

Thursday, May 22, 1997 (morning)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,

Defendant.

REPORTER'S TRANSCRIPT
(Trial to Jury - Volume 108)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 9:00 a.m., on the 22d day of May,
1997,
in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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PROCEEDINGS

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

THE COURT: Please be seated.

Good morning. Are we ready for the jury?

MR. JONES: Yes, your Honor.

THE COURT: All right.

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

THE COURT: Members of the jury, good morning.

We're ready to resume testimony in this case and ask for counsel for the defense to call the next witness.

MR. JONES: Mr. Dan Harris.

THE COURT: All right.

(Dan Harris affirmed.)

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

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

THE WITNESS: Dan Harris, H-A-R-R-I-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Jones.

MR. JONES: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. JONES:

Q. Mr. Harris, where do you live?

A. Enid, Oklahoma.

Q. You and I are friends?

A. Correct.

Q. And for many years neighbors?

A. Correct.

Q. Mr. Harris, what is your occupation or employment?

A. I'm an architect, self-employed.

Q. And where did you obtain your education to be an architect?

Dan Harris - Direct

A. Oklahoma State University.

Q. And what year did you graduate?

A. 1961.

Q. And upon your graduation, did you subsequently set for an examination to become a licensed and professional architect in the state of Oklahoma?

A. In 1965.

Q. And have you been practicing -- well, first of all, are you a licensed and professional architect?

A. Yes, sir.

Q. And have you been in practice since 1965?

A. Yes. I've been in the field since then.

Q. And has your practice been both institutional and private?

A. Yes, it has.

Q. And would you tell us a little bit about your employment experience.

A. I was employed by two architectural firms in Enid before I opened my own office in 1971 and have pretty well general experience in all phases of commercial, industrial, and residential work.

Q. Did you also work for Oklahoma State University for a while?

A. At -- yes. As a -- since 1971, I've both been in the private practice as well as done some architectural consulting work for Oklahoma State University and Conoco.

Dan Harris - Direct

Q. Mr. Harris, at my request, did you make certain maps and models of places or buildings important to this case?

A. Yes, I did.

Q. And specifically, were you asked to make a model of the Dreamland Motel?

A. Yes, I was.

Q. And would you just tell the Court and jury how you went about that.

A. I was seeking some information and made a trip to Junction City, Kansas, to seek information of the size and of the property and the facility. Actually stayed there one night and -- and took some measurements of the building and some photographs and built the model from that.

Q. And when did you complete the work?

A. Just barely, about a week ago.

Q. And is the model present in the courtroom this morning?

A. I presume it's under that tarp.

MR. JONES: If I may approach, your Honor?

THE COURT: Yes.

MR. JONES: With Mr. Tritico's help.

Don't destroy the motel. Let's move it in front of the jury.

May Mr. Harris step down for a moment, your Honor?

THE COURT: Yes.

BY MR. JONES:

Dan Harris - Direct

Q. Mr. Harris, would you step down and just look under this and tell me whether this is the model you prepared.

A. Yes, it is.

MR. JONES: And this is marked as an exhibit, your Honor. I believe it's --

MR. NIGH: D13, your Honor.

MR. JONES: D13, yes. I move the admission of D13.

THE COURT: Have you seen it, Mr. Mackey?

MR. MACKEY: Your Honor, I've seen photographs. May

I ask the witness some questions?

THE COURT: All right. You may ask.

MR. JONES: Resume the stand.

VOIR DIRE EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mr. Harris.

A. Good morning.

Q. From whom did you seek the information about the dimensions of the Dreamland Motel?

A. I received some information on the property from the tax

A. I received some information on the property from the tax assessor in the county in -- in Geary County, Kansas, and then

I took the other information myself, measurements.

Q. And what exactly did you measure?

A. I measured the front facade of the building and the heights

and the -- and the distances between all the doors and windows.

Q. Your measurements concentrated then on the structures?

Dan Harris - Voir Dire

A. Yes.

Q. All right. Your model depicts an island just outside of the front office.

A. Yes.

Q. All right. Did you take measurements of that island to assure that your model was to scale?

A. I did not verify those dimensions. I had a drawing -- a plan from the tax assessor's office which gave me that information.

Q. Well, if there were testimony that related to events happening at or near that island, you'd agree it would be important that that be accurately represented?

A. Yes.

Q. All right.

MR. MACKEY: Let me show the witness the ELMO, please.

BY MR. MACKEY:

Q. Mr. Harris, you see before you what appears to be a photograph of a portion of your model; correct?

A. Yes, sir.

Q. And I want to focus your attention only on the island, study the dimensions that you set forth there. All right. Got

that in mind?

A. Uh-huh.

Q. All right. Now compare it, please, to this photograph previously admitted into evidence, 283.

Dan Harris - Voir Dire

A. Uh-huh.

Q. They are different, are they not?

A. The curvature of the island as it approaches the access road seems to be different; but other than that, I -- I believe they are about the same distance apart.

Q. Your island is much longer, is it not, than that depicted in Photograph 283?

A. At -- at the access road, it is; but I -- I can't tell for

sure. I don't know what the scale of this photograph is relative to the ruler that was there, but it should be the

same

because I took it from a -- also from an aerial photograph.

Q. Well, you took no measurements of the island depicted in Government Exhibit 283?

A. I verified those measurements from measurements that were given to me, plus an aerial photograph that was to scale, so I did not measure it though, myself.

Q. Is it your testimony that the island on your model accurately depicts to scale the island that exists out front of the Dreamland Motel?

A. Yes. With the exception of the curvature of the road as it hits the access road.

Q. Mr. Harris, what's the distance between the sign, the Dreamland sign, and either end of that island?

A. I did not commit that information to memory. I can't tell you. Approximately 60 feet, but I can't tell you for sure.

Dan Harris - Voir Dire

MR. MACKEY: I have nothing else, Judge. I'd object to the use of the model with respect to the island. I have no objection to the structures themselves.

THE COURT: Well, I don't know what use is going to be made of the model.

Mr. Jones?

MR. JONES: Your Honor, we're only offering the model to show the approximate locations of the room and the approximate location of the island. It isn't necessary for our purposes it be to scale.

THE COURT: All right. With that understanding, Exhibit D -- is it B or D?

MR. NIGH: D, as in David.

THE COURT: D13 is received and may be now shown to the jury.

DIRECT EXAMINATION CONTINUED

BY MR. JONES:

Q. Mr. Harris --

MR. JONES: If I may ask the Court, may Mr. Harris come down and affix the sign?

THE COURT: Yes.

BY MR. JONES:

Q. Just take those items with you to the stand.

A. All right.

Q. Just a moment, Mr. Harris, if you will. There should be a

Dan Harris - Direct
pointer there on the stand for you.

A. This?

Q. Yes. Well, no. That's the microphone, I think.

THE COURTROOM DEPUTY: Where did it go? Can you use a pen?

BY MR. JONES:

Q. Mr. Harris, would you approach the model, please. Now would you just describe first the numbers of the rooms you put where.

A. They are on the sidewalk in front of the doors.

Q. All right. Now --

THE COURT: Excuse me. It's difficult to hear.

MR. JONES: I'm sorry.

THE COURT: Perhaps we can give him a microphone.

MR. JONES: Your Honor, may some of the members of the jury be permitted to stand so they can see it?

THE COURT: Yes. And they seem to have that understanding already. Of course.

You may do that, members of the jury.

BY MR. JONES:

Q. Now, Mr. Harris, where did you put the room numbers?

A. It's -- they are on the sidewalk in front of the doors.

Q. Now, at the actual hotel, that's not where they are?

A. That's correct. They are on the doors.

Q. Okay. Why did you put them down in front?

Dan Harris - Direct

A. Well, the overhang on the roof here was obscuring it so that you had to be down at a very low level to -- to see those

doors -- those rooms from observing the model.

Q. All right. And you -- I noticed you put something on the island there. What is that?

A. That's the sign.

Q. And did I ask you to color the model or just to prepare, for lack of a better term, a rough model?

A. We agreed to prepare a model that was just showing basic forms and -- and relative distances.

Q. All right. So the motel is not painted white, is it?

A. That's correct.

Q. And the sign says "Dreamland Motel"?

A. That's correct.

Q. All right. Now, where is Room 25?

A. Right here.

Q. All right. And where is the office area?

A. This is the office.

Q. And would you point to Room 23.

A. 23? Right here.

Q. Now, you have in your hand certain items. What are those?

A. I have two models of two vehicles -- vehicles.

Q. And what are the two models?

A. One vehicle is just a -- a cream-colored sedan and the other is a van, truck.

Dan Harris - Direct

Q. All right. Now, those are just representative; they are not to scale or anything like that, are they?

A. Not absolutely to scale. That's correct. They are fairly close, but not absolutely to scale.

Q. And did I ask you to get the yellow truck?

A. Yes, sir.

Q. And then just some sort of cream-colored car?

A. Yes, sir.

Q. All right. You may take your seat, sir.

MR. JONES: If I might approach the model, your Honor?

THE COURT: Yes.

MR. JONES: I have no further questions of Mr. Harris, your Honor.

THE COURT: Mr. Mackey, do you have any questions?

MR. MACKEY: Nothing, your Honor.

THE COURT: Is Mr. Harris to be excused?

MR. JONES: Yes, please.

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

THE WITNESS: Thanks.

THE COURT: Next, please.

MR. NIGH: Herta King, your Honor.

(Herta King 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 full name is Herta Maria Magdalene King, K-I-N-G.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Nigh.

MR. NIGH: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. NIGH:

Q. Good morning, Ms. King.

A. Good morning.

Q. You're going to have to speak up a little bit. You might want to lean into -- into the microphone.

If you would, please tell us where you currently live.

A. I currently live in Port Charlotte, Florida.

Q. How long have you lived in Port Charlotte?

A. Since July 4 of last year.

Q. July 4 of 1996?

A. Yes.

Q. What -- do you work outside the home in Port Charlotte?

A. Yes, I do.

Q. What do you do now?

A. I am the secretary to -- to the recycling coordinator of Charlotte County.

Q. How long have you held the job as a secretary for the recycling coordinator?

recording equipment.

A. Since November 14, 1996.

Herta King - Direct

Q. Before you lived in Port Charlotte, where did you live?

A. I lived in Junction City, Kansas.

Q. And how long did you live in Junction City?

A. Since 1972.

Q. So a period of 24 years; is that right?

A. Yes.

Q. When you lived in Junction City, what did you do for a living?

A. I was the office manager for Reich's Foreign Cars.

Q. I'm sorry. Reich's Foreign Cars?

A. Yes.

Q. Is that R-E --

A. R-E-I-C-H.

Q. Apostrophe S?

A. Yes.

Q. What kind of a car dealership was that?

A. It was not a dealership. It was a repair shop for foreign cars.

Q. How long did you have a job with that company?

A. 24 years.

Q. The entire time that you lived in Junction City; is that right?

A. Yes. Yes.

Q. Before you moved to Junction City, where did you live?

A. I lived in Germany.

Herta King - Direct

Q. Where in Germany did you live?

A. Kitzingen.

Q. I'm sorry?

A. Kitzingen.

Q. Can you spell that?

A. K-I-T-Z-I-N-G-E-N.

Q. And is Kitzingen where you grew up?

A. Yes.

Q. Is that where you went to high school and --

A. Yes.

Q. -- graduated from high school?

I'm sorry. You'll have to answer out loud.

A. Yes, I do.

Q. Then after that, you moved to Junction City or Fort Riley?

A. Fort Riley. For one year. And then I moved to Junction City.

Q. When you moved to Fort Riley, was that because you married an American serviceman?

A. Yes. Correct.

Q. Did you become an American citizen yourself?

A. Yes, I did. In 1974.

Q. And then it was during that period of time that you were

living in Junction City?

A. Yes.

Q. Now, if I could, Ms. King, I would like to direct your

Herta King - Direct

attention to the spring of 1995 and particularly, mid-April of 1995. Are you familiar with that time period?

A. Yes, I am.

Q. Did you -- do you have a son named David?

A. Yes, I do.

Q. And in April of 1995, where was he living?

A. He lived in the Dreamland Motel.

Q. Which room at the Dreamland did he live in?

A. I think it was 24. It was right next to the office.

Q. All right. Do you remember Easter Sunday of 1995?

A. Yes, I do.

Q. And what were you doing on that day?

A. On Easter Sunday, I called my son, and he was very depressed on the phone because his girlfriend broke off with him. And I told him I was invited to Easter dinner at my girlfriend, Krista Henderson, and before I would go out there, I would come by to the motel and I would bring him an Easter basket.

Q. All right. Did you take him an Easter basket that day?

A. Yes, I did.

Q. What was in the Easter basket, if I may?

A. German chocolate Easter eggs filled with liquor.

Q. All right. What time did you go to the motel to deliver that Easter basket?

A. It was about 12:45.

Herta King - Direct

Q. 12:45 in the afternoon; is that right?

A. Uh-huh. Yes.

Q. Would it assist you in -- in explaining where you went at the Dreamland to utilize the model that I showed you yesterday?

I'm sorry. Answer out loud, please.

A. Yes.

MR. NIGH: Your Honor, may she be allowed to step into the well of the court to approach the model?

THE COURT: Yes.

MR. NIGH: And I think she will need a microphone.

THE COURT: Yes.

MR. NIGH: I'm going to ask you to come to this side.

MR. ORENSTEIN: Your Honor, may I stand and observe?

THE COURT: Yes.

MR. NIGH: If you'd hold onto that.

BY MR. NIGH:

Q. Ms. King, if you would, show the jury where you drove into

at 12:45 and where you parked.

A. I drove in right here, underneath I-70, into the parking lot; and I parked right in front of my son's room.

Q. And it appears that that is Room 24; is that right?

A. That's correct.

Q. When you pulled in, did you see anything?

A. Yes. I saw a yellow Ryder truck sitting right here, and I could not see my son's car because the Ryder truck blocked the

Herta King - Direct

view.

Q. All right. If you would, take this model of a Ryder truck and place it where you saw the Ryder truck that day.

Is that where it was?

A. That's where it was.

Q. All right. You may resume your -- your seat, if you would.

Ms. King, what happened after you came past the Ryder truck and parked in front of your son's room?

A. I knocked on his door. And he came out, and I wished him a happy Easter and gave him his basket; and then Mrs. McGown's daughter came over and she gave me an Easter basket from Mrs. McGown.

Q. Let me stop you there for a second, if I may. Where were you when Ms. McGown's daughter came over?

A. I was standing right in front of the door at Room 24.

Q. Right in front of David's room?

A. Yes.

Q. Is Ms. McGown's daughter named Kathleen?

A. Kathleen.

Q. And she brought you an Easter basket from Ms. McGown?

A. Yes.

Q. All right. What did you do after you received that Easter basket?

A. Kathleen went back to the car, got in the car with her mother, and they drove by and waved at me and I waved back.

Herta King - Direct

And I talked to my son for a few minutes, and then I left.

Q. All right. You said that Ms. McGown came by in her car?

A. Yes.

Q. Could you tell how many people were in the car?

A. It looked like two.

Q. All right. Are you familiar -- familiar with Renda Truong?

A. Yes.

Q. Do you know if she was in the car?

A. I'm not sure.

Q. All right. After they left -- after they went by in their car what did you do?

car, what did you do:

A. I talked to my son for a few minutes, and then I left and went to dinner.

Q. Easter dinner?

A. Easter dinner.

Q. When you pulled into the parking lot and when you were visiting with your son, David, and then Kathleen McGown, did you see any other cars in the parking lot?

A. I didn't notice anything. I wasn't paying any attention.

Q. All right. Have you ever seen pictures of Mr. McVeigh's automobile on TV?

A. On TV, yeah.

Q. Did you see that car in the parking lot that day?

A. I didn't notice it, no.

Q. All right. Did you see any people in the parking lot other

Herta King - Direct

than --

A. Other than Ms. McGown and her daughter and my son and me, there were no people.

Q. Was there anybody around the Ryder truck that you saw that day?

A. There was nobody around.

Q. Did you come back to the Dreamland Motel on Easter Sunday?

A. Yes, I did.

Q. What time was that?

A. It must have been between 7 and 8.

Q. What was your purpose in coming by between 7 and 8 p.m.?

A. I brought my son Easter dinner from my girlfriend.

Q. From your girlfriend?

A. Yeah.

Q. Did you have some leftovers? Is that what happened?

A. Yes.

Q. All right. How long did you stay that time?

A. About 10 minutes. That's all.

Q. Delivered the food?

A. Put it in the refrigerator in the lobby, and then I left.

Q. So you didn't take it into David's room? You took it into the lobby?

A. I went to his room and knocked on the door and said, "David, I brought you some food."

And he said, "I'm not hungry right now. Please put it

Herta King - Direct

in the refrigerator in Lea's office," and that's what I did.

Q. Lea is Ms. McGown?

A. Yes.

Q. All right. Did you see the Ryder truck when you came back in the evening?

A. I didn't see it, no.

Q. Did you see any cars?

A. There were cars, but please don't ask me what kind because I don't remember.

Q. All right. I won't. I can't promise you that nobody else will.

Did you -- did you work on the following day, on Monday?

A. Yes, I did.

Q. Did you go to the Dreamland Motel on Monday?

A. No, I was nowhere near the Dreamland Motel on Monday.

Q. Do you -- on April 17, Monday, you didn't go to the Dreamland?

A. No.

Q. Ms. King, is -- is there any question in your mind about what day it was when you saw the Ryder truck at the Dreamland Motel?

A. There's no question in my mind, it was Easter Sunday.

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

THE COURT: All right.

Herta King - Direct

MR. NIGH: I'm sorry. I may have something else. I do very briefly.

BY MR. NIGH:

Q. Ms. King, your son's name is David King; is that right?

A. Yes, it is. Uh-huh.

Q. And between the period of April 14 and April 20 of 1995, was he living at the Dreamland Motel?

A. Yes, he was.

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

THE COURT: All right. Mr. Orenstein? Do you have questions?

MR. ORENSTEIN: May I proceed, your Honor?

CROSS-EXAMINATION

BY MR. ORENSTEIN:

Q. Good morning, Mrs. King.

A. Good morning.

Q. Now, you were asked if you -- by Mr. Nigh if you've seen pictures of Mr. McVeigh's car on TV?

A. On TV.

Q. Have you also seen pictures of Mr. McVeigh on TV?

A. Yes, I have.

Q. And I take it you never saw him yourself in person?

A. No.

Q. Now, you've been -- you've been at the Dreamland many times?

Herta King - Cross

A. Many, many times, yes.

Q. And you've been friends with Mrs. McGown for about how long?

A. For about 20 years.

Q. And during that period, you often had occasion to visit

her

at the Dreamland, did you?

A. I visited Mrs. McGown about two or three times a week.

Q. Pret -- pretty much every week?

A. Yes.

Q. And in fact, you'd been at Mrs. McGown's motel during the week leading up to Easter; is that correct?

A. Yes.

Q. And that includes the Friday night, Good Friday?

A. Good Friday.

Q. That was your son's birthday; correct?

A. That was Mrs. McGown's son's birthday.

Q. I'm sorry. When is your son's birthday?

A. October 11.

Q. Now, you -- you told Mr. Nigh about a day when you went to the Dreamland and saw a Ryder truck; is that correct?

A. Yes.

Q. And I believe you told him that the time of your visit was about 12:45?

A. Uh-huh.

Q. When did you leave?

Herta King - Cross

A. I left about 1:00.

Q. So no more than 15 minutes, starting from 12:45, ending at 1:00?

A. Yes.

Q. And that's the -- the only time you saw that Ryder truck?

A. Yes.

Q. Now, you said that you didn't see anyone around the Ryder truck; is that correct?

A. That's correct.

Q. Did you see anyone in the Ryder truck?

A. There was nobody in the Ryder truck.

Q. Did you see anybody walking towards or from the Ryder truck?

A. No.

Q. Now, describe as best you can that Ryder truck.

A. It was yellow and it had writing on it. And I don't know the exact size. It was not the biggest model, the 20-footer, because I know what it looks like because I rented it myself; and it was not the smallest one, so there was something in between. I don't know how many sizes there are.

Q. Now, Mr. Nigh asked you some questions about who you saw when you were over at the Dreamland the day that you saw the truck. You saw Kathleen McGown; is that correct?

A. Yes, I did.

Q. And what -- do you recall anything that she was wearing

Herta King - Cross

when you saw her?

A. She was wearing a -- I think you call it a beret.

Q. Now, you're familiar with what an Easter bonnet is, is

Q. Now, you're familiar with what an Easter bonnet is; is that correct?

A. Yeah.

Q. Do you recall her wearing an Easter bonnet?

A. No.

Q. Did you see Mrs. McGown's son, Eric, when you were there?

A. I saw him in the evening when I dropped off the food.

Q. But not that afternoon?

A. In the evening after 7.

Q. But -- so it's clear, you didn't see him during the afternoon?

A. No.

Q. And did you see Mrs. McGown at that time, during the afternoon visit?

A. Yes, I did.

Q. Did you speak with her?

A. Yes.

Q. Now, if I may, Mrs. King, let me go back for a moment to the -- the truck that -- that you saw. Do you recall seeing -

-

and I know it's been a long time, but do you recall seeing whether it had a -- a door on the side of the cargo box?

A. I do not remember that.

Q. And I'm not sure if this was said in the record, but you

Herta King - Cross

pointed where the truck was located when you saw it?

A. Yes.

Q. And I believe -- can you see it from where you're sitting right now?

A. Yes.

Q. That's pointing east; is that correct?

A. Yes, it is.

Q. That's on the east side of the sign on that model?

A. Uh-huh.

Q. Now, after -- do you recall the bombing in Oklahoma City? Do you recall hearing about that?

A. Yes.

Q. And, well, let me go back for a moment. When you saw Mrs. McGown in the parking lot on the day that you saw the Ryder truck, you said you spoke to her; is that correct?

A. Yes.

Q. Did you speak to her about seeing the Ryder truck?

A. No.

Q. Did you speak to Kathleen McGown about seeing the Ryder truck?

A. No.

Q. Did you speak to anybody about it?

A. No. It was not important at the time.

Q. No reason to discuss it; correct?

A. No.

Herta King - Cross

Q. And you had no reason to discuss it, I take it, with Mrs. McGown or anyone else prior to the bombing; is that correct?

A. No. No.

Q. Now, after the bombing, after you heard about that, there were a number of people, journalists, law enforcement agents, who came to the Dreamland; correct?

A. Yes.

Q. And did you have occasion to talk about that with Mrs. McGown?

A. I was up there one afternoon after work like I always do, and I have coffee; and she said --

Q. Without going into what Mrs. McGown told you, just did you have occasion to discuss it with her?

A. After the bombing?

Q. Yes.

A. She asked me if I saw the Ryder truck on Sunday, and I said yes, I did.

Q. Now, do you know if Mrs. McGown has a close friend named Elias?

A. Yes. Elias Ziegler.

Q. What was his last name, please?

A. Ziegler, with a Z.

Q. And was Mr. Ziegler someone who was often at the Dreamland Motel?

Herta King - Cross

A. I would say maybe once every two month (sic) between his assignments.

Q. And did Mr. Ziegler own any cars?

A. Mr. Ziegler owned three cars.

Q. Could you describe them, please.

A. One was a really old, off-white pickup. One was a nice-looking white car. And one was an older greenish-looking clunker.

Q. And during the times that Mr. Ziegler was not, himself, at the Dreamland, where would he leave his cars?

A. He would leave all of them at the Dreamland Motel.

Q. And were they parked always in the same place or did they move around?

A. No, they were not always parked in the same place. When there were too many motel guests, then they had to be moved.

Q. And who would move them?

A. Most likely, either Eric or Mrs. McGown.

MR. ORENSTEIN: May I approach, your Honor?

THE COURT: Yes.

MR. ORENSTEIN: And may -- this is Government

Exhibit

287, your Honor. I have a copy here, and I believe it's in evidence.

THE COURTROOM DEPUTY: Yes, it is.

THE COURT: All right.

MR. ORENSTEIN: May I publish it?

Herta King - Cross

THE COURT: You may. 287?

MR. ORENSTEIN: Yes.

THE COURT: Thank you.

BY MR. ORENSTEIN:

Q. Mrs. King, let me ask you if you recognize the scene that's depicted in this photograph.

A. Yes, I do.

Q. What is it?

A. It's the Dreamland Motel, and it -- this looks like Mr. Ziegler's pickup, and the white car looks like Eric McGown's Datsun.

Q. Let me direct your attention to the far right side of the photograph. I'll zoom in on the -- does that car look familiar to you?

A. No, it doesn't.

Q. Let me show you, if I may, what's been marked for identification as Government Exhibit 290.

MR. ORENSTEIN: If I may approach, your Honor.

BY MR. ORENSTEIN:

Q. Do you recognize the scene that's depicted there?

A. Yes.

Q. Is that the Dreamland Motel?

A. Yes, it is.

Q. And is that a view from the office?

A. Yes, it is.

Herta King - Cross

MR. ORENSTEIN: The Government offers Exhibit 290, your Honor.

MR. NIGH: Your Honor, may I see it?

MR. ORENSTEIN: Oh, I'm sorry.

MR. NIGH: No objection.

THE COURT: 290 received, may be displayed.

BY MR. ORENSTEIN:

Q. Now, Mrs. King, you were gracious enough to meet with me and an FBI agent last night; is that correct?

A. Yes.

Q. And we showed you that photograph; correct?

A. Yes.

Q. And last night, did you say that that looked like Elias Ziegler's car?

A. The color on this picture is not very good. His car was light green. This car looks like beige.

Q. Other than that?

A. On this TV screen, it looks green, yes.

Q. So on the TV screen, from what you can tell, it looks like

his car?

A. Uh-huh.

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

THE COURT: Yes.

MR. HARTZLER: Could you indulge us for one moment, your Honor? Do you mind?

Herta King - Cross

THE COURT: Yes.

MR. ORENSTEIN: Your Honor, I have nothing further. Thank you, Mrs. King.

THE COURT: Mr. Nigh, do you have some redirect?

MR. NIGH: Briefly.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. NIGH:

Q. Ms. King, I'm sorry. What was the gentleman's name that owns the cars?

A. Elias Ziegler.

Q. Ziegler?

A. Z-i-e-g-l-e-r.

Q. Mr. Ziegler's car that was the older model car: What color was it?

A. It was an off green.

Q. Off green?

A. Greenish-looking car, yeah.

Q. Was it a very normal color for a car, or was it kind of unique?

A. No. It was a normal --

Q. All right. Do you know what kind of car it was?

A. I only know European cars. I'm sorry.

Q. All right. Do you know the difference between green and beige?

Herta King - Redirect

A. Yes.

Q. Okay. If this car were beige, you'd recognize it as beige?

A. Yes.

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

MR. ORENSTEIN: Nothing further, your Honor.

THE COURT: Is the witness to be excused?

MR. NIGH: Yes, your Honor.

THE COURT: Agreed?

MR. ORENSTEIN: Agreed.

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

MR. NIGH: Renda Truong.

THE COURT: Okay.

MR. NIGH: Your Honor, may I approach the model?

THE COURT: Yes.

(Renda Truong affirmed)

(Renda Truong 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: Renda Truong. T-r-u-o-n-g.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Nigh.

MR. NIGH: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. NIGH:

Renda Truong - Direct

Q. Ms. Truong, you have one of those loud booming voices; is that right?

A. Yeah.

Q. We'll -- I'm going to ask you to scoot up close towards that microphone while you answer my questions so everyone can hear you.

Ms. Truong, how old are you?

A. I'm 19.

Q. Where do you currently live?

A. Schofield Barracks in Hawaii.

Q. It's a little bit of a distance from here?

A. Yeah. Yes.

Q. You have to answer out loud.

A. Yes.

Q. And you had to fly to get here; is that right?

A. Yes.

Q. About how long did that plane trip take?

A. A day.

Q. Are you in school at Schofield Barracks?

A. Yes.

Q. What high school do you attend?

A. Leilehua High School.

Q. Beilahua?

A. Leilehua.

Q. Leilehua. All right. Are you going to graduate any time

Renda Truong - Direct

soon?

A. Yes. I'm graduating this year.

Q. In June?

A. Yes, sir.

Q. All right. What kind of classes are you taking now?

A. I'm taking geometry, English, Spanish, U.S. history, world history, and guidance.

Q. Do you have a favorite class?

A. Yeah. Guidance.

Q. Guidance.

You live in Hawaii because one of your parents is in the military; is that right?

A. Yes. My -- my mother is in the military.

Q. And where is she stationed right now?
A. In Schofield Barracks, Hawaii.
Q. I should have known the answer to that. Before you moved to Hawaii, where did you live?
A. I lived in Fort Riley, Kansas.
Q. Did you live there, also, because your mom was in the military?
A. Yes, sir.
Q. How long did you live in Fort Riley?
A. I lived on the base for about seven months.
Q. Then did you and your family move off of the base?
A. My family did. I stayed with Ms. McGown at her motel until

Renda Truong - Direct

the school ended.
Q. All right. And when you say "Ms. McGown," is her first name Lea?
A. Lea McGown.
Q. Does Ms. McGown have a family there with her at the Dreamland Motel?
A. Yes. Her daughter Kathleen and her son Eric.
Q. Now, her daughter Kathleen: About how old is she?
A. She's 17 now.
Q. Did you have any kind of a friendship with Kathleen?
A. Yes. She was my best friend. I went to school with her.
Q. Went to school together with her?
A. Yes.
Q. Now, if I can direct your attention back to the period of 1995, in the spring of 1995, where were you living at that time?
A. I was living at home with my father.
Q. Was that in --
A. Fort Riley.
Q. Was that in Junction City, or Fort Riley?
A. Fort Riley.
Q. Do you remember Easter of that year?
A. Yeah. Yes.
Q. All right. Is that where you were living during Easter of that year?

Renda Truong - Direct

A. Yeah -- yes, I was living with my dad --
Q. All right.
A. -- at Easter.
Q. Do you remember what you did on Easter Sunday April 16, 1995?
A. Yes. I had went out to lunch with the McGowns.
Q. When you say with the McGowns --
A. With Eric, Kathleen, and Lea.
Q. How -- how did it come about that you got together with

them? I mean, did you go to the Dreamland, or did they pick you up, or how did that happen?

A. They came to pick me up at my house.

Q. All right. Where did you go after they picked -- first of all, who was in the car when they came to pick you up?

A. Kathleen McGown and Lea McGown.

Q. Was Eric McGown with them?

A. No.

Q. Where did you go after they picked you up?

A. I'm not sure if we went back to the hotel. I don't remember. It's been so long.

Q. Been a couple years ago. Was there ever a time that day that you did go back to the hotel?

A. Yes, sir.

Q. Do you know -- is your difficulty in remembering before -- whether it was before dinner or after dinner?

Renda Truong - Direct

A. I can't recall. I'm sorry. I -- I'm going to say before lunch, but I -- I don't recall.

Q. That -- that's fine. Do you know if it was that day?

A. Yes, it was that day.

Q. On Easter Sunday?

A. Uh-huh.

Q. All right. When you came to the motel or arrived at the motel with the McGowns, where did -- where did they go, or where did the car stop?

A. In front of the office.

Q. Do you know what the purpose was for going to the -- back to the motel?

A. Either to get Eric or to talk to him. I think it was to pick him up.

Q. Did you see anything in the parking lot at the Dreamland

that day when you were there?

A. Yeah. I saw cars, and I saw a Ryder truck in front of the sign.

Q. All right. Do you remember looking at a model with me the other day?

A. Yes, sir.

Q. Would it help you in demonstrating where you saw that Ryder truck to use that model?

A. Yes, sir.

MR. NIGH: Your Honor, may she step into the well of

Renda Truong - Direct

the court? And I know that she'll need a microphone.

THE COURT: Yes.

BY MR. NIGH:

Q. If you would, Ms. McGown, pick up that model of a Ryder

Q. If you would, MS. MCGOWN, pick up that model of a Ryder truck and place it where you saw it that Easter Sunday.

A. I saw it right here in front of the sign.

Q. All right. You can resume your seat now.

A. What do I do with this?

Q. Ms. Truong, do you remember seeing any other cars in the parking lot that day?

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

Q. Did you see anybody in or around the Ryder truck that Easter Sunday?

A. No, sir.

Q. Were you there at the motel for very long that day?

A. No.

Q. Did you go back to the motel that day after that one occasion?

A. I don't remember. I'm sorry.

Q. That's all right. Was there any discussion about church on that day?

A. Yes, sir. I had asked them where they came from, because they were dressed up. I mean, that was -- when I got in the car.

Q. All right. And where had they come from?

Renda Truong - Direct

A. They came from church.

Q. What would the following day have been?

A. Monday.

Q. Were you in school at that time?

A. Yes, sir. I had to go to school the next day.

Q. Did you go to the Dreamland Motel the next day?

A. No, sir.

Q. And what would the following day have been?

A. Tuesday.

Q. And did you go to the Dreamland Motel on Tuesday?

A. I hadn't been to the motel all week, because I had to go to school and help my dad clean the house.

Q. When you saw the Ryder truck that day, did you say something to Ms. McGown about it?

A. Yes. I had asked her if somebody was moving, and she said she didn't know.

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

THE COURT: All right.

Mr. Mackey?

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Good morning.

A. Good morning.

Q. Do you have public speaking in high school?

A. Yeah. But I didn't like it very much.

Renda Truong - Cross

Q. I was going to suggest if you ask nicely, the Judge will write you a letter, send it home with you, and you'll get some extra credit.

Kathy McGown was your best friend throughout your sophomore year of high school at Junction High?

A. Yes, sir.

Q. And you were at the Dreamland a lot, saw her?

A. Yes, sir.

Q. Neither one of you had a driver's license; right?

A. We were learning how to drive, actually.

Q. And so you spent a lot of time in cars with Mrs. McGown?

She picked you up, take you back and forth?

A. Either her, or her son Eric.

Q. Okay. And it wasn't uncommon that you and Mrs. McGown and your best friend would go out to eat?

A. No.

Q. That happened a lot?

A. Yes.

Q. All right. Ms. Truong, do you -- how certain are you of the date it was that you first moved in to the Dreamland to reside there?

A. I'm not certain.

Q. Is it possible that you had already moved into the Dreamland by Easter Sunday?

A. No. It's not -- it's not possible, because we had to clean

Renda Truong - Cross

our barracks -- or our quarters before we could leave -- or before my family can leave.

Q. Your mother had already gone on to Hawaii, and you were staying behind with your siblings and your father --

A. Yes, sir.

Q. -- would follow thereafter and eventually, they left and you stayed and lived with Lea McGown and Kathy and Eric; correct?

A. Yes.

Q. And then after finishing school, then you went on to join them in Hawaii?

A. Yes.

Q. Okay. The event that you described on Easter Sunday: You're uncertain now when it was in relationship to the meal that you saw the Ryder truck?

A. Excuse me? I'm sorry.

Q. Well, let me ask you: Shortly after the bombing, were you interviewed by some FBI agents?

A. Yes, sir.

Q. Do you remember telling them at the time that when you saw the Ryder truck, it was after dinner on Easter Sunday?

A. Well, I had read over my statement, and that's what I told them.

Q. And then later, an investigator from Mr. McVeigh's defense team traveled to Hawaii and went over that page and a half

Renda Truong - Cross

statement with you there; correct?

A. Yes.

Q. And at that time, you said you saw it before you went to dinner?

A. Yes.

Q. Okay.

A. Because when they had come to visit me in my house in Hawaii, they didn't ever show me the statement where I could read over or anything.

Q. That is, McVeigh's investigator didn't show it to you at that time?

A. No.

Q. All right. But on two different occasions, you said different things about when it was that you saw the Ryder truck; correct?

A. I didn't say when -- well, in the day, yeah, I had said different times.

Q. All right. And you're certain as you visualize that moment

that you're in the car, at least, with Ms. McGown, you notice this yellow truck, the Ryder truck and you say something to Mrs. McGown; is that right?

A. Yes, sir.

Q. And you're positive of that conversation: "Is somebody moving"; she says, "I don't know"?

A. Yes.

Renda Truong - Cross

Q. Something --

A. Yes.

Q. You're certain of that conversation?

A. Yes, I'm certain.

Q. All right. Have you ever driven a Ryder truck?

A. No, sir.

Q. All right. Very familiar with Ryder trucks?

A. No -- well, the -- the other moving truck, the U-Haul, I rode in that.

Q. Do you have any idea how many different sizes of moving trucks Ryder had on the highways in Easter of 1995?

A. No. Well -- what do you mean? On the road?

Q. Yeah.

A. There was no Ryder Trucks around. Only at the motel.

Q. All right. Did you see Tim McVeigh at the Dreamland Motel on any occasion that you were around that motel in April of '95?

A. No, sir.

Q. So you did not see him near this yellow Ryder truck on Easter Sunday?

A. No, sir.

Q. Did not see anyone else?

A. No, sir.

Q. Did you see the FBI agent who was with you at the motel in April of '95?

Q. Before the FBI came out to talk to you, Ms. Truong, shortly after the bombing, did you and Lea McGown talk about the events

Renda Truong - Cross

of Easter Sunday?

A. No, sir. She only showed me pictures of McVeigh and the other guy. I -- we never talked about it.

Q. There was some conversation between you and Ms. McGown before you ever talked to the FBI; correct?

A. There was no talking about it.

Q. Ms. Truong, are you as certain about this conversation you had with Ms. McGown about the Ryder truck as you are about your testimony that you saw it on Easter Sunday?

A. Yes, I'm certain.

MR. MACKEY: I have nothing else.

THE COURT: Mr. Nigh?

REDIRECT EXAMINATION

BY MR. NIGH:

Q. Ms. Truong, the FBI came to see you very shortly after Easter Sunday, did they not?

A. Well, not shortly. Like a -- I don't know. A week, I guess.

Q. About a week later?

A. Yeah.

Q. And they asked you questions about what you had seen that day?

A. Yes, sir.

Q. And did you tell them about the Ryder truck?

A. Yes, sir.

Renda Truong - Redirect

Q. Did they also show you some brochures and ask you to pick out which one it was?

A. Yes, sir.

Q. And do you know which one you picked out?

A. It had to resemble that one right there.

Q. All right. You don't remember the -- the foot -- how many feet the one was that you picked out?

A. I don't remember.

Q. Do you think it might refresh your recollection if you looked at the FBI's report of its interview with you?

A. Yes, sir.

MR. NIGH: May I approach the witness, your Honor?

THE COURT: You may.

BY MR. NIGH:

Q. Ms. McGown (sic), first of all, I want to direct your attention to the lower right-hand corner of that piece of paper. Does it have a space that says "Interview On"?

A. There's a date detected or whatever.

Q. Date. "Interview Date"? Does it have that?

2. Date. Interview Date. Does it have that.

A. It doesn't say "Interview Date."

Q. All right. Anyway, if you would, look at that and tell me what you said about how long the Ryder truck was.

THE COURT: Well, you mean look at that and then give her -- give you her recollection?

MR. NIGH: That's precisely what I mean, your Honor.

Renda Truong - Redirect

THE WITNESS: I had said 20 feet, full size.

BY MR. NIGH:

Q. 20 feet, full size?

A. Yes, sir.

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

THE COURT: Do you have any follow-up?

MR. MACKEY: One additional question.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. MACKEY:

Q. Just for the record, Ms. Truong, the Ryder truck that you placed on the model is faced in an easterly direction?

A. Yes. The same way I put it on there.

Q. All right. When you were living in the Dreamland in April of 1995, do you remember the bridge being out in the road that fronted the Dreamland?

A. Not in front. On the side, they were doing construction.

Q. The bridge was out, you couldn't travel along that frontage road across the ravine; correct?

A. Yes, sir.

Q. There were a lot of trucks around that construction site for a long period of time, were there not?

A. Yes, sir.

MR. MACKEY: Nothing else.

THE COURT: Anything else?

MR. NIGH: No, your Honor.

THE COURT: You're excusing Ms. Truong?

MR. NIGH: Yes, your Honor. Thank you.

THE COURT: Is that agreed?

Okay. Ms. Truong, you may step down. You're now excused.

Next, please.

MR. NIGH: Lenard White, your Honor.

(Lenard White 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: Lenard White. Lenard Dale White.

Last name?

THE COURTROOM DEPUTY: Yes.

THE WITNESS: W-H-I-T-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Okay.

MR. NIGH: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. NIGH:

Q. Good morning, Mr. White.

A. Hello.

Q. Can you tell the jury and the Court where you live, sir.

A. I live southwest of Cheney, Kansas.

Lenard White - Direct

Q. Cheney, Kansas?

A. Uh-huh.

Q. That's C-H-E-N-E-Y?

A. Yeah.

Q. How long have you lived in Cheney or by Cheney?

A. Well, I was born on the farm out there in 1938.

Q. All right. And did you grow up on the farm?

A. Yes. And I went to grade school out there, rode a horse to

school. I graduated from Cheney High School in 1956, and I --

Q. I'm sorry. Go ahead.

A. I got married in 1960.

Q. Okay. That -- that's fine. After you -- after you got out

of high school, did you go to work immediately?

A. I farmed for 20 years.

Q. All right. Did there come a time when you decided to do something different than farming?

A. Farming is kind of slim pickings.

Q. So did you decide to do something else?

A. I -- I started working in Wichita, Kansas, at the Associated Company as a machinist.

Q. How long did you work as a machinist there?

A. 16 years. I had a heart attack in '91. A few months later, they give me early retirement.

Q. Well, what do you do for a living now?

A. Oh, me and a couple guys started a machine shop in Wichita.

Lenard White - Direct

We make aircraft parts.

Q. What's the name of your company there in Wichita?

A. Aerotech Engineering.

Q. Aerotech Engineering?

A. Yes.

Q. And it's you and two other fellows --

A. Yes.

Q. -- that own and operate that business?

A. Yes.

Q. All right. Mr. White, what I'd like to do is direct your attention back to the spring of 1995. Are you familiar with that time period?

A. Yes.

Q. Did you have an occasion during the month of April to go to Junction City, Kansas?

A. Yes. My son just got an honorable discharge from the service and he was living up there, and I went to visit him and my new grandson.

Q. What part of the month did that happen in?

A. Well, we went up there the Saturday before Easter.

Q. Would that have been April 15, 1995?

A. I guess so. I believe --

Q. I'm sorry?

A. Yes.

Q. All right. Was your son stationed at Fort Riley --

Lenard White - Direct

A. Yes.

Q. -- during that period of time?

A. Before that.

Q. And during that period of time, as well?

A. He had just got out of the service.

Q. I see.

A. He had a job up there and . . .

Q. Still living in the area?

A. Still living in Junction City.

Q. Who did you travel to Junction City with?

A. My wife, Lynn White -- Diana Lynn White.

Q. I'm sorry?

A. Diana Lynn White.

Q. At -- what time did you leave Cheney or Wichita, wherever you went from?

A. Oh, we -- we left Cheney and Wichita and Abilene and shortcut up to Junction City. We got up there and ate with my son and spent the afternoon. And my daughter-in-law, she had to baby-sit that night, so my wife and I, we decided to get a motel room.

Q. All right. Let me show you, if I may, what's previously been admitted into evidence, Government's Exhibit 287.

MR. NIGH: May I publish that, your Honor?

THE COURT: Yes.

BY MR. NIGH:

Lenard White - Direct

Q. Is that the motel you stayed in? It should be on the television screen.

A. Yes. Yes, it is.

Q. All right. And what time did you arrive at the Dreamland?

A. It was still light. It was -- it was getting close to evening, but it was still -- still light. Oh, I don't know what time it was.

Q. Early evening?

Q. Early evening:

A. Yes. Early evening, yes.

Q. All right. Do you remember which room you stayed in?

A. 29.

Q. All right. When you got there that evening, did you stay in the motel all night or did you go out again, or how did --

A. We stayed in the motel. We were kind of tired and we -- we

drove up and parked in front of the -- the room. And we noticed a hunter green Jeep Grand Cherokee next to us. With -

Q. All right. Let me stop you for a second. That was that evening, Saturday?

A. That evening, that evening.

Q. All right. Any reason that a hunter green Jeep Grand Cherokee would attract your attention?

A. Yes. Because that was the color we wanted to get our van and we couldn't get that color.

Q. I see. What kind of van did you get?

A. Chevrolet. Got kind of a teal blue instead of the hunter

Lenard White - Direct

green.

Q. All right. Did you see anything else of note in the parking lot that evening?

A. I never noticed anything.

Q. All right. Were there any Ryder trucks in the parking lot?

A. No. None.

Q. Were there any other cars that you noticed that evening?

A. There was cars there, but I never paid much attention.

Q. Was there anything -- any -- were there any distinctive cars there that night that you remember?

A. No. I just was kind of tired and wanted to go in and watch

TV and go to bed.

Q. All right. So is that what you did?

A. Yeah.

Q. All right. When you got up the next morning, what did you do? Easter Sunday.

A. Usually, we hope -- the motel operator, she has coffee and some -- some pastries or stuff; so my wife, she went over -- well --

Q. Do you want --

A. Get the monitor?

Q. Would it help you to use the model?

MR. NIGH: Your Honor, may he step into the well and demonstrate?

THE COURT: Yes. Yes.

Lenard White - Direct

MR. NIGH: He will need a microphone.

BY MR. NIGH:

Q. If you can --

MR. ORENSTEIN: Your Honor, may I stand?

BY MR. NIGH:

Q. If you can, Mr. White, stand to the side of the model so you don't have your back to the jury.

Mr. White, if you would -- let's wait for Mr. Orenstein.

MR. ORENSTEIN: Thanks.

BY MR. NIGH:

Q. Show us where you -- which room you were in.

A. 29 right here.

Q. All right. And that morning, what did you do?

A. Well, I stayed in bed. My wife, she said, "Well, I'm going

to go down and get some coffee and some pastries or -- Lea said

she was going to make some stuff for Easter. So she went and got some pastries and coffee.

Q. All right. Let me ask you, Mr. White, did you ever leave the motel room that morning?

A. Only when I left.

Q. Okay. Tell the jury what happened -- what you saw when you left.

A. Well, my wife, when she came back --

Q. I don't want to know what your wife said to you. I want to

Lenard White - Direct

know what you did and what you saw.

A. When -- when I left?

Q. Yes.

A. Okay. I -- I backed the van up here, we loaded up, backed

the van. And we -- we drove up here to the office, and we turned the key in.

Q. All right.

A. And --

Q. Did you see anything in the parking lot?

A. Such as? I seen no Ryder truck.

Q. Okay. That's fine.

A. But -- but I noticed right here parked fairly close to the office, there was a -- a yellow -- an old -- an old, yellow Mercury car. And it was very similar to the ones -- one we had, and we done taken it down to pasture and kind of done it in. Well, anyway, it -- it had an Arizona tag on it.

Q. All right.

A. And I --

Q. Let me stop you for a second. There is a model of a car here. Would you place the model of the car on the model of the

Dreamland where you saw the old car that morning?

A. Oh, in this general area right here.

Q. All right. Now, if you would go ahead and take your seat

again.

Mr. White, about what time of the morning was that you

Lenard White - Direct

saw that?

A. Oh, it was about 10 or 10:30, somewhere along there.

Q. You said that you noticed the plate on the car?

A. Yes.

Q. What kind of plate was it?

A. Arizona tag.

Q. You also said what kind of a car it was. What kind of car was it?

A. It was a Mercury, an old Mercury.

Q. Did you recognize it as a Mercury or have you learned that since then?

A. Well, it was a Ford product, you know, and --

Q. All right. I want to show you another exhibit that's been admitted into evidence, Government's Exhibit 290; and it would be on the TV screen in front of you.

A. Okay.

Q. Can you see that?

A. Yes.

Q. Is that the car that you saw?

A. Well, I'll tell you what, I seen it from the back.

Q. All right. Does this look like it, or does it not look like it?

A. Similar, yeah.

Q. All right. Let me show you --

MR. NIGH: And if I could -- may I only publish this

Lenard White - Direct

to the witness, your Honor?

THE COURT: All right.

MR. NIGH: Different exhibit. This is Defendant's Exhibit F15. And if I may show the Government.

THE COURT: Yes.

BY MR. NIGH:

Q. Do you see that on your TV screen, Mr. White?

A. Yes, yes.

Q. Do you recognize that?

A. Yes.

Q. Is that the car that you saw?

A. Yes.

MR. NIGH: Your Honor, I'd move for the admission of Defendant's Exhibit F15.

MR. ORENSTEIN: No objection.

THE COURT: F15 is received and now may be displayed to the jury.

MR. NIGH: Thank you, your Honor.

BY MR. NIGH:

Q. Of the two cars that you saw at the motel room that day,

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uo

you know if it was more like F15 or more like Government's Exhibit 290?

A. It was like -- it was like the -- the first one you showed

me. The other one.

Q. This one, F15?

Lenard White - Direct

A. Yes.

Q. All right. Was there any particular reason you noticed the

Arizona plate on the car?

A. Yeah. The old car was pretty well beat up, and my wife says, "Man, you've got to see this car. I -- I wonder how they

got that from Arizona, you know." It was kind -- kind of beat up, and I thought, Well, yeah.

Q. Is that why you noticed the tag?

A. Yeah, really, it was.

Q. All right. Did you leave the Dreamland shortly after that?

A. Yes, we were -- we were on our way back home. It is -- we

turned in the key and, you know, took off for home.

Q. Okay. Now, did you go to the Dreamland anymore that week?

A. No.

Q. Let me ask you this, Mr. White, that Arizona tag, was it loose, askew, about to fall off or anything like that?

A. No. It was solid. It was solid on that car. Because I was only probably from here to that desk from the car -- from the back of the car, so I could -- I don't know what it was fastened with, bolts or screws or what. But I know it was an Arizona tag and it was on there solid.

MR. NIGH: That's all I have. Thank you, Mr. White.

THE COURT: Mr. Orenstein.

MR. ORENSTEIN: Thank you, your Honor.

CROSS-EXAMINATION

Lenard White - Cross

BY MR. ORENSTEIN:

Q. Good morning, Mr. White.

A. Good morning.

Q. My name is Jamie Orenstein. We haven't met before; is that correct?

A. Not that I know of.

Q. Now, you arrived at the Dreamland on Saturday night, the 15th; is that correct?

A. Yes. Uh-huh.

Q. And you previously said that was around 7:30 to 8:00?

A. Oh, that general time frame. It was -- it was still light.

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Q. Do you recall saying it was 7:30 to 8:00?

A. Yeah.

Q. And you left the Dreamland the following morning, which would be Sunday; correct?

A. Yes.

Q. Do you recall the time?

A. Around 10 or 10:30.

Q. Are you sure of the time?

A. Yes.

Q. Okay. You looked at your watch, or how is it you recall the time?

A. Well, when we -- in the motel room, it's time -- about time

to check out, so I figured we better get out, you know.

Q. So just because it was around time to check out, but you

Lenard White - Cross

weren't checking a particular time, you didn't look at your watch, didn't time it in any way; correct?

A. No.

Q. And that was about two years ago?

A. Yeah.

Q. Now, I believe you told Mr. Nigh that you don't recall ever

seeing a Ryder truck while you were there?

A. Uh-huh.

Q. Didn't see one Saturday -- I'm sorry. You have to answer out loud.

A. No.

Q. Didn't see one Friday -- I'm sorry. Saturday night?

A. No.

Q. And you didn't see one Sunday morning while you were there?

A. No.

Q. Now, this was two years ago; correct --

A. Uh-huh.

Q. -- that you saw something at the Dreamland? You have to answer out loud.

A. Yes.

Q. And would it be fair to say that your memory of the events that took place at the Dreamland was fresher back in 1995 than it is today?

A. Was it fresher then than today?

Q. Yeah.

Lenard White - Cross

A. No.

Q. Is your memory -- are you saying that your memory is better today than it was two years ago?

A. No.

Q. All right. Now, do you recall being interviewed by an

agent of the FBI in 1995 and being asked questions about your stay at the Dreamland?

A. By the FBI, yes.

Q. And when you spoke to the -- to the FBI agent, did you tell

him the make of the car that you saw?

A. I was never asked that I recall.

Q. Now, do you recall telling the -- the FBI agent to whom you spoke back in 1995 that you saw an old car in the parking lot, but that you could not provide a description?

A. I don't recall that.

MR. ORENSTEIN: All right.

May I approach, your Honor?

THE COURT: Yes.

Do you want him to read something?

MR. ORENSTEIN: Yes.

BY MR. ORENSTEIN:

Q. Direct your attention to the 4th paragraph, I believe.

And

the second sentence in the 4th paragraph. Do you see that?

A. "He did --"

THE COURT: No. He -- not read it out loud. Just

Lenard White - Cross

look at it.

BY MR. ORENSTEIN:

Q. Does that refresh your recollection that when you met with an agent of the FBI in 1995, you told him that you did see an old car in the parking lot, but that you could not provide a description at that time?

A. There were several old cars in the parking lot at that time.

THE COURT: No. The question is do you remember saying such a thing to an FBI agent?

THE WITNESS: I don't know. I don't know.

BY MR. ORENSTEIN:

Q. Now, how long would you say you saw that car?

A. I really only seen it once.

Q. And about how long in that one time that you saw it?

A. Oh, it was the time that my -- my wife went -- took the key

in to the motel. I was sitting there behind it.

Q. And so long enough for her to take the key in?

A. Yeah.

Q. And --

A. And get some coffee.

Q. Right. And now, do you know how the license plate was held

in place?

A. No. It was firm. I know that. It was -- it wasn't tilted

or cocked or anything else. It was nice and solid. That's all

Lenard White - Cross

I know.

Q. Do you remember any old primer paint on the side of the car?

A. No, I don't recall it.

Q. And you were not at the Dreamland Sunday afternoon; correct?

A. That's right.

Q. So you have no idea if the car was -- the same car you're talking about was there that afternoon?

A. No.

Q. And you have no idea if the car was there any time after that?

A. I left at 10 or 10:30 that morning.

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

THE COURT: Yes.

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

THE COURT: Mr. Nigh, any redirect?

MR. NIGH: Yes, your Honor.

May I approach and get the 302, your Honor?

THE COURT: Well, all right. Yes.

REDIRECT EXAMINATION

BY MR. NIGH:

Q. Mr. White, when the FBI came to see you back in October of 1995, were they primarily concerned with the people that you had seen at the Dreamland Motel?

Lenard White - Redirect

A. Yes.

Q. And is that what you were trying to tell them about?

A. Yes.

Q. Now, did you ever see a -- a picture of Mr. McVeigh's car on TV?

A. Yes.

Q. When you saw that, did you make any remarks to your wife about it?

A. I said that was the car that was at the motel.

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

THE COURT: Any follow-up?

MR. ORENSTEIN: Nothing further, your Honor.

THE COURT: Is this witness to be excused?

MR. NIGH: Yes, your Honor.

THE COURT: Is that agreed?

MR. ORENSTEIN: Yes, your Honor.

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

THE WITNESS: Thank you.

MR. ORENSTEIN: Your Honor, may I retrieve some exhibits that are still on the stand?

THE COURT: Sure.

You can leave, Mr. White.

THE COURTROOM DEPUTY: There aren't any. He's got

them

CHAM.

THE COURT: Members of the jury, we'll take our mid-morning break at this time. And of course, it's no different now from any other day when we were hearing testimony and any other day while we're in trial, of course, which is keep open minds, do not discuss this testimony or any testimony you heard during these breaks with other jurors or anyone else, remembering that you have to wait until you've heard it all before even in your own minds you go over the meaning, the significance or lack thereof of anything that you heard in testimony or seen in exhibits. And similarly, continue to avoid anything outside the evidence which could affect your decision.

We'll take our usual recess of 20 minutes. You're excused.

(Jury out at 10:18 a.m.)

THE COURT: Recess. 20 minutes.

(Recess at 10:18 a.m.)

(Reconvened at 10:37 a.m.)

THE COURT: Please be seated.

(Jury in at 10:38 a.m.)

THE COURT: Next witness, please.

MR. NIGH: Diana Lynn White, your Honor.

May I approach the model before she comes in?

THE COURT: All right.

MR. NIGH: Thank you, your Honor.

THE COURT: Please come in.

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

(Diana White 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: Diana Lynn White, W-H-I-T-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Nigh.

MR. NIGH: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. NIGH:

Q. Ms. White, do you know a fellow by the name of Lenard White?

A. Yes. He's my husband.

Q. Ms. White, what do you do for a living?

A. I work for the Wichita Area Technical College, which is part of USD 259 in Wichita. It's the biggest school district. I'm the data controller and site registrar.

Q. As the data controller, I assume you do a lot of work with computers?

A. Yes.

Q. How long have you held that job?

A. Well, I've worked in that department for 22 years, but I've had that particular job for two years.

Diana White - Direct

Q. So for 22 years, you've worked for the school district?

A. Yes.

Q. And for two years, you've worked with these computers?

A. Yes.

Q. All right. Did you grow up in the same area that Mr. White grew up in?

A. Well, I grew up in Wichita.

Q. All right. And he grew up out on the farm?

A. Yes.

Q. Is that where you went to high school?

A. I went to Wichita North.

Q. Wichita North High School?

A. Yes.

Q. And then after you got out of high school, did you go immediately to work?

A. No. I went to a business college and took computers.

Q. So you started it right then?

A. Yes.

Q. And then eventually, you married Mr. White?

A. He's a second marriage, yes.

Q. All right. And now you all live in Wichita, or Cheney? I'm sorry?

A. We live out on the farm in Cheney.

Q. I'd like to direct your attention, if I may, Ms. White, to the spring of 1995.

Diana White - Direct

A. Yes.

Q. And in particular, April of 1995.

A. Yes.

Q. Did you have occasion during that time period to go to Junction City, Kansas?

A. Yes, we did.

Q. Can you tell us what date that was that you went to Junction City?

A. It was Easter weekend, and I believe it was the 15th on a Saturday; and we stayed until about a quarter till 11 the next morning, on the 16th.

Q. All right. Did you spend the night in Junction City that night?

A. Yes.

Q. What was your purpose in going up to Junction City on that day?

A. My husband's son had just gotten out of Fort Riley and was living in Ogden, Kansas, and we went up to visit them.

Q. All right. Did you stay at the Dreamland Motel?

A. Yes, we did.

Q. I'd like to show you what's previously been admitted as Exhibit 287. Should be on a TV screen there in front of you.

Is that the Dreamland Motel?

A. Yes, it is.

Q. And is that where you stayed on that Saturday night,

Diana White - Direct

April 15?

A. Yes, it is.

Q. All right. What time did you arrive at the Dreamland that night?

A. About 8:00 p.m.

Q. Was it dark yet? Was it just getting dark? Can you --

A. It was getting dark; but there was a storm coming, so it was rather dark.

Q. Sky was kind of blackened by the clouds?

A. Yes.

Q. Did you spend some night on the town that night, or did you

all go to your room and go to bed?

A. We went to our room and rested.

Q. Did you see anything unusual in the parking lot that night?

A. No.

Q. All right. The next morning, did you go outside of -- by the way, which room did you stay in?

A. 29.

Q. All right. Did you -- the next morning, Easter Sunday, did

you get out of your room that morning?

A. At about 8:00 when the storm let up, I went to get two cups

of coffee; and the owner said there would be other things to eat because it was Easter Sunday.

Q. Were there other things to eat?

A. Yes. Yes.

Diana White - Direct

Q. So did you get a cup of coffee for yourself and for Lenard?

A. Yes.

Q. Did you see anything on the way between Room 29 and the office where you got the car?

A. I saw an old, faded yellow car.

Q. All right. Now, I'm going to show you two separate pictures, and I'm going to ask you if either one of these was the car. All right?

First I'd like to show you what's been marked as Defendant's Exhibit F15. Don't tell me if you recognize that car yet, please.

Have you had a chance to look at that?

A. Uh-huh.

Q. All right. Now, I want to show you Government's Exhibit 290. Can you see the car depicted there?

A. Yes.

A. Yes.

Q. All right. Now, of the two, does either one of those look like the car that you saw when you walked between Room 29 and the office?

A. Well, the first one looks more like it.

Q. All right. Government's Exhibit F -- I mean Defense Exhibit F15? Is that right?

A. Yes.

Q. All right. That is the car that you saw that day at the Dreamland?

Diana White - Direct

A. It was an old, faded yellow Mercury. I can't say that this

is it, but it looked like it.

Q. All right. Fair enough.

You've had a chance to look at this model of the Dreamland Motel that's down here in front of the jury before, have you not?

A. Yes.

Q. Would it help you to demonstrate where you saw that car that morning if you used that model?

A. Yes.

MR. NIGH: Your Honor, may she step into the well of the court and may we have a microphone for her?

THE COURT: Yes.

MR. ORENSTEIN: May I approach?

THE COURT: Yes.

BY MR. NIGH:

Q. Why don't I trade this for this, and why don't you stand over here where our back is not to the jury. If you would use

this model of the car here and place it on the model of the Dreamland where you saw the car that morning.

A. It was either -- it was either right in front of the room or maybe one over.

Q. And when you say "the room," which room number are you referring to?

A. 25.

Diana White - Direct

Q. All right. And if you would point on the diagram and tell

the -- tell us where you and Lenard were staying.

A. No. 29.

Q. All right. And the way you have this, it appears that the car is facing in towards the motel?

A. Yes.

Q. That is the way it was that day?

A. Yes.

Q. Thank you. If you'll resume your seat, please.

Ms. White, if I understood your testimony correctly, you went and got coffee and took it back to Lenard. When you

came down to the office to get coffee, did you walk in front of

the car or behind the car?

A. I walked in front of the car because it was still raining.

It had let up, but it was still raining enough that I wanted to stay dry.

Q. So you walked under the awning?

A. Yes, the eave of the house, the eave of the motel.

Q. When you walked back to give -- take your coffee back to the room, which way did you walk?

A. Behind the car.

Q. Did you notice anything about the car at that point?

A. That it had an Arizona license tag on it.

Q. When you looked at that Arizona license plate, was it straight, was it askew, was it --

Diana White - Direct

A. It looked like it was on there perfect.

Q. All right. When you got back down to your room, did you stay in your room for a while?

A. No. I took the coffee and then I went -- I had told Lee (sic) I would be right back to get the rest of the food. I didn't have a tray or a box or anything to get it all in one trip.

Q. All right. You say "Lee"? Lee McGown?

A. Yes.

Q. The owner of the motel?

A. Yes.

Q. So then you came back to the office?

A. Yes.

Q. Was the car still there?

A. Yes.

Q. Did you walk in front of it, or behind it?

A. Behind it.

Q. Then after you got the food, you went back down to your room?

A. Yes.

Q. And did you stay for a while, or did you leave?

A. We stayed until about 9:30.

Q. 9:30 in the morning, Easter Sunday?

A. Yes.

Q. Then did you and Lenard leave shortly after that?

Diana White - Direct

A. Yes, we did.

Q. Was the car still there when you left?

A. Yes.

Q. Was there anybody around the car?

A. No.

Q. Did you and Lenard have a conversation about the car?

A. Yes, we did.

Q. And would you tell us what the nature of that conversation was.

A. Well, I have an old car in the dead car pile, a small Ford that is that color. That was a favorite color of 1977. And I said, "Can you believe that they drove that car from Arizona?" And I pointed out the tag to him.

Q. Why did you think it was incredible that they would drive the car from --

A. Because I have an old car like that in the dead car pile. I mean it got to a certain age, and it just gave me nothing but trouble.

Q. Did this car look like trouble to you?

A. Yes.

Q. That was the color of 1977. What was the color for 1995 that you were interested in?

A. The dark hunter green.

Q. Did you happen to see a car in the parking lot that --

A. Yes, in front of Room 30.

Diana White - Direct

Q. Was that the Jeep Cherokee?

A. Yes.

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

THE COURT: Mr. Orenstein?

CROSS-EXAMINATION

BY MR. ORENSTEIN:

Q. Good morning, Mrs. White.

A. Hello.

Q. Mrs. White, you were at the Dreamland starting at about 8:00, you said, on Saturday night, the 15th?

A. Yes.

Q. And you left the following morning; is that correct?

A. Yes.

Q. Now, Mr. Nigh asked you to step down to the model --

MR. ORENSTEIN: Your Honor, may I approach the model?

THE COURT: Yes.

BY MR. ORENSTEIN:

Q. You noticed, did you not, that there is a model of a truck?

A. Yes.

Q. On this stand.

Did you ever see the night that you were there, Saturday night, or Sunday morning a Ryder truck or a yellow truck at the Dreamland Motel?

A. No, I didn't.

Q. So you didn't see a yellow truck either Saturday night or

Diana White - Cross

sunday morning parked by that sign.

A. No.

Q. And you were not at the Dreamland following Sunday morning;
correct?

A. No, uh-uh.

Q. So the car that you've been describing in your testimony in
your answers to Mr. Nigh, you don't know if that was there
after Sunday morning; correct?

A. No, I don't.

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

THE COURT: Yes.

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

Thank you, ma'am.

MR. NIGH: No further questions, your Honor; and
Ms. White may be excused.

THE COURT: That's agreed, I take it.

MR. ORENSTEIN: Yes.

THE COURT: You may step down. You're excused.
Next witness?

MR. JONES: Dr. Fred Jordan.

THE COURT: All right.

Dr. Jordan, you appeared as a witness yesterday.
You're being asked to return to the stand under the oath
earlier taken.

THE WITNESS: Thank you.

THE COURT: Please be seated.

(Frederick Jordan was recalled.)

THE COURT: Mr. Jones.

MR. JONES: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. JONES:

Q. You are the same Fred Jordan, M.D., that testified
yesterday?

A. One day older, but otherwise the same.

Q. And you still have those same excellent qualifications
that
I stipulated to yesterday?

A. I still have the same qualifications, yes.

Q. Dr. Jordan, yesterday you were called as a witness for the
Government to present certain evidence, and I want to ask you
today about some other matters. And of necessity, some of the
questions I'm going to ask you are a repeat from yesterday but
just to make the record complete.

In April of 1995, you were the Oklahoma State
Medical
Examiner; is that correct?

A. Yes, sir.

Q. And you described yesterday the duties of your office?

A. Yes, sir.

Q. And would you take a moment and tell me what your office
consisted of in April of 1995.

Frederick Jordan - Direct

A. In April of 1995, we had the two divisions: the central division in Oklahoma City and the eastern division in Tulsa. And we had at that time 54 full-time equivalent positions for those -- both those offices, so we had approximately 30 people in our Oklahoma City office on a regular basis. And in that office we had an office portion, an autopsy area portion and a toxicology lab portion.

Q. Now, your offices were located in the area out there by the -- between the capital and the medical center?

A. Yes. We're on the southeast corner of the campus of the University Medical Center.

Q. Dr. Jordan, leaving aside for a moment the Tulsa employees, in April of 1995, or more accurately before April 19, how many on your staff were pathologists?

A. At that time, Dr. Balding, Dr. Choi and myself.

Q. And would you spell Dr. Choi's name for the record?

A. Yes. Her last name is spelled C-H-O-I; first name is Chai, C-H-A-I.

Q. And in addition to that, you had some forensic dentists on the staff, did you not?

A. As consultants. We have a consultant contract with one dentist at the dental school.

Q. Who is that?

A. Dr. Tom Glass.

Q. Now, when this incident occurred and the explosion

Frederick Jordan - Direct

destroyed the Murrah Building, that was the largest collection,

if I may use that term, of human remains that your office had been called upon to perform your work; is that correct?

A. Yes, sir.

Q. Is it true that before that time, the largest number of cases that you had handled resulted from the tragedy in Pawnee?

A. That would have been in Tulsa. The -- in Oklahoma City, our largest number was 21 from the Erlich's Fireworks factory explosion.

Q. That is the one in Pawnee or near Pawnee?

A. Well, it could be near Pawnee. That's right.

Q. And your office in Oklahoma City handled that case, or the one in Tulsa?

A. We coordinated. It was basically done in Tulsa, but several of us went up to Tulsa and worked on it.

Q. Now, that was a case also where those individuals died as a result of the explosion and the fire at the fireworks factory?

A. Yes, sir.

Q. That was an accident?

A. Yes, sir.

Q. It was not homicide?

A. As far as we know, it was determined to be an accident,
and

that's the way cases are signed.

Q. And the number of cases that you examined in that tragedy
was 21?

Frederick Jordan - Direct

A. I believe that's correct, as to the best of my memory.

Q. When we refer to "cases," we're referring to deceased
persons?

A. Yes, sir.

Q. All right. Now, on April 19, 1995, after you were
notified -- and how were you notified that your services would
be needed?

A. So much happened. I think we were called by the police
about 10 past 9.

Q. Had you felt the explosion?

A. Yes.

Q. Did you know before the police called what had happened?

A. We knew there had been an explosion downtown. We weren't
sure of the building or the etiology, the origin of the
explosion.

Q. The Oklahoma State Medical Examiner's office was how far
from the Murrah Building?

A. Probably about a mile.

Q. Now, when the call came in, did you take the call?

A. It came through the switchboard, and my chief investigator
took it.

Q. All right. And what was the information relayed?

A. That the federal building had blown up downtown and that
we

could expect between 750 and 1,000 casualties.

Q. All right. At that time, the number was not known.

Frederick Jordan - Direct

A. Correct.

Q. And this information was relayed from the switchboard to
your office?

A. Yes.

Q. And what did you direct be done initially?

A. Initially, I began to put our disaster plan into effect,
notifying first the employees of basically what had happened
and that we would be going into our disaster plan mode and
then

setting up the investigative area, setting up -- Mr. Blakeney
had headed -- our operations director, was on his way to
Arkansas because of an illness in the family. And he called
back in and said that he is coming back when he heard about it
on the radio.

So we went into operation to set up our disaster
plan,
get our investigators organized, get our Tulsa office notified

they were probably going to have to take care of some of our caseload for an indefinite period of time, arranged to get the Family Assistance Center set up, and just basically call the dental -- Dr. Glass, for instance, and advise him; call Dr. Snow, physical anthropologist, and advise him; call the dental volunteers that we had lined up, many from Bone & Joint Hospital to begin with, and try to begin to line up some extra X ray machines, as we thought we might need them.

Q. This disaster plan that you spoke of is a plan that you already had organized and on the shelf, so to speak?

Frederick Jordan - Direct

A. Yes, sir.

Q. And it was designed in the event there was a major disaster such as this, an airplane crash?

A. Thinking more in terms of an airplane -- a large plane crash, that's right. If you read the original plan, it talks about using the airport at Tulsa and hangars at Will Rogers Airport in Oklahoma City; but it was to handle anything, tornado, whatever happened.

Q. And did you go to the scene?

A. I did not get to the scene until the 21st.

Q. And why is that?

A. Because I was incredibly busy -- I guess a lot of it -- some examination of cases, a lot of it was administrative details, incredible numbers of calls, questions.

Q. Did you also obtain assistance from outside Oklahoma?

A. Oh, yes.

Q. And would you tell me, please, who responded.

A. We had FEMA responded --

Q. Now, let's say: What is FEMA?

A. Federal Emergency Management Agency -- responded with probably multiple different units. An example what would be called DMORT, which is a Disaster Mortuary Unit. Some people came from the National Disaster Medical Systems in D.C., be a part of Public Health, I guess. We had all told 11 USAR, Urban Search and Rescue, teams.

Frederick Jordan - Direct

Q. Are those from other cities?

A. Those are from other cities. They were from -- pretty well scattered all over the United States.

Q. All right, sir. Go ahead.

A. We had, of course, Red Cross and Salvation Army; and I'm sure they brought in people from outside.

Q. Now, who was in charge of the operations at the recovery scene for the Oklahoma State Medical Examiner's office?

A. For our office, Ken Roland was our chief investigator, was in charge at the scene; and then when he was off duty, Don Grove who was the chief investigator from Tulsa

GLOVE, WHO WAS THE CHIEF INVESTIGATOR FROM TAMPA.

Q. What were they doing at the scene?

A. They were basically present at the temporary morgue; and when a -- generally a fire unit or one of the USAR teams located a body, the body was brought to them. And they got as much information as they could from the Fire Department and the

team that brought the body to them and made sure the body was looked at at the temporary morgue, as far as noting what was there, making sure the body -- that everything that came out with the body when they received it got transmitted to us at our office, which is about a mile away.

Q. Now, the temporary morgue was set up across the street at the church?

A. At first it was, yes; and then we eventually had a tent in the parking lot. We had 16 members of the graves registration

Frederick Jordan - Direct

team from the military came down to assist with that.

Q. Are you saying "graves"?

A. G-R-A-V-E-S. Graves registration.

Q. All right. And the temporary morgue across the street was where you had the refrigerated trucks?

A. That's correct.

Q. Approximately how many were there?

A. I think there were two.

Q. As there was a recovery, then the body was moved across the street?

A. Yes, sir.

Q. And was that by stretcher?

A. It was generally put on a stretcher and carried to the temporary morgue, yes.

Q. Now, the purpose of the temporary morgue was what, Dr. Jordan?

A. The purpose of the temporary morgue was to, first of all, get the bodies in a secure area where we had control of them and we knew nothing was going to happen to them; that they would be in our possession. It was also to hold them at the scene until we were ready to process at the office so that -- to try to cut down on confusion and to develop a smooth system of operation.

Q. As you were able to move the cases from the temporary morgue to your office, were they moved in the same vehicle that

Frederick Jordan - Direct

they were stored in, or were they transferred to another vehicle?

A. They were transferred to another vehicle.

Q. When they were transferred, though, they were still in the container that they had been recovered and placed in?

A. Yes, sir.

Q. When the vehicles -- pardon me -- when the vehicles came to the campus of the medical center where your office is, they were parked behind it?

A. Yes, sir.

Q. And I believe that you told me that at nighttime lights were placed on these vehicles?

A. Yes. We had National Guard security, and the area was lit.

Q. All right. And that was my next question: This was patrolled by members of the Oklahoma National Guard?

A. That's correct.

Q. And then as your facilities inside permitted, then the cases were moved from the vehicle inside the offices of the Oklahoma State Medical Examiner; is that correct?

A. Yes, sir.

Q. Now --

MR. JONES: Excuse me just a moment, your Honor.

May I approach Kathi just a moment?

THE COURT: You may.

BY MR. JONES:

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Q. Sorry to keep you waiting, Dr. Jordan. I was looking for a Government exhibit. Let me go ahead and talk about it for a minute, though.

You will recall that an exhibit was prepared that showed the days after April 19 and the number of bodies that were recovered and then the third column, the cumulative number identified.

A. Yes, sir. I believe I know the piece of paper you're talking about.

Q. All right. Do you recall without looking at it when you had completed the identification of the bodies that had been recovered?

A. Yes. The absolute identification of everybody that we identified was basically done on May 16.

Q. So within 30 days after the explosion?

A. Yes.

Q. And it was the mission of the Medical Examiner's office to complete the identification of the deceased persons; is that correct?

A. Yes, sir.

Q. And how -- you described yesterday how that was done in terms of the photography and the fingerprints, and I will not ask you to repeat that. What I would like to ask you to do instead is to tell me about the record-keeping, the charts and diagrams and files that you kept and how that was developed as

Frederick Jordan - Direct

each case was opened and then closed.

A. Okay. When the case arrived at our facility, it got a folder and a tracker. One individual stayed with the body from the time it arrived until it went into the storage vehicle that we discussed at the outside lawn of our facility. That chart was a manila folder basically, and it had some forms in it. The body first went to an examination station. An identification photograph was taken with a Polaroid, and then the body was examined and diagrams were made and specimens were obtained for toxicology generally or for whatever purpose at that time.

All that was noted on that paper. Then all that chart was closed, given back to the tracker; and then the tracker took the body and the chart to the next station, which in this case was the fingerprint area.

Then the fingerprint material was taken. The fingerprints were kept by the FBI and the police, and any other information was put back in the chart and the chart went back to the tracker. Photographs were also taken in that area by the police.

Then the body went to the X-ray area, and the tracker stayed with the body and the chart while the X rays were taken.

When that was done, the body and the chart went to the dental area, and the same process occurred; and the dental charting was put back in that chart, tracker took that body,

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brought it back to the final station, where the X rays were reviewed, the body -- pathologist who examined the body -- usually most of us looked at the body at that time and determined if anything else needed to be done.

When we were finished at that station, the chart again was closed. The body -- and the tracker took the chart to the back, the National Guard wheeled the body up into the truck while the tracker was present, and then the chart was brought to the front of our office and given to the records secretary, Mrs. Pat Anderson.

Q. And then who notified the next of kin?

A. Once an identification was made, we faxed from our office the fact that an ID had been made to the Family Assistance Center. At that point, a team of people at the Family Assistance Center, including clergy, a nurse if possible, a psychologist if possible, and perhaps some other people at the Family Assistance Center, but those at least basically, along with a funeral director, notified the individual and told them

with a funeral director, notified the individual and told them they were going to take them to a different area. Everybody figured out by this time what that meant. They were taken to a separate room on a different floor, and notification was made that we had identified their next of kin.

Q. After the identification, the funeral home chosen by the family called for the remains?

A. Yes, sir.

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Q. And they were then moved and left your facility and went into the custody of the funeral home?

A. That's correct.

Q. And at that point, then, the case was closed from your office?

A. Yes. Yes. The case was closed, except for completing the reports, and so forth.

Q. Yes.

A. Sure.

Q. All right. Now, each of these individuals that were deceased were also given a number, were they not, for purposes of internal accounting?

A. Yes, sir.

Q. And your office prepared some sort of wall chart, did it not?

A. Yes, we did.

Q. And tell me about that.

A. We had -- in disasters that we had done in the past, such as the one we mentioned, the Erlich's disaster, we had found it

very useful to take some regular brown paper and put it up on a

hallway. Some of us are not in the computer age. I'm one, for

instance. I find it still comforting to use a blackboard or a chart.

Q. That will come as some comfort to some of us.

THE COURT: He means me.

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THE WITNESS: I hoped it would.

And so we -- we noted on this chart whenever we made an identification; and that became kind of a focal point for people, because probably we were over a week into this operation before we had any good idea as to how many people we might be looking at. And so we really didn't know. So it gave

people a place to come and look and see that we made an identification of this person, this person, this person. It kind of became a point of pride that we had 25, we now have

32,

we now have 37. And it was a matter -- it actually helped

morale, and that was its primary purpose, was to help morale. And also, it was useful because it was such a chaotic, confusing time to be able -- My secretary, Sonja Moss, put those up on the board to be able to just go out there and quickly look and see, because there was so terribly much going on all the time, it was difficult to keep it all straight in your mind as to exactly who was where and what happened.

BY MR. JONES:

Q. Not only a chaotic time but, of course, a tragic time?

A. Yes.

Q. Now, your office worked 24 hours a day, seven days a week?

A. Yes, we did. The scene was manned 24 ours a day, seven days a week. The Family Assistance Center was. In our office,

we had people in the office 24 hours a day; but because of the nature of the work, it was my decision that a 12-hour shift

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doing what we were doing was sufficient for people to be able to function well.

And so we basically theoretically ran from 7 in the morning till 7 at night. Obviously, people were there before 7, and we'd have a briefing in the morning. And then it -- 7 at night was a target. But if we could get the people that were actually doing the work on the bodies out and home to their families by 9 or 10, then they came back in the morning ready to work. But there were people in the building all the time.

Q. And of course while this was going on, you had your usual cases?

A. That's correct.

Q. Which had to be processed through all of this?

A. Yes. Anything that had to be autopsied, we sent to our Tulsa office; and if there was a case, say, of a traffic accident or a coronary or something that we did not intend to autopsy -- we did some of those. We would break out of our routine and examine those at the same time.

Q. Dr. Jordan, I believe I've located the Government exhibit I was referring to earlier, and 1253 has been admitted into evidence.

MR. JONES: Can you check that?

THE COURTROOM DEPUTY: It has not. 1253 has not.

MR. JONES: Then let me -- well --

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BY MR. JONES:

Q. You don't have it in front of you. Let me put it on the monitor but just show the monitor to everyone except the jury.

This is Government's Exhibit 1253. Do you see it there, Dr. Jordan?

A. Yes, I do.

Q. All right. Are you sufficiently familiar with this exhibit

to tell us what it is?

A. I think so.

Q. Would you, please.

A. It is -- it's one of the many summaries produced at some time by our office. This one is identified as Medical Examiner

Summary of Victim Recovery and Identification. It shows the date, it shows a number of recovered people on that date, and then it has an "identified" column that shows how many people were identified.

It also -- I'm sorry.

Q. Is it accurate?

A. Well, I have not seen this for probably almost two years. It has some numbers in parentheses, and I'm not absolutely sure

what those are.

Q. I believe they're cumulative numbers?

A. Cumulative? If they are, then --

MR. JONES: I move the admission of Government's Exhibit 1253.

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MR. RYAN: No objection.

THE COURT: Received, 1253, and may now be displayed.

BY MR. JONES:

Q. Now, Doctor, you just explained it to me; but now that the jury has the exhibit, would you just tell us what it is.

A. All right. On the left-hand column we can see the date that actually -- it's obviously not always the date of recovery, but it is a date that apparently is associated with the individual. And I say it's not always recovery, because we go down to the 30th and 31st, and we recovered until the 29th. So the first column is the date.

The second column shows the number of bodies recovered; and I think Mr. Jones is absolutely right that in parentheses is the cumulative number.

And the third column shows the numbers of people identified on those given days.

Q. And the next column identified shows when you made the positive identification?

A. Yes, sir.

Q. And again, the cumulative number?

A. Yes, sir.

Q. Now, do you see down 5-29-95, the number "3"?

A. Yes.

Q. Are these the three individuals that you testified about yesterday?

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A. No. Those were the three last people out of the building.

Q. After the building imploded?

A. After the building imploded on the 23d of April (sic).

Q. All right. Tell me about that.

A. Well, the building was imploded on the 23d of April --

Q. Imploded. What do we mean by "imploded"?

A. Oh, the building was -- under controlled explosion, was brought down by an engineering firm so that it could be demolished and taken away.

Q. All right. And there were still three bodies in the building?

A. Right. We believed there were three bodies still that we had not been able to get to, because at some point in time earlier the building had been declared unsafe to work in by the engineers.

Q. Now, when the building was imploded, your office knew there

were bodies still in the building.

A. Yes, sir.

Q. And certain steps were taken to mark where it was thought they were?

A. Yes. There was spray paint put on an area in which they thought the people were so that we could find that area once the building came down.

Q. Why was the building imploded with the three bodies still in it?

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A. Because the powers that be -- I think basically through the

engineers -- said that it was no longer safe to search.

Q. All right.

A. And --

Q. So because the building might fall down?

A. Right.

Q. Once the building was imploded, then it was possible to recover the bodies?

A. Yes, sir.

Q. And was that done?

A. Yes, sir.

Q. All right. So your office determined that 168 people were recovered and you identified 168?

A. 168 people, yes.

Q. Yes, sir.

MR. JONES: May I ask Kathi, has 1248 been admitted?

THE COURTROOM DEPUTY: 1248? No, it has not.

MR. JONES: All right.

BY MR. JONES:

Q. Let me show you Government's Exhibit 1248 just for you, Dr. Jordan --

MR. JONES: Well, let me just ask. Is there any objection to admitting this?

MR. RYAN: Let me see it, please.

MR. RYAN: DO YOU SEE IT, PLEASE.

No objection.

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BY MR. JONES:

Q. Dr. Jordan, Mr. Hartzler informed me that you may have misspoken and said the implosion was April 23.

A. I meant May 23. Thank you.

Q. Now, Government's Exhibit 1248: Would you tell me what that is, please --

MR. JONES: No objection to its admissibility?

MR. RYAN: No objection.

MR. JONES: We offer it.

THE COURT: Received.

BY MR. JONES:

Q. Would you tell the jury what this is.

A. Yes. This is another working document produced by our agency that shows -- it is headed "Alfred P. Murrah Federal Building Bombing Events." It shows, "Summary of Recovery Dates, Summary of Date Received at the Office, Summary of Dates

Identified, and Summary of Dates Released." So it shows the date, the number of bodies recovered on a given day, the number

that they were transferred to our facility for examination, the

number who were identified each day and the number that were released each day.

Q. Dr. Jordan, because of the nature of the explosion, it was considered early on, was it not, that it could be a criminal act?

A. Yes, sir.

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Q. So your office was involved also with law enforcement?

A. Yes, sir.

Q. You have described what occurred at the facilities of the State Medical Examiner's office once the bodies were recovered from the scene and transmitted to your office. Would you tell me what was the established procedure and policy when a body was recovered at the scene.

A. That the -- that our investigator would be notified and that the fire -- generally the fire unit, some kind a search-and-rescue unit would bring the body out to the medical examiner. Sometimes the medical examiner may have gone in and looked, but most of the time the Fire Department was very concerned for the safety of our personnel, and so that in general the body came out to the medical examiner representative, information was exchanged, and then the body was taken to the temporary morgue, where the -- the eventual placement in the refrigerated truck occurred.

Q. Was there a central place there near the bomb site where

the recovered individual was brought to a representative of your office?

A. Generally -- generally the individual would go to the area where the body was recovered, and the temporary morgue was right at 4th and Robinson; and so it was -- it was basically in

some cases not further than the back of the courtroom to where they were coming; but our person would go out to that area so

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that the firemen didn't bring it all the way to the morgue. Our person went out to meet the firemen.

Q. When your person would go and meet the fireman when a body had been recovered, what steps were taken to pick up and retrieve anything around the body that might give a clue to its identification?

A. That would have generally been done by the fireman and/or any police that happened to be with them in the building.

When we got the body, it was in a bag, and we put a number on the bag.

Q. And the items that were recovered near or on the body: Were they also placed in a container?

A. With the exception, I would say, of credentials of the law enforcement officers and guns. Those were generally taken by other federal law enforcement people at the time before the body -- occasionally -- I think at one time, I think in our morgue facility; but I think otherwise generally at the time the body was recovered by the fire units.

Q. But even if it was turned over to a law enforcement officer, what record was kept by you or your office that it had been recovered?

A. We just -- we just made a note that we didn't have it, and in only one of those cases did we really have a record. In a couple of cases, we had names of federal officers that took the weapons; but generally, the weapons had gone before the bodies

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came to us.

So we don't -- To answer your question as directly as I can, we don't have a good record of that.

Q. The containers that were used to move individuals and transport them were given some type of number in large numerical figures on them, were they not?

A. Yes, sir.

Q. And was that number -- well, what was that number?

A. That was an orange number, and it was just the number of the body, 1, 2, 3, 4, 5, 6, 7.

Q. All right. So it was -- was it an exact or an approximation of the order in which they were recovered?

A. It should be exact, because even if -- as we mentioned yesterday, if three were recovered at essentially the same time, it would be 1, 2, 3. Our investigator might number 1, 2,

3. A fireman might have taken the middle one out a minute before the other one, but insofar as we found it possible.

Q. So the number, if we saw any photographs in orange on these

containers, would be the number that your office affixed to it to show the number and sequence of recovery?

A. Yes, sir.

Q. No. 5 is the fifth individual recovered?

A. Yes, sir.

Q. All right. Now, photographs were taken of all of these persons. Is that correct?

Frederick Jordan - Direct

A. Yes, sir.

Q. Were photographs taken at the scene?

A. Not by our agency.

Q. By others?

A. There may have been some taken by the police agencies, but I have no -- I do not have those, and I can't tell you which agencies took them, if they did, or how consistent it was.

Q. So your office took no photographs at the scene?

A. That's correct.

Q. But photographs were taken, as you've testified to, at the morgue?

A. That's correct.

Q. And by "morgue," I mean your facility?

A. Yes, sir, by our -- yes.

Q. Now, you generally took how many photographs per case?

A. There was one Polaroid photograph taken per case, and then generally three -- to say three to five very large photographs taken by the police at the fingerprint station.

Q. Now, were copies of the Polaroids that the police took also placed in your file?

A. I'm sorry. Polaroids were not taken by the police. The Polaroid picture was taken by representatives of our university

photography department. They were placed in our file.

Q. All right.

A. And then the pictures taken by the police were placed in

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our file.

Q. So the record is clear, you have made available to us your entire case file on each individual?

A. That's correct.

Q. And pursuant to certain orders entered and agreed upon

Q. And pursuant to certain orders entered and agreed upon here

respecting privacy and protection, we have been furnished copies of these photographs, have we not?

A. Yes, sir.

Q. All right. Now, Dr. Jordan, the procedures that you describe resulted, as you said, in the identification of all the 168 individuals. Is that correct?

A. Yes, sir.

Q. Now, I'm going to move to another area, which I know you will appreciate is somewhat sensitive, and that is that in addition to the recovery of the individuals, you also recovered portions of human anatomy.

A. Yes, sir.

Q. And is there a medical term to describe those, or a term that you use so that we will use the same term?

A. The term that we used is body parts.

Q. All right. May we just refer to it as "part"?

A. Certainly.

Q. When a part was recovered, what was the procedure that your office used for the identification -- I don't mean to identify to a particular individual, but in terms of internal

Frederick Jordan - Direct

record-keeping so you could follow it through in an attempt to identify it?

A. Initially, parts were brought directly to the office from the location they were found. Very shortly, we -- and I'm including the -- an area we haven't talked about yet but which now we probably should, and that is the sheriff's gun range.

Q. All right. Would you tell us about that, please.

A. And at the Oklahoma County Sheriff's Department gun range, we had what we called a sifting, S-I-F-T-I-N-G -- a sifting site where all debris was sifted by sheriff's officers, funeral directors, representatives of our office, looking for other tissue that may have been escaped -- may have escaped attention

when it came out of the building. Initially -- and I can't recall for you which pieces; but initially, a couple of parts had come into the office from the sifting site. We decided it would be better if they went back to the temporary morgue, and the same procedure was followed that we had followed with the bodies.

So they were given a part number, again, 1, 2, 3, 4, 5, and then were transferred to our facility and then were examined in our facility and retained that same part number. And the record -- a similar folder, as we discussed before, was

made for each part; and then instead of having a case number, it was designated as a part number.

Q. All right, sir. Now, in addition to what you've described

Frederick Jordan - Direct

at the sheriff's gunnery range, when parts were found at the scene and clearly determined body parts, were they necessarily taken to the sheriff's gunnery range?

A. No, they were not.

Q. Or were they brought directly to your facility?

A. They were brought directly to the temporary morgue.

Q. And in almost all cases, those were larger portions of human anatomy; is that correct?

A. Many of them were, yes.

Q. And they were given numbers?

A. Yes, sir.

Q. And treated as a case file, I take it, just as the whole remains were?

A. Yes. Basically, the same procedure was followed.

Q. Until such time as there was an identification, if there was an identification, and then it was placed with the others?

A. That's correct. And the files were merged at that time.

Q. Now, without going into unnecessary detail, would you simply tell me, if you know, the total number of parts recovered.

A. We categorized 98.

Q. And each one is a number?

A. Each one is a number.

Q. In other words, P1, P2, P3, and so forth.

A. P, yes.

Frederick Jordan - Direct

Q. All right.

A. Yeah, that's correct.

Q. All right.

A. There is a slight difference, because, say, we had, for example, three pieces of bone that had come in with number, say, 62, 68, 53, and then the anthropologist decided those three pieces fitted together, that may have become one part; so

now our list consists of 71. And the difference between the 98

and the 71 is because we have jigsawed some of the material together over the past two years.

Q. Dr. Jordan, from your investigation and work as the Chief Medical Examiner, did you determine and find that certain cases

came to your office with amputated legs?

A. Yes, sir.

Q. In addition to the surgical amputation of one survivor?

A. Yes, sir.

Q. All right. What was the total number of cases of amputated left legs?

A. Originally, we had seven bodies with amputated left legs and eight left legs. And then when the eighth left leg was

identified and placed with the body where it belonged, we ended

up with eight bodies with left legs and nine left legs; i.e., we have one left leg that we do not know where it belongs.

Q. And is that still in your custody?

A. Yes, it is.

Frederick Jordan - Direct

Q. Dr. Jordan, you have described -- originally, I believe you

said there were seven, and eight legs.

A. Yes, sir.

Q. Would you just tell us without unnecessary detail how that occurred in terms of the recovery and the identification?

A. Yes. I think I understand your question. If I start to stray, I know from past experience you'll help me get back on the trail.

Q. We'll try to walk it together.

A. Case No. 2404, 9502404, originally was felt to have had a left leg attached and was released as having both legs. And that body came out on the 17th of April.

On the 30th, we -- after the implosion, we discovered -- Remember, Mr. Hartzler corrected me. On the 29th of May after the implosion, we had three bodies that we knew were there. The following day, we had another left leg come out; so at that point -- that accounts for the total scenario.

Q. All right. And how was it discovered that the left leg belonged to the case number that you gave me?

A. Okay. The left leg came out on the 30th; and by early June, we were sending specimens to the FBI laboratory in an attempt to make a match, and we were having very little luck. And it eventually was identified as belonging to Case No. 9502404 by checking a footprint. The FBI identified it by a footprint from a birth record in Cherry Hospital, in New

Frederick Jordan - Direct

Orleans.

Q. And matched it to the footprint of the left leg?

A. That's correct.

Q. All right. And we were advised of that by your office, were we not?

A. Yes, you were. By me, actually.

Q. That's correct. And an order was obtained exhuming the casket where it had been placed?

A. Yes, sir.

Q. And was the casket opened?

A. Yes, it was.

Q. Were you present?

A. No.

Q. Was a representative of your office present?

A. Yes, Dr. Balding was present.

Q. And that occurred at the exhumation from the casket of

Q. And what occurred at the exhumation from the standpoint of your office?

A. The leg was examined by Dr. Balding and by several other people representing you, as I understand it, and Mr. Tigar, and

that the leg was observed to be not attached. And Dr. Balding did not feel it consistent with the leg of the individual involved, so it was removed and the part that had been identified by the FBI was put in the casket with that body.

The leg that was removed from that casket in New Orleans became Part 71, and it was sent to the FBI laboratory

Frederick Jordan - Direct

in D.C. for further examination.

Q. Now, the leg that was placed in the casket had previously had the number P54?

A. Yes, sir.

Q. So overly simplified, P54 is placed inside the casket and in the appropriate manner, and the leg that had previously been

in there that was detached was removed.

A. Correct.

Q. The casket was sealed?

A. Yes, sir.

Q. And returned to its resting place?

A. With the family present, I think around noon that day, the 15th of March.

Q. And then the new leg is P51 -- I'm sorry. 71?

A. 71.

Q. And it's returned to where?

A. It went to the FBI and then eventually was returned to us by the FBI.

Q. Now, you were able to match up all of the legs found, including the amputated leg, with each of its rightful owners, shall we say, except P71?

A. Yes, sir.

Q. And through this day, no final identification has been made

of P71.

A. That's correct.

Frederick Jordan - Direct

Q. Would you tell me, please, how large P71 is.

A. P71 weighs a little over 8 kilograms, and I believe it was 16 inches. I -- that might not be absolutely correct, but it involves the lower part of the thigh, the leg itself, and the foot.

Q. All right. So it is below the knee?

A. No, just above the knee.

Q. I'm sorry. Just above the knee?

A. Just above the knee.

Q. And you said it weighed how much?

A. I think it was a little over 8 kilograms.

... I think it was a little over 8 kilograms.

Q. And what would that be in pounds?

A. If we multiplied by 2.2, it would come out to perhaps 18 pounds, or something.

Q. All right. Now, in an attempt to resolve the question of the identification of first P54 and then P71, your office consulted with Dr. Clyde Snow?

A. Yes.

Q. And would you tell me, please, who Dr. Snow is?

A. Dr. Snow is a physical anthropologist that has been a friend -- friend of mine ever since I came to Oklahoma in '72 and has been around a lot longer than that. He was at the Federal Aeronautic Administration as one of their resident scientists for many years and has retired and is now doing private work as a forensic anthropologist.

Frederick Jordan - Direct

Q. Would you say his reputation is worldwide?

A. Yes, and deserved. Yes, it is worldwide.

Q. And what is his most famous case in your opinion?

A. Oh, I don't know that I dare answer that for him without getting into some difficulty. He's quite interested in Butch Cassidy and the Sundance Kid.

Q. And also some of the Nazi leaders?

A. Dr. Snow, I think, to me -- and I had a tiny part to play in this. I think in -- probably his most meaningful cases, if I may be so presumptive, would be the identification of the desaparecidos, of the disappeared people in Argentina during the late 70's and early 80's, when hundreds and hundreds and hundreds of people were abducted by the Argentine military and were summarily executed. I've been fortunate and privileged enough to work some on that.

I think that probably -- I think Dr. Snow's -- I would suspect Dr. Snow's cases and his -- what is your most satisfying or most demanding or most emotionally trying case changes. He is now very actively involved in the problems in Bosnia, and is actually, I believe, involved in some war crimes trials.

Q. He consulted with your office in an attempt to resolve the identification of P54 and P71?

A. Yes, sir.

Q. And in addition, you had the assistance of Dr. Emily Craig?

Frederick Jordan - Direct

A. Yes, Dr. Emily Craig from the University of Kentucky. Yes, that's correct.

Q. And also associated with the Smithsonian Institute?

A. Dr. Craig, or Dr. Yukalar (phonetic).

Q. Well, I thought it was Dr. Craig.

A. She may be.

Q. Okay. And you had the assistance of Dr. Richard Jantz of the University of Tennessee?

A. I think that Dr. Snow talked to him, but I don't have any personal knowledge of that.

Q. And you had assistance in hair analysis from the FBI lab and the Oklahoma City Police Department?

A. Yes.

Q. And blood work analysis?

A. Serology, DNA work.

Q. Yes.

A. Are we talking about Part 54 still?

Q. Yes.

A. Okay.

Q. And others who assisted you in an attempt to identify it.

A. Are you asking me?

Q. Yes -- no, I'm asking.

A. I would say the only other one I can think of at the moment

on P54 would have been the Oklahoma City police crime lab that also looked at hair for us in an attempt to determine race.

Frederick Jordan - Direct

Q. Now, with respect to P71, was an examination of it made by your office visually?

A. Yes.

Q. And by X ray?

A. Yes.

Q. And anthropology?

A. Yes.

Q. Hair?

A. Yes. Hair -- not by our office; but hair analysis was done, yes.

Q. And the FBI did the DNA work?

A. On Part 71, they did DNA work, but it was not successful.

Q. And why is that?

A. They were unable to develop enough DNA to test.

Q. All right. So as it stands today, P71 is still in your custody. Is that correct?

A. That's correct.

Q. And still unidentified?

A. That's correct.

Q. Dr. Jordan, in an attempt to identify first P74 -- I'm sorry -- P54. Are you aware as a State Medical Examiner of actions of the FBI and other agencies concerning canvass of various facilities?

A. Did you say "canvass"?

Q. Canvass, yes.

Frederick Jordan - Direct

A. I think only in the most general terms. They kind of worked by themselves.

Q. Well, do you know whether the homeless shelters were canvassed?

A. I suspect they were. I've never seen any reports on that in writing.

Q. Well, let me ask you rather than take unnecessary time: Are you familiar with the work of FBI Special Agent Barry Black?

A. I know Barry Black. I don't know that I could tell you exactly what his work involves or what he's accomplished.

Q. Let me ask you if you are familiar with whether any of these facilities were checked by the FBI in an attempt to locate anyone not identified: Canvass of homeless shelters?

A. I assume they were, yes.

Q. Review of missing person records?

A. I believe that's true, too.

Q. Foot patrol officers canvassed neighborhoods?

A. Whether the FBI did that -- I suspect they did, but we had asked the Oklahoma City police to do that, too.

Q. Church canvassing?

A. That, I don't know.

Q. Blood bank canvassing?

A. I don't know. I've not heard of that directly.

Q. Public assistance locations canvassed?

Frederick Jordan - Direct

A. That, I don't know.

Q. Military sources canvassed?

A. I believe that's correct, yes.

Q. AWOL?

A. I believe that's correct, also.

MR. JONES: Your Honor, may I have just one second?

THE COURT: You may.

MR. JONES: May I approach, your Honor?

THE COURT: You may.

BY MR. JONES:

Q. Dr. Jordan, I've handed you a document that has been marked

for identification, I believe, as Defense Exhibit K2. Is that correct?

A. That's correct, uh-huh.

Q. Have you seen this document before? Do you recognize it?

A. Generally when I receive a document in the office, I put my

initials at the upper right-hand side to note that I have read it. I don't see them on this copy, so . . .

Q. All right.

A. So I don't know that I have seen it. I may have, but certainly -- I generally indicate that I have. There is some writing on here besides the typing that's not my writing. So if I did, I don't recall it.

MR. JONES: Is there an objection to this document?

MR. RYAN: Yes.

MR. JONES: I won't offer it.

I believe that's all the questions I have of

Dr. Jordan

Dr. Jordan.

And may I retrieve my offered exhibit?

THE COURT: Yes.

MR. JONES: Thank you, Dr. Jordan.

THE WITNESS: Thank you.

THE COURT: Mr. Ryan, do you have questions?

MR. RYAN: Yes, your Honor.

CROSS-EXAMINATION

BY MR. RYAN:

Q. Good morning.

A. Good morning, Mr. Ryan.

Q. As with Mr. Jones, you and I have spent a lot of time together in the last two years, haven't we?

A. In the last two years, we have.

Q. You have spent truly countless hours on this matter, have you not?

A. Oh, yes.

Q. Thousands?

A. I should imagine if we totaled it up it would get close to that.

Q. You said that early on after the bombing that everything was very confused and very chaotic, and you indicated that you worked 12 hour shifts. Did you stick to that regimen,

Frederick Jordan - Cross

Dr. Jordan?

A. No.

Q. How many hours a day did you work?

A. I don't know. It's a blur. I slept. I'm not a martyr. I

slept and I showered and I definitely ate, but --

Q. How many hours --

A. As the Chief Medical Examiner, you know, you're always on call. I was at the office daily for probably 14, 16 hours at least.

Q. How many hours a night did you sleep between April 19 and May 5?

A. I don't really know, Mr. Ryan. Enough so that I wasn't dangerous. I could still drive my car and work. I didn't have

any accidents during that time period.

Q. This was a very emotionally upsetting time for your office as well, wasn't it?

A. It was very difficult.

Q. You all debriefed one another at the end of a day?

A. Yes, we did.

Q. It must have been horrible, was it not, to deal with all of these parts?

A. It became an emotional burden.

Q. One of the things that you were asked on your direct examination was about the legs that came out of the building. How many legs came out of the building?

Frederick Jordan - Cross

A. Are we talking about left legs?

Q. All legs.

A. Total? Oh, dear. We have left legs, we have a total of nine. On right legs, I believe a total of five.

Q. So you had a total of 14 legs?

A. I believe that's correct, yes.

Q. From the day of April 19 until today, 14 legs have come out

of the building?

A. That's to the best of my recollection, that's correct.

Q. How many bodies have a socket, if you will, for lack of a better word, a location that is missing a leg?

A. That came out of the building?

Q. Yes, sir.

A. One that we know of.

Q. I'm talking about all bodies now, all the bodies that came out of the building.

A. Oh, you mean --

Q. How many of those bodies had a portion of the leg missing, all or a portion of the leg missing?

A. We have the eight on the right and the five on the left. I'm not sure I know exactly what you're asking me.

Q. Well, I'm not very artful about it. It's hard to talk about this.

A. No, I suspect it's me.

Q. You had -- I'm talking about people who came out of the

Frederick Jordan - Cross

building who did not have a leg on their body. How many of those people were there -- and what I'm really asking is not so

much the number of people as the number -- if one person had two legs missing, then I want you to count that twice; in other words, they'd have two spots where legs are missing. Are you with me?

A. I think so.

Q. I'm trying to find out how many people had how many spots where their legs should have been, missing.

A. If I'm understanding you correctly, we have eight -- oh, I know what you're saying now. There is an overlap between the eight and the five. I would have to look at some notes to answer that question. I'm sorry.

Q. Is it not a fact that there are 14 places where legs should go and 14 legs?

A. That, I am sure of; but as far as who lost both and who lost one --

Q. I'm not asking you specific people.

A. Good. I appreciate that.

Q. Let me go back to my question now: There are -- The medical examiner's office from April 19 to present has located 14 legs?

A. Yes.

Q. And there are 14 places on people where legs should go.

A. Right. And we have replaced 13 of those.

Frederick Jordan - Cross

Q. So you have an extra leg, but you also have a body buried without a leg; correct?

A. That's right. Sorry.

Q. I'm sorry.

A. Obtuse, I guess.

Q. It was a very poorly worded question. It's a difficult thing to ask about.

Now, these legs are not sharp, well defined legs like each of us have in this room, are they?

A. Right.

Q. The legs you're looking at?

A. Right.

Q. They're legs that have been through a terrible bombing. True?

A. Yes, sir.

Q. They are awful -- and mangled?

A. Yes, sir.

Q. And they are shredded?

A. To some extent, yes, sir, some of them.

Q. So that the jury does not misunderstand and the Court does not misunderstand, we're not looking at a clean-cut leg.

A. Only in extrication amputation.

Q. With respect to all the others, these are difficult sometimes to recognize exactly where the leg was cut, or at times some of these body parts are even difficult to recognize

Frederick Jordan - Cross

what they are?

A. That's probably true, yes.

Q. Now, we've talked about No. 2404, and I think there may be a little confusion about that. I think you might have misspoken with respect to when that body came out of the building. You said April 17. I know you didn't mean that, because the bombing was on the 19th. Do you recall when 2404 came out of the building?

A. No. I'm blocking on it. I bet you can tell me.

Q. Well, I can tell you, or I can just show you a record, or if you'll take my word for it --

A. 27th. I think the 27th.

Did I say 17th? I believe it's the 27th, early in the afternoon.

Q. The document may not tell you exactly when it came out,

DUC

it tells you when your office identified it?

A. It came out on the 27th. The document doesn't tell it.

This lady came out on the 27th somewhere between 1 and 3 in the

afternoon. I'm sorry. Poor computer people are also poor in numbers.

Q. When you received this body bag with the body and legs inside the bag, the medical examiner, Dr. Choi, believed that those legs, the two legs in the body bag, belonged to that person?

A. Yes, she did.

Frederick Jordan - Cross

Q. And as a result, the body was released to the family and the funeral home and was buried?

A. That's correct.

Q. And what you're telling Mr. Jones is later after the implosion, another leg was recovered?

A. That's correct.

Q. And that leg was found to belong to the lady that had been earlier buried?

A. That's correct.

Q. And we substituted legs?

A. That's correct.

Q. And so that becomes now the P71, the extra leg?

A. That's correct.

Q. And Ms. -- and the -- I don't want to mention the person's

name, but the person who was buried without the leg -- that leg

has still not been recovered?

A. The person buried without the leg --

Q. Not talking about the person that we exchanged legs with, but the other person -- you know who I'm talking about --

A. Oh, yes.

Q. -- that was buried without a leg? That leg has never been recovered?

A. That's right. We have one buried without a leg that we have never recovered a leg for. That's correct.

Q. Now, you have done some examination and testing and work on

Frederick Jordan - Cross

the leg that you have as P71?

A. That's correct.

Q. Based on the work that you've done, you believe that leg belongs to a female?

A. We don't have any good scientific evidence to prove that at

this point yet, but that is the impression that Dr. Balding and

I have. But it's an impression; it's not a scientificallv

quantifiable thing.

Q. I understand. And you've also measured the bones in the leg, this P71?

A. That's correct.

Q. And based on the measurement of the bones, can a scientist such as yourself estimate the height of the person that the leg belongs to?

A. Yes.

Q. And have you done that?

A. We -- yes. We took the measurements of the bones done by an anthropologist and looked at the tibia and put it into standard formulas that you can look up, and it comes out to be about 5' 4" to 5' 6" maximally. It depends on whether it turns

out to be male or female, black or white as to what statistically one would expect the height to be, but it's short.

Q. A relatively short person?

A. If it's a woman, it's not too short. If it's a man, it

Frederick Jordan - Cross

probably is.

Q. Now, you have not had the opportunity, of course, to go back to all the other caskets and open them up and see exactly what the situation is --

A. Thank God, no.

Q. -- regarding their legs. True?

A. That's true.

Q. And you're not, of course, going to do that.

A. I certainly hope not.

Q. So in terms of your ability to check P71 against the other

people removed from the building, that's just something you're not capable of doing.

A. We can only do it through our files, our records, our X rays, our photographs.

Q. Now, do you have some knowledge in connection with your investigation of this case concerning a person or persons who might have been sitting outside the building prior to the explosion?

A. Yes.

MR. JONES: If the Court please, I'm going to object to this, as I don't think Dr. Jordan can testify as to who was

sitting outside the building.

THE COURT: Well, he hasn't been asked yet.

You asked did he have some knowledge?

MR. RYAN: Yes, did he have some knowledge of that

Frederick Jordan - Cross

fact.

BY MR. RYAN:

Q. There is some evidence, is there not, Dr. Jordan, that there could have been people sitting out in front of the building?

A. I believe there is, yes.

Q. Yes.

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

THE COURT: Yes.

BY MR. RYAN:

Q. Now, P71 has been the leg that was removed from the casket that you have now. It's in your office. It's available for anyone to examine. Is that so?

A. Anyone authorized to examine it, yes.

Q. But if Mr. Jones had an expert that wanted to look at this leg, you would make that available?

A. Certainly.

Q. And in fact, you've made your entire office and all of the body parts available to any of the experts employed by the defense.

A. Yes, sir.

Q. Now, this leg that we're speaking of, P71: It was so thoroughly embalmed that DNA is not capable of being extracted.

That's your understanding?

A. I've tried two different sources for DNA typing on that

Frederick Jordan - Cross

leg, and neither has been successful.

MR. RYAN: Excuse me just a moment, your Honor.

Just a moment longer, your Honor.

THE COURT: All right.

BY MR. RYAN:

Q. Was there toenail polish on the toes of P71?

A. I don't think so. I don't remember.

Q. Excuse me?

A. I don't think so. I don't recall.

Q. All right.

A. I'm quite sure there wasn't, actually.

Q. Or at least there wasn't --

A. It wasn't available.

Q. -- by the time that it came to you some months later?

A. Yes.

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

THE COURT: Mr. Jones, do you have some follow-up?

MR. JONES: Yes, sir.

REDIRECT EXAMINATION

BY MR. JONES:

Q. Dr. Jordan, notwithstanding the confusion and the tragedy, as I understand it, your office was able to identify all of the bodies?

A. Yes, sir, we did.

Q. And release them to the families?

Frederick Jordan - Redirect

A. Yes, sir.

Q. And in addition to that, you were able to identify a number

of large body parts?

A. Yes, sir.

Q. And place them?

A. Yes, sir.

Q. And you had available to you, did you not, whatever resources of the federal government and the academic community you could draw on on the subject of identification of human remains?

A. That's correct.

Q. And you drew on them.

A. Yes, I did.

Q. And notwithstanding all of that assistance that was provided to you and available to you, you were not able to identify P71 as belonging to any of the 168 bodies recovered. Is that correct?

A. That's correct.

Q. But you were able to identify P54.

A. Yes, sir.

Q. Excuse me. In fact, you were able to identify it and to acknowledge that a mistake had been made and retrieve P71 from the casket it had been wrongfully placed into?

A. That's correct.

Q. That is -- would you say that's a dramatic demonstration of

Frederick Jordan - Redirect

the degree of science that was available to you?

A. That would be one way to look at it, yes.

Q. Now, with respect to -- I want to be sure I understand. Your testimony is that there were eight individuals missing left legs and you matched left legs to those eight.

A. That's correct.

Q. And there were five individuals missing a right leg.

A. Right.

Q. Are some of these individuals the same?

A. Yes.

Q. And were you able to match the right legs to all five?

A. No. Just to four.

Q. All right. And is the person that is buried the fifth one?

A. Yes.

Q. But that's a right leg that's missing?

A. That was a person buried without a right leg. We never recovered that.

Q. And was the left leg intact on that person?

A. Damaged, but it was attached.

Q. There is no doubt that P71 is a left leg.

A. No, there is no doubt.

Q. And as a physician, you know that there is no human being

Q. And as a physician, you know that there is no human being with two left feet except when dancing?

A. Correct.

Q. Now, you indicated that you took some measurements of P71.

Frederick Jordan - Redirect

Actually, as I understand, the anthropologist took the measurements?

A. The anthropologist took them, yes. The measurement we took

was just the general overall length of the leg. That's all.

Q. There is a certain tool that anthropologists use that measures portions of human bone and anatomy, is there not?

A. Yes, sir.

Q. And then there is a chart; is that correct?

A. Yes.

Q. In which -- and that chart is based upon, in theory, the height of men from the least to the most and then for women from the least to the most?

A. Yes, sir.

Q. Is that correct?

A. Yes, sir.

Q. But there is an area in between in which there is an overlap, isn't there?

A. Yes, there is.

Q. And certainly, you know men that are 5' 4" or 5' 6"?

A. That's correct.

Q. And shorter?

A. Probably, yes.

Q. And you know women that are taller than 5' 4", 5' 6"?

A. Oh, definitely, yes.

Q. Now, as I understand, when you examined P71, there was no

Frederick Jordan - Redirect

toenail polish on it?

A. I don't recall that, Mr. Jones, no.

Q. Do you know whether it is possible that the funeral home may have added toenail polish?

A. I do not know of my own knowledge.

Q. As far as you know, there is no toenail polish on it?

A. To the best of my recollection as I sit here, yes, without looking back at files, which I don't have.

MR. JONES: Yes. Thank you, sir.

THE COURT: Mr. Ryan?

MR. RYAN: A few more questions, your Honor.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. RYAN:

Q. Dr. Jordan, Part 54, the one you weren't able to identify to the lady that had been buried: There was DNA able to be extracted from that leg. Is that so?

A. Yes. The FBI did extract DNA from Part 54.

Q. And that's what enabled you, or the FBI, or both of you to

place or identify that leg with that body?

A. Well, I think it honed into the point where we were able to -- through their work, their extensive work -- were able to identify who we felt it was; and then they were able to acquire the footprints and identify the body absolutely through the footprints.

Frederick Jordan - Recross

Q. And that's --

A. Of the leg -- excuse me -- absolutely through the footprints.

Q. Excuse me. And that's the problem we have with P71: No one has been able to do what they had done with P54?

A. Right. We have not been able to develop enough DNA to work with.

Q. So that's why you're not able to make any kind of identification or even get a run at identification?

A. That would give us some progress. At least it would give us something to compare to other things, and we don't have that

capability. I'm sure that we can't because we've done it in two good laboratories and neither one can develop it.

Q. Now, this leg that we're talking about, the one you believe

belongs to a female around 5'4" to 5'6": This is a leg that is relatively intact, is it not?

A. It has a fracture through the femur. It has a fracture through the fibula, which is the smaller of the two leg bones, and it has above the knee and, to some extent, below the knee a great deal of soft tissue damage, laceration and blunt force -

- what looks to be blunt force damage.

Q. But the foot is not in any way disintegrated. The bones have not shredded apart?

A. No.

Q. If you had the leg here, you would recognize it as a leg.

Frederick Jordan - Recross

It's got a foot that's very distinct. It's got a form that is easily recognizable?

A. Yes, sir.

Q. And you found no additional heads?

A. No additional what?

Q. Heads that you couldn't match?

A. That we couldn't match? No, we found no heads we could not match.

Q. You found no arms you could not match?

A. That's correct.

Q. You found no torsos you could not match?

A. That's correct.

Q. You found no large bones that you could not match?

A. That's correct.

Q. In fact, the total amount of these parts that you have been

speaking of from all of these victims that was recovered is about 14 pounds.

A. Yes, sir.

Q. I'm not talking about the leg but in addition to the leg.

A. We're not talking about the leg. You're talking about the small parts.

Q. The small parts that you talked about.

A. The small parts that we recovered -- it's about 18.

Q. 18 pounds?

A. Yes.

Frederick Jordan - Recross

Q. And the parts that are missing from the 168 people that they were not buried with are a great deal more than 18 pounds?

A. Yes, they are.

Q. Correct?

Now, the -- you've told us the leg -- not scientific, but your impression is it belongs to a woman. Is the body that

was buried without the leg: Is that also a woman?

A. Yes, sir.

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

REDIRECT EXAMINATION

BY MR. JONES:

Q. Dr. Jordan, is your opinion, if it is that, that this leg belongs to a woman based upon the bone structure and the weight

or the measurement, rather, by the anthropologist?

A. No.

Q. What else is it based on?

A. It's based basically simply on the fact that when we looked

at it under a dissecting microscope, it looked as if the hair had been shaven. And simply based on that, we think that is one factor in favor of the leg being female. Obviously, it's not very definitive because some athletes shave their legs, any

number of things.

Q. And some women do not?

A. That's correct. That is just our opinion. It is not very scientific. It's just -- we're trying -- we're going to

Frederick Jordan - Redirect

continue to try to identify this

continue to try to identify this.

Q. Sure.

A. And we're just trying to develop any indication, any clue that we have that might lead us somewhere.

Q. Dr. Jordan, are you familiar with the literature involving explosions where an entire body can be disintegrated except just one piece of the anatomy?

A. Yes.

Q. And in fact, that's widely reported in the literature, isn't it?

A. Yeah. Dr. T.K. Marshall has written about that and reported it.

Q. And Dr. T.K. Marshall is retired Chief State Pathologist for Northern Ireland, isn't he?

A. Yes, he is.

Q. Where, unfortunately, they have a lot of bombings?

A. That's correct.

Q. A lot of ammonium nitrate bombings, don't they?

A. My understanding from reading Dr. Marshall's articles.

Q. Is he a recognized authority in the area of forensic pathology?

A. He certainly is by me. I think he is by everyone. I think

we all admire him for what he's gone through and what he's been

able to do. I personally admire him greatly.

I had breakfast with him, as a matter of fact.

Frederick Jordan - Redirect

Q. Who paid?

A. He did -- No, actually, he didn't. I don't know who paid, because it was one of those freebie breakfasts.

Q. Well, certainly, you recognize him and regard him as an expert in forensic pathology and the recovery of remains from bombs, do you not?

A. Certainly.

MR. JONES: Nothing further.

MR. RYAN: One more question, your Honor.

THE COURT: All right.

RE-CROSS-EXAMINATION

BY MR. RYAN:

Q. Do you know of any instance in your experience or -- where a person has disintegrated but a leg has been intact?

A. No. I've never seen anything like that, nor have I read anything like that.

Q. Even by Dr. Marshall?

A. Except that one case that Dr. Marshall reports.

Q. What was the body part in that case?

A. The body part in that case was a penis.

Q. It was hardly a leg, a large leg like you've described for us?

A. That's correct.

MR. RYAN: No further questions.

REDIRECT EXAMINATION

Frederick Jordan - Redirect

BY MR. JONES:

Q. Excuse me. I thought you described a small leg, Dr. Marshall. Which is it? I'm sorry, Doctor. I haven't promoted

you yet. Dr. Jordan. I thought you described a small leg.

A. A small leg?

Q. Yes.

A. I don't know where you're going, Mr. Jones. You've lost me.

Q. Well, how long is the leg?

A. How long is this leg?

Q. Yes.

A. Oh, 16, 18 inches.

Q. And you thought it belonged to a person that weighed -- or stood between 5' 4" and 5' 6"?

A. That's right.

MR. JONES: Okay. Thank you.

THE COURT: I think you're going to be excused now.

Is that right? We're excusing Dr. Jordan?

Okay.

MR. RYAN: Yes, your Honor. He may be recalled, however.

THE COURT: Well, he can go back, however, and --

MR. JONES: Yes, your Honor.

THE COURT: -- be notified in advance?

MR. RYAN: Yes, your Honor.

THE COURT: All right. You may return.

THE WITNESS: Thank you very much.

THE COURT: Members of the jury, we'll take the noon recess at this time, as usual, till a little after 1:30. And we again, of course, caution you -- I doubt that you would want

to discuss this testimony over lunch; but, of course, you have to avoid discussion of anything that you've been seeing and hearing as the testimony and evidence in this case, continue to

be careful, keep open minds, and avoid anything outside the evidence.

You're excused till about 1:32.

(Jury out at 12:01 p.m.)

THE COURT: Be in recess.

(Recess at 12:02 p.m.)

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Cross-examination by Mr. Orenstein

Frederick Jordan

Direct Examination by Mr. Jones
Cross-examination by Mr. Ryan
Redirect Examination by Mr. Jones
Recross-examination by Mr. Ryan
Redirect Examination by Mr. Jones
Recross-examination by Mr. Ryan
Redirect Examination by Mr. Jones

PLAINTIFF'S EXHIBITS

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
|---------|---------|----------|---------|----------|-----------|
| 290 | 10175 | 10175 | | | |
| 1248 | 10240 | 10240 | | | |
| 1253 | 10236 | 10237 | | | |

DEFENDANT'S EXHIBITS

| Exhibit | Offered | Received | Refused | Reserved | Withdrawn |
|---------|---------|----------|---------|----------|-----------|
| D13 | 10151 | 10154 | | | |
| F15 | 10201 | 10201 | | | |

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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 22d day of May, 1997.

Paul Zuckerman

Bonnie Carpenter