

Thursday, June 5, 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 134)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 8:30 a.m., on the 5th day of June,
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

PATRICK M. RYAN, United States Attorney for the
Western District of Oklahoma, 210 West Park Avenue, Suite 400,
Oklahoma City, Oklahoma, 73102, appearing for the plaintiff.

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

STEPHEN JONES, ROBERT NIGH, JR., RICHARD BURR, and
RANDALL COYNE, Attorneys at Law, Jones, Wyatt & Roberts, 999
18th Street, Suite 2460, Denver, Colorado, 80202; MANDY WELCH,
Attorney at Law, 412 Main, Suite 1150, Houston, Texas, 77002;
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 8:30 a.m.)

THE COURT: Be seated, please.

Good morning.

I have a witness list here for today, and I've
reviewed this -- I see that you have Clint Seidl. He's the
young boy.

MR. HARTZLER: Yes.

THE COURT: I reviewed his statement, and I'm concerned about it. This statement includes his observation of his mother in her casket, and I don't believe that's appropriate.

MR. RYAN: Fine, your Honor. I'll have that deleted from his statement, and I'll notify him at the noon hour.

THE COURT: And I also don't think he should testify. Perhaps reading the statement with that deleted and identifying it as a son's statement -- is the father going to testify?

MR. RYAN: Just for -- if the son testifies, then the father will only testify for --

THE COURT: -- foundation.

MR. RYAN: -- foundation.

THE COURT: Well, I've reflected on that, and I know that I said it could be done; but in view of the impacts yesterday on the jury and some of the more poignant testimony, I believe it would be inflammatory.

MR. RYAN: For him to testify at all or for that passage?

THE COURT: For him to testify, a boy of that age and obvious innocence, apparently. So I will exclude it.

Now, we have with today's other witnesses, three who have seen some of the case?

MR. HARTZLER: That's correct.

THE COURT: And Mr. Manspeaker tells me that you reported to him that two of them just saw the verdict, the return of the verdict.

MR. HARTZLER: That's also correct.

THE COURT: Do you want to voir dire them if all they saw was the return of the verdict? That's Kay Ice and Peggy Broxterman.

MR. HARTZLER: Yes, your Honor.

MR. JONES: We have some concern about their testifying. Miss Broxterman, the Court may remember, is the lady whose picture was on the front page of the newspaper in the evening news with her arms raised over her head.

THE COURT: No, I don't.

MR. JONES: It was the very dramatic front page picture.

THE COURT: All right. And the other is Jeanne Gist.

MR. HARTZLER: Correct, Jeannine.

THE COURT: She has seen some of the testimony and trial proceedings.

MR. HARTZLER: Yes.

MR. GOELMAN: Your Honor, she saw some of the testimony in Oklahoma City. I don't think she's seen very much of it.

THE COURT: Well, we might as well just take them in order and whatever time it takes, we'll do it. Kay Ice is the first according to the sequence you've got outlined here.

MR. MACKEY: Your Honor, I can proffer as to Mrs. Ice's testimony.

THE COURT: Yes, please.

MR. MACKEY: She's the sister of Paul Ice, who was killed in the bombing, the Customs agent. And on behalf of the family, she will describe the impact of his loss. She was

living in Oklahoma City for several months prior to the time of the bombing, shared time with her brother, that sort of thing.

THE COURT: Knows something about his law enforcement career?

MR. MACKEY: Yes.

THE COURT: Okay.

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

(Kay Ice 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: Sharon Kay Ice, I-C-E.

THE COURTROOM DEPUTY: Thank you.

EXAMINATION

BY THE COURT:

Q. Ms. Ice, we've asked you to come in before your appearance

Kay Ice - Examination (Out of the presence of the jury) before the jury in trial because I think you're probably aware of a ruling that I made early on in this proceeding concerning persons who are going to appear as witnesses even here in this penalty phase who have seen all or part of the trial proceedings.

A. Correct.

Q. And then that was -- I reversed that ruling because of a -- an enactment by the Congress. And now the reason that we're here to ask you a few questions to determine whether you should testify is on the knowledge that you have seen -- as I understand it -- all you have seen is the return of the verdict?

A. Correct.

Q. And were you here in this courtroom?

A. I was in this courtroom.

Q. And of course you saw the reading of the verdict and the reactions of the people in the courtroom, and also you observed Mr. McVeigh at that time, the defendant.

A. Very briefly. I was on the back row, and I really didn't see him until he was escorted out.

Q. All right. Just tell me, if you will, what reaction you had seeing what you saw.

A. You know, I had an internal reaction to the verdict, and I think that was -- that was primarily all that I was focused on.

Q. You're going to be asked questions, as I understand it,

Kay Ice - Examination (Out of the presence of the jury) about your brother's law enforcement career and the effects on the family of his death as a result of this bombing.

A. Yes.

Q. A question for you to answer for us is whether what you saw and felt, heard here in the courtroom previously would in any way influence the testimony that you expect to give.

A. Absolutely not.

THE COURT: Do you have any questions?

MR. JONES: I have one or two, your Honor.

THE COURT: All right.

MR. JONES: Do you want me to stand here?

MR. JONES: DO you want me to stand here:

THE COURT: That's fine.

CROSS-EXAMINATION

BY MR. JONES:

Q. Ma'am, when would -- could you tell me, when the verdict came in, were you sitting in your seat?

A. Yes, sir.

Q. You did not kneel or change your sitting position?

A. No. No.

Q. All right.

MR. JONES: Thank you very much. That's all.

THE COURT: Thank you. When you come back in, as you will, to be testifying, we'll give you the oath again, but that's just because the jury needs to see each witness take the oath. That's part of the demeanor and manner of the witness on the stand. Thank you.

Next.

MR. HARTZLER: Peggy Broxterman.

THE COURT: What's she going to testify?

MR. MACKEY: She's the mother of Paul Broxterman, the HUD agent with the office of Inspector General, who was killed. She will give an overview of his military and law enforcement career and describe the impact of her son's loss.

THE COURT: Thank you.

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

(Peggy Broxterman affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Peggy Joanne Godby Broxterman,
B-R-O-X-T-E-R-M-A-N.

EXAMINATION

BY THE COURT:

Q. Mrs. Broxterman.

A. Yes.

Q. We've asked you to come in before you appear as a witness in the trial. You see that the jury is not here. And this is sort of a preliminary inquiry of you because it's my information that you were in the courtroom here when there was

Peggy Broxterman - Examination (Out of the presence of the jury)

the return of the verdict.

A. I was in the auxiliary.

Q. The auxiliary?

A. Yes, sir.

Q. So you heard it without seeing it?

A. Yes.

Q. Have you seen any part of the trial?

A. No, sir.

Q. Either here or in Oklahoma City?

A. No. No.

Q. So you listened in with others in the auxiliary courtroom?

A. Yes.

Q. And the question here is whether anything that you experienced in connection with that would influence the testimony that you are to give in this matter. My understanding is that you are the mother of Mr. Broxterman who was killed in the bombing --

A. Correct.

Q. -- and know something of his military and law enforcement career and would be testifying about that.

A. Yes.

Q. So what I have to ask you is whether your testimony -- and only you can tell us this, really -- would be influenced -- or will be influenced by your perception of this case from what you heard when you --

Peggy Broxterman - Examination (Out of the presence of the jury)

A. No.

Q. -- heard the return of the verdict.

A. No. No, it -- no.

Q. So you're telling us, as I understand it, that you wouldn't be testifying any differently if you had not --

A. That's correct. My testimony will not be influenced by anything.

Q. Okay.

THE COURT: I think I understand this. I'll ask the defense if you wish to voir dire.

MR. JONES: Yes, your Honor.

THE COURT: All right. Mr. Jones.

CROSS-EXAMINATION

BY MR. JONES:

Q. Just a few questions, ma'am.

A. Yes.

Q. Other than sitting in the room next door, have you observed any of the other part of the trial?

A. No.

Q. So you didn't attend any of the television --

A. No, I'm from Las Vegas, and I didn't go to Oklahoma.

Q. All right. Mrs. Broxterman, when the verdict came in, did it have an impact on you?

A. Yes.

Q. And would you describe for me just briefly the impact it

Peggy Broxterman - Cross (Out of the presence of the jury)
had on you.

A. Exhilaration.

Q. So receiving -- hearing the verdict being received had the impact on you to make you exhilarated; is that correct?

A. Yes, very happy.

Q. And then after the verdict came in, did you go out to the front of the courthouse?

A. Yes, I went out through the front door.

Q. And did you raise your arms and say to the members of the press, "Yes, yes," or words to that effect?

A. I said, "Justice is done."

Q. "Justice is done," thank you. And you repeated that several times, as I recall?

A. I . . . probably.

Q. Yes. And then that scene of you raising your hands and saying, "Justice is done," you know appeared on the front page of the Rocky Mountain News?

A. I think it did.

Q. Yes. And also on each of the evening news telecasts from New York; correct?

A. I guess so. I don't know.

Q. And did it also appear on the local broadcasts? Do you know?

A. I don't know. I didn't see it.

Q. All right. Now, have you also since then or during that

Peggy Broxterman - Cross (Out of the presence of the jury) time appeared on various programs such as "Nightline"?

A. "Nightline," no.

MR. JONES: I don't believe I have any further questions. Thank you.

THE COURT: Thank you. When you come back in to testify, you'll be given the oath again.

THE WITNESS: Okay.

THE COURT: That's just so the jury can see you take the oath as every other witness. That's part of their being able to evaluate the demeanor and manner of the witness and their testimony.

THE WITNESS: Okay. Thank you.

THE COURT: You may step down.

Wait.

With respect to Miss Broxterman, I don't see that there's any problem with her other than -- you know, she'd reacted to it, but she could react to it just by getting the news of it without having heard it in the courtroom.

MR. JONES: I understand, your Honor.

THE COURT: All right. So we'll go to Jeanne Gist. What's she going to testify about?

MR. GOELMAN: Your Honor, she's the mother of Karen Gist Carr, who was 32, worked in Army Recruiting and was killed in the bombing. She'll testify about the impact of Karen's death on her and the family.

MR. HARTZLER: Her name is actually misspelled. It's Jeannine.

THE COURT: Okay. Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Jeannine Gist 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: Jeannine Gist, G-I-S-T.

THE COURTROOM DEPUTY: Thank you.

VOIR DIRE EXAMINATION

BY THE COURT:

Q. Mrs. Gist, we're wanting to ask you a few questions

regarding your having seen portions of the trial.

A. Yes, sir.

Q. And whether that has had any influence or impact on you that would influence your testimony. I think you know about the background of why we're doing this, because at one time I excluded all witnesses --

A. Yes.

Q. -- including penalty phase witnesses, and then that was changed as a result of a change in the law. And then what I'd ruled was that when people have seen all or part of the trial, we would ask them about whether their testimony would be affected or has been affected by it. So that's why we're here

Jeannine Gist - Examination (Out of the presence of the jury) without the jury being here and before we resume the trial.

Now, tell us, first off, what you did see and where.

A. I saw the opening statements, the first two days of the trial, and the morning of the closing statements.

Q. Were you here?

A. No, I was at the closed-circuit in Oklahoma City.

Q. All right. And you of course -- and you saw all of the opening statements, the Government's and the defendant's?

A. Yes.

Q. And then the first day or two of testimony?

A. No, I saw the first two days of the trial, which included the opening statements of both attorneys and there was some testimony the second day.

Q. Yes. All right. And then again towards the end of the trial?

A. The closing statements. I got locked out the last half, so I didn't see the last half of that.

Q. You got locked out?

A. Yeah, well, during break they don't let you back in if you miss the -- so I didn't see the last half of the closings.

Q. All right. Well, and as I understand it, what you're being -- going to be called as a witness for in this case is to talk about the loss of your daughter?

A. Yes.

Q. Karen Gist Carr?

Jeannine Gist - Examination (Out of the presence of the jury)

A. Yes.

Q. And at the time that you watched on the closed-circuit television monitor there in Oklahoma City, you saw -- of course saw all of the participants here in the well? We call this the well of the court.

A. Yes.

Q. And I guess from a distance, as if you were seated in the back here, you saw Mr. McVeigh.

A. Uh-huh.

Q. And could observe his demeanor and manner --

A. Uh-huh.

Q. -- on the days that you watched. Also his lawyers and

2. on the days that you watched. Also his lawyers and their statements and objections and --

A. Yes.

Q. -- and the flow of the case.

The question for you is -- to answer for us is what impact that may have had on you in terms of your ability to testify in the same way as you would if you had not seen it.

A. Well, I don't believe that that had an impact on me. In the first place, you can't even see the expressions on the closed-circuit in Oklahoma City. You can see bodies, but it's hard to even determine who's who.

Q. Well, I'm sorry it isn't better. I didn't design the system.

A. Yeah.

Jeannine Gist - Examination (Out of the presence of the jury)

Q. But you had some emotional reaction to some of those things, probably.

A. Yeah. Sure.

Q. And only you can tell us this. I mean I'm not trying to cross-examine you --

A. Well, it's not going to impact the way I feel about the loss of my daughter.

Q. All right.

A. You know, that's what I'm here to testify for.

Q. You understand what I'm concerned about, and one of the reasons for all this is whether your testimony would be influenced by anger different from whatever anger you may already have felt before you did or a need for revenge --

A. Oh, no.

Q. -- or those things?

A. No, anger doesn't seem to be a part of it. It's just mostly sorrow and just grief.

Q. Okay. Well, I'm sorry, you know, that we have to put you through this additional part of it, but I hope you understand the reasons.

A. Certainly.

THE COURT: Do you have any questions?

MR. JONES: I don't have any questions. Thank you.

THE COURT: All right. Thank you. You may step -- oh, when you come back in to testify, we'll give you an oath. It isn't that we don't believe you after this one, but the jury should see each witness take the oath.

THE WITNESS: Yes.

THE COURT: As part of their observations of the witnesses.

THE WITNESS: Yes.

THE COURT: You may step down.

THE WITNESS: Thank you.

THE COURT: Are those all the preliminaries?

MR. JONES: Yes, your Honor. If I may, first, renew our constitutional argument.

THE COURT: Yes.

MR. JONES: As the Court has noted. The witness that I have greatest concern about of any of these is Mrs. Broxterman, and I know the Court has made its ruling, but I wondered if the Court would consider my request that the

Government counsel speak to Mrs. Broxterman again.

This is my concern: The lady was obviously impacted by the verdict, and the word that she used was "exhilarated," and she was full of energy. And my concern is that no matter what careful admonitions and counsel the Government lawyers have given here and I'm sure they have given her, that once she gets into the Court and that adrenaline starts to pump and it gets away from us before we can impose the objection. I don't know that that could happen, of course, but I did see Miss Broxterman and I certainly understand her emotion and certainly was not inappropriate for the circumstances there just as long as it doesn't also come in here. Other than that, that's my concern.

THE COURT: Yes, I don't think that she -- as I said -- she's different from others who may have had an emotional response to the verdict, no matter how they heard it.

But you will of course caution the witness to not go beyond the questions and to limit the testimony in accordance with the overall guidelines.

MR. MACKEY: Your Honor, we have already spoken with Mrs. Broxterman about the decorum necessary for the courtroom.

THE COURT: All right. Well, we can take 10 minutes, then, before we start. We'll be in recess till 9.

(Recess at 8:51 a.m.)

(Reconvened at 9 a.m.)

THE COURT: Be seated, please.

Are we ready for the jury?

MR. HARTZLER: We are. Thank you.

THE COURT: Okay.

(Jury in at 9 a.m.)

THE COURT: Members of the jury, good morning.

JURORS: Good morning.

THE COURT: We're ready to resume this hearing with the next witness.

MR. HARTZLER: Government calls Sharon Coyne.

THE COURT: All right.

MR. HARTZLER: Miss Behenna will question her.

THE COURT: Thank you.

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

(Sharon Coyne 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: Sharon Rose Coyne, C-O-Y-N-E.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. BEHENNA:

Q. Miss Coyne, where do you live?

A. I live in Moore, Oklahoma.

Q. Are you employed?

A. I am employed.

Q. Where are you employed?

A. For the courts, for the federal courts, Western District of Oklahoma.

Q. And how long have you been in that job?

A. I want to say a little over two years, two-and-a-half years.

Q. Prior to that, where did you work?

Sharon Coyne - Direct

A. I was -- I was at Drug Recovery, Incorporated, for only a couple of months. Before that, I was in the military.

Q. And what branch of the military were you in?

A. Army.

Q. How long were you in the military?

A. I served active duty for four years and reserves up until July of this year.

Q. What did you do while you were in the Army?

A. I was military intelligence. Was a Russian linguist.

Q. Were you stationed here in the United States, or elsewhere?

A. I was -- well, I did a lot of my training here in the United States, and I was stationed in a division in W=81rzburg, Germany.

Q. How long were you in Germany?

A. Two years.

Q. While you were in Germany, did you meet your husband?

A. I did. He was, I guess by an act of God, stationed there, too. We had met briefly before we went to Germany, and then by chance were stationed together there.

Q. And you met and got married?

A. And we met and fell in love and got married.

Q. Did you have any children?

Well, if I may lead a little.

THE COURT: Lead, yes.

BY MS. BEHENNA:

Sharon Coyne - Direct

Q. It's true that you had a daughter, you and your husband, Scott; right?

A. Yes.

Q. And her name was Jaci Rae?

A. Jaci Rae. Her middle name was after my sister.

Q. When was Jaci Rae born?

A. February 9, 1994.

Q. And can you tell the jury a little bit about Jaci?

A. Jaci -- Jaci was blue eyes, big blue eyes, blond hair.

Well, she had very, very little hair. Beautiful smile. She just -- she didn't have but two teeth. She waited kind of late to cut her teeth.

She was a serious ham. She loved to be in front of the camera. She -- I think that's because we tried to wake her up early on by taking pictures of her, and the flash would kind of wake her up.

And she never knew a stranger. I think that the most distinguishing characteristic about Jaci was her unconditional love for me. It didn't matter what I looked like. It didn't matter how I acted, if I acted silly. It didn't matter. It didn't even matter who it was. Jaci would walk up to any one of you if you would just hold her. She loved to cuddle.

Q. Miss Coyne, let me just interrupt you for a moment and let

Q. Miss Coyne, let me just interrupt you for a moment and let me just show you Government's Exhibit 1534. Okay. It's going to appear on that monitor in front of you -- I think. Can you

Sharon Coyne - Direct

identify that?

A. That is Jaci Rae at my mother's house. That's the strawberry picture.

MS. BEHENNA: Your Honor, I'd move for the admission of Government's Exhibit 1534.

MR. JONES: No objection.

THE COURT: Admitted, may be displayed.

BY MS. BEHENNA:

Q. And the jury is just now seeing the picture. Can you tell what they're seeing her, just briefly.

A. You're seeing her stick her tongue out at me, actually.

Q. How old was Jaci in April of 1995?

A. Jaci was 14 months.

Q. Could she talk?

A. She could. She said "Momma" and "Dada." We were working very, very, very hard on "Grandpa" and "Grandma"; and actually, Grandpa and Grandma wanted that to be first; but, you know, it just doesn't work that way.

Q. Could she walk?

A. She could. She'd been walking for about four months. I think if she had had her way, she would have been running; but I was very, very overprotective. And she basically walked the straight and narrow, always on flat surfaces. And usually, if we got to anything difficult, I always picked her up. But there was this one day, I had taken her -- she rode with me to

Sharon Coyne - Direct

work. And we got out of the car; and in the garage there's this yellow line, this, I guess, painted line.

Q. And what you're talking about right now is the garage, the parking garage in the Murrah Building?

A. The parking garage in the Murrah Building.

Q. Because Jaci attended the day-care center there in the Murrah Building, didn't she?

A. She did.

Q. Okay. I'm sorry to interrupt.

A. And we were walking across the garage, and usually I carried her. But this day she's walking, and she stops at the yellow line; and, you know, I'm nervous. And because we're in the garage and even though it's early, I'm thinking there could be a car. And she's I guess trying to maintain some sort of independence, and she stops to just touch the yellow line. And I think that she thought maybe it felt different because it was yellow instead of gray. And it was kind of funny.

And then she grabbed my hand, and we walked over to the curb into the lobbyway. And there's a little ramp, and it's got these yellow-stripe lines. And then there's the curb, and she kind of looked. And I thought we were going to take

the ramp, which would have been easier for me, because I wouldn't have been scared; but she decided this day that she was going to take this huge step, and I let her. And so she grabbed my hand, and she put her little foot up on the step and

Sharon Coyne - Direct

she kind of wobble-wobbled; and I helped her up just a little bit, and she made it on her own.

Q. How long had Jaci attended the day-care center in the Murrah Building?

A. She'd been there four weeks.

Q. Now, I know you work across the street from the Murrah Building in the federal courthouse building.

A. Yes.

Q. It's one block south of the building; right?

A. Yes, it is.

Q. And I know that you were at work that morning, and you heard and felt the explosion.

A. I did.

Q. And I know that you spent some time, approximately 12 hours, wasn't it, looking for Jaci on April 19, 1995?

A. I did. Hospital to hospital, and then to the church.

Q. I want you, if you will now, Miss Coyne, to tell the jury what impact Jaci's death has had on you and your family.

A. There's a lot of different things, different aspects. There's the physical aspects, which, as you know, my hair is falling out, my teeth chip off. I have a horrible memory loss when things get pretty stressful, but that's really nothing compared to constantly missing her.

I think that my fears of her dying when she was first born being confirmed was the very worst thing for me. When we

Sharon Coyne - Direct

drove home that night, the highway overlooked the Murrah Building; and by that time, it was very dark and it was raining and it was cold. And I truly, truly believed that my daughter was alive. You know, you don't ever think -- you don't ever think that your own child is dead.

And at this point, I thought that maybe she was in fact still in the building. And I think my biggest fear at that point was that she set there in this building and she'd been there for 12 hours, she was in a dirty diaper, she didn't have a bottle, she didn't have me to hold her, and she was afraid. And I could picture her just saying "Momma," and I felt so guilty leaving this place.

And I think in the end, by the time they finally told us that they found her body, it had been seven days, and I was just so incredibly thankful that they found her at all; and I felt lucky that I got to hold her wrapped in a beautiful receiving blanket made by my friend, Joyce. And that's the last thing that I held. So I was very, very lucky.

MS. BEHENNA: Your Honor, that's all.

THE COURT: Any questions?

MR. JONES: I have no questions.

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

Next please.

MR. HARTZLER: Dr. Andy Sullivan.

THE COURT: Thank you.

MR. HARTZLER: Mr. Mendeloff will question him.

THE COURT: Thank you.

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

(Andy Sullivan 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: James Andy Sullivan, S-U-L-L-I-V-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mendeloff?

MR. MENDELOFF: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MENDELOFF:

Q. Sir, tell us where you live.

A. Oklahoma City.

Q. Do you have a family?

A. Yes, I do.

Q. Tell us about your family.

A. Married and have two children; one, 26, living in California; one, 22, going to school at OU.

Q. What is your education?

A. Went to Texas A & M University; got an undergraduate degree, Washington University Medical School; did five years of orthopedic training in Barnes Hospital in St. Louis.

Andy Sullivan - Direct

Q. And your current employment?

A. I'm the chairman of the orthopedic surgery at Oklahoma University.

Q. How long have you been an orthopedic surgeon?

A. I finished in 1974 -- my training in 1974.

Q. And like every other orthopedic surgeon, you specialize in surgery on bones and joints and the like; is that it?

A. Yes.

Q. Were you employed as an orthopedic surgeon back in April of 1995?

A. Yes, I was.

Q. And did you go to work on April 19, 1995?

A. Yes.

Q. Can you tell us where -- where you were employed.

A. I worked at the University of Oklahoma, and I work out of the University Hospital; and I'm mainly at Children's Hospital, so I was seeing patients at Children's Hospital that day.

Q. Where in relation to downtown Oklahoma City is Children's Hospital?

A. It's about a mile east and just a little bit north.

Q. At about 9:00 that morning, where were you?

A. I was walking across Stearns Young Boulevard which is

A. I was walking across Stanton Young Boulevard, which is between the University Hospital and the medical school.

Q. Now, Dr. Sullivan, if you'll just lean up, we'll be able to hear you a little better. Speak into the microphone.

Andy Sullivan - Direct

How did you learn about the bombing that day?

A. Well, I was standing in the middle of Stanton Young Boulevard when the explosion occurred, so I learned about it firsthand.

Q. You actually saw it?

A. Yes.

Q. Can you describe what you saw?

A. I saw a large cloud of concrete-like smoke and afterward a lot of black smoke.

Q. At that point, did you realize that there was a catastrophe in downtown Oklahoma City?

A. Yes, I did.

Q. Did you return to the hospital?

A. Yes.

Q. Let me turn your attention to a little bit later that day. Between 12 and 1:00 that afternoon, did you receive a telephone call regarding the bombing?

A. Yes, I did.

Q. From who?

A. Dr. David Tuggle, who was at the bomb site.

Q. What did he tell you?

A. He told me there was a lady in the basement of the Murrah Building who was trapped and would not survive unless she had an amputation of her leg.

Q. What did you do?

Andy Sullivan - Direct

A. I ran directly to the operating room and got an amputation set, requisitioned a state police car, and went to the bomb site.

Q. And the amputation set included what kind of tools?

A. I had two trays of sterile instruments, a saw, and I got some disposable blades. In addition, I cut some nylon rope that we use for traction, and it has a variety of knives and clamps and sterile instruments.

Q. When you refer to four disposal blades, those were scalpels?

A. Scalpels, yes.

Q. Did you take anything other than the amputation kit with you?

A. I took everything out of my pockets, except my ID; and when I cut the traction rope, I stuck the pocketknife in my back pocket.

Q. How did you get down to the Murrah Building?

A. The hospital state police car.

Q. When you arrived, where did you go?

A. I went through the plaza and gradually was directed by

... - went through the fence and eventually was rescued by
rescue personnel to a ladder that led down into the basement.

Q. Of the Murrah Building?

A. Yes.

Q. What effect did your entry into that Murrah Building have on you that day?

Andy Sullivan - Direct

A. Well, it was pretty frightening. It was dark and foreboding, I guess, full of smoke. Poor light, rubble.

Q. Were you concerned about the stability of the structure?

A. Yes.

Q. Is it typical for you to take your life in your hands in performing surgery?

A. No.

Q. When you got to the basement, what were the conditions that you found?

A. It was like walking through boulders, water on the floor,

electrical lines that you had to step over, pipes, lot of dust in the air, smell of gasoline engines.

Q. What did you hear?

A. Generators running, a lot of shouting.

Q. At some point, did you arrive at the location of the person you were supposed to assist?

A. Yes.

Q. Did you learn the name of the person?

A. Yes. I knew that her name was Daina.

Q. Did you eventually learn her last name?

A. Yes, Daina Bradley.

Q. Can you describe to us what it looked like when you arrived at that location?

A. It's kind of like when you go in a parking garage and the roof above you has concrete beams and one of those beams had

Andy Sullivan - Direct

fallen. And then the floor above it had collapsed, so that formed kind of a triangular crevice, like a cave. And the patient was at the end of the crevice.

Q. Was the crevice open at both ends?

A. No, it was closed at the end where her feet was.

Q. So the crevice narrowed down to the floor?

A. Yes.

Q. Can you tell us the size of this area that she was in?

A. Well, I guess whatever size her body and mine was. I had on a hardhat that I'd gotten on ground level, but it was too small to admit me with a hard hat on, so I had to take it off. Probably less than 3 feet.

Q. Did you observe the injury firsthand?

A. Yes.

Q. How did you observe that?

A. They had hooked up a portable lightbulb in the crevice, and I crawled in and crawled on top of the -- of Daina and was able

to observe the situation.

Q. Now, what was -- what situation did you observe?

A. Her left leg and arm were free. Her right arm had been freed by that point. And then if you traced her right leg down, it disappeared beneath the beam that had fallen.

Q. Right onto her leg?

A. Right onto her leg.

Q. Let me ask you to look at Government Exhibit 1423. Do you

Andy Sullivan - Direct

see that before you?

A. Yes, I do.

Q. What is that?

A. This is the crevice in which the patient was lying. There is a person to the left holding a flashlight. And there's a structure that goes across the top that you can see there that was rebar or the reinforcement steel in concrete.

Q. Does that accurately depict the situation that you found Daina Bradley in when you first arrived?

A. Yes.

MR. MENDELOFF: Move the admission of Government Exhibit 1423.

MR. JONES: Your Honor, same announcement we made earlier.

THE COURT: Yes. I'll admit it. 1423 is received and may be shown.

BY MR. MENDELOFF:

Q. Let me ask you, Doctor: The leg that was trapped -- where is that located in this picture?

A. If you look at this picture, there is the piece of rebar, then there's a piece of oxygen tubing going down to a green mask. Her leg that's trapped is just beyond the green tubing.

Q. Let me just ask you if this focuses on where it was trapped.

A. Yes, it does.

Andy Sullivan - Direct

Q. Now, how much weight was on top of that piece of concrete?

A. Well, I guess tons. I really -- it was whatever was above the building in the basement level. And you couldn't really see the top of it. It was just like going into a mountainside.

Q. Was that concrete stable?

A. No. The beam of concrete that had her leg trapped was said to be unstable. There was a fireman who had his hand on it, and I was told that if at any time he felt it tremble, that I had to leave regardless.

Q. What did the consistency of her skin look like?

A. It was as if she had been covered with white makeup or powder. And her skin was cold, clammy, wet.

Q. Was there a reason that the skin was cold and clammy, other than her physical condition?

A. Well, she was lying in water, and she was -- she had been

there for a while. She had been exposed, and she was in shock.

Q. How much water was she lying in?

A. Probably about 6 inches.

Q. Was the patient conscious and able to speak?

A. Yes.

Q. To access Miss Bradley in this position, what did you have to do?

A. Had to get down on my belly and crawl in on my belly, kind of a combat crawl. It was not -- it wasn't enough space to crawl in on my hands and knees, so you had to go in on your

Andy Sullivan - Direct

elbows.

Q. Was there room next to her?

A. Very little.

Q. How did you have to access the leg?

A. To access the leg, I had to lie on top of the patient.

Q. After you examined that patient and later on, did you determine back at the hospital whether she had any other injuries?

A. She, she did. She had ribs broken on both sides. She had a collapsed lung on at least one side and blood in both lung cavities.

Q. From looking at the leg back at the -- in the crevice, could you determine the condition of the leg underneath the cement?

A. Well, you really couldn't see anything or feel anything beyond the knee; but it was safe to assume that this leg was not useful for anything. Even if we had gotten the leg out, it would have had to have been amputated.

Q. Was there an attempt made to remove further material?

A. After -- after -- we initially had to leave the patient; and after we came back, we had to remove the piece of rebar so that I could gain access to her knee.

Q. Before we do that, was it possible to extricate her by digging her out?

A. No. We tried that.

Andy Sullivan - Direct

Q. And was there a concern about that?

A. Yes, because the other problem was that even if we amputated the leg, I wasn't sure what was still attaching her and if we had amputated, how we'd get her out.

Q. Did you begin to try to handle the situation before you were forced to leave?

A. Yes.

Q. Tell us what you did.

A. We had tried to start and i.v., which was impossible; and I had crawled in to assess the situation, taken the traction rope in, and I knew that if I tried to amputate the leg without a tourniquet, cutting off her circulation, she would die of bleeding; so I took the traction rope, small nylon rope, about eighth-inch diameter, quarter-inch diameter, and dug enough

eighteen inch diameter, quarter inch diameter, and dug enough under her leg that I could pass my hands up her leg and pull the rope through in preparation for tying it off.

Q. Did you have difficulty digging?

A. Yeah, I mean it was, you know, large stones about this size, pieces of gravel, pieces of metal.

Q. Were you wearing surgical gloves?

A. I was wearing surgical gloves. They were really not of too much use. And I had on green scrubs.

Q. After you were able to dig underneath her leg and pass the rope through, were you able to continue with the operation?

A. No. That was the point that they notified us that there

Andy Sullivan - Direct

might be another bomb in the building and that we had to leave.

Q. What happened next?

A. Well, I scurried out. And we ran.

Q. As you left, what reaction did Daina Bradley have?

A. She screamed, "Don't leave me, don't leave me. I'm going to die."

Q. As a surgeon who has spent 23 years in the business of healing, what did this experience -- what effect did this experience have on you?

A. Well, it was gut-wrenching. You don't leave somebody that's going to die.

Q. Has it stayed with you?

A. Yes.

Q. When you scrambled away from the building, where did you go?

A. We went about two blocks away and sat in a bank lobby that was bombed out.

Q. At some point did you return?

A. Yes.

Q. About how long?

A. Probably about 45 minutes later.

Q. When you returned, did you realize that you had a surgical difficulty with respect to this operation?

A. Yes. The access to the patient -- first of all, the rebar was there. That had to go or it would have been like operating

Andy Sullivan - Direct

through two holes in a wall, I couldn't get to.

Q. Before we go on, let me just ask you to look once again at 1423. Referring to rebar, is that the piece of metal going across the screen?

A. Yes. The rebar is there, and that blocked the access so that I couldn't get my hands or my arms down low enough to do the amputation. I couldn't get close enough to the knee.

Q. Did you take steps to have the rebar removed?

A. Yes, some of the firemen removed that with a circular saw.

Q. After it was removed, did you then crawl in and try to perform the operation?

A. Yes.

Q. Now, in that photograph, were you able to reach the knee easily?

A. No. I had saws and things, but the confines of this were such that I realized that I was only going to be able to use one hand to do this; and to do an amputation with a saw, you have to either saw back and forth or pass a wire saw around and maneuver it back and forth. I knew there wouldn't be enough room for that.

Q. To reach the knee, did you have to pass your hand along the side of the wall?

A. Right. The only way that I could reach the knee was to place my right hand along the wall until the wall stopped, and at that point I could feel what we call the joint line or the

Andy Sullivan - Direct

point where the thigh bone joins the shin bone.

Q. What was the problem with amputating further up?

A. I would have had to have gone through the bone, and the period of time that it would have taken me to cut through the bone even if I had been able to do it would probably -- she might well have bled to death.

Q. In preparation for the amputation, did the firemen put any kind of harness on Miss Bradley?

A. They did. They passed a rescue-type harness around her chest so that once the amputation was performed, we could rapidly extract her so we would have more space to control the bleeding.

Q. After the harness was placed on Miss Bradley did you again return to your position inside the crevice?

A. I did.

Q. And what did you do?

A. I counseled Miss Bradley that I was going to have to amputate her leg.

Q. What was her reaction?

A. She initially cried and refused and said that that would -- she couldn't tolerate that.

Q. What did you tell her?

A. I told her in that instance that we'd have to leave, that we couldn't stay, the building was in danger of collapsing and we couldn't stay.

Andy Sullivan - Direct

Q. Beyond the concerns you expressed to her, did you have any others that you did not tell her about?

A. Well, I was very concerned that I would kill this lady; that in the process of cutting through the leg, that she would lie there and bleed to death in my hands.

Q. What was her condition in addition to the excessive cold or hypothermia?

A. Well, we know now that she wasn't able to breathe well. She was hypotensive. She had no i.v. access, so we couldn't give her any drugs. And I'm sure she was fairly exhausted.

Q. When you say "hypotensive," that means in shock?
A. Low blood sugar, in shock.
Q. Did you give her anything to help her handle the operation?
A. We had an emergency-room physician with us, and we were afraid to use a drug like Demerol or morphine because of the respirations; and we were able to give her a drug named Versed, which really isn't an anesthetic, but it's amnesic.
Q. It helps her forget about it?
A. She wouldn't remember.
Q. Once she was given the Versed, did you immediately do the operation or did you have to wait?
A. Dr. Tuggle crawled in and gave her the Versed and crawled out, and I crawled in and did the amputation.
Q. While you waited for the Versed to work, what did you do?
A. I prayed. I prayed that she wouldn't die as a result of my

Andy Sullivan - Direct

treatment and that if I died, my family would remember me.

Q. When you crawled in, did you secure the tourniquet in some way?
A. I did.
Q. Tell us how.
A. I tied a knot in the tourniquet, and then I used a stick or a piece of metal as a windlass to twist the tourniquet tight, and then I tied the end of the windlass down to the tourniquet so it wouldn't come unwound.
Q. Other than the space that you were in and the fact that you had to perform the operation in the conditions that you did, were there any other problems that you confronted in performing this operation?
A. Well, I'm right-handed. I could only use my left hand; I could only use one hand. I took disposal blades, and I had four, and they all broke. I used an amputation knife from the set, which is a long knife kind of like a bread knife. And it dulled because I kept hitting the concrete wall. I cut through a large vein at some point and thought initially I'd cut through the artery and that she was going to bleed to death, but it eventually stopped.
Q. Did you have any problems with the patient as well?
A. Yes, I did. I mean, you know, she may not remember it, but she was awake; and the big thing was making the first cut, cutting through the skin. And then I tried to go as rapidly as

Andy Sullivan - Direct

I could, took a deep breath and did that. Once I started cutting, she started kicking and screaming, so I had to more or less pin her free left leg against the wall while using my left hand.
Q. During the operation, did you suffer any minor injuries?
A. I cut my hands, and all my shoulders and neck and everything were scratched from working.
Q. Were you concerned about your health in this situation?
A. Yes, I was. I mean, I had a patient, I didn't know anything

A. Yes, I was. I mean I had a patient I didn't know anything about, didn't know her background, working in an unsterile environment with cuts on my own skin, so I was concerned about the possibility of getting hepatitis or AIDS or other infectious diseases.

Q. Towards the conclusion of the operation, did you confront still another problem with respect to the dulling of your scalpels?

A. Yes, I did. All of my scalpels had broken, and the amputation knife had dulled. I came out twice thinking I'd amputated the leg and we'd pull her out and she was still attached and she would scream, so I finally went back in. I remembered that I had my pocketknife in my rear pocket, and I completed the amputation with a pocketknife.

Q. Were you able to remove her quickly?

A. Yes.

Q. What was the next step that you took in her care?

Andy Sullivan - Direct

A. Once we got her out into enough space, we tried to check for bleeding and to put clamps on the vessels that were still bleeding and put her on a spine board to lift her up and evacuate her to an ambulance.

Q. Even when you got her removed from the building, you got her bleeding controlled, did you have any other concerns about her on the way to the hospital?

A. Yeah. Yes. Having gotten her out, I thought on the way to the hospital that she was going to die. It's only a mile or two, but she kept lapsing into unconsciousness and so we'd scream at her and shout at her and slap her and try to do anything we could to keep her breathing.

Q. Later did you learn anything about the fate of her family?

A. Yes. Her mother and two of her children were killed.

Q. How has this, your involvement in this, affected you?

A. It's been difficult to deal with. Initially I think that I kind of kept it inside me like a lot of doctors and surgeons do. And as time went on, I've come to realize that it had a fairly significant emotional impact on me.

Q. How did the requirement that you testify today have an impact on you?

A. Honestly, I thought that I'd put this behind me a year or so ago and that I would not be involved, and I wasn't expecting to come testify. My wife was very hesitant to have me come testify because of the effects it might have on me.

Andy Sullivan - Direct

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

THE COURT: Any questions?

CROSS-EXAMINATION

BY MR. JONES:

Q. Dr. Sullivan, I have a few questions that I would like to ask you, not so much about the operation, itself, but some

other matters that I know that you would want the record to be complete.

At the time that you performed this miraculous and life-saving surgery, you were a professor of medicine; is that correct?

A. Professor of orthopedic surgery.

Q. Professor, all right. Professor of orthopedic surgery in the College of Medicine of the University of Oklahoma; is that correct?

A. That's right.

Q. And the University of Oklahoma Medical Center is located on the grounds of the State Medical Center south of the capitol; is that correct?

A. Yes.

Q. And the University of Oklahoma Medical School is a state, independent, constitutionally created board of regents; is that correct?

A. Yes.

Andy Sullivan - Cross

Q. And so you were a paid employee of the state?

A. Yes.

Q. Now, at that time did you also have a private practice of medicine or were you fully engaged in your administrative and teaching responsibilities at the University of Oklahoma?

A. Well, the situation at the University of Oklahoma may be a little hard to understand, but basically I generate nearly all of my own salary plus -- all day, every day I see patients, except on Fridays. And so it's like being in private practice and seeing all comers regardless of ability to pay. And then my money goes to the University of Oklahoma that I collect.

Q. And your primary work there is at the University Hospital and at the Children's Hospital?

A. About 95 percent of what I do is at Children's Hospital,

except for trauma call.

Q. Now, you indicated that you received a telephone call from another physician. And would you tell me again his name.

A. Dr. David Tuggle.

Q. Would you spell the last name.

A. T-U-G-G-L-E.

Q. And would you tell the Court, please, who Dr. David Tuggle is.

A. He's essentially the same -- same situation as I am, except

that his surgery -- his specialty is pediatric general surgery.

Q. And he is also -- is he also at the University of Oklahoma

Andy Sullivan - Cross

Medical Center?

A. Yes, same situation.

Q. And this call came to you at approximately 12 or 1:00 that

day?

A. Somewhere thereabouts, yes.

Q. And would you tell the Court and jury, please, approximately when you started the operation.

A. Yeah, I didn't take a watch with me. I can tell you that sometime around 12 or 1 I went down there, went directly to the site. Probably around 1:30 or 2 we evacuated. We were gone about 45 minutes, probably went back in about 2:30, 15 till 3. I know that at 3:30 we were either on the way or back at University Hospital with the patient.

Q. So you accompanied Miss Bradley to the hospital?

A. Yes, I did.

Q. And she went to University Hospital?

A. Yes.

Q. And did you continue to be the attending physician responsible for her care at least insofar as the amputation --

A. No.

Q. -- and the recovery was?

A. No.

Q. Who took her then?

A. Dr. David Teague.

Q. And who is Dr. David Teague?

Andy Sullivan - Cross

A. Dr. David Teague works in my department and is an orthopedic surgeon who specializes in adult trauma.

Q. And is he also a member of the faculty at the University of Oklahoma Medical Center?

A. Yes, he is.

Q. Now, if we could go back for just a moment. Would you please identify for the record the names -- and if you do not know the names, at least identify them with respect to the agency for whom they worked -- that assisted you in this procedure?

A. I really can't. I mean at some point I got the names of four rescue personnel who assisted me and had every good intention of getting together with them and never did.

Q. I understand. You indicated that at least some of them were members of the Oklahoma City Fire Department?

A. Yes.

Q. All right. Do you recall whether there were any other medical personnel there other than the physician that you identified?

A. Any other medical personnel?

Q. Yes, sir.

A. There was a Dr. Stewart, who was emergency-room physician.

Q. And where is he an emergency-room physician?

A. She. Guthrie, Oklahoma.

Q. All right.

Andy Sullivan - Cross

A. There was a Dr. Gary Massad, M-A-S-S-A-D.

Q. Where is Dr. Massad?

Q. Where is Dr. Massad?
A. I'm not sure.
Q. What type of doctor was he or is he?
A. I'm not sure.
Q. He was there?
A. Yes.
Q. Dr. Stewart was there?
A. Yes.
Q. You were there. Any other medical personnel?
A. I think there was a nurse, but I'm not certain.
Q. All right. Do you recall whether there were any members of the Oklahoma National Guard or the Oklahoma City Police Department?
A. No, I do not.
Q. Are there any other rescue personnel that were there assisting you from any other agencies that I have not named?
A. Not that I'm aware.

MR. JONES: All right. I have no further questions.

Thank you, Dr. Sullivan.

THE COURT: Any follow-up?

The witness is excused, I take it.

You may step down, you're excused.

THE WITNESS: Thank you, your Honor.

THE COURT: Next, please.

MR. HARTZLER: We're going to call Todd McCarthy.

THE COURT: All right.

MR. HARTZLER: Mr. Goelman will do the questioning.

THE COURT: Thank you.

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

(Todd McCarthy 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: Todd Joseph McCarthy, M-C-C-A-R-T-H-Y.

THE COURTROOM DEPUTY: Thank you.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good morning, Mr. McCarthy.
A. Good morning.
Q. How old are you?
A. 24.
Q. Where do you live?
A. In Kansas City, Overland Park, Kansas.
Q. Are you married?
A. No.
Q. Do you have any kids?
A. Yes, I do.

Todd McCarthy - Direct

Q. How many?
A. I have one. He's a -- it's a boy. He'll be 16 months later on this month.
Q. And were you married?

Q. And were you married?

A. Yes, I was.

Q. When did you get divorced?

A. I was divorced in August of 1996.

Q. You said you live in Kansas City. Are you originally from Kansas City?

A. No, I was born in Des Moines, Iowa, and have moved several times during my childhood and growing up.

Q. Why did you move several times?

A. My father was employed from the time I was very young with the Federal Deposit Insurance Corporation as a bank examiner; and we moved from Des Moines, Iowa, to Burlington, Iowa, to Nebraska, to Kansas City. We just moved quite frequently. And after that, we relocated back to Iowa, where he became the president and CEO of a bank in Iowa. And after leaving Iowa, we -- he accepted a job with the Department of Housing and Urban Development in Kansas City.

Q. Do you have siblings?

A. Yes, I do. I have an older brother, Tim, and I have a younger sister, Christy.

Q. How old is Tim?

A. He will be 27 this year.

Todd McCarthy - Direct

Q. How old is Christy?

A. She's 21.

Q. What does she do?

A. She's a -- I don't know how you describe it. She works at a day-care center in Kansas City.

Q. Where does your mom live?

A. My mom lives in Edmond, Oklahoma.

Q. And was your dad one of the people killed in the Oklahoma City bombing?

A. Yes, he was.

Q. I want you to take a look at Government Exhibit 1464.

Is that a picture of your parents?

A. Yes, it is.

MR. GOELMAN: Move to admit, your Honor.

MS. WELCH: No objections, your Honor.

THE COURT: All right. 1464 is received, may be shown.

BY MR. GOELMAN:

Q. Is that what your dad looked like at the time of his death?

A. With the exception of about 70 or 80 pounds lighter, yes.

Q. 70 or 80 pounds lighter than this picture?

A. Yes. Before he had relocated to Oklahoma City to accept his promotion to director of HUD, he, in Kansas City, had an interoffice -- a weight-loss program.

Q. What was it called?

Todd McCarthy - Direct

A. "Dump Your Plump." And they broke off into teams, and his team obviously won, won the office pool as he had pretty much

led the team, losing about 77 pounds. So, yes, fair and accurate except for the weight.

Q. Can you describe what kind of guy your dad was.

A. My dad was the most -- he was the most wonderful man I have ever come into contact with. My childhood was spent with my dad traveling throughout the week and only being home on the weekends due to his job with the FDIC.

And I spoke with my mother not too long ago and we had talked about it. And looking back, he -- some people have fathers or parents who travel, and they just -- they have really no recollection. I have no recollection of my dad ever being gone. Every waking minute he was home, he spent time with his family. He'd take two weeks to a month off during the summertime when he was with the FDIC to do nothing but spend time with us. I often wondered if he had any friends outside of his job, because he never did anything outside of his family.

Q. What was your dad's position at the time of his death?

A. He was the director of the Department of Housing and Urban Development.

Q. Where?

A. In Oklahoma City.

Q. How long had he lived in Oklahoma City?

Todd McCarthy - Direct

A. He had been in Oklahoma City for about three and a half months.

Q. During that three and a half months, did you have a chance to visit him and your mother in Oklahoma City?

A. Yes, I did. They went down in late December, and I went down to visit the weekend before Easter in April.

Q. While you were there, did you have a chance to or did your dad make sure to show you his office?

A. Most certainly.

Q. Can you describe that visit?

A. My mother and myself and my dad had gone to the Murrah Federal Building in downtown Oklahoma City. Upon going inside, we rode the elevator up to the 7th floor where his office was. And as you got out of the elevator, you could walk to the left and then make a right turn to go towards the office door leading to the Department of Housing. And he paused for a moment as we rounded that first corner and just kind of kept glancing back over at the wall to show this marquee, if you will, where his name was stated, James McCarthy, Director. So while he never got his name in neon, that was his name in lights, so to speak, and he was quite proud of it.

Q. You eventually got the hint?

A. Yes, most certainly.

Q. Did he also show you the vista that he could see from his office window?

Todd McCarthy - Direct

A. Yes. From all the places he's ever worked, from a high-rise in Kansas City to a one-floor office in Nebraska, this was undoubtedly his best view of -- a very beautiful and lavish view of a parking lot outside of his front window. I made him well aware of what I thought about that.

Q. Did you tease your dad about that?

A. Absolutely.

Q. When did you go back -- where were you living at the time?

A. Overland Park, Kansas.

Q. When did you go back to Kansas?

A. I went back the 17th of April on the morning.

Q. Did you speak to your dad both Monday and Tuesday that week?

A. Yes, I did.

Q. Let's turn to the events of Wednesday, April 19. Can you tell the jury how you found out about the bombing.

A. I was sitting at my house in Overland Park, and I hadn't -- it was normal for me to rise and turn on the TV and watch the news, but I didn't. And about 11:15, I received a call from my mother. She was somewhat frantic saying that she didn't know what exactly had happened, but the reports were that a bomb had gone off in my dad's office building. And she said she couldn't get a hold of anybody, and she didn't know what to do. And I told her that I'd be right back down. It's a little over four and a half hours from Kansas City to Oklahoma City, and I

Todd McCarthy - Direct

still had a bag packed; so I went out and got my bag upstairs and ran upstairs to turn on the TV just to see if they had anything about it on the TV.

Q. What did you see when you turned on the TV?

A. A piece of what was there when I had been there.

Q. Did you recognize the building?

A. Yes.

Q. What was your reaction?

A. I cried.

Q. That was April 19?

A. Yes, it was.

Q. When was your dad's body recovered?

A. April 29.

Q. Mr. McCarthy, you indicated a little bit earlier that you're divorced?

A. Yes.

Q. Were you married at the time of the bombing?

A. No, I wasn't. I was engaged to be married.

Q. And what happened with that relationship after your dad's death?

A. The relationship I had with my fianc=82e at the time was quite good. It was fun. She had -- I hadn't dated anybody for three years by the time I had met her. And we had a really good time.

After April 19, my relationship all but ceased. I

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couldn't -- I had so much inside of me that I wanted to talk about and I wanted to tell people; but every time I started to

tell anybody about it, it only hurt them, and I didn't know who I could say anything to. I didn't want to hurt anybody anymore. I couldn't talk to my fianc=82e about it, and she didn't understand what I was feeling. She'd see somebody that she loves and cares about hurting that can't talk to them, and that basically continued for quite some time.

Q. In the period after your dad was killed, did you want to have your fianc=8Ae around?

A. No. I felt -- I felt strange having her there. She called several times and wanted me, you know, to say it was okay for her to come down; and I couldn't. I talked to a lieutenant from my military unit and asked him, "I don't understand why I'm feeling this"; and he said he had felt the same way at one point in time and that I just -- I didn't want her around. And when she finally came down, she came down on a Friday; and my dad was found the next day, which made it even worse.

Q. Did you and she continue with your plans to get married?

A. Yes, we did. We got married the day after Thanksgiving in 1995, November 24.

Q. Was that a happy occasion for you?

A. It was what I had hoped to be a most happy occasion for a most horrible year; and it was, for the most part. I remember my sister telling me right after the bombing that one of the

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things she feared so much was who was going to walk her down the aisle, who was going to see her graduate from college now that my dad's gone. And as I was standing there and as my wife was walking up, this happy moment that I had was shot again; was all I could think about was my wife's father passed away in 1991 and all I could see was my sister and the things that she had said. So all the happiness that I now had in my wedding day was now gone.

Q. How long did your marriage last?

A. It lasted -- my wife and I separated April 12 of 1996.

Q. And did you eventually get a divorce?

A. In August.

Q. Was a child a product of that marriage?

A. Yes, it was.

Q. Who is that?

A. I had a son born. He was due on -- on Easter in 1996, and he was born on St. Patrick's Day.

Q. Which, being Irish Catholic, is important?

A. Yes, absolutely. Greatest blessing an Irish Catholic can have, I think.

Q. What was his birth like?

A. His birth was everything I had ever thought it to be and everything I wish it wouldn't have been. My wife delivered through an emergency Caesarean, which in and of itself was horrible; but once the baby came out, the doctor informed me

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that I could go over to the incubator that he was in and take pictures and hold him. And I walked over and I looked in his eyes and I smiled so big and then cried, because this is -- this is -- this is what my dad would have loved more than anything; and he'll never -- he'll never get to see his only grandson.

Q. Have you and your ex-wife reconciled recently?

A. Yes.

Q. When was that?

A. Beginning last December, in '96, and the first part of January of this year, she and I began to get back together, continued to work things out, continued to talk more openly. And things started -- things have progressed very smoothly; and I'm very fortunate. I think I'm one of very few.

Q. You mentioned your little sister Christy. Is that her name?

A. Yes, uh-huh.

Q. I just want to talk real briefly about her. Have you been to the site in Oklahoma City?

A. Yes. Many, many times.

Q. Okay. Do you know if your sister has been to the site?

A. My sister went to the Murrah Building bombing site for the first time this past April 19.

Q. Two years after the bombing?

A. Yes. She had -- she had not wanted to be around it. On

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the occasions, rare as they were, that my sister would find herself needing to drive to downtown Oklahoma City, be it with my mother or whatever, that she would -- they would make a point to avoid in any way they could being there. And she just wouldn't do it. I found myself, as my mother did and my brother did, wanting to go down there and see it, to be around it. She wouldn't. She just -- she didn't want to be a part of it. It hurt too bad.

Q. You've told us a little bit about your dad. Can you describe what your relationship was like with him?

A. My dad was everything to me. He was -- he was a best friend, he was a confidant, he was an adviser. My being in the military was his doing. I enjoy being there, but it's not exactly the thing that I would have picked. He was everything to me.

And that person that gave me my advice and told me how to do things is gone now; and I think that, together with the general emotion, also helped contribute to the problems that I had in 1995. I found myself in the greatest need of my life asking questions and figuring out how I was supposed to do things and how I was supposed to live and be now, and that person who would have patted me on the back and told me exactly how it should have happened and what should be done wasn't

there anymore.

Q. Did you have a conversation with your mother about what to

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do for advice now that your dad was dead?

A. Yes, I did. She said that -- echoed my sentiments in saying that he was the most wonderful man and that we had been blessed to have been taught and to have been witness to so many great preachings, some not so great, but most very good, and to remember that and that truly believe that he is in your heart. And today that's -- that is my comfort. When I find myself in a corner, I feel him turning me around.

Q. Your son: Is that your only child right now?

A. Yes.

Q. And how important is it to you to be a good father to that boy?

A. That is everything to me. When I graduated from high school in 1990, I had the opportunity to give an address to the school, faculty, and parents, and in it stated that if I could, if I could turn around to be half the parents to my children that my parents were to me, then I would be -- I would be the best I knew, outside of mine. They gave -- they gave us everything, having nothing to do with money, with material. They gave us the most important thing and showed us what love truly was.

Q. Mr. McCarthy, what were your concerns about the effect that the absence of your father will have on you raising your son?

A. I have -- I have enormous fears. I grew up in a very large family, my dad having nine brothers and sisters. We never --

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we've always been around each other. And we've known what closeness, what family, what love was. My son will never know what a great thing he lost and what a great thing he lost before he ever knew he had it.

Most parents, I think, wonder how they're going to go about teaching a child how to walk and how to talk, how to even

use the bathroom. I fear the job that I have. I fear my son coming home from elementary school or junior high and opening up his history book and asking me why: "Why did my grandfather die?" He went to work to help people get housing who couldn't otherwise afford it or obtain it; and for that he -- his life was taken from him. I am now charged with teaching my son love and compassion when all he sees is hate. And that's a job I don't think anybody would want to have.

MR. GOELMAN: Thank you, Mr. McCarthy.

I don't have anything further, your Honor.

MS. WELCH: We have no questions of Mr. McCarthy.

THE COURT: All right. You may step down; you're excused.

THE WITNESS: Thank you.

THE COURT: Next, please

THE COURT: Next, please.

MR. HARTZLER: Ruth Hightower. Miss Wilkinson will question her.

THE COURT: All right.

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

(Ruth Hightower 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: Ruth Hightower. H-I-G-H-T-O-W-E-R.

THE COURT: Miss Wilkinson.

MS. WILKINSON: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Miss Hightower, there's some water in front of you and some Kleenex. Are you doing okay this morning?

A. Uh-huh.

Q. Why don't you start by telling the jury where you live.

A. I live in Fort Worth, Texas. My address is 2001 Austin Street.

Q. You've lived there for quite a while, haven't you?

A. Yes.

Q. You have some family there that helps you?

A. I'm sorry?

Q. You have a sister that lives in the area that helps you out?

A. Yes.

Q. You rely on her quite a bit, don't you?

A. Uh-huh.

Ruth Hightower - Direct

Q. And you have several children?

A. Yes. I have three children living, and then I have . . .

Q. Did you have a daughter named Anita Hightower?

A. Yes.

Q. Did she die in the bombing in Oklahoma City?

A. Yes.

Q. Can you tell the jury how old she was back in April of 1995?

A. She was 27 years old.

Q. And can you tell us just a little bit about your other children.

Do you want to have some water, Miss Hightower?

A. No, I'm all right.

I have an older daughter, and I have two sons. I have five grandchildren. Three of the grandchildren I raise, belong to my oldest daughter. And I have two that belong to Anita.

Q. And are you now raising Anita's children?

A. Yes. They are 10 and 13.

Q. Is that Antoinette? Is she 13?

A. Antoinette is 13 and Ashley is ten.

Q. You also have a daughter-in-law that helps you out?

A. Yes, I have a daughter-in-law named Cassandra Hightower, and she's here with me.

Q. And she's helped you through the last two years, hasn't she?

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A. Yes, she sure has.

Q. Before the bombing in Oklahoma City, was Anita working in the area of the Murrah Building?

A. Yes. She worked in the, what it was was the Athenian building, the building across the street from the federal building.

Q. And do you recall where? Who was her employer?

A. She worked for the Job Corps.

Q. How long had she been working for the Job Corps before the bombing?

A. I think since November.

Q. Did you see Anita quite frequently before April of 1995?

A. Yes, I did.

Q. And did you visit with your grandchildren quite a bit?

A. Yes. I had one of the grandchildren with me.

Q. Which grandchild was that?

A. Antoinette.

Q. She was living with you at the time?

A. Yes. She had got hurt, and I came up to Oklahoma City; and I took her home with me and I took care of her. Ashley was in Oklahoma City with her mother.

Q. Now, right now you have five grandchildren in your house that you're raising; right?

A. Yes.

Q. I don't mean to embarrass you, but tell the jury how old

Ruth Hightower - Direct

you are.

A. I'm 60 years old. I was 60 March the 22d.

Q. You've been raising kids for a long time, haven't you?

A. Yes.

Q. Now, on the day of the bombing, how did you find out that an explosion had occurred?

A. I was in my kitchen and I had my radio on, on the gossip station that I listen to; and I heard that it was an explosion in Oklahoma City, downtown at the federal building. And I knew that my daughter worked downtown. And then I ran to my telephone and I tried to call her on her job, and the phone just rang and rang. And then I called her house. And the phone just rang and rang, and she didn't answer.

Q. Now, at that time, you didn't know how close the Athenian building was to the Murrah Building, did you?

A. No, I didn't.

Q. So you weren't sure what had happened to her?

A. No.

Q. Did you receive a phone call from one of her friends?

A. Yes. About 11:00 that morning, her friend Rita Thomas called me and told me that the ladies that was working in the

building with her, they got out through the back and they couldn't find Anita.

Q. Did you decide to get in your car and go straight to Oklahoma City?

Ruth Hightower - Direct

A. Well, I couldn't that day. We had a storm in Fort Worth on that Wednesday. And I watched TV and I called, just kept trying to call. And then I was up all night Wednesday night. And -- about 5:30 Thursday morning, my oldest daughter called the people that she worked for and told them that it was an explosion in Oklahoma City; that she needed to take me up there. So they let her off, and she carried me to Oklahoma City; and I stayed there until they found my daughter.

Q. Now, did there come a time once you got to Oklahoma City where you went down or tried to get as close as you could to the bomb site?

A. Yes. I went down there that Thursday when I got there; and I was trying to talk to some of the people that was, that was working around there. And I was trying to tell them that my daughter didn't work in the federal building, she worked across the street. And nobody would listen to me. And that hurt worse than anything else.

Q. But, Miss Hightower, you kept talking to them, didn't you?

A. Yes. I kept talking to them. I mean, I moved on to the, you know, to somebody else.

And then think that Friday, this lady that was showing me around up there -- she carried me to the FBI. And I was talking to that little office, wherever it was -- I don't remember exactly where it was; but anyway, I was telling them that she didn't work in the federal building, she worked across

Ruth Hightower - Direct

the street. And -- but I didn't know exactly what building it was. Then my little granddaughter -- she the one that told me that, where the building was. She was eight at the time.

Q. And did you persuade the FBI to conduct a search of the Athenian building?

A. Well, no. That Friday, I talked to a lady that worked -- she worked for the sheriff department. And she carried me to one of these men that was in charge; and he told me he was a new crew leader and he would send them to that building. And so I think on that Friday evening, late, that they found her body in the basement of the Athenian Building.

Q. Now, eventually you returned back to Texas; right?

A. I'm sorry?

Q. Eventually you went back to Texas?

A. Yeah. I stayed here until that Tuesday, and they sent her body back to Fort Worth; and then I left then.

Q. And ever since that day, you've had both of her children with you?

A. Yeah, I've had her children ever since.

Q. Can you tell the jury about the impact of Anita's death on her children?

A. Yes. The little one, she had a lot of problems.

Q. Miss Hightower, just take your time. Take a breath.

Do you want to talk about Ashley, first?

A. Yes, okay. Ashley -- she was here since she was the one

Ruth Hightower - Direct

that was with -- Oklahoma with her mother. She always asks me about her mother, and I tries to tell her that she's listening to everything that we say.

Q. Has Ashley had a few problems in school?

A. Yes. Her grades went way down since she been down there going to school. And she has a lot of problems with kind of communicating with other people, too.

Q. Does she ask a lot of questions about her mother?

A. Yes. She always asks me questions about her mother.

Especially when we go to church and she start -- she sings in the choir at the church; and she -- like Mother's Day, she had a real hard time.

Q. How is Antoinette doing?

A. She didn't even talk about it. She didn't want to talk about it.

Q. So she has a different reaction --

A. Yes.

Q. -- than Ashley.

A. Uh-huh.

Q. And if you could, could you tell us a little bit about the effect it has had on you to lose your youngest daughter.

A. Well, I mean I thinks about her all the time, because I usually talked to her every day; and I mean like now, I think about her, and it just makes me -- I feels real bad, and I miss her, 'cause she was my baby.

Ruth Hightower - Direct

Q. Have you coped by talking to your sister quite a bit, Miss Hightower?

A. Yes.

Q. Has she given you a lot of strength?

A. Yeah. She's helped me a lot.

Q. Is there anything else you want to tell the jury about your daughter?

THE COURT: I think we've completed this.

Would you help her from the stand.

You may step down. You're excused.

Your next witness, please.

MR. HARTZLER: Sue Mallonee. Mr. Ryan will question her.

THE COURT: Thank you.

MR. RYAN: Your Honor, this witness will take perhaps as much as an hour.

THE COURT: Well, then, I think it would be a good time to recess. Thank you for that information.

TIME TO RECESS. THANK YOU FOR THAT INFORMATION.

We'll, members of the jury, take a recess, although it's really a bit early. You just heard Mr. Ryan talk about the length of the testimony next to be heard. So we'll take the 20-minute recess now, during which once again, of course, I must caution you to avoid reacting to the testimony and avoid discussing the testimony until you've heard all that you're going to hear and instructions on the law that you're going to hear as well.

You're excused now, 20 minutes.

(Jury out at 10:07 a.m.)

MR. JONES: May we approach the bench?

THE COURT: Yes.

(Bench Conference 134B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: Speaking of scheduling and recessing early, tomorrow I'm going to have to ask to recess for lunch early, because I have a commitment by telephone conferencing that involves the eastern time zone; so I'll have to recess shortly before 11. So we could probably start at 12:30 or 1, something like that; but I just let you know now so that you can think about scheduling the witnesses.

All right. We'll recess now, 20 minutes.

(Recess at 10:10 a.m.)

(Reconvened at 10:29 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:29 a.m.)

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

(Sue Mallonee 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: Sue Mallonee, M-A-L-L-O-N-E-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Sue Mallonee - Direct

Q. Mrs. Mallonee, where do you live?

A. Oklahoma City.

Q. By whom are you employed?

A. The Oklahoma State Department of Health.

Q. And your position with the Oklahoma State Department of Health?

A. Chief of injury prevention.

Q. And do you have an occupation that you refer to your job as?

A. Injury epidemiology.

Q. That's a big word.

A. Big word.

Q. What does "epidemiology" mean?

A. Epidemiology is the study of disease or injury or something upon the effects of a population. In other words, whenever -- a doctor may study the impact of a disease on a person, but in public health we study the impact on a population or on groups of people. So we apply the study of epidemiology to injuries.

Q. This is a matter that you studied in college?

A. I have an undergraduate degree in nursing, and I have a master's of public health in epidemiology.

Q. Would you give us an example of one of the studies that perhaps we all might be familiar with in epidemiology.

A. I can use a couple of examples. Epidemiologists -- recently you may have heard of a group of hepatitis A cases

Sue Mallonee - Direct

across the United States, and the epidemiologists tracked it back to strawberries that were disseminated throughout the country.

Probably another good example not related to injury -- and then I'll give you one with injuries -- was even before we knew the virus that caused AIDS, we knew how AIDS was transmitted. We knew the associations between sexual activity and blood contact, and we were able to prevent AIDS even before we knew the virus. So I think those are good examples of how epidemiologists use their science.

Q. Following April of 1995, did you and others undertake an epidemiology study with respect to the injuries and deaths resulting from the Oklahoma City bombing?

A. Yes, we did.

Q. And what was the purpose of your study?

A. The purpose was to assess the magnitude of injury, fatal and nonfatal. We wanted to look at the causes of injury, and we wanted to look at disabilities and associated cost with the -- associated with the bombing.

We also wanted to look at risk factors; that perhaps there were either environmental or behavioral risk factors that either promoted injury or promoted people not being injured.

So we wanted to look at that as well.

Q. Did you design such a study?

A. I did.

Sue Mallonee - Direct

Q. And did you have the assistance of others, or did you design it on your own?

A. Myself and my staff. Also, we started this study on April 21, the Friday after the bombing. I called an office in Washington, the Office of Emergency Preparedness, and I also called the director of the National Injury -- the National Center for Injury Prevention and Control -- that is one of the Centers for Disease Control -- asking for assistance.

I mean, on Friday, we thought there might have been as many as 800 people in the building, and I knew this was going to be an enormous task, so I felt like we needed some support.

So on Friday, we began the study. The people from the CDC got in on Monday, and we began designing it with their assistance.

Q. All right. Now, did you collect data in connection with your study?

A. Yes. We collected a lot of data.

Q. Would you at least give us a general overview of the types of data that you collected.

A. Yes. The Commissioner of Health the weekend after the bombing mandated that injuries and other health effects associated with the bombing would be reportable. That would give us access to medical records; so we went out to the hospitals and we reviewed all of the medical records in all of the hospitals in metropolitan Oklahoma City and extending out

Sue Mallonee - Direct

20 or 30 miles north and south to Norman and Edmond.

So we looked at emergency department records and we looked at hospital medical records.

We were concerned when we got to the hospitals. It was apparent that they had been so inundated with injuries that sometimes the records were incomplete, and so we felt like that perhaps we should extend our data collection. And we surveyed physicians in Oklahoma County, in the five surrounding counties. We also decided that we needed to talk or survey the survivors as well.

So we basically used those -- we also had some photographs and we looked at some videos. We had multiple sources of data.

Q. All right. Following your collection of this data in your study, did you determine how many people died as a result of the Oklahoma City bombing and where they were located?

A. Yes, we did. There were 168 deaths. 167 of those deaths were a direct result of the bombing. 163 were in the Murrah Building. Of those, 118 were employees of the building, 15 were children in the day-care center and 30 were visitors to the building, including four children

the building, including four children.

There were two deaths in the Water Resource Board. There was one death in the Athenian Building, which was directly across the street from the Murrah Building, and there was one death in the parking lot of a woman walking to the

Sue Mallonee - Direct

Athenian Building.

Q. What was her name?

A. Her name was Kathryn Ridley.

Q. All right.

A. And then there was one rescuer who died following the bombing.

Q. Who was that?

A. That was Rebecca Anderson.

And three of the people who died were also pregnant; and those deaths, the fetal deaths, are not included in the account.

Q. Now, did you arrive at a -- the number of people who were hospitalized overnight, at least overnight and beyond, as a result of the bombing?

A. Yes. There were 85 people hospitalized for physical injuries. There were more people hospitalized for chest pain or other physical conditions, but not injuries. 85. Two of those died in the hospital at 2 and 23 days following admission.

Q. One after 2 days and one after 23 days?

A. That's right.

Q. Okay. Did you also determine the number of people who were injured and were treated at local hospitals in Oklahoma and released the same day?

A. Yes, we did. There were 351 persons that were treated and

Sue Mallonee - Direct

released at a hospital, and then there were 158 people that went to -- many people told us that they felt like the hospitals needed to be treating more seriously injured and they didn't want to inundate the hospitals, so they just went to their private doctor or to a clinic. About 158 people did that.

Now, I might say these estimates are very conservative. We used a very tight case definition; and there were another 175 people who either saw a doctor after the week following the bombing or who sustained injury and did not seek medical attention.

So we were very conservative about these numbers.

Q. Now, do your numbers include people, for example, who received emotional injuries?

A. No. It does not include any stress-related or emotional.

Q. Does the State Department of Mental Health track numbers of people that seek the advice of the Department of Mental Health and the physicians and therapists available through that service?

A. They do keep records on people that are treated within the Department of Mental Health. They do not keep records on people treated by private clinicians.

Q. Were you able to determine the number of people that have been treated by the Department of Mental Health?

A. I got a number from the Department of Mental Health for

Sue Mallonee - Direct

Project Heartland, which started in response to the bombing. Between July, 1995 and December, 1996, it only goes for that year-and-a-half period --

Q. July, '94? Excuse me. July '95. Pardon me.

A. To December, '96, there were 1,806,713 clients served by Project Heartland, and again that does not include anybody that sought services from private clinicians.

Q. All right. Now, in connection following the conclusion of your study, did you publish the results in any recognized journal in America?

A. We published the results in August of 1996 in the Journal=20 of the American Medical Association.

Q. Could you tell us what the significance of the publication of your article in the Journal of American Medical Association is?

A. Well, that's probably a journal that people read in more countries and throughout the world than any other journal. It primarily targets medical doctors, but it's probably the most widely read medical journal. It's very difficult to publish in that journal.

Q. You have to undergo substantial peer review?

A. Oh, yes. Substantial peer review.

Q. In connection with your study, did you attempt to determine the occupancy in the buildings that surround the Murrah Building and -- the buildings that surround the Murrah

Sue Mallonee - Direct

Building?

A. Yes, we did. As epidemiologists, we felt it was very important to know how many people were in the Murrah Building as well as the buildings that were most heavily affected. We wanted to be able to calculate rates of injury, how many people that were in the Murrah Building that were injured, how many people that were in the Journal Record Building were killed, etc., etc.

So it was a very arduous process. Everybody in those buildings -- there were 40 agencies in those five buildings surrounding the Murrah Building. They were all displaced and throughout the entire city. And we had to locate them, find them, and then ask them. What we did was we brought blueprints of the building to each department manager; and we asked them to write every person, whether it was an employee or a visitor, on that map, where they were, deceased and survivors, where they were at the time the bomb -- at the time of the bombing.

We started that process the week after the bombing.

And we went back to them. We brought the maps back to them. It was a very long, arduous process. We left the maps with them so they could bring them around to their staff and cross-check.

Q. All right.

A. Locations.

MR. RYAN: If I might at this time, I'd like to offer

Sue Mallonee - Direct

in evidence quite a number of exhibits that will make the presentation go more efficiently, if I could do it once.

Would you like me to do one exhibit at a time?

THE COURT: I don't know to what extent this has been checked with defense counsel.

MR. TRITICO: I'm not exactly sure which exhibits he's talking about. There are some of them -- and I may have some that I may have problems with.

THE COURT: Let's go one at a time then.

MR. RYAN: All right. Exhibit 978.

MR. TRITICO: Your Honor, we had addressed this earlier, and I'll stand on our earlier objection.

THE COURT: What's the relevance of this exhibit to her testimony?

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

THE COURT: Yes.

MR. RYAN: Well, this particular -- this is a photograph that I thought we had covered earlier with respect to various medical --

THE COURT: Well, why is it being offered now?

MR. RYAN: Because in a moment I'm going to ask this witness to exemplify various people who suffered near-fatal injuries with a photograph depicting those injuries at the time.

THE COURT: Well, let me see it.

Sue Mallonee - Direct

I've got it here, I think.

Well, who is she going to talk about in connection with this?

MR. RYAN: Just the lady that's laid down there on the pavement.

THE COURT: Well, I'm going to exclude 978.

MR. RYAN: All right your Honor.

Exhibit 1011.

MR. TRITICO: No objection.

THE COURT: All right. 1011 received.

MR. RYAN: Exhibit 1387.

MR. TRITICO: No objection.

THE COURT: Received.

MR. RYAN: 1394.

MR. TRITICO: No objection.

THE COURT: Received.

THE COURT: Received.

MR. RYAN: Exhibits 1399 to 1419.

THE COURT: Is it 1399 and 1419?

MR. RYAN: All the way to 1419, your Honor.

THE COURT: Oh. Inclusive.

MR. TRITICO: With respect to 1399, I object to part of it. There is portions of Exhibit 1399 that I don't believe are admissible.

MR. RYAN: I apologize, your Honor. I intended to delete 1399. I apologize.

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1400 to 1419.

MR. TRITICO: No objection to -- 1400, 1401, I have no objection to. No objection to 1402. No objection to 1403.

I have no objection to 1404, 1405, 1406.

I object to a portion of 1407, your Honor.

THE COURT: We'll come back to that.

MR. TRITICO: I have no objection to 1408, 1409, 1410, 1411.

I believe 1412 is withdrawn.

THE COURT: I didn't hear that. Is it, Mr. Ryan?

MR. RYAN: We'll withdraw that exhibit, your Honor.

THE COURT: All right.

MR. TRITICO: I have no objection to 1413, 1414, 1415.

I object to 1416.

I have no objection to 1417, 1418.

And I object -- where are we stopping? 1419?

MR. RYAN: Yes.

MR. TRITICO: I don't have that. May I see 1419?

I don't have a 1419 on my list.

THE COURT: Neither do I.

MR. RYAN: We'll withdraw it, your Honor.

THE COURT: All right. I see on 1407, there is an extraneous matter there.

MR. RYAN: Yes, your Honor. I'll use the ELMO on that --

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THE COURT: Redact it?

MR. RYAN: I have it on the computer, and I'll use the ELMO and place something over that or redact it somehow.

THE COURT: And also on the -- the one that would be in the exhibit, then, so you'll redact it.

MR. RYAN: Yes, I will, your Honor.

THE COURT: I take it that it's the subphotograph that --

MR. TRITICO: Yes, your Honor.

THE COURT: All right. With that understanding then. And 1416 was objected to?

MR. TRITICO: 1416 was the next one, your Honor.

THE COURT: Yes. That also has an extraneous aspect to it. It's prejudicial.

00 10. 10 0 p r o j u d i c a t o r i a l .

MR. RYAN: Your Honor, can we do the same thing on it and redact it?

THE COURT: All right. Take out the right half of it.

MR. RYAN: Yes, your Honor.

We'd next offer --

THE COURT: Well, let me -- I'll receive these that have been offered and no objection to; and then receiving 1407 and 1416 with the changes to be made.

MR. RYAN: Yes, your Honor.

THE COURT: Go ahead.

MR. RYAN: 1423 -- actually, that's already admitted,

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your Honor.

THE COURT: Yes.

MR. RYAN: Pardon me.

14 -- let me have just a moment.

1532.

MR. TRITICO: I'm looking on my list, your Honor.

THE COURT: I don't have it, either.

MR. TRITICO: If I could just have a moment to look at it?

MR. RYAN: Yes. Of course.

Your Honor, we'll just withdraw these last two, your Honor. Apparently they didn't get on the list with this witness. They're on our witness list but not on with this witness.

THE COURT: All right. So are you ready to proceed?

MR. RYAN: No. 1537, your Honor, is the occupancy list, and I did show that to Mr. Tritico.

THE COURT: I'm sorry. What's the number?

MR. RYAN: 1537.

MR. TRITICO: I have no objection to that.

THE COURT: Received.

MR. RYAN: Thank you, your Honor.

THE COURT: All right.

BY MR. RYAN:

Q. Okay. Ms. Mallonee, we were talking about the occupancy of

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the buildings. Let me show you and the jury what has been marked as Exhibit 1537.

A. These -- this does show the number of occupants that we determined were in each of the -- in the Murrah Building, 361 persons, and in each of the four buildings closest or most heavily damaged. 165 persons in the YMCA, 5 in the Athenian Building, 65 in the Oklahoma Water Resources Board, and 303 in the Journal Record Building.

Q. Now, if you would, did you also conduct a study to determine or include within the data that you gathered the data with respect to persons who suffered near fatal injuries?

A. Yes, we did.

Q. And did you prepare a map to map the locations of those persons?

A. Yes, I did.

MR. RYAN: With the assistance of the marshal there, can we place what has been marked and accepted in evidence as Exhibit 1401 on the easel?

If you could move that just a little closer to the witness so that all the jurors can see it.

Thank you.

BY MR. RYAN:

Q. Now, Ms. Mallonee, if you would, if you'd turn to the exhibit and try to keep your voice up and explain to the jury what is represented by that exhibit.

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A. This is a graph of where near-fatal -- very serious, near-fatal injuries occurred. There were five persons in the Journal Record Building directly north of the parking lot of the Murrah Building that suffered near-fatal injuries.

There was one person in the Water Resources Board that suffered a near-fatal, and one person in the parking lot.

And I believe there is one too many -- I believe in the Alfred P. Murrah Building there is one too many, but this -- basically, this is the number of injuries of people who suffered life-threatening injuries in the Murrah Building.

Q. These are people who lived?

A. They survived, but they suffered either a near-fatal injury that without immediate treatment, they wouldn't have survived, or an injury that was very, very severe that could have resulted in death, or a complication that could have resulted in death. That's basically the criteria I used for this exhibit.

Q. And you prepared a report that's been provided to the defense and to the Court and has been admitted in evidence as Exhibit 1400 that sets forth a brief description of the various people that suffered these near-fatal injuries.

A. Yes, I did.

Q. All right. Could you -- let's start with this Exhibit 1400, at least the front page of it that's on your screen. Do you see that?

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A. Yes, I do.

Q. All right. Let's start with the first person there is Rebecca Cryer.

A. Yes.

Q. Would you tell the jury what her injuries were.

A. Rebecca Cryer was a 48-year-old female. She was sitting at her desk using her computer on the very south side of the Journal Record Building, directly across the street from the Murrah Building. Her right side -- the right side of her body was just 1 foot from a window, one of the south windows. She

was taken to a hospital where she underwent major treatment, particularly suturing of her lacerations. And she was released home. Five days later, she began complaining of a headache. She had progressive shortness of breath, and she coughed up blood and was taken to the hospital and then admitted for nine days in the hospital.

She was diagnosed with acute respiratory distress syndrome secondary to blunt trauma and smoke and dust inhalation. A-R-D-S, ARDS, we call it. It's a very severe lung condition that can progress to respiratory failure. It has a really substantial fatality rate.

She was also diagnosed with a closed-head injury or a concussion, and she did suffer loss of consciousness; and a laceration in her left hand involved a tendon. She also reported she lost three teeth.

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Q. Now, we have a picture of Ms. Cryer.

A. We do.

Q. And does this photograph accurately depict some of the facial injuries that she suffered?

A. Yes, it does. You'll see extensive bruising around her eye, lacerations in her scalp -- I don't know this pen -- can I use this pen?

Q. I don't think it will be necessary to do that with as many people as we have to discuss here.

A. Okay. You'll see extensive lacerations on her right here, on here scalp, and some healing lacerations around her mouth and her right cheek.

Q. She also suffered some permanent disability, did she not?

A. She did. We interviewed her on January 17 of this year. She has severe memory problems and difficulty concentrating from her head injury.

The tendon injury in her left hand has required extensive physical therapy, and she has difficulty working with her left hand.

She also has trouble hearing and a substantial ringing and roaring in her ears. It's called tinnitus. In her right ear. It has been diagnosed by a physician.

THE COURT: Excuse me. Was that Exhibit 1415, that photograph?

MR. RYAN: I'm sorry, your Honor. Yes, it was.

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THE COURT: Thank you.

BY MR. RYAN:

Q. Who is the next person suffering a near-fatal injury?

A. Fred Kubasta.

Q. Where was he located?

A. He was in the Journal Record Building.

Q. The first six people you're talking about were all located in the first -- in the Journal Record?

A. The first five people, yes.

A. The first five people, yes.

Q. Five people.

A. Yes.

Q. All right.

A. Fred Kubasta is a 63-year-old male who worked in the Journal Record Building. He was standing in the southwestern portion of the Journal Record Building, again, directly across the street. He was within 5 feet of a south window and was blown across the room and knocked unconscious.

He was taken to a hospital in shock, and he required urgent resuscitation. He was admitted to the hospital for ten days.

Most of his injuries were caused by the window glass. He had multiple glass shards removed and multiple severe lacerations throughout his body.

Q. Ms. Mallonee, I apologize for doing this to you, but we're going to have to shorten the information here just a bit.

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A. Okay.

Q. Would you please just try to give just a brief overview of the near-fatal injury that these folks received.

A. Okay.

This man suffered a laceration of his temporal artery which resulted in shock basically. He had to receive blood in the hospital, and he also had severed nerves and tendons in his hand and acute left-eye injury. I believe we have a photograph of him.

MR. RYAN: This is Exhibit 1413, your Honor.

THE COURT: Thank you.

THE WITNESS: This is a picture of Mr. Kubasta's back. You can see extensive line-feed lacerations, healing in his back. He also has -- you can basically see healing lesions on his face and back of his back.

BY MR. RYAN:

Q. Did he also suffer long-term injury?

A. Yes, he did. He has diminished use of both of his hands. He also requires hearing aids and a corrective lens in his eye. Left side of his face is numb from the lacerations, and he has head injury aftereffects. He couldn't drive a vehicle at the time we interviewed him. He still has glass embedded in his body. He had surgical removal of glass a couple weeks before we interviewed him on April 3 of this year, and he will have further extraction of glass.

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He had to retire from work, and he left Oklahoma.

Q. What was -- who is the third person on your chart there from the Journal Record Building?

A. Mary Mowdy. She also was next to glass in the Journal Record Building. When she -- when she arrived at the hospital, she was in imminent danger of bleeding to death. She received at least 11 units of blood and was hospitalized for 13 days.

She's 38 years old.

Q. Do you have a picture of Ms. Mowdy?

A. I do.

Q. That's Exhibit 1412?

MR. TRITICO: Excuse me, your Honor --

MR. RYAN: Excuse me. You're right. I apologize.

BY MR. RYAN:

Q. Who is the next person on the chart, please.

A. Polly Nichols.

Polly Nichols was in the opposite side of the Journal Record Building close to a window again. She was hospitalized for ten days. She had a lacerated jugular vein, which is a life-threatening injury. She also had a laceration of her carotid artery and her esophagus. She had multiple open wounds in her pharynx. Most of her injuries were around her neck caused by glass.

Q. Who is the next person on your near-fatal injury chart?

A. Royia Sims was in a 2d floor of the Journal Record Building

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with Mary Mowdy. She's 27 years old. She suffered extensive lacerations again of her right internal jugular vein, life-threatening. She was in shock when she arrived at the hospital. She very well likely would have died if someone had not put pressure on her laceration -- on her lacerated jugular vein. She received 20 blood transfusions in the hospital.

She also had head injuries and multiple fractures and lacerations on the -- predominantly on her face and also complete lacerations of nerves and tendons in her arms and lower leg.

Q. Do we have a --

A. One further really serious injury. She had a ruptured right eye with loss of vision in her right eye. Her right eye was basically destroyed.

Q. We have an exhibit that is a photograph of Ms. Sims after the injury?

A. We do.

Q. Exhibit 1394.

A. This photograph will show the extensive damage to the right side of Royia Sims's face. You'll see the extensive -- on her neck, where her jugular vein was lacerated and up through to her eye. And basically she kept her right eye, but she has non-usable vision there. You can see a lot of healing lacerations in her lower lip, her chin, and her forehead.

She has a lot of serious impairments and disabilities

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as a result of this. She does have no usable vision in her eyes, which makes driving very difficult and other things requiring vision.

She also developed a facial palsy, so her right eyelid droops. She developed temporal mandibular joint syndrome in

her face. She has difficulty walking. She lost 25 percent usage of her left hand and 10 percent usage of her right hand, so she has difficulty dressing and with all sorts of activities of daily living.

She's had multiple surgeries, vision surgeries, orthopedic surgeries, glass removal, facial reconstruction.

I think I went into the next exhibit.

Q. The next person on your chart is Daina Bradley, and we've just heard from Dr. Sullivan.

A. Next person on mine is P. J. Allen.

Q. Okay. We're not going to show the photograph of P. J. Allen, but would you briefly describe his injuries.

A. He suffered a permanent burning and destruction of his airway, hyperactive airway disease. He has a tracheostomy, requires breathing treatments regularly and requires a home health nurse to change the tracheostomy, basically has a very difficult breathing all the time.

Q. As I said, we're going to skip Daina Bradley because Dr. Sullivan has already testified before the jury about her this morning.

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A. All right. Falesha Bradley is next.

Q. Falesha -- Falesha Bradley was Daina Bradley's sister; correct?

A. Yes.

Q. What were her injuries?

A. She had -- she was trapped by debris. She had a closed-head injury, pretty severe closed-head injury. Her right elbow was crushed. The bone was penetrating her skin. She had extensive shrapnel injuries. She had over 4 feet of lacerations throughout her body. She had massive right-side facial wounds with loss of tissue of her face, full thickness burns on her face, neck and back. Her right ear was torn away from her scalp. A large perforation of her eardrum. Just lots of cuts, bruises. She required three units of blood and was in the hospital for 16 days. She's 23 years old.

Q. The next person on your chart is Pam Briggs.

THE COURT: You still have a photograph on here.

MR. RYAN: I'm sorry, your Honor.

THE WITNESS: Do you want to hear about her long -- you want to skip her --

BY MR. RYAN:

Q. Would you briefly tell the jury about her long-term injuries.

A. She has a lot of facial and neck scarring, a severe hearing loss in one ear. She has problems with motion with her right

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arm. Her head injuries, she has lots of posttraumatic amnesia. She was full-time employed before the bombing, and now she's unemployed.

Q. The next person receiving potentially fatal injuries is Pam

Q. The next person receiving potentially fatal injuries is Pam Briggs?

A. Pam Briggs was knocked unconscious. She was found under her desk with the desk on top of her. She had a lot of abdominal damage. She had a laceration of her small intestinal which required a couple of surgeries. She developed infection. Her lungs collapsed. She had over -- she had large lacerations of her scalp and forehead, back and knee injury and a head injury.

Q. Next one is Cliff Cagle.

A. Okay. Cliff Cagle was close to where the drop-off of the building was. He was rendered unconscious by ceiling material and debris. His skull was open. He suffered an open, depressed skull fracture; that is, that one piece of his skull is separated from the other and it's pushed down towards his brain and basically his skull -- his brain is open to the outside -- to the outside, and there were foreign bodies that penetrated his cranium into his brain.

Q. Do you have a photograph of Mr. Cagle?

A. Yes. He also suffered, which you'll see, rupture of his left eye with the tissue. If you want to show the picture, it will show the results of that.

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Q. Exhibit 1410.

A. He lost his eye, and he is blind in that eye. You can see that that's ptosis. The eyelid droops, and the left side of his face is basically paralyzed and numb. And you can see his nose and the effects on his nose and mouth.

So he's blind. He's had extensive surgery. He has hearing problems, tinnitus problems. He's had to have teeth extracted because of TMJ syndrome. He's just had a lot of facial damage.

Q. Martin Cash is the next person. Do we have a photograph of Mr. Cash --

A. We do.

Q. -- depicting his injuries? This is Exhibit --

A. He also had an open, depressed skull fracture. This is a very serious injury, the skull protruding, his scalp, the brain exposed. He also had an open fracture of his left arm.

MR. JONES: Excuse me, your Honor. I believe we've moved on to the next person.

THE COURT: Yes.

BY MR. RYAN:

Q. Exactly. Martin -- Martin Cash. Do we have a photograph for him?

A. We do.

Q. Exhibit 1408?

A. I don't know the number. I know the picture. That was it.

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This is Martin Cash.

Extensive abrasions on his left cheek. His left eye

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is very swollen, and lots of lacerations on his forehead and his left arm. He had nerve injury to his left arm.

Q. Next person on your chart is Brandon Denny.

A. Yes. He's a three-and-a-half-year-old in the day care just above the blast, suffered another severe brain injury from a large skull fracture. He had lots of bone penetrate his brain, and he developed infection. He again -- he developed respiratory failure and required a tracheostomy and mechanical ventilation or a respirator to breathe for him. He had a lot of injuries, but his head injury was his most significant problem and has caused the most -- most of his physical problems following the bombing.

Q. Do we have a photograph?

A. We do have a photograph of Brandon.

Q. Exhibit 1406.

A. I think Brandon has serious problems with his physical -- using his hand and leg. This photographs shows him on the respirator, shows his head bandaged, shows the endotracheal tube and connected to the respirator to breathe for him.

Q. Next person on your chart is Patty Hall?

A. Yes.

Q. Do we have a photograph of her, which is Exhibit 1409?

A. Yes, we have a photograph. She was on the 3d floor credit

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union and fell from the 3d floor to ground level. She was admitted for over -- for about two months. She had multiple, multiple broken bones just throughout her body, her pelvis and her lower body. She also developed adult respiratory distress syndrome and was put on a respirator for a long time. She developed a brain -- brain problems, and most of her problems are physical in nature.

This shows her -- the tracheostomy in her neck. You can see below her chin, and she is connected to a respirator here.

Q. The next person on your near-fatal chart is Tom Hall.

A. Yes.

Q. Do we have a photograph of Mr. Hall, which is Exhibit 986, I believe?

A. Mr. Hall was on the 1st floor.

Q. 980. Pardon me.

MR. TRITICO: I don't believe that's it, your Honor.

BY MR. RYAN:

Q. Well, let's not show the photograph. Just briefly tell about Mr. Hall's injuries, please.

A. He also had a completely severed right jugular vein. He had to have at least 12 units of blood to survive that injury. He had a closed-head injury, a pretty bad head injury. He had a compound -- an open fracture, the bone penetrating the skin of his left leg, multiple nerve lacerations of his neck and

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face. He just had a lot of lacerations.

His problems from his head injury. He now has seizures. He has a lot of problems with cognitive problems and with memory and concentration. He has a lot of physical problems as well. He has much difficulty walking. He has difficulty smiling and eating and double vision.

He has a lot of profound impairments. He can only work part-time now, whereas he worked full-time before.

Q. All right. The next person on your chart is Randy Ledger.

A. Yes.

Q. We have a photograph of him.

A. We do.

Q. It's Exhibit 1405.

A. He also suffered a laceration of his left internal jugular vein and his carotid artery and his temporal artery, so he was in critical shock when he arrived at the hospital. He lost approximately half of his total blood volume before he got to the hospital, received at least 12 units of blood.

Q. Next person on your list is who?

A. This, Randy Ledger.

Q. After Randy Ledger is next --

A. Okay. Brandie Ligons.

Q. Would you tell us about --

A. 15-year-old client of the Social Security. She had terrible internal injuries. Her spleen was lacerated, had to

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be removed, had injury to her small intestine. She was also in shock when she arrived at the hospital and had to have blood. She has multiple lacerations of her head and throughout her body.

Q. I believe Sharon Littlejohn is the next person on your chart.

A. Yes.

Q. What were her injuries?

A. She had penetrating chest trauma. She had an open pneumothorax, which means her lungs collapsed that required insertion of a chest tube. She had many fractures in her left arm and hand. Her left hand was crushed. She had fractures in her left foot. Her right eye was ruptured. I mean, she lost her right eye. She had hundreds of lacerations and shoulder injuries.

Q. Next person on your chart is Nekia McCloud.

A. Yes. Four year old.

Q. We have a photograph of her, which is Exhibit 967.

A. She was a four year old in the day-care center. You can see an extensive laceration that's of her forehead that you can see where the blood is.

She had a very severe brain injury with multiple skull fractures. She also had a broken right leg. She had burns. She had lots of cuts and abrasions. So you can see in this photograph how she's buried and the burns and the lacerations

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to her face.

Q. Who is the next person on your chart, please.

A. Chris Nguyen, a five and a half year old in the day-care center.

MR. RYAN: Photograph is Exhibit 1404, your Honor.

THE WITNESS: He suffered a bruised heart, which resulted in his heart beating so fast that it was life-threatening. He also had fluid around his heart. He had bruised lungs and was in respiratory distress. He also had a very severe closed-brain injury, prolonged coma. You can see -- it's kind of difficult to see on this picture, but he had pretty extensive burns of his face and upper lips and cheeks --

BY MR. RYAN:

Q. Next --

A. -- onto his eyes.

Q. Pardon me. Next person is Priscilla Salyers. The photograph of her is Exhibit 1403.

A. She fell from the 5th floor down to the 1st floor. She was buried in debris and trapped for almost five hours. She had multiple broken ribs. She right -- her lung collapsed, and she had blood and air in her right lung, required a chest tube. She had lots of injuries to her legs, particularly, and fracture of her ankle. She also suffered a paralysis of her nerve in her right arm and shoulder. Though it's difficult to

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tell in this photograph as well, you can see she's receiving acute treatment in the hospital here.

Q. Now, the next person is Enetrice Smiley.

A. Yes.

Q. What were her injuries?

A. She had lung damage. Her lungs just -- she had pulmonary collapse. She had a large doorknob embedded in the back of her head which resulted in a bad laceration and a severe closed-brain injury. She had multiple fractures of her right leg and ankle and her left knee. She suffered at least three fractures of her spine in her neck and further down in her spine. She had severe lacerations throughout her body. She has been seriously impacted with her head injury.

Q. Next person is Mr. Staggs.

A. Yes.

Q. What were his injuries, please.

A. He suffered a bruise of his lung, cardiac contusion which resulted in a life-threatening beating -- ventricular tachycardia of his heart. He has bruised lungs. He had a fluid buildup, pulmonary edema. He had a contusion and cerebral contusion. He also has results of his head injury and problems with drooping of his face.

Q. Next person is Mr. Titsworth?

A. We don't have a picture of him.

Q. I'm not going to show it

Q. I am not going to show it.

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A. Okay.

Q. Mr. Titsworth -- photograph of Mr. Titsworth is Exhibit 1436.

A. He had a severe -- he had two depressed skull fractures, open; so his skull penetrated the scalp, and some of his skull bone pushed into his brain.

THE COURT: Excuse me. Do we have 1436?

I don't believe it's put into evidence.

MR. RYAN: I apologize, your Honor. We'd offer Exhibit 1436.

MR. TRITICO: No objection.

THE COURT: All right. It's received and now may be used.

THE WITNESS: You can see in this photograph where his skull -- he required urgent surgery to get his skull back together, and you can see where that surgery was; and you can also see the extensive lacerations in his left ear, his left cheek and down his left -- his left neck.

He -- those fractures resulted in fractures of his jaw, and he just had lots of facial nerve and bone injuries.

BY MR. RYAN:

Q. Who is the next person on your chart?

A. Susan Walton.

Q. And I don't think we need to talk about her. She was here in court yesterday and told the jury about her injuries.

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A. Okay.

Q. Who is the person following Ms. Walton?

A. That's all of my exhibits on potentially fatal injuries.

Q. All right. And you also prepared a detailed description of the persons who received long-term impairments and disabilities. Is that correct?

A. That's correct.

Q. We're not going to go through that at this time, and we'll simply leave it in evidence and the jury will be able to examine it, if they wish.

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

THE COURT: All right. Is that exhibit you just referred to -- what number?

MR. RYAN: It's in evidence, your Honor, I believe as Exhibit 1402.

THE COURT: Yes. Thank you.

MR. TRITICO: I have no questions for this witness.

THE COURT: All right. No cross-examination. You may step down. You're excused.

MR. HARTZLER: Government calls Susan Urbach.

Ms. Wilkinson will question her.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Susan Urbach 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: Susan Urbach, U-R-B-A-C-H.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Ms. Urbach.

A. Good morning.

Q. Why don't you tell the jury where you were born.

A. York, Nebraska.

Q. And did go to college?

A. I did. Grew up in Minnesota but ultimately ended up in Oklahoma, attended Oklahoma City University.

Q. Tell the jury what you majored in.

A. I got my bachelor's and my master's in music, in voice.

Q. And did you also -- did you tell -- just say you completed your master's?

A. Yes.

Q. In that same area?

A. Yes.

Q. And that's part of why you have such a shy personality,

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isn't it?

A. Or, I think I probably had the shy personality before I attended college.

Q. After you completed your master's, what did you do?

A. I worked at the -- well, I've had several jobs that have been related to music, primarily in church music, either full-time or part-time and then have had ultimately -- through a rather circuitous route, ended up in a bank and which really piqued my interest in that, ultimately ended up at the Small Business Administration for a couple years, and then moved on in 1988 to my current position.

Q. What is that current position?

A. I'm a -- it's very long. I'm Regional Director of the Oklahoma Small Business Development Center with the University of Central Oklahoma.

Q. Tell us what you do in that position. What are your responsibilities?

A. Very basically, we're business consultants for new and established businesses.

Q. You are part of the university. Is that correct?

A. Yes. We are part of the university, but we are an off-campus site of the university.

Q. And you were employed in that capacity back in April of 1995?

A. Yes.

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Q. And you've lived in the Oklahoma area --

A. Since 1974.

Q. Okay. And let's turn to April 19, 1995. Where was your office located on that day?

A. We were located in the Journal Record Building, on the south side of the Journal Record Building; and I was very excited to have a window in my office. I never had one before. And the view from that window in the Journal Record Building was that north side of the federal building.

Q. So there really wasn't anything blocking you --

A. Nothing.

Q. -- from seeing the Murrah Building. Is that right?

A. No, that's correct.

Q. Now, on April 19, 1995, you went to work; right?

A. Went to work.

Q. And a little before 9:00, what were you doing?

A. I had just come in from a seminar. We helped co-sponsor a breakfast seminar, and I had a 9:00 appointment in my office; and also we also had another seminar that my office totally was sponsoring at 9:00 in the Journal -- in another part of the Journal Record Building.

Q. Now, had you been doing some work on your house around the time of the bombing?

A. Yes. I have a 72-year-old fixer-upper; and about three weeks before the bombing, my spring house project was I had

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totally gutted the living room. I mean, you know, the walls and the ceilings, totally down and gutted.

Q. So on the morning of April 19, what was the condition of your home?

A. Well, I did have a ceiling and I did have walls, but that's about it.

Q. Were you single at the time?

A. Yes.

Q. Tell us what happened to you at 9:02 on April 19.

A. Well, at 9:02 I was standing in the doorway of my office. The appointment was running late, and we were kind of making bets on whether or not he'd actually show -- it was the first time -- and talking about the latest house project and where I was on that. And the woman who was doing -- going to be doing the seminar was standing next to me, and she was getting some things done with the copier. And another one of my staff members was in his office, and another person -- we couldn't see -- she wasn't in where we were, but I wasn't sure if she was in her office or not. But that's -- that's where we were.

Q. Did you feel the explosion?

A. Yes. All of a sudden, again, you know, we were just standing there and I heard this big kaboom. And the Journal Record Building is a very large building, very solid, large building; and the building just shook so badly that you

building; and the building just shook so badly that you couldn't even stand. And at that point in time, I started

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feeling things fall on me. I had a very, very large blow to the head that hurt, and rubble -- things were falling on me. The concrete wall fell on me, and the window exploded into my back and then the ceiling came crashing down all over me.

Q. When you first realized what had happened, that you were underneath the rubble, what was your initial reaction?

A. I was very sleepy. I didn't hurt anymore. The blow -- after the blow to the head, everything -- I didn't feel anything. And I just -- at first, I just wanted to go to sleep.

Q. You didn't know the extent of your injuries at that time. Is that right?

A. I didn't know anything.

Q. Were you able to dig yourself out of the rubble eventually?

A. Yes. I got some very unusual strength to be able to dig myself up out of the rubble, and we didn't stop to look at anything. I mean, we just immediately headed for the door.

Q. Did you and some of your colleagues try and exit the Journal Record Building?

A. That's correct.

Q. Did there come a time where you entered a stairwell to try and leave the building?

A. Yes. Actually, two. We first of all went down one stairwell, which was totally blocked and had to come back up and go down the other side of the building to the north

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stairwell.

Q. Now, at that time, you were injured?

A. Yes.

Q. But you were well enough to walk yourself out. Is that correct?

A. Yes. I -- I really -- yes. I did not know the extent of the injuries at that time but was moving carefully.

Q. Do you recall noticing the condition of your clothing and your shoes?

A. I was moving carefully because I didn't have any shoes left. I don't know what happened to them, but they weren't with me. And in going through all the rubble, I had to walk very carefully. And I had on a two-piece suit that morning, and I got up and it was all open. I didn't have any buttons left.

Q. As you were walking down the stairwell, did you see other people?

A. Yes. Most every -- looked like most everybody from our side of the building was going down that, so there were people all lined in the stairwell. And I heard a man yelling: "Everybody keep to the right. Let the injured come through. Let the injured come through."

Q. And did you notice anyone looking at you at that time?

A. Well, yeah, I couldn't figure out what was happening, because they kept making me go through. And people kept

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looking at me really strangely.

I especially remember one woman who I recognized as having worked with the student loan area on the 2d floor, and as she -- it was kind of this horrid fascination, surprise.

Q. At that time, did you have any idea what she was staring at?

A. No.

Q. You got yourself out onto the street with the others. Is that right?

A. Yes, that's correct.

Q. And you went to the triage unit?

A. Yes, over at 6th and Robinson.

Q. And they gave you some gauze to take care of some of your injuries?

A. Right.

Q. Let me go back for a moment. Was there some point as you were leaving the building where you realized some of your injuries, the nature of some of your injuries?

A. Yes. Again, there was glass and rubble on the stairwell, so I had -- I was needing to walk very carefully; so I reached out to the wall to try to balance myself, and I realized I had on a short-sleeved suit that day, and my whole arm was totally bloody. And then I had -- I had what -- plaster that had been forced into one finger and then -- and a 2-inch chunk that was just forced under the skin, so I could see these lumps in here,

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but I couldn't feel anything.

Q. At the time did you think that was your only injury?

A. Well, obviously I had something from somewhere, because I had blood that was coming down from my arm; but I didn't know what that meant.

Q. When you got out to the street, did some of the rescue workers give you gauze to put on your back and neck?

A. Yes. They came by and had like big pads of gauze. And they put one right on my neck where there were a lot of injuries, taped around my neck. And then they went to my back and taped one on my back.

Q. Did you later learn that you had many lacerations in your neck and back area?

A. Yes, that's correct.

Q. When you were out in the triage unit, did you see someone you knew from the Journal Record Building being brought out?

A. Yes.

Q. Who was that?

A. Polly Nichols. She was in the Oklahoma Foundation for Excellence, which is just down the hall from me. And as I was

lying there waiting to be taken away, I saw one of her staff people, Carol, and someone else carrying Polly.

Q. How did Polly look?

A. Oh, she was dead weight. I mean, you could tell they were holding her by her arms and legs; and I mean, she was just

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folded in half because, you know, she just -- she was just dead weight.

Q. And you knew that she had been employed in the Journal Record Building; is that correct?

A. Yes. Oh, yes.

Q. Now, did they bring her over to your area, to the triage area?

A. Yes. They laid her down next to me.

Q. Did you try and speak with her?

A. Yes. Because we knew each other, and I could see she had some kind a neck injury. She had on a white Oxford shirt with her blue blazer, and it was just very bloody. And I tried to hold her hand, and she wouldn't respond to me. So I bent over and identified myself. I wasn't sure -- she looked really startled, so I wasn't sure what she was comprehending at that time and identified myself and said that she'd be okay.

Q. Did she -- did you get any reaction from her?

A. No. She wouldn't -- when I held her hand, there was no response, and then -- and she couldn't -- she couldn't talk to me.

Q. Did they take her away in the ambulance?

A. Yes, they did.

Q. And did you find out what happened to Polly?

A. Yes, yes.

Q. What happened?

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A. She had one -- she had a cut on her neck from flying glass. And it cut her carotid artery, her jugular vein and esophagus, so she couldn't speak to me.

Q. After she was taken away in the ambulance, did there come a time when you were taken to the hospital?

A. Yes. Yes, they put me on a stretcher and took me in the ambulance.

Q. When you got to the hospital, did they tell you they were going to perform some surgeries?

A. Yes. There was one doctor who came and started talking to me while I was lying on the gurney to tell me that they would go ahead and get started with my body injuries but that they might -- they would wait to do anything to my face until they either had a plastic surgeon or somebody who was experienced in microsurgery and that it might be 12 hours before they got somebody to be able to do that part but they would go ahead and start on the rest of my body.

Q. Did you have any idea what they were talking about when

they said they were going to do racial surgery?

A. No. I thought maybe my neck. I mean, because I knew I had the gauze there; but I really didn't realize I had facial injuries.

Q. To conduct the surgery, did they transfer you to a new gurney?

A. Ultimately. They began on the one, and there was so much

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blood and water that they went ahead and transferred me -- put me onto another gurney.

Q. Was there a mirror there?

A. Yeah. Right on the -- there is a railing, and I had to be lying on my side because all my injuries were on my left side; and so when I lay down, it was right there, the mirror.

Q. What did you see?

A. Oh, fresh stitched meat.

Q. And on what side of your face were you wounded?

A. Everything was on the left side. There is like a half-swastika kind of wound that started underneath the eye and goes down to my laugh line, several large lacerations that went from like my ear to my chin. My ear was totally cut in half all the way through the cartilage, and so forth.

Q. What did you think when you saw your facial injuries?

A. Oh, I -- I groaned because I just -- I couldn't believe what I was seeing.

Q. Did you have surgery on your face?

A. Yes.

Q. Looks like it was pretty successful, wasn't it?

A. Yes. Yes.

Q. Do you still have a scar?

A. I do, yes.

Q. Can you turn and just show the jury where your scar is.

You cover that up with your blush?

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A. Oh, sure.

Q. How long were you in surgery that first day?

A. Probably 4 to 4 1/2 hours. I had three doctors at that point.

Q. Were they operating on your neck and your arm and your back at the same time?

A. Right. Yes.

Q. Were you awake during those surgeries?

A. Yes.

Q. Could you feel anything?

A. When you're in shock, shock is a very good -- a very good thing. Of course, you know, they had to deaden every place that they were stitching; and I had almost 4 feet worth of stitches and then about an hour later realized that they -- I hadn't had anything for pain.

Q. Did you stay in the hospital for a couple days before you were able to leave?

were able to leave.

A. Yes. I went in on a Wednesday and then was released Friday morning.

Q. Where did you go once you left the hospital?

A. I went home with some friends who were medical people. I mean I didn't require the intensity of hospitalization, but I couldn't take care of myself, either; so I went home with some friends. He's a doctor, she's a nurse. I needed help with dressings and figured that they were ones to be able to do that

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and not get grossed out.

Q. Did you have someone fix up your house since you had left it in disarray?

A. Yes. I had friends who came over and they took the tarps out and the ladders and the paint cans out and moved furniture in. And another friend came in so that -- hooked up all the electrical outlets and the wires -- the lights, and so on, so that at least, you know -- at least when I came home I could use my whole house and not have that just totally in disarray as well.

Q. Do you recall going to church that first Sunday after the bombing?

A. Yes.

Q. And did you have an incident where someone noticed the stitches in your face?

A. I was out in the courtyard, and a woman, her young daughter with her, probably 2, 3 years old -- and I was standing right behind them. And as she hoisted her up over her shoulder -- I mean, we were eye level; and the little girl saw me and she just started -- was crying and screaming.

Q. How did that make you feel?

A. Children are really honest, and I -- I mean, I felt really badly that -- that I caused that reaction in that little girl.

Q. Can you tell us what impact that -- initially your surgery and your healing and your scar had on you.

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A. Well, it's -- it's -- it's very difficult when you have things that are very -- that are visible; and, of course, your face is the first thing that people see when they meet you. One of the things the doctor told me, too, is not to wash my face for six weeks, so that -- so everything would heal up properly and so forth. And I think most women would probably relate to this, you know. To not be able to wear makeup or even wash your face for six weeks and then go out in public is -- is difficult.

Q. Tell us about the impact the bombing had on you in connection with your office and your surroundings.

A. Well, what the bombing did is it -- well, my house wasn't normal; but when I walked out my door every morning, there was nothing in my life that was normal. I mean, my office was totally and utterly destroyed. I'm head of my office, I'm

injured, I'm having to deal with how do we get up, I've got traumatized employees, I've got a person who was there on my behalf doing a seminar who was injured because she just happened to be there at our behest.

My church, Saint Paul's Episcopal Cathedral, was heavily damaged. We went into our sanctuary for the first time on April 19 of 1997, and we have two more buildings yet to go. I'm a long-time member of the Federal Employees Credit Union, which was located in the building. I'm a long-time member of the downtown Y, which was totally and utterly destroyed and

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stands the same way it did in '95. We think the new Y, the new fitness facility, will be open and be built in perhaps a year.

I do -- I have some entrepreneurial activities on the side which involve a lot of mail order; and the little post office that I used right down the street -- that was razed because of the destruction; and right now that post office is being rebuilt.

The public library, which is -- I use a lot for my work and for my -- just for personal pleasure, was closed due to damages for six weeks. All employees were dispersed for a time. My car, the roof was crumpled in and windshield smashed.

Q. Was there anything in your life after the bombing that was normal or --

A. Not at all.

Q. Or part of your regular routine?

A. Not at all.

Q. Did you go -- did you have another unfortunate incident where you got in a car accident about a month after the bombing.

A. Well, I got the car repaired and I was feeling good enough to begin to try to -- try to feel physically -- try to do some kind of physical activity. And so one morning while I was on my way to the least inconvenient Y, since of course the downtown Y was destroyed, a man made an illegal turn across the lane, ran into my car, wrecked it again and gave me another

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injury also on my left side with everything else.

Q. Based on your treatment for that, did you determine that there was still some debris left in your back?

A. Yes. I had been feeling a little something in my back; but the medication to reduce the swelling from the car accident injury helped reduce the swelling on my back, and I -- there was really something very pronounced in my back.

Q. What did they find?

A. They found a very large chunk of glass.

Q. And they removed it, I take it?

A. Well, they had to cut -- yes. Not where other wounds were. It was way over, and so they had to cut that out.

Q. Approximately how large was the piece of glass?

A. Probably about 2 1/2 inches long, about a half inch wide and about a quarter inch thick.

Q. Did that relieve some of the pain that you had been feeling?

A. I felt tremendously better. Yeah.

Q. Now, you dealt with the people in your office and starting up your temporary office again; correct?

A. Correct. It took us about a week to figure out where we might even just locate, much less try to get our things or what was left of our things.

Q. And you took care of your people that you knew had been injured or suffered some kind of loss because of the bombing.

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Right?

A. That's correct. There were seven people that I knew in the Murrah Building itself and certainly in the Journal Record Building, the two offices -- Polly, we talked about -- and then the office on the other side of us, who included friends of mine, several of them were also hospitalized with injuries as well as -- as well as --

Q. After ministering to all these other people, did you realize that you had not dealt with the impact of the bombing on yourself?

A. Sure. And I mean -- well, everything in my life and then of course with my business -- I mean, I was dealing with bomb-damaged businesses every day, helping them get ready to apply for funding and get back up. And I think, you know, about August -- I mean, everybody and everything in my life was so affected. And realizing the long-termness of this, this doesn't go over quickly. I mean, I couldn't get out of bed in the mornings. I have had an incident where I fell asleep at the computer inputting information with a client, a couple other incidents that really scared me.

Q. Did you obtain counseling?

A. Yes.

Q. And did you determine with your counselor that you were suffering from depression?

A. That's correct.

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Q. And did you take medication?

A. Yes. I was put on Prozac for about six months, and then we would reevaluate and at the end of that six months and with the counseling was able to get off that.

Q. And have you gotten rid of the Prozac?

A. Oh, sure. Yeah, that's been quite some time ago.

Q. Now, most of your physical injuries have healed. Is that right?

A. Yes.

Q. And your scars healed other than having that mark that you just showed the injury?

A. Well, I have to take off a lot of my clothes in order to

A. Well, I have to take off a lot of my clothes in order to show you my other scars.

Q. We'll do without that.

A. But yes, I've healed up very well, thank you.

Q. And how do you feel about your scar today on your face?

A. Well, it's my badge of honor.

Q. What do you mean by a "badge of honor"?

A. Well, to me, you see, a scar -- and any scar, tells a story. And the story it tells is it tells a story of a wounding and a healing that goes along with that wounding. And the more deeply you're wounded, the more healing that must come your way; that you must experience for that wound to close up and for you to get your scar. I mean, you don't get your scar unless you've been wounded and you have been healed. And I've

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got my scar.

Q. So you're proud of your scar?

A. Yes.

MS. WILKINSON: No further questions, your Honor.

MS. COYNE: We have no questions, your Honor.

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

MR. HARTZLER: Kathy Youngblood, we call.

THE COURT: Thank you.

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

(Katherine Youngblood 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: Katherine Youngblood,
Y-O-U-N-G-B-L-O-O-D.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Hartzler.

MR. HARTZLER: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. HARTZLER:

Q. Good morning, Mrs. Youngblood.

A. Hi.

Q. Are you ready to go through this?

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Okay.

Where do you live now?

A. Yukon, Oklahoma.

Q. Where is that in relationship to Oklahoma City?

A. It's about 5 miles west of Oklahoma City.

Q. How long have you lived in the Oklahoma City area?

A. Since 1989.

Q. And what was it that brought you to that area?

A. My husband, John, was transferred with the federal

government here.

Q. When you arrived in Oklahoma City, did he work in the Murrah Federal Building?

A. No. He was -- he was a state programs manager at the Transportation Institute, Safety Institute in Oklahoma City. And then in March of '95, he transferred back with Federal Highway.

Q. So one month -- approximately one month before the bombing, he changed jobs and moved into the Murrah Building?

A. Right.

Q. And what agency then did you say he was working for at that time?

A. Federal Highway.

Q. Was he at work on the day of the bombing?

A. Yes.

Q. And were you at work that day?

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A. Yes.

Q. Where was it that you were working then?

A. I worked for Mutual Assurance Administrators in Oklahoma City.

Q. How far was your office from the Murrah Building?

A. It's about 12 miles.

Q. On the morning of the bombing, did you hear or feel the explosion?

A. Yes. We felt -- we felt it.

Q. 12 miles away?

A. Uh-huh.

Q. And when did you first learn that it was the Murrah Building?

A. Almost immediately, because one of my co-workers came up to me and told me that it was the Murrah Building.

Q. So the word spread very quickly throughout Oklahoma City or at least the 12 miles it took to get to your office?

A. Oh, yes.

Q. And what did you do after you learned that it was your husband's building?

A. I sat at my desk and waited for the phone to ring, because I knew John would call me.

Q. Tell us how long you had been married to your husband before the bombing.

A. A little over 21 years.

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Q. And did he call you that morning?

A. Yes -- well, he called me prior to, prior to, because we always called each other when we got to our prospective job sites.

Q. After you felt the explosion at your office and heard that it was the Murrah Building, did your husband -- and then you said you waited at your desk for him to call.

A. Right.
Q. Did he call?
A. No.
Q. Did you receive any word of him?
A. St. Anthony called me about 9:45 and said that John was in the emergency room.
Q. St. Anthony --
A. That he was injured severely and that I should wait approximately two hours before I come down there because there was so much havoc around.
Q. Okay. How long did you wait?
A. About 45 minutes.
Q. And had you made your -- St. Anthony's is obviously one of the local hospitals in Oklahoma City.
A. Right.
Q. After you held yourself back for 45 minutes, you went to St. Anthony's.
A. Yes. I got to St. Anthony's about 11, and John was not in

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the emergency room. He was by this time in surgery, which one of the sisters at the hospital took me up to the surgery room.

And his name wasn't on the roster or anything.

Q. But you had learned that he was in surgery?
A. We learned that he was in surgery.
Q. Okay. You arrived at St. Anthony's at approximately 11:00 in the morning.
A. Uh-huh.
Q. When did you first see your husband, approximately?
A. It was about 11 p.m. that night.
Q. So you spent 12 hours at St. Anthony's in some waiting area, I assume?
A. Yes.
Q. Waiting to see your husband?
A. Yes.
Q. And during that 12-hour wait, did you receive reports about his condition?
A. Periodically, one of the sister's at the hospital would go and check and she would come out and say, "They're still working on him."
Q. When was -- approximately when was the first report you received from a surgeon?
A. About 5 p.m.
Q. So almost a full six hours before you were able to see him?
A. Before -- speak with a doctor, yes.

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Q. Okay. How many surgeons were working on him that day and evening?

A. They told me about seven.

Q. Did you learn whether or not he was conscious when he arrived at the hospital?

A. No. I assumed he was, because since St. Anthony Hospital

A. NO. I assumed he was, because since St. ANTHONY HOSPITAL called me and went to my direct line, I figured he had to have been conscious to give them my phone number and my extension.

Q. And was he conscious at 11:00 that night when you first saw him?

A. Yes.

Q. Do the two of you have children?

A. Yes.

Q. How many?

A. We have five total, but we have two of our -- two between us.

Q. And what were the ages of those two children at the time of the bombing?

A. 16 and 17.

Q. Describe what John looked like when you saw him that evening of April 19.

A. Well, I had gone in -- one of the doctors came out and told me that I'd have to wait; but I begged him and he finally let me go into the surgery recovery room.

So when I walked in the door, he -- his whole head was

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bandaged except for his left eye. And he had tubes out of every orifice in his body, and he just kind of looked at me

like, you know, "What happened?"

Q. You could see some expression in that one eye?

A. Oh, definitely. Definitely and kind of a relief that I was there.

Q. Could he speak with you?

A. No. No. He had an endotracheal tube in his mouth. He was on a respirator.

Q. You're familiar with some of these terms because you've had some nursing experience. Is that right?

A. Yes.

Q. You're welcome to use them, but help us with the hard ones.

A. Okay.

Q. I take it he looked pretty terrible.

A. Yes, he did.

Q. And did anyone describe to you his injuries?

A. Well, each one of the doctors told me what all, you know, they had done for him.

Q. He had a variety of different injuries.

A. Multiple fractures and just -- like his left thigh was gone. It was just -- all the meat was gone off of that and multiple lacerations and stuff and chest trauma.

Q. There was some concern that he would not have vision in his right eye?

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A. Yeah. Yeah. He had -- he caught the blow mostly on his right side, I guess, and so the -- the eye surgeon, when he came out, he was afraid that he -- he would lose sight in his

eye. So anyway, that was one of the concerns; and a couple days later, they took the bandages off his head.

Q. Hang on. Let me step back just to stop you.

A. Okay.

Q. After you got to see him, how long were you allowed to visit with him that evening?

A. Just -- you know, just enough to get him really situated in the ICU unit.

Q. Intensive care unit?

A. Right.

Q. And then did you leave the hospital that evening?

A. No.

Q. You stayed there for how long continuously?

A. Probably about three days continuously.

Q. Was there a place for you to stay or catch some sleep?

A. Well, they had the waiting area, the family waiting area.

Q. Near the surgery?

A. Right.

Q. And that's where he remained the entire time?

A. Well, he was in the -- in the acute cardiovascular care unit the whole time at St. Anthony's. Once he came out of surgery, that's where he went.

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Q. During those first three days, were you able to periodically visit him?

A. I could go in and stand at the glass enclosure and see him.

Q. Did he continue to have various surgeries and treatments during that period of time?

A. Yes. He kept improving.

Q. Why don't you just tell us about the progress of his condition.

A. Okay. About three days afterwards, they took the bandages off of his head and the eye surgeon checked his eyes, and John could see light; so he was relieved about that. And he said that he probably could have sight in his eye.

So then --

Q. That was a happy moment for the both of you, I understand.

A. Right, right. And then, you know, he seemed to keep improving. And so they'd take him back to surgery to the like -- to debride the leg and he'd come back; and that was another triumph for us.

Q. These were moments of joy, I assume, every time there was some success.

A. Right. And so then he had -- I don't know how many surgeries he actually had, probably five or six additional than the -- from the first bunch.

Q. He had quite a few stitches, did he not?

A. Yeah. About on the seventh day, they started taking the

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stitches out of his face; and one of the little nurses told

me -- she says, "I stopped counting at 250."

Q. But they got the stitches out and he was healing?

A. And he was healing and he was starting to look -- look like himself, you know, besides the scar and the swelling, of course.

Q. But you could look him in the face now and he was beginning to return to normal.

A. Yeah. Yeah. And he still had the breathing tube in his mouth, so they took him back to surgery to give him an endotracheal tube.

Q. Which is in his throat?

A. Right. And he was real, real worried about that. He told me he would not come back from surgery. He felt he wouldn't.

And I said, "Yeah, you'll come back. You're doing good. You're a fighter."

So he came back -- had that surgery, came back, did real good on that. And so --

Q. More good feelings for you, I assume.

A. Yeah, yeah. And he'd have -- he'd have good days and bad days, but he kept improving; so we had just -- you know, all of us were so excited that he'd gone through that but he was improving and maybe we could, you know, resume our lives.

So then they -- they had to take him to surgery to fix his hip and thigh so they could get him mobile because of his

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lungs. He was developing infection or something in his lungs. And that was the roughest surgery, and he tolerated that okay.

He came back from that; so, you know, it just seemed like everything was going real good and --

Q. This was about two weeks into his hospital stay?

A. Yeah. About two -- a little over two weeks.

Q. And during that period of time, how much time did you spend at the hospital?

A. Oh, I usually was up at the hospital. I'd probably go home just to take a shower and get cleaned up, sleep a couple hours and go right back.

Q. So pretty -- almost continuously for the first two weeks?

A. Uh-huh.

Q. Okay.

A. For 23 days.

Q. Okay.

A. And then --

Q. Well, why don't I move you to May 11. What happened on May 11?

A. May 11, he went -- I left the house -- or I left the hospital about 2:00 in the morning, which would have been May 12.

Q. How was John doing?

A. He was stable. He was never taken off the critical list at the hospital the whole time he was there, but he just kept --

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he kept getting better and then he'd have a setback.

So I left about 2:00 in the morning, and I told him I was going to go home and take a shower and I'd be back; so I got back about 5:30 and he looked at me and I said, "Well, how are you doing?" And he just kind of shrugged his shoulders.

And I said, "Well, your color --" you know, "Your color looks pretty good."

And he said -- he couldn't talk. He mouthed to me -- he said, "I love you."

I said, "I love you, too."

So I held his hand. And I was holding his hand, and about 6:30 or so, he started -- he was real hot, real hot, had a real high temperature, and so we -- the nurses and I tried to cool him off. And all of a sudden, about 6:30, 7:00, he started having like a tremor or -- I guess from the fever and the infection.

And so anyway, he started shaking real bad and they chased me out of there. They called the doctors, and that was the last time I saw John alive.

Q. He died that day?

A. He died that -- we were all outside the waiting area, or I called -- I called the kids, because I have five kids. I called all of them up and told them, you know, "Something is wrong with Daddy; you need to get up here."

So they came up, and we waited around; and then about

Katherine Youngblood - Direct

2:30, we heard the -- over the loud speaker, code blue in ICU, which we knew they were calling for the crash people to come help. And so -- and anyway, they finally came out and told me that he didn't make it.

Q. And you were there for most of the 23 days with him, his last 23 days, of course.

A. Yes.

Q. What kind of man was John Youngblood?

A. He was a very loving and kind person, and he was -- he was my son's baseball coach when he played baseball and Little League.

Q. What did you think of him?

A. John was my hero. He was my life.

Q. Are you still wearing a wedding ring today?

A. Yes.

Q. Why is that?

A. I feel safe with it.

Q. Do you think --

A. John was the type -- he was always -- always in control and he was always comforting me in some way.

Q. Do you think you'll be able to take your wedding ring off sometime?

A. I don't really want to. I will, though. I have taken it off, but I don't feel right with it off.

MR. HARTZLER: I have nothing further.

THE COURT: Any questions?

MR. RYAN: No

MR. BORN: NO.

THE COURT: All right, Ms. Youngblood. You may step down. You're excused.

We're about at the noon recess. We might as well do it before the next witness.

So, members of the jury, we'll recess now for our usual hour-and-a-half period, 1 -- I guess 1:25. During this time, of course, you will follow the instructions routinely given; but they're not routine in their importance, of course.

Stay away from discussing anything that you're hearing here, put the matter at rest, take advantage of the opportunity to rest and relax.

And we'll resume at 1:25. You're excused until then.

(Jury out at 11:47 a.m.)

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

(Recess at 11:58 a.m.)

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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
978	12101				
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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 5th day of June, 1997.

Paul Zuckerman

Kara Spitler