

Testimony Backfires on Defense At Oklahoma City Bombing Trial

By JO THOMAS

DENVER, May 23— A defense witness who was expected to help Timothy J. McVeigh's effort to show that someone else bombed the Federal Building in Oklahoma City instead testified today that one of the men she saw fleeing the scene could have been Mr. McVeigh.

The testimony of Daina Bradley, who lost her family and a leg in the blast, seemed to have backfired on the defense. Ms. Bradley was expected to say, as she has previously, that just before the explosion she saw a dark-complexioned man, one not resembling Mr. McVeigh, leave the passenger side of the Ryder truck that held the bomb and walk swiftly away.

But she testified that she now remembered a second man, who got out of the driver's seat of the truck. And, on cross-examination, she added that although she did not get a good look at the man, he could have been Mr. McVeigh.

Prosecutors also elicited from Ms. Bradley the disclosure that she has serious memory problems and has suffered from psychiatric illnesses since childhood. She testified that she had been in a mental health institution from the age of 7 to 16.

Late in the afternoon, the defense offered a witness who did cast doubt on the prosecution's version of events before the bombing. A waitress from Junction City, Kan., said she saw Mr. McVeigh at a local Texaco station at 4:30 P.M. on Easter Sunday, April 16, 1995. At that time, prosecutors have suggested, Mr. McVeigh and his co-defendant, Terry L. Nichols, were already on their way to Oklahoma City to drop off a getaway car for the bombing.

Mr. McVeigh is charged with murder and conspiracy in the bombing, which killed 168 people, but no prosecution witness has been able to place him in Oklahoma City on the day of the crime. Prosecutors have already conceded that Mr. Nichols, who will be tried later, was not in Oklahoma on the day of the bombing.

Ms. Bradley, 21, told the jury in a halting voice that often became inaudible that on the day of the bombing she had gone to the Social Security office on the first floor of the Federal Building to get a Social Security number for her son Gabreon Bruce, who was 4 months old.

She took the baby and her daughter, Peachlyn Bradley, 3, with her, she said. Her mother, Cheryl Hammons, 44, and her sister, Falesha Bradley, also went. They arrived early, Ms. Bradley testified, and Ms. Hammons stood in line while Ms. Bradley filled out the paperwork.

While they waited, Ms. Bradley said, she looked out the windows and saw a Ryder rental truck pull up and park. Then she said, two men got out.

The driver, whom she described as a white man with a baby face, crossed the street and walked out of sight, she said. The passenger got out on the side facing her, she said, walked to the rear of the truck, then turned and walked swiftly away.

"It was a olive-complexion man with short hair, curly, clean-cut. He had on a blue Starter jacket, blue jeans, and tennis shoes and a white hat with purple flames," she testified, adding that the hat was a baseball cap.

By the time agents from the Federal Bureau of Investigation interviewed her in her hospital bed on May 3 and 4, 1995 Ms. Bradley testified, she had seen on television a composite sketch of a suspect who became known as John Doe

No. 2.

Prosecutors at first said the truck that carried the bomb had been rented by two men: Mr. McVeigh and someone whom they referred to as John Doe No. 2. But John Doe No. 2 has never been found, and prosecutors now say they doubt his existence.

Ms. Bradley testified that she recognized the dark-skinned man as John Doe No. 2 and told the F.B.I. agents, "I had seen him get out of the truck." She said she repeated that account when reinterviewed by the F.B.I., and, later in 1995 by an investigator for the defense.

"I told them that he had got out of the truck, went to the back of the truck, and proceeded to walk very fast forward in front of the truck," she testified. "He went back on the sidewalk and left."

Moments later, Ms. Bradley told the jury, there was a flash as the bomb exploded. Her mother and both her children were killed, her sister was seriously injured, and she was trapped under the rubble for five hours. Rescuers had to amputate her leg to free her.

Ms. Bradley, who has married and given birth to a son since the bombing, has shunned interviews with the press. She told Cheryl A. Ramsey, the defense lawyer who questioned her today, that she had not wanted to testify and that she did so only because she had been subpoenaed.

Ms. Bradley said that for two years she had not told anyone that she saw more than one man leave the truck. Not until last week, when Mrs. Ramsey spoke with her for the first time, she said, did she tell anyone that she had seen the second man. Ms. Bradley said she repeated this version of events when interviewed by United States Attorney Patrick M. Ryan, a prosecutor who spoke with her for the first time two days ago.

"I'm sorry to have to be asking you some questions now," Mr. Ryan said gently as he began his cross-examination.

He reminded her of his interview with her and said: "You told me that there was nothing that you saw about the man that ran across the street that was different than what you could see when you looked at Mr. McVeigh. There weren't any differences that you could see."

She answered, "Yeah."

"Now, you told the F.B.I. from the very beginning in this case that you did not have a good memory, didn't you?" he asked.

When she answered yes, he reminded her that she had told them she had been through a lot of trauma.

"You've had a really rough childhood, haven't you?" he asked.

When she answered yes, he asked, "You were in a psychiatric home, hospital, when you were 7 years old? And you were in a -- a mental health facility from the age of 7 until the age of 16; is that right?"

Again, she answered, "Yes."

Under further cross-examination, Ms. Bradley said she could not remember the size of the truck -- she thought it was not a large one -- and that it might have been facing the wrong way on a one-way street. Other testimony has established that the truck was large and was parked in the right direction.

At the end of the afternoon, the defense lawyers called Nancy Kindle, a waitress at Denny's Restaurant in Junction City, where the prosecution says Mr. McVeigh spent the weekend before the bombing.

Ms. Kindle told the jury that Mr. McVeigh and two other men came into the restaurant about noon on Easter. The restaurant was crowded and she made a list of people waiting for tables. She remembered his name because she

had to ask him how to spell "McVeigh," she said. One of his companions, she said, was "scraggly looking," and about 5 foot 7. She could not remember what the third man looked like.

Later that day, at 4:30 P.M., she said, she saw Mr. McVeigh again, at a Texaco station in Junction City. She said hello to him, she said, and she remembered him because "he had a cute appearance to me."

Ms. Kindle's sighting of Mr. McVeigh conflicts with Mr. Nichols's account to the F.B.I. about that day's events and, also, in a different way, with a scenario advanced by prosecutors, who have not been allowed by Judge Richard P. Matsch to introduce Mr. Nichols's statements.

According to testimony in pretrial hearings, Mr. Nichols told the F.B.I. that Mr. McVeigh called him on Easter about 3 P.M. and asked him to come to Oklahoma City to pick him up. Mr. McVeigh said his car had broken down, Mr. Nichols said, and on the drive back to Kansas remarked that something big was going to happen.

Evidence introduced in the trial has shown that the call to the Nichols's home came from a telephone booth a few blocks away from the residence, not from Oklahoma City, and prosecutors have suggested that the two men made the four-and-a-half-hour drive to Oklahoma City to drop off Mr. McVeigh's car for a getaway after the bombing.

Prosecutors have shown the jury frames from a videotape taken by a security camera in the Regency Towers apartments, a block from the Federal Building. These show a pickup truck similar to the one owned by Mr. Nichols passing the apartment building later that day. Prosecutors say Mr. McVeigh parked his car in an alley nearby.

Photo: Daina Bradley testified yesterday in the bombing trial. Ms. Bradley, right, was escorted by her lawyer into the Federal courthouse in Denver. (Associated Press)(pg. 10)