

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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NEUREITER, and JANE TIGAR, Attorneys at Law, 1120 Lincoln
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Defendant Nichols.

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PROCEEDINGS

(In open court at 8:45 a.m.)

THE COURT: Please be seated.

Mr. Tigar.

(At the bench:)

(Bench Conference 79B1 is not herein transcribed by court
order. It is transcribed as a separate sealed transcript.)

(In open court:)

(Jury in at 9:49 a.m.)

THE COURT: Members of the jury, good morning. Again, we apologize for the slight delay. We had another one of these little conferences here to save time.

Please resume the stand under your oath, Ms. Anderson.

(Karen Anderson was recalled to the stand.)

THE COURT: The jury will recall that we're hearing testimony from Ms. Anderson on cross-examination.

Mr. Tigar, you may continue.

MR. TIGAR: At this time we offer Defendant's D1166, your Honor.

THE COURT: All right.

MS. WILKINSON: No, objection, your Honor.

THE COURT: All right. D1166 was it?

MR. TIGAR: Yes, your Honor.

THE COURT: Received.

CROSS-EXAMINATION CONTINUED

BY MR. TIGAR:

Q. Ms. Anderson, yesterday you and I were talking about Government's Exhibit 2103, which I'm placing up on the display device now. And we read out Ruger Mini-30, 18957425; do you see that?

A. Yes.

Q. I'm going to hand you what's been -- well, let me put it on

Karen Anderson - Cross

the display. This is what's been marked or received now as Government's Exhibit 1166. You can see the letterhead, Department of the Treasury, Bureau of Alcohol, Tobacco, and Firearms?

A. Yes.

Q. And have you ever seen a document like this before, a printout off a firearms trace?

A. No.

Q. Weren't you shown a printout of a firearms trace on a document yesterday from the ATF? You remember being shown that in your direct examination with respect to one of the firearms, with the red ribbon on it?

A. No, I don't.

Q. Let me turn to page 3 of this document, the firearms transaction record, Part 1, over the counter. Have you seen one of those before?

A. Yes.

Q. And do you see the transferee's name here?

A. Yes, I do.

Q. And that would be the person purchasing the firearm?

A. Yes.

Q. And that name is "Nichols, Terry L."; is that correct?

A. Yes. Yes.

Q. "3616 North Van Dyke Road," correct?

A. Yes.

Karen Anderson - Cross

Q. And the date on this is "19 November, 1993"; is that correct?

A. Yes.

Q. And can you read the serial number of -- can you read the description of the firearm? What does it say, "rifle"?

A. It looks like it says, "Rifle, M-30."

Q. Uh-huh. And can you read the serial number?

A. Looks like -- I don't know if that's a 185 or a 183.

Q. Let's look at the top page here. On page 1 can you read where it says serial number?

A. 18957425.

Q. And what is the model of that firearm on this page 1?

A. It says, "Mini-30."

Q. And what was the manufacturer?

A. Ruger.

Q. And the caliber, 7.62; correct?

A. Correct.

Q. And then it says, "11-10-93, weapon purchased" -- excuse me. Go out a little ways here. Does it say, "Weapon purchased by the following dealer"? Do you see that information?

A. Yes.

Q. And then it has the federal firearms license number, and it says Randy's Hunting and Sport in Bad Axe, Michigan; do you see that?

A. Yes.

Karen Anderson - Cross

Q. And the date is 11-10-93?

A. Correct.

Q. And then do you see further down, it says "11-19-93"?

A. Correct.

Q. "Weapon purchased by the following individual," do you see that?

A. Yes.

Q. And it says, "Terry Lynn Nichols"?

A. Yes.

Q. Correct?

A. Yes.

Q. And provides address and so on; correct?

A. Correct.

Q. Isn't it a fact, Ms. Anderson, that this record in which you've written -- this record here has the same serial number as on the record I've just showed you; correct?

A. It looks that way.

Q. Isn't it a fact that this list that you prepared is a fraud?

A. No, it is not.

Q. Now, we were talking at the break yesterday about a letter that Mr. Miller had received from Mr. McVeigh; do you recall that?

A. Correct.

Q. That letter was addressed to Bob Miller?

Karen Anderson - Cross

A. I believe so.

Q. Well, it's --

A. Yes.

Q. It's Government's 1746. There's the address. Did you open the letter?

A. Yes.

Q. Did you retrieve it from the post office box?

A. Yes.

Q. Do you and Mr. Moore have an arrangement about who is going to open mail addressed to the other person?

A. When he's not at the ranch, I'm allowed to open his mail.

Q. And he was not at the ranch at this time?

A. Correct.

Q. He was in Florida?

A. Yes.

Q. And is that part of your business relationship, or your personal relationship, or both?

A. Both.

Q. Now, in this letter, Mr. McVeigh describes an automobile accident he had; correct?

A. Correct.

Q. And he talks about having been run off the road; correct?

MS. WILKINSON: Objection, your Honor. I think yesterday we talked about the letter speaking for itself.

THE COURT: Yes, sustained.

Karen Anderson - Cross

BY MR. TIGAR:

Q. He says, "I'll tell you my story first, then focus on yours. I thought I was being too paranoid to think the government" -- could you follow along here and see if I'm doing this right -- "was involved with mine -- until I read yours. Approx. 2 weeks ago, I was driving down I-90 in the fast (left) lane -- doing about 68 (in a 55). I was passing quite a few cars in the right lane, but there weren't too many in mine. Except, for a dark-colored Diplomat- or Crown-Victoria-style car . . ."

Now, from the copy I have, it appears that there's an arrow towards the word "colored" there. You see that?

A. Yes.

Q. Was that -- was that an arrow?

A. If that's what's on the letter, it might be. I have no idea.

Q. You don't remember whether it was there or not; right?

A. You're talking about a letter that came several years ago, and I'm supposed to remember an arrow?

Q. My question was: Do you remember whether the arrow was there or not.

A. No, I do not.

Q. Thank you. ". . . Crown Victoria-style car about 20 car

lengths behind me. I would glance in the mirror once in a while, and he was keeping the same gap between us. The reason

Karen Anderson - Cross

that I noticed it was that type of car was because I thought I better back off the gas a bit, as cop (unmarked) cars look like that. He didn't get any closer, so I figured he wouldn't pull me over. This went on for about 10 minutes, and I began to glance in my rearview less and less, not worrying about him any more.

"Next thing you know, I'm spinning through the median -- slammed in the rear at 68 mph! I didn't know at the time, but the back of the little Spectrum was so badly mangled, both rear tires were twisted and seized in metal -- locked up. I ended up in oncoming traffic, W/my driver's door facing oncoming traffic."

MS. WILKINSON: Your Honor --

BY MR. TIGAR:

Q. And then he goes on; correct?

A. Correct.

Q. Now, at the bottom of the page marked -- did he write on both sides of the paper; do you remember that?

A. Yes.

Q. At the bottom of page 2, he says, "My situation more easily reflects direct intimidation, but don't be fooled. It won't deter me"; correct?

A. yes.

Q. Now, at the time you read this, did it remind you of conversations that you had with Mr. McVeigh?

Karen Anderson - Cross

A. Not particularly.

Q. Did you know what he meant by "it won't deter me"?

A. No. My assumption would be it wouldn't deter him from going on down the road and going wherever he was going.

Q. Now, he says, "Now let's examine yours"; correct?

A. Correct.

Q. Now, at the bottom of this page he says, "ATF had address? from FFL"; right?

A. Yes.

Q. Now, had you had any conversation with Mr. McVeigh about the ATF and the situation that you described for us yesterday?

A. Are you talking about the robbery?

Q. I'm talking about the situation you told us about yesterday in which the guns went missing, yes.

A. With ATF, when they came to the gate and asked if -- on my shotgun, was the only time I've spoken with ATF.

Q. Okay. And have you had any correspondence with Mr. McVeigh about any ATF involvement in that?

A. Not to my knowledge.

Q. Now, he then says, "You said, 'Cops no help.'" Were you present at any conversation in which Mr. Moore/Miller said to Mr. McVeigh -- said, "Cops no help" or words to that effect?

A. In our letter that we first had wrote to McVeigh about the robbery.

Q. And that was a letter written by whom?

Karen Anderson - Cross

A. Mr. Moore.

Q. Now, then Mr. McVeigh, after he goes on, says, "But for yours, there must be something to lead us in the right direction. I'll think hard on it, and try to have my mail sent every week (from AZ)"; right?

A. Yes.

Q. "So you can update me."

A. Yes.

Q. Now, the only address you ever had for Mr. McVeigh was Kingman, Arizona; correct?

A. Correct.

Q. And in fact, he never mentioned the names of any friends or associates of his, did he?

A. No.

Q. When he was at the Tulsa gun show with you, did he manage to sell some things from his card table?

A. Yes.

Q. Did he have camouflage pants for sale?

A. No.

Q. Do you recall him at the Tulsa gun show meeting a gentleman and speaking to him -- meeting a gentleman, speaking to him?

Did he meet and speak with people there?

A. Yes.

Q. Did you recall him meeting and speaking to a gentleman named Andreas Strassmeier?

Karen Anderson - Cross

A. No.

Q. Do you remember him speaking to a gentleman who had a German accent?

A. No.

Q. And continuing on the letter, he says, "Careful and watch your back"; correct?

A. Correct.

Q. Had you heard him use that expression before?

A. Yes.

Q. Now, you told us yesterday about some ammunition that had come from a man named -- did you say Strommen?

A. Yes.

Q. Now, when had the ammunition that you were describing yesterday arrived at yours and Mr. Miller/Moore's home in Arkansas?

A. Sometime in October.

Q. Now, had you taken any of that ammunition to the Shreveport gun show?

A. Not from that shipment.

Q. Do you remember how long in advance of the Shreveport gun

show you had made your reservation to go there?

A. No, I do not.

MR. TIGAR: May I approach, your Honor?

THE COURT: Yes.

BY MR. TIGAR:

Karen Anderson - Cross

Q. I'm going to show you what I've marked as Defendant's Exhibit D46, and I ask you if that is a letter that you wrote to make a reservation for that gun show.

A. Correct.

MR. TIGAR: I offer it, your Honor.

MS. WILKINSON: Your Honor, may I just take a look at it?

THE COURT: You may, since you have it there.

MS. WILKINSON: We have no objection.

MR. TIGAR: Would you like to keep that one?

MS. WILKINSON: No, I have a copy. I just --

MR. TIGAR: Okay.

THE COURT: D46 is received.

BY MR. TIGAR:

Q. Placing this up here, this does not contain any date on which it is sent; correct?

A. No.

Q. But it does reserve table -- two tables at Shreveport, \$70 cash, in the name of Karen Anderson; correct?

A. Correct.

Q. Is that your handwriting?

A. Yes.

Q. What does this last line say, "Thanks"?

A. "Thanks, Helen."

Q. Helen is the person who runs the show?

Karen Anderson - Cross

A. Yes.

Q. Does that refresh your recollection as to when it was that you sent in your reservation for the table?

A. No, it does not.

Q. And it says, "\$70 cash." You didn't use a check to reserve that, did you?

A. Yes, I did.

Q. Oh. Well, let me ask you: There is -- does American Assault Company have a checking account?

A. American Assault does not have a checking account.

Q. You drew it on your personal account?

A. It's one and the same.

Q. I see. And does Mr. Moore/Miller have a signature authority over that account as well?

A. No.

Q. Does Mr. Moore/Miller write checks for the American Assault's business?

A. He has a -- his own personal checking account.

Q. Well, I'd like to show you now what I've marked as Defendant's Exhibit D1201. Is that a -- an invoice from your records received from Mr. Strommen?

A. That is a copy of his invoice that he made.

Q. And did he make it at your request?

A. Yes.

MR. TIGAR: I offer it, your Honor. D1201.

Karen Anderson - Cross

MS. WILKINSON: We have no objection, your Honor.

THE COURT: D1201 received.

BY MR. TIGAR:

Q. Placing this up here. This says, "Copy of invoice." Now, under -- did you ask Mr. Strommen to make a copy of the invoice?

A. Yes; because when the boxes were stolen, the invoice was also in there, and it was stolen.

Q. And the invoice says, "Sold to Bob Miller"; is that correct?

A. Yes. Yes.

Q. Did Mr. Strommen deal with your American Assault Company in the name "Bob Miller" all the time, or was it just for this invoice?

A. No. To the best of my knowledge, they've always been addressed Bob Miller.

Q. Now, do you regard the -- yourself as a joint owner of the ammunition with Mr. Miller?

A. We're partners.

Q. All right. The American Assault Company -- when did it acquire the name The Candy Store?

A. The first time it ever required (sic) it I was in Tyler, Texas, and there was a gentleman at the table looking at it, standing there with his hands in his pocket; and he's looking back and forth at the table, and he's sort of hopping up and

Karen Anderson - Cross

down. And he said, "Holy, cow, this looks like The Candy Store."

Q. And when the gentleman said, "This looks like a candy store," what was it that you had on display there?

A. I had -- my tracers are usually listed with orange labels, the incendiaries have blue labels, the star bursts have green packages, so that way, when somebody is picking something up, I know what they're handling so if they ask me a question, I don't have to put my glasses on and read what it is.

Q. And at that show, did you also have books for sale?

A. Yes.

Q. Did you have those flamethrower-type rounds?

A. Yes.

Q. Now, those are things that you put in a shotgun and you pull the trigger and your flame shoots out how far?

A. It can go anywhere from a hundred to 250 yards

A. It can go anywhere from a hundred to 250 yards.

Q. So that's from one to two-and-a-half times the length of a football field; correct?

A. Oh, not quite that. I'm sorry. Then, it's probably just about half the length or three-quarters the length of a football field.

Q. A football field we would agree is a hundred yards long?

A. I guess.

Q. Okay. And 50 yards about half of that.

You mentioned in your direct examination that you also

Karen Anderson - Cross

from time to time sold pornographic tapes; is that right?

A. Yes.

Q. Were those on sale at Tyler at the time the gentleman made that remark?

A. No.

Q. And during what period of time did American Assault Company, The Candy Store, sell pornographic tapes?

A. Let me not say American Assault sold pornographic tapes. They were mine, and I sold them.

Q. You told them at gun shows?

A. Not at all gun shows.

Q. At some gun shows?

A. At some.

Q. All right. During what period of time was that?

A. I have some still left. Maybe 20.

Q. And you said on direct examination that Mr. Moore/Miller did not do that; correct?

A. No, he did not.

Q. Are you aware of an incident in which he offered ten of such tapes to a federal agent in 1988?

A. He might have done it for me.

Q. Now, in this business that you have, American Assault Company, Candy Store, do you do most of your business in cash?

A. That and money orders.

Q. What percentage of your business is done through the mail

Karen Anderson - Cross

these days -- or in 1994, what percentage of your business was done through the mails?

A. Probably 20.

Q. And 80 percent done at gun shows?

A. Yes.

Q. And what percentage of your business is done in cash -- was done in cash in 1994?

A. You just stated 80 percent.

Q. All right. And do you keep copies of the orders that you receive during the calendar year?

A. During the calendar year, yes.

Q. And then what did you do with them at the end of the calendar year?

A. They are taken and he adds everything up and does the

income tax part on them, and then I keep them probably for the two, couple, three months, and then I just destroy them.

Q. Do you remember telling the Federal Bureau of Investigation on May 19, 1995, that you throw them away at the end of each year?

A. Yes.

Q. Are you testifying now that Mr. Miller/Moore keeps the journal --

MS. WILKINSON: Your Honor --

BY MR. TIGAR:

Q. -- of customers and what they order?

Karen Anderson - Cross

MS. WILKINSON: Your Honor, I'm going to object to calling him Mr. Miller/Moore. We don't call Mr. Nichols Mr. Nichols/Havens.

THE COURT: Objection sustained.

MR. TIGAR: All right.

BY MR. TIGAR:

Q. Mr. Moore -- well, in what name does Mr. Moore operate the assault business?

A. Mr. Miller.

Q. At the end of the year -- well, let me ask you about that.

Does -- has he used this name "Bob Miller" for a long time?

A. To the best of my knowledge, yes.

Q. Isn't it a fact that many people at gun shows use different

names other than their birth names?

A. Yes.

Q. And the reason they do that is that they are afraid of being robbed; correct?

A. Correct.

Q. And they also may do it because they just enjoy the privacy; correct?

A. Possible.

Q. I mean, from time to time Mr. -- Mr. Moore will use the name "Mr. Miller," sometimes even when he's not afraid that anybody's going to rob him; right?

A. I haven't seen him do it that often, no.

Karen Anderson - Cross

Q. Okay. But he's done it; correct?

A. Correct.

Q. And there's nothing wrong with it, is there?

A. Not to my knowledge.

Q. And there's not even anything wrong with him saying "good afternoon" if somebody addresses him as Mr. Anderson; correct?

A. I've never heard anybody physically address him Mr. Anderson.

Q. Okay. But if somebody would do that, that would be okay, wouldn't it?

A. If you think so, yes.

Q. Okay. Well, that's the point, that it's okay -- it's okay

in this business for people to use names other than their own;
correct?

A. Correct.

Q. And when somebody in Tyler, Texas, named your company The
Candy Store, you kind of liked that, didn't you?

A. Yes.

Q. And so you took that name over and decided to use it;
correct?

A. Correct.

Q. Now, do you maintain a journal listing customers and what
they order?

A. I don't maintain a journal. When they send in a order, I
attach that with the UPS slip.

Karen Anderson - Cross

Q. Did you tell the FBI that you maintain a journal listing
customers and what they order?

A. I did not maintain a journal. I do not consider a sheet of
paper where they send in their order a journal.

Q. My question was: Do you remember telling the FBI that you
maintain a journal?

A. I maintain a journal at -- from the gun shows.

THE COURT: Please, please, the question.

THE WITNESS: I maintain a journal from the gun shows.

THE COURT: No, the question is what you told the FBI.

THE WITNESS: I have no idea. I know what I maintain.

BY MR. TIGAR:

Q. So the answer is, no, you don't remember telling them that?

A. Correct.

Q. You remember the FBI asking you about whether you had any records of your transactions with Mr. Colbern?

A. Yes.

Q. And did you have any such records?

A. None.

Q. Didn't you tell the FBI that you didn't keep any records of your transactions with Mr. Colbern?

A. It was way past the time that I normally hang on to them.

Q. Now, when did the FBI -- the FBI asked you for your records in connection with Mr. Colbern on May 11, 1995; correct?

A. Correct.

Karen Anderson - Cross

Q. When had your transaction with Mr. Colbern been?

A. Part of them, I think the first order was sometime in '92.

Q. And when was the last order?

A. I'm just assuming because I'm not sure, but probably in '93.

Q. Wasn't it 1994?

A. I really could not tell you.

Q. And the reason you couldn't tell me is that you didn't keep the records; correct?

A. Correct.

Q. Now, you mentioned yesterday that you like to carry large quantities of cash; right?

A. Correct.

Q. Is that cash that is generated from the operations of the American Assault Company?

A. Some. Not all.

Q. And do you have other business ventures in which the cash is generated?

A. Mr. Moore does.

Q. Now, in your business relationship with Mr. Moore -- you say that he is responsible for filling out the tax returns?

A. Correct.

Q. And you say this business is a partnership. Does it file a partnership return?

A. No.

Karen Anderson - Cross

Q. How do you account for what your share of the business is?

A. I don't really. I just know that he takes care of me.

Q. Do you reflect any of the profits from the business on your tax return?

A. No.

Q. And when you say he takes care of you, is -- you have a personal relationship with him; correct?

A. Correct.

Q. And that -- that is an intimate relationship; correct?

Q. And that that is an intimate relationship, correct?

A. Correct.

Q. Now, I'd like to place before you what has been received in evidence as Government's Exhibit 1738 and what has been received in evidence as Government's Exhibit 1739.

Perhaps, let me do it with the machine here. I'd like to place 1739 on the machine and then place 1738 in front of you, if I may. 1738. 1738 that I'm showing you . . . 1738 that you have in front of you is the list that you did on the 5th of November; correct?

A. Correct.

Q. And 1739 that we've put up here is the list that you did on the 13th of November; correct?

A. Correct.

Q. And looking down here, we have five Ruger rifles; correct?

A. Correct.

Q. All 10/22?

Karen Anderson - Cross

A. Correct.

Q. Now, those are the fairly routine sorts of rifles one sees at gun shows; correct?

A. Correct.

Q. And who owned those rifles on -- in November of 1994?

A. I considered them all Mr. Moore's.

Q. They did not belong to the Assault Company?

A. They're Mr. Moore's.

-

Q. Now, there are three Remington Nylons there listed at prices. These, too, are the sorts of things one finds at gun shows; correct?

A. Correct.

Q. And who did you consider was the owner of those?

A. Mr. Moore probably owned two of them. I considered one of them mine. That was the one I left set (sic) at the back door to shoot possums with.

Q. You have a possum problem out there?

A. Extremely.

Q. Trash cans, or just everything?

A. Just anything they can find to eat.

Q. Eggs, too; right?

A. No, they don't get my eggs. I beat them to that.

Q. So one -- which one of these did you consider yours?

A. I couldn't tell you which one. Just one of them was mine.

I mean I wasn't picky. They all looked about the same.

Karen Anderson - Cross

Q. Okay. Then we see -- the two Brownings or three Brownings in a row there. Which one of those did you consider to be yours?

A. All of those were Mr. Moore's.

Q. All right. Now, No. 11 there, the Browning 22L.R.

Takedown, Japan manufacture, on the 5th of November, you'd listed that at \$250 and here at 275. What caused you to

increase the amount?

A. Mainly because that's what they were bringing. Like I said, these guns were not for sale; so as far as what they were actually bringing, we had no idea until we started looking around at the shows and checking and asking people.

Q. All right. And between the 5th of November and the 13th of November, what shows did you look around?

A. Called people.

Q. So you made telephone calls?

A. I made telephone calls.

Q. Now, the next rifle on here, the Mossberg -- whose was that?

A. Mr. Moore's.

Q. And the Remington?

A. Mr. Moore's.

Q. The Stevens?

A. Those were all stuff Mr. Moore had down in Ft. Lauderdale and brought up.

Karen Anderson - Cross

Q. The Hopkins?

A. Same.

Q. The Hopkins. The next Hopkins, 16?

A. Same.

Q. The M-1 carbine?

A. All of these down through there are his.

Q. All right. So that would be No. 17 through what?

A. All of those all the way down through 20, 21, the postal meter, carbines. This was all stuff that was brought up from Ft. Lauderdale. The SKSs were clean, all of these.

Q. All of those were his?

A. Yes.

Q. All right. And he was the named insured on the insurance policy; correct?

A. Correct.

Q. Now, for the American Assault Company, the ammunition that we -- the receipt we saw earlier, that reflected about \$925 worth of ammunition. Did you have insurance for the American Assault Company products that you were keeping in your house?

A. No.

Q. We've already established you did not have gun safes; correct?

A. Correct.

Q. Now, if you take a look at No. 28, the Mini-14 stainless -- I can't read that. Does that say --

Karen Anderson - Cross

A. That's my poor typing.

Q. Stainless Choate, should that be?

A. No, it's supposed to be a stainless folding stock. I only have sophomore typing in high school, so --

Q. Okay. Now, No. 28 on the list on the 5th, you have that at \$600. Now you increase it to 725. Do you remember why you put it up to 725?

A. Because the stainlesses were bringing a lot more money than what we realized.

Q. And you were looking that up in the catalogs?

A. Yes. And they have what they call a blue book.

Q. So that -- is it easy, then, to use blue books and your contacts in the industry to find out exactly what guns are worth?

A. Correct.

Q. So that at any given time with a, what, few hours' work, you could discover the market value of this collection of guns; right?

A. It would take quite some time. Approximate. It's just like any item: There is a blue-book price. It's like a car dealer. They have the car dealer price, and then you have your street price.

Q. Do you remember being interviewed by the FBI on the 28th of April, 1995?

A. If that's the first time, yes.

Karen Anderson - Cross

Q. Well, do you remember Agents Jessie and Crutchfield?

A. Not a Crutchfield.

Q. In Hot Springs, Arkansas?

A. I don't remember a Crutchfield, no.

Q. Okay. You remember Agent Jessie?

A. Yes.

Q. Now, do you remember telling them that the robbers took approximately \$10,000 worth of property?

A. No, I do not.

Q. I'm going to show you a copy of the report of interview. I understand it's not your document.

That is D811. And ask you to look at page 3 and the part I've highlighted, and I ask you if that refreshes your recollection that you told the agent on that date that \$10,000 worth of property was taken?

A. I don't ever remember saying \$10,000.

Q. Now, then, I'm going to place up briefly the second page of what's been received as Government's 1739; and Item 41, the Winchester Model 43 pre-64 Cal-22; you see the price \$1350; right?

A. Yeah.

Q. And in your initial list, you had put that down as \$800; correct?

A. Yes. Found out what it was worth. Had no idea.

Q. All right. Now, when -- again, how did you find that out?

Karen Anderson - Cross

A. By going down to the local gun store down there and borrowing their blue book and looking at it and talking with

him and finding out that these are extremely rare.

Q. Did you have a conversation with Mr. Moore about -- when you got home on Sunday night about the homeowner's insurance?

A. No.

Q. When's the first conversation you had with Mr. Moore about the homeowner's insurance?

A. The very next day.

Q. And did you get out the policy and look at it?

A. No. As we went downtown to their office, I believe.

Q. Now, you testified yesterday that Mr. Moore sent Mr. McVeigh a letter in or about April of 1995; do you remember that?

A. April of '95?

Q. Yes. Do you remember -- do you remember anything about Mr. Moore sending Mr. McVeigh a letter in or about April of 1995?

A. I remember him sending some type of letter in -- but I don't remember exactly what day it was.

Q. By the way, when you were going over the firearms with the agents of the Federal Bureau of Investigation and the prosecutors, did they show you ATF traces, Alcohol, Tobacco, and Firearm traces on those firearms?

A. No.

Karen Anderson - Cross

Q. Did they make you aware of what had turned up with the Alcohol, Tobacco, and Firearm traces of the firearms?

ALCOHOL, TOBACCO, AND FIREARM SALES BY THE FEDERAL GOVERNMENT.

A. No.

Q. They didn't discuss that with you at all; is that right?

A. No.

Q. Now, did you have a discussion with Mr. Moore after the middle of January but before the 19th of April about a plan that Mr. McVeigh had proposed?

A. You're going to have to give me more than that.

Q. I'm just asking: Do you remember discussing with Mr. Moore any plan involving Mr. McVeigh during that time period?

A. Yes.

Q. Do you remember meeting in late 1994 or early 1995 with some Special Forces people who had served in Vietnam who convinced you of something?

A. Yes, I do.

Q. Do you remember discussing with Mr. Moore in late 1994 and 1995 that you did not believe in taking risks?

A. I still don't believe in taking risks.

Q. Do you remember telling Mr. Moore that you were angry at him for taking night-vision photos?

A. No, I don't.

Q. Do you remember Mr. Moore sending letters to Mr. McVeigh during the time that you knew Mr. McVeigh?

A. Yes.

Karen Anderson - Cross

Q. Did you read any of those letters before they were sent?

A. A few.

Q. Did you keep copies of them?

A. No.

Q. Did Mr. Moore write at the bottom of his -- any letters to Mr. McVeigh, the word "burn"?

A. I do that, also.

Q. The question is: Did Mr. Moore write at the bottom of his letters to Mr. McVeigh the word "burn"?

A. He may have.

Q. Did you ever see Mr. Moore write at the bottom of letters to Mr. McVeigh the word "burn"?

A. Personally see him and watch him write the word, no.

Q. Did you work with Mr. Moore in the -- in writing a letter to the .50 Caliber magazine?

A. Yes.

Q. And are you the -- were you and Mr. Moore the joint authors of this letter?

A. Plus Carol.

Q. The three of you were?

A. Yes.

Q. Let me show you what I've marked as Defendant's 1647 and ask you if that's the letter.

A. Yes.

THE COURT: Mr. Tigar, is it marked 1647 or D16 --

MR. TIGAR: I'm sorry, your Honor, D1647.

THE COURT: Thank you.

MR. TIGAR: Excuse me, your Honor. Just for identification, I'm not going to offer it through this witness. We just want to complete the chain.

THE COURT: I understand.

BY MR. TIGAR:

Q. Were you present when Mr. Spivey from the Farmers Insurance group made out the form that listed the various items in which you were claiming losses?

A. I wasn't. I never saw him make out the form. I was there when he came out to the house and took pictures and did the interview.

Q. Have you ever seen the form that he made out?

A. I can't remember.

Q. Okay. Well, this is D1198. Just ask you if you remember having seen it.

A. No.

Q. Tim McVeigh never mentioned the name "Terry Lynn Nichols" to you, did he?

A. No.

MR. TIGAR: Thank you. I have no further questions.

THE COURT: Miss Wilkinson, do you have some redirect?

MS. WILKINSON: Yes.

MR. TIGAR: I'm sorry, your Honor, one more.

Karen Anderson - Cross

THE COURT: All right.

MR. TIGAR: I'm sorry.

BY MR. TIGAR:

Q. Putting on the machine here what's been received as Government's 1740A. What's that?

A. That's a topper off of our silver truck.

Q. Your pickup truck?

A. Yes.

Q. Cab-high topper?

A. Yes.

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

THE COURT: All right. Miss Wilkinson.

MS. WILKINSON: Thank you, your Honor.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning again, Miss Anderson.

A. Good morning.

Q. After you noticed that your property was missing on November 6, 1994, did you take several steps to try and obtain information about that property?

A. Yes, I did.

Q. What did you do?

A. I called my friend up at Muskogee to start out with and wanted him because he used to work in the Ft. Smith area -- statements were made around the neighborhood that Ft. Smith

seemed to be like a dumping-off place for things. So I met him. We ran all the pawnshops the whole day. I went to Little Rock, myself. I ran the pawnshops. I made up these lists. When I went to the gun shows, along with pictures of jewelry that -- the two pieces of jade and the Tiki doll that I had left, attached that also with the phone number and to get a hold of me. Wrote the .50 Caliber Club because I know they have matches all over the country.

Q. Now, tell the jury what the .50 Caliber Club is.

A. The .50 Caliber Club is out of St. Louis, and it is people that have .50 caliber guns that go all around the country and do target shooting with them.

Q. And why did you write to the .50 Caliber Club?

A. Because I thought if any of the .50 calibers would show up and I knew we had a -- definite serial numbers on those, that was in our heads, the numbers of those, that it might be possible that somebody would buy them, and they might show up at a match with one of those and be shooting it.

Q. I believe yesterday you told us that the .50 caliber that was recovered in this case had a serial number on it; is that right?

A. Yes.

Q. And I want to show you Government's Exhibit 1752.

MS. WILKINSON: Your Honor, we'd offer this. It's a self-authenticating ATF record.

Karen Anderson - Redirect

MR. TIGAR: No objection, your Honor.

THE COURT: 1752 received.

BY MS. WILKINSON:

Q. Are you aware that Mr. and Mrs. Moore purchased a .50 caliber?

A. Yes.

Q. And let me show you Government's Exhibit 1752. This is page 1; is that right? Can you see that?

A. Yes.

Q. Let me show you page 2. I'll focus in.

A. Don't double it over. It comes through, and then I can't read it, please.

Q. Okay. Sorry about that. How about just that, can you see that?

A. Fine. Fine.

Q. Can you see here where it says the disposition?

A. Yes.

Q. Can you read that, please.

A. The disposition of a State Arms Company rifle, Model M, .50 caliber, Serial Number 168, by K&W Trading Post, Jasper, Arkansas, to Carol Margaret Moore, Royal, Arkansas, on 12-27-94.

Q. And is that the same .50 caliber that was in your house prior to November 5, 1994?

A. Yes.

Karen Anderson - Redirect

It's heavy.

Q. This is Government's Exhibit 1822. Do you recognize that?

A. Yes, I do.

Q. Do you know where you'd find the serial number on that?

A. Yes. Right up here on top. Very plain to see. State Arms Gun Company, Wisconsin, U.S.A., Model M, No. 168.

Q. Now, before that was removed from your home on November 5, 1994, was it that color?

A. No. Solid black.

Q. Other than that, is that the same firearm that's registered in the ATF --

A. Yes.

Q. -- records to Mrs. Moore?

Now, did you report that firearm, the .50 caliber, stolen in your list of weapons that you revised on 11-13-94?

A. Yes.

Q. Okay. Let me show you that. Now, you made this list up long before any of the property was recovered in this case; is that right?

A. Yes.

Q. Here's the first page. Now, let me show you the second page. Zoom down here. You see this one that says -- second 62, right here?

A. Yes.

Q. Can you read that for the jury, please.

x. Can you read that for the jury, please.

Karen Anderson - Redirect

A. Custom .50 caliber, single-shot rifle, State Arms action, Wisconsin, Serial No. M-168, M-3 military barrel with custom muzzle brake, McMillan black stock, 3-by-9-by-40 scope.

Q. So you reported that serial number before you ever heard about this property --

MR. TIGAR: Object: Leading, your Honor.

THE COURT: Sustained, leading.

BY MS. WILKINSON:

Q. Did you report that serial number before you ever knew about the recovery of the property in this case?

A. Correct.

Q. And was that one of the firearms that was in that -- in your home before November 5?

THE COURT: Sustained on leading.

BY MS. WILKINSON:

Q. Was this in your home before November 5, 1994?

A. Yes.

Q. Now, yesterday you identified for us other property that was recovered in Mr. Nichols' house that you said was your property; is that right?

A. Correct.

Q. I'd like you to take a look at Government's Exhibit 1771, Photo No. 2, which is already in evidence. And you told the jury, I believe, that that was your quilt; is that right?

A. Correct.

Karen Anderson - Redirect

Q. Now --

MR. TIGAR: Objection, your Honor, misstates the testimony.

BY MS. WILKINSON:

Q. I'm sorry, what is your testimony about that quilt?

A. My testimony about that quilt is that it's mine.

Q. Now, you told us yesterday that some other parts of the bed sheeting were taken or were missing after November 5; is that right?

A. Yes.

Q. Did any -- was anything left behind that matched that quilt?

A. They left one pillowcase. They did not take the sheets of my bed, and they left the skirting that was around the bottom part of it that matched it.

Q. Let me show you Government's Exhibit 2106.

MS. WILKINSON: Mr. Tigar.

BY MS. WILKINSON:

Q. Do you recognize Government's 2106?

A. Yes.

Q. What is that?

A. That's my pillowcase.

Q. Where did you get that from?

A. Right off of my pillow.

Q. Is that one of the pillowcases that was left behind?

Karen Anderson - Redirect

A. Yes.

Q. And could you hold that pattern up -- the pillowcase and describe to the jury how that matches the quilt.

THE COURT: It's not in evidence yet.

MS. WILKINSON: I'm sorry, your Honor. I'd offer 2106.

MR. TIGAR: No objection.

THE COURT: Received.

Now you may do it.

BY MS. WILKINSON:

Q. Miss Anderson, could you hold that up and describe for the jury how your pillowcase matches that quilt.

A. It matches the border that's around the -- the black border that's around and then the flowers are the same flowers that's inside the center part of it.

Q. Could you just hold it up for a second, please.

MS. WILKINSON: Oh, I need the photo back up. I'm sorry, your Honor, I thought it was still up on the screen.

BY MS. WILKINSON:

Q. Now, now would you describe that again and hold it up for the jury.

A. The black around the edge matches the black part that's the

square, and then this, the flower center that's in the center, matches the flower that's right next to the black part of it that goes around.

Karen Anderson - Redirect

Q. Miss Anderson, yesterday you also identified to us some ammunition, and you identified a stamp marking with LC .308; is that right?

A. Yes.

Q. You told us that you had a stamp kit --

A. Yes.

Q. -- that you had made?

A. Yes.

Q. Let me show you Government's Exhibit 2107 and 2107A which is inside. Take a look at it.

Do you recognize 2107 and 2107A?

A. Yes.

Q. How do you recognize them?

A. I've had this since I was probably five, six years old.

Q. What is 2107?

A. 2107 is the original box that the little rubber-stamp kit came in along with the little ink pad that was also with it.

Q. What is 2107A?

A. That's the LC that I use, just like that with the rubber band around it all the time, to stamp for Lake City.

MS. WILKINSON: Your Honor, Government offers 2107 and

2107A.

MR. TIGAR: No objection, your Honor.

THE COURT: They are received.

BY MS. WILKINSON:

Karen Anderson - Redirect

Q. You can leave that up there and take the stamp out.

Now, I'm showing you what's been marked Government's Exhibit 1863D. Do you recognize that?

A. Yes.

Q. What is that stamp on the front?

A. It is an LC.

Q. And can you take a look at the stamp in your hand, Government -- what is it -- 2107A?

A. Yes.

Q. Is that the stamp you used to mark this ammunition?

A. One and the same.

Q. Can you hold that up for the jury.

Now, Miss Anderson, you were telling us about steps you look immediately after November 5, 1994, to try and recover your property. Did you tell Mr. Moore that you were taking those steps?

A. Yes.

Q. Did he ever try and stop you in any way?

A. He just said, "Go for it."

Q. And did both of you take any steps to try and recover

additional -- or take additional steps to try and recover your property?

A. We both did a lot of research and notified everybody that we knew, wrote them by letters. I also wrote several of the gun-show promoters around that I knew personally and told them

Karen Anderson - Redirect

what had happened and asked if they would keep an eye out for this stuff. I had a couple of people that I found. One has become a friend that's ex-Vietnam vet that does long-range reconnaissance. Had him over to the house and had him traipsing around through the woods with me trying to find out where they might have come in, also on how to set up security and how do I go about looking for this stuff.

Q. Now, you were asked about -- something about Special Forces people by Mr. Tigar; do you recall that?

A. Yes.

Q. Did you discuss a plan with Mr. Moore about -- in relation to this alleged robbery?

A. Yes.

Q. What did you discuss?

A. Because a phone call of a gentleman that was pulling robberies off that has now been caught that were similar to ours and was working the same gun-show circuit that basically we were attending, and there was rewards put out by these other gentlemen that had been victimized in both Tulsa and in Wichita that asked these guys if they would be interested with us

that asked these guys if they would be interested with us putting a reward, too, if they would be interested in going after and trying to find these people because they seemed to be extremely well on putting -- pulling off robberies. They had pulled off approximately 800 robberies and been successful at it.

Karen Anderson - Redirect

Q. Do you know whether -- do you have any personal knowledge of whether Mr. Moore shared that plan or that offer with Mr. McVeigh?

A. He thought it was an excellent idea.

Q. Who did?

A. Mr. Moore.

Q. And do you know of your personal knowledge whether he shared that idea with Mr. McVeigh?

A. Yes, he did.

Q. Did there come a time when you had discussions with some Special Forces gentlemen that discouraged you from pursuing that plan?

A. Yes, because he could see how it was affecting me and he said I needed to get on with my life.

MR. TIGAR: Excuse me, your Honor, I don't understand who "he" is.

BY MS. WILKINSON:

Q. Could you identify who you're talking about?

A. Mr. Rick Clavtenbaugh and I had quite a few conversations

with him because he visibly saw how upset I was about all of this and thought that maybe I should just get on with my life and continue on. He says, "Most of these robbery cases are not found."

Q. Now, during cross-examination, you were asked about a letter from Mr. McVeigh -- do you recall that -- Government's

Karen Anderson - Redirect

Exhibit 1746?

A. Yes.

Q. I'm going to show you some of the portions you weren't read, and let's start with -- I believe it's the third page. This was a letter that -- do you recall when you received this letter from Mr. McVeigh?

A. This was sometime in January.

Q. Okay. And if you could read along with me and let me ask you a question when I'm finished, because I think on your situation -- can you read that next?

A. I can't. I can't even make out hardly any of this, I'm sorry.

Q. Okay. Let's go to the next line. "The next couple of days, you'll probably think of a lot more, but here are some initial questions and observations." Is that what you see there?

A. Yes.

Q. The next paragraph says, "When I first read it, it sounded

like simple robbery -- but as I examined the details and thought about it -- it was a pro job, and I'm more convinced by the minute that it was a government job." Is that what it says there?

A. Yes, it does.

Q. And let's go down a little bit. "First it follows closely on the heels of your Oklahoma problem. Then someone had to

Karen Anderson - Redirect

watch you for days to set that up. Then, if they went through all of that trouble, why didn't they just kill you?" My theory wanted -- "My theory -- wanted you alive to scare others away from patriot cause by telling story." Is that what you understand that says there?

A. Yes.

Q. Are you -- or were you aware that Mr. Moore wrote a letter to Mr. McVeigh describing the robbery?

A. Yes, I was.

Q. Did you understand that that's what Mr. McVeigh was referring to when he said, "It sounds like a simple robbery."

A. Yes.

Q. Now did you -- what did you understand him to mean when he said "scaring others away from the patriot cause"?

A. I assumed that from the government affiliated that basically it would make everybody afraid that the government was going to come in and attack them.

Q. Now, is that something that Mr. McVeigh discussed on occasion, his fear of the government?

A. Yes.

Q. And his fear of the government attacking the citizens?

A. Yes.

Q. And did he consider himself a patriot?

A. Yes.

Q. Now, when you wrote the letter to the .50 Caliber Club, did

Karen Anderson - Redirect

you suggest who the potential robbers might be? Not by name, but by group?

A. Yes.

Q. And did you include in that suggestion a patriot group?

MR. TIGAR: Your Honor, the letter's not in evidence.

THE COURT: The objection is sustained as to the contents of the letter.

BY MS. WILKINSON:

Q. Let me show you Defense Exhibit 1647. Do you recognize that letter?

A. Yes, I do.

Q. And did you help Mr. or Mrs. Moore write that letter?

A. Yes, I did.

MS. WILKINSON: Your Honor, we'd offer Defense Exhibit 1647.

MR. TIGAR: If it's understood that the next witness

that I'd intended to complete the chain with will be here and available, I would consent to it, your Honor.

MS. WILKINSON: We stick with our position, your Honor. Mr. Moore will be here next.

THE COURT: All right. I take it that's who you're referring to.

MR. TIGAR: Yes, your Honor. No objection.

THE COURT: All right. Then D1647 is received.

BY MS. WILKINSON:

Karen Anderson - Redirect

Q. Miss Anderson, do you recall when you wrote to the .50 Caliber Club to notify them of the robbery?

A. Not exactly know what date it was, no, I do not.

Q. Do you know whether it was between November 5 and January 1 -- November 5 of 1994, and January 1? Was it within a month or two of the robbery?

A. I think so.

Q. Let me show you the last page of the letter, page 4.

Now, here it says, "PS: Our main concern is to find the perpetrators so that we can determine whether this had something to do with law enforcement or a patriot group"; is that right?

A. Yes.

Q. Do you see that?

A. Yes.

Q. "Or a professional, possibly retired SEAL or Special Forces person, because we do not feel safe on our own property because this happened on our own turf; and having to carry a sidearm or assault rifle with you to the barn while either walking or riding is not what we had planned for our later life"?

A. Correct.

Q. Is that what you and Mr. and Mrs. Moore wrote after November 5, 1994?

A. Correct.

Karen Anderson - Redirect

Q. And did you write this letter long before the Oklahoma City bombing on April 19, 1995?

A. Yes.

Q. Now, these groups you named, either law enforcement, a patriot, or retired SEAL, or Special Forces, were these some of your -- why did you write those groups down?

A. Basically because when you go to the gun shows, you never tell anybody what you have; but if you have all these different calibers and you say, yes, I've shot .308, or, yes, I've shot .50 caliber, this is what it does, in a roundabout way, you've already let out what you have at home, if you've shot these things, they have to put it into your head.

Q. And why did you think a patriot group might be involved with the robbery?

A. Because of having the amount of guns that we had.

Q. And you thought about that before you knew the property was recovered from Mr. Nichols' house?

A. A long time.

Q. Now, I just want to ask you about one other document. You were showed Defense Exhibit 1201, which is a receipt for ammunition, I believe you said. Is that right?

A. Yes.

Q. And here at the top, does it say "copy of invoice"?

A. Yes, it does.

Q. And can you read that date right over there?

Karen Anderson - Redirect

A. It looks like -- it's 10, and I think it's 04-94.

Q. So was that --

A. It's either that or 27-94, I'm not --

Q. Does that date -- what does that indicate, the date at the top?

A. That's the date that I phoned in the order.

Q. So you would have purchased it at that time in '94?

A. Yes.

Q. And then there's another date on here that says 11-7. What does that date indicate?

A. That's the date that the second -- the second invoice that I phoned in and asked for a copy.

Q. Why did you ask for a copy?

A. No. 1 for the insurance people; and No. 2 I was going to

A. NO. 1, FOR THE INSURANCE PEOPLE; AND NO. 2, I WAS GOING TO
HAVE TO REORDER THE SAME THING ALL OVER AGAIN.

Q. LET ME SHOW YOU A DEFENSE EXHIBIT AND SEE IF YOU CAN READ
THE DATE AT THE TOP A LITTLE BIT BETTER, D1201. SEE IF YOU CAN
MAKE OUT THAT DATE.

A. IT LOOKS LIKE 10-4-94.

Q. AND THAT WOULD BE OCTOBER 4 OF 1994?

A. YES.

Q. APPROXIMATELY A MONTH BEFORE NOVEMBER 5, 1994?

A. YES.

Q. TO THE BEST OF YOUR RECOLLECTION, IS THAT WHEN YOU
PURCHASED THIS AMMUNITION LISTED ON THIS RECEIPT?

Karen Anderson - Redirect

A. YES.

Q. MISS ANDERSON, BASED ON YOUR REVIEW OF THE PROPERTY THAT
YOU IDENTIFIED YESTERDAY FOR THE JURY AND OF THE PHOTOGRAPHS
THAT WE'VE SHOWN TO THE JURY, IS THERE ANY DOUBT IN YOUR MIND
THAT THIS PROPERTY THAT YOU'VE IDENTIFIED, THE QUILT, THE
STAMPED AMMUNITION, AND THE OTHER AMMUNITION, IS YOUR PROPERTY?

A. NO DOUBT WHATSOEVER.

MS. WILKINSON: I HAVE NO OTHER QUESTIONS, YOUR HONOR.

THE COURT: Mr. Tigar.

RE-CROSS-EXAMINATION

BY MR. TIGAR:

Q. PUTTING UP AGAIN WHAT'S BEEN RECEIVED NOW AS DEFENSE . . .
1647, YOU ALSO SAY -- AND WHAT WAS NOT READ -- "LAW ENFORCEMENT

cooperation at this point has been extremely limited, so we feel that taxpayers must bind together in the hopes of helping each other out of these dilemmas"; correct?

A. Correct.

Q. Was it your opinion at that time that law enforcement cooperation had been extremely limited?

A. Yes.

Q. Were you interviewed by Trooper Karchefski?

A. No.

Q. Were you interviewed by any of the other troopers that responded out there to the call?

A. Little hard to do when you're in Shreveport.

Karen Anderson - Recross

Q. Did they come to your house afterwards?

A. No.

Q. Do you know whether or not Mr. Moore called the police as soon as possible after this incident?

A. I was told that, yes.

Q. Did he tell you that he called the police as soon as possible after this incident?

A. Yes.

Q. Now, you were shown again the letter from Mr. McVeigh, which is in evidence as Government's 1746. And Mr. McVeigh's analysis saying, "First, it follows closely on the heels of your OK problem." Do you understand that to mean your Oklahoma

problem?

A. Yes.

Q. And was that an Oklahoma problem with law enforcement?

A. Yes.

Q. And in that situation did Mr. Moore feel that he had been unfairly treated?

A. Yes.

Q. And was that the incident in which you displayed \$50,000 in cash?

A. Yes.

Q. Now, you stated that you went down to Ft. Smith, Arkansas; correct?

A. Correct.

Karen Anderson - Recross

Q. And who suggested that you go to Ft. Smith, Arkansas?

A. I did.

Q. And did you know that that was close to Elohim City?

A. No.

Q. What steps did Mr. Moore suggest that you take?

A. Basically the same steps. We had discussed this.

Q. And he said, "Go for it"; right?

A. He said, "Go for it."

Q. Did he say "Go for it" often?

A. Not to my knowledge. That's the first time I ever heard him say it.

Q. Really. You've heard other people say it; right?

A. Well, I've heard that in the horse business for years.

Q. So in other words, if somebody says, "Go for it," it doesn't particularly mean that they're a bad person, does it?

A. No.

Q. No. In fact, it can be used in all sorts of settings; correct?

A. Correct.

Q. Would you say it's kind of a, what -- a very overused expression?

A. No.

Q. Is it an often-used expression?

A. I don't take tally of numbers that I hear --

Q. I understand. But you've heard it a lot; right?

Karen Anderson - Recross

A. I've heard it.

Q. And you didn't think there was anything wrong with Mr. Moore saying that?

A. No, because he knows I'm there by myself; and if I want to do it, he believes that I should do it.

Q. Now, you said you had a conversation with Mr. Claytonbaugh

A. Yes.

Q. Is that someone you met through Mr. Moore?

A. No.

Q. Is that someone you met through your Assault business?

A. No.

Q. And how long have you known Mr. Claytonbaugh?

A. Right after the robbery.

Q. And is he someone that Mr. Moore contacted?

A. No.

Q. Someone that you contacted?

A. No.

Q. How is it that he became involved in the investigation of this matter?

A. By us, we thought maybe somebody might have stayed around there. We went around to the motels to find out if they had had anybody that had been around there for a couple, three days, or if they might know of anybody that was in Special Forces in the area; and at the motel out in Crystal Springs, the lady said she knew somebody that had been in Special

Karen Anderson - Recross

Forces, and she's the one that told us where to maybe find this gentleman.

Q. Now, was -- did you do most of the work with respect to sending out the letters and making the telephone calls about this investigation?

A. Yes.

Q. Do you have copies of any of the letters that you sent out?

A. No. I don't make copies of my own letters.

Q. But it was principally your responsibility?

A. It wasn't a responsibility. It was an item that I wanted to do because of how upset we were about all of this.

Q. And the bedspread and quilt and so on: Those you bought at K-Mart?

A. Yes.

Q. And that's just a regular K-Mart store like other stores?

A. A coincidence with all the rest of this?

Q. Ma'am, I understand what your position is.

A. You bet.

Q. Right. And you understand that you're here to answer questions on direct and cross-examination; is that right?

A. Yes.

Q. And all I'm permitted to do is to put questions to you. Do you understand that?

A. Correct.

Q. Do you understand that I'm not permitted to argue with you

Karen Anderson - Recross

about inferences that you choose to draw; is that correct?

A. Correct. But too bad.

Q. Pardon me?

A. Correct, but too bad.

THE COURT: Well, don't editorialize about the process. You're a witness in this process, and your responsibility under your oath is to answer the question.

THE WITNESS: I'm answering the questions.

THE COURT: Well, you're also volunteering things that you weren't asked.

You may repeat the question, if you wish.

MR. TIGAR: Your Honor, may I ask that the observation be stricken.

THE COURT: Well, of course it's stricken. The jury will disregard it.

BY MR. TIGAR:

Q. You understand the jury's function in this case is to resolve the disputed issues of fact; correct?

A. Correct.

Q. And among those issues of fact is the question that I asked you when I started cross-examination today --

A. Ask again.

Q. -- and that is whether or not your list that you produced to the Government, your handwritten list, is in fact a fraud.

A. It is not a fraud.

Karen Anderson - Recross

MR. TIGAR: I have no further questions.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Miss Anderson, you're upset about what happened in November of 1994; is that right?

MR. TIGAR: I object to the leading.

THE COURT: Sustained and stricken.

BY MS. WILKINSON.

BY MS. WILKINSON.

Q. Miss Anderson, you heard Mr. Moore say, "Go for it"; right?

A. Right.

Q. Did you ever hear him say after that, "As for heat, none that I know of"?

A. Repeat.

THE COURT: This is a rhetorical question. I'm ruling it out.

MS. WILKINSON: No further questions, your Honor.

THE COURT: Is the witness to be excused?

MS. WILKINSON: Yes, she is.

THE COURT: Do you agree?

MR. TIGAR: Yes, your Honor.

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

Next witness.

MR. MACKEY: The United States would call Roger Moore.

THE COURT: All right.

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

(Roger Moore 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: Roger Edwin Moore.

THE COURTROOM DEPUTY: Spell your last name.

THE WITNESS: M double O R-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Miss Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Moore, you just told the jury your name. Do you ever go by any other name?

A. "Bob Miller."

Q. Do you use any other names other than "Roger Moore" and "Bob Miller"?

A. No.

Q. Where do you live right now?

A. Part-time in Royal, Arkansas; part-time in Florida.

Q. And have you ever been referred to as "Bob from Arkansas," or "Arkansas Bob"?

A. Yes.

Q. Now, why have you used the name "Bob Miller" instead of

Roger Moore - Direct

"Roger Moore"?

A. It's common practice for a lot of gun dealers, which I am not, but people that go to gun shows, to use different names so that people that are casing the shows cannot locate their home address.

Q. You said you're not a gun dealer. Have you been an ammunition dealer or been in the ammunition business?

A. Yes.

Q. And have you had guns in your home?

A. Yes.

Q. Have you collected guns?

A. Yes.

Q. Now, you told us that you live part-time in Arkansas and part-time in Florida; is that right?

A. Yes, ma'am.

Q. How many months a year do you live in Arkansas?

A. Seven to eight.

Q. And how many months a year do you live in Florida?

A. Approximately four.

Q. Do you maintain residences in both states?

A. In Florida.

Q. Now, do you know why you're here today?

A. Yes.

Q. What happened to you on November 5, 1994?

A. I was robbed at gunpoint.

Roger Moore - Direct

Q. Any doubt about that?

A. Not to me.

Q. How old are you, Mr. Moore?

A. 62.

Q. Where were you born?

A. Sioux City, Iowa.

Q. Are you married?

A. Yes.

Q. What's your wife's name?

A. Carol.

Q. How long have you been married to Mrs. Moore?

A. 1955.

Q. Now, have you ever served in the military?

A. Yes.

Q. When did you do that?

A. September, '52, September, '59.

Q. What branch were you in?

A. Air Force.

Q. What did you do in the Air Force?

A. Armament sergeant.

Q. What does that mean? What were your responsibilities?

A. You work on the guns of the various fighters, whether they're rockets or machine guns.

Q. Now, was that the first time you had any exposure to ammunition or firearms?

Roger Moore - Direct

A. No.

Q. Tell us about that. Had you had exposure when you were growing up as a child?

A. Yes.

Q. What kind of things did you do when you were a kid?

A. We lived on the edge of South Dakota; and my aunt and uncle lived up in South Dakota, and we would go up there and pheasant-hunt, probably when I was eight years old and up.

Q. And did you learn about firearms from your family?

A. Yes.

Q. Did you ever hunt with your father?

A. Yes.

Q. Your brother?

A. Yes.

Q. Did you ever receive any firearms from your father or your brother?

A. Several. The main one being the .22 Hornet Winchester Model 43.

Q. Is that an older-type firearm -- now?

A. That was a firearm built from about 1949 to 1957.

Q. When did you receive it?

A. About 1960.

Q. And had you held on to it since 1960?

A. Yes.

Q. What happened to it on November 5, 1994?

Roger Moore - Direct

A. It went with the robbery.

Q. And when was the next time you saw that firearm?

A. At the FBI headquarters in Washington, D.C.

Q. After the bombing in Oklahoma City?

A. Yes.

Q. Now, after the service, did you -- or at any time did you obtain a college degree?

A. A college degree -- I graduated in 1956 with a bachelor's degree, in 1964 with a master's degree, from the University of Tulsa.

Q. Did you go straight on to receive your master's, or did you work between your college and graduate?

A. Pardon?

Q. I'm sorry. Do you have a problem with your hearing?

A. Yes.

Q. What is that from?

A. Working too close to the turbines on the jets.

Q. I'll try and speak more into the microphone.

A. Is there a possibility I could have a cup to go with that?

Q. Sure. If you lean forward, it's right in front of that water bottle right there.

THE COURT: We do have hearing assistance, too, if that might help.

BY MS. WILKINSON:

Q. Would you like that, Mr. Moore? You can put it in your

Roger Moore - Direct

ears. It might make it a lot easier to hear.

THE COURT: We'll try it, anyway. I don't know if it works in the position of the witness box. See if that helps you.

THE COURTROOM DEPUTY: That is the volume adjuster. That's what's picking up.

THE WITNESS: How do you put it --

THE COURTROOM DEPUTY: Just put it in.

THE COURT: I don't know if that will help, but we'll see.

BY MS. WILKINSON:

Q. Does that help?

A. Uh-huh.

Q. Can you hear me a little better?

A. Uh-huh.

Q. Let me know if you can't hear my questions.

I was asking you after you got your college degree, did you go straight on to graduate school, or did you start working?

A. I started working.

Q. What did you do?

A. I worked for the Social Security Administration for a year.

Q. Then what did you do?

A. Went to California and worked for Household Finance, came back to Tulsa and started a Volkswagen agency, and then went to

Roger Moore - Direct

Sioux City in 1959 and worked as assistant city manager for two years.

Q. After that, did you return to the Tulsa, Oklahoma area?

A. Yes.

Q. What did you do when you returned to Tulsa?

A. Went into the graduate program

A. went into the graduate program.

Q. And what year did you receive your M.B.A.?

A. June, 1964.

Q. Were you working during that time?

A. No.

Q. Did you have any hobbies, or did you play the market, as they say?

A. Played the market. I played the commodity market to pay my way through school.

Q. And since that time, have you been involved with commodities and stocks?

A. Not commodities; stocks and bonds.

Q. Ever since that time?

A. Uh-huh.

Q. Now, what did you do after you completed your M.B.A.?

A. I went to work for North American Rockwell on the Apollo program.

Q. After that, did you move somewhere else?

A. I moved to Florida, Ft. Lauderdale.

Q. Did you start a business in Ft. Lauderdale?

Roger Moore - Direct

A. Yes.

Q. What type of business did you start?

A. A boat-building business.

Q. And how long did you stay in the boat-building business?

A. Between the five companies, till 1977.

Q. You had five different companies?

A. Yes.

Q. Why was that?

A. I found that it was easier to start companies, and people wanted to buy them once they were started. So I started three different companies until I got into building the big boats.

Q. Were you financially successful in the boat-building business?

A. Very much so.

Q. Were you able to retire at an early age?

A. Yes.

Q. When did you sell your last boat-building business?

A. July 1977.

Q. After 1977, what did you do to make a living?

A. Stocks and bonds.

Q. Did you invest on your own?

A. Yes.

Q. And did you do anything else to make a living during that time?

A. Not that I remember.

Roger Moore - Direct

Q. Now, at some point, did you -- Did you live in Florida full-time when you were working on these boat-building businesses? In other words, did you live there year around?

A. Oh, on the boat-building?

Q. Yes.

A. Full-time.

Q. Did there come a time when you moved to Arkansas?

A. Yes.

Q. When was that?

A. We bought the property in October of '85, and I moved up there in the spring of '86.

Q. Now, before you moved to Arkansas, did you meet a woman named Karen Anderson?

A. Yes.

Q. How did you meet Miss Anderson?

A. I met her through my wife, who used to run errands, picking up underwater gear and various marine fastenings. She actually met her first.

Q. And when you moved to Arkansas, did Miss Anderson move with you?

A. She moved out there first because she wanted to have a place in the country for her horses.

Q. Did you allow her to keep her horses on your property?

A. Certainly.

Q. And did she take care of the property for you?

Roger Moore - Direct

A. Yes.

Q. Was she there in the months that you were in Florida?

A. Yes.

Q. Now, let's go -- you said the first time you moved to Arkansas was in 1986?

A. Uh-huh.

Q. During that first year, did you stay in Arkansas the full year, or did you do what you described to the jury; that is, live in Arkansas part-time and part-time in Florida?

A. No, I went back to Florida always at the end of November or early December.

Q. Have you done that every year --

A. Every year.

Q. -- since you moved to Arkansas?

And how long did you live in your first residence in Arkansas?

A. Seven years, maybe.

Q. Did you move to a second place?

A. We found a better place, about 4 miles away, and we moved to that, I think in '92.

Q. Is that your current residence in Arkansas?

A. Yes.

Q. What's the address of that residence?

A. 6435 Albert Pike Road.

Q. And you were living there in November of 1994?

Roger Moore - Direct

A. Yes.

Q. Could you tell the ladies and gentlemen of the jury, give

them a general description of that property in Royal. How big is it?

A. 10 acres. 330 by 1325. Bordered on the east by forest, bordered on the north -- south by forest; a neighbor on the west, a highway on the front.

Q. Is there any waterway or creek on your property?

A. Coming in through the gate there are 150 feet in -- there's a river that runs through, has a concrete bridge.

Q. How far from the road is your property -- is your home on your property?

A. About 700 feet, up on a hill with trees in front.

Q. Is it easy to see from the road?

A. No.

Q. Now, did you tell us how far away -- I don't think you did -- how far away this property is where you're living now from your prior Arkansas property?

A. Approximately 4 miles.

Q. How many buildings do you have on your current property?

A. You want me to list them, or do you want the number?

Q. Start with the number. Or is it easy -- why don't you just list them. That might be easier for you.

A. The house --

Q. Uh-huh.

Roger Moore - Direct

A. -- carport, a utility-type metal building for wood and

barrels, a shop, a four-stall barn, and then a three-stall barn.

Q. You said you had a house and a carport. Is your carport attached to your house?

A. Well, the triple carport is attached to the house. There's another building that's used as a carport, also.

Q. Let's talk about your house for a moment. How big is your house?

A. Four bedrooms, two baths.

Q. Any basement?

A. No.

Q. Are there any woods surrounding your home?

A. A great deal of trees.

Q. Now, back in November of 1994, did you have any security system in place at your house?

A. No.

Q. Do you have any neighbors in the area?

A. The one to the west.

Q. How far away is that neighbor's home from your home?

A. From the home, probably 300 feet. From the property line, about 25.

Q. And are there any other neighbors in the close vicinity?

A. No other neighbors in the immediate vicinity.

Q. Let me show you, if you can look on your screen, what's

already been moved into evidence as Government's Exhibit 1/43.

Do you recognize this aerial photograph?

You recognize that, Mr. Moore?

A. That's a tough one.

Q. Do you recognize this as the general area of your property?

A. Yes.

Q. Are you having a hard time figuring out which area is your property?

A. Yes.

Q. Okay. Let's move on, then. Can you tell us generally if behind your property there's any waterways; that is, behind your house?

A. Not on the property.

Q. How about off the property?

A. Back behind the property, about a quarter mile in the woods, is what they call a Little Missouri River that runs into Lake Hamilton.

Q. And if you were walking further back, behind your house, off your property and you crossed the creek, do you eventually get to another road?

A. There's a series of roads back in there.

Q. Now, you've told us you have horses at your property; is that right?

A. Right.

Q. What other type of animals do you have there?

- A. Ducks, geese, cats, and a few chickens.
- Q. Whose responsibility is to take care of those animals?
- A. Whoever's there.
- Q. What does that mean?
- A. We take turns if there's more than one.
- Q. Do you sometimes take care of the animals?
- A. Always. Usually always.
- Q. Does Miss Anderson?
- A. Yes.
- Q. Does Mrs. Moore?
- A. Yes.
- Q. Now, did there come a time in -- after you moved to Arkansas when you and Miss Anderson started to go to gun shows?
- A. Yes.
- Q. And did anyone take care of your property while you were out at gun shows, at the beginning?
- A. At the beginning we had Walt do it. Which I --
- Q. Who's Walt?
- A. Walt Powell is a next-door neighbor.
- Q. And after Mr. Powell did it, did you have anyone else do it?
- A. Eventually Karen -- Carol did it.
- Q. Your wife?
- A. Yes.
- Q. Would she come up from Florida --

Roger Moore - Direct

A. Yes.

Q. -- to watch the property while you went to gun shows?

A. Yes.

Q. Now, when you went to gun shows, when you first started going to gun shows with Miss Anderson, did you sell any items at those gun shows?

A. Yes.

Q. What type of items?

A. Ammunition, a few gun parts, and survival-type flares, parachutes, smoke --

Q. Is that what we've heard referred to as pyrotechnics?

A. Yes.

Q. Did you ever sell any explosives in your business?

A. Never.

Q. Did you ever have any explosives, high explosives at your home?

A. Never.

Q. Now, did you and Miss Anderson and Mrs. Moore operate a ammunition business?

A. Mrs. Moore was not that involved.

Q. Was it basically you and Miss Anderson?

A. Right.

Q. And in your ammunition business, did you sell the ammunition you've described to the jury at gun shows?

A. Yes.

Roger Moore - Direct

Q. Did there come a time when you also had a mail-order business?

A. Yes.

Q. And how did that begin?

A. Well, you can only cover so many gun shows in the United States; and with mail order, you can cover the whole country.

Q. And do you recall before April of 1995 what percentage of your business was from mail order, approximately?

A. 25.

Q. And was the rest --

A. Direct --

Q. -- money you made at gun shows?

A. Direct sales at gun shows.

Q. Now, when you first started going to gun shows and selling your ammunition, did you and Miss Anderson go together?

A. Yes.

Q. Did that continue?

A. No.

Q. What happened?

A. About 1993, I thought we were doing a disservice to the animals by keeping them locked up for several days. And I asked her -- I said: "One of us is going to have to stay home. One of us is going to have to go to the shows. Take your choice."

And she said, "I'll go to the shows."

Roger Moore - Direct

I said, "That's just what I hoped. I'll stay home and take care of the animals."

Q. That's just what you hoped. Did you have as much interest in the gun shows as she did?

A. No.

Q. Why is that?

A. I've seen enough of them that it's boring.

Q. When you went to the gun shows with Miss Anderson, who did the majority of the work?

A. She did.

Q. Now, you told us when you'd go to these gun shows, you'd sometimes use the name "Bob Miller"; is that right?

A. Always.

Q. And did you use that name sometimes when you purchased ammunition for your business?

A. Only if it was somebody that knew us. Other than that, she purchased the ammunition through her name.

Q. Okay. Now, other than using your -- this alias to purchase ammunition for your business and at gun shows, did you do the rest of your business -- that is, buying a home and things like that -- in your true name, Roger Moore?

A. Yes.

Q. You told us that it's common for people to use an alias at a gun show; is that right?

A. That is right.

Roger Moore - Direct

Q. What is your understanding of why it's common?

A. It's a safety factor.

Q. Now, you told us that you first became interested in firearms when you were growing up as a child; is that right?

A. Uh-huh.

Q. And did you ever sell guns or firearms at gun shows?

A. We may have sold one or two a year.

Q. Why was that?

A. If you found a dealer that -- or an individual that had two or three guns but they wanted to sell all the guns and you wanted two of them, you didn't want the other one, you'd have to buy the whole package; and eventually you'd sell the one you didn't want.

Q. But other than selling one or two guns here and there, did you ever sell firearms on a regular basis at gun shows?

A. No.

Q. Is that why you say you're not a gun dealer?

A. Right.

Q. Now, you told us that your father gave you a gun back in the 50's; is that right?

A. That's right.

Q. Have you collected other guns since that time?

A. Yes.

Q. Before November 4 -- November 5, 1994, how big was your gun

collection?

Roger Moore - Direct

A. Roughly 80 to 90 guns.

Q. Did you keep all of those firearms in your house in Royal, Arkansas?

A. Unfortunately.

Q. What type of guns did you have in your house prior to November 5, 1994?

A. Would you break that down?

Q. Sure. Let's start with long guns.

JUROR: Excuse me, your Honor. May I be excused for one moment?

THE COURT: We'll take the recess, then, for all of us.

JUROR: Thank you.

THE COURT: You can step down, now, Mr. Moore.

We're going to take the morning recess, and we will take -- and you can step out.

THE WITNESS: Thank you.

THE COURT: And we're going to take recess, members of the jury --

You can go ahead, Mr. Moore.

-- for the usual 20-minute period, during which again, as usual, follow all of the cautions given of avoiding discussion of the case or anything outside of our efforts and keeping an open mind

keeping an open mind.

You're excused, 20 minutes.

Roger Moore - Direct

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

THE COURT: All right, we'll take the recess.

(Recess at 10:18 a.m.)

(Reconvened at 10:37 a.m.)

THE COURT: Be seated, please. The juror is fine. It was just time for the morning break.

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

THE COURT: Please resume the stand, Mr. Moore.

Ms. Wilkinson, you may continue.

MS. WILKINSON: Thank you, your Honor.

BY MS. WILKINSON:

Q. Is your headset still working, Mr. Moore?

A. Yes.

Q. Now, I think before we broke, you were talking about the types of guns you had in your home that you had collected prior to November 5, 1994. Do you recall that?

A. Yes.

Q. And you asked me to break down the question. Is that right?

A. Uh-huh.

Q. Can we start with long guns. Did you have long guns in your collection?

A. Approximately 75, 77, 80. I don't know.

Q. Can you try and keep your voice up just a little bit so everyone can hear you.

Roger Moore - Direct

Thank you.

Did you have any carbines?

A. M-1 carbines?

Q. Yes.

A. Yes.

Q. Do you recall how many you had before November 5, 1994?

A. Four or five standard stock M-1 carbines, World War II, and two paratrooper models from World War II.

Q. So they were all old guns?

A. Original World War II.

Q. Have you ever sold any of those carbines?

A. No.

Q. Have you ever given them away to anyone?

A. No.

Q. Now, what about any .22's? Did you have any .22's?

A. Probably 10 to 15.

Q. What type were they?

A. Five to six 10/22 Rugers, some with scopes. Three or four Remington Nylon 66's -- that's the model -- built in the 60's. Four or five Browning Takedowns. I don't know the model number.

Q. Did you have any assault rifles?

A. Yes.

Q. What type?

A. Well, depends on what you call an assault rifle.

Roger Moore - Direct

Q. What do you call an assault rifle? Why don't you tell me.

A. I guess whatever the Assault Rifle Bill calls an assault rifle.

Q. Well, what type of assault rifles did you have in your home?

A. I don't call Mini-14's assault rifles, but they're wood stocks, brown wood stocks. Two .23 caliber made by Ruger.

Q. Did you have any skeet and trap guns?

A. Yes.

Q. What type?

A. Mossberg, a couple of Ithicas.

Q. Is Mossberg a shotgun?

A. Yes.

Q. And what did you say, an Ithica?

A. Ithica.

Q. What is that?

A. Brand name.

Q. And what type of gun is it?

A. It was a vent-rib skeet gun.

Q. Did you have any shotguns, other shotguns other than the Mossberg?

A. Yes.

Q. What type?

A. I had two Mossberg pistol-grip 500-C shotguns, 12 gauge shotguns, and I had three Winchester Model 1200 Defender, 12-

Roger Moore - Direct

gauge shotguns.

Q. Did you have hunting rifles in your collection?

A. Yes.

Q. What type?

A. Mostly Remington .30-06, .308, Interarms Mark 10 .308, Tenite stock, all scoped.

Q. Had you used any of those hunting rifles recently to go hunting?

A. I don't hunt.

Q. When was the last time you hunted?

A. 1973.

Q. So these were -- these were just for your collection. Is that right?

A. Right.

Q. Did you have any commemorative guns?

A. Just two.

Q. What type?

A. One was a Winchester gold-plated Lone Star lever action, and the other was a World War II Grand made by Springfield that

was a collector's item.

Q. Do you recall when you purchased those weapons?

A. Yes.

Q. Did you purchase them together?

A. Yes.

Q. Tell us about that.

Roger Moore - Direct

A. There was a gentleman that had an ad in the paper for a satellite dish, and that was prior to when we bought our 18-inch dish. He was moving out of town, and we went over to look at it on the other side of town; and then he said, "I'm selling this, this and this." And we didn't buy the satellite dish, but we bought the two guns.

Q. Meaning the gold-plated gun?

A. Right.

Q. And which other?

A. And the Grand.

Q. And the Grand. Okay. Did you have any Colt Diamondback weapons?

A. Two of them.

Q. What are they?

A. They're not made now. That's a collector's item. They're made only in .38, .22 long-rifle caliber, 4-inch barrel.

Q. Did you keep any handguns in your home prior to November 5, 1994?

A. About 15.

Q. What type?

A. I had six brand-new Smith & Wessons that I bought in 1960.

Want the model numbers, or --

Q. No. Just a general description is fine.

A. Okay.

Q. I think you told us you had -- we were talking about

Roger Moore - Direct

assault weapons, and you had some Mini-14's. Is that right?

A. Uh-huh.

Q. Did you have any other type of assault weapons?

A. I had two SKSs, and I'm not sure whether an AK-47 or not.

Q. But you had an AK-47?

A. I used to have one. I can't remember whether I had it or not.

Q. Okay. You can't remember whether you had it, or you can't remember whether it's an assault weapon?

A. No, it's assault weapon.

Q. Okay. Did you have any AR-15's?

A. Four.

Q. And you had all four of those prior to November 5, 1994?

A. Yes.

Q. Did you have any Uzi?

A. The Uzi I had was a Hollywood prop gun.

Q. What is a Hollywood prop gun?

A. That's a very rare gun. It's used to make movies, and you very seldom see them. You very seldom can get a hold of them. It's a collector's item.

Q. How did you get a hold of one?

A. Through the gun shows. Years ago they used to come through the shows; and when people weren't knowledgeable, they'd sell them to people as regular Uzis. And this guy bought it for \$800, and he sold it to somebody else; and the guy got tired of

Roger Moore - Direct

having it, and he sold it to me.

Q. How much did you pay for it?

A. \$80.

Q. Why did you pay 80 if he paid 800?

A. Well, it had changed hands once since then; and I told the guy, "If you ever want to sell it, I'd like to have it to hang it."

Q. So was it your understanding the \$800 was supposed to be for a real Uzi?

A. Real Uzi.

Q. When you look at that Uzi, can you tell whether it's a real Uzi or a Hollywood prop gun?

A. Yes.

Q. How can you tell that?

A. Uzi puts right where the serial number is either Model A or

D.

Q. Does the Hollywood prop gun --

A. Hollywood prop gun doesn't have that.

Q. Is there anything about the barrel?

A. It doesn't have any rings, lands, or grooves.

Q. That's inside the barrel?

A. Rights. It has a restricted barrel so you can't fire bullets through it.

Q. So your Uzi had no model number on it. Is that right?

A. Right.

Roger Moore - Direct

Q. And no grooves or markings in the barrel?

A. Right.

Q. Now, do you recall how many total firearms you had in your personal collection before November 5, 1994?

A. Exactly, no.

Q. Do you remember generally?

A. 80 to 90.

Q. And where did you keep the majority of your collection prior to November 5, 1994?

A. All but about four or five were in my master bedroom.

Q. And where in your master bedroom did you keep these firearms?

A. In the two closets.

Q. In your bedroom?

A. Right. Some under the bed and a few in one of the drawers

of the built-in dresser.

Q. Were they in cases?

A. 85 percent.

Q. So if I walked into your bedroom and looked in your closet, would I be able to see them?

A. Quite easily.

Q. Now, you said there were a few that weren't in your bedroom. Were there any in any of the other bedrooms in your home?

A. There was one in Karen's bedroom that was given to her by

Roger Moore - Direct

her folks, a Browning, a brand-new Browning, made in Belgium. She was smart enough that when we moved over there she put it under the dresser, which weighed about 300 pounds.

And there was about three other weapons in the house that were loaded.

Q. Now, prior to November 5 of 1994, did you have any insurance specifically on your gun collection?

A. No.

Q. Did you have general insurance, homeowner's insurance?

A. Homeowner's.

Q. Prior to November 5, 1994, had you discussed with your insurance agent the necessity of riders to cover your gun collection?

A. Not that one.

Q. Not that one? What do you mean?

A. Not that insurance agent.

Q. Had you discussed it with prior insurance agents?

A. Right.

Q. And did you understand that you needed riders if you -- to cover those guns?

A. Yes, I did.

MR. TIGAR: Objection, your Honor.

THE COURT: What's the objection?

MR. TIGAR: Hearsay.

THE COURT: Well, he's now answering to his

Roger Moore - Direct

understanding.

MR. TIGAR: No objection. I withdraw the objection, your Honor.

BY MS. WILKINSON:

Q. What did you say your understanding was? Did you need riders to cover those guns?

A. Yes.

Q. You chose not to get those riders?

A. Yes.

Q. Why is that?

A. I had a good friend in Florida that was the biggest State Farm agent in Florida, and we discussed it. I knew him well enough to go to dinner with him. He had my cars and my house

on homeowner's for over 20 years, and he said, "You can take a chance and get a rider, but," he said, "that's going to go all the way to Illinois, Bloomfield, and," he said, "a lot of secretaries will see this; and if a single secretary sees it and she happens to have a boyfriend that goes to a bar, he may mention it and you're going to get robbed. And if you get robbed, you've got a 50 percent chance of getting killed."

And since I told nobody about the collection, I figured it's easier to say nothing.

Q. Did you also discuss the cost of the riders?

A. Yes. It was very expensive.

Q. And did you ever calculate whether -- if you had the riders

Roger Moore - Direct

for some time, whether you would ever have paid for the gun collection by paying the rider?

A. Yes, I did.

Q. Now, other than collecting guns, did you keep any other collector's items in your home?

A. I kept the jade that I found in Costa Rica in 1974, a box of gold Tiki dolls that came from Costa Rica in 1974, and the stones, the semiprecious and precious stones that came from Saudi Arabia and Ceylon in the 60's.

Q. Did you ever collect any coins?

A. Yes.

Q. Did you have coins in your home prior to November 5, 1994?

A. Yes.

Q. What type of coins?

A. Gold, silver, and silver collector's coins.

Q. Now, let's go down the list of the other items that you said you've collected. I think you mentioned some jade that you had collected?

A. Yes.

Q. Did you, yourself, find that jade?

A. Yes.

Q. Where did you find it?

A. Costa Rica.

Q. When?

A. 1974.

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Q. How did you find it?

A. Digging around in the peninsula on the west coast.

Q. In 1974, were you allowed to go into Costa Rica and dig out jade?

A. That was the last year.

Q. Do you recall how many pieces were in your collection?

A. Approximately 50 or 60.

Q. Other than sharing it with your wife or Ms. Anderson, did you ever give any of that jade away to anyone else?

A. Not to my -- not that I recall.

Q. You said you had gold Tiki dolls.

A. Yes.

Q. Do you recall when you got those gold Tiki dolls?

A. The same time.

Q. 1974?

A. Right.

Q. Where did you find those?

A. Costa Rica.

Q. And had you had those Tiki dolls and the jade since 1974?

A. Yes.

Q. Did you photograph the jade and Tiki dolls that you had?

A. As soon as I got back from the trips. I made two trips a month apiece. We laid them out on a sheet in the living room, and I stood on a chair and took a Polaroid picture of each bunch.

Roger Moore - Direct

Q. And have you taken additional photographs at times when you've moved?

A. I don't remember doing that.

Q. Okay. You're not sure?

A. No.

Q. Okay. Let me show you what's been previously entered into evidence as Government's Exhibit 1747. Do you recognize that photograph?

A. Yes.

Q. Tell the jury what that photograph is.

A. That's a photograph that I took in '74.

Q. What's at the top of that photograph, Mr. Moore?

A. The Tiki dolls.

Q. What's at the bottom of that photograph?

A. The jade.

Q. Okay. I'm going to show you something that's not in evidence, 1748, so I don't want you to show it to the jury. I just want you to look at it yourself.

You see that? Don't say what it is. Just -- do you recognize it?

A. Uh-huh.

Q. Is that a piece of your property?

A. Yes.

Q. Can you see that on this photograph?

Would it help if you had the original photograph in

Roger Moore - Direct

front of you?

A. Yes. The photograph is upside down.

Q. I'm showing you 1747, the photograph that's in evidence. Do you see that?

You're turning it upside -- you're turning it the other way than it's shown on the screen. Is that right?

A. Yes.

Q. And can you see Government's Exhibit 1748 in that photograph?

A. Uh-huh.

A. Oh huh.

Q. Thank you.

Mr. Moore, were there any markings on that jade that you recovered in Costa Rica in 1974?

A. That particular piece?

Q. Or on any of the jade.

A. Back when they were pre-Colombian, what they used to have the women do was use pumice powder and some kind of hemp -- what they called string saw; and they would put the pumice powder on a damp piece of hemp and put the loop around it and string-saw different patterns on the jade.

Q. Did your jade that you recovered in Costa Rica have some of those string-saw patterns on it?

A. Yes.

Q. You told us that you also collected certain types of stones. Is that right?

Roger Moore - Direct

A. Yes.

Q. What type of stones did you have in your home prior to November 5, 1994?

A. Everything but emeralds.

Q. Why don't you try and give us a list.

A. Cut diamonds, sapphires, opals -- excuse me. Emeralds from Colombia, not rubies.

Q. And where did you get those stones?

A. I got them from friends in Saudi Arabia when Beirut was

still a gold market before the war and from Ceylon.

Q. Do you recall approximately what year that was, or years?

A. In the 60's.

Q. And you had those stones since the 1960's?

A. Yes.

Q. Now, do you recall how you stored the jade, the Tiki dolls and the semiprecious stones in your home prior to November 5, 1994?

A. The jade and the Tiki dolls were stored in cigar boxes of that vintage, wrapped in either a paper towel or toilet paper.

Q. Where were the semiprecious or the precious stones stored?

A. Stored right next to them in a box about 10-by-10, 6 inches deep, red.

Q. Do you recall the cigar boxes that you stored the jade and Tiki dolls in? The general description of them.

A. Sure.

Roger Moore - Direct

Q. Did you store anything else in the boxes with the jade and Tiki dolls?

A. The spare P.O. box -- or safe-deposit-box keys.

Q. How many safe-deposit-box keys did you store in those boxes?

A. Two.

Q. Let me show you a photograph that's already in evidence, Government's Exhibit 1776A. Do you see that?

A. The ammo cans.

Q. Yes. Now, do you see right up there at the top that red and white box? Can you see that?

A. Yes.

Q. Do you recognize that box?

A. If I could read the name, I could tell you better.

Q. Okay. Let me see if I can -- it gets kinds of blurry when we bring it up, but do you recognize colors of that box?

A. Uh-huh.

Q. Did you have a box similar to that?

A. I still have three.

Q. Did you have one similar to that --

A. Yes.

Q. -- prior to November 5, 1994?

A. Yes.

Q. And what was stored in that box?

A. There were two. There was jade in one and Tiki dolls in

Roger Moore - Direct

the other.

Q. Where were the safe-deposit-box keys?

A. In the bottom.

Q. Of one of those two red cigar boxes?

A. Yes.

Q. Okay. I'm going to show you Government's Exhibit 1871 and 1873.

Why don't you start with 1871. Do you recognize --

take it out of the envelope and see if you recognize it.

A. Pardon?

Q. Pull it out of the plastic.

A. Pull it out?

Q. Please.

A. Yes.

Q. You're looking at 1871?

A. Yes.

Q. Are there two items there, a key and an envelope?

A. Right.

Q. Do you recognize those?

A. Yes.

Q. How do you recognize that envelope?

A. It belongs to First Union at Sebastian, Florida, and it's the box number that I used to have.

Q. What's the box number?

A. 347.

Roger Moore - Direct

Q. When did you have a box in a bank in Sebastian, Florida?

A. For?

Q. When?

A. When?

Q. Did you have it prior to November 5, 1994?

A. Yes.

Q. And that is the master key, or the second key?

A. That's the second key.

Q. How do you know that?

A. We kept the main key in Sebastian, the second key up there, and vice versa with the key from Arkansas.

Q. Okay. Pick up the other key, if you could. Do you see the Government exhibit number on there?

A. 1873.

Q. Do you recognize 1873?

A. Yes.

Q. Is there an envelope and a key there?

A. Right.

Q. How do you recognize the envelope marked 1873?

A. I put the red M -- or the M on there in ballpoint.

Q. What does that M signify?

A. That it's for the master box.

Q. So that's the master key for -- that safety-deposit box?

A. Right.

Q. What bank did you have that -- where was your safe-deposit

Roger Moore - Direct

box for that key?

A. Arkansas Bank and Trust.

Q. Which branch?

A. Arkansas Bank and Trust, main branch.

Q. That is in Hot Springs, Arkansas?

A. Yes.

Q. Were both of those keys, 1871 and 1873, in your home prior to November 5, 1994?

A. Yes.

Q. Did you ever give those keys to Terry Nichols?

A. No.

Q. Did you ever give those keys to Tim McVeigh?

A. No.

Q. Mr. Moore, you told us that you collected a variety of items. Did you ever have any other hobbies?

A. A video and cameras.

Q. You liked to take pictures?

A. Yes.

Q. What type of camera equipment did you have?

A. I had a complete set of all Minolta-type cameras with the lenses, telephotos, zooms, etc.

Q. Did you keep those in your house?

A. Yes.

Q. Prior to November 5?

A. Yes.

Roger Moore - Direct

Q. Where did you keep them?

A. In the closet.

Q. And did you have any video equipment?

A. I had a JVC camera with an extension cord and an adapter to

go into another portable.

Q. Was that all in your home prior to November 5, 1994?

A. Yes.

Q. Was it taken from you on November 5, 1994?

A. Yes.

Q. Was any part of the video camera left behind?

A. None. You mean --

Q. Not the camera itself but the deck? Do you recall?

A. The portable deck was left behind.

Q. Now, prior to November 5, 1994, did you have any cash in your house?

A. Yes.

Q. Did you regularly keep cash in your house?

A. Yes.

Q. Why is that?

A. I don't have a credit card. Can't get one.

Q. Why can't you get one?

A. I've never bought anything on credit, so I have no history.

All three of us have no hospitalization insurance; and when we go traveling, if something should happen to you and you don't have any money, you're going to wait in line with the

Roger Moore - Direct

poor people, I guess. I don't know. I don't want to do that.

And occasionally when we go someplace, we may buy a motor home,

if we run across one. We may buy a horse trailer. We might

buy a horse. There is no telling what we might buy; so we keep

buy a house. THERE IS NO TELLING WHAT WE MIGHT SAY, SO WE KEEP cash.

Q. You keep it in your house as well as when you're traveling?

A. Yes.

Q. Now, do you also have gold and silver bullion in your house, or did you before November 5, or gold and silver before November 5, 1994?

A. Yes.

Q. Why did you keep that in your house?

A. Just hadn't got around to taking it down to the box.

Q. Have you ever had any concern about the banking system?

A. Yes.

Q. And what was your concern prior to November 5, 1994, about the banking system?

A. You're not always sure it's going to be there. When they had the crash in 1987, I called down and had Carol pull \$100,000 out of the account just to have it at home.

Q. So I take you have no problem getting access to money --

A. No.

Q. -- is that true?

Now, on November 4, 1994, do you recall what day of the week that was -- the 4th?

Roger Moore - Direct

A. Saturday.

Q. The 4th, not the 5th.

A. I don't know what calendars -- When you're not employed,

you don't keep track of numbers.

Q. Do you recall what happened to you on November 5, 1994?

A. Yes.

Q. Okay. Do you recall the day before, November 4?

A. Yes, Friday.

Q. Okay. Now, on Friday, November 4 of 1994, did you have cash in your house?

A. Yes.

Q. Did you have any cash on a desk in your house?

A. On the computer desk.

Q. How much money did you have there approximately?

A. \$8,700.

Q. Why did you have it out on your computer desk?

A. She was gone to a show, and that's when I catch up on stuff I want to do; and I had counted it and put it in ABT envelopes, sealed them and marked them and initialed them.

Q. You said "she." Who is "she"?

A. Karen.

Q. Ms. Anderson had left prior to November 4, 1994?

A. She had left at 5 or 6:00 in the morning on November 4.

Q. Where had she gone?

A. Shreveport.

Roger Moore - Direct

Q. Were you there by yourself?

A. Yes.

Q. On the morning of November 5, 1995 (sic), were you home that morning?

A. Yes.

Q. Were you alone?

A. Yes.

Q. Do you recall what time you woke up?

A. 8, 8:30.

Q. Do you recall what you did after you woke up?

A. I always lay in bed about 15 or 20 minutes because I hate to get up like that.

Q. You're not a morning person.

A. No.

Q. Why were you getting up at that time?

A. Well, go out and feed the animals and let the ducks and geese out.

Q. Is that something you did on a regular basis when Ms. Anderson wasn't there?

A. Yes. They get up at sunrise.

Q. And you got up around 8:30?

A. Uh-huh.

Q. What did you do next?

A. Walked to the kitchen and got a glass of orange juice, looked out the window to see what the weather was like.

Roger Moore - Direct

Q. At that time, did you have firearms around your house?

A. Yes.

Q. What did you do next?

A. Decided I'd go out and let them out and then come back and fix breakfast.

Q. You say "let them out." You mean the animals?

A. Right. Feed the horses.

Q. Do you recall what you were wearing that morning?

A. Worn-out blue sweat pants and a Levi-type long-sleeved shirt.

Q. What was the condition of that Levi shirt you were wearing?

A. It -- like I was standing on the road with a sign saying "I'll work for food."

Q. Not as nice as your shirt you're wearing today, I take it?

A. No.

Q. And you had that on when you decided to walk out the door that morning?

A. Yes.

Q. Now, when you walked out the door to go feed the animals, did you carry any firearm with you?

A. No.

Q. Had that been your practice prior to November 5, 1994, to carry a firearm with you when you went out to feed the animals?

A. Never.

Q. Why not?

A. There is nobody out there to shoot at.

Q. Mr. Moore, I'm going to show you Government's Exhibit 1749.

Do you recognize this?

A. Yes.

Q. How do you recognize it?

A. It's the rag I was wearing to go to the barn.

Q. You say "rag." You mean the shirt?

A. Yeah.

MS. WILKINSON: Your Honor, we offer 1749.

MR. TIGAR: May I examine it, your Honor?

THE COURT: Yes. You can come up.

MR. TIGAR: No objection, your Honor.

THE COURT: 1749 is received.

BY MS. WILKINSON:

Q. Now, Mr. Moore, showing the jury this shirt, you see this tape across here?

A. Uh-huh.

Q. Was that tape on your shirt before you went out?

A. No.

Q. On November 5, 1994?

A. No.

Q. Was that placed there afterward?

A. Yes.

Q. By you?

A. No.

Q. By someone else?

A. Yes.

Q. Mr. Moore, tell the jury what happened to you when you walked out the door to go feed the animals.

A. I walked past the carport, started towards the barn probably about 12 feet down the driveway at an angle; and from behind me by the garage, I heard a voice say, "Lay on the ground."

Q. At that time, could you see that person when you heard that voice?

A. When I turned around.

Q. But before that, you could not?

A. No.

Q. So what did you do?

A. I turned around and looked.

Q. What did you see?

A. A horrible picture.

Q. Was it a picture?

A. In my mind.

Q. What did you see?

A. A man dressed with cameos (sic), black ski mask, and a pistol-grip shotgun aimed right at my face.

Q. When you turned around and saw that, did you notice anything about the pistol-gripped shotgun?

A. It had a garrote wire.

Roger Moore - Direct

Q. What is a garrote wire?

A. Something that will scare the hell out of you.

Q. What is it?

A. It's a stainless steel woven wire that attaches to the front swivel where a sling would be, and it attaches to the back of the pistol grip; and it has enough of a loop over it, if they want to put that over your neck and snatch it, they can cut your windpipe.

Q. That was hanging from the barrel of the shotgun?

A. Right.

Q. When you turned around and looked at this person, how far away from him were you?

A. 15 feet.

Q. And do you recall how long it was that you had turned around and had an opportunity to look at him?

A. 5 to 7 seconds.

Q. And did that give you enough time to look at this entire person up and down?

A. Yes.

Q. Let's start from the feet. What did you notice about his feet?

A. Combat boots, probably Israeli, like the ones I had. No seams, gray.

Q. What about his pants?

A. Cameos from probably Vietnam, well-worn.

Roger Moore - Direct

Q. When you say "cameos," I think of cameo, the stone. Are you talking about camouflage color?

A. Camouflage. The old-style camouflage.

Q. All right. Could you tell me how many pairs of pants he was wearing?

A. Looked like there were two.

Q. Why did you think there was two?

A. Too bulky.

Q. What else did you notice?

A. The shirt was cameo, and it had bunches of stuff under it, like he had either had a flak jacket or they had stuffed something under it to make the person look heavier than he actually was.

Q. Did you notice whether he was wearing gloves or not?

A. Gloves, yes. Military gloves.

Q. And you said he was wearing a ski mask?

A. Full ski mask tucked under the collar.

Q. What color was the ski mask?

A. Black.

Q. Did it have any openings?

A. Eyes and mouth.

Q. Could you tell what color eyes he had?

A. No.

Q. Could you tell what color skin he had?

A. Some sun, not a person that was a Eurasian or something. I

Roger Moore - Direct

would say a gringo.

Q. A gringo with a suntan?

A. Yes.

Q. Could you tell whether he had any facial hair?

A. Yes.

Q. What type of facial hair did you notice?

A. He had a growth. I don't know how much it was, but I'd say half inch at least down on the bottom. It could have been more.

Q. And could you identify the person by looking at him in a ski mask?

A. The exact person?

Q. Yes.

A. Not in any way, shape, or form.

Q. Could you tell what type of build he had?

A. 5 -- you want the description?

Q. Yes.

A. 5' 10", 5' 11". Could be off an inch because he is standing above me at an angle. 165 to 185.

Q. Now, at that time when you turned around and saw this -- was it a man?

A. Yes.

Q. When you saw this man standing there with a shotgun, a garrote wire, and a ski mask, what did you do after you looked at him?

Roger Moore - Direct

A. After -- I said, "What?" And he repeated it.

Q. What did he repeat to you?

A. The same thing.

Q. Which was?

A. "Lay on the ground."

Q. What did you do?

A. I laid on the ground.

Q. Why did you do that?

A. An awful lot of bad stuff can come out of a barrel of a shotgun.

Q. You're familiar with how shotguns work?

A. Yes.

Q. What happened once you laid on the ground?

A. He walked over to me.

Q. What did he do?

A. He let the barrel of the shotgun rest on the back of my neck, and he asked me if there was anybody in the house, anybody else in the house.

Q. How did you respond?

A. "No."

Q. Why did you tell him that?

A. When they have you in that position, you tell them the truth.

Q. What happened next?

A. He asked me to crawl into the house on my hands and knees.

Roger Moore - Direct

Q. Did you do it?

A. Yes.

Q. How did you crawl on your hands and knees?

A. Just like you'd crawl on your hands and knees.

Q. And where was the shotgun?

A. On the back of my neck.

Q. The entire time you were crawling?

A. Yes.

Q. And did you make your way back to the door?

A. Yes.

Q. What happened then?

A. I crawled up the steps and into the carpet on the entryway.

Q. Did the robber open the door for you?

A. Yes.

Q. Did he ask you anything at that point?

A. During the crawl, he asked me if I was expecting anybody.

Q. What did you say?

A. I said I was expecting people for an early lunch from Hot Springs.

Q. Was that true?

A. No.

Q. Why did you say that?

A. I wanted him out of there as soon as possible.

Q. Once you crawled back in through the door, what did you do?

A. He had me go into the edge of the living room and lay flat.

Roger Moore - Direct

Q. On your stomach?

A. Yes.

Q. What happened next?

A. He put a quarter-inch police tie wrap on my hands behind my back and one on my ankles, taped my eyes with duct tape, and then threw a jacket that was on the couch over my head.

Q. And did you ever try and resist him up to that point?

A. No.

Q. Why not?

A. You don't have a chance.

Q. Now --

A. If he had been Special Forces without the gun, he could have got me anyway.

Q. At that time, did you know if he was alone or if there was anyone else there?

A. I didn't.

Q. Now, once he tied you up with the police ties and put the tape on your eyes and put the coat over your head, what happened?

A. I heard him go through the house.

Q. How could you hear him go through the house?

A. I was in the center of the house, and I could hear him walk

around through the office, go in the first bedroom, open the door, go in the second bedroom, walk down the hallway, check the bathroom, and then check the master bedroom.

Roger Moore - Direct

Q. Could you hear his footsteps?

A. Very easily. It's a wood floor.

Q. Did you hear any doors?

A. Yes.

Q. What happened after that?

A. He came back in and he asked me, "Where is the money?"

Q. He asked you what?

A. "Where is the money?"

Q. What did you say?

A. I said, "It's right inside the bedroom on the computer desk."

Q. Did he respond to you after that?

A. No.

Q. Did you hear him do anything?

A. He walked into the bedroom.

Q. You could hear that?

A. Yes.

Q. Did he say anything to you after you walked into the bedroom?

A. No.

Q. What happened next?

A. He made about five to seven trips carrying stuff from the

A. He made about five to seven trips, carrying stuff from the bedroom outside.

Q. You could hear him walking outside?

A. Uh-huh.

Roger Moore - Direct

Q. How could --

A. I could hear him walking through the house but not outside.

Q. You don't know what he did outside?

A. No.

Q. At that point. Did he ever ask you about a safe?

A. Later on he said, "Where is the safe?"

Q. What did you say?

A. I said, "The money wouldn't be laying on the desk if I had a safe."

Q. Did he respond?

A. No.

Q. During the entire robbery, did he say much to you?

A. He never answered any of my questions.

Q. Now, you said you heard him going in and out of the house from the -- was it from the master bedroom?

A. Yes.

Q. And do you recall how long that took?

A. An hour and 20 to an hour and 45 minutes.

Q. And do you recall how many trips he made back and forth?

A. Probably 20.

Q. Did you ever hear any other -- another set of -- they're

not footprints, but --

A. I never heard anybody else.

Q. Now, did there come a time when you asked him a question?

A. Yes.

Roger Moore - Direct

Q. What did you ask him?

A. First thing I asked is I told him my hands were becoming paralyzed because of my blood circulation, and I asked if he would do something about it.

And he cut the tie on my hands and he cut the tie on my ankles, turned me around and pulled me to the couch, which was a few feet away; and then he duct-taped me on the shoulders, the wrists, the thighs, the ankles, left the duct tape.

Q. Did he leave duct tape around your body?

A. Around my body, yes.

Q. How were your arms positioned when you were being duct-taped?

A. Right alongside of my body just like this.

Q. Did he take the tape and wrap it around your front to the back?

A. Right.

Q. Like what we saw on your shirt with a piece of tape on the back?

A. He wrapped it around and around.

Q. Now, before he was able to tape you, he cut off the binds.

Is that right?

A. Right.

Q. Did you try and get free at that point?

A. No.

Roger Moore - Direct

Q. Why not?

A. I don't know where the gun is. He can cut the -- he can cut the tie wraps with one hand and hold the shotgun, since it's a pistol grip, with the other hand.

Q. Were you afraid?

A. Certainly. I'm not going to take a shotgun on.

Q. Now, you said he kind of dragged you over from one spot to the other spot?

A. I helped with the heels of my feet.

Q. Don't take this the wrong way, but you're kind of a big man; right?

A. Now. I weighed 30 pounds less then.

Q. And did you assist him at all when he was dragging you to the other couch?

A. Yes.

Q. Why did you do that?

A. I didn't want to antagonize him.

Q. When he duct-taped your body, did you still have the duct tape over your eyes?

A. Yes.

Q. Where were you looking once you were put into that second position?

A. If I had my duct tape off, I could see right out the back door.

Q. So were you looking straight ahead?

Roger Moore - Direct

A. Right.

Q. Did you hear anything at that time?

A. I listened as close as I could because I figured I could hear the clips or the guns being laid down. I never heard any metal hitting any metal.

Q. Did you ever hear any of your animals?

A. One of the cats came in early on, the little one, the Persian, because she's used to getting milk in the morning; and I heard her whining. And then eventually, I didn't hear her.

Q. Had the cat been outside prior to --

A. Yes.

Q. -- when you went outside --

A. Cat lives outside.

Q. What did you believe had happened based on what you heard?

A. I was just hoping they didn't kill her.

MR. TIGAR: Objection to what he believes, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Now, did you say anything else to the robber?

A. Yes. During his trips back and forth, the first question I asked him -- I said, "Are you a Fed?"

Q. Did he answer?

A. No.

Q. Did you ask him anything else?

A. When he got near the end of the whole thing, I said, "Would

Roger Moore - Direct

you please leave the Hornet. It was a gift from my father."

Q. That's the .22 Hornet you told us about?

A. Yes.

Q. Did he respond?

A. No.

Q. Now, did you hear him do anything else at that point?

A. Near the end, I heard him open the slider on my custom truck.

Q. Is it a truck or van?

A. Van.

Q. Where was your van parked on November 5?

A. Right next to the back door.

Q. And did you say anything about that van to the robber?

A. Yes.

Q. What did you say?

A. I said, "I built it myself as a custom camper van, and would you please take the LTD on the cement slab."

Q. Did he respond?

A. No.

Q. Now, you said this lasted about an hour and a half total?

A. Uh-huh.

Q. Is that right?

A. Yes.

Q. Did he say anything to you before he left?

A. Yes.

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Q. What did he say?

A. He come over near me and he said, "There is another guy waiting out there with a shotgun. Don't move. We're coming back for the rest of it."

As he left the house, he said, "You don't have to worry about your guns. They're going to the gangs."

Q. Did you know what he meant by that?

A. Absolutely not.

Q. Now, after he said that to you, did you hear anything?

A. I heard him close the slider, go around and open the driver's door, close it, start the van, and back out.

Q. Did you ever hear any indication of a second person being present?

A. No, I did not.

Q. Now, once you heard that passenger door -- or the slider close, did you move right away?

A. No.

Q. Why not?

A. If there had been a person there and you're tied up, you're dead.

Q. So what did you do?

A. I waited till I was sure he was down the driveway.

Q. Then what did you do?

A. Since I was sitting next to the couch and the bolster arm was right here, I took my head and laid it against there and

Roger Moore - Direct

tried to hook the tape into the couch and pull the tape off, which I was successful in doing.

Q. Pulling off the tape?

A. Off -- just off my eyes.

Q. Now, you told us that the robber bound you with duct tape sometime in the middle of the robbery. Is that right?

A. Right.

Q. Did he bind you all the way from the top all the way down to the bottom?

A. No. Just in -- like here, here, thighs and ankles.

Q. For the record, you're saying your chest?

A. Chest.

Q. Where else? Your stomach or hip area?

A. Well, around the arms here, around the arms here.

Q. Meaning your wrist -- you're saying "here," and we need to get it for the record

get it for the record.

A. Want me to stand up?

Q. Sure.

A. Like here.

Q. You're pointing to your elbows?

A. Well, above my elbow.

Q. Above your elbow. Okay.

A. The muscle part of your bicep.

Q. Okay.

A. And here.

Roger Moore - Direct

Q. Right above your wrist?

A. Not on my hands, but here. On your wrists, basically.

Q. Could your wrists move a little bit?

A. Sure, I could move my hands.

Q. Where was the next place he placed the tape?

A. Here.

Q. On your thighs?

A. Right. Then my calves.

Q. So did you have some room to maneuver?

A. Yeah. You could roll around or do what you wanted to do.

It wasn't anything like tie wraps.

Q. Did you roll around or maneuver around while he was there?

A. No.

Q. Once he left, what did you do?

A. Got the eye -- got the tape off my eyes and got a penknife

off the end table that was sitting next to there, knocked it on the floor, rolled back over, picked it up, and started cutting the duct tape up.

Q. You said you had a penknife. Had that penknife been out before the robbery?

A. The night before, I had used it -- I had opened it up and used it to tighten the screws in the cheap glasses that I wear.

Q. And how big was that penknife?

A. Closed, 2 inches; open, 3 1/4, 3 1/2.

Q. Was it open when you retrieved it?

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A. Yes. I had left it open.

Q. Now, can you stand up again and show the jury how you were able to cut yourself free using that penknife?

A. Well, I'm sitting down, so I'm bent in half; but when I got a hold of it, I very carefully -- because you're pointing it at your stomach and it was sharp, so I just started cutting the stuff. Once you get it started, then your hands are a little bit loose, then you can rip the stuff.

Q. And were you able to get yourself out of the duct tape at that point?

A. Uh-huh.

Q. What did you do next?

A. I went and picked up the phone.

Q. What did you discover when you picked up the phone?

A. The line was dead.

Q. What did you do after that?

A. Went and picked up one of the other phones.

Q. What did you find?

A. Dead line.

Q. Did you go back into your master bedroom?

A. Yeah.

Q. What did you see?

A. A mess and nothing there.

Q. What was taken?

A. Just about everything that was in the bedroom.

Roger Moore - Direct

Q. Meaning what?

A. Guns, the silver that was in the bottom drawer, the two cigar boxes, the red box, all the guns in the closet and all the long guns that we had scattered through the house that were loaded. Every one of those was gone.

Q. Was there any bedding that was taken?

A. They took the pillowcases off my bed, and they took the fitted sheet off my bed, and they took the comforter off Karen's bed and one of her pillowcases.

Q. What did you do after you looked through the house?

A. I looked for keys.

Q. Where do you normally keep your keys?

A. On the desk -- As you come in the door, there is a business

desk with a typewriter.

Q. Did you go over and look at that desk?

A. Yes.

Q. Were there any keys there?

A. None.

Q. What did you do after that?

A. I went back over to the retractable or flip chair, or whatever they call those things, lounge chair that lays back and has a footrest.

Q. Your La-Z-Boy?

A. Yeah. That's what I watch TV in.

There is a box there that I have for magazines and

Roger Moore - Direct

stuff; and in the box, I kept a .45 stainless steel automatic.

Q. Was that box closed --

A. Yes.

Q. -- before the robber came in?

Was that gun still there after the robbery?

A. Yes.

Q. What did you do with it?

A. Stuck it in my belt.

Q. Why?

A. I wasn't going outside without a gun.

Q. Now, did you stay in the clothes that you had been wearing when you were taped up?

A. No, I took them off and got something decent on so I could go down the highway.

Q. Did you leave those clothes in your home?

A. Yes.

Q. Did you eventually turn them over to the police?

A. Yes.

Q. Did you turn them over that day?

A. No. I don't think so.

Q. Do you know?

A. No, I don't.

Q. Okay. Now, you put that .45 in your waist belt. What did you do next?

A. I went out to her truck --

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Q. Who is "her"?

A. Karen's truck. She's kind of sloppy on her keys; and it was out by the barn, and she usually leaves them in the ignition. I figured if I could get a set of wheels, I'd be better off than walking. The keys were gone.

Q. So what did you do?

A. I started down the driveway.

Q. How far did you get?

A. To the bridge.

Q. What did you do then?

A. I looked back at Walt's house, because I could see that his

truck was gone right from my house. He parks in a different place, but I could see his wife's car was there, so I crawled over the fence and went to their home, knocked on the door.

Q. Was Mrs. Powell home?

A. Yes.

Q. Did you speak with her?

A. I told her I had an armed robbery, I needed to use the phone.

Q. Did she let you use the phone?

A. Certainly.

Q. Who did you call?

A. The sheriff's office.

Q. Who else did you call?

A. Bill Stoneman.

Roger Moore - Direct

Q. Anyone else?

A. I called Nora Way, who has lived in the town 34 years and knows everybody.

Q. And did you ever call the sheriff's office again that morning?

A. Yes. First time, they told me they were working an accident and they'd be a while.

Q. And you called them a second time?

A. A second time.

Q. Why is that?

A. I thought my robbery was more important than an accident, and I thought they must have more cars than they need to work an accident.

Q. Now, was Mr. Powell home when you made these phone calls?

A. No.

Q. Did Mrs. Powell ever volunteer to go get Mr. Powell?

A. She said he was at the church helping out with some kind of modification, construction, this and that, and would I like him to come home. And I said very much so.

Q. Now, when you spoke to the sheriff's office or representative from that office, did you tell them that you were at your residence or Mr. Powell's residence, if you recall?

A. I didn't tell them the first time. The girl running the switchboard didn't give me time.

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Q. During the second call to the sheriff's office, did you tell them that you were at Mr. Powell's house?

A. I told them the address of Mr. Powell's house.

Q. Now, did Mr. Powell return from the church?

A. Yes.

Q. Did he come back to the house while you were there?

A. I don't think he did.

Q. And what did you do -- how long did you wait at Mr. Powell's house before representatives of the sheriff's office arrived?

OFFICE ARRIVED:

A. Maybe an hour.

Q. And did they come to Mr. Powell's house, or to your house?

A. Powell's.

Q. What happened when they arrived?

A. They started asking questions, and then they got out a form and a clipboard and wanted to write down the name, number, and all the stuff that they go through before they start talking about the robbery.

Q. Did you give them some of the details of the robbery?

A. Not at that time.

Q. When did you do that?

A. After about three or four more cars showed up, the guy said, "Let's go over to your house and finish this up"; so we did.

Q. And did you allow them to take evidence from your house,

Roger Moore - Direct

the binds or the police wraps and your clothing and other items?

A. Uh-huh.

Q. You didn't withhold any of those from the police, did you?

A. No. I took my van down the same day for fingerprint tests.

Q. All right. Well, let's talk about your van. Was your van gone when the sheriff's office arrived?

A. Yes.

Q. At some point, did you learn they had recovered it?

A. Pardon?

Q. At some point, did you learn they had found your van?

A. Yes.

Q. Did you go see it?

A. Yeah. They took me over there.

Q. All right. Approximately how far from your home was the van?

A. Miles, or crow flies?

Q. Let's start with how the crow flies.

A. Quite close.

Q. Approximately?

A. 2 miles.

Q. And if you had to drive on the roads?

A. 6.

Q. And if you're standing behind your home and you're looking back over your shoulder to the woods, is it directly behind

Roger Moore - Direct

you?

A. Close.

Q. In that general direction? And you saw your van there?

A. You mean after they took me over there?

Q. Yes, the sheriff's office.

A. Yes.

Q. And what did you do with your van after you saw it there?

A. They asked me to look inside of it.

Q. All right. And did you eventually turn it over to the police?

A. That afternoon, yes.

Q. Did you permit them to take fingerprints?

A. I told -- they said they wanted to. I left it overnight.

Q. And you didn't object to that, did you?

A. No.

Q. Now, after you spoke to the police or the sheriff's office, did you also speak to Mr. Powell, your neighbor?

A. Yes.

Q. And did you tell him about the robbery?

A. Certainly.

Q. Did you ask for his assistance?

A. Yes, I did.

Q. What did you ask him to do?

A. I asked him to go home and get a set of wire strippers and try to do a jury-rig on the phone so I could use it.

Roger Moore - Direct

Q. And had you at some point checked outside where your phone lines were to determine whether they had been cut or not?

A. He went back and found that.

Q. Did you see it at some point?

A. I walked back with him after he called me.

Q. Now, after Mr. Powell fixed your phone, did you ever attempt to call Ms. Anderson that day?

A. Yes.

Q. How did you attempt to call her or contact her?

A. I called the promoter in Denham Springs, Texas, because the only number I knew, and asked -- told them I had an emergency and I needed to call the gun show at Shreveport, Louisiana.

Q. Did you eventually get in touch with Ms. Anderson?

A. Yes.

Q. Did you ask her to do something for you?

A. Yes.

Q. What did you ask her to do?

A. I said, "In the morning, on Sunday, don't open your table."

Q. Why?

A. "Walk around the gun show and try to find a Mini-14 and a riot shotgun."

Q. Why did you ask her to do that?

A. I don't have anything to protect myself but a .45, and I'm not a good shot with a .45.

Q. Did you contact anyone else that evening?

Roger Moore - Direct

A. Yes. I called Mike Klesko, I think his name is.

Q. What did you ask him to do?

A. I asked him when he closed his bar up to come out and keep me company for the rest of the night.

Q. Why did you do that?

A. With very few guns, I didn't want to be home by myself in

the dark.

Q. I want to show you some photographs that have been previously entered into evidence. I want to start with Government's Exhibit 1740A. Do you recognize this photograph?

A. Yes.

Q. Is that your home?

A. Yes.

Q. Now, can you show the jury -- take that pen that you have up there and take it down to the bottom screen and show the jury where you came out that morning of November 5.

A. Does it write? Do they get to see it? I don't see anything.

Q. Can you see the little red dot?

Drag the pen along the screen. There you go.

You were walking that direction?

A. Yes.

Q. That is a slight decline that you're walking down?

A. Yeah. That's about -- from here to where the robber was standing, it's probably 2 feet.

Roger Moore - Direct

Q. All right. To the left of your mark: Is that your van?

A. Yes.

Q. Is that the one that was present on November 5?

A. Yes.

Q. Now let's go to the next photograph, which is 1740D. Does

that show the door? In fact, if you leave your mark right there --

A. Uh-huh.

Q. That is the door you walked out that morning?

A. Right.

Q. Let's look at 1740B. What does that show?

A. Shows the place where the robbers probably stood three hours.

Q. All right. Well, click your pen, could you, on the side and get rid of that mark.

No, click the side of it.

A. Side of what?

Q. The side of the pen. There is a little button on the side of the pen.

A. Excuse me.

Q. Not on the screen. Do you feel a little button on the side of your pen? There you go.

Put an X where the robber was standing when you turned around and saw him.

Is that right there on the side of your garage?

Roger Moore - Direct

A. Yes.

Q. See that satellite dish?

A. Yes.

Q. Was that there the day of the robbery?

- ..

A. No.

Q. You've added that since the robbery?

A. About a year ago.

Q. But other than that, is how the garage looked?

A. Absolutely.

Q. On the day the robber was there?

A. Yes.

Q. If you looked straight out your door, could you have seen that man standing there?

A. No.

Q. Now let's look at 1740E. Is this the back of your home?

A. Yes.

Q. Can you show the ladies and gentlemen of the jury where your telephone wires were hooked up?

A. Right here.

Q. That metal box?

A. Yes.

Q. And those were the wires that were cut on November 5, 1994?

A. Yes.

Q. How difficult is it to fix those telephone wires? Do you know?

Roger Moore - Direct

A. You mean to jury-rig them?

Q. Yes.

A. Simple.

Q. Now, Mr. Moore, were you looking at your watch during the

Q. Now, Mr. Moore, were you looking at your watch during the time of the robbery?

A. No. I don't wear a watch.

Q. So if I ask you about some times of when things occurred, can you give us an approximation?

A. Yes.

Q. You said that you walked out of your house approximately when?

A. 9:15.

Q. And the robber stayed approximately how long?

A. Hour and a half, hour and 45 minutes.

Q. And do you recall how long it was before you got down to Mr. Powell's house to make those phone calls?

A. 20, 25 minutes.

Q. Do you recall when it was when you called the sheriff's office?

A. As soon as she opened the door and I looked it up in the phone book.

Q. Can you give us an hour? Was it --

A. Oh, you mean the hour?

Q. Yeah. Between a certain time.

A. Between 11, 11:30 or 12.

Roger Moore - Direct

Q. You're not sure of the exact time?

A. I didn't look at her clock.

By the way, I'd like to make a statement because the

jury is sitting here.

Q. Well, you can't make a statement, Mr. Moore.

A. Okay.

Q. You just have to respond to my questions.

After the robbery, did you and Ms. Anderson make a list of the property you believe was stolen from your home?

A. Yes. That Sunday night.

Q. And did you help her make that list?

A. Certainly.

Q. And did you make another list after that?

A. Three or four days later.

Q. I'm sorry?

A. Three or four days later.

Q. Was that the revised list?

A. Yes.

Q. And why did you make a revised list?

A. We thought of a lot of things that we hadn't figured out the first time.

Q. And did you change some of the prices on that revised list?

A. Yes.

Q. Why did you do that?

A. We looked in the Shotgun News, and I also had a bluebook of

Roger Moore - Direct

gun values; and I think we made some of them a little high and some of them too low.

Q. And were you familiar at the time of the robbery with the value of your gun -- the exact value of your gun collection?

A. No.

Q. You hadn't sold --

A. I hadn't been going to gun shows with her for four years.

Q. Now, did you turn in this list which we've already introduced in evidence as Government's Exhibit 1738 and 1739, the original list and the revised list -- did you turn those in to the police?

A. Yes.

Q. Did you turn those in to your insurance company?

A. They were probably -- one or the other. I don't know which.

Q. At some point were you interviewed by your insurance company?

A. Yes.

Q. Was that tape-recorded?

A. Yes.

Q. And were you asked to tell your same story about the robbery?

A. Yes.

Q. And at that time, did you tell the insurance agency that you didn't call the sheriff's office?

Roger Moore - Direct

A. Accidentally.

Q. What do you mean "accidentally"?

A. Well --

THE COURT: Just a moment, please.

MR. TIGAR: I object to the hearsay of the prior statement, your Honor.

MS. WILKINSON: Your Honor, I think they've already alleged a motive to fabricate, and this is prior to that time.

THE COURT: Objection is overruled.

BY MS. WILKINSON:

Q. Mr. Moore, did you -- were you interviewed by your insurance company?

A. Yes.

Q. And did you give them the details of the robbery?

A. Yes, I did.

Q. Did you give them the details that you've just told the jury?

A. Yes.

Q. Now, did you say during that interview that you hadn't called the sheriff's office?

A. I might have. The guy got me a little hostile.

Q. Did you say at some point that you had not called the sheriff's office?

A. Probably.

Q. Why did you say that?

A. I was upset.

Q. Did you call the sheriff's office after the robbery?

A. Yes.

Q. And did you tell them that you were at Mr. Powell's house?

A. Yes.

Q. Did they arrive at Mr. Powell's house?

A. Yes.

Q. You're not aware of anyone else who contacted the sheriff's office on your behalf, are you?

A. No, I am not.

Q. But did the sheriff's office have any way to get in touch with you?

A. Not unless they called Mr. Powell's house.

Q. And when you were there, there was no call to Mr. Powell's house -- correct -- from -- that you know of?

MR. TIGAR: Object to the leading, your Honor.

THE COURT: Sustained.

BY MS. WILKINSON:

Q. Were you aware -- do you have any personal knowledge of a phone call from the sheriff's office to the Powells' house, just based on your personal knowledge, Mr. Moore -- from the sheriff to the Powells' house, not the other way around?

A. No, not on my personal knowledge.

Q. Okay. Now, after Saturday, when you had the sheriff's office at your house and you turned over your property and your

van, did you turn over these lists, Government's Exhibits 1738 and '39, to the sheriff's office?

A. They asked us to make them up.

Q. And did you do that?

A. Yes.

Q. And do you recall when you turned them in to the sheriff's office?

A. We were supposed to go in on Monday, and we called in and they said they were too busy, bring them Tuesday.

Q. Did you do that on Tuesday?

A. Yes.

Q. Now I'm going to show you Government's Exhibit 1739, which is already in evidence. Would it help you if I gave you a copy you could read so you don't have to look at the screen?

A. You can't read this.

Q. Pardon?

A. You can't read this.

Q. Okay. Here.

Now, Mr. Moore, is this the first page of your revised list, Government's Exhibit 1739? Starts with No. 1, a Ruger rifle?

On the first page, Mr. Moore.

A. Yeah, I know.

I can't tell, because on the revised list, I thought I wrote some specific comments in red ink.

Roger Moore - Direct

Q. Well, look at the top of the "Stolen Gun List Revised."

A. It says, "revised."

Q. Does that refresh your recollection?

A. Yes.

Q. On the first page, does it say No. 1, Ruger rifle?

A. Yes.

Q. And listed there 1 through 5, does that show a number of Ruger rifles?

A. Five.

Q. Were all those rifles stolen from you on November 5?

A. Yes.

Q. 1994?

A. Yes.

Q. All right. And it lists then three Remingtons. Is that right?

A. Yes.

Q. Several Brownings?

A. Three.

Q. A Mossberg. Is that right?

A. Yes.

Q. A Remington and a Stevens Tip?

A. Yes.

Q. Two Hopkins?

A. Yes.

Q. And a series of M-1 carbines. Is that right?

Roger Moore - Direct

A. Right.

Q. Then we have two SKS Chinese. Is that right?

A. Uh-huh.

Q. And an AK Chinese?

A. Yes.

Q. And a series of Mini-14's?

A. Yes.

Q. And a -- and then three AR-15's?

A. Yes.

Q. And were all those firearms in your home and stolen on November 5, 1994?

A. Yes.

Q. Now, I want to turn to page 2. And again, I take it that all the items listed here to the best of your recollection were firearms you had in your house that were stolen on November 5, 1994. Is that right?

A. Yes, ma'am.

Q. All right. Now, I want to focus in on page 2 on an item numbered 62. Can you see that on your screen?

A. Yes.

Q. It's the second No. 62?

A. Uh-huh.

Q. It says a custom .50 caliber, single-shot rifle, State Arms action Wisconsin, Serial No. M-168, M-3 military barrel with custom muzzle brake, McMillan black stock -- is that stock,

Roger Moore - Direct

"STK"?

A. Yes.

Q. 3-by-9-by-40-millimeter scope. Is that right?

A. Right.

Q. Did you have that firearm in your house prior to November 5, 1994?

A. Yes.

Q. Do you recall what you were doing the night before the robbery?

A. Yes.

Q. What were you doing?

A. I was assembling the second one.

Q. The second one what?

A. The second -- the second of the .50 calibers.

Q. You were working on one of the .50 calibers?

A. Yes.

Q. Now, that Serial No. 168: That belongs -- that's a serial number that belongs to you?

A. Yes.

Q. Did you and Mrs. Moore purchase that weapon?

A. Yes.

Q. Let me show you what's already been introduced in evidence, Government's Exhibit 1739. Excuse me. That's not the right exhibit.

Excuse me. I meant Government's Exhibit 1751.

Roger Moore - Direct

Can you look at page 2 of this ATF document. Do you see this portion here that refers to a .50 caliber?

That's not the right one. I'm sorry. Excuse me.

MS. WILKINSON: I'm sorry, your Honor. It's Government's Exhibit 1752.

BY MS. WILKINSON:

Q. Mr. Moore, does Government's Exhibit 1752 refer to a .50 caliber?

A. Uh-huh.

Q. Who does it say that .50 caliber belonged to?

A. Carol Margaret Moore.

Q. Did you purchase that firearm?

A. She did.

Q. And was it in your home on November -- prior to November 5, 1994?

A. Yes.

Q. I'm going to show you Government's Exhibit 1822. Can you recognize that?

A. Yes.

Q. Can you look at the serial number there.

Careful of the microphone.

A. Sorry.

Yes.

Q. What is the serial number?

A. 168.

Roger Moore - Direct

Q. Is that the same serial number that's on the paperwork for Mrs. Moore?

A. Yes.

Q. And was this your firearm?

A. Yes.

Q. Was it this color when you had it on November 5, 1994?

A. No.

Q. What color was it?

A. Black stock, clear black barrel.

Q. Now, is there anything unusual about that barrel?

A. The muzzle brake.

Q. All right. Let's stand it up so you can show the jury.

Can you put that down there?

Are you talking about this area at the top?

A. Yes.

Q. What's unusual about this muzzle brake?

A. We designed that on a computer. It's designed to take a lot of the kick out of the thing because it's a .50 caliber; and I sent the barrel over to a machinist friend of mine in Ohio and sent the drawings over, and he put it in and mailed the barrel back.

Q. And is it unusual -- is it these little holes here that are

at the top of the barrel?

A. Yes.

Q. Is that part of it?

Roger Moore - Direct

Is there any doubt in your mind that this is your
firearm?

A. No.

Q. And you reported that as stolen back in November of 1994;
is that right?

A. Yes.

Q. On this list?

And this is Government's Exhibit 1752, the second
page. Is this what you just read for the jury from the ATF
document?

A. Yes.

Q. Showing that the owner of this .50 caliber Serial No. 168
is Carol Moore?

A. Right.

Q. Now, I want to go to page 3 of Government's Exhibit 1739,
your list of stolen materials. You see page 3?

A. Yes.

Q. And here you list items other than firearms. Is that
right?

A. Yes.

Q. Okay. Let's start at the top there. Can you tell the jury

what the first item is listed up there? Tapco: What is that?

A. That's a unit that's used to shoot 37 millimeters that they usually mount on an AR-15 underbarrel.

Q. The next item: What is that?

Roger Moore - Direct

A. That's just a short scope for quick acquisition for an AR.

Q. The third says it's an M-60 Bipod, new. What is a Bipod?

A. It's a two-piece unit that's used on an M-60 during Vietnam.

Q. Now, the fourth item listed there is some camera equipment?

A. Yes.

Q. A complete kit you say?

A. For me, yes.

Q. All of that was stolen on November 5, 1994?

A. Yes.

Q. The next item is the video camera you've already told us about. Is that correct?

A. Yes.

Q. No. 6 shows that red box with the semiprecious stones. Correct?

A. Right.

Q. No. 7, you talk about the cigar boxes that you've described for us; is that right?

A. Yes.

Q. Let me zoom in on there.

Now the cigar box you have written down here -- you

now, the cigar box you have written down here -- you have 40 to 50 pieces of string-sawn pre-Colombian jade you obtained in Costa Rica in 1974. Is that right?

A. Yes.

Q. And you have \$1,000 there with a question mark. Why did

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you write that?

A. I don't really have an idea what it's worth at that time.

Later, I saw an article in the paper and in Vero Beach that --

MR. TIGAR: Object to hearsay, your Honor.

THE WITNESS: -- probably multiplied that by 5.

THE COURT: Just a moment, please.

MR. TIGAR: Object to hearsay, your Honor.

BY MS. WILKINSON:

Q. Mr. Moore, you just did not know the true value. Is that correct?

A. Right.

Q. The next item there highlighted, No. 8, says, "4 military vibration detectors & receivers"?

A. Yes.

Q. Did you have four of those items, four of the vibration detectors in your home prior to November 5, 1994?

A. Yes.

Q. Do you recall where you had obtained them?

A. Soldier of Fortune convention, Las Vegas.

Q. Is that a gun show?

A. They don't sell guns. Basically it's a trade show for new manufacturers.

Q. And had you ever seen those military vibration detectors for sale at any of your other previous appearances at gun shows?

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A. Never before or after.

Q. What was your understanding of what the purpose was for those military vibration detectors?

A. They sold them in sets of four, and they used them in the military in sets of four for perimeter defense. They had four legs. They could stick in the ground. They had a little short antenna, and each one -- the No. 1 would give one beep all the way up to No. 4 would give 4 beeps on your receiver, wherever you were. If you knew exactly where you were, you could tell who was walking within the distance of that particular vibration detector.

Q. Why did you purchase those items?

A. I was very concerned with security on the farm.

Q. Were you going to use those on your farm?

A. Yes.

Q. You had not put them in, I take it, before the robbery.

A. No.

Q. Now, would you recognize those if you saw them today?

A. Yes.

Q. I'm going to start by showing you Government's Exhibit 1867 and 1867A and B. Can you look inside there and take out 1867A and B.

Do you recognize those two?

A. Yes.

Q. What are they?

Roger Moore - Direct

A. Those are vibration detectors. They have screws here for legs and an antenna screw here for an antenna about that high.

Q. There is two here, 1867A and B. Did you have four in your home?

A. Four.

Q. This is 1866 and 1866A and B. Can you open that up or look inside there and take out 1866A and B.

Do you recognize those?

A. Yes.

Q. What are they?

A. Same type of vibration set that goes with these.

Q. So those are four total?

A. Yes.

Q. Do you recognize all of those?

A. Uh-huh.

Q. You can put them back in.

Mr. Moore, did you ever tell Terry Nichols that he

could have these four vibration detectors?

A. No.

Q. Did you ever tell Tim McVeigh he could have them?

A. No.

Q. Now, underneath -- we're still looking at the zoom of Government's Exhibit 1739. Underneath the four military vibration detectors, you have large unopened UPS box containing tracer ammunition. Do you see that?

Roger Moore - Direct

A. Yes.

Q. Did you have a -- UPS boxes of tracer ammunition in your home prior to the robbery?

A. Right next to the back door.

Q. Was it stolen?

A. Yes.

Q. Now, let's go back to the page. And can you see at the bottom of the page it says, "New bedspread, sheets, blankets, etc."? You see that at the bottom of page 3?

A. Yes.

Q. And did you report at that time back in November of 1994 that some bed sheets and blankets had been stolen?

A. Yes.

Q. Now, when you made this report to your insurance company, Mr. Moore, did you -- was it your understanding that you would receive reimbursement for all of these items?

A. No.

Q. Why not?

A. They have a limit on everything. Minimal limit.

Q. So why did you file for all the items even if you knew you weren't going to get all your money back?

A. They wanted to see exactly what you filed with the police department.

Q. And do you recall the total value of the items that were stolen from your home?

Roger Moore - Direct

A. Roughly 60,000.

Q. 60,000? And do you recall how much money you got from the insurance company as compensation?

A. Approximately 5900.

Q. \$5900?

Now, I want to go back, if I could, for a moment, about some of the details of the robbery. You told us that you could see some kind of facial growth --

A. Uh-huh.

Q. -- on the robber. How could you see that, if he had a full ski mask?

A. Around the mouth on a ski mask, it's a little bit open. There is probably a half inch of space all the way around.

Q. And that's where you could see the growth?

A. Right.

MR. TIGAR: Object to leading, your Honor.

THE COURT: Well, it's in.

MR. TIGAR: I withdraw it.

THE COURT: All right.

BY MS. WILKINSON:

Q. Could you tell whether the robber had a full beard?

A. It appeared he had some down here.

Q. You're indicating the chin?

A. Chin.

Q. You couldn't see the -- could you see the other areas of

Roger Moore - Direct

his face?

A. No.

Q. They were all covered by the ski mask?

A. Yes.

Q. Okay. Now, did you notice anything about the smell of the robber?

A. Yes.

Q. What did you notice?

A. Both times when he came near me to put tie wraps and also to tell me about not to move, he smelled like he had been in the clothes months.

Q. Not a good smell, I take it?

A. Bad, like a pig yard.

Q. Now, you told the jury that the sheriff's office came to

see you, what, an hour and a half after the robbery, or representatives of the sheriff's office?

A. Yes.

Q. Do you recall when they recovered your van?

A. When Walt's son walked in, during when I was elaborating to them the robbery and the one guy was writing it down, he walked in and he said, "I've been here earlier; and before you drove all your cars in the driveway" -- and it had rained a great deal the night before -- he said, "the only set of tracks coming out of your driveway turned towards town."

Q. Mr. Moore, do you recall when your van was recovered?

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A. As soon as one of the young men outside said, "I'm going to get in my car and run some of the side roads," I would say within 20 minutes.

Q. So it was within a couple of hours of the robbery on November 5, 1994?

A. Probably.

Q. It was on that day, wasn't it?

A. Oh, yes.

Q. And you saw the van that day?

A. They took me over there after I finished the deposition.

Q. Now, early in your testimony, you told us that your father had given you a .22 caliber Hornet. Is that right?

A. Right.

Q. Would you recognize that gun today?

Q. would you recognize that gun today?

A. Easily.

Q. I'm showing you what's been marked Government's Exhibit 1817. Do you recognize that?

A. Yes.

Q. What is it?

A. It's a Winchester Model 43, .22 Hornet with a custom herder's stock from Waseca, Minnesota, cheek rest, rosewood, with a white insert -- this used to be white -- and a rosewood four-piece with a white insert. They had it custom built for the metal.

Q. Who did?

Roger Moore - Direct

A. My dad.

Q. And was it in that exact condition when you had it?

A. No.

Q. Was it in better condition?

A. Like new.

Q. Have you ever agreed to give away your father's Hornet to anyone?

A. No.

Q. I'm going to show you Government's Exhibit 1808. Do you recognize that?

A. Yes.

Q. How do you recognize it?

A. It's a prop gun from Hollywood. It doesn't have the Model

A, Model B on it.

Q. What type of prop gun is it?

A. A movie-making gun, blank-type.

Q. Is it an Uzi?

A. Yes.

Q. Is that your firearm?

A. Yes.

Q. Was it stolen from you on November 4, 1994?

A. Yes.

Q. You told us earlier that if it was a real Uzi it would have a model number.

A. It wouldn't have this much stuff right here. Right below,

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it would be stamped larger and up higher and then it would say Model A or Model B.

Q. There is no Model A or Model B there; is that right?

A. No.

Q. Read for the jury what is written here.

A. "KAL-9-millimeter 833119."

Q. And what's right above that writing?

A. "MP Uzi."

Q. Is this your Hollywood prop Uzi?

A. Yes.

Q. Was it stolen from you on November 4?

A. Yes.

Q. I'm showing you Government's Exhibit 1800. Do you recognize that?

A. Yes.

Q. What is it?

A. It's a tear-gas gun, 37-millimeter.

Q. Did you report that you had a tear-gas gun like that that was stolen on November 5, 1994?

A. Yes.

Q. Did you report that in your revised list, Government's Exhibit 1739?

A. I think so.

Q. All right. Do you recognize this gun?

A. Yeah. It has an unusual feature. Most of these guns were

Roger Moore - Direct

used for prisons, and it probably had a great deal of wear here and somebody reblued it; and the bluing is a completely different color than the barrel. I had never seen that before.

Q. It was in that condition when you had it in your home?

A. Yes.

Q. You didn't give this gun away to anyone, did you?

A. No.

Q. Now I'm going to show you 1786. Is this your gun?

A. Yes.

Q. How do you recognize it?

A. Mainly by the -- it's a .30-06 Remington 700 -- mainly by

the hand-tooled sling.

Q. And what is this pattern here on the hand-tooled sling?

A. Flowers and a deer up top.

Q. And is there any carving on this firearm?

A. No -- well, just checkering. They've stamped that in at the factory.

Q. And did you give this gun to Terry Nichols?

A. I gave it to no one.

Q. Was it stolen from you on November 5, 1994?

A. Yes.

MS. WILKINSON: Your Honor, I'm about to start the final area of questioning. This would probably be --

THE COURT: Then I think we'll take the recess at this point.

You may step down now, Mr. Moore.

Members of the jury, we'll take our usual noon recess, during which time, of course, you must continue to follow the cautions given at all earlier recesses, avoiding discussion of the case with other jurors and all other persons, keeping open minds and avoiding anything outside of our evidence which could in any fashion influence your decision on the issues.

You're excused now till 1:32.

(Jury out at 12:02 p.m.)

MR. TIGAR: May I approach briefly, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 79B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We'll be in recess, 1:32.

(Recess at 12:03 p.m.)

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
1749	9245	9245			
1752	9179	9180			
2106	9184	9184			
2107 & 2107A	9185	9185			

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
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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 18th day of November, 1997.

Paul Zuckerman

Kara Spitler

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