

**Saturday, May 31, 1997 (afternoon)**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,

Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury - Volume 127)

Proceedings before the HONORABLE RICHARD P. MATSCH,  
Judge, United States District Court for the District of  
Colorado, commencing at 4:58 p.m., on the 31st day of May,  
1997, in Courtroom C-204, United States Courthouse, Denver,  
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription  
Produced via Computer by Paul Zuckerman, 1929 Stout Street,  
P.O. Box 3563, Denver, Colorado, 80294, (303) 629-9285

APPEARANCES

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

STEPHEN JONES and ROBERT NIGH, JR., Attorneys at Law,  
Jones, Wyatt & Roberts, 999 18th Street, Suite 2460, Denver,  
Colorado, 80202; JERALYN MERRITT, 303 East 17th Avenue, Suite  
400, Denver, Colorado, 80203; CHERYL A. RAMSEY, Attorney at  
Law, Szlichta and Ramsey, 8 Main Place, Post Office Box 1206,  
Stillwater, Oklahoma, 74076, and CHRISTOPHER L. TRITICO,  
Attorney at Law, Essmyer, Tritico & Clary, 4300 Scotland,  
Houston, Texas, 77007, appearing for Defendant McVeigh.

\* \* \* \* \*

PROCEEDINGS

(In open court at 4:58 p.m.)

THE COURT: Be seated, please.

There have been no communications from the jury today,  
and I'm ready to recess their deliberations. We'll bring them

in.

(Jury in at 4:59 p.m.)

THE COURT: Members of the jury, good afternoon.

JURORS: Good afternoon.

THE COURT: It is 5:00, and it's time to recess for the day. And of course, I returned you to the courtroom for the purpose of formally recessing your deliberations and to remind you of the rule, the procedural rule that is applicable that your deliberations take place here in the courthouse in the rooms assigned for your use and nowhere else. And therefore, as you now leave the courthouse to relax and rest, you must remember that you are not functioning as a jury when you're aware from here and that you work as a jury only when you are here and are behind closed doors and doing your deliberations with your foreperson presiding.

I'm sure it's not necessary for me to tell you that. You know that. But this is just like all of the cautionary instructions that I gave you at every time we recessed during the course of the trial; that there is a formalism, there is a procedure, that all of us must follow. And the purpose then, as I say, of returning you here is to make sure on this record that the formal requirements are being followed.

Now, it's my understanding that you're agreeable to resume deliberations tomorrow morning at about the same time as today. Is that the case?

JURORS: Yes.

THE COURT: Very well. Then with the caution, therefore, that you should not now talk about the case among yourselves or obviously with any other person or come into contact with anything outside the evidence in the case that could possibly influence you and affect your decision, which as you well know, according to the instructions, must be made on the law and the evidence. We'll recess these deliberations and excuse you until you return to the courthouse tomorrow morning.

And you won't be alone. We'll be here.

You're excused.

(Jury out at 5:02 p.m.)

MR. JONES: Your Honor, may we approach the bench?

THE COURT: Yes.

(At the bench:)

(Bench Conference 127B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: I just was discussing with counsel their availability. There are no big secrets up here.

We'll be in recess subject to call.

(Recess at 5:05 p.m.)

\* \* \* \* \*

REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from

the record of proceedings in the above-entitled matter. Dated  
at Denver, Colorado, this 31st day of May, 1997.

---

Paul Zuckerman