

Thursday, June 12, 1997 (afternoon)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TIMOTHY JAMES McVEIGH,
Defendant.

REPORTER'S TRANSCRIPT
(Trial to Jury - Volume 149)
(SEALED)

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 5:00 p.m., on the 12th 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,
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APPEARANCES

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Western District of Oklahoma, 210 West Park Avenue, Suite 400,
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CHRISTOPHER L. TRITICO, Attorney at Law, Essmyer, Tritico &
Clary, 4300 Scotland, Houston, Texas, 77007, appearing for
Defendant McVeigh.

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PROCEEDINGS

(In open court at 5 p.m.)

THE COURT: Be seated, please.

I'm going to bring the jury in, give them cautionary instructions, and recess their deliberations.

(Jury in at 5 p.m.)

THE COURT: Well, members of the jury, it does not come as any surprise to you, I'm sure, that I asked you to be back so that I can do my duty to remind you of your duty with respect to service on the jury, remembering, as I told you when you were deliberating before, that we will recess your deliberations now and that you should put the matter at rest as best you can and you, yourselves, rest.

And during this time, during this recess, of course, you will not be restricted other than that restriction which comes with your duty to deliberate together and to recognize that you serve on the jury and perform your service on the jury only when you are gathered together and the 12 of you are together and are discussing the issues before you. And of course, you know, but I must on the record again say, that you must avoid discussion about this matter with everybody else. Be very careful, continuing to be very careful that you do not come into contact with anything in any form of communication or publication that could in any way relate to the issues before you, which, you understand, include not only this trial and this sentence hearing; but if there were to be anything written or discussed on television or radio about the death penalty generally or about criminal sentencing, any of that, you must stay away from all that, as I'm sure you all recognize.

But once again, it's my obligation to state what is even obvious to you, to make sure that we have a clear understanding of that.

I'd like to have you back at 8:30 in the morning to resume your deliberations at that time and again wait until all of you are present, the door is closed, and you are formally deliberating. And we will keep that room sealed off so that no one will be in there or see any of your work, recognizing that what you're doing is among the 12 of you and only among the 12 of you.

So with that, we hope that you have a restful evening. You're excused now till 8:30 tomorrow morning.

(Jury out at 5:04 p.m.)

THE COURT: Well, as before, we will simply have the jury collected and begin their deliberations without convening here in court, just have you available on short notice; and we'll see what tomorrow brings.

Court again is in recess subject to call.

(Recess at 5:04 p.m.)

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REPORTER'S CERTIFICATE

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 12th day of June, 1997.

Paul Zuckerman