesterday afternoon.

Charles Edwards - Recross

Q. And what happened was the key would fit in all the way -- isn't that right?

A. Right.

Q. But it wouldn't turn the lock?

A. That's right.

Q. Okay. Went all the way in, but just simply wouldn't turn the tumbler?

A. That's right.

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

THE COURT: Any redirect?

MR. GOELMAN: Nothing further, your Honor.

THE COURT: Are you excusing this witness?

MR. GOELMAN: Yes, your Honor.

MR. NIGH: Yes, your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: You're excused to go get some sleep.

THE WITNESS: Thank you.

MR. HARTZLER: Government calls Gary Witt.

THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Gary Witt 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: Gary C. Witt, W-I-T-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Hartzler.

MR. HARTZLER: Thank you.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Mr. Witt. Can you tell us where you're employed?

A. With the Federal Bureau of Investigation.

Q. How long have you worked as an FBI agent?

A. Just over 26 1/2 years.

Q. Where are you currently assigned?

A. Kansas City division at Kansas City, Missouri.

Q. And as part of this case, were you asked to take a walk?

A. I was.

Q. Explain to the jurors and the Court what you did.

A. I was asked to take a walk from the McDonald's restaurant in Junction City to Elliott's Body Shop in Junction City.

Q. And tell us when you did that, when you left the restaurant, how long it took you to get to Elliott's Body Shop.

A. I took that walk on February 19 of this year. And let's see. The walk, total time elapsed, was like 18 1/2 minutes.

Q. Did you try to arrange this so that you left the McDonald's

at the same time that Mr. McVeigh left as disclosed by the video, the McDonald's video?

Gary Witt - Direct

A. I did.

Q. That was 3:57 in the afternoon?

A. Correct.

Q. And there are two exit -- two public exit doors to that McDonald's; is that right?

A. Right.

Q. One that exits to the north side and one to the south side?

A. Yes.

Q. So how did you --

A. I departed through the north doorway, and the other agent, Agent Schaefer, departed through the south doorway.

Q. So there were two of you that completed this assignment?

A. Yes.

Q. All right.

A. Yes.

Q. And both of you left at the same time?

A. Correct.

Q. 3:57?

A. Correct.

Q. In the afternoon.

And what time, approximately -- approximately what time did Agent Schaefer arrive at the front door of Elliott's?

A. He arrived one minute before me. It was -- exact time was 4 p.m. and 14 minutes, 4:14 p.m.

Q. And you arrived at what time?

Gary Witt - Direct

A. I arrived at about 4:16, just like 4:15 and 50 seconds, or 18 1/2 minutes elapsed time.

Q. He walked faster or has a longer stride?

A. He's slightly, he's younger by 20-some years and taller. Had a greater stride.

Q. What pace did you keep? Did you work up a sweat and huff and puff on your way there?

A. No, I was not winded when I got there. It was a brisk pace, but I was not winded. I could carry on a conversation at the end.

Q. In your 26 years, have you ever had an easier assignment?

A. Let's say I've had more challenging assignments.

MR. HARTZLER: Thank you very much. Nothing further.

THE COURT: Any questions?

CROSS-EXAMINATION

BY MR. JONES:

Q. Mr. Witt, when you measured the time, did it take you 18 1/2 minutes? Is that correct?

A. I think it was -- exact time was 18 minutes and 38 seconds.

Q. All right. And you timed your departure at 3:57 and what?

A. And 12 seconds.

Q. All right. But in any event, it took you 18 minutes and 38 seconds?

A. Correct.

Q. So if you had left at 3:59 plus a few seconds -- in other

Gary Witt - Cross

words, if the clock had been slow by 2 minutes -- then you would have arrived 18 minutes and 38 seconds later; is that correct?

A. Right.

Q. And if the clock had been 2 minutes slower -- in other words, if your time had been 3:57 and some odd seconds -- then you would arrive shortly before the time that you did when you left at 3:57?

A. Yes.

Q. Now, was there any moisture on your fingers when you arrived?

MR. HARTZLER: Pardon me.

THE COURT: This is a little confusing. You said arrive at 3:57. He talked about leaving at 3:57.

MR. JONES: All right. Let me back up. Thank you, your Honor.

BY MR. JONES:

Q. You left based upon the time shown on the videotape?

A. Yes.

Q. All right. Were you aware that the owner of McDonald's testified that it could be fast or slow by 2 minutes?

A. I was not aware of that.

Q. All I want to establish is is there any reason for you to believe that if you had left at the earlier time, that it would

have taken you the same amount of time to walk there?

Gary Witt - Cross

A. It would have taken me the same amount of time.

Q. In which case you would have arrived there slightly earlier than the time you've given us?

A. Yes.

Q. But if the clock was 2 minutes slow, then you would have arrived 2 minutes later than the time you gave us when you left

at 3:57 plus some seconds --

A. Yes.

Q. -- is that correct?

Now, did you have any moisture on your fingers when you arrived?

A. No.

Q. I noticed that you took this trip in February.

A. Yes.

Q. And what was the temperature like that day?

A. It was very comfortable. Had light jacket on. I removed it. I recall it was around probably 60's. It was partly sunny.

Q. All right.

A. Dry.

MR. JONES: Thank you very much, sir.

THE COURT: Anything else of this witness?

MR. HARTZLER: No. May he be excused?

THE COURT: Agreed?

MR. JONES: Yes.

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

MR. HARTZLER: Your Honor, the Government calls Floyd Zimms. Mr. Mackey will question him.

THE COURT: Okay.

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

(Floyd Zimms 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: Floyd M. Zimms, Z-I-M-M-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Zimms, where do you work?

A. Work with the FBI.

Q. And how long have you been an FBI agent?

A. 27 years.

Q. Where are you currently assigned?

A. Oklahoma City.

Q. How long have you been in Oklahoma City?

A. 18 years.

Q. Have you participated in the investigation concerning the

Floyd Zimms - Direct

case now before the Court?

A. Yes, I have.

Q. Carried on a number of different tasks?

A. Yes, I have.

Q. Let me ask you about one of those only, this morning. In March of this year, did you undertake to measure the time and travel -- excuse me, the distance and travel time between the

Regency Towers Apartments in downtown Oklahoma City and 109 South 2d Street in Herington, Kansas?

A. Yes, I did.

Q. Tell us what you did.

A. On March the 6th, I drove from in front of the Regency Towers in Oklahoma City along a route taking Interstate 35 into

Kansas and then U.S. 77 in Kansas up to Herington, Kansas, to the front of 109 South 2d, drove a speed staying as best as I could 5 miles an hour under the posted speed limits, measured the time and distance it took me to get there.

Q. What was the distance between those two sites?

A. It was approximately 244 miles.

Q. And what was the travel time between those two sites?

A. It was approximately 4 hours and 18 to 20 minutes.

Q. And did you clock yourself in a return fashion with a

different route?

A. Yes, I did.

Q. Tell us about that.

Floyd Zimms - Direct

A. Driving from 109 South 2d down U.S. 77 in Kansas to Interstate 35 in Kansas and Interstate 35 back down to Oklahoma

City in front of the Regency Towers, at the same rate of speed,

nonstop, it was approximately 255 miles, took approximately 4 hours and 30 minutes.

Q. Based on this travel trip, if a person left 109 South 2d Street in Herington, Kansas at approximately 3:30 p.m., what time would that person arrive at the Regency Towers in downtown

Oklahoma City?

A. Approximately 8 p.m. or shortly thereafter.

Q. And if a person left from downtown Oklahoma City in front of the Regency Towers at approximately 8:24 p.m., approximately

what time would they arrive at 109 South 2d Street in Herington, Kansas?

A. Approximately 1:00 in the morning the next day.

MR. MACKEY: I have nothing else, your Honor.

THE COURT: Any questions?

CROSS-EXAMINATION

BY MR. JONES:

Q. Mr. Zimms, for your estimate of arriving in Oklahoma City at approximately 8 p.m. or a few minutes thereafter, you assumed that the car left Herington at 3:30 in the afternoon?

A. Correct.

Q. Did your assumption also include that it did not stop en route?

Floyd Zimms - Cross

A. Yes, sir.

Q. So in other words, it drove straight through?

A. I drove straight through to get those calculations, yes.

Q. Yes. Now, of course you've lived in Oklahoma City for 18 years, have you not?

A. Yes, I have.

Q. So you're very familiar with how to get to the downtown Oklahoma City?

A. Yes, sir.

Q. Now, if this automobile that you're referencing had not left Herington -- or to put it another way, let us suppose it had left Herington at 3:30, but it had in fact -- instead of going south, had gone north to Junction City and then had

going south, had gone north to Junction City and then had gotten back on the highway and come down to Oklahoma City, that would have added at least another hour to your time, wouldn't it?

A. It would have added time. I have no idea of the amount of time.

Q. Well, you know that Herington is approximately 30 minutes from Junction City on the highway, don't you?

A. I don't know the exact distance or time. I haven't driven that.

Q. Well, it's in the next county, isn't it?

A. Yes, it is.

Q. And would you be comfortable in saying that it's at least a

Floyd Zimms - Cross

20-minute drive from Herington to Junction City?

A. I haven't driven it, so I really can't say, sir.

Q. Now, did you measure or do you know what the distance is between the McDonald's and Elliott's?

A. No, sir, I do not.

Q. You haven't measured that?

A. No, sir.

MR. JONES: Thank you, sir.

MR. MACKEY: Nothing further.

THE COURT: All right.

MR. MACKEY: May be excused.

THE COURT: You're excusing?

MR. MACKEY: Yes, sir.

THE COURT: Is that agreed, Mr. Jones?

MR. JONES: No, sir. I would like Mr. Zimms to be available, but he certainly doesn't have to stay here.

THE COURT: Yes. Next, please.

MR. HARTZLER: Government calls Mary Jasnowski.

Mr. Ryan will question her.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Mary Jasnowski affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: My name is Mary, middle initial Y., Jasnowski, J-A-S-N-O-W-S-K-I.

THE COURTROOM DEPUTY: Thank you.

THE COURT: All right.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning.

A. Good morning.

Q. Mrs. Jasnowski, you testified before this Court and jury last week, did you not?

A. Yes, I did.

Q. And at that time you informed us that you were a special agent with the FBI --

A. Yes.

Q. And that one of the duties that you undertook in connection with this case was acting as the supervisory agent of the search of Terry Nichols' home?

A. That's correct.

Q. Do you recall that?

A. Yes.

Q. There was one item of evidence that was not discussed with your testimony last week, and I'd like to bring it up with you at this time. Before you, you should have an exhibit that is marked Government Exhibit No. 250. Do you have that?

A. Yes, I do.

Q. Can you identify that for us, please.

Mary Jasnowski - Direct

A. Yes. It's a book that was discovered and placed in Item A19 from our evidence lock, which means the living room of Mr. Nichols' residence.

Q. And when did you acquire that?

A. On the night of April 23.

Q. And from whom did you acquire it?

A. I -- the seizing person was Joanne Thomas of our evidence team.

Q. Now, as you sit here today and look at Government's Exhibit

250, do you recall that exhibit?

A. Yes, I do.

Q. What did you do with the exhibit after you obtained it?

A. After I obtained it, I -- it was placed with the other evidence, and it was photocopied by myself and another agent.

Q. And then ultimately what became of this exhibit?

A. We sealed it up and turned it over to the lab personnel.

Q. Now, when you obtained the Exhibit No. 250 from Miss Thomas

in the Nichols home, was it in the exact condition that it's in today?

A. No. These tabs were missing, and it looks like it's been discolored from some sort of testing, and there are numbers written at the bottom that were not there. But generally it is in the same situation -- or condition as it was.

Q. All of the handwriting, except for the Q numbers at the bottom of the page, was handwriting that existed at the time

Mary Jasnowski - Direct

that the document was provided to you by Miss Thomas?

A. Yes, that's correct.

MR. RYAN: Your Honor, we would offer into evidence Government's Exhibit 250.

MR. JONES: May I see it, your Honor?

THE COURT: Certainly, you may approach and look at it.

MR. JONES: I'll look at it in greater detail later, your Honor, but I don't have any objection now.

THE COURT: Thank you. 250 is received.

MR. RYAN: Your Honor, may I be permitted to publish one page of the exhibit?

THE COURT: Well, if it has particular importance.

MR. RYAN: Well, we believe it does, your Honor. I made a Xerox copy of this exhibit that's a little more legible, your Honor, and I would offer this copy into evidence as Exhibit 250A.

THE COURT: What page is it?

MR. RYAN: There are not numbered pages, your Honor. I'd be happy to hand the Court the --

THE COURT: Well, I'd just like for the record to have some idea --

MR. RYAN: Yes. If I'd be permitted to count the pages, your Honor.

THE COURT: Sure.

Mary Jasnowski - Direct

MR. RYAN: Be the 27th page.

THE COURT: Thank you. You may use 250A. You may publish it.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Now, Ms. Jasnowski, could you read into the record the contents of the page there on the right-hand side?

A. Yes.

Q. Beginning with the word "Joe."

A. Yes. It says, "Joe Kyle," K-Y-L-E, the number sign, "40. Coun," C-O-U-N slash "Gro," G-R-O, slash "Kan." Then there's a

number 10-17 over 94, plus sign, 12-17 over 94. And then on the next line is "37 Ted Parker," P-A-R-K-E-R. 11 dot 17 9 dot

4 plus 01 dot 31 dot 95. And then "ditto" on the next line.

Q. Thank you.

MR. RYAN: No further questions, your Honor.

THE COURT: Mr. Jones.

MR. JONES: Mr. Ryan took his bookmark out of it, your Honor.

CROSS-EXAMINATION

BY MR. JONES:

Q. Do you have it in front of you now?

A. I can look at the actual exhibit.

Q. All right. Doesn't that stand for Joe Kyle, No. 40, Council Grove, Kansas, and then give some dates?

Mary Jasnowski - Cross

A. It appears to stand for that.

Q. And do you recognize the No. 40 as a number of a storage unit?

A. I don't know that, no.

Q. And do you know what these dates correspond with some rental agreement dates?

A. I don't know that, no.

Q. And the second one, Ted Parker, ditto, would mean Council Grove, Kansas?

A. I wouldn't know. I would be guessing.

Q. What does "ditto" usually stand for?

A. The same.

Q. Right. Now, from your -- incidentally, where did you find this in his house?

A. It was in the living room in a closet on a shelf.

Q. And what day did you find it?

A. I believe it was -- well, the night of the 23d or the 24th.

Q. And was it just sitting up on the shelf, or was it in a box or what?

A. It was in the bottom -- it was in a clothes closet there were shelves in, and I believe it was on the bottom shelf. I didn't actually seize it. Miss Thomas did, but I saw where she seized it from.

Q. You've been an agent that's worked in various aspects of this case, particularly as it relates to Mr. Nichols and his

Mary Jasnowski - Cross

belongings?

A. Yes.

Q. Are you familiar with a judgment, money judgment, issued against him for a rather substantial amount of money out of a state court out of Michigan?

A. No, I'm not familiar.

Q. And a garnishment and an attachment proceeding?

A. No, I'm not familiar.

MR. JONES: Thank you.

THE COURT: Anything else of this witness?

MR. RYAN: No, your Honor. She may be excused.

THE COURT: Agreed, Mr. Jones?

MR. JONES: Yes.

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

Next, please.

MR. HARTZLER: Government calls Jerry Tucker.

Mr. Mackey will question him.

THE COURT: Thank you.

MR. MACKEY: Your Honor, may I put something there?

THE COURT: Yes.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Jerry Tucker 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: Jerry A. Tucker, T-U-C-K-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mr. Tucker. Where do you work, please.

A. I work for the FBI.

Q. What is your position?

A. Special agent.

Q. And where are you assigned?

A. Omaha division.

Q. How long have you worked for the FBI?

A. 29 years.

Q. And how many years in Omaha?

A. About 10.

Q. Was that your station of duty in April of 1995?

A. Yes.

Q. And were you and others from that same office responsible for organizing and executing a federal search warrant at 109 South 2d Street in Herington, Kansas, on April 22, 1995?

A. Yes.

Q. Describe to the jury and his Honor in an overview your role.

A. I was assigned as a team member to execute the search warrant. Mary Jasnowski was the team leader. She assigned us various areas to search, and I searched it with other

Jerry Tucker - Direct

individuals from the Omaha division and Kansas City division.

Q. In the course of that evening, did you assist in searching the basement areas of that residence?

A. Yes, I did.

Q. And in the course of that search of that area, did you locate a cardboard box containing plastic bottles with white substances inside?

A. Yes.

Q. And was a photograph taken of those items?

A. Yes.

Q. Before they were moved?

A. Yes.

Q. Take a look, please, at Exhibit 148A. Do you see that on the witness stand there?

A. Yes.

Q. And what does that exhibit show?

A. It shows the box containing bottles with the white substance.

Q. And thereafter did you seize the contents of the items depicted in that photograph?

A. Yes, I did.

Q. Does the photograph accurately depict the contents of the box at the time of the seizure?

A. Yes, it does.

MR. MACKEY: Your Honor, I'd move to admit
Government

Jerry Tucker - Direct

Exhibit 148A.

MR. JONES: No objection.

THE COURT: Received, 148A.

BY MR. MACKEY:

Q. Agent Tucker, as part of your duties, then, did you
inventory the contents of that box?

A. Yes, I did.

Q. What did you find inside?

A. There were six bottles containing the white substance, and
there was a plastic bottle on top, a green one. We took the
six bottles containing the white substance.

Q. Did each of the bottles have a label on it?

A. Yes, they did.

Q. And what was on the label?

A. Best of my recollection, it said, "Ammonium Nitrate.
Explosive."

Q. Agent Tucker, I've placed before you an accordion folder.
And reach in, please, carefully, and see if you can find
Government Exhibit 148. 148.

Do you find it?

A. Yes, I did.

Q. Do you recognize it?

A. Yes, I do.

Q. And how so?

A. It has my initials on it and the date of 4-22-95.

Jerry Tucker - Direct

Q. And in the course of taking into custody that particular
exhibit, did you take a sample from that same exhibit?

A. Yes, I did.

Q. Take a look, please, in the accordion folder for the next
exhibit.

Do you see 148B, as in boy?

A. Yes, I do.

Q. What is that, please.

A. It is a sample that I took at the direction of Mr. Steven
Burmeister from this bottle.

Q. In the course of seizing Exhibit 148?

A. Yes.

Q. And are your date -- is your initials and date on that
same

exhibit, 148B?

A. Yes.

MR. MACKEY: Your Honor, I'd move into evidence
Government Exhibits 148 and 148B.

MR. JONES: No objection.

THE COURT: Received. They're both received.

MR. MACKEY: I have no further questions.

Thank you, Agent Tucker.

THE COURT: Mr. Jones.

MR. JONES: May I approach the witness to look at the bottles, your Honor?

THE COURT: Yeah, sure.

Jerry Tucker - Cross
CROSS-EXAMINATION

BY MR. JONES:

Q. Mr. Tucker, do you have in front of you Government Exhibit 148A, sir?

A. Yes, I do.

Q. And that plastic bottle that you're talking about there, that looks like some kind of plastic canteen, doesn't it?

A. Yes, it does.

Q. In fact, it says "canteen" on it?

A. Yes.

Q. And these bottles -- pardon me -- of the ammonium nitrate, you said that contained the word "explosive."

A. Yes.

Q. And of course it does. But it also says "fertilizer," doesn't it?

A. Yes.

Q. And then it says "prills"?

A. Yes.

Q. And off to the side, it says "explosives"?

A. Yes.

Q. Now, when you were in Mr. Nichols' house, did you see any small bags containing ammonium nitrate, ground up?

A. I don't recall.

Q. Did you find a mixer in the kitchen? Kitchen mixer?

A. I don't recall.

Jerry Tucker - Cross

Q. All right. Do you know if one of the other agents did?

A. No, I don't.

Q. Do you remember any discussion about -- from Ms. Nichols if

this mixer was used to ground up these prills for gun shows?

A. No, I don't.

Q. Now, you also recovered Exhibit 264, Armed and Dangerous, didn't you?

A. Yes.

Q. Do you have that with you today?

A. No.

Q. Why didn't you bring it?

A. I don't know why it's not here.

Q. You weren't going to bring Exhibit No. 264, Armed and Dangerous, the Rise of the Survivalist; right?

A. No.

Q. Were you going to bring it before cross-examination of

Q. Were you going to bring it before cross examination of Mr. Fortier?

MR. MACKEY: Objection.

THE COURT: Sustained.

BY MR. JONES:

Q. Have you read or looked at Armed and Dangerous?

A. Yes.

Q. And it's published by Hill & Wang out of New York, isn't it?

A. I don't recall.

Jerry Tucker - Cross

Q. Do you remember Chapter 2 is about The Order?

A. I don't recall.

Q. Do you remember if the book is critical of the survivalist right?

A. I don't know.

Q. Where is the copy of Mr. Nichols' book Armed and Dangerous that you found in his house?

A. I assume it's in the evidence maintained by the office.

Q. And you are the one that recovered it?

A. Yes.

Q. At his house.

Okay. So you would have access to it?

A. Yes, I would.

MR. JONES: No further questions, your Honor.

MR. MACKEY: Just one question.

THE COURT: Mr. Mackey.

REDIRECT EXAMINATION

BY MR. MACKEY:

Q. Agent Tucker, the cardboard box you described contained a total of six bottles much like the one before you as Exhibit 148?

A. Yes.

Q. To your knowledge, was those six bottles the total quantity

of ammonium nitrate found in the Nichols residence?

A. Yes.

MR. MACKEY: Nothing else.

MR. JONES: I don't have anything further. But I'd like to leave Mr. Tucker on call, please.

THE COURT: Yes. I understand.

All right, you may step down, and you'll be notified when to appear again.

Next, please.

MR. HARTZLER: Government calls Richard Nichols.

Mr. Mackey will question.

THE COURT: All right.

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

(Richard Nichols 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: Richard Logan Nichols, N-I-C-H-O-L-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mr. Nichols.

A. Good morning.

Q. Would you tell the jury where you live.

A. I live in Oklahoma City.

Q. And how long have you lived in Oklahoma City?

Richard Nichols - Direct

A. I've lived in Oklahoma City all my life.

Q. And how old are you?

A. But once -- 40 years.

Q. Are you married?

A. Yes, sir.

Q. And to whom?

A. Bertha Nichols.

Q. Do you have children?

A. Yes, sir, I have two boys.

Q. How old are they?

A. I have one boy 13 and one boy 10.

Q. How far did you go in school?

A. I went to the tenth grade, and then I got a high school equivalence.

Q. And in the course of your life, have you served in the U.S.

military?

A. Yes, sir.

Q. When was that?

A. I served from 19, 1974 to 1983.

Q. In what branch?

A. Army.

Q. Are you currently employed?

A. Yes, sir.

Q. And for whom?

A. I'm employed from Atlantic Projects.

Richard Nichols - Direct

Q. What do you do for them?

A. It's a -- I'm an apprentice millwright. I do metal work.

Q. Have you worked in mechanical fields for most of your life?

A. Yes, sir. Yes, sir.

Q. Did you ever work for the Regency Towers Apartments in downtown Oklahoma City?

A. Yes, sir.

Q. What time period?

A. I worked for them for 10 years. It was 10 years, just prior to the bombing. I can't think of the dates.

I'm a little nervous.

Q. All right. Did you leave in 1996?

A. Yes, sir.

Q. So you started there in about 1986?

A. Yes, sir.

Q. And what did you do for them for 10 years?

A. I was the maintenance -- building maintenance for the apartments there.

Q. And tell the jury what that entailed. What did you do as a --

A. I did everything from repairs to the apartments to helping people at night, emergency problems, backups, water leaks. I run some of the equipment, heating, air conditioning. I assisted in operating the boiler system for the hot water. We cleaned the pools, we operated the swimming pool, just about

Richard Nichols - Direct

anything as far as maintenance was concerned to the buildings, and also escorted other people, the contractors that we had come in to do jobs that were a little bit too big for us to do.

Q. A pretty big building?

A. Yes, sir.

Q. How many units did it have?

A. 273 apartments.

Q. A pretty big job for a maintenance man.

I assume you were on call after hours.

A. Yes, sir.

Q. What were your regular work hours, though?

A. We worked Monday through Friday; and me and another gentleman -- we rotated the shift work, which would be you'd be

on call. One of us would come in from 8:00 to 6; one of the other one, if you wasn't on call, you came in at 7:00 that morning till 5 that evening. And you just did work Monday through Friday. And if you was on call, you was on call that weekend. And if anything happened, you came in and handled it.

Q. Let me focus our attention, Mr. Nichols, now, on one day.

A. Okay.

Q. April 19, 1995.

A. Yes.

Q. At that date, who was in your family?

A. At that time, we were taking care of my little nephew, also, Chad Allen. He's approximately the same age as my oldest

Richard Nichols - Direct

son. And he was staying with us, and we was taking care of him. He needed -- it was just him and his dad there, and he needed other people to be around. So we brought him with us.

Q. How long had he been living with you and your wife before April 19?

A. Oh, at least a month to almost two months, maybe.

Q. Now, on April 19, 1995, did you and your wife have plans

Q. Now, on April 19, 1995, did you and your wife have plans to take Chad to a doctor's appointment?

A. Yes, sir.

Q. Let's tell the jury a little bit about that day.

A. Okay. Well, we had -- we decided that we was going to go ahead and take Chad to the doctor. We was going to do it as a family, being as he was staying with us. We was going to give him the security that he could come to us, that we was taking care of him. That's the way we do with my boys. Both of us go on doctor's appointments. So I made arrangement to go with him and my wife to this doctor's appointment.

I was supposed to meet my wife downstairs in front of the building at 9:00 that morning.

Q. What time did you go to work at Regency Towers?

A. I went to work at 7:00 that morning.

Q. And what job were you doing in the early hours of April 19 at the Regency Towers?

A. That morning, I was working on a counter top. And it was supposed to be 6-foot in diameter with a 45-degree cut at one

Richard Nichols - Direct

end. And we had purchased this counter top. It was supposed to be 6 feet long, and it was a quarter inch too short. And so

for some reason, I hung around to tell my supervisor that the counter top was too short, which threw me 2 minutes off.

Q. We've all had the experience where things don't fit.

A. Right.

Q. That's what happened to you that morning?

A. Yes, sir.

Q. And you stopped and reported that to your boss as you were making plans to exit the building initially?

A. Yes, sir. Yes, sir.

Q. Where exactly were you to meet Bertha?

A. Down front in front of the Regency Towers Apartments.

Q. What street would that be on?

A. That would be on 5th Street, the same street as the Murrah Federal Building.

Q. And did you exit the building that morning?

A. Yes, sir.

Q. And tell the jury what happened.

A. I'd come down, got off the elevator; and I'd heard my wife asking the security guard, you know, that she wanted to see me.

And she'd heard my keys. I wear keys on the side of my belt loop. And she heard them jingling. She started laughing; and she said: "Well, here he comes now. I can hear him," because she couldn't see me because the elevator was behind a wall.

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And I turned a corner and I told her, "yeah, I'm coming."

As I got up to her, we met there in the -- it's a little foyer there. There's two glass doors. I went in through one glass door and met her, and we exited out the glass

doors close to the street.

I took approximately two steps when there was a horrific explosion. And we felt like heat and pressure. Pressure, and it kind of spun us around a little bit.

Q. Where was your wife, Mr. Nichols, at the moment --

A. She was right at my side.

Q. What did you do?

A. I grabbed her. And she had asked what happened. And I thought the -- excuse me.

Q. Mr. Nichols, why don't you take a moment and just pour yourself a glass of water there.

A. I get this way with my wife, so . . .

Anyways, I grabbed her. And she yelled out, "What's going on?" And I thought the boilers in our building had blowed up. I'd just graduated from boiler school that night, and I was going to get my diploma. And that's what I thought. So I grabbed her and I told her that the boilers had blown up. And we made a lunge for the car, and 'cause my little nephew -

-

he was still in the car --

Q. What kind of a car was it?

A. It's a 1990 red Ford Festiva. We opened up the door. And

Richard Nichols - Direct

my wife bent down to get him out of the seat belt, because all the stuff was coming down. We was getting showered with glass.

Q. Could you tell where the glass was coming from?

A. Just above us at that time. It was just everywhere. And I

knew the doors behind us exploded. And so as she was -- she was getting, getting him undone. She was kind of bent down and

kind of setting on the doorjamb itself, trying to get him out of the car, 'cause like I said, we was thinking that our building was coming down.

And I heard something from the left of me which would

have been in the direction of the Murrah Federal Building. And

it was up high, and I turned and I looked. And I seen this humongous object coming to us out the air. And it was spinning

like a boomerang. And you could hear this "woo-woo-woo-woo" noise. And I looked and I seen it; and I told her -- I said, "Get down," 'cause this object was coming straight at us.

And I can't remember -- I think I pushed her on down

into the floorboard; and as I did, this object hit the front of the car on the passenger side of the windshield, which drove the back of the car up into the air and then shot the car out of my hand and approximately back about 10 feet. And I run back. I grabbed my wife, and I grabbed Chad, and I kind of hovered over them like an old mother hen and took off across the street with them.

As I just, just as I got across the street, I seen a

Richard Nichols - Direct

block come down, and it crushed this garage door. So I changed my mind of going that way. And I turned to my left and was heading back down 5th Street towards Hudson Street, and I got to a little spot probably about 10 feet more away. And I looked at them, and I asked them again if they was okay, and they both reassured me that they was okay.

So that's when I kind of laid Chad down and checked him over, not knowing if he knew if he was okay or not. And he was all right. But he had a starting of a bump on the top of his head, forehead. And I made sure that he was okay again.

And I looked up the street, and I could see all this black smoke coming up from behind the Water Resources building.

And then I looked over at the car, and that's when I first noticed that that was an axle that hit us.

And I told my wife -- I said, "It was a car bomb. Somebody blew up the Water Resources." And still at this time, I didn't know that the Murrah Federal Building had been damaged.

So I looked up at my building, and I could see the curtains coming out of the windows. And pretty near every window on 5th Street side was blown clean out. There were some gentlemen on the scaffold up high. I seen them, and I hollered to them to see if they was okay, and they waved and they climbed in through the window.

I told my wife -- I says, "You go ahead. You take

Richard Nichols - Direct

Chad and you -- you go on to the hospital." I says, "I got to get back in my building." I says, "I've got keys. I got to go, see if anybody's hurt in there and get people out."

Q. Is that what you did, Mr. Nichols?

A. Yes, sir. I started going back across the street. And that's when I looked up 5th Street towards where the Murrah Federal Building was. And it was just like there was a, like

a
brief pause in the smoke and just everything just kind of
separated; and you could see that the whole front of the
Murrah

Federal Building was completely demolished. It was down. And
I told my wife that it was the Murrah Federal Building. But I
said it was another building at the time.

Q. Mr. Nichols, you've described this axle that came crashing
down on your car.

A. Yes.

Q. Was there anything else that struck your vehicle?

A. Yes, sir. There was a trailer hitch that came down by my
feet and hit the driver's -- driver's front tire and mashed
the
rim on it, which also shoved the car backwards.

Q. Did you see the path that the trailer hitch took towards
your car?

A. I seen it later. You could tell where it came down and
hit
the sidewalk. It chopped off a sign, one of those perforated
signs that's supposed to snap off. It took it off. It took a
sign out for -- it was a Marlboro Cigarette sign. It's one

Richard Nichols - Direct

that you set outside on a little tripod. And it moves in the
wind so it doesn't tip over. And it took that out, and it
came

straight on down and hit the front of my car.

Q. And how far were from you that position when it struck the
driver's side tire?

A. Three feet.

Q. Mr. Nichols, take a look at the accordion folder that's up
there and see if you can't find four photographs that I've
marked 631, 632, 633, and 959.

A. Yes, sir.

Q. And do each of those four photographs depict the damage
done to your vehicle and its proximity to the other buildings
in downtown Oklahoma City as it appeared on April 19, 1995?

A. Yes, sir.

MR. MACKEY: Your Honor, for the record, 633 has
previously been admitted; but I would move at this time the
other three exhibits: 631, 632, and 959.

MR. JONES: No objection.

THE COURT: They are received.

BY MR. MACKEY:

Q. Mr. Nichols, we'll start with 631, and you can either look
at it on the screen or the original photograph in front of
you.

A. Okay.

Q. Just tell the jury what we're looking at.

A. Down in the lower left-hand corner is the passenger's side

Richard Nichols - Direct

front of my car. And we're looking up 5th Street towards the Murrah Federal Building. The Murrah Federal Building would be in the upper right-hand corner.

Q. Let me ask you: You can't tell from the photograph, but is

the Regency Tower on the same grade as the Murrah Building?

A. No, sir. We're at a slight downgrade from the Murrah Federal Building.

Q. How high in the air was this axle that you saw when it came

whirling through the air?

A. It was above -- if you look at the left-hand side of the picture, upper left-hand side, you'll see some -- it's an awning over the building. When I seen the axle coming, it was coming from the Murrah Federal Building, and it was above this awning.

Q. You're referring to this awning that appears --

A. Yes, sir.

Q. -- that I'm pointing to right now?

A. Yes, sir. Right in this area.

Q. And that's when you got the first glance of this flying axle?

A. Yes, sir.

Q. What's the distance, if you know, from this position here at the Ford vehicle to the front public entrance on 5th Street of the Murrah Building?

A. I walked it off one day, and it took me 190 paces. And if

Richard Nichols - Direct

I'm taking a 30-inch stride, I calculate approximately 175 feet, so I'd say anywhere from 4- to 500 feet.

Q. Thank you, Mr. Nichols. Let me ask you to look at 959 now.

A. Okay.

Q. Tell the jury what you're looking at there, please.

A. We're looking at the damage to my car on April 19.

Q. Using this photograph, describe how it was that the axle actually struck your vehicle.

A. The axle itself . . . okay -- hit in this area. It damaged

the window. It knocked the dash out along here into the passenger's seat. It bent this door out. It drove the back of

the car upward. And this is approximately halfway, this pole right here, from where we was parked. We was parked 8 to 10 feet up this way. This is the trailer hitch that hit this tire on this side of the truck -- car, and drove it backwards. And it just completely demolished out the car and the top of the engine. It just crushed it.

Q. Which part of your car did the axle first strike?

A. It struck it right -- right here at this dash and windshield and then kind of laid across this whole area right in this area right here.

Q. At the time it hit, was anybody seated in that passenger

seat?

A. Yes, sir, my little nephew was in the passenger rear -- I mean the driver's rear, which is right back here. My wife was

Richard Nichols - Direct

setting down onto the doorjamb, and was trying to get out his seat belt. And I was holding onto the door.

Q. And had Chad moved from his position in the front to the back while waiting for you?

A. Yes, sir. He did that prior to my wife -- as my wife came into the Regency Tower, he got out and got behind the driver's seat.

Q. Let me show you Exhibit 632.

A. Yes.

Q. Can you show the jury where the trailer hitch is that you were referring to in this photograph?

A. That trailer hitch is right here. And it struck my tire. It's real hard to see. But it's -- yes, sir; right there, on the back side, and it just flattened the rim in that area.

Q. Now, based on this picture, looks like the back end of your

Ford is up on the curb.

A. Yes, sir.

Q. Is your wife a better driver than this?

A. Oh, a lot better driver.

Q. All right. Was the car on the street --

A. Yes, sir.

Q. -- when the axle hit?

A. Yes, sir.

Q. Did it end up on the curb as a result --

A. Yes, as a result of the axle coming down, forcing the back

Richard Nichols - Direct

of the car in an upward position and then this piece hitting it

at the same time the axle, it drove it backwards and kind of cocked it back in and up on the curb. And that's probably about a 7- to 8-inch curb that it went up on.

Q. Mr. Nichols, now turn to your folder and see if you can't find a series of Exhibits marked 670A. There should be a total

of 27 of them in a group exhibit.

A. Okay. Okay.

Q. You've looked at these photographs before coming to court?

A. Yes, sir.

Q. Do you recognize the scenes that are depicted in each of those 27 photographs?

A. Yes, sir. These are the still photographs from the video camera of the Regency Tower.

Q. And which video camera?

A. It was on the entry into the building.

Q. Looking out onto 5th Street?

A. Looking out onto 5th Street, yes, sir.

Q. Do some of these photographs capture some of the events in your testimony?

A. Yes, sir. They capture myself coming off the elevator. They capture my wife pulling up to the front of the building. You can see her waiting out there for me, because usually, like

I say, I'm usually prompt and I'm usually there. It shows her entering into the building, and then it shows her getting ready

Richard Nichols - Direct

to go out of the building.

Q. Mr. Nichols, with your help, I want to publish these to the jury.

MR. MACKEY: They're previously admitted, your Honor.

THE COURT: Yes.

BY MR. MACKEY:

Q. And ask you to describe what you see in each scene.

A. Okay, this is the entry door to the Regency Tower Apartments as looking out to 5th Street.

Q. Mr. Nichols, can you take your pen and clean the screen there.

A. Yes.

Q. Shows the scene on 8:55:48 looking out onto 5th Street?

A. Yes, sir.

Q. And what do we see in the next photograph, 8:55:50?

A. Same view, but this is my wife. If I can get it up there.

Right here in our little Ford Festiva, she's pulling up to the front.

Q. Get a better shot of that vehicle in the next photograph, 8:55:52.

A. Yes, sir. Which is right here.

Q. Does 8:55:53, this photograph, show where your wife parked the Ford Fiesta (sic) that morning?

A. Yes, sir. This is where she was setting at, which is right there.

Richard Nichols - Direct

Q. What's the approximate distance between that parked spot and the support pole that you've previously identified?

A. I'd say it was anywhere from 8 to 10 feet, which is right here where the car ended up. The front of the car was almost even with this pole right here.

Q. And you were a little bit late, so she had to sit there for

a while; is that right?

A. Yes.

Q. And 8:56:50 you see another scene and the car is in the

Q. And 8:56:50, you see another scene and the car is in the same position?

A. Yes, sir.

Q. Describe what you see in the photograph bearing the frame 8:56:53.

A. This is the -- looking out the same, which my wife is still parked here in this area. And this is a Ryder truck.

Q. And had you observed that Ryder truck in the previous photograph?

A. Not in the previous photograph, no, sir.

Q. So this is the first photograph, 8:56:53, which shows what appears to be a Ryder truck across 5th Street?

A. Yes, sir.

Q. And are both vehicles in the same position in the next frame, 8:56:56?

A. Yes, sir.

Q. Same position at 8:56:58?

Richard Nichols - Direct

A. Yes, sir.

Q. Both vehicles in the same position?

A. Yes, sir. Both vehicles.

Q. 8:57:01?

A. Yes, sir. They're both still setting there.

Q. You see some foot traffic out front of the Regency Towers?

A. Yes, sir.

Q. Both vehicles in the same place at 8:57:05?

A. Yes, sir. They're both setting in the same place.

Q. 8:57:08?

A. Yes, sir. They're -- both vehicles are still setting in the same spot.

Q. 8:57:11?

A. Same.

Q. 8:57:12?

A. They're still setting in the same spot.

Q. 8:57:13?

A. They're still in the same spot.

Q. Take a moment, Mr. Nichols, and study the position of the Ryder in this vehicle (sic), 8:57:13.

And now let me show you 8:57:15.

A. The Ryder truck is starting to move.

Q. How do you know that?

A. From this -- if you'll watch the doorjamb here, the tire of

the Ryder truck is approximately even with it. On the one

Richard Nichols - Direct

previous to it, the tire was back in this area, the back of the truck.

Q. The next frame, one second later, 8:57:16?

A. It's still setting in approximately the same spot.

Q. It's moved forward --
A. Moved forward and then stopped.
Q. And 8:57:18, what do you see?
A. It's gone. My wife's car is still there, but the Ryder truck has left its area.
Q. Let me jump ahead, Mr. Nichols, now, to 8:59:55. And what do we see there, please.
A. That's my wife. She's coming into the entry door. She's starting to look for me.
Q. 8:59:58?
A. That's her coming into the door. She's talking to the security guard.
Q. Straight up 9:00?
A. She's still waiting at the -- talking with the security guard at the front.
Q. 15 seconds after 9:00?
A. That's me getting off the elevator. And at the lobby and heading towards the front door.
And that's a picture of my wife. I'm approximately right at the door because she's getting ready to exit the door.
Q. 20 seconds after 9:00?

Richard Nichols - Direct

A. Yes, sir.
Q. Was this the last image recorded by the security camera --
A. Yes, sir.
Q. -- on April 19 at the Regency Towers?
A. Yes, sir, this one right here was.
Q. Mr. Nichols, in the course of working 10 years at Regency Towers, did you become familiar with the tenants? Did you know them by name and sight?
A. I knew quite a few of them by name, the majority of them by sight.
Q. And did you know whether on April 19, 1995, the tenants at your building included Baylee Almon, Aaron and Elijah Coverdale, Woodrow Brady, and John Moss?
A. Yes, sir.
Q. Mr. Nichols, what route would you have taken on April 19 after leaving the front of the Regency Tower?
A. I would have drove right past the Murrah Federal Building.
Q. Had you been on time, where would you have been at the time of the explosion?
A. Approximately, either in the intersection or just going to the Murrah Federal Building at the time, in that little car.
Q. Mr. Nichols, thanks for coming up.
A. Thank you.

MR. MACKEY: Nothing else.

THE COURT: Any questions.

MR. JONES: I have no questions for Mr. Nichols.

THE COURT: Then I take it he may be excused.

MR. MACKEY: Yes, your Honor.

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

MR. HARTZLER: The Government will call Regina Bonny.

Ms. Behenna will question her.

THE COURT: This will take a while?

MS. BEHENNA: It could take about 20 minutes.

THE COURT: We'll take our recess.

Members of the jury, we'll take our morning rest

stop,

and as usual I'll caution you to refrain from

Refrain from any discussion with respect to the case or any aspect of it and continue to avoid things outside of our evidence.

You're excused.

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

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

(Recess at 10:15 a.m.)

(Reconvened at 10:35 a.m.)

THE COURT: Please be seated.

(Jury in at 10:35 a.m.)

THE COURT: All right. Ms. Bonny.

You'll have to stand and raise your right hand.

Face the clerk there, please.

(Regina Bonny affirmed.)

THE COURTROOM DEPUTY: Thank you.

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

THE WITNESS: Regina Bonny. Last name is spelled B-O-N-N-Y.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Where do you live, Ms. Bonny?

A. In Oklahoma City.

Q. Are you employed?

A. Yes, I am.

Q. For the jury, did you recently have back surgery?

A. Neck surgery.

Q. Last week?

A. Yes.

Q. And that's the reason for the collar?

A. Yes.

Q. Can you tell the jury where you're employed?

A. For the Midwest City Police Department.

Q. How long have you been with the Midwest City Police Department?

A. Approximately 12 1/2 years.

Q. What is your rank or title with the police department?

A. Narcotics investigator.

Regina Bonny - Direct

Q. Do you have a rank?

A. Corporal.

Q. Were you assigned to the Drug Enforcement Administration

Q. were you assigned to the Drug Enforcement Administration Task Force?

A. Yes.

Q. Can you tell the jury a little bit about that task force?

A. Yes. I was assigned there in 1993. My duties were to purchase narcotics, sell narcotics, work conspiracy cases on narcotic traffickers.

Q. And you do that along with agents of the DEA?

A. Yes.

Q. And you said you've been doing that how long?

A. With the DEA?

Q. With the Task Force; right.

A. Since 1993.

Q. Did you office in the DEA space?

A. Yes.

Q. Where was the DEA space located in Oklahoma City?

A. It was on the 9th floor.

Q. Let me have you look on the computer monitor on the witness

table at Government's Exhibit 952, the 7th floor, which has previously been admitted.

Do you see it? Well -- there we go. Do you have it in front of you?

A. Yes.

Regina Bonny - Direct

Q. Can you tell the jury first of all what space the DEA had in Oklahoma City?

A. They had the 7th floor and the 9th floor.

Q. I believe in front of you, you have the 7th floor.

A. Yes.

Q. Can you describe that space for the jury.

A. That space is the Drug Enforcement Administration's diversion office.

Q. And was there -- were there employees, DEA employees, that officed there?

A. Yes. There was five employees there.

Q. And who were they?

A. That was -- my mind went blank.

That was Lola Donetta, Betty Robins, Dave Friday, and Ruth Carter.

Q. Now, the DEA had other space on the 9th floor. Is that right?

A. Yes.

Q. Of the Murrah Building?

A. Yes.

Q. I believe in front of you, you should have the 9th floor.

A. Not yet.

There it is.

Q. All right. Can you describe the DEA space that was located

on the 9th floor of the Murrah Building for the jury?

Regina Bonny - Direct

A. Yes.

Q. I'm sorry, Officer Bonny. There is a pen on the desk, if it would assist you in diagraming the space where people were located.

A. Do I write directly onto --

Q. On the screen.

A. Okay. DEA had two office spaces on the 9th floor, one on the -- both of them were on the north side of the building. And one was on the east end and one was on the west end.

Q. Okay. Why don't you describe the east-end office for us first.

A. Okay. How do you want me to describe it?

Q. Well, can you just show where the entrance was with the pen?

A. Sure. The entrance to DEA on the east end is right here.

Q. And what was that that you walked into? Was that a reception area?

A. Yes.

Q. Is that -- why don't you just describe for us who officed in that space. Maybe that would be easier.

A. Okay. There were five secretaries in that office, and there were nine agents in that office.

Q. DEA agents?

A. It was Task Force officers and DEA agents in that office. We were -- they were in this office and in the other office,

Regina Bonny - Direct

because the office space was small.

Q. And can you show the jury where the other -- the west-end space was, the DEA space?

A. Yes.

Q. You can just mark that.

A. The entrance was right here.

Q. And that was the task force space?

A. That was Task Force and agents.

Q. Okay. And who officed in that space?

A. I officed in that space, Agent Frank Marino, Agent Kevin Waters, Task Force Officer Steve Day, Task Force Officer Eddie Joe Dillard, Task Force Officer V. Underwood.

Q. When you refer to them as Task Force officer, are those police officers that are on loan from different police departments around Oklahoma City?

A. Yes.

Q. Officer Bonny, were you on the 9th floor of the Murrah Building on April 19, 1995?

A. Yes, I was.

Q. What time did you get to the Murrah Building?

A. It was approximately about 8:15.

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

A. I went to my office, dropped off my briefcase and my purse,

and then walked back to the other end of the office to get coffee.

Regina Bonny - Direct

Q. And the other end you're referring to would be the east end, the main office?

A. Yes.

Q. Of the DEA office that's looking out on the northeast side of the building?

A. Yes.

Q. What did you do when you got there? Who did you see that morning?

A. The first person I saw was Rona, and she was one of the secretaries. And I saw Carrol. She was also a secretary. I saw Dave Schickendanz. He was an agent. And then I saw Carrie Lenz.

And then I went and got coffee; and then I was there probably five or ten minutes, and then Shelly had come in, Shelly Bland.

Q. And did you stay there and discuss things with them that morning?

A. Yes, I did. Carrie Lenz was pregnant and she had brought in her ultrasound, so all the girls were looking over the ultrasound and cutting up about where all the body parts were where the baby was located at.

Q. And then you spent a few minutes with them. And then did do you go back to the Task Force space?

A. Yes. I probably spent -- I spent quite a while down there.

It was probably about 20, 25 minutes, maybe a little longer

Regina Bonny - Direct

than that there; but then I went back down to the other end, yes.

Q. Did you see Agent Kenny McCullough that morning?

A. No, I did not.

Q. You walk into the Task Force, west end of the building.

A. Yes.

Q. What do you do when you get there?

A. I start typing up a report. I had been there approximately five or ten minutes typing, and the first thing that happened was the lights went out and my computer went off. Then I stood up and then I heard the explosion, and the last thing I saw was a coat rack.

Q. Were you knocked unconscious?

A. Yes.

Q. At some point in time after the explosion, did you come to?

- ..

A. Yes.

Q. Where did you find yourself?

A. I was against a filing cabinet, and there was debris all on top of me; so I just tried to get my way out.

Q. And can you mark on the screen where you ended up? If you could click it, the pen, those red marks will come off.

There you go.

A. I was right in here.

Q. That is where your desk was located, or is that where you ended up?

Regina Bonny - Direct

A. This is where my desk was located, and I ended up back over up in here.

There was -- there was no walls or ceilings or no doors.

Q. After the explosion?

A. Right.

Q. So you come to and you find you're covered with debris and you start digging yourself out. What did you do next?

A. Once I was able to get out, I stood up. I looked around, and I figured that a bomb had went off. I started hollering to

see if I could get a response from anybody, and I heard cries for help; and I went to two men who was crying for help.

Q. Where were the men located?

A. They were over in here, that area.

I'm sorry.

Q. Did you know who they were?

A. Yes. They were Jim Staggs and Vernon Buster.

Q. Who did Jim Staggs and Vernon Buster work for?

A. The Alcohol, Tobacco and Firearms.

Q. They were in that Attachment TF space?

A. Yes.

Q. What did you do next?

A. The first person I got to was Vernon. He was covered in debris, and he had a piece of metal stuck in his body and he couldn't get up. So I pulled it out and took all the debris

Regina Bonny - Direct

off of him.

Then he was able to get up. He was bleeding a little bit everywhere, but it wasn't bad bleeding; so I told him to stay with me and we went to Jim. And he was bleeding bad from the head. I took off his shirt, and I stuck part of the shirt down to the hole of his head; and I wrapped the rest of the shirt around his head.

Q. Did you help them out of the building?

A. Yes, I did.

Q. What did you do?

Q. What did you do.

A. We couldn't find our way at first because there was -- you know, the doors were gone and the walls were gone and there was debris and wires everywhere; so it took us a while to find our way out. And we went out --

Q. Are you trying to draw on the screen?

A. Yeah.

Q. Is it not working?

A. Yeah. I was trying to find where we come out at.

It was over in here.

Q. Did you make it to the stairwell?

A. Pardon me?

Q. Did you make it to the stairwell?

A. Yes.

Q. Which stairwell?

A. It would be the one on the west side. There was two

Regina Bonny - Direct

stairwells, one on the west and one on the east.

Q. Can you mark it?

A. Right here.

Q. Okay. So you took both of the gentlemen down the stairs there --

A. Yes.

Q. -- Officer Bonny?

A. Yes.

Q. You take them all the way down to where?

A. To outside. When I got outside, I saw Agent Schickendanz, Betty Robins, and I took both of the men to them and said to get them help. I asked Dave where the girls were at, and he had said they were still up there.

Q. What girls are you talking about?

A. I'm talking about the secretaries, Carrol and Carrie and Rona and Shelly.

Q. That you talked to just minutes before?

A. Right.

Q. Do you go back in the building?

A. Yes, I did.

Q. Up to the 9th floor?

A. Yes. I couldn't go through on this side. I couldn't get through here, so I went through this way.

And once I get -- I don't think it was that far.

Once

I get -- it was about right in here -- our whole office is

Regina Bonny - Direct

gone.

Q. Do you hear -- do you know Agent Luke Franey?

A. Yes, I do.

Q. Do you hear him?

A. Yes. When I see that our office is gone, I start

hollering, hoping that maybe they can hear me. And then Luke hollers back at me, so I try to find where he's at; and I come back over in here. And I can't get to him because there is a big hole in between us. I told him that I would go get some help because he couldn't get out.

Q. And you leave the building?

A. Yeah. I leave off the 9th floor, and I stop on various other floors hunting for people.

Q. Officer Bonny, do you know how many employees of the DEA were killed on the morning of April 19, 1995?

A. Five.

Q. I'm going to have you look -- I believe in front of you is a folder, and in it should be Government's Exhibit 1082.

MS. BEHENNA: Your Honor, with the marshal's assistance . . .

THE COURT: Yes.

BY MS. BEHENNA:

Q. There is a chart right behind you.

Yeah. If you would just show that.

Officer Bonny, can you look at the chart that the

Regina Bonny - Direct

marshal has?

A. Yes.

Q. Are you familiar with that?

A. Yes.

Q. Did you know each of the employees of the DEA?

A. Yes, I did.

MS. BEHENNA: Your Honor, I'd move for the admission of Government's Exhibit 1082.

MR. JONES: No objection, your Honor.

THE COURT: Received. You may display it.

MS. BEHENNA: With your assistance, can you make it more -- there you go, so Officer Bonny can see it well. Bring in that left a little bit further. There you go.

BY MS. BEHENNA:

Q. Are you able to see that, Officer Bonny?

A. Yes.

Q. Can you briefly identify and describe what each employee did for the DEA?

A. Yes.

Q. Just briefly.

A. Ken McCullough was an agent with DEA, and I worked several cases with him.

Q. You're talking about Kenny McCullough, whose picture is on the bottom right side?

A. Yes.

Regina Bonny - Direct

Q. And next to Agent McCullough?

A. Pardon me?

Q. Next to Agent McCullough?

A. Carrie Lenz. She was the one that I was talking about that

was pregnant, and she was the person who handled all of our seized assets.

Q. Okay. Up on the top row?

A. Is Carrol Fields. She had worked with DEA for 30 years. She was the main secretary, the rock of the office.

Q. And next to Carrol?

A. Is Rona Chafey, and she was a secretary who helped type our reports, agent reports.

Q. And next to Rona on the top row on the left side?

A. Is Shelly Bland. She also helped type agent reports.

MS. BEHENNA: Your Honor, again with the marshal's permission -- or assistance, I'd like to put up the 9th floor chart.

THE COURT: All right.

BY MS. BEHENNA:

Q. Officer Bonny, in front of you in an envelope are name plates.

Officer Bonny, can you get down from the witness stand and on that board place each name where that employee's office or desk was located?

A. Rona's desk was right in here.

Regina Bonny - Direct

Q. Officer Bonny, it's okay. If you want to go ahead and place the names up there, you don't have to describe them.

A. Okay.

MS. BEHENNA: That's all I have.

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

MR. JONES: I do. Just a few, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. JONES:

Q. Ms. Bonny, how long had you been assigned to the Task Force before April 19?

A. Approximately two years.

Q. And that's where you worked full-time?

A. Yes.

Q. Did the DEA have an evidence locker there in the Alfred P. Murrah Building?

A. Yes.

Q. And do you know where that was?

A. Yes.

Q. Where was it?

A. Do you want me to show you --

Q. Well, if it's more comfortable at the desk, that's fine.

A. It's not on this screen.

Q. All right. Then was it on the 9th floor?

Regina Bonny - Cross

A. Yes.

Q. All right. I think there is a pointer, perhaps.
Can you just point to where it is easily?

A. I'll have to get down.

Q. Don't do that. Just tell me, was it on the east side?

A. Yes.

Q. All right. Whose desk is closest to it?

A. I'd say it would be a tie between Carrol Fields and Don Webb.

Q. Is it one of the rooms where the east wall --

A. No.

Q. What ordinarily was kept in that evidence locker?

A. Seized paperwork.

Q. Drugs?

A. Guns.

Q. I'm sorry? What?

A. Guns.

Q. Guns.

A. There was -- no drugs was ever kept in there.

Q. Were there any type of diversionary devices or stun guns
or

flash bangs, anything like that?

A. No.

Q. Now, on the night of April 18 -- that is, Tuesday night
before the morning -- was the DEA engaged in any type of
operation other than the one in Norman, Oklahoma?

Regina Bonny - Cross

A. Would you ask that question again?

Q. Sure. On the night of the 18th, which would be Tuesday
night, there has been -- let me back up and put it this way:
There has been previous testimony in this case that there was
a

joint DEA/ATF operation I believe down in Norman, Oklahoma,
the

night before involving some agents from the ATF. My question
to you is leaving aside that operation, which was ongoing,
were

there any other DEA operations on Tuesday night that, say,
involved more than two agents?

A. It's possible, but --

Q. Are you aware of any?

A. No.

Q. Specifically since you're from Midwest City, are you aware
of any around Interstate 40 between Oklahoma City and Midwest
City?

A. I don't know. I couldn't answer that.

Q. All right. Ms. Behenna asked you about your neck brace,
and I think you indicated you had surgery about a week ago?

A. Yes.

Q. When were you first notified you would be a witness in

-
this
case?

A. I don't -- I don't remember.

Q. Was it before the start of the trial? That would have been on March 31.

A. Yes -- it was possible, they said. Possible.

Regina Bonny - Cross

Q. Okay. When did you know for sure you would be a witness?

A. They sent me a letter in the mail.

Q. And do you recall when that was?

A. No, I don't. I don't remember.

Q. Has it been in the last two or three weeks?

A. It was longer than that.

Q. All right. Now, is the operation that you had related to your injuries in the bombing?

A. Yes.

Q. And in what sense?

A. What do you mean?

Q. What type of operation? Can you describe it for me?

A. They fused the vertebrae and took ruptured disks off of the spinal cord.

Q. And was that injuries you sustained as a result of falling or something hitting you, if you know? I mean --

A. They just said it was from impact.

Q. Impact?

A. Yeah.

MR. JONES: Thank you very much.

MS. BEHENNA: Nothing else, your Honor.

THE COURT: I take it she's excused.

MS. BEHENNA: Yes.

THE COURT: Agreed.

MR. JONES: Yes, your Honor.

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

Next witness.

MR. HARTZLER: Government calls Phil Long.

Ms. Behenna will question him.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Philip Long 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: Philip David long, L-O-N-G.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Are you employed, Sergeant Long?

A. Yes, I am.

Q. Where are you employed?

A. I'm employed with the Oklahoma City Police Department.

Q. And how long have you been with the Oklahoma City Police Department?

A. Since 1980.

Q. And your rank is sergeant?

A. Yes, ma'am.

Q. Were you also assigned to the DEA Task Force?

A. Yes, ma'am. In June of 1992, I was assigned to the Drug

Philip Long - Direct

Enforcement Administration Task Force out of the Oklahoma City district office.

Q. And the Oklahoma City district office of the DEA was located where?

A. At 200 N.W. 5th in Oklahoma City.

Q. The Murrah Building?

A. Yes, ma'am.

Q. On the 9th floor?

A. Yes, ma'am.

Q. And is that where you officed?

A. Yes, ma'am, I did.

Q. Did you have a partner that you worked with at the Task Force?

A. Yes, ma'am. Special Agent Kenneth McCullough.

Q. He's a DEA agent?

A. Yes, ma'am. He's a DEA agent.

Q. How long have you known Special Agent Kenny McCullough?

A. I first met Ken in approximately June of 1990, while I was still at the Special Projects Unit of the Oklahoma City Police Department. When I was assigned to the DEA Task Force out of the Oklahoma City office in June of 1992, Agent Ken McCullough and I started working cases intensively at this time.

Q. And you worked all of your cases together?

A. Yes, we did.

Q. Can you tell the jury what you and Agent McCullough were

Philip Long - Direct

doing the evening of April 18, 1995?

A. On April 18, the -- all the agents in the office during the

daytime up till late hours on the 18th had been involved in numerous search warrants in the Oklahoma City area. Myself and

Agent McCullough were also involved in another case in the Oklahoma City area that after we had got back to the office late that evening, Ken McCullough and myself had decided to go out later that evening, plus early the next morning, to do a trash collection on a residence in Oklahoma City.

Q. Now, you and Agent McCullough, along with other agents of the DEA, were involved in a search warrant earlier on the 18th?

A. Yes, numerous search warrants.

Q. Do you remember the name of the case?

A. I believe it was the Ed Stinson case.

A. I believe it was the Ed Studson case.

Q. And then after you returned to the office, you and Agent McCullough went out and did what you called a trash run?

A. Yes, ma'am.

Q. And approximately what time did you do that?

A. I believe we met at the office in Oklahoma City at the Murrah Building approximately around 10 or 11:00 the evening of the 18th.

Q. Do you recall the case that you and Agent McCullough were working on?

A. Yes, ma'am. It's a case under the name of Alvarado.

Q. And you went and did a trash run?

Philip Long - Direct

A. Yes, ma'am.

Q. And for the members of the jury who don't understand what that is, can you just briefly explain what that is?

A. Yes, ma'am. A trash collection is where on specified days you place trash out at the curb of your residence or up by your house. On specified days that the trash is collected, we'll go out and go through the trash for any type of evidence involved in a case that we may be involved in.

Q. Sergeant Long, what time did you then get back to the office?

A. I believe approximately the morning of April 19, around 2 or 3:00 in the morning, myself and Act McCullough returned to the lower level of the Murrah Building, where the parking was of the Murrah Building.

Q. Underneath the Murrah Building?

A. Yes, ma'am.

Q. Did you all agree to meet up again on the morning -- later in the morning on April 19?

A. Yes, ma'am. Ken and I talked on the way back to the office that we had found some possible evidence that was involved in the case that we had just come back from the trash collection. We had agreed to meet at the office at the Murrah Building at 9:00 that morning. Once we got to the office at 9:00, we were going to go to the Oklahoma City Police Department forensic lab and meet with Chemist Richard Dawes.

Philip Long - Direct

Q. Sergeant Long, did you make it to the Murrah Building at 9:00 in the morning on April 19?

A. No, ma'am, I did not.

Q. But that's the time you were supposed to meet Agent McCullough?

A. Yes, ma'am.

MS. BEHFNNA: May I have just a moment?

MS. BEHENNA: May I have just a moment.

THE COURT: Yes.

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

THE COURT: Any questions?

MR. JONES: No, your Honor.

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

MS. BEHENNA: Yes, your Honor, he is.

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

Next.

MR. HARTZLER: We'll call Eli Lopez. Ms. Behenna

will
question him.

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

(Elias Lopez 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: Elias Lopez, L-O-P-E-Z.

DIRECT EXAMINATION

Elias Lopez - Direct

BY MS. BEHENNA:

Q. Agent Lopez, where do you live?

A. At the present time I'm assigned to Tegucigalpa, Honduras.

Q. Are you employed?

A. Yes, I am.

Q. How are you employed?

A. I'm a senior criminal or supervisor criminal investigator
for the Department of Justice, Drug Enforcement
Administration.

Q. The DEA?

A. Yes, ma'am.

Q. And how long have you been with the DEA?

A. I've been with the DEA approximately 13 years. Pardon me.
18 years.

Q. Prior to your assignment at Honduras, where were you
assigned?

A. I was the agent in charge of the Tulsa, Oklahoma, DEA
office.

Q. And how long had you been in Tulsa?

A. I stayed in Tulsa approximately 4 1/2 years.

Q. From what year to what year?

A. October, 1991, to March of this past year, 1996.

Q. If you can address your answers to me, Agent Lopez?

A. Okay.

Q. Prior to your assignment in Tulsa, where were you
assigned?

A. I was assigned to Bogota, Colombia.

Elias Lopez - Direct

Q. On April 19, 1995, you were assigned to the Tulsa office,

though.

A. Yes, I was.

Q. Can you tell the jury where you were the morning of April 19, 1995?

A. I was at my office in Tulsa, Oklahoma.

Q. And did you hear that there had been an explosion in Oklahoma City?

A. Yes, I did.

Q. And what did you do after you heard that there had been an explosion?

A. Well, the first thing I did, I did some -- I verified it by

news media. I notified our Dallas office, which is our res -- field division office and also notified the headquarters in Washington, D.C. I assigned four DEA agents that work for me to head to Oklahoma City, because at that point I could tell it

was the federal building where DEA office was housed. And I started making some phone calls and setting arrangements for a trauma center in Oklahoma City, getting trauma team members, the clinicians, to assist. And then I went to Oklahoma City.

Q. You knew that it was the Murrah Building?

A. Yes, I did.

Q. And you knew that the DEA office was located in the Murrah Building?

A. Yes, I did.

Elias Lopez - Direct

Q. And how did you know that?

A. During that period of time, I was going to Oklahoma City about every -- every week, sometimes twice a week; and I'd go to the office every time.

Q. Did you know the agents that were working in the Oklahoma City office of the DEA?

A. Yes, I did. I knew them all.

Q. Later that morning, I assume you headed toward Oklahoma City yourself?

A. Yes, I did.

Q. What time did you arrive?

A. I arrived in Oklahoma City approximately about 10:30, 10:40

that morning.

Q. Okay. Where did you go when you got to Oklahoma City?

A. I went to -- the initial place, the Oklahoma City Special Projects Office, which is about three blocks north or four blocks north of the Murrah Federal Building.

Q. And did you learn at that time that there were some DEA employees missing?

A. Yes. I met with -- with Don Webb, the agent in charge of the Oklahoma City office. He had mentioned who had been missing, or who was in the building and who was suspected as still being in the building. And at that point, I went to the building.

Q. Was that your assignment then, to stay at the site?

Elias Lopez - Direct

A. Well, self-imposed assignment, yes. I told Don Webb at that point that I would send his office members to the special office building and that I also had a trauma center being set up at the hotel and the agents that I brought down, a lot of the agents that would be arriving, would take over the office site.

Q. What was the purpose for you to be down at the site on the 19th of April?

A. I was one of two people that knew the five people that we suspected of being missing at that time for body identification, recovery of records, DEA records.

Q. Were you then involved in the recovery of some of the DEA employees?

A. Yes, I was.

Q. Can you tell the jury -- and you're at the site for how long?

A. I'm at the site for approximately 12, 13 days before I went back to Tulsa.

Q. Beginning April 19, 1995?

A. Yes.

Q. Can you tell the jury if you were present when Carrie Lenz was recovered from the building.

A. Yes, I was.

Q. Did you know Carrie?

A. Yes, I did.

Elias Lopez - Direct

Q. And were you able to identify her?

A. Yes, I was able to identify her.

Q. Were you also present when Agent Kenny McCullough was recovered from the building?

A. Yes, I was.

Q. Did you know Kenny McCullough?

A. Yes, I did.

Q. Had you worked cases with him before?

A. I had worked with him, had numerous conversations with him, yes.

Q. Were you also at the building site when Carrol Fields was recovered from the building?

A. Yes, I was.

Q. And you knew Carrol Fields?

A. Yes, I did.

Q. And you were able to identify her?

A. Yes, I did.

Q. Were you present when Michelle Bland and Rona Chafey were recovered from the building?

A. Not at the site, no.

Q. I believe in front of you in a folder, Agent Lopez, you have Government's Exhibit 1089

HAVE GOVERNMENT'S EXHIBIT 1089.

A. Excuse me.

Yes, I do.

Q. Can you identify that?

Elias Lopez - Direct

A. This is an appointment -- an affidavit of appointment for Kenneth Glenn McCullough, appointing him as criminal investigator for the Department of Justice, Drug Enforcement Administration, at Oklahoma City, Oklahoma.

MS. BEHENNA: Your Honor, I move for the admission of Government's Exhibit 1089.

MR. JONES: No objection.

THE COURT: Received.

MS. BEHENNA: And just for purposes of publishing it to the jury, if I could have the ELMO.

BY MS. BEHENNA:

Q. What's the date of that appointment affidavit?

A. The date is 7 February 1990.

Q. And an appointment affidavit is a document that describes somebody as being a special agent of the DEA?

A. Yes, it's an oath of office and appointing him as a criminal investigator and our title, special agents.

Q. Is that the date that Kenny McCullough became an agent of the DEA?

A. Yes, it is.

Q. Let me have you look at Government's Exhibit 1090.

Can you identify that?

A. Yes, I can. It's a standard Form 50. It's a government form. It's a notification of personnel action.

Q. And is it for who?

Elias Lopez - Direct

A. The personnel action of Kenneth G. McCullough.

MS. BEHENNA: Your Honor, I move for the admission of Government's Exhibit 1090.

MR. JONES: No objection, your Honor.

THE COURT: Received.

MS. BEHENNA: May I publish it, your Honor?

THE COURT: Yes.

BY MS. BEHENNA:

Q. My copy is not very good, Agent Lopez. Can you describe for the jury what this is.

A. Yes. It the effective date of April 19, 1995. The action and the nature of action is the -- is death and lists his -- Kenneth McCullough's name and his job series as a 1811, which is a criminal investigator. And his location where he was assigned was the Dallas field division, Oklahoma City, Oklahoma, resident office.

Q. And that document describes him as being a special agent of the DEA?

A. Yes, it does. It doesn't say "special agent," but the

occupation code on No. 9, which is a 1811, which is a criminal investigator for the United States Government.

Q. Let me have you look now at Government's Exhibit 1091.

Can

you identify that, Agent Lopez.

A. These are DEA credentials and a DEA badge in the name of Kenneth Glenn McCullough as Special Agent, with his credential

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numbers.

MS. BEHENNA: Your Honor, I move for the admission of Government's Exhibit 1091.

MR. JONES: No objection.

THE COURT: Received.

MS. BEHENNA: May I publish it, your Honor?

THE COURT: Yes.

BY MS. BEHENNA:

Q. Had you seen these credentials before, Agent Lopez?

A. Yes, I have.

Q. You had seen them before April 19, 1995?

A. I don't think I've seen them before that, not these particular credentials. I saw them on that day -- actually, I saw them on the 21st of April.

Q. And how did you see them on the 21st of April, 1995?

A. I recovered these credentials from Mr. -- Special Agent McCullough's body.

Q. Do you understand that Agent McCullough's death is the subject of a murder count?

A. Yes, I do.

Q. And was Agent Kenny McCullough killed while engaged in the performance of his official duties on April 19, 1995?

A. Yes, he was.

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

THE COURT: Do you have any questions?

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

THE COURT: All right. I take it no objection to excusing him?

MR. JONES: No objection, your Honor.

MR. HARTZLER: Thank you.

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

Next.

MR. HARTZLER: Government calls Pat Daly.

Ms. Wilkinson will question him.

MS. WILKINSON: Your Honor, to expedite the presentation of the evidence, we would like to move a series of pieces of evidence and uncover this. If we could have about 5 minutes to do that, and we'll be able to go through this witness' testimony rather quickly.

THE COURT: 5 minutes?

MS. WILKINSON: Yes.

THE COURT: I guess we'll recess for that 5-minute period to assist in that.

So, members of the jury, we're going to excuse you

for
about 5 minutes. And remember, that's lawyer's time; but
we'll
let you know when we're ready. And of course, like all
recesses, please continue to follow the instructions at all
recesses.

You're excused.

(Jury out at 11:22 a.m.)

THE COURT: That's a generic jocularity, not a
personal insult.

MS. WILKINSON: Thank you, your Honor.

THE COURT: All right. We'll be in recess subject
to
call.

(Recess at 11:23 a.m.)

(Reconvened at 11:28 a.m.)

THE COURT: Be seated, please.

Congratulations.

MS. WILKINSON: Thank you, your Honor.

THE COURT: Well done.

Bring in the jury.

(Jury in at 11:28 a.m.)

THE COURT: Members of the jury, I take it all back.
Ms. Wilkinson got things done in less than 5 minutes.

We'll bring the witness in.

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

(Patrick Daly 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: Patrick J. Daly, D-A-L-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Agent Daly. How are you?

A. Fine, thanks.

Q. Tell the jury how you're employed.

A. I'm a supervisory Special Agent for the FBI in the Chicago
office.

Q. And what does it mean that you're a supervisory special
agent?

A. I supervise a squad of agents and Task Force officers, and
we investigate domestic terrorism.

Q. How long have you been with the FBI?

A. Over 14 years.

Q. Do you have any prior law enforcement experience?

A. Yes. I was a police officer for six years.

Q. Where were you a police officer?

A. In Oak Park, Illinois, which borders the west side of
Chicago.

Q. You just told us that you're assigned to the Chicago field
division. Is that right?

A. That's correct.

A. That's correct.

Q. How long have you been with the Chicago field division?

A. Approximately three years.

Q. So I take it you were there -- you were there -- that was

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your assignment in April of 1995.

A. Yes.

Q. Do you have any other special duties or responsibilities in

the Chicago office?

A. I supervise the Evidence Response Team in the Chicago office.

Q. Is that what's commonly referred to in the FBI as the ERT?

A. Yes.

Q. How long have you had those duties as a supervisor of the Evidence Response Team?

A. Approximately a little over two years.

Q. Tell us briefly what you do as the supervisor.

A. I approve assignments of the Evidence Response Team to process crime scenes for FBI or local law enforcement investigations.

Q. And do you, yourself, attend crime scenes and assist in the

collection and cataloguing of evidence?

A. I do on occasion, yes.

Q. Do you have any other specialized training or areas of responsibilities as a special agent?

A. I've been trained as a bureau bomb technician, and I perform those functions as needed.

Q. When did you first obtain your training as a bomb technician?

A. I attended the FBI/U.S. Army school for bomb technicians in

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1985.

Q. And after that, were you considered a qualified bomb technician?

A. Yes.

Q. Is there a recertification process involved when you're a bomb technician for the FBI?

A. Yes, there is an annual recertification at Redstone Arsenal in Huntsville, Alabama.

Q. Were you a certified bomb technician in April of 1995?

A. Yes.

Q. Can you tell us briefly what you do as a bomb technician?

A. Well, within the FBI, we who are trained as bomb technicians normally do not render safe explosive devices.

Q. What do you mean by "render safe"?

A. Cause the device to cease to function in the way it was designed. make it safe. And my duties as a bomb technician

normally are to train local law enforcement or public safety bomb technicians in render-safe techniques, as well as to train

public safety personnel in the processing of bombing crime scenes, post-blast crime scenes.

Q. Approximately how many of those types of classes have you taught?

A. Between 40 to 50 classes.

Q. Where have you taught those classes?

A. Around the country, in the Chicago area, and overseas.

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Q. Before going to Oklahoma City, had you ever been to any other major bombing crime scenes?

A. Yes, I have.

Q. Which ones had you either viewed or participated in?

A. I was at the World Trade Center bombing, and I participated

in the evidence collection there in New York in 1993. I was also on temporary assignment in Bogota, Colombia, in 1989, and observed the explosion -- or the post-blast scene at the DAS building. DAS, D-A-S, is the equivalent of the FBI in Colombia.

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

A. After arriving at work, I was -- I went to O'Hare Airport to pick up another agent who was coming into Chicago, Jeffery Hayes. And he and I were going to drive down to Redstone Arsenal in Huntsville, Alabama, for our annual bomb technician recertification.

Q. Were you able to attend that class?

A. No, I did not.

Q. Why not?

A. I was tasked that same day, April 19, 1995, to fly from Chicago to Oklahoma City.

Q. Did Agent Hayes go to that course?

A. No, he did not.

Q. Was he also sent to Oklahoma City immediately after the

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bombing?

A. Yes. He traveled with me.

Q. What did you do once you received your assignment to go to Oklahoma City?

A. I went home, packed my clothing, packed my protective gear and my tools that I would use at a post-blast bombing crime scene.

Q. Tell the jury a little bit about those items that you just mentioned.

A. The protective clothing would include helmets, coveralls, shirts, pants, boots, and gloves.

And the tools might include -- or did include

flashlights, evidence collection bags, gloves, scales, etc.

Q. Now, were these clothes freshly laundered?

A. Yes.

Q. And is that your policy after you -- before you attend a crime scene, to bring clean clothes?

A. Yes.

Q. For what purpose?

A. Two purposes: One, I usually like to wear clean clothes; and the second -- the second is so that I try to minimize what I would introduce foreign to the crime scene.

Q. What time did you arrive in Oklahoma City?

A. I would say approximately 6 p.m.

Q. And do you recall what the weather was like on April 19

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around 6:00 that night?

A. It was overcast and cloudy; and then it began to rain heavily, and thunder and lightening followed.

Q. Did you go to the crime scene -- that is, the area around the Murrah Building -- the evening of the 19th when you arrived?

A. Yes, I did.

Q. Tell us what you did.

A. Myself and some of the other agents who had arrived at the -- at Oklahoma City as well as some of the personnel assigned to Oklahoma City went to the crime scene to do an initial survey of what we would need to process that crime scene.

Q. Did you see the Murrah Building that evening?

A. Yes, I did.

Q. Tell the jury what you saw on the night of April 19 when you walked the crime scene.

A. At the time, there was severe thunder, lightening, rain; and we walked from the command post, which was two and a half, three blocks away, to the building itself. I thought -- when I

first saw the building, it reminded me of the DAS building in Bogota and the pictures I've seen of the American embassy and the Marine Corps barracks in Beirut in 1983, which also had been blown up by vehicle bombs.

I saw severe damage, and I saw a rescue attempt being

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undertaken by the Oklahoma City Fire Department and other people.

Q. What did you see on the streets as you walked towards the Murrah Building?

A. I saw severe damage to surrounding structures, vehicles; and I saw various vehicle parts laying on the streets, the sidewalks, up in the trees.

Q. How did you recognize those to be vehicle parts?

A. I've seen those parts in that type of state, post-blast state, many times previous, either in the schools I've taught or in crime scenes I've processed.

Q. That evening as you were walking around the crime scene, did you pick up any of the pieces of the vehicle parts that you

saw or any other debris?

A. I personally did not.

Q. What did you do that evening?

A. We did an initial survey, then came back to the crime -- or

the crime-scene post, command post, and made plans on how would

we process the scene, divide up personnel, estimates of how many people we would need to process the scene; and we decided on an initial briefing in the morning and to begin the processing the next day.

Q. Were you aware that bomb technicians from all over the United States were flying into Oklahoma City that day?

A. Yes, I was.

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Q. And were you also aware that members of various Evidence Response Teams were flying in or driving in from all over the country that day?

A. Yes, I was aware.

Q. And did you determine how you would use these individuals to search the crime scene for evidence?

A. Yes. At the time -- many of the people that were with me at the time were -- had experience with major crime scenes; and

we were deciding that we would divide up the area. It was important to begin processing the exterior portions of the surrounding streets because it -- they were vulnerable to, you know, traffic and people entering. And the immediate area around the building was certainly secured by the local Oklahoma

City Police Department, so we made plans on dividing up areas within the surrounding blocks to process.

Q. Did you make assignments that next morning, April 20, 1995?

A. Yes, we did.

Q. And you said you were going to divide up the crime-scene area. Is that right?

A. That's correct.

Q. How did you divide it up?

A. We determined from basically a perimeter that we would search based on finding out where items had been found that possibly belonged to the truck involved in the bombing and then

extended the area so that we would have a search area that

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would be inclusive of the possibility of finding items relating to the blast.

Q. Did you divide the area into grids?

A. Yes, we divided it into grids and assigned different Evidence Response Teams and bomb technicians to the various grids.

MS. WILKINSON: Your Honor, if I could show the witness Government's Exhibit 727 and 728. I can hand up -- the large versions are up behind the marshal or next to the marshal.

THE COURT: All right.

BY MS. WILKINSON:

Q. Agent Daly, take a look at these two exhibits.

If you could refer to them -- without showing them to the jury yet, if you could refer to them by exhibit number.

A. Okay. Exhibit No. 728 is a map, a grid map, of the area surrounding the Murrah Federal Building in Oklahoma City. It's

entitled "Central Business District."

Q. Was that the grid map that you used on April 20, 1995, to determine who would search which areas?

A. Yes. It was a portion of the grid map. Yes.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 727.

MR. NIGH: Your Honor, may I look at it?

THE COURT: Yes.

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MR. NIGH: No objection, your Honor.

THE COURT: 727 is received. Do you want to display it?

MS. WILKINSON: Yes.

BY MS. WILKINSON:

Q. Agent Daly, if you could turn around and hand it to the marshal, and he'll put it up on the easel.

You should have a pen in front of you. Do you see the little laser pen right there in front of you?

A. Yes.

MS. WILKINSON: And if the marshal could turn it a little bit. There you go.

BY MS. WILKINSON:

Q. Could you explain to the jury how you used this grid map to make team assignments?

A. May I stand?

MS. WILKINSON: Your Honor?

THE COURT: Yes.

THE WITNESS: Here, this black area --

THE COURT: Do you want to move, Mr. Nigh?

Just a moment. Let defense counsel move over.

MR. NIGH: Now I can see, your Honor.

THE COURT: Okay.

THE WITNESS: The black area would represent the Murrah Federal Building. The surrounding areas were the

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surrounding areas that we searched -- we divided them up basically into grids for each search team.

Initially, my grid area was Grid No. 1, which would be the area immediately to the northwest of the Murrah Federal Building. Grid No. 2 was down to the southwest. 3 would be to the northeast. 4 would be to the southeast, and 5 would be the Murrah Building itself.

And we expanded, as we needed to expand, the search area, if we found other articles. But this was the initial plan to search the Murrah Building and the surrounding area.

BY MS. WILKINSON:

Q. Agent Daly, you said you were responsible for Grid No. 1. Is that right?

A. That's correct.

Q. Were you assigned to be the team leader for Team No. 1?

A. Yes, I was.

Q. Could you explain to the jury where you all started the search and how you moved in toward the building?

A. The immediate area surrounding the building was secured that evening of the bombing, April 19, by the Oklahoma City police and other local and state law enforcement. So our main concern the next day, the 20th, was to begin a search of the surrounding areas that really had no security as far as the local law enforcement and had the public possible access to.

So my team, April 20, began a search of the streets

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surrounding between 5th and 9th and Harvey out to Shantrel (sic), I believe the street is, and went -- we had approximately 25 people on my team.

We went block to block, alley to alley, sidewalk to sidewalk, looking for any evidence of debris that was foreign to that immediate area.

If there was penetration, say, through a broken window

or through the side of a building by fragments, we would search

that building; if it was occupied, with permission. If it was abandoned, we would look and see if we could get access or find

the owner.

We also did the roofs of all these buildings.

Fortunately, I had some firemen who weren't afraid of heights

like I am; and we had aerial trucks and put them up on the roofs, and they searched the roof for any bomb-related items, bomb-fragment items.

We finished this area, I believe, on the 20th and continued searching towards the Murrah Building on 5th.

Q. You can take your seat.

A. Thank you.

Q. Do you recall approximately how large the search area that your team and other teams were assigned to search?

A. I believe it was approximately a mile and a half in length and maybe a mile and a quarter in width.

Q. Was this the largest outdoor crime scene you had ever been

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at or investigated?

A. Yes.

Q. Could you look at Government's Exhibit 728. What is that?

A. This is an aerial photograph of the Murrah Building after the blast, post-blast, and the surrounding blocks.

MS. WILKINSON: Government offers 728.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. And could you put that up on the easel, Mr. Daly.

Just briefly, does this depict a portion of the area that you and your team searched?

A. Yes, ma'am. Looking again at the Murrah Building, we basically were searching Grid 1, which encompassed the area to the northwest, up several blocks to 9th, again several blocks off this photograph to Shantrel (sic).

Q. Did you search each and every street, alley, rooftop, and surrounding building in your area?

A. Yes, we did. We went systematically, block by block, doing

the east-west blocks, doing the north-south blocks, parking lots, rooftops, sidewalks, alleys, interior of buildings that had been penetrated again by fragments, rooftops. This is the Regency apartment right here. It's about a 24-story building. We searched that rooftop, etc.

Q. You told us that you began -- that you made assignments on

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April 20, the night of April 20. Is that right?

A. That's correct.

Q. Did you and your team actually begin searching for evidence

on April 20?

A. Yes, we did.

Q. Did you give your team members any instructions on how to conduct the search before you began?

A. Yes, I did.

Q. What did you tell them to do?

A. I made sure that the people had protective clothing; that

A. I made sure that the people had protective clothing; that they had gloves; that we had bags and other articles to pick up and package the evidence with. I made assignments for a photographer, a sketch artist, an evidence-log recorder that would record the items of evidence that we would collect; and then I gave them -- many of whom had experience in post-blast bombing crime scenes. But for those who didn't, I gave them a summary of what to look for as far as possible fragments or -- of the vehicle itself or possible bomb-type components.

Q. Did you maintain a sign-in sheet each day to determine who was on your team and who was participating in the search?

A. Yes. Each day, I required that everyone who was on my team sign their name and initials so that I would know at the end of the day how many people, since we had 25 or more people each day.

Q. You mentioned that you assigned someone or had someone be a

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sketch artist for the team. Is that right?

A. Yes, I did. For the first few days while we were processing the surrounding areas, I had a sketch artist that would on a grid-type sketch try to incorporate approximate placements of articles that we collected.

Q. Now, how many other teams searched the crime scene at the Murrah Building beginning on April 20?

A. I think at the beginning there were approximately five or six teams. Eventually, that increased as time went on.

Q. Tell the jury how many people participated in the crime-scene search.

A. I think there was -- or I know there was about 250 people -- agents; police; federal, local, state law enforcement -- doing active collection of evidence and search for evidence.

Q. Now, were all of those 250 people downtown in Oklahoma City, or were some of them at another site?

A. There was a group of approximately 80 people at an off site, doing sifting of debris taken from in front of the building, from the crater at the Murrah Building and -- they would receive dumptruck loads of debris and earth and sift through that.

Q. What is the purpose of sifting? Why, as an evidence recovery person, would you want someone to sift some of the crime-scene debris?

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A. Well, the purpose is to determine if there is any evidence, be it minute in size, that would necessarily escape our eye as we're walking; that it would be sifted from the earth and be

recovered through screens, actual different sizes of screens that would sift the earth or concrete and eventually will get to a point where we've screened it fairly minutely so that we could find wire, fusing, part of the bomb itself.

Q. Now, before -- or once someone from your evidence team recovered a piece of evidence, what were they supposed to do with it?

A. I required --

Q. What were your procedures?

A. I required or asked that they come to me and show me or tell me what they found, so we could make a determination whether or not it was worthy of collection, whether it was evidence, and that I could make sure that the logging-in procedure was done properly and correctly.

Q. Did that enable you then to see each piece in place before it was actually taken into custody by the investigators?

A. For the most part, except for the pieces recovered on some of the roofs. I didn't go up on the roofs.

Q. And once you determined that the piece of evidence was worthy of seizure, what was the procedure that was followed?

A. We would either initial it -- or I would initial it for the most part directly on the piece, or if it was too small to

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initial or I didn't feel that the -- it would be appropriate to

initial directly on the piece, we would initial and date the packaging, assign it an item number, and do a descriptive log of what we were collecting to include that item number.

Q. Now, if you were looking for portions of the bomb or other debris that might be of evidentiary value, why would you make a

determination that certain pieces of evidence that one of your agents or investigators might see is worthy of seizure and leave other pieces there?

A. I think because of my experience, I had a better understanding of what was appropriate for collection. For example, after we knew there was a truck involved and that inside there may have been wooden paneling or wooden flooring on the truck, some of the agents were collecting every piece of

broken wood possible. And, for example, I was in the Murrah Building when this was happening; and I looked up, and the ceiling was made of wood, the same wood that the evidence people were collecting off of the floor; so I made that determination that it belonged to the ceiling, as opposed to possibly belonging to the truck.

Q. Despite making these determinations, did you and the other agents at the crime scene recover thousands and thousands and thousands of pounds of debris?

A. Yes.

Q. Do you know how much debris was collected during this

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crime-scene investigation?

A. I wouldn't know an exact figure. I would say maybe over 7 tons.

Q. Now, let's turn to your actual evidence collection on April 20, 1995, and I want to show you several pieces of evidence.

MS. WILKINSON: Your Honor, may I approach?

THE COURT: Yes.

MS. WILKINSON: Could Agent Daly step down --

THE COURT: Sure.

BY MS. WILKINSON:

Q. I want to start here with Government's Exhibit 713. Do you recognize this piece?

A. Yes, I do.

Q. Could you keep your voice up, please, because you're not near the microphone.

A. I'm sorry.

Q. What is that piece?

A. This appears to be a gear from a truck. And we -- I found this on --

Q. Do you want to come around here so the jury can hear.

A. It's in the middle right here. It appears to be a piece from a gear from a truck. And this was found on the 400 block of N.W. 5th, about two blocks from the Murrah Federal Building to the west. It was in the middle of the block just east of a

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body shop, Fred's Body Shop. It knocked --

MR. NIGH: Your Honor, if I may, may we clarify about

whether the witness is testifying about personal knowledge?

MS. WILKINSON: I can do that.

THE COURT: All right.

BY MS. WILKINSON:

Q. Agent Daly, did you personally recover Exhibit 713 as you're seeing it?

A. Yes, I did.

MS. WILKINSON: Your Honor, at this time we'd offer 713.

MR. NIGH: No objection.

THE COURT: All right. 713 is in.

BY MS. WILKINSON:

Q. Now, could you show on the model -- be careful of this piece right here -- where you recovered Government's Exhibit 713?

THE COURT: Give him the pointer.

MR. NIGH: Your Honor, may I step closer?

THE COURT: Sure. We'll get the pointer, and it may help.

THE WITNESS: This street here is N.W. 5th, and

this -- this street here is N.W. 5th, and this is the 400 block.

This truck part was found approximately right here.

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Fred's Body Shop was here. And there was a chain-link fence that ran along it, and it knocked down a length of that fence; and we recovered it from there.

BY MS. WILKINSON:

Q. Agent Daly, you're going to need to swing out a little bit so all the jurors can see you.

THE COURT: Excuse me. Members of the jury, if you want to stand so you can see better, feel free to do that.

BY MS. WILKINSON:

Q. Agent Daly, where you're pointing right now, where you recovered Government's Exhibit 713, is there a small yellow dot

and a fiber optics to indicate the recovery of that piece?

A. I see the yellow dot. I don't think there is a fiber optics. There possibly is.

Q. Now, can you tell the jury how heavy approximately Government's Exhibit 713 is?

A. I'd say about 50 pounds.

Q. Now, did you continue to search for evidence on April 21, the next day?

A. Yes.

Q. And if you could go up and look at Government's Exhibit 714. Do you recognize that?

A. Yes, I do.

Q. How do you recognize it?

A. I recall seeing this and lifting it into a pickup truck

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afterwards. It was in the middle of a block of the 300 block of N.W. 5th on the south side of the street by the sidewalk, by the Regency apartments, the large apartment building on the model.

Q. And does this appear to be a tire rim?

A. Yes, it is.

MS. WILKINSON: Government offers 714.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Again, if you could indicate on the model for the jury where you found Government's Exhibit 714.

A. Approximately right here between Harvey Street and Hudson Street on N.W. 5th on the south side of the street by the sidewalk.

Q. Agent Daly, why don't you lift up this model version of the

Regency Towers. You can just hand it to me for a moment. And if you could show the jury again where you recovered that

if you could show the jury again where you recovered that wheel rim.

A. Right here on the sidewalk on the south side, on the 300 block of N.W. 5th.

Q. In that position, is there a small yellow dot and a fiber optics indicating your recovery position?

A. Yes, there is.

Q. Approximately how far is that from the front entrance of

Patrick Daly - Direct

the Murrah Building?

A. I'd say approximately one block, about 500 feet.

Q. And not to insult your manhood, but were you able to lift that tire rim, Government's Exhibit 714, by yourself?

A. Yes.

Q. Do you want to show the jury?

A. At another time.

Q. Let me put that back.

Agent Daly, I need to ask you two questions for the record that I forgot. Government's Exhibit 713, the piece in the middle there that you've discussed: Is that also known as Q1019?

A. Yes, it is.

Q. And Government's Exhibit 714, the rear wheel rim: Do you know the Q number for that exhibit?

A. I believe it's 980.

Q. Okay. Now, did you also find Government's Exhibit 715, which I believe is -- it's the one back here.

Is that Government's Exhibit 715?

A. Yes, it is.

Q. And do you recognize this piece?

A. Yes, I do.

Q. Did you also recover this piece on April 21, 1995?

A. Yes, I did.

Q. And could you tell the jury what this is or what you

Patrick Daly - Direct

believe it is?

A. What I believe it is is a piece of the truck frame rail that was severely damaged, as you can see, by the explosive blast and was thrown from the Murrah Building to the site where

I recovered it.

Q. And does this piece appear to be bent?

A. It's bent and torn and has evidence that it was subjected to a severe --

MR. NIGH: I'm going to object. I believe this is beyond this witness' area of expertise.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Again, can you lift this piece?

A. Not by myself.

Q. Do you have any idea how heavy it is?

A. It took three of us to load it into a pickup truck.

Q. And this is marked Government's Exhibit 715. Is that right?

A. 715, yes.

MS. WILKINSON: Government moves in 715, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received, 715.

BY MS. WILKINSON:

Q. If you could go to the model and show the jury where you found this piece of frame rail.

Patrick Daly - Direct

A. Should I remove the Regency again?

Q. Yes, please.

A. This was found in the parking lot between the Post Office and the Regency on the 300 block of N.W. 5th, and again, about a block from the Murrah Building's entrance.

Q. Now, if you could go up to the photographs there on the wall and look at that one that's closest to you, right up there, straight ahead. Should be Government's Exhibit 717.

Do

you recognize that?

A. Yes, I do.

Q. Is that a photograph of Government's Exhibit 715?

A. Yes, it is.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 717.

MR. NIGH: No objection, your Honor.

THE COURT: 717 is received.

BY MS. WILKINSON:

Q. Agent Daly, remove those other two charts, would you?

MS. WILKINSON: Marshal, could you put those to the other side, please, because we're going to be using the rest of those.

Thank you.

BY MS. WILKINSON:

Q. Agent Daly, tell the jury what they see in Government's Exhibit 717.

Patrick Daly - Direct

A. You see Exhibit 715, which is on the floor there, as we found it in the parking lot between the Post Office and the Regency apartments.

We then -- I initialed it, and we carried it to a pickup truck for collection.

Q. Is Government's Exhibit 715 that piece of frame rail also known as Q1005?

A. Yes, it is.

THE COURT: I think we'll break for lunch at this point in between these heavy liftings.

MS. WILKINSON: Thank you.

THE COURT: So we'll have you back in about an hour and a half. You can step out.

Members of the jury, we'll --

MS. WILKINSON: Agent Daly, you can step out. Just leave that.

THE COURT: Members of the jury, we'll take our usual recess. During this time, of course, you can talk about anything except the case. I ask you, of course, to again withhold any discussion about anything that you have seen or heard or expect to see and hear in the course of this trial, remembering that it isn't until it's given to you for decision that you should have any such discussions. And of course, avoid anything outside of our evidence that could possibly influence you in making the decisions that you will have to make.

We're going to recess till 1:35. You're excused.

(Jury out at 12:04 p.m.)

THE COURT: We have these items sitting out in front of the jury, but I take it you've seen these before and have had an opportunity to look at them.

MR. NIGH: Yes, your Honor.

THE COURT: You have no objection to how we're proceeding, do you?

MR. NIGH: No, your Honor.

THE COURT: All right. Good.

MR. NIGH: I don't know -- I think all the -- most of the items on the table have already been identified and the bumper. I don't know that they need to stay here once they've been used.

THE COURT: Well, I don't want to take -- have the disruption of moving them in and out.

MR. NIGH: I was suggesting maybe they could be moved over the lunch hour, if the Government is done with that item.

MS. WILKINSON: Your Honor, we're not done with that; but once we are, we'll put it down again and cover it. We won't have the pieces exposed for any length of time.

THE COURT: Okay. Thanks.

We'll be in recess. 1:35.

(Recess at 12:05 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
148A	8813	8814			
148 & 148B	8815	8815			
250	8808	8808			
250A	8808	8809			
631 & 632	8829	8829			
713	8890	8890			
714	8892	8892			
715	8894	8894			
717	8895	8895			
727	8880	8881			
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1082	8851	8851			
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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 14th day of May, 1997.

Paul Zuckerman

Kara Spitler

