

**Wednesday, May 14, 1997 (afternoon)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,  
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,  
Defendant.

REPORTER'S TRANSCRIPT  
(Trial to Jury - Volume 96)

Proceedings before the HONORABLE RICHARD P. MATSCH,  
Judge, United States District Court for the District of  
Colorado, commencing at 1:35 p.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.

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

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

\* \* \* \* \*

PROCEEDINGS

(Resumed at 1:35 p.m.)

THE COURT: Be seated, please.

Ready to resume?

MR. HARTZLER: We are, thank you.

THE COURT: Okay.

(Jury in at 1:36 p.m.)

(Patrick Daly was recalled to the stand.)

THE COURT: Resume the stand, please, Agent Daly.

Ms. Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Agent Daly, now that you've sat down, could you stand up and come down to the cart?

A. Sure.

Q. Do you find Government's Exhibit 719 there on the table? Do you see it? How about that? Recognize this piece?

A. Yes, I do.

Q. And how do you recognize this piece?

A. I recognize it by both its distinct shape and also my initials and date on the piece.

Q. Do you recall where you found it when you were searching the crime scene?

A. Yes, I found this on April 21 of 1995. It was located on the northeast corner of Hudson and 5th and right adjacent to the Regency apartment building.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 719.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Agent Daly, again trying to keep your voice towards the jury, could you show them where you found 719.

A. Again, Exhibit 719, that twisted piece of metal I just

Patrick Daly - Direct

handled, was on the corner of Hudson and 5th, N.W. 5th; right adjacent to the Regency apartment building.

Q. Is that about a block and a half from the Murrah Building? Would that be accurate?

A. It's approximately a block and a half, yes.

Q. Is 719 also known as Q1043?

A. Yes, it is.

Q. Can you see if you can find up on that table, also, please,

Government's Exhibit 720.

A. Yes.

Q. That should be a smaller piece. Can you take that out of the bag.

That's quite a small piece, isn't it, Mr. Daly?

A. Yes, it is. I can lift this.

Q. Do you recognize it?

A. Yes, I do.

Q. Well, tell the jury how you recognize that small piece of metal.

A. I recognize this because it had metal -- or it had numbers stamped into the metal and what we thought or I thought possibly could be a --

MR. NIGH: I'm going to object to speculation.

THE COURT: Sustained as to speculation.

THE WITNESS: I recognize it by the number stamped into the metal.

Patrick Daly - Direct

BY MS. WILKINSON:

Q. And that's marked Government Exhibit 720.

MS. WILKINSON: We offer 720.

MR. NIGH: No objection.

THE COURT: Received.

BY MS. WILKINSON:

Q. Can you read the partial numbers you that see on that piece?

A. Well, the first, you know, is obliterated, partially. It could be a 1 --

MR. NIGH: I'm going to object to speculation to what it could be.

THE COURT: Just what you can read.

THE WITNESS: Okay. The first one is partially obliterated. A26, and that's all I can read.

BY MS. WILKINSON:

Q. Put it back in the bag, and point out for the jury on the model where you found that small piece of metal fragment with the number.

A. This I recovered again on Friday the 21st, and it was in the alley behind the Regency apartment building and next to the garage off of 6th -- N.W. 6th Street between Hudson and Harvey.

Q. Is Government's Exhibit 720, that small piece of metal, also known as Q1095?

A. Yes, it is.

Patrick Daly - Direct

Q. All right. If you could go back to the table and look for Government's Exhibit 721. Is that a piece that you recovered on April 21, also?

A. Yes, it is.

Q. And how do you recognize that piece?

A. I recognize this by its shape, and also my initials are on this side with my -- with the date of April 21 of '95.

Q. Is Government's Exhibit 721, the piece you have in your hand, also known as Q1216?

A. Yes, it is.

A. Yes, it is.

MS. WILKINSON: We offer Government's Exhibit 721, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

BY MS. WILKINSON:

Q. One more time, Agent Daly, could you go to the model and show the jury where you found Government's Exhibit 721?

A. This was found on the 21st as well in a -- along Hudson between 5th and 6th, approximately in a parking lot right here embedded into the green grass of a berm that surrounding the parking lot.

Q. That is a building there near the grassy berm where you found Government's Exhibit 720?

A. It's an auto shop.

Q. And for all the pieces that you pointed out so far, is

Patrick Daly - Direct

there a yellow dot with the fiber optics indicating the scene of the recovery?

A. Yes, it is.

Q. Could you find Government's Exhibit 721, or was that the piece I just had you look at?

THE COURT: That's the one we just received.

BY MS. WILKINSON:

Q. I'm sorry. Let's move on to Government's Exhibit 654. Do you see that on top?

A. Here it is.

Q. Can you remove that from the bag. And again, if you could turn towards the jury and keep your voice up.

Do you recognize that piece?

A. Yes, I do. I recognize this.

Q. Tell the jury how you know that that's a piece you recovered.

A. Well, this I know I recovered, No. 1, by it's distinctive shape and formation and additionally by the fact that I had initialed the exterior packaging of the item.

Q. Is there also something unusual about where you recovered that piece?

A. Yes, this -- we recovered this on Saturday, the 22d, and it

was recovered in the Regency apartment building in Apartment 807. This piece was embedded into the doorframe of an entry door -- or a doorway in the apartment that faced the Murrah

Patrick Daly - Direct

Federal Building, so the piece had --

MR. NIGH: I'm going to object to speculation about what the piece may have done.

THE COURT: Well, he was testifying, I thought, to where it was found.

MR. NIGH: I thought he was going -- getting ready to

testify about something else.

THE COURT: Well, your anticipatory objection is overruled.

MR. NIGH: Thank you, your Honor.

BY MS. WILKINSON:

Q. You can finish, Agent Daly.

A. Thank you. The piece had gone through the room and was embedded into the doorway about head level.

MS. WILKINSON: Your Honor, we move into evidence Government's Exhibit 654.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Now, could you put the Regency Tower back on the model, Mr. Daly, and show the jury where you found that exhibit.

A. Apartment 807 is eight floors up, and it was facing in the Regency -- and it was facing the east side of the building, towards the Murrah Federal Building.

Q. Is there a piece of fiber optics that, when that building

Patrick Daly - Direct

is put on the right way, it goes up to the 8th floor there?

A. Yes, it does.

Q. I want you to look at a series of photographs over here, if

you could.

I want you to review Government's Exhibit --

MR. NIGH: May I, your Honor?

THE COURT: Sure.

BY MS. WILKINSON:

Q. Right there. Take a look at Government's Exhibit 656, 657,

and 658. Do you recognize these?

A. Yes, I do.

Q. And are these photographs of the Government's exhibit that you just looked at and described as being found on the 8th floor of Regency Tower?

A. Yes, they are.

MS. WILKINSON: Your Honor, we offer those three exhibits, 756, 757 and -- I'm sorry, 656, 657, and 658.

MR. NIGH: No objection, your Honor.

THE COURT: They're received and may be shown.

BY MS. WILKINSON:

Q. Why don't you put them up and tell the jury what they're seeing. Could you refer to the exhibit number, please.

A. This is Exhibit 656. Better? This is Exhibit 656. And as

you can see, the piece I just displayed is embedded into the doorway of Apartment 807 and approximately head high.

Patrick Daly - Direct

This is Exhibit 657. Again it's a photograph of

that  
piece, a closeup, along with -- we've placed a scale so you  
can  
get a proportionate image of the size of the object.

And this is the last photograph, Exhibit 658, the  
object, we took a picture of it on the floor. And again, we  
put the scale so you could get an idea of the size of the  
object.

Q. Agent Daly, I'm not sure I've asked you: Is Exhibit 656  
also known as Q1954?

A. Yes, it is.

Q. Did you continue to collect at the crime scene on April  
23,  
1995?

A. Yes, I did.

Q. Can you go to Government's Exhibit 722 right there in  
front  
of you?

Do you recognize this?

A. Yes, this is a wheel that we found on Sunday, the 23d of  
April; and this was located at the, on Robinson Street between  
5th and 6th adjacent to the Journal Record Building. It was  
located on the sidewalk there.

Q. Is it also known as Q1032?

A. Yes, it is.

MS. WILKINSON: Government moves in Exhibit 722.

MR. NIGH: Your Honor, may I voir dire for just a  
moment?

Patrick Daly - Direct

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. NIGH:

Q. Agent, I understand that this wasn't found until April 23.

A. This wasn't collected by us until April 23. It was found  
the first day. It was there the first -- the day of the  
bombing.

Q. Were you there when it was found?

A. I saw it on the 19th. I'm sure -- I don't know who else  
saw it on the 19th. I'm only speaking for myself.

Q. Was the area secured where it had been found?

A. Yes.

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

THE COURT: Do you have any objection?

MR. NIGH: No, your Honor.

THE COURT: Received.

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Agent Daly, before you describe with the model where you  
found that, why don't you go get the pictures of it in place,  
which are right behind the witness stand, Government's Exhibit  
723 and 724. And take a look at those without showing them to  
the jury, please.

Do you recognize Government's Exhibit 723, 724?

A. Yes, I do.

Patrick Daly - Direct

Q. And do they depict Government's Exhibit 722, this front wheel, in place?

A. Yes, they do.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 723 and 724.

MR. NIGH: No objection, your Honor.

THE COURT: They are received, may be shown.

BY MS. WILKINSON:

Q. Agent Daly, put up Government's Exhibit 723, please.

Tell the jury what they're seeing.

A. This is the tire I just displayed or pointed to, and it is on the sidewalk adjacent to the Journal Record Building on Robinson Street.

Q. Is there police tape in that photo indicating that area had been secured?

A. Yes, there is.

Q. And did you see that piece in the area on April 19, 1995?

A. Yes, I did.

Q. Could you look at Government's Exhibit 724, please.

Is that just another vantage point of that same piece of evidence, the front wheel, Government's Exhibit 722?

A. That's facing towards the east -- excuse me, towards the southwest and looking at the tire and then the Murrah Federal Building in the background.

Q. Can you see some kind of marking around the tire wheel rim

Patrick Daly - Direct

there in the photo?

A. Yes, it's a painted-pink circle.

Q. Do you know what the purpose of that marking was?

A. Initially people on the 19th, the night of the bombing, marked items of evidence for collection.

Q. So would that indicate that that's where the piece was found on April 19, 1995, before you recovered it?

A. That's correct.

Q. You can take those down.

Once again, using the model, please, and show us where you found that wheel rim.

A. It was found on the sidewalk at the southeast corner of the

Journal Record Building, approximately in the middle of Robinson Street between 5th and 6th on the west side of Robinson Street.

Q. Can you look on that table and see if you can find Government's Exhibit 726.

Do you see that?

A. No. I think it might be on the floor.

... NO. I THINK IT MIGHT BE ON ONE FLOOR.

Q. Let me show you Government's Exhibit 725. Do you recognize that?

A. Yes.

Q. What is that -- or how do you recognize it? Excuse me.

A. I recognize it because of its distinctive shape as well as the fact that my initials are on it.

Patrick Daly - Direct

MS. WILKINSON: Government offers 725, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Agent Daly, did you find that on April 28, 1995?

A. Yes, I did.

Q. And were you still continuing to search the area around the Murrah Building almost a week -- more than a week after the bombing?

A. Yes, and actually the Murrah Building itself.

Q. Point out to the jury where you found that piece.

A. This was found in the northwest corner inside the building, in the rubble of the building.

Q. When you say it was found in the rubble, could you tell the jury -- give the jury a little more detail, please.

A. When the building was bombed and the -- the floors --

MR. NIGH: I'm going to object, your Honor, unless he's testifying based upon personal knowledge.

THE COURT: To the characterization as bombed?

MR. NIGH: Well, that's not really the nature of my objection. I think he was about to testify -- this is anticipatory. It sounded like he was about to testify to about what happened to the building.

THE COURT: Well, stay within your personal observation when you're responding to the question.

Patrick Daly - Direct

THE WITNESS: Okay.

On that day, the 28th, I entered the building; and in that corner, there was a great quantity of debris to include cement, steel, items from the offices, broken furniture, personal possessions, et cetera. In that debris was also included this piece of metal.

BY MS. WILKINSON:

Q. And did you and other agents and other workers remove that debris and examine it for evidence as you removed it from the Murrah Building?

A. Yes.



Q. Is Government's Exhibit 725 also known as Q996?

A. Yes.

Q. Now let's turn to April 29, the following day. Did you recover Government's Exhibit 726 on that day?

A. Yes, I see it.

Q. Do you now see it there?

Do you recognize that piece, Government's Exhibit 726?

A. Yes, I do.

Q. How do you recognize it?

A. I recognize it by its shape and the fact that it had a part number on it; and it was stamped Ford, and I recall that as well.

MS. WILKINSON: Government offers 726.

MR. NIGH: Could we have a little more information

Patrick Daly - Direct

about the time and place it was found, your Honor?

MS. WILKINSON: I'm sorry, I couldn't hear Mr. Nigh, your Honor.

THE COURT: I think he's asking for more foundation of time and place.

MS. WILKINSON: Sure.

THE WITNESS: This was found on the 29th and approximately in the same location as when I found this on the 28th.

BY MS. WILKINSON:

Q. This: You're referring to Government's Exhibit 725?

A. Correct. And it was found during the day. I'm not sure of the exact time, but it was found during the day.

Q. Was it also found in the rubble inside of the Murrah Building?

A. That's correct.

MS. WILKINSON: Your Honor, we now move in 726.

MR. NIGH: May I voir dire briefly, your Honor?

THE COURT: Yes.

VOIR DIRE EXAMINATION

BY MR. NIGH:

Q. Did you find that, yourself, Agent?

A. It was an agent on my team, Gary Miller, and he pointed it out to me saying, "This has a part number." And then I initialed the exterior packaging, and we recorded it as

Patrick Daly - Voir Dire

evidence.

Q. Did he point it out to you where it was?

A. Yes.

MR. NIGH: No objection, your Honor.

THE COURT: 726 received.

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Could you just point out on the model or tell us without going over there, is there also another small, yellow dot and fiberoptics marking where you recovered Government 726?

A. Yes.

Q. And do you know what the Q number is? Is it Q2235?

A. It is 2235.

MS. WILKINSON: Your Honor, may I have a moment?

THE COURT: Yes.

MS. WILKINSON: I don't have any other questions,  
your  
Honor.

THE COURT: All right. Do you have some cross?

MR. NIGH: Yes, your Honor.

THE COURT: You'll resume the witness stand.

MR. NIGH: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. NIGH:

Q. Agent Daly, if I understood you correctly on direct examination, one of your areas of expertise is evidence

Patrick Daly - Cross

collection; is that right?

A. That's right.

Q. You've been doing that for a number of years?

A. Yes, I have.

Q. And for a number of years, you've been the head of an Evidence Response Team?

A. I'm the supervisor of the Evidence Response Team in Chicago, and that's been about two years.

Q. And as a supervisor, you make sure that it's done correctly?

A. That is correct.

Q. Make sure that particular care is taken to recover all the important items?

A. That's correct.

Q. And to make sure that all the items are logged in appropriately?

A. That's correct.

Q. And properly identified, marked, and so that chain of custody is maintained upon the evidence?

A. Yes.

Q. In fact, during direct examination, you were describing part of that for us, and you said that you gave instructions to  
the people on your team.

A. Yes.

Q. And the instructions included that they were to wear

Patrick Daly - Cross

protective clothing

protective clothing.

A. Clothing that would protect their bodies from the sharp metal, as you can see here.

Q. And you directed them to wear gloves?

A. Gloves also to protect themselves.

Q. And they were to have evidence bags?

A. Yes.

Q. So that they could properly mark items and preserve them; is that right?

A. And package them, yes.

Q. You also had a photographer with you?

A. Yes.

Q. And a sketch artist to map out where everything had been found?

A. At certain times, yes.

Q. You also provided them with a summary of what to look for.

A. I provided them with a summary of what one would look for in a bombing crime scene, yes.

Q. And you had had some experience at bombing crime scenes?

A. Correct.

Q. Now, if I understood you correctly, also, you began this process and this planning on the night of April 19.

A. That's correct.

Q. As of the night of April 19, the FBI believed that the bomb

had been carried in a truck; isn't that right?

Patrick Daly - Cross

A. That's correct.

Q. And in fact you believed it was a Ford truck?

A. That's correct.

Q. And the instructions that you gave to the people on your Evidence Response Team reflected that, did they not?

A. Partially, yes.

Q. You told them to look for items that might be associated with a truck bomb?

A. Yes.

Q. Now, there were other Evidence Response Teams as well; correct?

A. Yes, there were.

Q. Besides the one that you were in charge of.

A. Correct.

Q. Were they also headed by people with a lot of experience like yourself?

A. Yes, for the most part, yes.

Q. People that had had experience in collecting evidence from complicated crime scenes?

A. Yes.

Q. And they also gave directions to each of the people on their team --

A. I would assume --

Q. -- is that right?

A. -- they did.

Patrick Daly - Cross

Q. Do you have any reason to believe that they did not?

A. No.

Q. Now, with small items of evidence, you even took care to document what kind of evidence was found; isn't that right?

A. It depended. We found several barrels full, perhaps at the end, of small metal fragments that we did not document individually per fragment.

Q. All right. Some small fragments you did document if you thought they had any importance; isn't that right? For example, Government's Exhibit 720, the one that you told the jury was small and you could lift.

A. Yes.

Q. And you took care to put in a plastic bag and mark the bag?

A. Right.

Q. And it has a Q number as well.

A. Right.

Q. Is the Q number something you assigned to it?

A. That's assigned by the FBI laboratory.

Q. So when were you telling Miss Wilkinson about these Q numbers, this was nothing you had to do with establishing?

A. I did not assign those numbers, no.

Q. Were you present when they were assigned?

A. No.

Q. And many of these items, including the small ones, you marked with your initials?

Patrick Daly - Cross

A. Yes.

Q. Is that right?

A. Uh-huh.

Q. And if they were too small to write on, then you put them in a bag and you'd write on the bag.

A. Yes.

Q. And you put your initials on the bag, and you'd seal the bag.

A. That's correct.

Q. And you'd date the bag.

A. Yes.

Q. Do you know, Agent, if in all of this recovery of evidence

that was participated in by yourself and the other evidence recovery teams, there is any evidence recovery log which reflects that a key was found in the alley behind the YMCA?

A. I'm not aware of that.

MR. NIGH: Your Honor, may I have just a moment?

THE COURT: Yes.

MR. NIGH: That's all I have.

THE COURT: Any redirect?

MS. WILKINSON: Just one, your Honor.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Agent Daly, you and your team members did not recover the key; isn't that correct?

Patrick Daly - Redirect

A. That's correct.

MS. WILKINSON: No other questions, your Honor.

MR. NIGH: No.

THE COURT: All right. Is he going to be excused?

MS. WILKINSON: Yes.

THE COURT: Do you agree to that?

MR. NIGH: Can I have just a moment?

THE COURT: Yes.

MR. NIGH: Your Honor, I'd ask that he remain available.

THE COURT: All right.

Well, you can leave and be subject to recall on notice.

THE WITNESS: Yes, sir.

THE COURT: Next, please.

MR. HARTZLER: Robert Morton. Miss Wilkinson will question Mr. Morton.

THE COURT: Thank you.

MS. WILKINSON: Your Honor, while the witness is coming in, can I cover or at least lower this exhibit?

THE COURT: Yes.

THE COURTROOM DEPUTY: Raise your right hand.

(Robert Morton affirmed.)

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

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

THE WITNESS: My name is Robert J., middle initial, last name is M-O-R-T-O-N.

THE COURT: Miss Wilkinson.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Sir, where do you work?

A. I work for the FBI in Chicago.

Q. Are you a special agent?

A. Yes, I am.

Q. How long have you been an agent with the FBI?

A. I've been an agent for nine years.

Q. Did you work in law enforcement before you joined the FBI?

A. Yes, I did.

Q. What do you do?

A. I was a Virginia state trooper.

Q. How long were you a trooper?

A. I was a trooper for seven years.

Q. Can you tell us where you're currently assigned?

A. I'm currently assigned to Chicago.

Q. And what are your duties and responsibilities in Chicago?

A. I work for a domestic terrorism squad.

Q. Were you assigned there in Chicago in April of 1995?

A. Yes, I was.

A. Yes, I was.

Q. Did you at that time have any special duties or

Robert Morton - Direct

responsibilities in Chicago?

A. Yes, I did.

Q. What were they?

A. I was a team leader on Evidence Response Team or ERT.

Q. Did you work with Agent Daly?

A. Yes, I did.

Q. And what do you do as a team leader of the Evidence Response Team?

A. The Evidence Response Team is a group of agents that are trained to collect evidence. As a team leader, I manage the team on call-outs on crime scenes, making sure that the paperwork is filled out correctly and managing the crime scene and getting any additional help or anything else that I need to do.

Q. How many crime scenes do you think you've worked?

A. Probably over a hundred.

Q. And have you worked many, many of those crime scenes with your fellow Chicago Evidence Response Team members?

A. Yes, I have.

Q. And in connection with that, have you all developed procedures for collecting, cataloging, marking, storing evidence?

A. Yes, we have.

Q. Did you follow those procedures in April of 1995 when you worked the crime scene at the Alfred P. Murrah Building?

Robert Morton - Direct

A. Yes, I did.

Q. Let's turn to the day of the bombing, April 19. Do you recall where you were?

A. Yes, I do.

Q. Where were you?

A. I was in the office seated at my desk.

Q. How did you learn about the bombing?

A. I received a phone call from the evidence coordinator, who is another agent in the office, who advised me that we were getting called out to go to Oklahoma City and to come downstairs and help him make some phone calls to obtain enough personnel to go.

Q. Did you do that?

A. Yes, I did.

Q. Did you gather other members of the Chicago Evidence Response Team?

A. Yes, I did.

Q. What else did you do that day to get prepared to go to Oklahoma City?

A. I left the office after making arrangements for everyone to

--  
meet up. I drove home, I packed a bag, and I drove to a rendezvous spot and we started caravanning to Oklahoma City.  
Q. Why did you drive to Oklahoma City instead of fly?  
A. We drove because we realized a lot of people were flying in, and we in Chicago were -- had a ERT vehicle, a Suburban,

Robert Morton - Direct

that contained lots of supplies to process crime scenes with. We felt the need to bring that with us.

Q. Tell us what supplies you had in this evidence response vehicle.

A. This vehicle had everything from paper tags; stick-on labels; bags, paper and plastic; brown butcher-paper rolls, forms, all the forms needed to do it; search logs; sketches; graph paper. It also had a lot of forensic equipment on it such as a forensic vacuum, a forensic light source. We had Tyvex clothing, protective clothing, gloves, booties, hair nets. We had tools as well to help us process crime scenes.

Q. Did you have all of that in that one Suburban?

A. Yes, we did.

Q. Did you bring any other vehicles with you?

A. Yes, we did.

Q. What else?

A. We brought a full-size van into which we loaded additional boxes and other packaging material that we thought we might need.

Q. Did you do that because you had already seen briefly on television the Alfred P. Murrah Building and the destruction that occurred on April 19?

A. Yes, I did.

Q. What -- when did you arrive in Oklahoma City?

A. We arrived on the -- shortly after noon on the 20th.

Robert Morton - Direct

Q. Did you work the crime scene that day?

A. Yes, we did.

Q. Were you assigned to a team?

A. Yes, I was.

Q. Were you assigned to the team that Agent Daly was supervising?

A. Yes, I was.

MS. WILKINSON: Your Honor, may I approach?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Agent Daly (sic), in front of you is a small plastic bag filled with some fragments, Government's Exhibit 730. Do you recognize that?

A. Yes, I do.

Q. How do you recognize that?

A. I recognize this because the inner plastic bag is the plastic bag I filled out on that date, and my initials are on it.

Q. Did you seize the items in that plastic bag, Government's Exhibit 730, during your search of the crime scene?

A. Yes, I did.

Q. Did you do that on April 24, 1995?

A. Yes, I did.

Q. Do you recall where you found those items?

A. Yes, I do. I was assigned on that day to conduct a sweep of the search -- sweep of the street, excuse me, and search for

Robert Morton - Direct

items on Harvey Street between 4th and 5th Street.

Q. Tell us what you mean by do a sweep of the street. Why were you asked to do that?

A. There had been, of course, a lot of rescue effort conducted

in and around the building originally. This was one area that we had not had access to because of that; and when the rescue people moved out, we needed to go through it to make sure if there was any evidence there. So myself and several other people, we basically walked the street back and forth looking in a lot of particular areas for any kind of evidence that we could see.

Q. And the items in that bag, did you find all along that street?

A. Yes, I did.

MS. WILKINSON: Your Honor, we move in Government's Exhibit 730.

MR. JONES: No objection.

THE COURT: Received, 730.

BY MS. WILKINSON:

Q. Agent Daly (sic), could you open that bag and just show the

jury what's in that bag and just briefly describe it for them.

A. Agent Morton.

Q. Agent Morton, I'm sorry.

A. What this is, it's a white plastic material that I recovered along the edge of the sidewalk and the street. The

Robert Morton - Direct

material is melted and burned.

Q. There are numerous plastic fragments --

A. Yes, there are.

Q. -- in Government's Exhibit 730.

Could you step down and, using the model, show the jury exactly where you found Government's Exhibit 730. There was a pointer.

A. I won't need it. This is the rectory from the church. I found the items along the street right here.

Q. Now, is there a black dot there with a piece of fiber optics to mark where you recovered the plastic?



A. Yes, there is.

Q. You can take your seat.

Agent Morton, were you working with the others on April 28, searching the crime scene?

A. Yes, I was.

Q. Did you recover what's in front of you, Government's Exhibit 731, on that day?

A. Yes, I did.

Q. How do you recognize Government's Exhibit 731?

A. I recognize it because I remember it was a distinctive piece that we recovered from the rubble of the building as we were going through the rubble.

Q. Do you recall where in the building you found Government's Exhibit 731?

Robert Morton - Direct

A. It would have been in the northwest portion of the building.

MS. WILKINSON: Your Honor, we offer 731.

MR. JONES: No objection.

THE COURT: 731 received.

BY MS. WILKINSON:

Q. Agent Morton, is Government's Exhibit 731 also known as Q1939?

A. Yes, it is.

Q. And I forgot to ask you: Is Government's Exhibit 730 -- the plastic fragments, are they also marked as Q114?

A. Yes, they are.

Q. One more time, step down for the jury and show them where you found this Government's Exhibit 731.

A. 731 came out of the rubble, out of this portion of the building.

Q. Is there a yellow dot and a piece of fiber optics there to mark your recovery?

A. Yes, there is.

Q. Can you just pick up that piece of material, Government's Exhibit 731, and just display it to the jury for a moment.

Agent Morton, how long did you work at the crime scene?

A. I was at the crime scene from -- excuse me -- April 20 through May the 3d.

Robert Morton - Direct

Q. And did you work recovering evidence every day during that time period?

A. Yes, I did.

MS. WILKINSON: No further questions, your Honor.

THE COURT: Any questions, Mr. Jones?

MR. JONES: No, your Honor.

THE COURT: All right. Witness excused, do you

agree

to that?

MR. JONES: He's excused as far as we're concerned

MR. JONES: He's excused as far as we're concerned.

THE COURT: You're excusing him, Ms. Wilkinson?

MS. WILKINSON: Yes, your Honor.

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

MR. HARTZLER: Government will call Lowell Sprague.

Miss Wilkinson will question him.

THE COURTROOM DEPUTY: I don't know if I could lift it.

MS. WILKINSON: Thank you.

MR. HARTZLER: Could you move a couple of others down there.

THE COURTROOM DEPUTY: Yeah.

MS. WILKINSON: Your Honor, may I plug in this other table?

THE COURTROOM DEPUTY: Raise your right hand, please.

(Lowell Sprague affirmed.)

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

MS. WILKINSON: Your Honor, I'm going to need a moment. We plugged this in during lunch, but I don't see where

we plugged it in. May I ask one of the agents to help me?

THE COURT: Let us get the witness sworn first.

THE COURTROOM DEPUTY: We swore the witness.

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

THE WITNESS: Lowell Sprague, S-P-R-A-G-U-E.

THE COURTROOM DEPUTY: Thank you.

MS. WILKINSON: Thank you. Excuse me.

Do you know where it is?

THE COURTROOM DEPUTY: I've got the one back here.

THE COURT: Proceed, please.

MS. WILKINSON: Thank you.

#### DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Sprague, tell us where you're from.

A. Tulsa, Oklahoma.

Q. And are you employed by the federal government?

A. I am.

Q. Who do you work for?

A. The Bureau of Alcohol, Tobacco and Firearms.

Q. Are you a special agent with ATF?

A. I am.

Q. How long have you been so?

Lowell Sprague - Direct

A. Since May of 1985.

Q. Did you ever work for any law enforcement agency before you joined ATF?

A. Yes, prior to that I worked for the U.S. Secret Service from 1984 to 1985. And prior to that, the Tulsa Police Department, beginning in 1976.

Q. Where are you currently assigned with ATF?

A. The Tulsa field office in Oklahoma.

Q. And were you assigned there on April 19, 1995?

A. I was.

Q. Did you learn about the bombing on the morning of April 19,

1995, when you were in Tulsa?

A. Yes, I did.

Q. Were you sent to Oklahoma City to help with the crime-scene search?

A. Yes, I was.

Q. What was your assignment that first day on April 19?

A. The evening of the 19th we formed search groups. We were to locate and remove evidence from the street in front of the Murrah Building, 5th Street. Our search was to begin at Broadway and continue west to the bomb crater.

Q. How many hours of daylight did you have to conduct this search?

A. It was late in the evening. I would say one and a half hours, approximately.

Lowell Sprague - Direct

Q. And why were you trying to remove items from the street?

A. They were planning on bringing in the heavy rescue equipment for the following day, and they wanted the -- any evidentiary items removed from the street so that they could bring that equipment in.

MS. WILKINSON: Your Honor, may the witness step down, please?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Agent Sprague, I want to show you Government's Exhibit 732.

Do you recognize that?

A. Yes, I do.

Q. Can you turn to the jury, please.

Can you tell them how you recognize Government's Exhibit 732?

A. This was a tag that I affixed to this axle part that evening of the 19th.

Q. Do you recall where you found this piece exactly?

A. Yes. It was located on the south curb line of 5th Street just west of the intersection of Broadway.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 732.

MR. NIGH: No objection, your Honor.

THE COURT: 732 is received.

BY MS. WILKINSON:

Lowell Sprague - Direct

Q. Agent Sprague, you can take your seat. Are there some photos of this axle that you recovered or piece of the axle in place?

A. Yes, there are.

Q. Let me show you what's been previously marked Government's Exhibit 733. Do you recognize that?

A. Yes, I do.

Q. Is that a photo of the piece you just identified?

A. Yes, it is.

MS. WILKINSON: Your Honor, we offer and want to publish Government's Exhibit 733.

MR. NIGH: No objection, your Honor.

THE COURT: It's received, and you may publish.

BY MS. WILKINSON:

Q. Agent Sprague, tell the jury what they're seeing there and what you saw when you recovered the piece.

A. This is 5th Street running east and west. This is Exhibit 732 lying here at the curb line. Broadway will be to the east of Exhibit 732, and the Murrah Building will be further on down

here on the south side of 5th Street.

Q. You pointed out Government's Exhibit 732. Do you also know

that as Q987?

A. That's correct.

Q. Could you step down to the model and show the jury where on

the model you recovered Government's Exhibit 732.

Lowell Sprague - Direct

A. Yes, it would be signified by this yellow dot right here.

Q. Could you describe the street again one more time for the record, please.

A. Yes, this is N.W. 5th Street. This is Broadway. And the item was found, Exhibit 732, along the south curb line of 5th Street just to the west of the intersection of Broadway.

Q. Agent Sprague, approximately how far away from the Murrah Building did you find this piece of the axle, Government's Exhibit 732?

A. Because we were trying to pick up as much evidence as we can, we didn't run a measurement from the blast site to the piece of evidence, but it would be a little over a city block.

MS. WILKINSON: No further questions, your Honor.

You can take your seat, Mr. Sprague.

THE COURT: Mr. Nigh?

MR. NIGH: No questions, your Honor.

THE COURT: Is he going to be excused?

MS. WILKINSON: Yes, your Honor.

THE COURT: Agreed?

MR. JONES: He's excused, your Honor.

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

MR. HARTZLER: Call Donald Sachtleben. Miss

Wilkinson

will question him.

MS. WILKINSON: Your Honor, may I put this other

MS. WILKINSON: Your honor, may I put this other piece down?

THE COURT: Sure.

THE COURTROOM DEPUTY: Raise your right hand.  
(Donald Sachtleben affirmed.)

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

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

THE WITNESS: My name is Donald Sachtleben, S-A-C-H-T-L-E-B-E-N.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Agent Sachtleben. How are you?

A. Very good, thank you.

Q. Tell the jury where you work and where you're assigned.

A. I work for the Federal Bureau of Investigation, and I'm currently assigned to the laboratory division in the explosives unit as a special agent.

Q. What is your assignment in the explosives unit today?

A. Today I am currently in training to become an examiner within that unit.

Q. When did you arrive in the explosives unit?

A. I arrived there in June of 1996.

Q. Where were you assigned prior to that?

A. Prior to that I was assigned to the San Francisco field office of the FBI.

Donald Sachtleben - Direct

Q. Was that your assignment back in April of 1995?

A. Yes, it was.

Q. Before we go into what you did while you were there, can you tell the jury briefly about your educational background.

A. I have a bachelor's degree from Northwestern University and

a law degree from De Paul University.

Q. Have you ever practiced law?

A. I have not.

Q. Did you have any special duties or responsibilities when you were assigned to the San Francisco field division?

A. Yes. I was trained and certified as a bomb technician by the FBI.

Q. And were you certified in April of 1995?

A. Yes, I was.

Q. Were you sent to the Oklahoma City crime scene shortly after the bombing on April 19, 1995?

A. Yes, I was. That same morning, on April 19, I was called by our headquarters and asked to go directly to Oklahoma City.

Q. What time did you arrive in Oklahoma City that day?

A. Actually I arrived at approximately 1 a.m. on the 20th.

Q. I take it you didn't go to the crime scene at that time?

A. No. I called and checked in with the command post and

then

went to a hotel for a couple of hours.

Q. Did you report to the command post early that next morning?

A. Approximately 7:00 the next morning I met with some of the

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other crime-scene coordinators at the command post.

Q. Did you meet with Agent Daly?

A. Yes, I did.

Q. And were you assigned to be a team leader for one of the searches?

A. Yes. I was assigned as the leader of Evidence Team No. 5.

Q. And what was Team No. 5 supposed to do?

A. We were assigned to the parking lot that was directly across from the Murrah Building and the cars that were parked in that parking lot.

Q. Was that the only area that you and Team 5 covered during the search?

A. No. After we completed searching the parking lot -- I should say that before we even began the parking lot, we did search Robinson Street just north of 5th, which was adjacent to the parking lot; and then after completing the parking lot, we also searched the -- what we came to call the Athenian Building, which was the brick building next to the parking lot.

And we also assisted some of the other teams as needed.

Q. Do you recall how long you and your team members spent just searching the parking lot area?

A. We started on the morning of the 20th, and I believe that we completed it roughly around the 28th or 29th of April.

Q. Tell us why Agent Daly could search their entire six-block area in three days and it took you a week to search a parking

Donald Sachtleben - Direct

lot.

A. We had 83 cars parked in that parking lot or on the street

next to it, and each one of those vehicles had to be searched individually by members of my team.

Q. Tell the jury what you saw when you first went to the parking lot to begin conducting your search.

A. I first got into the parking lot at approximately 10:00 on the morning of the 20th, and I noticed that a number of the cars had had fires in them, they appeared to be burned; that many of the cars had -- the sheet metal was torn back or twisted, there were numerous broken windows, flat tires. And some of the cars were actually upside down or resting on each other.

Q. Did you see any other debris in the area of the parking

lot?

A. There was quite a bit of debris throughout the parking lot.

There was quite a bit of debris from the building, or at least it appeared to have come from the building, window frames, pieces of concrete; and then we also saw quite a few what appeared to us to be vehicle parts throughout the parking lot.

Q. Tell us how you first began to conduct your search of the parking lot with your team members.

A. First assignment that I gave to the team was to sweep out a corner of the parking lot. That would have been the northeast corner of the parking lot. We swept clean an area, and we set

Donald Sachtleben - Direct

up tables there. We used that as a supply point and a check-in point for the team members. And from that point, we then moved throughout the parking lot sweeping and clearing the vehicles and in between the vehicles.

Q. Did you have a photographer that assisted you with the search?

A. Yes. Again, one of the first assignments that I gave was to have a photographer go up in one of the cranes that was there at the scene and take overhead shots of the entire parking lot, and then another photographer took individual photos of each car in the parking lot as well as recording the information from those cars such as license plate numbers.

Q. Did you number the cars in the parking lot?

A. We did. We spray-painted a number on each car so that we could keep track of those cars that we had already examined.

Q. Now, as the team leader, did you establish certain procedures with your team as to how they should seize and mark evidence that they were taking into custody for the FBI?

A. Yes. Each day I would go through the parking lot and decide which cars or which sector that we were going to search, and then I assigned team members. I gave them all instructions

as to the proper -- what I considered to be the proper way to label the evidence, to bag it or collect it, depending on the size; and then it was all brought back to several people that I designated as evidence coordinators for my team.

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Q. Did you see the evidence in place before it was seized?

A. Yes, I did. Again, each day I would begin by walking through the parking lot and deciding which area we were going

to work on, and I inspected what was there on the scene. In addition to that, as team members would pick up pieces or find pieces in vehicles, they would often bring them to me or bring me over to them; so I often either saw them in place or they would carry them up to your -- our coordination point.

Q. Were you out at the parking lot on April 21, 1995?

A. Yes, I was.

MS. WILKINSON: Your Honor, may the witness step down to assist me with the parts?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Agent Sachtleben, could you pick up that piece right there,

Government's Exhibit 739, I believe?

A. I'll try.

Q. You can put it on the end of the model.

Do you recognize Government's Exhibit 739?

A. Yes, I do.

Q. How do you recognize it?

A. First of all, I recall this was one of the pieces that was on Robinson Street, and I recall that we had to remove this from the street area.

I also see that there's a label on this. And that on

Donald Sachtleben - Direct  
this label are my initials.

Q. Okay. You can put that back down for me.

MS. WILKINSON: Your Honor, Government offers 739.

MR. NIGH: No objection.

THE COURT: Received, 739.

BY MS. WILKINSON:

Q. Agent Sachtleben, could you point out for the jurors first where the parking lot is that you searched and where this Government's Exhibit 739 was found?

A. Parking lot is going from what is labeled as the Athenian Building over to Robinson and bordered also by 5th and the Journal Record Building.

This piece here was located here on the east side of North Robinson Street, just slightly north of the intersection of N.W. 5th and Robinson.

Q. So would that be right across from the parking lot?

A. Yes, it is. This is directly across from the parking lot.

Q. Now, the parking lot that we've been referring to that you searched: Is that the one that is directly in front of the Murrah Building and the crater area?

A. Yes, it is.

Q. You can take your -- oh, you can stay right there for the next piece.

Can you find Government's Exhibit 740.

A. Yes.



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Q. Before I do that, I forgot to ask you about the Q number for 739. Is it also known as Q1030?

A. Yes, it is.

Q. Now let's turn to Government's Exhibit 740. Do you recall what day you found that?

A. This was also located on the 21st of April.

Q. How do you recognize that piece?

A. I recognize this piece because prior to coming into court today, I went to the evidence room and inspected the box that that piece was stored in; and on that box were my initials. This was a piece that was collected among a number of other items that day.

Q. Do you recall where you found it on April 21?

A. Yes. To the best of my recollection, this piece here was located at this position in the parking lot, more or less the center of the parking lot.

Q. Is there a yellow dot and a piece of fiber optic there to mark the piece?

A. There is no yellow dot there. But there is a small hole, and there may be a fiber optic in that hole.

MS. WILKINSON: Okay.

Your Honor, we offer Government's Exhibit 740.

MR. NIGH: No objection, your Honor.

THE COURT: 740 received.

BY MS. WILKINSON:

Donald Sachtleben - Direct

Q. Is 740 also known as Q1286, Agent Sachtleben?

A. Yes, it is.

Q. You can put that down.

I take it you were also searching the parking lot on April 23 of 1995?

A. Yes, I was.

Q. And do you see Government's Exhibit 741 under there?

A. Yes, I do.

Q. Do you recognize that piece?

A. I do.

Q. Did you and your team recover that piece on April 23?

A. Yes, we did.

Q. How do you recognize it?

A. I remember this piece in part because this was one of the pieces that as team members would find items and bring it to my attention and ask me if they should collect this from the scene, this is somewhat noteworthy, in my opinion, on that day.

I also, before coming to court today, went to the evidence room and saw the box which this had been stored in along with a number of other items, and my initials were on that box.

Q. Do you recall where Government's Exhibit 741 was found?

A. Yes. This one was in the parking lot between rows of cars that were in the parking lot. Orientation correct here.

At this position here. In the parking lot.

Donald Sachtleben - Direct

Q. Can you describe that just for the record.

A. That would be the front or southern edge of the parking lot

in perhaps the most westerly of these holes on the model.

Q. Is 741, the item in front of you, also known as Q1583?

A. Yes, it is.

Q. Finally under there, there's Government's Exhibit 742. It might be easier to access from this other side.

Do you recognize that piece?

A. Yes, I do.

Q. Do you recall what day you recovered Government's Exhibit 742?

A. This piece was, as I recall, was on April 23.

Q. And how do you know that's a piece that you and your team members recovered?

A. This piece was in the parking lot between several cars, and

I recall that this was one of the items that was brought to my attention at the scene. I've also had an opportunity to look at the tag here and saw that my initials were on this tag.

MS. WILKINSON: Government offers 742, your Honor.

MR. NIGH: No objection.

THE COURT: 742 is received. I don't know that you offered 741.

MS. WILKINSON: I thought I did, your Honor, but if I didn't, I offer it now.

MR. NIGH: No objection.

Donald Sachtleben - Direct

THE COURT: All right.

MS. WILKINSON: Thank you.

BY MS. WILKINSON:

Q. Can you point out, Agent Sachtleben, where you found Exhibit 742 in the parking lot?

A. Yes.

Q. And give a description?

A. This was again in what I would call the front edge of the parking lot. And among the three dots, or I should say holes here, it's the center one of those.

Q. The following day on -- I'm sorry. I didn't ask you the Q.

Is the Q also known as 1612 for Government's Exhibit 742?

A. Yes, it is.

Q. All right. On April 24, 1995, did you recover a rather large item from the parking lot?

A. Yes, I did.

Q. Do you see that here in the courtroom?

A. Yes, I do.

MS. WILKINSON: I don't think you're going to be able to pick it up for the jury, your Honor.

THE WITNESS: I won't even try.

MS. WILKINSON: Your Honor, the jury may want to stand.

BY MS. WILKINSON:

Q. Can you point it out, describe it briefly for the jury

Donald Sachtleben - Direct

here.

A. It's a multi-part piece of metal. There's one piece here that has become detached from it since I first located it. This piece -- well, I'm sorry. Describing it. That is a description.

Q. And can you describe briefly this portion of it?

A. I'm sorry. There's a -- in addition to what I would call narrow pieces of metal, there's a large object which appears to be some sort of a housing for a -- possibly a steering assembly on a truck.

Q. Now, you didn't find this piece just laying on the ground did you?

A. No, I did not.

Q. Where did you find it?

A. This piece was embedded into the front of a Chevrolet van that was parked in that parking lot.

Q. And did you have pictures taken from before you had this item removed from that van?

A. Yes, I did.

Q. Could you first show the jury on the model where you found it while I get the pictures for you.

A. This -- the Chevrolet van was parked at the front row of the parking lot; and among these three dots here, it is the most easterly of the three holes, I should say, in the model.

Q. I first show you Government's Exhibit 745. Do you

Donald Sachtleben - Direct

recognize this photo?

A. Yes, I do.

Q. Now, was this photo taken by you, or was it taken immediately after the blast?

A. It would appear to me that it was taken immediately after the blast, because when I arrived, none of these vehicles were on fire.

Q. And does it show the piece you just examined embedded in the van?

A. Yes, it does.

MS. WILKINSON: Your Honor, we offer Government's Exhibit 745.

MR. NIGH: I object, your Honor, on the grounds this witness wasn't present when this photograph was taken. didn't

witness wasn't present when this photograph was taken, didn't see the conditions that were present at the time.

THE COURT: Well, as I understand the question and answer, you're offering just for the embedment.

MS. WILKINSON: That's right, your Honor.

MR. NIGH: I'll withdraw it, your Honor.

THE COURT: Good move. 745 is received.

MS. WILKINSON: May we publish it, your Honor?

THE COURT: Yes.

BY MS. WILKINSON:

Q. All right. Agent Sachtleben, there was a light pen, a laser pen up there. Do you see it?

Donald Sachtleben - Direct

A. I do.

Q. Can you show the jury where that piece was embedded in the van?

A. You can see the two narrow pieces of metal coming out to the right side of the van, here. Those are the two, and then inside, but not visible, there is the remainder of that piece.

Q. I'm going to show you Government's Exhibit 744. Do you recognize that?

A. Yes, I do.

Q. Was that a photo that you directed to be taken?

A. Yes, it does.

Q. And does it show a closeup of this same piece embedded in the van?

A. Yes, it does.

MS. WILKINSON: We offer Government's Exhibit 744, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received, 744; and you may show it.

BY MS. WILKINSON:

Q. Agent Sachtleben, can you tell the jury what they're seeing here?

A. Looking at the van from an easterly direction, looking into the driver's side of the van, we can see here the two metal bands that are coming out, and then right inside here but not visible because of this piece of sheet metal is the remainder

Donald Sachtleben - Direct

of that piece and that -- what I described as a steering assembly.

Q. Tell the jury how you got Government's Exhibit 742 out of the van.

A. Very slow process. We cut all the sheet metal around the front of this van off and in effect just burrowed our way in until it was free. And then it took probably three of us or four of us to lift it out of there.

Q. I'm sorry. I think I referred to it as 742. It's 743.

Do

you also know that as Q986?

A. Yes, I do.

MS. WILKINSON: I have no further questions, your Honor.

THE COURT: Did we get 743 offered? I'm not sure.

MS. WILKINSON: I thought I did, but I must have messed up again. I'm sorry. I offer 743.

MR. NIGH: No objection.

THE COURT: Received.

Mr. Nigh, do you have any questions?

MR. NIGH: No, your Honor.

THE COURT: All right. Excusing this witness, then?

MS. WILKINSON: Yes, your Honor.

MR. NIGH: Yes, your Honor.

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

MR. HARTZLER: Our next witness is Lawrence Kingry.

Donald Sachtleben - Direct

Mr. Ryan will question him.

We'll need to move the monitor forward, please. I think there's room to do that without moving the truck parts.

THE COURT: Would you try to do that, please, while we're getting the witness.

MR. HARTZLER: Certainly.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Lawrence Kingry affirmed.)

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

THE WITNESS: Yes, ma'am.

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

THE WITNESS: Lawrence L. Kingry. K-I-N-G-R-Y.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Kingry, where do you live?

A. Edmond, Oklahoma.

Q. Are you married?

A. Yes, I am.

Q. Children?

A. Yes, sir.

Q. What is your current occupation?

A. At present time, I'm a firearms instructor for the State of Oklahoma.

Q. And in what program are you a firearms instructor?

Lawrence Kingry - Direct

A. It's the state police academy.

Q. Now, were you born and raised in Oklahoma?

A. No, sir, I was not.

Q. Where were you born and raised?  
A. Wichita, Kansas.  
Q. And where were you educated, sir?  
A. High school, secondary, is Wichita, and graduated from Wichita State -- Wichita State University.  
Q. Now, at one point in time, you were employed by the United States Secret Service?  
A. Yes, sir, that's correct.  
Q. And could you tell the jury when you were so employed?  
A. I was employed by the United States Secret Service from 1975 to 1995.  
Q. In April 1995, where were you employed?  
A. I was employed by the United States Secret Service as a special agent assigned to the Oklahoma City field office.  
Q. And how long have you been assigned to the Oklahoma City field office of the Secret Service as of April 1995?  
A. For that particular tour, I'd been assigned approximately five years.  
Q. Would you briefly describe for the benefit of the jury and for all of us the work of the United States Secret Service?  
A. Part of my duties consist of protection of the President and Vice President of the United States and other dignitaries,

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the detection and suppression of counterfeit activity, the investigation of stolen and forged government securities.  
Q. Now, how many people were employed by the United States Secret Service in the Oklahoma City field office?  
A. Had a compliment of 12 personnel.  
Q. And where were you located?  
A. At 200 N.W. 5th Street in Oklahoma City.  
Q. We know that as the Alfred P. Murrah Building?  
A. Yes, sir that's correct.  
Q. What floor was the secret service located on?  
A. The 9th floor, sir.  
Q. Now, I'm going to turn on your screen there and show you an exhibit that's already in evidence, which is the 9th floor of the Murrah Building, Exhibit 952.

Do you have it now?

A. No, sir, I do not. It flashed on for a second.

Yes, sir.

Q. Okay. Now, if you would, Mr. Kingry, would you show the -  
-

show all of us where if someone were to get off the elevator on the 9th floor, where they would enter the Secret Service space in April of 1995.

A. Okay. Walking off of the elevator . . . coming down the hallway, in through the main entrance, right here. And this was the main reception area, right here.

And then you entered through the second door. And

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this was the main secretarial area, this area here.

Q. And who worked there?

A. Kathy Seidl worked in this area right here. And Linda McKinney worked in this office right here.

Q. All right. Please, if you would, continue with explaining the office location and who worked there.

A. This area right here was the office conference room.

This area here was the Special Agent in Charge's office, Joseph Gallo.

Coming down the hallway, this was Assistant Special Agent in Charge Alan Whicher's office.

And then coming down the hallway again, this is where

Mickey Maroney -- Agent Maroney and Agent Don Newsom worked.

And then continuing to the next room was my office and

Agent Gary Simpson's office.

And then the next room was Agents -- Donald Leonard's office.

And then this next office on the last part here was the office of Gary Mahaffey.

And then across the hallway was the office of Agent Alan Dotter.

And then Cindy Campbell Brown.

This was an interview room, this was a processing room, this was the office vault, and this was the file room.

Q. Thank you. Now, would you click on the side of that pen

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and all those marks will go away.

A. Yes, sir. Okay.

Q. I would like to turn your attention to the morning of April 19 and have you tell us what you did that morning.

A. That morning I got up as per normal about a little around 6, had breakfast, and proceeded to the Oklahoma City field office, parked my car down in the basement at approximately 7:00, arrived -- a.m., arrived up on the 9th floor.

Normally Assistant Special Agent Alan Whicher and I met each other at 7:00 in the morning at the office and talked about the cases, but that morning he was a little late; so I went to my office and proceeded to work on some papers that needed to be taken care of.

A little later, Special Agent Don Leonard came in, and

we had a discussion regarding one of his cases and some personnel matters.

Later that morning, right before 8:00, I believe that

Alan Whicher arrived, as did Mickey Maroney; and Cindy Campbell

Brown also arrived.

O. Now, at some point that morning, did you have to leave the

building?

A. Yes, sir. We had -- I had a court hearing at 9:00 that morning. So approximately 15 till 9, I left the building and went across the street to the federal courthouse.

Q. All right. Now, how many people on the morning of April 19

Lawrence Kingry - Direct

with Secret Service had showed up for work prior to 9:00?

A. Seven, including myself, sir.

Q. Six others and you?

A. Yes, sir.

Q. All right. Now, as best you can, from your observations and from the conversations you had with the men and women there

at Secret Service, I would like for you to tell us what you know about what Special Agent Alan Whicher was doing on the morning of April 19.

A. Alan Whicher was discussing an investigation that Agent Maroney was working. He and Alan Whicher were going to Mickey's office, and they were discussing the case. And when I

left, they were -- Alan was between his office and Mickey's office.

Q. So both Agent Maroney and Agent Whicher were having this conversation about one of their cases?

A. Yes, sir.

Q. What about Special Agent Cindy Campbell Brown?

A. We had a visit of the former President George Bush in Tulsa -- I believe it was going to be the next day. And so Cindy Campbell Brown was preparing to go to Tulsa for the protective assignment. She was in her office getting her gear together to go to Tulsa.

Q. Special Agent Don Leonard, what was he doing that morning of April 19?

Lawrence Kingry - Direct

A. Special Agent Don Leonard was waiting to talk to ASAC, Assistant Special Agent Alan in Charge Whicher regarding the personnel matter and also about one of the cases that was involved in that personnel matter.

Q. Now, you know that these four individuals that we've talked

about, these special agents, are all the subject of murder counts in this case?

A. Yes, sir, I'm aware of that.

Q. And would you please take the pen and show the jury the location of each of those officers at the time you left the building at 8:45.

A. This office here was where Mickey and Alan were located. And when I left, Don went into his office waiting to see Alan after he had finished with Mickey. That's not identified.



And this office here, where I'll put the X, is where Cindy Campbell Brown was preparing to go to Tulsa.

Q. On the morning of April 19, were each of these officers engaged in the performance of their duties for Secret Service?

A. Yes, sir, they were.

Q. All right. Tell us what happened, then, picking up at 8:45

when you left the building.

A. 8:45, I went down the elevator and went under the underground tunnel to the federal courthouse and up in the

federal courthouse and met John Greene on the first floor of the federal courthouse; and we were setting there preparing for

Lawrence Kingry - Direct

the U.S. magistrate to come in to start the court hearing.

At approximately 9:00, 9:02, if you will, I heard the

explosion and felt the vibration. And Mr. Greene, who is the first assistant U.S. Attorney at that time in the Western District of Oklahoma, made a comment that "We're in trouble now."

I came out of the courtroom thinking that the office -- the courthouse itself had been bombed. That was my feeling. And as I came down the hallway, I saw people streaming down the . . . stairs with cuts. A lot of them had a lot of glass cuts and debris and all that had penetrated their skin.

I went out the north center door of the federal courthouse, and I looked north to the federal building, the Murrah Building. And I could see through the windows, and I could see completely through the building. I knew at that time that the Murrah Building had been bombed.

Q. What did you do after that?

A. I proceeded to the corner -- northeast corner of 5th and Robinson and looked back up to where our field office would have been, and there was nothing there. I saw maybe 5 percent of our floor space left --

Q. I'm going to show you what's already been admitted into evidence as Exhibit 968. Do you have that?

A. Not yet, sir.

Lawrence Kingry - Direct

Q. Would you take your marker and show the jury where the office of the United States Secret Service had been in the Murrah Building prior to 9:00.

A. It would have been from approximately here to about here, on the north side of the building facing 5th Street.

Q. What had happened to the office where Special Agent Alan

Whicher and Special Agent Mickey Maroney were located?

A. It was gone.

Q. What had happened to the office where Special Agent Don Leonard was located when you left?

A. It was gone.

Q. What happened to the office where Special Agent Cindy Brown

was when you left?

A. It was gone, also.

Q. After you saw the building and you had the reflection that you've told us about with respect to the people you worked with, what did you do after that?

A. I didn't go to the 9th floor, because I knew our people were dead. I attempted to set up a perimeter around the building to keep people from just coming in, concerned about a secondary explosion that might occur. I knew that the fire department and the rescue workers were arriving, and so I helped to establish a perimeter with our law enforcement officers to keep people out.

Q. Did you go home after that?

Lawrence Kingry - Direct

A. No, sir, I did not.

Q. What did you do?

A. Later I met up with Special Agent Don Newsom, and we went to an office that had been set up as a temporary field office for the Secret Service in Oklahoma; and we tried to get radio communications, get -- well, let me back up just a tad.

During that time, before I set up the perimeter, I called Tulsa, our Tulsa RA, the resident agency, and informed them of who was in the building at the time that I left and what I have observed and asked them to notify headquarters that

our field office was gone.

Q. All right. Then after that, you set up a perimeter?

A. Yes, sir, set up the perimeter.

Q. What did you do after that?

A. And then we went to the temporary field office that we set up several blocks south of the federal building. And that afternoon agents started coming in from Little Rock, Houston, and Dallas; and we assisted them in getting to our office.

And

later that day, I went to the temporary morgue that was set up across the street in the church.

Prior to that time, right after the bombing, I had been up on the patio just south of the federal building, and I'd walked through a temporary morgue they'd set up; and I noticed several small babies laying at this temporary morgue.

Q. All right. Let's don't go into that.

Lawrence Kingry - Direct

A. All right, sir.

Q. If you would, though, tell us about going to the morgue

Q. If you would, though, tell us about going to the morgue later that evening.

A. The ME's office?

Q. Yes, sir.

A. All right. Approximately 7, 7:30 that night, Agent Newsom and I went to the medical examiner's office on N.E. 10th -- excuse me, N.E. 8th in Oklahoma City to make identification of people that might have come from our office. I was able to identify Cindy Campbell Brown as being deceased.

Q. You made a visual identification of her?

A. Yes, sir, I did.

Q. Now, you told us earlier that agents came in from outside of Oklahoma for the United States Secret Service on that day and the days that followed. What was the purpose of their arrival?

A. Well, their purpose was to help reestablish a temporary field office and to help over at the Murrah Building in going through and trying to pull our people out and other people.

Q. Now, prior to coming here today, you looked at a set of six

photographs of six people that died from your agency.

A. Yes, sir.

Q. That's Exhibit No. 1171. And that is an accurate depiction

of each of the people when they were alive?

A. The chart that I saw this morning, yes.

Lawrence Kingry - Direct

MR. RYAN: Your Honor, we will offer Exhibit 1171.

MR. JONES: No objection.

THE COURT: Received.

MR. RYAN: If I could have the marshal's assistance there. It's the very first chart.

BY MR. RYAN:

Q. Now, if you would, please start on the top left-hand corner

with Cindy Campbell Brown; and if you would, briefly state her name and what she did for the Secret Service.

A. Cindy Campbell Brown had been appointed to the Secret Service as an agent approximately a year before the bombing. She had been married approximately six weeks.

THE COURT: Just what she did.

BY MR. RYAN:

Q. Just what she did for the agency, please.

THE WITNESS: I'm sorry, I apologize to the Court.

BY MR. RYAN:

Q. It's all right.

A. She performed protection assignments, criminal investigation assignments, briefly what I had gone through before.

Q. She was what we would call an 1811 law enforcement officer?

A. Yes, sir, she was an 1811 series.

Q. All right. Please, next with Don Leonard.

A. Donald R. Leonard had been with the service approximately

Lawrence Kingry - Direct

23, 24 years. He also was an 1811 criminal investigator, special agent.

Q. Next?

A. And next.

Q. Yes, please.

A. Mickey B. Maroney had been with the Secret Service approximately 20, 21 years. He also was an 1811 law enforcement investigator for Secret Service.

Q. Next.

A. Linda McKinney: She functioned as the office manager in our office. She had been with the Secret Service approximately 12 years.

Q. All right.

A. Kathy Seidl: She was a secretary. She functioned as a secretary in our office, and she had been with us approximately -- I'm going to say 10 years.

And Alan Whicher: He was the Assistant Special Agent in Charge of the office. Basically he was a nut-and-bolts man that oversaw the day-to-day routine of the field office; and he had been with the Secret Service, I'm saying 14, 15 years. But he also was an 1811, criminal investigator, but the Assistant Special Agent in Charge of the office.

Q. Did each of these four law enforcement officers die in the performance of their official duties with the Secret Service on the morning of April 19?

Lawrence Kingry - Direct

A. Yes, they did.

MR. RYAN: Now, Marshal, if you would, please, please remove that chart, and the very next chart is a floor plan for the 9th floor. If you'd please place that on the easel.

BY MR. RYAN:

Q. While he's doing that, Mr. Kingry, if you'll look in the folder that's on top of your desk, you'll find the six names of the deceased Secret Service employees. Probably still in the package there. They're on little name plates. Continue to look in the package.

Now, if you would, sir, and with the Court's permission, if you would please place those name plates -- the location each of those officers were when you left at 8:45.

A. Just the officers or the --

Q. No. Excuse me. All the employees.

A. Yes. Kathy Seidl would have been in the general

secretarial area.

Cindy Campbell Brown would have been in her office back here.

Don Leonard would have been in this office right here.

Mickey Maroney was here, along with Alan Whicher. And Linda McKinney would have been in her office

right here.

Well, I see we have two C. Browns. One is C. Campbell --

Lawrence Kingry - Direct

Q. That's fine, you've already placed one on the board. My eyesight is not good enough to see it from here.

A. Yes, sir, there are six.

Q. All right. Thank you. If you would please resume your chair there.

Now, when you went down to the medical examiner's office on the evening of April 19, did you remove the credentials of Cindy Campbell Brown?

A. No, sir, I did not.

Q. Were they later removed from all the officers as they came out of the building from their personal possessions?

A. That was my understanding.

Q. Yes. And have you seen these credentials?

A. I have seen copies of those credentials, yes, sir.

Q. And can you recognize those credentials as being the credentials of these four law enforcement officers?

A. Yes, sir.

MR. RYAN: Those are numbered Exhibit 1176, 1181, 1186, and 1193. We would offer those in evidence.

MR. JONES: I would like to voir dire the witness.

THE COURT: You may. You can do it from there.

VOIR DIRE EXAMINATION

BY MR. JONES:

Q. Agent, these exhibits, these are not the actual credentials they had at the time of their death; is that correct?

Lawrence Kingry - Voir Dire

A. I believe that some of these credentials are the ones at the time of death. This is just a copy, obviously.

Q. I understand. That's what I'm talking about. It's a copy, the photograph here. I'm talking about what's in the photograph.

A. Yes, sir.

Q. Which ones are the actual credentials that they had at the time of their death?

A. Sir, I can't say which ones were the actual ones that they had in their possession at the time of death.

Q. So you're not able to say whether any of the credentials

Q. So you are not able to say whether any of the credentials in these photographs are the ones that were actually issued and carried by these ladies and gentlemen at the time of their death?

A. With the exception of Don Leonard, I think the other three were; because Don Leonard, I believe after his death, the service issued a set for his -- his widow.

Q. Sure. I understand that the service may have done that. What I want to know is are these the actual credentials they had on their person or in their office at the time of death?

A. Sir, I believe they are. I can't say 100 percent.

Q. Well, did you recover them?

A. No, sir, I did not.

Q. All right. Now, I notice -- if you'll look for a moment at -- let's take Exhibit No. 1181. If you could just look at

Lawrence Kingry - Voir Dire

it for a moment. Bearing in mind this isn't in evidence yet, do you see that -- you see the words "Special Agent"?

A. Yes, sir.

Q. All right. And then beneath it, do you see some other words, three words?

A. "For Honorable Service."

Q. Were those on the credentials prior to April 19, 19 --

A. No, sir, they were not.

Q. So these credentials have had those words added?

A. Yes, sir.

Q. And is that also true for 1186?

A. I don't see those words on 1186, sir.

Q. Well, let's be sure we have the right one.

Do you have a Government Exhibit 1186 in front of you?

A. This is a poor copy. I make out -- it looks like it could be "For Honorable Service," but I can't say --

Q. Well, Agent, you are familiar -- you know this isn't in evidence yet, don't you?

A. Sir, I don't know.

Q. Sir, has it been offered yet and admitted?

A. Sir, I don't know.

Q. Sir, I'm not asking you to read it. I'm just asking you if

it's there, sir. Is it there?

A. What, sir?

Q. What is on Exhibit No. 1181 that I just asked you about?

Lawrence Kingry - Voir Dire

A. You asked if it had "Special Agent" and "For Honorable Service," and I said --

Q. No, sir, I didn't ask you that at all. You said that. I asked you what was under "Special Agent," if those words had appeared there at the time before April 19, or whether they had

been added since.

A. They were added since, sir.

Q. All right. And is that also true for 1186?

A. This is a very poor copy. It looks like it is "For Honorable Service" under there, sir.

Q. 1193, has it been added to that?

Those words, yes, sir.

A. Can I look at this other?

Q. Yes.

A. Thank you.

1193, it says "For Honorable Service" below

"Assistant

Special Agent in Charge," yes, sir.

Q. And 1176, have those words been added to that?

A. Yes, sir. It's on these credentials.

Q. Now, Agent, you are not able to testify that these are the actual credentials that existed in the form that these ladies and gentlemen had before their death; is that correct?

A. That's correct.

Q. These credentials have been created after their death with these words added to them. I'm not disputing that the words

Lawrence Kingry - Voir Dire

may be deserved, but they have been added after the event?

A. Sir, that's my understanding, that "For Honorable Service" was added after their death.

Q. Yes, sir. So at the time of their death, those words didn't appear on the credentials, did they?

A. No, sir.

Q. Nor were they the actual credentials they had?

A. Sir, I can't answer that question.

Q. Were these prepared for litigation purposes to show the jury in this case in this stage of the proceeding?

A. Well, because they're here, I believe that they were probably prepared for that.

MR. JONES: Thank you, sir.

No further questions. I object.

THE COURT: Objection sustained.

DIRECT EXAMINATION CONTINUED

BY MR. RYAN:

Q. Yes, Mr. Kingry, are you aware of the fact that because of the condition of the credentials in these officers' possession at the time of their deaths, that duplicate credentials were made for the benefit of presenting them to their widows following the explosion?

MR. JONES: If the Court, please, I object to that as irrelevant at this stage.

THE COURT: Sustained.

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

THE COURT: Any questions, Mr. Jones?

MR. JONES: No, your Honor.

THE COURT: Are you excusing the witness?

MR. RYAN: Yes, your Honor.

THE COURT: Do you agree?

MR. JONES: Yes.

THE COURT: You may step down. You're excused.  
The next witness.

MR. HARTZLER: Hector Hernandez. Mr. Ryan will  
question.

THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand,  
please.

(Hector Hernandez affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Hector Hernandez, H-E-R-N-A-N-D-E-Z.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Hernandez, where do you live?

A. I live in Dallas, Texas.

Q. What is your employment, please?

Hector Hernandez - Direct

A. I'm a special agent for the United States Secret Service.

Q. Are you married?

A. Yes, I am.

Q. Children?

A. Brand-new baby, yes.

Q. Where were you born and raised?

A. I was born in El Paso, Texas.

Q. And what is your education?

A. I finished four years of college, and I finished a  
master's  
degree in sociology.

Q. All right. And when did you become an employee of the  
United States Government?

A. I was employed in 1989 with the Social Security  
Administration as a claims representative and a translator.  
I'm fluent in Spanish. And I was assigned in Oklahoma at the  
Murrah Building.

Q. And how long did you work at the Murrah Building with  
Social Security?

A. Approximately four to five months.

Q. In the course of your employment there at the Murrah  
Building with Social Security, did you become acquainted with  
any of the agents of the United States Secret Service?

A. Yes, I did.

Q. Which agents did you become acquainted with?

A. With Agent Maroney, Agent Leonard, Agent . . . excuse me.

Hector Hernandez - Direct

Q. Did you know any of the other employees of the Social



Q. Did you know any of the other employees in the office besides Agent Don Leonard and Agent Mickey Maroney?

A. Yes. Kathy Seidl and Linda McKinney.

Q. Now, at some point you left the employment of Social Security?

A. Yes, I did.

Q. And when was that?

A. 19, 1990.

Q. And what did you do at that time?

A. I was recruited by the United States Secret Service in Dallas -- I'm sorry. I was recruited by the Department of Health and Human Services in Dallas as a special agent assigned in Dallas.

Q. And how long did you work for them?

A. Approximately two years.

Q. All right. And what did you do following your two years with DHS?

A. I then became an agent with the United States Secret Service.

Q. And what date was that?

A. That was February 1992.

Q. Did there come a time on April 19, 1995, that you learned of an explosion at the Alfred P. Murrah Building in Oklahoma City?

A. Yes. I was headed to a criminal investigation interview,

Hector Hernandez - Direct

and we heard over the radio that there had been an explosion at the federal building; and that's when I became aware of the event.

Q. Were you asked to do anything by your supervisor in Dallas with respect to what had occurred in Oklahoma City?

A. Yes. Once it was confirmed that it was the building where our office, Secret Service office was located, I returned to the field office. And I was instructed to report the next day to -- to Oklahoma, to assist in the aftermath.

Q. And did you do that?

A. Yes, I did.

Q. And what time and date did you arrive in Oklahoma City?

A. I arrived on April 20 at approximately 11:30 in the afternoon.

Q. And what did you do when you arrived?

A. I checked in with the -- with our supervisors, and then I was instructed to receive the proper credentials from the FBI. And then I immediately went to the bomb site and began to dig and recover our personnel.

Q. Were you provided any additional information with respect to your personnel prior to beginning your search?

A. Yes, sir. There was personnel files provided at our command -- makeshift command post, with photos of all our personnel, personal information, and just details as to what they may have been wearing.

Hector Hernandez - Direct

Q. At the time of the blast?

A. At the time of the blast; right.

Q. And what time did you actually go over to the Murrah Building and begin the process of searching the rubble?

A. At approximately 1 p.m. that afternoon.

Q. And would you tell us what you did.

A. I began digging through the rubble on the left side of the building, if you could picture the front of the building. And we immediately within 15 minutes recovered what appeared to be a female.

Later on we determined that it was an eight-month-pregnant woman.

Q. Okay. Just confine your search as to the people involved with Secret Service, if you would.

A. We moved over to the right side, because we started finding

evidence of Secret Service, of our jurisdiction, counterfeit money, things like that. And that's when we started. That evening we found Agent Mickey Maroney.

Q. Now, I'm going to show you again what's already been marked

and received in evidence as Exhibit 957. And would you show -

-  
you have a light pen there. And if you'll place it under your desk top; and if you would, mark the spot where, as best you can, at least with this photograph -- the location of where Agent Maroney's body was found.

A. Approximately there.

Hector Hernandez - Direct

Q. All right. Now, what did you do after that -- Before we leave Agent Maroney, did you -- were the you the one who personally found Agent Maroney?

A. Yes, I did.

Q. And did you examine his body?

A. Yes, I did.

Q. And did you make a positive physical identification?

A. Yes, I did.

Q. Did you examine his clothing?

A. Yes, I did.

Q. What possessions did he have on him at the time?

A. United States Secret Service credentials identifying himself as a special agent.

Q. What did you do with that?

A. We left it intact, and he was put in a body bag and taken over to the makeshift morgue.

Q. All right. After you located Agent Maroney's body on the evening of April 20, what did you next do?

A. The next person that we found was Agent Whicher.

Q. And where did you -- what day did you find Agent Whicher?

A. I believe it was on the 21st.

Q. And again, would you show us with a mark on the photograph where it was you found Agent Whicher's body.

A. It was approximately right there.

Q. Was it very close proximity where you had found Maroney?

Hector Hernandez - Direct

A. Yes, sir.

Q. All right. Would you describe the possessions that Agent Whicher had on him at the time his body was located.

A. He also had Secret Service -- United States Secret Service credentials identifying him as a special agent.

Q. All right. After the evening of April 21, when you found the body of Agent Whicher, what did you next do in connection with the location of the men and women of the Secret Service?

A. We found a purse with items of Special Agent Cindy Brown.

Q. And did you personally examine the purse?

A. Yes, I did.

Q. And did you personally examine her credentials?

A. Yes, I did.

Q. And did you identify -- the credentials identify her as Special Agent Cindy Brown --

A. Yes.

Q. -- of the Secret Service?

A. Yes, they did.

Q. Would you show us where you found that purse.

A. Approximately there.

Q. What did you do after that?

A. We then proceeded to find other additional Secret Service criminal evidence as far as counterfeit money and things of that nature; and we also began to find personal photographs of Kathy Seidl and her son from an infant to his current age, or

Hector Hernandez - Direct

the current age of '95.

Q. All right. And did you ultimately locate the body, or was the body located of Special Agent Don Leonard?

A. Yes, it was located. I did view his body at the makeshift morgue.

Q. Okay, where was the makeshift morgue located?

A. It was located across the street from the Murrah Building at -- I believe it was a Baptist church.

Q. And did you go over there to that church and physically make a visual identification of Agent Leonard?

A. Yes. I was told that he had been positively ID'd, and I saw that he had the same body-type structure.

Q. Were you able to make a positive identification of Agent Leonard?

A. No. I was not.

Q. Due to the condition of his body, you were not?

A. Yes.

Q. Is that right?

A. Yes, sir.

Q. Did you examine any of his contents or his clothing?

A. No, sir.

Q. After you did that examination of what you believed to be the agent, the body of Agent Leonard, how long did you remain in Oklahoma City?

A. I remained there for an additional four to five days.

Hector Hernandez - Direct

Q. Now, prior to coming here today, did you examine certain records, business records of the United States Secret Service?

A. Yes, I did.

Q. And generally, would you describe for us what you examined?

A. I'm sorry. Can you --

Q. Yes. You have in a folder there next to you on the desk, there, certain records; and would you take a moment, take those

records out, and examine Exhibits 1174, 1175, 1179, 1180, 1184,

1185, 1191, and 1192.

A. Yes, I recall.

Q. Yes. And are those business records of the United States Secret Service?

A. Yes, they are.

Q. And do you recognize them as records pertaining to the four

special agents that died on April 19?

A. Yes, they do.

Q. And are they kept in the ordinary course of business with respect to the Secret Service?

A. Yes, they do.

Q. And you've seen these records in the personnel file of all the employees --

A. Yes, I have.

Q. -- of Secret Service?

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

Hector Hernandez - Direct

MR. JONES: Your Honor, we object as cumulative.

THE COURT: Overruled. 1174, 1175, 1179, 1180, 1184, 1185, 1191, 1192 are received.

MR. RYAN: Yes, your Honor.

I would like to briefly publish these --

THE COURT: I don't think it's necessary to publish.

BY MR. RYAN:

Q. These documents, if they were published to the jury, would establish the status of these four law enforcement officers as law enforcement officers of the Secret Service.

A. Yes, they would.

MR. RYAN: Thank you, your Honor.

MR. RYAN: Thank you, your honor.

MR. JONES: No questions.

THE COURT: Are you excusing this witness?

MR. RYAN: Yes, we are.

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

We'll take the recess at this time for the afternoon.

Members of the jury, once again, of course, as you're excused for the next 20 minutes, you are also again cautioned to talk about anything except the case and keep open minds and avoid anything outside the evidence. You're excused, 20 minutes.

(Jury out at 3:20 p.m.)

MR. JONES: Your Honor, may I approach the bench to make a motion?

THE COURT: Yes.

MR. HARTZLER: About what subject matter? Who should we send up?

MR. JONES: Mr. Ryan.

MR. HARTZLER: Thank you.

(At the bench:)

(Bench Conference 96B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We'll recess, 3:41.

(Recess at 3:22 p.m.)

(Reconvened at 3:41 p.m.)

THE COURT: Please be seated.

(Jury in at 3:41 p.m.)

THE COURT: Next, please.

MR. HARTZLER: Government calls Todd McCall.

Mr. Goelman will question him.

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

(Anthony McCall 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: Anthony Todd McCall, M-C-C-A-L-L.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. McCall.

A. Good afternoon.

Q. Where do you work?

A. I'm a special agent with the FBI in Fort Worth, Texas.

Anthony McCall - Direct

Q. How long have you been a special agent?

A. Approximately 6 1/2 years.

Q. And were you assigned to Fort Worth, Texas, in 1995?

A. Yes, I was.

Q. Do you remember where you were on the morning of April 19, 1995?

A. Yes, I do.

Q. Where was that?

A. I was in my office in Fort Worth.

Q. Do you remember hearing about the bombing in Oklahoma City that morning?

A. Yes, I do.

Q. After that, were you assigned to go up to Oklahoma City?

A. Yes, I was.

Q. Agent McCall, in addition to being a special agent, are you

a member of the Evidence Recovery Team in Fort Worth?

A. Yes, I am.

Q. And is that the same as the Dallas ERT?

A. Yes. The Dallas division covers the Fort Worth office. We're a satellite office of Dallas.

Q. Can you briefly describe your responsibilities as an ERT

member?

A. As an ERT member, I'm responsible for responding to crime scenes as assigned by either the special agent in charge of the Dallas office or for the director or the Special Operations

Anthony McCall - Direct

Center at FBI headquarters in Washington, D.C.

My duties include management of crime scenes. I'm the team leader for the Dallas team and also the recovery, collection, and preservation and packaging of evidence.

Q. In April, 1995, how long had you served as the leader for the Dallas ERT?

A. I've been a member of the Dallas Evidence Response Team since its formation in August of 1995 (sic); and then I was made a team leader in September of 1992.

Q. In addition to any training you might have received as an ERT member, do you also have some special knowledge about cars?

A. Yes, I do.

Q. And what's that from?

A. I have restored a couple of Mustangs on my own and also have worked somewhat as a shade-tree mechanic, if you will, on a number of different types of vehicles.

Q. How did you get to Oklahoma City?

A. I drove.

Q. And about what time did you get there?

A. I departed the Dallas/Fort Worth area at approximately 11 a.m. and arrived in the Oklahoma City area shortly after 1 p.m., about two hours.

Q. Moving to about 5:30 in the afternoon on April 19, do you remember what you were doing then, Agent McCall?

A. We were preparing to begin crime-scene search of the area

Anthony McCall - Direct

of the federal building in downtown Oklahoma City.

Q. And what was the purpose of this?

A. The main purpose for what we were preparing to do was to clean the streets off so that we could get more emergency equipment and rescue equipment into the building in hopes of obtaining more live victims away from or out of the building.

Q. And was the secondary purpose also to recover any evidence that might be on the scene?

A. That is correct.

Q. Before starting this search, did you and the other members of your team change clothes?

A. Yes, we did.

Q. And what clothes were you wearing when you conducted the search?

A. We were wearing what we commonly refer to as our Evidence Response Team BDUs. They're a dark blue, heavy-gauge material with several pockets on them, on the shirt and also on the

with several pockets on them, on the shirt and also on the pants. Shortly before the bombing in Oklahoma City, we had also received -- many of the members of the team had received brand-new leather boots with steel toes and steel shanks on the bottom. So we had put on clean clothes, our clean crime-scene clothes, and brand-new boots, essentially.

Q. Were you wearing anything on your hands?

A. Yes, we were. We were wearing rubber surgical gloves.

Q. What was the weather like when you began your search at

Anthony McCall - Direct

around 5:30?

A. It was cool and cloudy. It had rained lightly earlier in the afternoon, and -- but at the time that we started our search at about 5:30, the streets were fairly dry and it was not raining at that time; but the weather was threatening.

Q. Were you in charge of this particular search?

A. Yes, I was.

Q. And how many members of your team were there?

A. We had 10 members along with myself there, so a total of 11

were there at the scene at that time.

Q. What part of the crime scene did you search then?

A. We started at two street intersections. The first half of the team was assigned to what we would commonly refer to as a line search. They started at Broadway and 5th working west on 5th Street towards the Alfred Murrah Federal Building. And basically what we had done is divided the street up into four lanes and assigned two agents per lane to pick up any debris that was in the street at that time, place that debris into a plastic bag that was marked; and then I would take the bag after it was full, initial it myself, and place it into a box. And we were working, as I said, from east to west from Broadway toward Robinson.

I also set four agents on Robinson Street working from 5th toward 6th Street or from south to north doing the same thing, picking up items that were in the street. And again,

Anthony McCall - Direct

this was to clean the streets off so that we could get more emergency equipment and also rescue personnel and rescue equipment into the scene.

Q. In the course of this search, Agent McCall, did you find certain things that you recognized as vehicle parts?

A. Yes, we did.

MR. GOELMAN: Your Honor, may I ask Agent McCall to step down and may I take the covering off?

THE COURT: Yes.

BY MR. GOELMAN:

O. Can you find what's been marked Government's Exhibit 757.



Agent McCall?

A. Yes, I can.

Q. Do you recognize that?

A. Yes, I do.

Q. And where did you first see it?

A. I first saw this piece of equipment or piece of the truck on 5th Street about 50 to 60 feet east of the area that has been identified as the crater or the epicenter of the explosion.

Q. How do you know that Government's Exhibit 757 is the same thing that you saw on the street on April 19?

A. The first thing, there is a tag that is with this item that has my initials on it. And also, the particular character of this piece -- it's a torque converter from an automatic

Anthony McCall - Direct  
transmission; and having worked on vehicles before, I know what a torque converter looks like.

Additionally, when I first saw the torque converter, I noticed there were numerous indentations into the silver portion or the cylindrical portion of the torque converter that corresponded with the top of a bolt -- a bolt head. And I thought that was kind of unusual for a dent to be made by something like this, and so I spent a small amount of time when we were recovering this item trying to find a corresponding bolt that would fit into that indentation.

Q. Did you find one?

A. We found some that were similar in shape and size, but they didn't seem to fit exactly.

MR. GOELMAN: Your Honor, move to admit Government's Exhibit 757.

MR. NIGH: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Is Government's Exhibit 757 also known by the Q number 976 --

A. Yes, it is.

Q. -- Mr. McCall?

And can you come over to the model, please, and standing on this side indicate and describe verbally where you found Government's Exhibit 757.

Anthony McCall - Direct

A. 757 was found here in the street, center portion of the street, as I said -- excuse me -- about 50 feet to the east of the crater and in front of the building.

Q. In front of the Murrah Building?

A. That's correct.

Q. Can you take a look now at Government's Exhibit 760.

A. Yes.

Q. And do you recognize that?

A. Yes, I do.

Q. Can you just point to that?

A. This item right here.

Q. The big one?

A. It's a crankshaft from an engine.

Q. How do you recognize that?

A. (1) Again, the tag with my initials on it as we found this item in the street there not too far from the torque converter.

It was a little farther away from the crater than the torque converter; and again with the knowledge that I have of automobiles, I knew that it was a crankshaft from a motor.

MR. GOELMAN: Move to admit Government's Exhibit 760, your Honor.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MR. GOELMAN:

Q. Is Government's Exhibit 760 also known as Q978, Mr. McCall?

Anthony McCall - Direct

A. Yes, it is.

Q. Can you again move over to the model and indicate where you first saw Government's Exhibit 760?

A. Should I remove the Regency Tower building so that the jury can see that?

Q. Good idea.

A. For those who were unable to see before. The torque converter was found closer to the center of the crater, and the crankshaft was approximately 20 feet further away, almost dead center in the center of the way and just laying there, about 70 to 80, maybe 100 feet away from the crater.

Q. Agent McCall, can you take a look at what's been marked Government's Exhibit 763. I think it's the long, twisted metal piece down --

A. Yes.

Q. And do you recognize that?

A. Yes, I do.

Q. What is it?

A. It is a section of the frame from the truck that we found, slightly closer to the crater than the torque converter was,

distinguished by the tearing and the bent end here at one end and then the other end almost undamaged completely with the mounts continuing to be bolted to the frame itself.

MR. GOELMAN: Move to admit Government's Exhibit 763,  
your Honor.

Anthony McCall - Direct

MR. NIGH: No objection.

THE COURT: Received.

MR. GOELMAN: Your Honor, it's pretty heavy. May the jurors stand to view Government's Exhibit 763?

THE COURT: All right. If you'd like to stand and look, you may.

THE WITNESS: I'll hold it up slightly for you.

BY MR. GOELMAN:

Q. Agent McCall, do you also know if this is called Q10006?

A. Yes, it is.

Q. Actually, 1006.

A. That's correct.

Q. Can you, moving back to the model, indicate where you first saw Government's Exhibit 763 on April 19.

A. This section of the frame that we recovered on that evening of April 19 was slightly closer to the crater, almost on the lip of the crater as you will, about 10 to 15 feet away from the hole itself; so it was actually closer than the torque converter.

Q. Agent McCall, after you recovered those three items, did you then cause certain things to be moved so that it uncovered other vehicle parts?

A. That's correct. In the area where these items were, we had already cleaned off Robinson and 5th Street from the intersection of Robinson and 5th back toward Broadway and then

Anthony McCall - Direct

towards 6th Street. And in this area of N.W. 5th Street, all these items were found; but in addition to those items were four vehicles, I believe three cars and one pickup truck. And what we were attempting to do at that point in time -- it was late in the evening, and we were wanting to get a large crane into the area. We had already one crane. We wanted another crane into the area to pick up some of the larger items off the building.

What we did was we moved the four vehicles by forklift so we could also pick up these items and secure those so they could be entered into evidence, and the vehicles were moved over to the parking lot area

over to the parking lot area.

Q. And when the vehicles were moved, did that uncover other items?

A. That's correct, it did.

Q. I'm asking you to take a look at Government's Exhibit 766. I believe it's on the far side of the table.

A. Yes, sir.

Q. Do you recognize that?

A. Yes. This is what used to be a water pump. This is most of a water pump from a motor, distinguished by a couple of factors. When I first saw this and recovered it, there is usually a cylinder that goes -- or a disk that goes on the front of the water pump that the fan is bolted onto. That was missing.

Anthony McCall - Direct

And also on the back, the water pump is generally a sealed pump; and there is a covering on the back that the water would flow through and the fan would pump the water. The cover was gone. And additionally the fan was quite bent up, and also attached to it was part of a rubber hose which would connect the water pump to the radiator.

MR. GOELMAN: Your Honor, move to admit 766.

MR. NIGH: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Is Government's Exhibit 766 also known by Q No. 1046, Agent McCall?

A. Yes, it is.

Q. And can you move once again back over to the model and show

the jury where you first saw Government's Exhibit 766.

A. The water pump was almost the same distance away from the crater as the torque converter, but it was closer to the sidewalk and near the curb, where it was found. And the vehicles -- two of the vehicles had been in that area and had been covering the water pump; so after the vehicles had been moved, we were able to see the water pump.

Q. Agent McCall, will you move back to the table and look inside the bag that's been marked Government's Exhibit 769.

A. Yes, sir.

Q. Do you recognize that?

Anthony McCall - Direct

A. Yes, I do. This is the top half of a shock absorber that we found once we moved one of the vehicles, also. It was found very near the sidewalk, also, about 30 to 40 feet farther away from the crater. It's distinguished by the fact that on the

top of the shock absorber, there is, as you can see, a ring that a bolt would go through to connect the shock absorber to the suspension in the vehicle. There is usually a bushing, a rubber bushing, that goes inside of this ring here; and that was gone. And that's one of the reasons that I took note of this.

Also, inside this shock absorber there is a spring, and part of the spring is sticking out. And the shock absorbers I've installed before in my life didn't have a spring in there like that. They just had a hydraulic piston inside them, and I'd never seen one with a spring like that.

MR. GOELMAN: Move to admit Government's Exhibit 769, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Is there a Q number on that, Agent McCall?

A. Yes, there is. That Q number is 2264.

Q. Can you come back to the model and indicate where you first

saw the -- that half of shock absorber on April 19?

A. The shock absorber was almost equal distance away from the

Anthony McCall - Direct

crater as the crankshaft was, again near a vehicle that was recovered. And once the vehicle was moved, we found the shock absorber. It was probably -- it was just slightly beyond the facing of the building; and again as I said, between 90 and 100 feet away from the crater toward the east.

Q. Agent McCall, you indicated that you divided your team up and sent about four people up on Robinson just north of 5th Street. Is that right?

A. Yes, I did.

Q. Did you see something there that you later identified as a steering shaft?

A. Yes, we did. Yes, I did.

Q. And can you take a look at Government's Exhibit 768 over there.

A. Yes, sir.

Q. Tell me if you recognize that.

A. Yes. This is, as I later learned -- was part of the --

MR. NIGH: Going to object to what he later learned, your Honor.

THE COURT: Yes. Objection sustained. We'll stay with what you saw at the time it was recovered.

MR. GOELMAN: Thank you, your Honor.

THE WITNESS: I saw this -- this item laying in the street, and it was recovered by our team.

BY MR. GOELMAN:

Anthony McCall - Direct

Q. How do you recognize that that's the same thing you saw lying in the street?

A. When I saw this particular portion of this item, it reminded me of the drive shaft part of a vehicle. There is a universal joint that would go into these two points, and then -- a universal joint would also connect up to another piece that would be similar to this. And the reason you need the universal joint is this turns, and there might be a slight angle so that this would be able to turn and the angle would not cause anything to break.

MR. GOELMAN: Move to admit Government's Exhibit 768, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. And is Government's Exhibit 768 also known as Q1585, Agent McCall?

A. Yes, it is.

Q. Can you come back to the model one last time and show the jury where you first found Government's Exhibit 768.

A. As I had indicated earlier, we had searched down 5th and Broadway towards Robinson, and then we had another team searching up Robinson from 5th Street towards 6th Street; and for those of you who can't see over the Journal Record, it was basically right here in the center of Robinson Street, about

Anthony McCall - Direct

midway between 5th and 6th Street laying in the middle of the street.

Q. Thank you, Agent McCall.

You can resume the stand, please.

A. Thank you.

MR. GOELMAN: Your Honor, may I approach and show Agent McCall some pictures that we have back there?

THE COURT: Yes.

Just remain seated, please.

THE WITNESS: Thank you.

BY MR. GOELMAN:

Q. Agent McCall, I'm showing you what's been marked for identification Government's Exhibit 759. Do you recognize this?

A. Yes, I do.

Q. What is it?

A. This is a photograph of the torque converter that is sitting on the table and also the vehicle that was one of the vehicles that we moved later that evening.

Q. And is it a fair and accurate depiction of how it appeared when you first saw it on April 19?

A. Yes.

MR. GOELMAN: I move to admit government's Exhibit 759, your Honor.

MR. NIGH: No objection.

MR. NIGH: NO OBJECTION.

Anthony McCall - Direct

THE COURT: 759 is received, may be shown, if you wish.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Can you please point out where you found the torque converter?

A. Yes, sir. This is the torque converter here, sitting there

on the table. The shaft, as you can see, is coming out of it; and the wet material on the ground there, the street, is the transmission fluid that had leaked out of the torque converter because of its damage.

Q. Now showing you what's been marked for identification as Government's Exhibit 761. I want you to look in the bottom center of that picture and tell me if you recognize that item.

A. Yes, I do.

Q. And is that a picture of Government's Exhibit 760?

A. Yes, it is.

Q. Is that the way it appeared to you on April 19, 1995?

A. The scene was the same except for the smoke.

Q. There was no smoke --

A. When I arrived.

Q. When you were doing the search?

A. No.

Q. The smoke was earlier?

A. Yes.

Anthony McCall - Direct

MR. GOELMAN: Your Honor, move to admit Government's Exhibit 761 to show the location of Government's Exhibit 760 on April 19.

MR. NIGH: For that purpose, I don't object.

THE COURT: All right. 761 is received and may be shown for that purpose.

BY MR. GOELMAN:

Q. Please indicate where in that picture Government's Exhibit 760 was when you first saw it.

A. The torque converter, Item 760, is here in the lower center

section of the photograph. Again, there is the vehicle that was in the other photograph and two of the other vehicles we had moved, and then the fourth vehicle you can barely see in -

-

THE REPORTER: Sorry, sir. I can't hear you.

THE WITNESS: I was just explaining that the four vehicles that we had moved later in the evening were also somewhat depicted in the picture there.

BY MR. GOELMAN:

Q. I'm now showing you what's been marked for identification

-  
764, and I want you to tell me if that's a fair and accurate depiction of 763 the way it appeared just before you recovered it on April 19, 1995.

A. Yes, it is.

MR. GOELMAN: Move to admit Government's Exhibit 764, your Honor.

Anthony McCall - Direct

MR. NIGH: No objection, your Honor.

THE COURT: Received. It may be displayed.

BY MR. GOELMAN:

Q. Can you describe the objects depicted in this picture, please.

A. This is the frame section which I displayed earlier for the members of the jury. Again, this is the end that has the brackets bolted on up here, and then down here is the ends that were damaged by the blast.

Q. Finally, Agent McCall, I'm showing you what's been marked for identification Government's Exhibit 767. And do you see Government's Exhibit 766 somewhere in that picture?

A. Yes, I do.

Q. Is that a fair and accurate depiction of the way Government's Exhibit 766 looked when you saw it on April 19, 1995?

A. Yes, it is.

MR. GOELMAN: Move to admit Government's Exhibit 767, your Honor.

MR. NIGH: No objection.

THE COURT: Received. Display it.

BY MR. GOELMAN:

Q. Can you please point out Government's Exhibit 766 in this picture?

A. Although it's somewhat hard to see because of the nature -

-

Anthony McCall - Direct

it almost blends in with the pavement. It had begun to rain; and as a matter of fact, by the time we moved all these items, a severe storm had blown through, very heavy rain, and that was part of the reason we were working as quick --

MR. NIGH: Your Honor, I'm going to object. It's not responsive to the question. He simply asked him to show where it was.

THE COURT: Yes. Please just respond to the question.



THE WITNESS: Yes, sir.

The water pump is here on the far side of the photograph near what appears to have been a windshield. This is the item right here that has the small amount of pink paint.

BY MR. GOELMAN:

Q. Here in the left portion of the picture?

A. That's correct.

Q. Thank you, Agent McCall. One final question, Agent McCall:

What time did you get to sleep on April 19, 1995?

MR. NIGH: I'm going to object on the grounds of relevance, your Honor.

THE COURT: Sustained.

MR. GOELMAN: Nothing further, your Honor.

THE COURT: Any cross-examination?

MR. NIGH: No, your Honor.

THE COURT: Witness excused?

MR. GOELMAN: Yes, your Honor.

MR. NIGH: Yes, your Honor.

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

THE WITNESS: Thank you, sir.

THE COURT: Next, please.

MR. HARTZLER: One moment, your Honor?

THE COURT: Yes.

MR. HARTZLER: Thank you.

Fred Horn, your Honor. Ms. Wilkinson will question Mr. Horn.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Fred Horn 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: Fred Horn, H-O-R-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Horn, you're obviously wearing a uniform. Tell us where you work.

A. Oklahoma Highway Patrol.

Q. And what is your title?

A. Trooper.

Fred Horn - Direct

Q. How long have you been a trooper with the Oklahoma Highway Patrol?

A. 26 years, going on 27.

Q. What is your assignment today?

A. I'm assigned with motor carrier safety, size and weights enforcement, and with the bomb squad.

Q. What do you do?

Q. What do you do?

A. I weigh trucks. I check them for size and weight violations, for driver safety violations and equipment safety violations, also.

Q. How long have you been a member of the bomb squad?

A. I've been a member of the bomb squad since 1979.

Q. Just briefly, tell us what you do as a member of the bomb squad for the Oklahoma City (sic) Highway Patrol.

A. I respond to bomb threats and scenes where an actual device has been found and either dispose of them, render them safe, or decide that there is not a bomb or device that's dangerous.

Q. Were you assigned to the bomb squad back in April of 1995?

A. Yes, ma'am.

Q. And do you have any other kind of specialized training?

A. Yes. I've been in the military, was in artillery as a gunner and also as a section chief.

Q. Okay. Let's turn to April 19, 1995. Do you recall where you were when you learned about the bombing in Oklahoma City?

A. Yes, ma'am.

Fred Horn - Direct

Q. Where were you?

A. I was on Interstate 40 west of Oklahoma City approximately 40 miles at Mile Post 1 -- or 119.

Q. How can you remember that you were -- what mile marker you were?

A. I had a semi truck stopped, was doing an inspection talking to the driver; and I was standing on the running board of the truck at the time.

Q. Did you get sent to Oklahoma City shortly thereafter?

A. Yes, ma'am.

Q. Can you tell us how long it took you to get to Oklahoma City that day?

A. Just estimating, approximately 20 minutes, drove just as hard as I could go.

Q. And tell us what the atmosphere was in the city as you approached.

A. As I approached, emergency vehicles were proceeding in the same location that I -- or same direction I was. Roadway was blocked off in some areas by police officers directing all emergency vehicles into the federal building area.

Q. When you first got to downtown, did you park your car and walk toward the Murrah Building?

A. Yes, I did.

Q. And what did you see when you got to the Murrah Building?

A. I saw the devastation, the chaos of emergency people

Fred Horn - Direct

running to and fro, injured people coming from the building, and debris in the roadway. dirt. Again. just total chaos.

and debris in the roadway, etc. Again, just local chaos.

Q. Did you walk around the Murrah Building to the area that was not damaged?

A. Repeat, please.

Q. Did you walk around the Murrah Building to the area that was not damaged?

Am I not making myself clear?

A. No, ma'am. There was damage everywhere.

Q. Did you walk around to what's really the front of the building but what we commonly refer to as the back?

A. Yes, I did.

Q. What did you see when you looked up at the building?

A. I saw damage there, also. The windows were all blown out, glass all over the plaza area, injured people laying there, medical supplies laying everywhere.

Q. Did you look up to the 9th floor?

A. Yes, I did.

Q. What did you see?

A. I saw a subject up there moving in the window. I saw a sign in the window in some wording saying "needing help" or "stranded" or something of that nature.

Q. Soon thereafter, was there a bomb scare in the area?

A. Yes, there was.

Q. And did that individual who had been up on the 9th floor

Fred Horn - Direct

come down and join you?

A. Yes, he did.

Q. Who was it?

A. Luke Franey.

Q. How did you know Luke Franey?

A. Well, I had known him because I've worked with him before. I was familiar with his voice and had heard him on the radio on

the way in as I was traveling into the Oklahoma City area asking for help.

Q. After you assisted some of the persons that were coming out

of the building, were you assigned to collect evidence at the scene?

A. Yes, I was.

Q. What was your first assignment on April 19?

A. My first assignment was to carry the medical supplies and things of that nature to the triage area.

Q. I should have phrased that better. What was your first assignment in connection with collecting evidence or marking evidence?

A. Okay. I was assigned to walk around with a spray can and circle evidence that we would find on the street or on top of objects, cars, whatever it might be.

Q. Did you continue to participate in the collection of evidence on April 22, 1995?

A. Yes, I did.

Fred Horn - Direct

Q. And do you recall where you were working that day?

A. I was working in the parking lot street area of 5th Street and the parking lot just north of the Murrah Building.

Q. What did you find?

A. I found two manifolds.

Q. Do you recall where you found them?

A. Yes, I do.

Q. Where was that?

A. One manifold was in front of a white General Motors van that was heavily damaged by debris that had hit it, and another manifold was laying in the street just immediately south of where the other one was and a little bit east.

MS. WILKINSON: Your Honor, may I ask the witness to step down to assist me in picking up the pieces of evidence?

THE COURT: Yes. You may step down.

BY MS. WILKINSON:

Q. Trooper Horn, if you could step down.

Could you set it right there.

I'm showing you Government's Exhibit 751. Do you recognize that?

Here you go. Turn that over.

See that? This is Government's Exhibit 751?

A. Yes, ma'am.

Q. Do you recognize that?

A. Yes, ma'am.

Fred Horn - Direct

Q. How do you recognize it?

A. This is a manifold that come out of the street, the one that was farthest to the south that was laying in the roadway.

Q. Okay. Let me show you Government's Exhibit 748. Do you recognize that?

A. Yes, I do.

Q. And how do you recognize it?

A. It has my initials on the tag that I tagged, and it's the one that was in front of the van.

MS. WILKINSON: Government moves in 748 and 751,  
your  
Honor.

MR. JONES: No objection.

THE COURT: They are received.

BY MS. WILKINSON:

Q. Trooper Horn, could you point out on the model to the jury

where you found Government's Exhibit 748 and 751?

A. It would be approximately here.

Q. Could you describe for the record where that is that you're pointing?

A. The curb of the sidewalk into the parking lot area.

Q. You can take your seat.

- -

A. Okay.

Q. Is Government's Exhibit 748 also known as Q1288?

A. Yes, ma'am.

Q. And is Government's Exhibit 751 also known as Q1289?

Fred Horn - Direct

A. Yes, ma'am.

Q. Have you reviewed some photographs prior to coming to trial

which indicate where these pieces were recovered?

A. Yes, I have.

MS. WILKINSON: Your Honor, may I approach?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Trooper Horn, look at Government's Exhibit 752. Do you recognize that?

A. Yes, ma'am.

Q. And what does this photo depict?

A. This depicts the first manifold, the one that has the damage to it, that's laying in the roadway in the middle of 5th Street.

MS. WILKINSON: Government offers 752, your Honor.

MR. JONES: No objection.

THE COURT: 752 is received, may be displayed.

BY MS. WILKINSON:

Q. Trooper Horn, could you point out for the jury where the manifold is that was found --

THE COURT: The angle is bad, and then you're standing in front of it.

MS. WILKINSON: I'm sorry.

THE COURT: Okay.

THE WITNESS: Yes, ma'am. Right here.

Fred Horn - Direct

BY MS. WILKINSON:

Q. Could you indicate on the record where you're pointing to? Is that the lower right-hand corner?

A. This is the lower right-hand corner with a metal object laying there.

MS. WILKINSON: I have no further questions, your Honor.

THE COURT: Mr. Jones?

MR. JONES: I don't have any questions for Mr. Horn.

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

MS. WILKINSON: He is, your Honor.

MR. JONES: Yes, your Honor.

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

MR. HARTZLER: Bruce Contess.

Ms. Wilkinson will question.

MS. WILKINSON: No, Mr. Goelman.

MR. HARTZLER: Oh, right. Mr. Goelman.

MR. HANZLBERG: On, right. MR. GOELMAN.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Bruce Contess 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: Bruce, middle initial I., last name Contess, C-O-N-T-E-S-S.

THE COURT: Proceed.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Mr. Contess, where do you work?

A. For the FBI in Kansas City, Missouri.

Q. Are you a special agent?

A. I'm a special agent, yes, sir.

Q. How long have you been a special agent for the FBI?

A. For approximately 12 years.

Q. And at the time of the bombing in Oklahoma City, were you assigned to the Kansas City office?

A. Yes. The Kansas City office -- I was part of the Organized

Crime Squad and the Evidence Response Team.

Q. And after the bombing, were you sent to Oklahoma City to participate in the rescue efforts and the evidence collection?

A. As part of the Evidence Response Team.

Q. When did you arrive in Oklahoma City?

A. Approximately 6 or 7 p.m. on April 19.

Q. And turning your attention to April 20, 1995, do you remember what you were doing around noon and the early afternoon on that day?

A. I was team leader for a team working around the federal building. And most of that afternoon we spent picking up evidence in the parking lot to the east of the federal building and across from the YMCA.

Bruce Contess - Direct

Q. During that period of time, did you find something that appeared to be part of a vehicle?

A. Many parts that appeared to be parts of a vehicle.

Q. Okay. Can you describe one in particular that you found?

A. One in particular was an oval Ford logo, the emblem that's on all Ford vehicles indicating it's a Ford.

Q. Was it a full oval with the whole word "Ford" written on it?

A. It was partial. It was about two-thirds of the piece, a metal piece.

MR. GOELMAN: May I approach, your Honor?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Agent Contess, you're being shown what's been marked for identification Government's Exhibit 753. Do you recognize

that?

A. Yes, sir. This is the item.

Q. That's the --

A. The Ford logo.

Q. And is that the one that you saw on April 20, 1995?

A. Yes, this is the one I found.

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

A. I can recognize it. It's kind of a distinct item compared to many of the pieces we picked up, which were small pieces which were nondistinct which I probably could not identify what

Bruce Contess - Direct

they were. This, at the time, I realized was a Ford emblem.

MR. GOELMAN: Move to admit Government's Exhibit 753, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Is this piece also known as Q1049, Agent Contess?

A. Yes, it is.

Q. And can you, with the Court's permission, step down and indicate to the jury where you found this?

THE COURT: Yes.

THE WITNESS: On the front lawn of the YMCA, right here.

BY MR. GOELMAN:

Q. And is there a little yellow dot there?

A. Yes, there is.

Q. You can resume the stand, please.

MR. GOELMAN: May I approach, your Honor, to display for the witness a picture?

THE COURT: Yes.

BY MR. GOELMAN:

Q. I show you what's been marked for identification Government's Exhibit 754. That is a fair and accurate depiction of the way Government's Exhibit 753 looked when you

Bruce Contess - Direct

first saw it?

A. Yes, it is.

MR. GOELMAN: Move to admit Government's Exhibit 754, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

MR. GOELMAN: May I publish?

THE COURT: Yes.

MR. GOELMAN: Thank you, your Honor.

BY MR. GOELMAN:

Q. Can you also see that, Agent Contess?

A. Yes.

Q. Can you please describe for the jury where in that picture the portion of the Ford logo that you recovered is?

A. Right here.

Q. Is that about in the center of the photograph?

A. Yes, it's the center of the photograph.

Q. Do you know what that pink circle surrounding the logo is?

A. Yes. Before we went through to pick up the evidence, I believe on April 19, some people went through that area with a spray can and circled what they thought was evidence that should be later picked up.

Q. So even before your search, some of the evidence was already circled?

A. Was circled, yes.

MR. GOELMAN: Nothing further, your Honor.

MR. NIGH: No questions, your Honor.

THE COURT: Excusing this witness, then?

MR. GOELMAN: Yes, your Honor.

MR. NIGH: Yes.

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

MR. HARTZLER: The Government recalls William  
Eppright. Mr. Mendeloff will question.

THE COURT: All right. He's already been sworn.

THE COURTROOM DEPUTY: Yes.

THE COURT: Please resume the stand under the oath  
you  
took as a witness earlier.

THE WITNESS: Yes, sir.

(William Eppright was recalled.)

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Agent Eppright, you testified very early in this trial --  
Mr. Eppright?

A. Yes, sir, I did.

Q. You testified very early in this trial; and when you  
testified previously, I believe you testified that on April  
19,

you were at your home during the morning and received a phone  
call.

A. Yes, I was.

William Eppright - Direct

Q. And you received -- and once you received that call as  
part  
of the Evidence Response Team in Dallas, you proceeded to  
Oklahoma City and you got there early that afternoon. Is that  
right?

A. Yes, sir, I did.

Q. The next day, April 20, 1995, did you take part in  
evidence  
collection efforts?

A. Yes, sir, I did.

Q. And what was your assignment in relation to those evidence



Q. And what was your assignment in relation to those evidence collection efforts the next day?

A. I was assigned to Team 5, which was tasked with collecting evidence at the location in front of the Murrah Building to include the street and the parking lot.

Q. Let me direct your attention to the morning of the 21st. Did you find an item of evidence in that parking lot on the morning of the 21st?

A. Yes, sir, I did.

Q. What item was that?

A. I found an item that was a partial logo of a Ford emblem, a large Ford emblem.

Q. And let me ask you to look in front of you at Government's

Exhibit 755. What is that?

A. Government's Exhibit 755 is the item that I recovered on April 21, 1995.

Q. That's been otherwise marked as Q1273?

William Eppright - Direct

A. Yes, sir, that's correct.

Q. After you found Government's Exhibit 755, what did you do?

A. I showed it to the team leader, who instructed me to bag it

for evidence; and then I initialed and dated the bag, marked a description on the bag on where the evidence was located, and took it to the central location where agents there were given the evidence item numbers and descriptions on a log sheet.

Q. Does your name and initials continue to appear on the bag that enclosed 755?

A. Yes, sir, they do.

Q. Will you take 755 out of the bag, please.

A. Certainly.

Q. Do you -- please hold it down until it's admitted in evidence.

Do you otherwise recognize it?

A. Yes, sir, I recognize it.

Q. How?

A. I remember it from that day.

Q. And what distinctive markings do you remember?

A. I remember the way it was ripped and the partial lettering on the emblem that appears to be a Ford.

MR. MENDELOFF: At this time, your Honor, we move the admission of Government's Exhibit 755.

MR. NIGH: No objection.

THE COURT: Received.

William Eppright - Direct

MR. MENDELOFF: Your Honor, if we could publish that and 753 together, please, just by holding them up.

THE COURT: Does he have 753?

MR. MENDELOFF: He does, your Honor.

THE COURT: You may hold both up.

BY MR. MENDELOFF:

Q. Hold both parts of the Ford emblems up, one in one hand and one in the other.

A. This is 753 and this is 755.

Q. Why don't you hold them toward the jury so we can see what parts of the emblem they are.

All right. Thank you.

With the Court's permission, if you'd step down and show us where you found Government's Exhibit 755 on the model.

THE COURT: Yes.

THE WITNESS: Thank you, sir.

I located 755 approximately here at South Robinson

and

5th Avenue.

BY MR. MENDELOFF:

Q. In the corner of that parking lot?

A. Yes, sir.

Q. Is there a yellow dot there and a fiberoptic marker?

A. Yes, sir, there is.

MR. MENDELOFF: Nothing further, your Honor.

THE COURT: Any questions?

MR. NIGH: No, your Honor.

THE COURT: All right. Is he to be excused now, or are you going to have him back again?

MR. MENDELOFF: I don't think so, unless the defense wants him.

MR. NIGH: He may be excused.

THE COURT: Okay. You're excused.

THE WITNESS: Thank you, sir.

THE COURT: Next, please.

MR. HARTZLER: Government calls Michael Quick.

Ms. Wilkinson will question him.

MS. WILKINSON: Your Honor, may I make sure that a piece of evidence --

THE COURT: Go ahead.

THE COURTROOM DEPUTY: Raise your right hand.

(Michael Quick 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: Michael Quick, Q-U-I-C-K.

THE COURTROOM DEPUTY: Thank you.

MS. WILKINSON: May I put this in front of the witness?

THE COURT: Yes.

MS. WILKINSON: Thank you.

Michael Quick - Direct  
DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Agent Quick, you're employed by the ATF. Is that correct?  
A. That's correct.  
Q. How long have you been an ATF agent?  
A. About nine and a half years.  
Q. Where are you currently assigned?  
A. Milwaukee, Wisconsin.  
Q. Were you assigned in Milwaukee in April of 1995?  
A. Yes, sir, I was.  
Q. As part of your duties, were you a member of the National Response Team for ATF?  
A. Yes, I was.  
Q. Very briefly, tell us what you do as a member of the National Response Team.  
A. There are four teams located throughout the country. They're 12-person teams that respond to provide assistance to local police and fire agencies with major explosives and fires.  
Q. On April 19, 1995, were you sent as a member of that team to Oklahoma City to assist in the investigation of the crime scene?  
A. Yes, I was.  
Q. What time did you arrive in Oklahoma City?  
A. Approximately 6 p.m.  
Q. You were assigned to a search team?

Michael Quick - Direct

A. Yes. I was assigned a team leader of, I believe, Team 4.  
Q. And were you working at the crime scene on April 23, 1995?  
A. Yes, I was.  
Q. Do you recall what area you were searching at that time?  
A. It was an area in the area of 5th and Broadway.  
Q. And in front of you, you have Government's Exhibit 756.  
Do  
you see that?  
A. Yes.  
Q. Do you recognize that item?  
A. Yes, I do.  
Q. Tell the Judge how you recognize that item.  
A. It's a piece of --  
Q. You need to leave it down until it's in evidence.  
A. I'm sorry.  
Q. Tell us what about it you recognize.  
A. It had extreme damage on the end of it where it had been severed. It was pinched and cut and had marks indicating that it had had some kind of residue thrown against it.  
Q. Where did you recover it?  
A. On the rooftop of a multifloor parking structure in the area of 5th and Broadway.  
Q. Is it also marked as Q2081?  
A. That's correct.

MS. WILKINSON: Government offers 756.

MR. JONES: No objection.

Michael Quick - Direct

THE COURT: Received, 756.

BY MS. WILKINSON:

Q. Okay. Now, could you hold up the item, if you could just for a moment, to publish it to the jury.

You said that appeared to be a tie rod. Is that correct?

A. A portion of a tie rod, yes.

Q. Could you step down with the Court's permission and show the jury on the model where you found Government's Exhibit 756.

A. It would have been right in this area.

Q. Is that right on the edge of the model?

A. Yes, it is.

Q. Is there a dot there indicating where you recovered it?

A. Yes.

Q. And can you tell us again -- you mentioned something about it being on a roof?

A. There was a multifloor parking structure, and this was on the top deck of that parking structure.

Q. Do you recall how many floors were on that parking structure?

A. I do not.

MS. WILKINSON: You can take your seat.

No further questions, your Honor.

THE COURT: Any questions?

MR. JONES: Just one.

Michael Quick - Cross

CROSS-EXAMINATION

BY MR. JONES:

Q. 756 have a Q number there, Agent Quick?

A. Yes, it does.

Q. What is the Q number?

A. 2081.

MR. JONES: Thank you.

THE COURT: Excusing the witness?

MS. WILKINSON: Yes, your Honor.

MR. JONES: Yes, your Honor.

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

MR. HARTZLER: Government calls Amy Hess.

Ms. Wilkinson will question.

MS. WILKINSON: Your Honor, may I take this off for

--

THE COURT: Go ahead.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Amy Hess affirmed.)

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

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

THE WITNESS: My name is Amy Hess, H-E-S-S.

THE COURTROOM DEPUTY: Thank you

DIRECT EXAMINATION

BY MS. WILKINSON:

Amy Hess - Direct

Q. Agent Hess, tell us what agency you work for.

A. I'm a special agent with the Federal Bureau of Investigation.

Q. How long have you been with the FBI?

A. A little over six years.

Q. Where are you assigned?

A. Kansas City office.

Q. Are you a member of the Evidence Response Team there in Kansas City?

A. Yes, I am.

Q. Were you a member of that team in April of 1995?

A. Yes, I was.

Q. You were ordered to go to Oklahoma City shortly after the bombing on April 19, 1995?

A. Yes, I was.

Q. When did you arrive?

A. That night, April 19.

Q. The next morning, were you assigned to a team to -- to a team so that you could participate in the search?

A. Yes, I was.

Q. Which team were you assigned to?

A. Team 3.

Q. And what was your assignment as part of Team 3?

A. Evidence collection.

Q. Where did you collect evidence?

Amy Hess - Direct

A. We started with the southeast grid from the building and we

worked our way into the YMCA building, and then we proceeded over to the front of the Murrah Building.

Q. Were you working with Team 3 on April 20, 1995?

A. Yes, I was.

Q. Was that the first day you were working?

A. Yes.

Q. Did your assignment change after some point and did you start working the midnight-to-8 shift?

A. Yes. After about three days, we started working the midnight shift.

Q. Where did you conduct your search when you were working the

midnight-to-8 shift?

A. In front of the Murrah Building.

Q. Are you aware that there were agents working at the crime scene 24 hours a day?

A. Yes. There were constantly agents there.

Q. Were you working from midnight to 8 a.m. on April 30, 1995?

A. Yes, I was.  
Q. And were you working in the area near the crater?  
A. Yes.  
Q. Do you see Government's Exhibit 770 in front of you?  
A. Yes, I do.  
Q. Do you recognize that item?  
A. Yes, I do.

Amy Hess - Direct

Q. How do you recognize it?  
A. These are my initials on the tag, and this is the piece of evidence that I collected on that night from in front of the crater.  
Q. Where did you find Government's Exhibit 770?  
A. From the crater closest to the street.  
MS. WILKINSON: Government offers 770.  
MR. JONES: No objection.  
THE COURT: Received.  
MS. WILKINSON: May Agent Hess step down and point out where she found it?  
THE COURT: Yes, please.  
THE WITNESS: That would be right here.

BY MS. WILKINSON:

Q. Could you describe for the jury and for the record where you're pointing to?  
A. Sure. It's -- I believe this is north -- the north side of the crater, right along the street in the first lane of traffic here.

Q. You can take your seat.  
Is Government's Exhibit 770 also marked as Q1353?

A. Yes, it is.  
MS. WILKINSON: No further questions.  
MR. JONES: No questions, your Honor.  
THE COURT: Excusing the witness, I take it?  
MS. WILKINSON: Yes, your Honor.  
THE COURT: Agreed?  
You may step down. You're excused.  
MR. HARTZLER: William Davitch. Ms. Wilkinson will question him.

THE COURTROOM DEPUTY: Raise your right hand.  
(William Davitch 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: William J. Davitch, D-A-V-I-T-C-H.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Tell us how you're employed, Agent Davitch.

A. By the FBI.  
Q. Are you a special agent?  
A. Yes, I am.  
Q. And where are you currently assigned?  
A. The Cincinnati division in the Columbus, Ohio, office.  
Q. Were you there in April of 1995?  
A. Yes, I was.  
Q. Were you sent to the crime scene in Oklahoma City on April 19, 1995?  
A. Yes, I was.

William Davitch - Direct

Q. When did you arrive?  
A. Approximately 10:00 that evening.  
Q. And did you work at the crime scene from April 19 or April 20 through May 1 of 1995?  
A. Yes, I did.  
Q. Let's focus on May 1, if we could.  
Were you -- do you recall where you were searching that day?  
A. I searched in two areas that day: The rooftop of the Murrah Building and also the crater area.

MS. WILKINSON: Your Honor, may I approach?

THE COURT: Yes.

MS. WILKINSON: I don't think those are the right pieces.  
BY MS. WILKINSON:  
Q. Agent Davitch, that isn't the piece that you recovered on May 1, is it?  
A. Yes, it is.  
Q. Okay. Could you tell us how you recall it?  
A. These two items were located near the crater area of the Murrah Building.  
Q. And how do you recognize that those are the pieces that you found?  
A. There were several pieces that were found; and these two items were placed into a box, and then my initials and date

William Davitch - Direct

were placed on the box.  
Q. What's the Government's exhibit number on that?  
A. 780 and also 781.  
MS. WILKINSON: Your Honor, we offer Government's Exhibits 780 and 781.  
MR. JONES: No objection.  
THE COURT: They're received.  
BY MS. WILKINSON:  
Q. Do you know the Q numbers for those items?  
A. They're both Q1607.  
Q. Now, here's the other item I was trying to find for you.  
Do you recognize this piece?

A. Yes, do T

A. Yes, do I.

Q. Do you want to take a look at it? Help me out here?

THE COURT: Are you showing off?

MS. WILKINSON: I am, your Honor. I've been practicing.

BY MS. WILKINSON:

Q. Tell the jury how you recognize this piece.

A. This was also found on the same day. There was some -- a large piece of concrete removed from that area, and this item was underneath that piece of concrete.

Q. The concrete was where?

A. Right next to the crater area, and it was lifted up by a crane; and this item and another item were underneath that

William Davitch - Direct

piece of concrete.

Q. Okay. Can you see the Government's exhibit sticker?

A. Yes. 778.

MS. WILKINSON: Your Honor, we will offer 778.

MR. JONES: I don't have any objection to that, your Honor.

THE COURT: 778 is received.

BY MS. WILKINSON:

Q. Agent Davitch, do you know the Q number for that item?

A. 984.

Q. Now, if you could step down and take a look at Government's

Exhibit 779. Do you recognize this? And if you could come around here and face the jury.

A. Yes. I also recognize it. It was found right next to the piece that I just held up. It's -- it was underneath the same piece of concrete.

Q. And how do you recognize Government's Exhibit 779?

A. It has my initials and date that I placed on the item itself.

MS. WILKINSON: Government offers 779.

MR. JONES: No objection.

THE COURT: Received.

BY MS. WILKINSON:

Q. Do you know the Q number for 779?

A. Q1016.

William Davitch - Direct

Q. Using the model, could you indicate for the jury where you recovered these items?

A. All four of those items were recovered in this area right behind the crater and in between the crater and the Murrah Building.

Q. And are there yellow dots with fiber optics to indicate the places where you recovered?

A. Yes. Four areas.

MS. WILKINSON: No further questions. You can take



your seat, Mr. Davitch.

MR. JONES: I have no questions.

THE COURT: Excusing the witness?

MS. WILKINSON: Yes.

MR. JONES: Yes.

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

MR. HARTZLER: Rex Stockham. Ms. Wilkinson will question.

THE COURTROOM DEPUTY: Raise your right hand.

(Rex Stockham 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: It's Rex A. Stockham, S-T-O-C-K-H-A-M.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

Rex Stockham - Direct

BY MS. WILKINSON:

Q. Agent Stockham, are you employed as a special agent with the FBI?

A. Yes, I am.

Q. How long have you been a special agent?

A. Approximately nine years.

Q. Where are you currently assigned?

A. Houston division, Houston, Texas.

Q. Were you assigned to Houston in April of 1995?

A. Yes, I was.

Q. Were you also a member of the Evidence Response Team?

A. Yes, ma'am.

Q. In that capacity, were you sent to Oklahoma City on April 19, 1995?

A. Yes.

Q. Did you participate in the investigation of the crime scene?

A. I did.

Q. And what were your duties? What shift were you assigned to work?

A. I was assigned the midnight-to-8 shift.

Q. Were you working on April 22, 1995?

A. Yes, I was.

Q. Where were you searching?

A. Right at the blast site, the crater.

Rex Stockham - Direct

Q. What do you mean by the blast site?

A. Right at the crater at the Murrah Building.

Q. And did you see an item in the debris that appeared from some type of vehicle?

A. Yes, ma'am.

Q. What did you see?

A. A rim off of a truck.

Q. Could you step down, please.

MS. WILKINSON: Your Honor, may the witness step down?

THE COURT: Yes.

BY MS. WILKINSON:

Q. If you could step over here.

I'm showing you Government's Exhibit 782. Do you recognize this item?

A. Yes, ma'am.

Q. How do you recognize it?

A. It was unique damage and also with the Q1007 numbering.

Q. And is this the item that you recovered at the crater?

A. Yes.

MS. WILKINSON: Government offers 782.

MR. JONES: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Agent Stockham, is there also a photograph of this item --

A. Yes, ma'am.

Rex Stockham - Direct

Q. -- where you found it?

MS. WILKINSON: I don't see it, your Honor. We can do without it.

THE COURT: All right.

MS. WILKINSON: I have no further questions.

MR. JONES: I don't have any questions, your Honor.

MR. HARTZLER: Could I have just a moment?

THE COURT: Yes. Had you completed with the witness?

MS. WILKINSON: Yes, I had, your Honor.

THE COURT: All right. Then you're agreeing to excuse him?

MR. JONES: Yes, sir.

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

MR. HARTZLER: Thank you.

THE COURT: Next.

MR. HARTZLER: Kerry Myers is our next witness. Mr. Goelman will question.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand.

(Kerry Myers affirmed.)

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

THE WITNESS: Yes, ma'am.

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

THE WITNESS: Kerry, K-E-R-R-Y, Myers, M-Y-E-R-S.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

MR. GOELMAN: Thank you, your honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. Myers.

A. Hi.

Q. Where do you work?

A. I work with the Federal Bureau of Investigation.

Q. What position do you hold?

A. Special agent, bomb technician.

Q. How long have you been a special agent?

A. Going on seven years.

Q. And how long have you been a bomb technician?

A. Approximately four years.

Q. Can you briefly describe what kind of training you went through to become qualified as a bomb technician?

A. I spent four weeks at the hazardous devices school at the Redstone Arsenal in Huntsville, Alabama, going through a training course which was taught by the United States Army and FBI.

Q. And what kind of things did you learn at a training course?

A. Demolition procedure, render-safe procedure on bombs, post-blast investigation, how to operate various equipment and tools necessary to perform a function to render safe any type of improvised explosive device, how to recognize explosive

Kerry Myers - Direct

devices, radiographic interpretation -- in other words, how to X-ray a device to see if it has the components of a bomb -- how

to handle commercial explosives, how to handle military explosives.

Q. Agent Myers, where are you assigned?

A. Tampa, Florida.

Q. Was that your assignment in April, 1995?

A. Yes, sir.

Q. Were you a lawyer before you became an agent, Agent Myers?

A. Yes, sir.

Q. And before that, did you make an honest living doing something else?

A. Yes, sir.

Q. What's that?

A. I put myself through college as an auto mechanic.

Q. Did you also work in a factory?

A. I worked at General Motors in 1976. I welded Monte Carlos on the assembly line.

Q. Are you familiar with what's under the hood of a car, then?

A. Yes, sir.

Q. Where were you on the morning of April 19, 1995?

A. I was working in Polk County, Florida.

Q. You were assigned to the Tampa office at that time?

A. Yes. Polk County -- at work, out of the Tampa division.

Q. Were you subsequently sent to Oklahoma City after the

Kerry Myers - Direct

bombing?

A. Yes, sir.

Q. When did you arrive in Oklahoma City?

A. On Monday, April 24, 1995.

Q. Did you later supervise something called the sifting site?

A. Yes, sir. After several days, I was assigned to the sift site and took over -- I was a team leader on Team B out at the sift site.

Q. Can you describe what exactly the sift site was?

A. After the explosion occurred, there was a large amount of debris in front of the building which was hampering the rescue effort. That debris was moved by 129 dumptruck loads to the Oklahoma County sheriff's office range, which is located approximately 10 miles northeast of the Murrah Building.

That 129 loads of debris was set down on the range in three different areas. The range is a complex of approximately 1,000 acres. Each subsite or each of the three areas had debris in it, and I was a team leader one of the three subsites on the sift site.

Q. Why was it called the sift site?

A. What we were charged to do -- there was 1,035 tons of debris taken to the Orange (sic) County sheriff's office range;

and our mission was to analyze all 1,035 tons looking for any type of explosive device, vehicle parts, personal property belonging to the ATF, the DEA, the Customs Service, recover

Kerry Myers - Direct

body parts, and to recover personal effects of the agents who were working -- the people working in the building.

Q. And to do this, you actually shoveled debris onto screens and sifted out the debris from the evidence?

A. The smaller debris, yes, sir.

Q. Turning to April 29, 1995, do you recall finding a particular vehicle part on that day at the sift site?

A. Yes, sir.

Q. Can you describe what you found?

A. I found a rear axle from a large motor vehicle.

Q. Can you describe what it looked like?

A. Very long piece of hardened steel. It had splines cut on one end. On the other end, it had a large wheel hub which the wheel would be mounted to via the lug nuts.

MR. GOELMAN: Your Honor, may the witness step down to examine a Government exhibit?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Step down, please.

Can you take a look at Government's Exhibit 784. I believe it's over on that table.

A. Yes, sir.

Q. And do you recognize that?

A. Yes, sir.

Q. What is it?

Kerry Myers - Direct

A. This is the rear axle that I recovered off of Site 9B on April 29, 1995.

Q. How do you know that's the same axle?

A. Because when I recovered it, I realized that it might be significant, so I took a permanent marker and I wrote my signature right here along with the date; and my signature and my date -- and the date of the recovery are both right here on the piece.

MR. GOELMAN: Move to admit 784, your Honor.

MR. NIGH: No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Can you stand to the side of that table and just point to Government's Exhibit 784 so that the members of the jury can see it.

A. This one here.

Q. That long one?

A. Yes, sir.

Q. With the hub on the end?

A. Yes, sir.

Q. Is this also known as Q982, Agent Myers?

A. Yes, sir.

Q. You can resume the stand. Thank you.

A. Thank you.

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

Kerry Myers - Direct

Honor.

THE COURT: Any questions?

MR. NIGH: Can I have just a moment, your Honor?

THE COURT: Yes.

MR. GOELMAN: Your Honor, may I clarify one point?

THE COURT: You may attempt to, yes.

MR. GOELMAN: Thank you for your confidence.

BY MR. GOELMAN:

Q. Agent Myers, you testified that you took something to Orange County. Is that right?

A. I'm sorry. Oklahoma County. Orange County is a county in Florida that I work in, OCSO -- the Orange County Sheriff's Office; but in this case, it would be the Oklahoma County Sheriff's Office. I apologize.

MR. GOELMAN: I really have nothing further now,

your  
Honor.

THE COURT: Mr. Nigh, do you have any questions?

MR. NIGH: Could I have just one moment more?

THE COURT: Yes.

MR. JONES: We're caucusing, your Honor.

MR. NIGH: No questions, your Honor.

THE COURT: Excused?

MR. GOELMAN: Yes, your Honor.

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

THE WITNESS: Thank you, your Honor.

MR. HARTZLER: Your Honor, the 25th witness of the

day

and the last recovery agent is David Opperman. Ms. Wilkinson  
will question.

THE COURT: All right.

MS. WILKINSON: Your Honor, may Agent Norman go up

and

check for two photographs we need for this witness?

THE COURT: Yes.

THE COURTROOM DEPUTY: Raise your right hand.

(David Opperman 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: David Girard Opperman, O-P-P-E-R-M-A-

N.

THE COURTROOM DEPUTY: Thank you.

MS. WILKINSON: May I have just one moment, your

Honor?

THE COURT: Yes.

#### DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Opperman, tell the jury where you work.

A. I work for the Bureau of Alcohol, Tobacco and Firearms.

Q. Are you an agent with ATF?

A. Yes, I am.

Q. How long have you been an agent?

A. Almost seven years.

#### David Opperman - Direct

Q. Do you have any former law enforcement experience?

A. Yes, ma'am.

Q. What is that?

A. I was an arson investigator for Lubbock, Texas.

Q. For how long were you an arson investigator?

A. I was in arson for four years.

Q. Where are you currently assigned with ATF?

A. I'm assigned to Houston Arson Explosives Group.

Q. Were you assigned there in April of 1995?

A. Yes, ma'am.

Q. Did you have any other special duties at the time?

A. I'm assigned to the National Response Team for the western  
team

Team.

Q. And as a member of the National Response Team, are you also

a certified explosives specialist?

A. Yes, ma'am.

Q. Tell us what that means.

A. We handle -- we do -- handle recovery of explosives, destruct, and act as instructors.

Q. Were you sent to the Oklahoma City crime scene after the explosion on April 19, 1995?

A. Yes, I was.

Q. When did you arrive in Oklahoma City?

A. At approximately 10 p.m. the night of the 19th.

Q. Did you begin your duties that night?

David Opperman - Direct

A. No, ma'am.

Q. When did you begin your duties?

A. 8:00 the next morning on the 20th.

Q. Were you assigned to a search team?

A. Yes, I was.

Q. Which search team were you assigned?

A. We were assigned to Search Team 2.

Q. What area were you responsible for searching?

A. Our area covered from the west end of the -- southwest corner of the Murrah Building north and east to -- we had the northeast quadrant.

Q. Do you recall where you were working on April 22, 1995?

A. Yes, ma'am. We were working an area between 6th and 7th Street, east of the federal building.

Q. At that time, were you searching the roofs of the building as well as the buildings themselves?

A. Yes, ma'am.

Q. Can you step down and find Government's Exhibit 787?

MS. WILKINSON: I'll let him pick it up, your Honor.

I won't show off again.

BY MS. WILKINSON:

Q. Can you move that over so you can show it to the jury.

Do you recognize that piece?

A. Yes, I do.

Q. How do you recognize it?

David Opperman - Direct

A. This is a piece that I found on top of a roof of the -- a heating and air-conditioning business located on the north side of 6th Street.

Q. How do you know that's the same piece that you picked up that day?

A. This is the only piece that I recovered that was approximately 4-foot and has the damage that it does to it, curls to it.

Q. Did you also review photographs prior to coming to court

today that show this Government's Exhibit 787 before you recovered it?

A. Yes, I did.

MS. WILKINSON: Government offers 787.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Is Government's Exhibit 787 also known as Q2630?

A. Yes, it is.

Q. If you could lay that down right there in front of the witness stand.

A. Right here in front?

Q. Or you can put it on the table. Either way.

Can you point out for the jury on the model where you

recovered Government's Exhibit 787?

A. The model does not depict the building where it was

David Opperman - Direct

located.

It would have been located right here catty-corner to the Kirkpatrick Hotel.

Q. Okay. Could you take your seat, please.

MS. WILKINSON: Your Honor, may I approach?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Showing you Government's Exhibit 788, do you recognize that?

A. Yes, ma'am.

Q. Is that one of the photographs you reviewed before coming to court today?

A. Yes, it is.

Q. And does that show Government's Exhibit 787 before you took custody of it?

A. Yes, it does.

MS. WILKINSON: Government offers 788.

MR. JONES: Could you hold that up just a little.

Oh, I see. No question -- I mean no objection.

THE COURT: 788 is received.

MR. JONES: Your Honor, I apologize. This is really Mr. Nigh's witness.

BY MS. WILKINSON:

Q. Let me show you Government's Exhibit 789. Do you recognize that?

David Opperman - Direct

A. Yes, I do.

Q. Is that just a closeup of Government's Exhibit 787?

A. Yes, it is.



MS. WILKINSON: Government offers 789.

MR. NIGH: No objection, your Honor.

THE COURT: Received.

BY MS. WILKINSON:

Q. Agent Opperman, I'm going to show you and the jury Government's Exhibit 788. And can you show the jury where Government's Exhibit 786 (sic) is and describe what they're seeing in the picture?

A. This here is the Exhibit 787 located on top of the rooftop,  
and as we -- when we found this, we requested the photographer,

Dawn, to come up. She took the photograph of the closeup.

Q. Is that this photograph?

A. This one here.

Q. 789?

A. And I requested that she take a picture of it at this angle  
showing the relationship between it and the Murrah Building.

Q. Can you describe for the record the relationship that you're pointing out?

A. This is located approximately a block and a half to two blocks away from the Murrah Building; and the Kirkpatrick Hotel, I believe, is a three-story building that the truck frame had to go over to land here on top of this rooftop.

David Opperman - Direct

MS. WILKINSON: No further questions.

THE COURT: Mr. Nigh, do you have any questions?

MR. NIGH: Yes, your Honor, very briefly.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. NIGH:

Q. Agent Opperman, you said that you requested that Dawn take a photograph. Is that right?

A. Yes, sir.

Q. Is that Dawn Hester?

A. Yes, sir.

Q. Is -- was she a photographer assigned to your Evidence Recovery Team?

A. I'm not on the Evidence Recovery Team. She was assigned to  
our team in this quadrant.

Q. Did your quadrant also search the alley behind the YMCA?

A. Some of our team members did. Another team had finished early and they searched some of that area including the Y, and I'm not sure what other parts that they searched.

Q. You don't know whether they searched the alley?

A. No, sir.

Q. Were each of you instructed to write down each of the items

that you found of potential evidentiary value, make a log of those items?

A. No, sir, we didn't receive any instructions on that.

David Opperman - Cross

Q. No instructions?

A. No, sir.

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

MS. WILKINSON: He's excused.

THE COURT: All right. Agreed to excuse?

MR. NIGH: Yes, your Honor.

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

MR. HARTZLER: Not for today -- but I misspoke -- we do have one other agent that recovered an item.

THE COURT: Well, we'll recess for today. We've heard

a lot today; and, members of the jury, we'll recess now until tomorrow morning.

And of course, I will remind you, but I doubt that it's necessary, that there is going to be a three-day weekend. Friday, we will not be holding court. Of course, that's Friday; and tomorrow is Thursday, and we'll working Thursday diligently.

And of course, you've heard a lot, but you haven't heard it all; so please continue to follow these cautions that have been regularly given. And I give them each time to reinforce them, because it is a natural thing that the more you hear, the more you may want to think about what it is you've heard. Don't do it. Wait till you've heard it all and the case has been given to you for decision.

So with that -- and also to continue the cautions of avoiding anything outside the evidence in any form of communication or publication, as I'm sure you will -- you're excused till 9:00 tomorrow morning.

(Jury out at 5:04 p.m.)

THE COURT: Recess, 9 a.m.

(Recess at 5:04 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
654	8908	8908			
656 - 658	8909	8909			
719	8903	8903			
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730	8929	8929			
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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
742	8947	8947			
743	8952	8952			
744	8951	8951			
745	8950	8950			
748	9013	9013			
751	9013	9013			
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763	8995	8996			
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768	9001	9001			
769	8999	8999			
770	9031	9031			
778	9035	9035			

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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
779	9035	9035			
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782	9038	9038			
784	9044	9044			
787	9049	9049			
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1171	9061	9061			

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1181	8967	
1184 & 1185	8980	8981
1186	8967	
1191 & 1192	8980	8981
1193	8967	

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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.

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Paul Zuckerman

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Kara Spitler