

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN NICHOLS,

Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury: Volume 93)

PROCEEDINGS BEFORE THE HONORABLE RICHARD P. MATSCH,

Judge, United States District Court for the District of Colorado, commencing at 1:30 p.m., on the 26th day of November, 1997, in Courtroom C-204, United States Courthouse, Denver, Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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

LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNES, and AITAN GOELMAN, Special Attorneys to the U.S. Attorney General, 1961 Stout Street, Suite 1200, Denver, Colorado, 80294, appearing for the plaintiff.

MICHAEL TIGAR, RONALD WOODS, and JANE TIGAR, Attorneys at Law, 1120 Lincoln Street, Suite 1308, Denver, Colorado, 80203, appearing for Defendant Nichols.

* * * * *

PROCEEDINGS

(Reconvened at 1:30 p.m.)

THE COURT: Be seated, please.

MR. TIGAR: May I approach, please, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 93B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

(Jury in at 1:36 p.m.)

THE COURT: Hello, members of the jury. We apologize for the delay. I had one of these little private talks with the lawyers about scheduling, so we're ready for the next witness.

MR. MACKEY: We are. Regina Bonny, please.

THE COURTROOM DEPUTY: Would you raise your right hand.

(Regina Bonny 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: Regina Bonny, B-O-N-N-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed, please.

DIRECT EXAMINATION

BY MR. MEARNS:

Q. Ms. Bonny, where do you live?

A. In Oklahoma City.

Q. How long have you lived in Oklahoma City?

A. All my life.

Q. Where do you work?

A. For the Midwest City Police Department.

Q. Where is the Mid -- where is Midwest City located?

Regina Bonny - Direct

A. It's approximately 10 miles east from Oklahoma City.

Q. Is Midwest City essentially a suburb of Oklahoma City?

A. Yes.

Q. How long have you been working for the Midwest City Police Department?

A. A little over 12 years.

Q. And what do you do for them?

A. I work the narcotic investigations.

Q. How long have you been working narcotics investigations?

A. Approximately 10 years.

Q. Did there ever come a time when you were assigned to a federal narcotics task force?

A. Yes.

Q. When were you assigned to that?

A. I was assigned in February of 1993 to the Drug Enforcement Administration.

Q. And where was that federal task force, that DEA task force located in April of 1995?

A. The Alfred P. Murrah Building.

Q. What floor of the Murrah Building?

A. The ninth floor.

MR. MEARNS: May I have the ninth floor of Exhibit 952, please.

BY MR. MEARNS:

Q. Do you recognize this diagram, Ms. Bonny?

Regina Bonny - Direct

A. Yes, I do.

Q. Could you indicate with that electric pen that you have up on the witness stand -- not that one. There should be one that's connected to a wire. Okay. If you could reach down underneath the screen and just draw a large circle around the office space where the DEA task force was located in April of 1995.

A. There was task force in both ends of DEA. We were kind of scattered.

Q. Okay. And if you could clear -- during the time that you were assigned to this task force, did you get to know the different people who were employed by the DEA or assigned to that task force?

A. Yes.

Q. And did you get to know where they -- where their desks or offices were located?

A. Yes.

Q. If you could clear that pen and begin first with the DEA office space on the left and take us through those offices and just tell us who was assigned in those particular locations in April of 1995.

A. Okay. Right in here, Rona set (sic) here and Michelle set here.

Q. What are Rona and Michelle's last names?

A. Michelle's last name was Lehman. Ms. Rona Chafey.

Regina Bonny - Direct

Q. Okay.

A. Carrol Fields sat right there.

Q. Okay. If you could continue through the office space.

A. Okay. Don Webb sat in here, office by himself (sic).

Dave Schickendanz set here.

Phil Long set here.

Judy Hoke sat next to Phil Long.

Carrie Lenz set here.

Ken McCullough.

Joe Wyzinski.

Mike Bakios.

Rob Ryan sat over here.

Q. And were there DEA employees also assigned to that DEA office space on the right of this chart?

A. Yes.

Q. And could you tell us who -- who had offices or desks assigned in that area of the ninth floor.

A. Yes. My desk was right -- right here.

Frank Marino's was right in here.

Kevin Waters was right here.

Steve Day was in here.

Eddie Joe Dillard was in here.

And V. Underwood was in here.

Q. Was anyone assigned to that office space behind that?

A. No.

Regina Bonny - Direct

Q. In April of 1995, did the DEA also occupy space on the seventh floor of the Murrah Building?

A. Yes.

MR. MEARNS: If we could have the seventh floor -- floor of Exhibit 952, please.

BY MR. MEARNS:

Q. Could you clear the pen for us, Ms. Bonny.

Could you tell us who then was assigned to that green DEA office space that we see in the upper right-hand corner.

A. Yes. Donetta -- I can't remember Donetta's last name. My mind just went blank.

Dave Fry.

Betty Robins.

There was two others. I can't remember their names.

THE COURT: Perhaps you can suggest some names and see

if she can --

BY MR. MEARNS:

Q. Do you recall that there were five people assigned in that space?

A. Yes.

Q. What were those people responsible for? What kind of investigations?

A. They were responsible for the pharmaceutical, enforcing pharmaceutical laws.

Q. Those are -- do you use the term "diversion agents" for

Regina Bonny - Direct

that?

A. Yes.

Q. Did you have a lot of interaction with the diversion agents with DEA?

A. No.

Q. And is that how you're not necessarily familiar with all of the people that were necessarily assigned in that space?

A. Right.

Q. I want to direct your attention now to Wednesday, April 19, 1995. Were you working that day, Ms. Bonny?

A. Yes.

Q. What time did you get to work that morning?

A. It was around -- between 8 and 8:15 a.m.

Q. What did you do after you arrived at work?

A. I dropped my briefcase and my purse off at my office. I walked down to the main office, got my coffee, talked with the girls a little bit.

Q. Who did you see that morning?

A. I saw Rona, Carrie, Carrol, and Shelly, and Dave Schickendanz.

Q. How long did you have the conversation with the women that you've identified?

A. It was for quite a while. I stayed longer than I normally did.

Q. Where did you go after you had that conversation?

Regina Bonny - Direct

A. I walked back down to my office and started typing a report.

Q. And what time -- approximately what time did you get back to your office?

A. It was five or ten minutes I had been down there, and that's when I heard the explosion.

Q. So you were back in your office for about five or ten minutes before the explosion?

A. Right.

Q. Tell us about what happened when you experienced the explosion.

A. I was sitting down, typing. The first thing that happened was the lights went out. My computer went off. I stood up. I heard the explosion. The last thing I remember seeing was a coat rack. The next thing I knew, I was down on my knees, and my arms were above my head, and I was -- there was stuff on top of me.

Q. Were you knocked -- excuse me. Were you knocked unconscious for a short period of time?

A. Yes.

Q. What did you see when you regained consciousness?

A. A lot of rubble that was on top of me and in front of me, so I just started digging my way out.

Q. What did you do?

A. I got my hands free and used my hands to pull things off of

Regina Bonny - Direct

me.

Q. How long did that take?

A. It took a little while. I -- I don't know how much time.

Q. What did you do next?

A. After I was able to get the stuff off of me, I crawled underneath the desk and was able to find a place where I could stand up. I looked around. I knew -- when I looked around, I noticed that -- I knew then that a bomb had exploded just by the destruction.

Q. So what did you do?

A. I instantly started hollering to see if anybody could hear me, and then I heard the two ATF agents hollering for help.

Q. So what did you do?

A. I went to where they were hollering at. The first agent I came to, he was covered in rubble.

Q. Who was that? Do you recall seeing Mr. Staggs that morning?

A. Yes. It wasn't Skaggs (sic). It was Vernon, Vernon Buster.

Q. What did you do when you saw Mr. Buster?

A. I started pulling the rubble off of him. I got the rubble off of him. And there was a piece of metal in his back, and he told me he couldn't get up. So I pulled the metal out of his

back and then he got up. I looked him over to make sure that he was okay as far as bleeding real bad, and he was okay then.

Regina Bonny - Direct

And then I went to Jim Skaggs (sic).

Q. What did you do at that point?

A. He was sitting down. And he had a very bad head injury. I got him to stand up. I told him I was going to take his shirt off and -- and put it around his head. I unbuttoned his shirt and I stuffed part of the shirt into the hole of his head and wrapped it around his head, and I told him to hold his shirt tight against his head. And then I told them both that we needed to get out of the building. It took us a while to find a stairway. When we found it, I took them both outside. I asked some people out there to get them medical help. And then I saw Dave Schickendanz. I asked him where the girls were at, and he told me they were still up in the building. So I go back up in the building to get the girls out.

Q. What did you see when you got back into the building?

A. I was running up the stairs, and there was a man on the stairway who was having problems getting down the stairways. I asked him if he needed help, and he told me yes. I started helping him down, and somebody come up from behind me and they said that they would take him down, and I said okay.

Q. So what did you do next?

A. I continued going up the stairs to the ninth floor. And I got to our office, and the DEA office was not there.

Q. Did you speak to or have a conversation with anybody who was on the ninth floor at that time?

Regina Bonny - Direct

A. Yes.

Q. Did you speak to an ATF agent by the name of Luke Franey?

A. Yes, I did.

Q. At that point, did you then exit the building for the last time?

A. I went on different floors hunting for people. And then I -- I exited and I went hunting for help. And found my husband in the intersection, and my husband took me to the doctors at that point.

Q. How many employees of the Drug Enforcement Administration were killed in the explosion on April 19th?

A. Five.

Q. And did you know all of those people?

A. Yes.

MR. MEARNS: Your Honor, may Agent Tongate display Government Exhibit 1082?

THE COURT: Yes.

MR. TIGAR: Subject to our discussion, your Honor.

THE COURT: Yes. Same position.

BY MR. MEARNS:

Q. Ms. Bonny, the first person depicted in the upper left is Shelly Bland; is that correct?

Shelly Bland, is that correct?

A. Yes. Yes.

Q. What was Ms. Bland's position with the DEA?

A. She typed the agents' and the task force officers' reports,

Regina Bonny - Direct

and she was learning how to do asset forfeiture.

Q. How long had she been employed by the DEA?

A. Approximately one year.

Q. The next woman over to the right of that is Rona Chafey.

How long had she been employed by the DEA?

A. A little over a year.

Q. And what did she do?

A. She typed task force officers' reports and agents' reports.

Q. The next woman is Carrol Fields. What was her position with the DEA?

A. She was the office manager. She handled everything.

Q. And as of April 19th, 1995, how long had Ms. Fields been working for the DEA?

A. 30 years.

Q. On the second row, the first -- the woman pictured there is Carrie Lenz; correct?

A. Yes.

Q. And what did Ms. Lenz do for the DEA?

A. She did asset forfeiture.

Q. And how long had she been working for the DEA?

A. For approximately -- it was three or four years.

Q. And the fifth person pictured on the chart is Agent Ken McCullough; correct?

A. Yes.

Q. And he was, in fact, a DEA agent?

Regina Bonny - Direct

A. Yes.

Q. How long had Agent McCullough been working for the DEA?

A. Approximately three or four years.

Q. And on April 19th, 1995, was Agent McCullough a federal law enforcement officer engaged in the performance of his official duties?

A. Yes.

Q. Prior to coming to court this afternoon, Ms. Bonny, did you put the names of these five individuals on a floor plan of the ninth floor of the Murrah Building?

A. Yes.

MR. MEARNS: Your Honor, that is -- we've identified that as Government Exhibit 952I.

THE COURT: All right. Same position with respect to that?

MR. TIGAR: Yes.

MR. MEARNS: Thank you.

THE COURT: Mr. Tigar, do you have some questions?

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, ma'am.

A. Hello.

Q. My name is Michael Tigar. I'm one of the lawyers that Chief Judge Russell appointed in the case way back in May of 1995.

Regina Bonny - Cross

A. Yes.

Q. I wonder, could you -- can you answer just a couple of questions?

A. Sure.

Q. Okay. The DEA, that's called -- that's the Drug Enforcement Administration; right?

A. Yes.

Q. And their law enforcement responsibilities include detecting and investigating and helping to prosecute people that are using illegal drugs; right? Is that one of the things they do?

A. That are using -- that are distributing drugs.

Q. Distributing drugs. Right. That's -- I mean, they go after drug dealers; right?

A. Yes.

Q. And then there was the particular thing you were working on. Was that the diversion program? Were you working in the diversion program?

A. No.

Q. Oh, but other people in the office were doing that?

A. The people that was on the seventh floor --

Q. Okay.

A. -- was working on diversion.

Q. That means diverting things out of the regular pharmaceutical use for illegal sale; is that right?

Regina Bonny - Cross

A. I couldn't tell you their responsibilities. I didn't work with them.

Q. All right. You worked with the agents that were going after the illegal drugs, the street drugs; is that what you were doing?

A. Yes.

Q. Okay. Now, I wanted to ask you a couple of questions about your going up and down those stairs --

A. Okay.

Q. -- if that's okay.

A. Uh-huh.

Q. Did you see -- was there -- there was a lot of debris and rubble; correct?

A. Yes.

Q. And was there water dripping down that you could see? I mean, did it look like water pipes were broken or anything like that?

A. Not where I was at.

Q. Okay. And was the -- were the ceiling -- did they have those -- the suspended ceilings, you know, with the ceiling tiles, in the --

A. They did have.

Q. -- in those floors? And those were coming down; right?

A. Yeah. Those were gone.

Q. That was a part of the debris that was in there; correct?

Regina Bonny - Cross

A. Yes.

Q. And things that were in the office were broken up and just hurled around by the force of the explosion; is that what you saw?

A. Yes.

MR. TIGAR: Okay. Thank you very much. I have nothing further. Thank you for answering my questions.

MR. MEARNS: She may be excused, your Honor.

THE COURT: I take it that's agreed.

MR. TIGAR: Yes, of course.

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

Next, please.

MR. MACKEY: FBI Agent Donald Sachtleben.

THE COURT: All right.

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

(Donald Sachtleben 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: Donald Sachtleben, spelled S-A-C-H-T-L-E-B-E-N.

THE COURTROOM DEPUTY: Thank you.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

Donald Sachtleben - Direct

BY MS. WILKINSON:

Q. Mr. Sachtleben, you're an agent with the FBI; is that right?

A. Yes, I am.

Q. How long have you been an agent?

A. Just over 14 years now.

Q. And did you attend undergraduate university at Northwestern?

A. Yes. I received a bachelor's degree from Northwestern.

Q. And where did you attend law school?

A. Yes, I did. De Paul University.

Q. Now, where were you assigned back in April of 1995?

A. At that time, I was assigned to the San Francisco field office.

Q. And after the bombing on April 19th, 1995, were you sent to Oklahoma City?

OKLAHOMA CITY:

A. Yes. I traveled to Oklahoma City that same day, arriving about 1:00 in the morning on the 20th.

Q. So I take it you didn't go to the crime scene on April 19th?

A. No. I called in and then went to a hotel.

Q. Okay. That morning on April 20th, were you assigned to be a team leader?

A. Yes, I was.

Q. What was the number of your team?

Donald Sachtleben - Direct

A. Team No. 5.

Q. And can we call you the "parking lot guy"?

A. I think so.

Q. Were you in charge of the parking lot at the crime scene across from the Murrah Building?

A. Yes. Yes. My -- the parameter or area that my team was assigned to was, in fact, the parking lot across from the building, as well as the Athenian Building next to it.

Q. And because of the nature of the damage to that area, did you and your team stay in that one area, and was that assigned a separate grid area?

A. Yes. We designated that as Grid No. 5, and my team stayed there pretty much the whole time that I was at the scene.

Q. When did you and your team begin examining evidence in the parking lot across from the Murrah Building?

A. Approximately midday on the 20th.

Q. I said "examining." Maybe I'm wrong. Or collecting evidence, would that be --

A. Looking at the scene and beginning to collect, yes.

Q. Can you tell us first what you saw when you looked at the parking lot that first day.

A. Well, on the morning of the 20th, when I first walked through the parking lot, I saw a good number of cars in that parking lot that had damage to them. I saw a good deal of debris scattered around the cars. Some of the debris appeared

Donald Sachtleben - Direct

to me to have been from the building; that is, I could see window frames and pieces of rubble. And that pretty much covered the -- the surface of the parking lot.

Q. Okay. How did you first conduct your search of the parking lot area?

A. The first thing I did was to designate from my team several individuals to photograph the entire parking lot. In addition to that, I assigned some of the team members to sweep out an area in the northeast corner of the parking lot that we could then use as a -- a collection point, administrative point for the team.

Q. Okay. And did you keep track of the cars that were in the parking lot?

A. Yes. I did also -- while the photographers were working, I

... assigned several people to go around and number each car and, while they were doing that, to collect information on license plate, the vehicle identification number, that sort of thing.
Q. Now, during that time that you and your fellow teammates were in the parking lot, did you actually seize some evidence?
A. On the 20th, yes, we did -- we did seize some evidence on the 20th.
Q. And did you continue to do that in the days following the bombing?
A. Yes, we did.
Q. Before we get to some of the evidence you seized, could I

Donald Sachtleben - Direct

show you a few pictures of the parking lot so you can orient the jury.

A. Okay.

Q. I'm going to show you what is not yet in evidence marked Defendant's Exhibit 1666. Do you recognize that picture?

A. Yes, I do.

Q. Okay. And I don't know if you can see it here, but up in that corner, do you see these -- some personnel walking along there?

A. Yes.

Q. Does that help you recognize this picture?

A. Yes, it does.

Q. How does it help you recognize the picture?

A. Well, the -- I believe from -- it's a little fuzzy image here, but I believe that that is our team arriving at the scene or -- or at the scene, rather, that day, the 20th.

MS. WILKINSON: Your Honor, we'd offer Defendant's Exhibit 1666.

MR. TIGAR: That's D1666, your Honor.

MS. WILKINSON: D1666, sorry.

THE COURT: All right. So you don't have any objection to it?

MR. TIGAR: No, your Honor. This is one I've been waiting for.

THE COURT: All right. D1666 received.

Donald Sachtleben - Direct

MS. WILKINSON: May we exhibit it, please?

THE COURT: Yes. Surely.

BY MS. WILKINSON:

Q. Now, Mr. Sachtleben, does this show the entire parking lot?

A. No. This shows perhaps the northeast quadrant of the parking lot.

Q. Okay. Let me see if I can take it back a little bit so we can show the entire picture first. Now, let's orient the jury if we could.

A. Okay.

Q. Down here, this vehicle right here, do you recognize that?

A. Yes, I do.

Q. And where was that located in the parking lot in -- in relation to the Murrah Building?

A. That is the closest to the Murrah Building of the parking lot. The parking lot -- what you're pointing at there, that would be the south edge of the parking lot for -- perhaps for convenience's sake -- we used to refer to that as the front of the parking lot, meaning that it faced the Murrah Building.

Q. So is 5th Street right there between the --

A. Yes.

Q. -- vehicle we're pointing to and the Murrah Building?

A. Yes, it is.

Q. So if you were in a portion of the Murrah Building, would you be looking out on the parking lot the direction of this

Donald Sachtleben - Direct
photograph?

A. Yes. This photograph was taken from a crane that was in between the parking lot and the Murrah Building.

Q. Okay. And that's why we're getting this angle zooming down on the parking lot?

A. Yes.

Q. All right. Now, back here, before this was exhibited to the jury, you were telling them that you recognized -- or you thought you recognized them; is that right? Some of this personnel?

A. Yeah. It's a little difficult to see here on the screen; but when I saw this photograph earlier in hard copy, I believed I recognized them.

Q. All right. Now, down here, do you see where I'm going with my pen? This area. Tell the jury what area that is.

A. That is the northeast corner of the parking lot. That is the area that we swept out when we first began looking for evidence in the parking lot.

Q. Now, why did you sweep out that area?

A. Well, I felt it was important that the team have a place where they could meet, gather their equipment, store any equipment at the scene. And to do that, it was obviously important to clear out any evidence that might have been located in that area first.

Q. Now, let's move this picture a little if we can. But do

Donald Sachtleben - Direct
you recognize what this is right here?

A. Yes. That's a tree.

Q. All right. And is that somewhere in the parking lot?

A. Yes. It's in the -- sort of the center of the parking lot. Perhaps a little bit to the northern portion of the parking lot.

Q. And can we use that as a point of reference when we look through these other photographs of the parking lot?

A. We could, yes.

Q. Okay. Now, let's go back down here to these vehicles here.

Did you see some vehicles that had been damaged by some sort of fire?

A. Yes. Some of the vehicles exhibited charring that I would have associated with a fire.

Q. All right. And did you see other types of damage to certain vehicles?

A. Yes. I observed what I believed to be some significant blast-wave damage to the vehicles.

Q. Okay. And now let's look back here. From reviewing just this photograph, can you tell, were all the vehicles on this portion of the parking lot damaged by fire?

A. No. They were not.

Q. Let me see if I can give you a picture of the other portion of the parking lot. This hasn't been exhibited yet, but it's defense -- D1665.

Donald Sachtleben - Direct

MS. WILKINSON: I'd move for its admission, if there's no objection.

MR. TIGAR: No objection, your Honor.

THE COURT: D1665 received.

BY MS. WILKINSON:

Q. Now, does this show the other side of the parking lot?

A. Yes, it does.

Q. Okay. And here, we are at the tree; correct?

A. Yes.

Q. And so over this way in the photograph, we're looking to the right?

A. Yes.

Q. All right. Now, can you orient the jury again down here. What are we looking at? Excuse me. Right down here, what are we looking at?

A. Well, this again is the -- what I would call the front of the parking lot, meaning the 5th Street side closest to the Murrah Building. And you see there a portion of the sidewalk.

Q. Okay. I want to focus in, if I can. In this portion here, do you see this area right there?

A. Yes.

Q. Do you know what happened in that area?

A. That was an area that the fire department was using on the 20th when I arrived, and it appeared to me as if some of the material on the ground had been pushed back by the fire

Donald Sachtleben - Direct
department personnel there.

Q. And were -- at that point when you saw it, was the fire department using that to put out fires or as part of the rescue mission?

A. It appeared to me as part of the rescue mission. There were no fires at that time.

Q. Okay. Now, I don't think you can see it in that photograph, but I'm going to show you another one that's closer

photograph, but I'm going to show you another one that's closer up. Do you see this little item there? I don't know if you can see it on your screen. It appears to be a box.

A. I see an item there.

Q. Okay.

A. Yes.

Q. Now, before we go to the other photograph that shows that, tell the jury what this building is right back here.

A. That is a portion of the Athenian Building.

Q. All right. And this building back here?

A. That is the Journal Record Building.

Q. All right. Now, if we go down to this corner area that I'm drawing out from this doorway basically, what did -- how would you describe this portion of the parking lot?

A. I would call that the northwest corner of the parking lot.

Q. Okay. And in that northwest corner of the parking lot, did you see much damage due to burning of vehicles?

A. Not that much. I believe one or two vehicles back there

Donald Sachtleben - Direct
had exhibited fire.

Q. Okay. Now, let me show you --

MS. WILKINSON: I move for its admission, Defense
1662.

MR. TIGAR: I'm sorry, your Honor. D1662.

MS. WILKINSON: Excuse me.

MR. TIGAR: I didn't hear what she said. If counsel is going to put in all of the ones that we were talking about yesterday --

MS. WILKINSON: I'm only going to use 1662 and 1664, but we have no objection to the admission of the remainder of the 1660 series.

MR. TIGAR: All right.

THE COURT: And what do they consist of?

MS. WILKINSON: I believe the other ones are 1661,
1663, and 1667.

MR. TIGAR: We should have 1661 through 1667 with a D in front of each one.

MS. WILKINSON: That's fine, your Honor.

THE COURT: All right. They are received, D1661 through D1667. Okay.

BY MS. WILKINSON:

Q. Okay. Now, Agent Sachtleben, let me see if I can zoom -- there we go. So we get the tree again.

A. All right.

Donald Sachtleben - Direct

Q. Is that the portion of the tree right here?

A. Yes, it is.

Q. And do you see this barrel right here?

A. Yes, I see a white plastic bucket there.

Q. And do you see that box?

A. Yes, I do.

Q. Can you read what that box says?

A. I -- it's kind of fuzzy here, but I believe it says "bleach."

Q. And do you know why that bleach and barrel were there?

A. Well, I observed the -- the fire department using them in what appeared to be some decontamination -- excuse me -- decontamination of their boots, clothing, and other gear.

Q. Let me show you 1664. What angle are we looking at when we look at 1664?

A. We're looking pretty much due west along 5th with the Athenian Building in the background there.

Q. All right. For those of us that aren't very good with north, south, east and west, can you orient us to the street and the Murrah Building?

A. Yes. The Murrah Building is to our left in this photograph. And 5th Street runs, again, along the left side of the photograph.

Q. Why don't you take that black pen there attached to the wire and draw on the screen and show the jury, if that would be

Donald Sachtleben - Direct
easier.

A. All right. The Murrah Building would be right here. And this is the direction in which 5th Street runs.

Q. So for purposes of your search, would this be called the front of the parking lot?

A. That is what we called it, yes.

Q. Okay. Now, in these photographs we've just looked at -- and let me put 1665 back up, and you can just press the side of your pen. There are lots of vehicles; is that right?

A. Yes.

Q. And did you process all the vehicles that were in this parking lot?

A. Yes, I did.

Q. What did you do with the vehicles after they were processed?

A. I released them to the custody of the Oklahoma City Police Department.

Q. And before you did that, did you recover some metal fragments from some of those vehicles or around the area?

A. Yes, I did.

MS. WILKINSON: Your Honor, if I could have the witness step down to identify a piece.

THE COURT: You may, yes. You may step down.

BY MS. WILKINSON:

Q. Okay. I want you to take a look at 743. Do you recognize

Donald Sachtleben - Direct
that?

A. Yes, I do.

Q. Okay. And this is one portion of 743; is that right?

A. That's correct.

Q. Is this another portion right here? Can you tell?

A. Yes. They are connected. They are connected there; and then this piece here, this narrow piece of metal is also a part of it.

Q. And did you recover Government's 743?

A. Yes, I did.

Q. Where was -- if you could turn and face the jury. Where was 743 recovered?

A. This was recovered from a Chevrolet van that was parked in the front of the parking lot, and it was actually embedded in the Chevrolet van.

Q. On what day did you retrieve it from the Chevrolet van?

A. That would have been April 24th.

MS. WILKINSON: Your Honor, we'd move for the admission of 743.

MR. TIGAR: May I inquire, your Honor?

THE COURT: Yes. You may.

MR. TIGAR: What's the most convenient way? Should I just stand beside the agent?

THE COURT: I think it's easier.

MR. TIGAR: It will be very brief. Yes.

Donald Sachtleben - Voir Dire

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Hello, Agent. My name is Michael Tigar. I'm one of the lawyers helping Terry Nichols.

Is this what we're looking at, this bent piece of metal?

A. Well, we're looking at this piece of metal which connects then to this piece of metal, and then this piece of metal was originally attached to it. But since the -- its recovery, it's come apart.

Q. All right. And this was in that Chevrolet van that was at the front of the parking lot that you identified, that white van?

A. Yes.

Q. That -- that one?

A. Yes.

Q. Okay. Now, when you saw it, was it -- did it have rubble on it?

A. No. Not -- not really.

Q. It was in pretty much this condition?

A. Pretty much. I couldn't see all of it, obviously. It was in the van.

Q. Had it been -- what, it had been propelled somehow into the van?

A. Looked that way to me, yes.

Donald Sachtleben - Voir Dire

MR. TIGAR: No objection, your Honor.

THE COURT: 743 received.

DIRECT EXAMINATION CONTINUED

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Agent Sachtleben, I'm not sure the jury can see what's attached to this. This is a portion of frame rail or some portion of some rail; right?

A. This -- you're talking about this piece?

Q. No. This piece. But behind it, is there something else attached?

A. Yes. That, I've come to know as the steering assembly.

MR. TIGAR: Excuse me, your Honor. Personal knowledge?

MS. WILKINSON: Just what it appears to be for purposes of description.

THE COURT: Yes.

MS. WILKINSON: The jury can't see it, and I don't think I can lift it up.

THE COURT: I understand. But don't rely on what somebody else told you it is.

MS. WILKINSON: Right. We'll have another witness state what it is.

BY MS. WILKINSON:

Q. But it appeared to you to be a steering wheel?

A. It appeared to me to be a portion of the steering assembly.

Donald Sachtleben - Direct

Q. This whole thing was inside that van?

A. Yes. That entire object.

Q. If you can take your seat for a minute -- actually, you can stand right here and I'll get the pictures.

Agent Sachtleben, before coming to court today, did you review some photographs, Government's Exhibit 745 and 744?

A. Yes, I did.

Q. And do those show this piece before you removed it from the van?

A. Yes, they do.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 744 and 745.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Agent, looking here at 745 --

A. Yes.

Q. -- you recovered this thing here, 743, on the 24th; is that right?

A. That's correct.

Q. Well, when you recovered it, was there all this black smoke in there?

A. No.

Q. No. So this picture was taken when?

A. Sometime prior to my arrival.

Q. Right. And by the time you got there on the 20th, all the

Donald Sachtleben - Voir Dire
fires were out; right?

A. That's correct.

Q. But other than the thick, black smoke and the flames that are depicted here, it's the same scene?

A. Yes, it is.

Q. All right.

MR. TIGAR: No objection on that one.

BY MR. TIGAR:

Q. Now, this is 744; correct?

A. That's right.

Q. The picture. Now, is this a picture that was taken under your direction?

A. Yes, it was.

Q. And did you take a picture -- was your purpose to take a picture of this Item 743 in place before you recovered it?

A. Yes.

Q. And was that the practice of your team, to take a picture of these items before they were recovered?

A. In some instances, yes.

Q. All right. And you were the one that directed this be taken?

A. Yes.

MR. TIGAR: No objection on that one, either.

THE COURT: 744, 745 received. May be shown.

DIRECT EXAMINATION CONTINUED

Donald Sachtleben - Direct

BY MS. WILKINSON:

Q. Agent Sachtleben, I think it's just easier if we just stand right here. I'll hold it up. This is 745; correct?

A. Yes, it is.

Q. Tell the jury what they are looking at.

A. We're looking into the parking lot, so the orientation here would be from the general vicinity of the Murrah Building into the parking lot, the northerly direction, if you will. And you can see here this Chevrolet van and just these little portions of these "leaves," I guess you can call them, right here.

Q. And you told Mr. Tigar that you had a picture taken before you retrieved this item from the van; is that right?

A. That's right.

Q. And this is 744. What does this show?

A. This is looking back toward the Murrah Building taken from the parking lot, and we're looking here into the Chevy van. And you can generally see how the item was embedded into the front of the van.

Q. And I take it you weren't able to just pull this piece out of the van?

A. No. It took us a little bit of time. We had to pretty much cut away the entire front portion of this van and basically peel it out of there.

Q. I'm going to show you another piece of evidence.

I can't see the -- maybe you can help me out here. I

Donald Sachtleben - Direct

don't see the Government exhibit sticker. It should be there.

A. 742.

Q. Do you recognize 742?

A. Yes, I do.

Q. Did you retrieve that?

A. Yes, I did.

Q. When did you retrieve that?

A. That was retrieved on April 23d.

Q. And where did you retrieve it?

A. From the front portion of the parking lot on the ground in between some of the cars.

MS. WILKINSON: Your Honor, we'd offer 742.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. So this was -- this was lying on the ground?

A. Yes.

Q. And was it covered with any of this rubble or did it have any of this rubble over any part of it at the time you recovered it?

A. Not that I recall.

Q. Did you take a picture of it in place before you recovered it?

A. I don't recall doing that, no.

MR. TIGAR: No objection, your Honor.

THE COURT: 742 is received.

Donald Sachtleben - Direct

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Agent Sachtleben, maybe you can help me. I think there might be a little room. If you can put that on the corner of the table so the jury can see it.

A. Certainly.

Q. And what does this appear to be to you?

A. It appears to be a -- a large, heavy-gauge metal sort of a U shape, a U-bolt perhaps here.

Q. All right. And tell us again where you found it in the parking lot.

A. Front edge of the parking lot. There were several rows of cars there, and it was just between those rows of cars.

Q. You can take your seat.

Now, when you processed the parking lot area, did you begin in a certain portion of the parking lot?

A. Yes. We -- I directed that we begin at that northeast corner where I had had them clear out the area, and we basically worked out from that area into the rest of the parking lot.

Q. And after you finished processing the parking lot, did you allow others to come in and use it for other purposes?

A. Yes, I did.

MS. WILKINSON: No further questions, your Honor.

THE COURT: All right. Mr. Tigar.

Donald Sachtleben - Cross

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Hello again, Agent.

A. Hello.

Q. We were looking earlier at this picture which is in evidence as Government's 745. That over here on this side, that's the -- the Chevy van from which you recovered this big piece here; correct? Government 743.

A. Yes.

Q. And as you said, when we asked about it before, this -- all these fires here had been put out; correct?

A. Yes.

Q. But what we're seeing here in the orange are the flames of the burning vehicles; correct?

A. It appears that way.

Q. And the Chevy van apparently -- did it look as though it had caught fire?

A. No.

Q. The Chevy van you depict at the time you recovered it as -- in Government Exhibit 744 and you see -- this melting of the inside upholstery of the Chevy van?

A. Could be.

Q. Well, did you -- did you inspect it?

A. I did.

Q. Did it appear to you that it had been melted?

Donald Sachtleben - Cross

A. I couldn't tell if that was a melting or -- or what kind of damage that was, but it's -- it's possible it was melting.

Q. All right. Now, looking back again at 745, do you see this wheel here?

A. Yes.

Q. Now, is that, as you observed it, the wheel of one of the automobiles in the parking lot, or is that a wheel from the -- that came from somewhere else?

A. No. I believe that's a wheel of one of the vehicles. In fact, I think it's still connected to the vehicle right there.

Q. As you can see it. Now, does that wheel appear to you to have been distorted?

A. Possibly. I -- it's kind of hard to tell from that photograph.

Q. Well, the -- do you remember having noticed that wheel at the time that you were looking there?

A. I don't particularly recall that particular wheel.

Q. Now, sir, so that we can orient ourselves. This is what's in evidence as Government's 940.

A. Yes.

Q. And here's where the -- the Murrah Building is -- or was; correct?

A. Yes.

Q. And then there's N.W. 5th Street; right?

A. Yes.

Donald Sachtleben - Cross

Q. And the parking lot there, that's the parking lot we're talking about; correct?

A. That's correct.

Q. The northeast corner you referred to is up here closest to the Journal Record Building; right?

A. Yes.

Q. And this -- the parking lot is bounded on the other side by the Athenian Building, the brick building?

A. Yes.

Q. Okay. Now, how did you receive your assignment to be the search agent in charge of Grid 5?

A. I received it at an administrative meeting that I attended on the morning of the 20th.

Q. And that was a meeting presided over by Special Agents Dave Williams and Rick Hahn; is that right?

A. They were there. I don't know that they were presiding over it.

Q. Did you understand that they were to be the crime-scene coordinators?

A. Yes.

Q. And did you -- you said you recovered 743 on the 24th of April; correct?

A. Yes.

Q. And -- refresh my recollection. When did you recover this other piece, the U-bolt piece we were looking at earlier? I

Donald Sachtleben - Cross

don't know where it is.

A. The 23d.

Q. The 23d. There it is. This one. This one.

A. Yes.

Q. Now, when you recovered this U-bolt piece, which is Government's --

A. It's on the red tag.

Q. On the red. I see. 742. Did it have this discoloration on it? The white and --

A. Yeah. To some extent, it did, yes.

Q. -- the rust?

A. Uh-huh.

Q. Well, has anything happened to change the appearance of it since you recovered it that you can remember?

A. It looks perhaps a little more corroded than when I first saw it, but it's generally the same appearance.

Q. Now, when you recovered these items, these heavy ones, what did you do with them?

A. Labeled them, packaged them as appropriately, and then brought them at the end of the shift to the Evidence Control Center.

Q. How did you -- did you personally take them to the Evidence Control Center?

A. Yes.

Q. In what sort of a conveyance?

Donald Sachtleben - Cross

A. Depended on the day. We had various vehicles available to us, and we would use whichever vehicle was available that afternoon.

Q. Did -- now, at any time during your search activity, did you ever see a Ryder truck that had been brought down there by the ATF?

A. I saw a Ryder truck. I don't know that it was brought down by the ATF.

Q. Did you see a Ryder truck with barrels in the back --

A. No.

Q. -- that you remember?

A. I did not.

Q. All right. At your briefings, it would be asked by -- you would discuss at your briefings what sorts of things you ought to be looking for; correct?

A. We did, yes.

Q. And when was the first briefing at which the idea that this bomb had been carried in a Ryder truck mentioned, if you recall?

A. It was fairly early on. I don't know if it was the first day, but the first couple of days.

Q. So that you think the 20th or 21st?

A. Certainly, yeah.

Q. And you're familiar with sort of generally how the investigation proceeded; correct?

Donald Sachtleben - Cross

A. Yes.

Q. And you're familiar that it was very soon that pieces of the Ryder truck were identified; that there was a VIN number, and that someone formed a hypothesis that that was the truck that was involved; right?

A. Yes.

MR. TIGAR: Excuse me, your Honor. There's a cup of water. I am going to put it back over here on this table.

BY MR. TIGAR:

Q. Now -- now, do you remember a discussion that you ought to be looking for plastic?

A. I -- yes. Along with other items, yes.

Q. And when's the first of the meetings at which you can remember hearing that you ought to be looking for plastic?

A. I don't recall the date that that first came up.

Q. Who -- who was discussing that?

A. I do not recall who brought that to our attention.

Q. Do you remember either Special Agent Williams or Special Agent Hahn discussing the notion that blue plastic might have been involved in this?

A. No.

Q. Do you remember them ever discussing that any particular color of plastic should be searched for?

A. Not particularly, no. I just knew that -- that plastic was one of the items that we discussed looking for.

Donald Sachtleben - Cross

Q. All right. And you don't remember when that was first raised?

A. No.

Q. All right. Now, was Mr. Burmeister a part of your team?

A. No, he was not.

Q. Was Mr. Kelly a part of your team?

A. No. They were a separate team.

Q. Well, did you observe that Mr. Kelly had any responsibility for searching for items within your area?

A. Absolutely.

Q. And how was it that Mr. Kelly got some responsibility for searching in the area that had been assigned to you?

A. Well, actually, their search began before ours did. When I arrived midmorning of the 20th, they had already begun -- I observed them conducting a search and I discussed with them the areas that they were searching.

Q. And when you say "they," you mean Mr. Kelly, Ronald Kelly?

A. Yes.

Q. And for -- for our information, who is he?

A. Mr. Kelly is a chemist in the FBI Laboratory.

Q. And was Mr. Kelly -- who else do you mean by "they"?

A. I recall Mr. Burmeister, Mr. Kelly, and there were, I believe, one or two others with them, someone taking photographs, someone else assisting them.

Q. And when -- when is the first time that you can remember

Donald Sachtleben - Cross

seeing Mr. Kelly there? That morning of the 20th?

A. I don't know if -- I know I talked to Mr. Burmeister on the 20th. I don't recall talking to Mr. Kelly that day.

Q. Now, where was Mr. Burmeister?

A. In that parking lot.

Q. And was he participating in searching things?

A. Yes.

Q. What area of the parking lot was Mr. Burmeister in?

A. He was in -- I observed him -- and we discussed later -- in basically the entire parking lot. Mostly, when I saw him on the 20th, it was in the western portion, though.

Q. And did you have a discussion with him about what he was looking for?

A. Yes.

Q. Now, you arrived at about 12 -- about 1:00 in the morning on the 20th at Will Rogers Airport?

A. Yes.

Q. Was it raining then?

A. No.

Q. Did it rain later that night?

Q. Did it rain later that night?

A. I don't recall, sir. I was asleep.

Q. Okay. When you -- was it wet on the ground as though it had been raining when you got into Will Rogers?

A. Absolutely, yes.

Q. I mean -- and was it -- was it wet like the gentle rain

Donald Sachtleben - Cross

that droppeth from heaven or an Oklahoma gully-washer-type wet?

A. It was my first visit to Oklahoma, sir, but it was wet.

Q. All right. Now -- and when you got out there to the parking lot on the 20th, was -- was there -- were there signs that the parking lot had been rained on?

A. I saw some water, yes.

Q. All right. Now, you said that you chose that northwest corner as your area that was going to be the place where you would collect evidence; correct?

A. Northeast corner, sir.

Q. Excuse me. You're right. Northeast corner. And that is the corner that's closest to the YMCA; correct?

A. Yes.

Q. That is to say, if you were standing -- put 940 back up here, if I may -- here, this -- where I'm putting my hand, the finger is the northeast corner; correct?

A. That's right.

Q. That's directly across the street from the YMCA; correct?

A. Yes, yes, it is.

Q. That orients us. And you testified earlier -- here's Defendant's D1666. That's the photograph that shows your group there; correct?

A. It appears to, yes.

Q. Now, what's -- is this green stuff in here grass or debris of some kind?

Donald Sachtleben - Cross

A. It's -- it's foliage. It's not grass. It's some leaves off the tree, other types of loose debris.

Q. Okay. And the green that surrounds -- if I can move this over, here -- that's also the foliage that's just been knocked right off that tree; correct?

A. Yes.

Q. And there's a bunch of broken white stuff around here. That's some kind of debris, is that?

A. Yes.

Q. And what kind of debris is that?

A. It's kind of hard to tell from this photograph. There was quite a bit of -- of paper. There was some sheet metal, other things that appeared as though they had come from the Murrah Building.

Q. And you see this sign that is laying on the ground here. Did that appear to be a sign -- see where that fellow is standing? Here. Let's go in. We can look. There. I don't know if you can -- can you see that or is it too fuzzy?

A. It's a bit fuzzy. I --

Q. A bit fuzzy. Let me go out again. This machine is supposed to compensate for that, but -- there we go. There -- it looks like somebody standing here; correct?

A. Yes.

Q. And that sign appeared to be a sign that had been simply tipped over by some sort of a force such as a blast wave;

Donald Sachtleben - Cross
correct?

A. Yes.

Q. Now, you were shown earlier a picture of a box and a barrel. Do you remember that, sir?

A. Yes.

Q. Now, do you see -- see the barrel; correct?

A. Uh-huh. Yes, sir. Excuse me.

Q. And in the box, do you see bags?

A. It looks like some sort of plastic.

Q. That looks like a plastic bag. Can you make out the logo on that bag there?

A. No.

Q. All right. Now, at the time you arrived on the 20th, there were -- this is not -- in the original picture, do you see what I'm pointing to here? A little bottle? Would it help if I passed this up to you and then we could ask you about it?

A. Could be. Sure.

Q. Do you see some Ozarka water bottles on the ground there?

A. Oh, yes. Yes.

Q. And -- and do you remember those being there on the morning of the 20th?

A. Yes.

Q. They didn't look like they were deposited by any force of any blast, did they?

A. They didn't appear to have any damage on them, no.

Donald Sachtleben - Cross

Q. All right. So are -- is that more consistent with somebody having drunk some Ozarka water and dropped the bottle on the ground?

A. Seemed reasonable.

Q. Now, who was it that had access to this area?

A. On the 20th?

Q. Yes, sir.

A. On the 20th, there were quite a few rescue workers around that area.

Q. And by "rescue workers," you mean people from the various agencies not only in Oklahoma City and Oklahoma County, but those who had come from many, many parts of the country to help; correct?

A. On the 20th, I think it was mostly Oklahoma, but yeah, there was quite a few different agencies there.

Q. And those folks were, because of the importance of the

rescue effort, free to come and go across that area; is that right?

A. Across the front, mostly, but yes, there was -- there was quite a bit of traffic along the front edge there.

Q. You didn't have any responsibility to tell them to clear off, did you?

A. No, sir.

Q. And you didn't tell anybody to clear off, did you?

A. I did not.

Donald Sachtleben - Cross

Q. Okay. Now, in addition to that, you said that these cars that were there were being inventoried and then turned over to the Oklahoma authorities; is that right?

A. After we looked at them for evidence, yes.

Q. Now, you said that you recovered 743 on the 24th. Did that mean that you were not releasing any cars until after that?

A. No. Each day, as we went through the vehicles, those that we completed that day, we turned over to the local authorities.

Q. Now, you stated on direct examination that some of these cars had damage that looked like they had been on fire; correct?

A. Yes.

Q. And did it look like they were just burned out hulks of cars?

A. I wouldn't -- a few were -- looked like they had been almost totally consumed in the fire. Others just had moderate fire damage.

Q. And when we say "a few," these two vehicles here where my finger is, they are just burned out; correct?

A. They -- yes. They looked as though they had had extensive --

Q. And up there, this vehicle and the pickup truck next to it looks just plain burned out, doesn't it?

A. They had, I would say, less fire damage than the ones in the front.

Donald Sachtleben - Cross

Q. Now, the ones that were fire damaged in that way, many of them had the tires entirely burned off, did they not?

A. To some extent, although, usually, a tire won't really completely be consumed in a fire.

Q. Well, I'm going to ask you to look at now Government Exhibit 745 in evidence. You saw a big version of that earlier. I'm going to zoom in on this tire. This car. Does it look like the tire is gone from that rim?

A. I really can't see. There doesn't appear to be much left, but, usually, there's -- there's some portion of it still attached.

Q. Now, earlier, on direct examination, we were talking about -- I'm going to put up D1665. This is an overview of the whole parking lot; correct? Let me turn the light on and see if I can make it brighter. There

11 I can make it brighter. There.

A. No. I would call that about the left two-thirds.

Q. Two-thirds. All right. And over here, the brick part, that's the Athenian Building; right?

A. Yes.

Q. And the roof of the Athenian Building and part of the superstructure had tumbled down into the parking lot, had it not?

A. Yes.

Q. And you can see that rubble along here; correct?

A. That's correct.

Donald Sachtleben - Cross

Q. And you noticed that some of it is actually deposited on this car that's left there; right?

A. Yes.

Q. Now, this building back here, the tan one is the Journal Record Building; correct?

A. Yes.

Q. And portions of the roof of that have also fallen down here; is that correct?

A. That's correct.

Q. And you see this area here in the front where -- with my finger, that's where a skip loader or front-end loader had come in and pushed some things back; right?

A. It appears that way. I didn't see it.

Q. It looked -- now, during the week, as automobiles were removed from this area, was the skip loader in there cleaning up after it? Pushing things around?

A. No. Generally, what I did was to clean around the vehicle first and then pull the vehicle out and we processed them. That is, we went through the vehicles, looking for evidence over on -- on Robinson Street.

Q. Now, did your responsibility include anything to do with the crater?

A. No.

Q. Could you see the crater from where you were?

A. Yes.

Donald Sachtleben - Cross

Q. Did there come a time when it was filled in?

A. No. I really don't recall ever -- filling in.

Q. Well, when you got there, there was a big hole, blast crater in front of the Murrah Building; correct?

A. There was a hole covered in a blue tarp when I first arrived.

Q. Did you ever see anybody fill that hole with earth or other fill material?

A. Not that I can recall, no.

Q. Okay. Now, sir, did there come a time when you were there that the FBI established a sift site?

A. Yes.

O. Now, was that sift site, while you were there, ever located

in the parking lot that was a part of your responsibility?

A. No.

Q. Okay. Were -- were you aware that the sift site was -- was later there or you didn't -- you don't know one way or another?

A. I wasn't there when that occurred.

Q. Okay. And you just -- you don't know whether or not it did or you just weren't --

A. I do not have any knowledge of that.

Q. Okay. Now, how long did you stay?

A. I left on May 5.

Q. And were these meetings with Special Agent Williams and Special Agent Hahn held every day during the time you were

Donald Sachtleben - Cross
there?

A. I saw Mr. Hahn most days. I don't recall seeing Mr. Williams every day.

Q. But they were responsible for the overall management of the crime scene until the time you left; is that correct?

A. Yes.

MR. TIGAR: I have nothing further, your Honor.

THE COURT: Any redirect?

MS. WILKINSON: Just one. Mr. Tigar, could I have
D1665?

MR. TIGAR: There you go.

MS. WILKINSON: Thank you.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Sachtleben, you began your search on what day at the parking lot?

A. April 20th.

Q. And you finished it on what day?

A. Roughly April 28th.

Q. And you were there every day, April through -- April 20th through April 28th?

A. Yes.

Q. So there was no sift site in the parking lot during that time period; is that your testimony?

A. No.

Donald Sachtleben - Redirect

Q. Okay. Now, I want to focus again on this northwest corner here of the parking lot. On April 21st, had you gotten to that portion of the parking lot to do your search?

A. No.

MS. WILKINSON: No further questions, your Honor.

MR. TIGAR: Briefly, your Honor.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. TIGAR:

Q. Did -- I want to put this back up there again. Did you see anybody else other than your team searching over here on the

21st?

A. The 21st, Mr. Burmeister, Mr. Kelly, and several other individuals that were affiliated with his group were in that area. Yes.

Q. And you saw them there on the 21st; is that right?

A. Yes.

MR. TIGAR: Nothing further, your Honor.

MS. WILKINSON: This witness can be excused.

THE COURT: Agree to excuse?

MR. TIGAR: Oh, yes, your Honor.

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

Next, please.

MR. MACKEY: FBI Agent Bob Morton.

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

(Robert J. Morton 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: My name is Robert J. Morton,
M-o-r-t-o-n.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Agent Morton.

A. Good afternoon.

Q. You work for the FBI?

A. Yes, I do.

Q. How long have you been with the FBI?

A. Over nine years.

Q. You're an agent with them?

A. Yes, ma'am, I am.

Q. Where are you currently assigned?

A. I'm assigned to the Chicago field division.

Q. And were you assigned there in April of 1995?

A. Yes, I was.

Q. Did you have any additional responsibilities back in April of 1995 other than being an agent?

Robert J. Morton - Direct

A. Yes, I did.

Q. What were they?

A. I was a team leader on an Evidence Response Team.

Q. What does a team leader do?

A. An Evidence Response Team is a group of trained agents who collect evidence. The team leader is responsible for managing the team on callouts, ensuring that crime scene is worked properly and documentation is -- is accumulated and the evidence is collected.

Q. On April 19th, were you directed to report to Oklahoma City to assist with the investigation of the bombing crime scene?

A. Yes, I was.

Q. And did you go there with your other fellow members of the

Chicago ERT?

A. Yes, I did.

Q. Did you fly or drive?

A. We drove.

Q. Why did you drive?

A. We drove because we realized that a lot of people were flying in to get to the scene and we wanted to bring enough equipment with us to process the crime scene when we got there.

Q. And you did that?

A. Yes, we did.

Q. Now, did you work for -- on Agent Daly's team when you were there?

Robert J. Morton - Direct

A. Yes, I did.

Q. And did you collect evidence while you were there?

A. Yes, I did.

Q. And today, can you tell us about one of the pieces of evidence that you recovered.

A. Yes, I can.

Q. Do you recall working on -- I believe it was April 28th, 1995?

A. Yes, I do.

Q. Did you recover a large piece of a metal fragment then?

A. Yes, I do (sic).

Q. What did you recover?

A. I recovered a large piece of what appeared to be truck framework.

Q. All right. Can you step down and tell us if you recognize that piece over here on the table.

A. It's this one.

Q. Government's Exhibit 731?

A. Yes.

Q. And where did you find this?

A. I found it in the rubble of the Murrah Federal Building on the northwest corner.

MS. WILKINSON: Your Honor, we'd offer 731.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. 731 is received.

Robert J. Morton - Direct

Would you, back at the witness stand, restate where you found it. It was a little hard to hear.

MS. WILKINSON: Sure.

THE WITNESS: I found the piece in the rubble of the building, the northwest corner of the building.

THE COURT: Thank you.

BY MS. WILKINSON:

Q. I'm going to show you what's not yet in evidence, Government's Exhibit 843. Do you recognize this aerial photograph?

A. Yes, I do.

Q. And does this fairly and accurately depict the crime scene

Q. And does this fairly and accurately depict the crime scene approximately the time you saw it?

A. Yes, it does.

MS. WILKINSON: Your Honor, we'd offer 843.

MR. TIGAR: I'm sorry.

No objection.

THE COURT: 843 is received.

MR. TIGAR: Do you have it?

MS. WILKINSON: Yes.

BY MS. WILKINSON:

Q. Agent Morton, using this -- first, can you orient the jury on what they are looking at, please.

A. This is the Murrah Federal Building. This is the parking lot across the street. This would be Harvey and then that

Robert J. Morton - Direct
would be Fifth and Fourth Street.

Q. Would it be easier if I turned it north and you could tell the jury and identify where you found the piece you just showed.

A. Yes. The piece I found was -- was on the northwest portion of the building, which would be -- it would be right here.

Q. Okay. And you're pointing to the left side of the building if you're looking down?

A. Right.

Q. Where was it?

A. It was in the rubble in this portion of the building.

Q. Actually inside the building?

A. Inside the building.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Mr. Tigar.

MR. TIGAR: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Agent Morton, you recovered the piece of metal that you showed us on the 28th; correct, sir?

A. Yes, sir.

Q. And you'd been there since when?

A. Since the 20th, sir.

Q. In Oklahoma City. What time did you get there on the 20th?

Robert J. Morton - Cross

A. Around noon.

Q. Did you immediately join a team at noon?

A. We checked into the hotel and approximately 2:00, we were at the command post.

Q. And were you on supervising Special Agent Daly's team?

A. Yes, sir, I was.

Q. Were you on his team for the whole period of time that you were in Oklahoma City?

A. Yes, I was.

Q. Your first assignment, was it not, was to search one of the grids?

A. That's correct.

Q. And then, you were moved to searching in the rubble of the Murrah Building, itself; correct?

A. That's correct, sir.

Q. And as a part of your search, were you directed by anyone to search for particular kinds of things?

A. We would receive updates daily on -- on things to look for.

Q. And when -- when's the first update you can remember receiving about looking for things that appeared to be parts of a Ryder truck?

A. I think I recall actually the very first day.

Q. And when was the time that you received an update on looking for plastic?

A. Exactly what day, I don't recall.

Robert J. Morton - Cross

Q. There came a time when you began to look for plastic; correct?

A. Correct.

Q. And in fact, you recovered some white plastic and some blue plastic; right?

A. That's correct.

Q. And you turned that in to your team leader?

A. That's correct.

Q. And when you would turn items in to the team leader, the team leader would decide whether it was a keep or not keep; right?

A. That's correct.

Q. Okay. Now, the piece of metal that you identified here today, was that photographed in place?

A. No, it was not.

Q. All right. Did you have a photographer on your team?

A. Yes, we did.

Q. That was Agent Schwabech?

A. At various times, various members could assume the duties of the photographer.

Q. Agent Schwabech -- Greg Schwabech -- you know who that is; right?

A. Yes, he was.

Q. He was on your team at least some of the days?

A. He was on the team all of the days.

Robert J. Morton - Cross

Q. In addition to that, you had a sketcher; correct?

A. Correct.

Q. Did you sketch the item in place?

A. No, sir.

Q. And your sketcher was named Daniel W. Gane; correct?

A. Kane. Yes.

Q. Kane. I'm sorry. I couldn't read it. And he is an FBI

employee; correct?

A. Yes.

Q. But not a special agent?

A. He is a special agent.

Q. Pardon?

A. No, sir. He is a special agent.

Q. Okay. And then you had a Special Agent Kevin Blair; correct?

A. Yes, sir.

Q. And Blair was the recorder; right?

A. Correct.

Q. And what's the recorder's job?

A. He was typing all the entries into the computer to print out the sheet for the daily collection of evidence.

Q. So would Special Agent Blair then do that computer work at the end of each day's shift? Or did he have a laptop on the scene?

A. We had a laptop.

Robert J. Morton - Cross

Q. So he would go around with a laptop?

A. Correct.

Q. Okay.

MR. TIGAR: Thank you, your Honor. I have nothing further.

MS. WILKINSON: This witness can be excused.

THE COURT: May he be excused?

MR. TIGAR: Yes.

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

Next?

MR. MACKEY: Yes, your Honor. ATF Agent David Opperman.

THE COURT: Okay.

THE COURTROOM DEPUTY: Raise your right hand.

(David Opperman affirmed.)

THE COURTROOM DEPUTY: Would you have a seat, please.

State your full name for the record and spell your last name.

THE WITNESS: David Girard Opperman, O-P-P-E-R-M-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Mr. Opperman, tell the jury, please, where you live and

David Opperman - Direct work.

A. I work for the Bureau of Alcohol, Tobacco and Firearms in Houston.

Q. And how long have you worked for ATF?

A. Seven-and-a-half years.

Q. And in April of 1995, were you an agent then for ATF?

Q. And in April of 1995, were you an agent then for Air?

A. Yes, sir.

Q. Were you called to assist in the collection of evidence at the bomb scene in downtown Oklahoma City?

A. Yes, I was.

Q. When did you arrive?

A. About 10 p.m. the night of the 19th.

Q. And approximately how long did you stay to assist in those efforts?

A. Till the first week of May, I believe.

Q. I have some questions limited to one piece of evidence, Agent Opperman; and let me direct your attention, if I could, to Saturday, April 22d. Were you carrying out those duties on that day?

A. Yes, I was.

Q. And did you have occasion to search an area located on the northeast corner of Robinson and 6th Street?

A. Yes, I did.

Q. And on that day and in that place, did you retrieve certain physical evidence?

David Opperman - Direct

A. Yes, sir.

Q. Prior to coming to court this afternoon, Agent Opperman, did you take a look at a photograph previously admitted into evidence as 728?

A. Yes, sir.

Q. And does that photograph depict the site of the collection of a certain piece of evidence?

A. Yes, it does.

MR. MACKEY: Your Honor, with Agent Tongate's assistance, I'd like the witness to show where the building is on the photograph.

THE COURT: All right.

BY MR. MACKEY:

Q. Agent Opperman, does that aerial photograph capture the area of 6th Street and Robinson?

A. Yes, it does.

Q. Okay. Either stand up and point it out to the jury, or with the aid of the pointer, just show them what building in particular you searched and recovered evidence from that day.

A. It would have been on this building right here.

Q. All right. Now, just for our orientation, since it's an aerial, could you point out the Murrah Building?

A. The Murrah Building is right here.

Q. All right. And approximately what distance from the bomb crater was it that you recovered evidence in that intersection

David Opperman - Direct

you've described?

A. It's a block and a half to two blocks.

Q. Would you describe, Agent Opperman, exactly where it was that you found this particular item.

A. We located it on the rooftop of the building.

Q. And how tall a building?

A. One-story building.

Q. I'm going to show you now at this time what's not been admitted yet, Government Exhibit 789. It should come up on your screen in a moment.

Do you recognize what's shown in that photograph?

A. Yes, sir.

Q. And what is that, please.

A. This is a piece of the truck frame that we recovered from the top of this building.

Q. Does that accurately depict the location of that item of evidence as you found it on Saturday, April 22?

A. Yes, it does.

MR. MACKEY: Your Honor, I'd move to admit Government Exhibit 789.

MR. TIGAR: No objection.

THE COURT: Received.

BY MR. MACKEY:

Q. Describe what the jury is looking at, please, Agent Opperman.

David Opperman - Direct

A. This is a section of approximately a 4-foot piece of truck frame that we found located on top of this building that Saturday.

Q. And have you seen the photograph that also depicts that item of evidence, but gives perspective as to its location to the Murrah being?

A. Yes, sir.

Q. Let me show you now Government Exhibit 788. It's not yet admitted. And is that that photograph?

A. Yes, it is.

Q. And does that accurately depict the proximity of this piece to the Murrah building?

A. Yes, it does.

MR. MACKEY: Your Honor, I would move to admit Exhibit

789 -- excuse me. 788.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. And talk through the photograph, if you would, for the jury, as to what we're seeing, please.

A. This photograph was taken to show the perspective of where we located this piece of evidence to the Murrah Building itself.

Q. And in which direction as we're looking towards the Murrah Building? If you wouldn't mind, just take the pen that's up

David Opperman - Direct

there with the wire on it. Reach down below the tabletop and

press on the computer screen and just put a checkmark or X where the Murrah Building is located.

A. This is the Murrah Building here.

Q. And just circle the item of evidence again.

And please tell us again the approximate distance between the Murrah Building and the site of the evidence.

A. It's a block and a half to two blocks.

Q. Now, according to this photograph, there is another structure that stands between the Murrah Building and the site of the evidence; is that correct?

A. Yes, sir.

Q. Could you just circle that building.

And how tall was that structure?

A. It's a three-story building.

Q. Agent Opperman, after these photographs were taken, did you then actually physically remove the item of evidence?

A. Yes, sir.

Q. Let me ask you at this time, with the Court's permission, to step down to the table here in front of you and examine, please, Government Exhibit 787 and tell the jury whether that's the same piece of evidence that you found on the rooftop on Saturday, April 22d.

A. Yes. This is the same piece here.

Q. And how do you recognize it?

David Opperman - Direct

A. The damage to it located here and these grooves in it and comparing it to the photographs.

MR. MACKEY: I would move for the admission of Government Exhibit 787.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. MACKEY:

Q. Agent Opperman, one final question: Do you recall what the weather conditions were like on that day?

A. Saturday morning, it was cold and windy and rainy.

MR. MACKEY: Thank you. That's all I have.

THE COURT: Mr. Tigar?

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, Agent. My name is Michael Tigar. I'm one of the lawyers appointed to help out Terry Nichols.

You recovered this on the Saturday?

A. Yes, sir.

Q. And that would be what date? I'm --

A. The 22d.

Q. 22d. And were you -- and you were part of a search team that was assigned to search that particular area; correct?

A. Yes. Yes, sir.

Q. You had arrived there on the 19th; correct?

A. Yes, sir.

David Opperman - Cross

Q. So it -- and had it rained the night of the 19th?

A. I drove through rain getting there.

Q. All right. So -- you got there late on the 19th?

A. 10 p.m.

Q. Had it quit by the time you got there?

A. Yes, sir.

Q. And you probably checked into a motel and got some sleep; right?

A. That's exactly what I did.

Q. Did it look like it had rained more overnight when you were sleeping, when you got up in the morning?

A. I -- I don't recall.

Q. Okay. But you do recall that on that Saturday, there was more wind and rain; correct?

A. Yes, sir.

Q. Now, could you step down here, please, with the Court's permission.

THE COURT: Yes.

BY MR. TIGAR:

Q. Now, when you found this piece -- how heavy is this?

A. I'd say 50 to 70 pounds.

Q. All right. I'll do my best. I got it. I want to turn around and come over here to the jury. And do you see where it looks like there's been some pinging or hammer work on one of these edges here? See -- I don't want to rest it on the jury

David Opperman - Cross

box. Let's see. See right there? Is that the condition it was when you found it, just like that where it had sheared?

A. I don't remember.

Q. But --

A. I don't remember examining that that close.

Q. Okay. But, all of this distortion here, this tearing of the metal: That was what it looked like when you found it; isn't that right?

A. I believe so.

Q. Pretty -- pretty much like that; right?

A. Yes.

Q. And this folding back, the way that this is just folded like a piece of cloth: That was the way it looked like when you found it; correct?

A. Yes, sir.

Q. And you see here where there's actually a fracture mark here?

A. Yes.

Q. On the edge? That was the way when you found it; right?

A. I --

Q. As best you can remember?

A. I don't recall. I don't remember.

Q. Right. This looks pretty much like the piece of metal you found with all of these distortions on it; is that fair to say, sir?

David Opperman - Cross

A. Yes.

MR. TIGAR: Okay. I have nothing further, your Honor,
of the witness.

THE COURT: All right.

MR. MACKEY: He may be excused.

THE COURT: Agree to excuse him?

MR. TIGAR: Yes, your Honor.

THE COURT: You're -- you may leave. You're excused.

THE WITNESS: Thank you.

MR. MACKEY: Your Honor, we'll need five minutes to get this table out and bring another one in for the next two witnesses.

MR. TIGAR: I want to warn Government counsel: I'm not sure that's on there exactly right.

THE COURT: All right. We'll take a recess now.

Even though it's a little earlier than normally so you can readjust these things.

Members of the jury, we'll take our mid-afternoon break, then, at this time for the usual 20-minute period with the usual cautions: keeping open minds, avoiding discussion about the case or anything connected with it and anything outside of our evidence.

You're excused now. 20 minutes.

(Jury out at 2:58 p.m.)

THE COURT: All right. We'll recess.

(Recess at 2:58 p.m.)

(Reconvened at 3:18 p.m.)

THE COURT: Please be seated.

You've changed the set again.

All right.

(Jury in at 3:19 p.m.)

THE COURT: Okay. Next please.

MR. MACKEY: Call at this time ATF Agent Lowell Sprague.

THE COURT: Thank you.

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

(Lowell Sprague 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: Lowell Sprague, S-P-R-A-G-U-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Agent Sprague, where do you live?

A. Tulsa, Oklahoma.

Q. And how are you employed?

Lowell Sprague - Direct

A. I'm a special agent for the Bureau of Alcohol, Tobacco, and Firearms.

Q. How long have you been an agent with the ATF?

A. Since May of 1985.

Q. Where are you currently assigned?

A. Tulsa field office.

Q. And how long have you been assigned there?

A. Since May of 1985.

Q. Do you have -- did you have any law enforcement experience prior to 1985?

A. Yes, I did. I was employed by the U.S. Secret Service and prior to that, the Tulsa Police Department, beginning in 1976.

Q. For the past 21 years, you've been involved in law enforcement?

A. That's correct.

Q. Where were you on the morning of April 19, 1995?

A. I was in Tulsa.

Q. What were you doing?

A. I was at the Drug Enforcement Administration field office there in Tulsa.

Q. Did information come to you that morning about what had just occurred in Oklahoma City?

A. Yes, it did.

Q. And what did you do?

A. I immediately received orders to report to Oklahoma City

Lowell Sprague - Direct

and assist in any way I could.

Q. On the afternoon -- excuse me. On the afternoon of April 19, did you participate in a search of 5th Street in Oklahoma City?

A. Yes, I did.

Q. And approximately what time did you do that?

A. It was late in the afternoon or early in that evening.

Q. And in the course of that search that afternoon, did you come across a vehicular part?

A. Yes, I did.

Q. Did you mark and tag it?

A. I did.

MR. RYAN: Your Honor, may I approach the exhibits?

THE COURT: Yes.

BY MR. RYAN:

Q. Agent Sprague, let me first ask you if you can identify what's been marked as Government's Exhibit 734?

A. Yes, sir.

Q. And that is the truck part you found on the afternoon of April 19?

A. That is.

Q. I also ask you if you can identify Exhibit 733?

A. Okay. That depicts the same vehicle part.

Q. Do both of these photographs accurately represent what you saw on the afternoon of April 19?

Lowell Sprague - Direct

A. Yes, they do.

MR. RYAN: Your Honor, we would offer Government's Exhibits 733 and 734.

MR. TIGAR: No objection, your Honor.

THE COURT: They are received, may be shown.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Now, if you would, Agent Sprague, show us what we're looking at in this photograph.

A. This is the front axle to the -- to a vehicle, a large vehicle. That is the south curb line of 5th Street.

This is looking, I believe, west -- or eastbound to the intersection of Broadway right up here.

Q. And about how far is this front axle located in terms of where the Murrah Building is located?

A. I would say well over a city block.

Q. Let me give you a different perspective with Exhibit 733. And again, if you would, point out the front axle of the vehicle to the jury.

A. This would be the front axle here. This photograph depicts the axle and then continues westbound down 5th Street. This is the south curb line of 5th Street here.

Q. All right. What building is this we're looking at here, this white one?

A. I believe that's the YMCA building.

Lowell Sprague - Direct

Q. And this tall building here in the distance?

A. Would be the Regency Tower building.

Q. Can you see the Murrah Building on this photograph?

A. No, you can't. It would be over here on the -- also on the south side of 5th Street.

Q. And you're indicating to the top left-hand corner of the building?

A. That's correct.

Q. I mean of the photograph?

A. That's correct.

MR. RYAN: Your Honor, may the agent have permission to step down?

THE COURT: Yes.

BY MR. RYAN:

Q. Agent Sprague, if you would without displaying the exhibit to the jury, could you look under the tarp and see if this -- what's been marked as Government's Exhibit 732 is the axle that you located on the afternoon of April 19?

A. Yes, I can.

Q. And is it?

A. Yes, it is.

Q. And how do you know that?

A. There is a tag affixed to the axle that I filled out, completed and affixed to the axle that date

Completed and affixed to the axle that date.

Q. Do you also recognize the axle itself?

Lowell Sprague - Direct

A. I do.

MR. RYAN: Your Honor, the Government would offer Exhibit 732.

MR. TIGAR: May I just look at it, your Honor?

THE COURT: Yes. Certainly.

MR. TIGAR: No objection, your Honor.

THE COURT: 732 is received.

You can take the cover from it there.

MR. RYAN: Thank you, your Honor.

BY MR. RYAN:

Q. Do you know how much this thing weighs?

A. I don't, no. I know it's heavy, though.

Q. And would you show the members of the jury what you're speaking of when you say the front axle that you found on 5th Street.

THE COURT: Maybe you can elevate that lift.

MR. RYAN: Yes. Thank you, your Honor.

THE WITNESS: It would be this piece right here, Exhibit 732. Here's the tag with my initials and date that I affixed to it that evening.

MR. RYAN: Thank you, you can be seated.

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

THE COURT: All right. Mr. Tigar?

MR. TIGAR: Thank you.

CROSS-EXAMINATION

Lowell Sprague - Cross

BY MR. TIGAR:

Q. Good afternoon, Agent. I'm Michael Tigar, one of the lawyers appointed to help out Terry Nichols.

Did -- this item here was photographed in place before it was recovered; correct?

A. That's correct.

Q. And was that done under your direction?

A. No, it was not.

Q. Were you a part of a search team that day?

A. I was.

Q. And was that an ATF search team or a joint search team?

A. It was a joint effort.

Q. This was on the 19th?

A. That's correct.

Q. And in the afternoon?

A. Late afternoon. Early evening.

Q. Who was in command of the search process or crime-scene processing at that point?

A. I'm not sure who was in command.

Q. Did you later meet Agent David Williams?

A. Not that I recall.

Q. Now, you put on this axle this tag and the red tape.

Correct?

A. I put the tag on. I don't know about the red tape.

Q. Okay. And -- and on the -- this writing on the side here:

Lowell Sprague - Cross

Can you see what I'm holding up, the tag?

A. No, sir, I can't.

THE COURT: You may step down so you can see what Mr. Tigar is referring to.

BY MR. TIGAR:

Q. This is your writing on the tag; correct?

A. That's correct.

Q. And the initials LHS; and that's you; correct?

A. That's correct.

Q. Now, the writing on the other side, which is 50508028Q987DW: That is not your writing; correct?

A. That is not. That's correct.

MR. TIGAR: Excuse me, your Honor.

Sorry, sir.

BY MR. TIGAR:

Q. That was put on afterwards; right?

A. It must have been. It wasn't there when I affixed it.

MR. TIGAR: It was not there when you affixed it.

Thank you, your Honor. No further questions.

THE COURT: All right. Excusing him?

MR. RYAN: Yes, your Honor.

THE COURT: You're excused.

THE WITNESS: Thank you.

THE COURT: Next.

MR. MACKEY: Yes. FBI Agent Todd McCall.

THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand.

(Anthony McCall 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: Anthony Todd McCall, M-C-C-A-L-L.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed.

MR. GOELMAN: Thank you.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Agent McCall, do you work for the FBI in Dallas?

A. Yes, I do.

Q. How long have you been a special agent in Dallas?

A. I've been in Dallas six-and-a-half years.

Q. And in April, 1995, were you one of the leaders of the Dallas FBI Evidence Response Team?

A. Yes, I was.

Q. When did you first hear about the bombing in Oklahoma City?

A. At about 9:15 a.m. on Wednesday, April 19.

Q. And were you later directed to drive up to assist in the investigation, later on the 19th?

A. Yes, I was.

Q. At about 10:30 in the evening on the 19th, did you

Anthony McCall - Direct

coordinate a search on N.W. 5th Street right in front of the Murrah Building?

A. Yes, I did.

Q. And at the time of that search, did you know anything about cars?

A. Yes, I do; and at that time I did, also.

Q. Okay. Did you during that search recognize some pieces that you thought were debris from a large vehicle?

A. Yes, I did.

Q. And with the Court's permission, I'm going to ask you to step down and see if you can find three different pieces under the tarp here.

THE COURT: You may do that.

THE WITNESS: Thank you.

THE COURT: They're not in evidence. They oughtn't be displayed.

MR. GOELMAN: I'd inquire of Mr. Tigar through the Court if he has any objection to doing it this way and having him identify these objects.

MR. TIGAR: If I can look at it, your Honor. I don't think so.

These pieces?

MR. GOELMAN: This one, this one, and that one.

MR. TIGAR: No objection, your Honor.

THE COURT: All right.

Anthony McCall - Direct

BY MR. GOELMAN:

Q. Agent McCall, I want you to take a look at what's been marked for identification Government's Exhibit 757 and tell me if you recognize that.

A. Yes, I do.

Q. What is it?

A. This is what used to be a torque converter from an automatic transmission.

Q. How do you know -- when did you first see that torque converter?

A. I saw this torque converter on N.W. 5th Street in front of the Murrah Building probably about 10:30 that evening.

Q. How do you know that's the same item you saw?

A. First of all, the damage that was -- that had been done to the torque converter, I noticed there were some dents in the torque converter that looked like had been made by a bolt head. And additionally, there is a tag on the side with my initials on it.

Q. Could you take a look at that -- I think it's marked Government's Exhibit 759. No, it's 760. It's the medium-size item there?

A. Yes. This is a crankshaft from the motor that was

A. Yes. This is a crankshaft from the -- a motor that was also there on N.W. 5th Street in front of the Murrah Building that was also picked up that night at about 5:30.

Q. How can you identify this as the same crankshaft that you

Anthony McCall - Direct
saw on April 19?

A. First of all, I remember looking at the piston and pushrods that were still attached to the crankshaft; and again there is a tag on this item with my initials on it.

Q. Directing your attention now to the big piece of metal.

A. Yes. This is also a section of a frame from a truck that was also in front of the Murrah Federal Building. A couple of things that got my attention when I first saw this: The bent and twisted end at one end and then the other end that was somewhat -- almost undamaged with the bracket still bolted to it and again a tag with my initials.

MR. GOELMAN: Your Honor, we offer Government's Exhibits 757, 760, and 763.

MR. TIGAR: No objection, your Honor.

THE COURT: They are received.

MR. GOELMAN: Take a seat, please, Agent McCall.

May I approach, your Honor, to show him some photographs?

THE COURT: Yes.

BY MR. GOELMAN:

Q. Mr. McCall, I'm showing you what's been marked for identification as Government's Exhibit 759. Do you recognize what's depicted there?

A. Yes, I do.

Q. And is that a fair and accurate depiction of the way that

Anthony McCall - Direct
particular piece looked when you saw it?

A. Yes, it is.

MR. GOELMAN: Move to admit Government's 759, your Honor.

MR. TIGAR: May I inquire, your Honor?

THE COURT: You may.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Agent, did you cause this or ask this photograph be taken?

A. No, I did not.

Q. And when you recovered these items, was it dark?

A. Yes, it was.

Q. But can you -- even though this -- this does not appear to have been taken in the dark. Right?

A. That's correct.

Q. But these positions are the positions that you remember these items being; is that right?

A. That's correct.

Q. And are you able to tell that in part by the relative position of the white line and so on, things like that?

A. Yes.

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

THE COURT: All right. Received.

DIRECT EXAMINATION CONTINUED

BY MR. GOELMAN:

Anthony McCall - Direct

Q. Agent McCall, can you please describe for the jury what they're seeing in this photograph.

A. The item that I mentioned a few moments ago, the torque converter, is right here in the center of the picture. This is the centerline of the street. The Murrah Federal Building would have been to the left of the photographer. The photographer would have been standing in the street facing the north-northwest, with the apartment building down the street and again, like I said, the Murrah Building to the left of the photographer and again the torque converter sitting there in the street.

Q. There appears to be some fluid around the torque converter. Was that the case when you first saw it?

A. When we appeared at the scene, the first time I saw that, yes, there -- I would have seen that fluid on that -- on the street. Later in the evening when this was picked up, it had rained and the entire street was wet.

Q. Were you able to determine what that fluid was when you saw it?

A. Based on my knowledge of cars, it would have been transmission fluid, because a torque converter is full of transmission fluid.

Q. Thank you. I want to show you what's been marked for identification as Government's Exhibit 761. Can you see the crankshaft that you recovered in this picture?

Anthony McCall - Direct

A. Yes, I can.

Q. Is there anything different about this picture and the way the scene appeared when you saw it when you arrived on April 19?

A. There was no smoke; and then when I recovered the item, there was yellow crime-scene tape on the item.

Q. Is that picture an accurate depiction of the way the part itself looked and the location of the part?

A. That's the right location; but before I recovered the part, someone had taken yellow crime-scene tape and placed it on the item itself.

MR. GOELMAN: Move to admit Government 761, your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

BY MR. GOELMAN:

Q. Can you please point out the crankshaft that you've tied here in court in this picture.

A. The crankshaft is right here. The torque converter is right there, and the car that was in the other picture is there towards the center of the street. Again, this picture would have been taken by the photographer -- was facing facedown N.W. 5th Street with their back to the intersection of Robinson, and again the crankshaft right there and the torque converter about 20 feet closer to the crater.

Anthony McCall - Direct

Q. Can you identify what would have been the right lane of traffic if you were headed east on N.W. 5th Street?

A. There would have been a lane for parking here, and then there would have been a lane for driving here and here and here.

Q. And the crankshaft is right on top of the white line on the right side of the right lane?

A. That's correct.

Q. Agent McCall, finally I'm showing you what's been marked for identification Government's 764.

A. Yes.

Q. Do you see one of the pieces that you've identified in court in this picture?

A. Yes, I do.

Q. Is this a fair and accurate depiction of its location and its appearance when you saw it on April 19?

A. Yes, it is.

MR. GOELMAN: Move to admit Government's 764, your Honor.

MR. TIGAR: 754?

MR. GOELMAN: 764.

MR. TIGAR: Oh, 764. Thank you. No objection.

THE COURT: Received.

BY MR. GOELMAN:

Q. Can you point out the piece of truck rail that you

Anthony McCall - Direct

recovered on the 19th.

A. Here on this pile of debris is the frame section itself that we recovered. This is the end that is damaged, this is the end that is undamaged, and this is debris that had cascaded out of the building from the explosion; and this picture was taken by a member of my Evidence Response Team.

Q. Can you tell from this picture where in relation to the street and the curb and the front of the Murrah Building you found the piece of side rail?

A. This picture would have been taken with the photographer facing a westerly direction. The building would have been to the photographer's left, and the street would have been to the photographer's right. This would have been the right area right here.

Q. Can you see lines from the street itself on this picture?

A. I can't see any right now, no.

Q. Thank you, Agent.

Finally, Agent McCall, I want to show you what's already in evidence as Government's Exhibit 728 and have you indicate where you found these three pieces of debris.

A. The building right here: That blue dot right there is the crater itself. The frame would have been just about 15 feet to the east of the crater. The torque converter would have been about 60 or so feet to the east of the crater, and then the remaining piece, the crankshaft, would have been about 80 or so

Anthony McCall - Direct

feet to the east of the crater, almost in a straight row.

MR. GOELMAN: Thank you, Agent McCall.

That's all I have, your Honor.

THE COURT: What was that exhibit number?

MR. GOELMAN: 728.

MR. TIGAR: 728: It's in, your Honor.

THE COURT: Thank you.

Go ahead, Mr. Tigar.

MR. TIGAR: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Hello again, Agent. I'm Michael Tigar, one of the lawyers appointed to help out Terry Nichols.

You know cars; right?

A. I know a little bit about cars.

Q. You rebuild cars, don't you?

A. I've rebuilt a couple of Mustangs -- or actually working on one. I've rebuilt another.

Q. So when you saw these things, you knew what you were looking at; right?

A. Yes, sir.

Q. Now, looking here at this -- this is a piece of crankshaft?

A. Yes, sir.

Q. The one that I'm pointing to here, which is --

MR. TIGAR: Excuse me, your Honor.

Anthony McCall - Cross

Can you help me out here what exhibit number that is, sir?

MR. GOELMAN: 760.

MR. TIGAR: Thank you, Mr. Goelman.

BY MR. TIGAR:

Q. This is 760; right?

A. Yes, sir.

Q. Now, in its original state, these pieces here like this were connected to something; right?

A. That's correct.

Q. So in order to get to where it is, this thing has to have been torn out of the place where it originally was; right?

A. Yes, sir.

Q. And it bears marks around the edge that's consistent with that; right?

end, right.

A. I would believe so, yes.

Q. And in addition to that, did you see scorching on there? Do you see what looks like scorching, or does it look more like just what you'd see normally in a shop working on an engine?

A. I didn't closely examine the piece when I picked it up. I picked it up and tagged it and put it in the truck.

Q. Okay. And similarly, you told us this torque converter in real life -- this torque converter is just, you know, like perfectly round; right?

A. That's correct.

Anthony McCall - Cross

Q. What time of day did you get up there, sir?

A. I arrived in Oklahoma City at approximately 1:30 p.m.

Q. And so you were in a position to see the situation when it was light; correct?

A. Yes, sir, I was.

Q. Now, at the time you arrived -- here is Government's Exhibit 761.

MS. WILKINSON: Mr. Tigar, there is no screen here.

MR. TIGAR: There is only one screen.

THE COURT: I think the jury may be able to see it.

MR. TIGAR: Well, all right. I'll try.

BY MR. TIGAR:

Q. This is the picture you were shown. I'm putting it up here instead of using the big one -- that has all that black smoke; correct?

A. That's correct.

Q. Now, that fire had been put out; correct?

A. There was no smoke when I arrived, no.

Q. So your visibility of the scene was unobstructed; correct?

A. That's correct.

Q. This black smoke here looks like it reduced visibility down to some very short distance; right?

A. I was not there, so --

Q. Well, you can see here that you can hardly make out some of these details; correct?

Anthony McCall - Cross

A. Correct.

Q. So that's consistent with visibility having been reduced to a very short distance; right?

A. If you say so.

Q. Well, I'm just asking you, sir, your interpretation of the picture. Does it look like it's a short distance?

A. It would appear to be a short distance.

Q. Something -- I mean impossible to tell, you know, but short?

A. Correct.

Q. On the order -- all right.

Now, this picture -- you were shown a picture, 764.

Maybe we should get the big one.

THE COURT: All right.

MR. TIGAR: If I may, your Honor.

BY MR. TIGAR:

Q. If we can look at this together: That's that piece of frame rail; correct, sir?

A. That's correct.

Q. And that -- your Evidence Recovery Team asked you to -- excuse me -- You asked somebody in your team to take a picture of it; right?

A. That's right.

Q. You had a photographer with you?

A. That's right.

Anthony McCall - Cross

Q. Now, had Agents Williams and Hahn arrived yet?

A. I believe they had.

Q. Were they the ones that were directing which parts you were to search?

A. No.

Q. Somebody else made that assignment; is that correct?

A. No. I made the assignment.

Q. Oh, you were making the assignment what to search.

Now, it appears in this picture there is some pink here around this.

A. Correct.

Q. What's that?

A. I believe that's paint.

Q. Did you direct someone to spray-paint with pink around the item before it was recovered?

A. No, I did not.

Q. Do you know who did?

A. No, I do not.

Q. Is that a standard technique in evidence recovery, to mark the location of an item that's to be recovered with pink paint, or with some other kind of paint?

A. It's not mine, no.

Q. When you first saw this item, the frame rail, was the pink paint already there?

A. Yes, it was.

Anthony McCall - Cross

Q. Were you directed to look for things and pick up things that had pink paint around them?

A. No, I was not.

Q. So you're telling us that you -- you have no knowledge as to how that paint got there; correct?

A. I have no idea.

Q. Now, was it you that made the decision to have the item photographed in place before it was moved?

A. Yes.

Q. And why did you do that?

A. A practice we tried to adhere to, have pictures taken of

evidence items before they were moved.

Q. In fact, it is FBI procedure also to make a sketch, is it not?

A. Generally, it is.

Q. Did you make a sketch in this instance showing where this item had been recovered?

A. I do not believe so.

Q. You thought that a picture was adequate; correct?

A. At that point in time, we were trying to get more equipment into the scene, so we picked up the item and took pictures and did what we could at the time.

Q. Did the best you could; right?

A. That's correct.

Q. But -- now, you stated that at some point the rain began;

Anthony McCall - Cross

correct?

A. That's correct.

Q. What time did the rain start to your memory?

A. It was about 8 p.m. when a pretty strong storm came through.

Q. Thunderstorm?

A. Yes.

Q. Now, you're from Houston; right?

A. Dallas.

Q. Dallas. Excuse me. You know what a thunderstorm is?

A. Yes, I do.

Q. And that was one; correct?

A. That was one.

Q. Now, how long did that last?

A. It lasted at least 30 minutes.

Q. Now, was there rain later, then, in the evening?

A. I do not recall any more rain after that storm passed.

Q. Okay. And how did the morning of the 20th dawn, if you remember?

A. I was still there at the scene, and I believe it dawned with fairly clear skies.

MR. TIGAR: Thank you. No further questions, your Honor.

Thank you, sir.

MR. GOELMAN: I just have one question, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. GOELMAN:

Q. Mr. McCall, Mr. Tigar asked you whether or not you had that piece sketched?

A. Correct.

Q. What was the priority when you were doing searches on April 19, 1995?

A. Priority was to get as much debris off the streets so that we could get emergency rescue equipment and other heavy equipment in to obtain victims out of the building.

MR. GOELMAN: I have nothing further.

MR. TIGAR: No questions, your Honor.

THE COURT: All right. Excused. I assume?

THE COURT: All right. Excused, I assume:

MR. GOELMAN: Yes, your Honor.

MR. TIGAR: Yes, your Honor.

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

MR. MACKEY: Your Honor, our next witness, Mr. Ed Paddock.

Your Honor, we can proceed for a while. This witness may need to ask the Court's indulgence to shift some of the physical evidence.

THE COURT: All right. You just let me know when you're ready to do that.

MR. TIGAR: Once again, your Honor, although I may wish to voir dire on some items, we have no objection to all the covers being taken off at this point.

MS. WILKINSON: Thank you.

MR. TIGAR: If that's going to assist in the presentation.

MS. WILKINSON: That would assist. Thank you.

THE COURT: All right.

(Edward Paddock 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: Edward Michael Paddock, P-A-D-D-O-C-K.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Mr. Paddock.

A. Good afternoon.

Q. Are you here to tell us what you know about Ford trucks?

A. Yes, ma'am.

Q. Okay. Can you tell us what your profession is?

A. I'm a mechanical engineer, more specifically an automotive mechanical engineer.

Q. Could you tell the jury just briefly about your educational background.

A. I received an associate's degree from the University of

Edward Paddock - Direct

Scranton in Pennsylvania in 1962, I received a bachelor's of mechanical engineering from the University of Detroit in 1965, and I received a master's of mechanical engineering from the University of Michigan in 1968.

Q. And did you have on top of that any other education?

A. At one time I thought I might be a patent attorney and attended law school at night, but -- and received a juris doctorate in 1973 from Wayne State University in Detroit.

Q. But you've never practiced law; is that right?

A. No, ma'am.

Q. You had a real job?

A. Yes, ma'am.

Q. Okay. And why don't you tell the jury where you worked for the past 34 years.

A. Starting in 1962 as a cooperative engineering student, I started out at Ford Motor Company and went alternating

three-month periods to school and to work and stayed with Ford for 34 years until last December 31.

Q. And during your time, or your career at Ford, did you have a variety of different jobs?

A. Yes, ma'am.

Q. At certain times in your career, did you focus on trucks?

A. I focused on trucks primarily throughout my entire career.

Q. And can you give the jury a description of the types of jobs you did for Ford?

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A. Well, I was a trainee, I was a draftsman, I was a test engineer, a development engineer, a durability engineer, a design engineer, a design supervisor in several different organizations within truck operations, and that's a thumbnail sketch.

Q. And during that time, you learned a lot about Ford trucks; is that right?

A. An awful lot, yes.

Q. And what was your last job before you retired from Ford?

A. I was a design analysis engineer in one of the advanced engineer departments.

Q. What did you do as a design analysis engineer?

A. I provided technical support to younger engineers in the company, to outside people, such as suppliers, to attorneys. I helped defend product liability lawsuits and that type of thing.

Q. In that capacity, were you ever called to testify?

A. Yes, ma'am.

Q. And have you testified in court previously?

A. Yes, ma'am.

Q. Now, you told us you retired last December from Ford?

A. Yes, ma'am.

Q. Where are you currently employed?

A. I'm employed by a company called Failure Analysis.

Q. And what does Failure Analysis do?

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A. Well, Failure Analysis is part of a much larger organization called the Failure Group, and the Failure Group is an international engineering consulting firm which specializes in the analysis of failures, primarily related to disasters; and in the Detroit office, I specialize in engineering failures associated with automotive products.

Q. How long have you worked for Failure, then?

A. Since January 3 of this year.

Q. Did you complete all your -- let me start with this: Were you asked by the federal government to assist in the investigation of the Oklahoma City bombing?

A. Yes, ma'am.

Q. And were you asked to look at metal debris that was recovered from the crime scene in downtown Oklahoma City?

A. Yes, ma'am.

Q. And did you do some analysis?

A. Yes, ma'am.

Q. And did you complete all of that analysis before you retired from Ford?

A. Yes, ma'am.

Q. Now, can you tell us when you were contacted by the FBI to assist in this investigation?

A. Well, I happened to be in Oklahoma City on April 25 of 1995, and I was contacted just about that time.

Q. What were you asked to do?

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A. At the time, I was asked to visit with the FBI and to render assistance in providing part identification.

Q. Did you do that at that time?

A. Yes, ma'am.

Q. Do you recall how long you spent in Oklahoma City at that time?

A. Five days.

Q. And over the past two years, have you continued to inspect metal fragments that were recovered from the crime scene?

A. Yes, ma'am.

Q. And did you make any identifications of those parts?

A. Yes.

Q. How did you do that?

A. I consulted a variety of Ford documents and engineers' drawings.

Q. Could you give us an idea of what type of documents you looked at?

A. Well, I started out with the invoice for the vehicle. I looked at the -- something we call the technical specification list, which is a summary of major parts. I looked at the bill of materials which contains all of the parts on the vehicle. I looked at the engineering drawings of many of the parts and an exemplar vehicle.

Q. During your participation in this investigation, do you recall how many parts you identified from the crime scene?

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A. I want to say it was about 195 or '96, right in that order, just a little bit shy of 200.

Q. Today, have you only selected a few that you want to show the jury?

A. Yes, ma'am.

Q. Now, you told us that you were contacted by the FBI back shortly after the bombing; is that right?

A. Correct.

Q. And did you receive from them a VIN number?

A. Yes, I did.

Q. And what were you asked to do with that VIN number?

A. I was asked to investigate and to identify the parts of

A. I was asked to investigate and to identify the type of vehicle and the parts on that particular vehicle if I could.

Q. Were you able to do that, knowing the VIN number?

A. In part, yes.

Q. Tell us about that.

A. Well, I was able to pull the bill of materials, which identified hundreds of parts on the vehicle; and it also allowed me to pull engineering drawings, which I utilized to identify other parts.

Q. At some point did the FBI show you a rear axle which had a confidential VIN number on it?

A. Yes, ma'am.

Q. And did you inspect that?

A. Yes.

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Q. And did that assist you in determining the public VIN?

A. Yes.

Q. Can you tell the jury a little bit about what a vehicle identification number does.

A. Well, a vehicle identification number is something which is required by the federal government, primarily the National Highway Traffic Safety Administration. It has 17 digits in it, and all of those digits mean something in terms of identifying this particular vehicle.

Q. And have you prepared a chart to assist -- or assist you in explaining to us what those 17 digits told you about the Ryder -- excuse me -- about the Ford truck?

A. Yes.

Q. Were you able to determine when you reviewed all that paperwork whether Ford had actually manufactured that truck?

A. Yes.

Q. What did you determine?

A. I determined that Ford did, indeed, manufacture that vehicle.

Q. In what year?

A. In 1993.

Q. And did you determine what happened to that truck after it came off the Ford assembly line?

A. It was eventually sold to a company, Ryder Truck Rental.

Q. And when was it sold to Ryder?

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A. It was delivered to Ryder March 1 of 1993.

Q. If -- if you look at the 17 digits on the VIN number, will you be able to -- or are you able to determine identifying information including the information you've just shared with us about the year of the manufacturing of the Ford truck?

A. Yes.

MS. WILKINSON: Your Honor, we'd offer Government's Exhibit 798 for demonstrative purposes.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. 798 received. may be used for

THE COURT: All right. You received, may be used for demonstrative purposes.

MS. WILKINSON: May I ask Agent Norman to come forward to put it up?

THE COURT: Yes.

You maybe want to use the easel there.

BY MS. WILKINSON:

Q. Mr. Paddock, is it fair to say this chart has a lot of information on it?

A. Yes, ma'am.

Q. Okay. Could you start at the top and tell us what's highlighted in yellow there.

A. At the top is highlighted the 17-character VIN number.

Q. And you have, I see, certain numbers underneath those 17 characters. Is that right?

A. Correct.

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Q. Can you use your pointer -- I think it's there in front of you, and you can step down if you keep your voice up, or if you can do it with the light and tell the jury starting with Category 1 what those characters indicate to you about this truck.

A. Well, the first three indicate the world manufacturer, which is Ford Motor Company.

It also identifies it as an incomplete vehicle, which means that it's not ready to perform its intended function. It needs something else done to it, which is the addition of a body by someone else.

Q. Could we stop right there for a moment. Could you tell us when Ford manufactured this truck, did they manufacture the box that was on the truck?

A. Not on the back, no, ma'am.

Q. So what portions of the truck did Ford manufacture?

A. They manufactured that thing which is called the chassis cab, which is the frame, all the suspension, and the cab, which is where people sit and drive the unit.

Q. Do you know who manufactured the box that was put on top of your Ford truck before it was sold to Ryder?

A. Yes, ma'am.

Q. Who was that?

A. Morgan Body.

Q. Now, if you could continue and tell us what was the next

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category.

A. The next digit is an "N," identified is the brake class. All vehicles fall into a brake class, and that's something required by the federal standard.

The next three digits, F72, that means it's a -- that means it's a Ford F700 chassis cab with a low-profile option. It's a special vehicle which has a low profile to accommodate

certain aftermarket bodies such as this Ryder truck.

The J is the engine, which is a 7-liter, electronic, fuel-injected Ford.

The 4 is a check digit. It's a digit which is used to calculate and determine that all those other 16 digits, if they're properly recorded, will result in a 4. It's a computer technique to verify proper input.

The P is a letter designated by the federal standard, which means it's a 1993 model year vehicle.

The V is the plant which Ford uses to produce this vehicle.

Q. And what plant is that where this vehicle was manufactured?

A. That's the Kentucky truck plant down -- outside of Kentucky.

Q. Is that the only Ford truck plant that makes the F700 series?

A. Yes, ma'am.

That was outside of Louisville, Kentucky.

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Q. Sorry. Go ahead.

A. And the A is the first -- first of six digits used for a sequence number; in other words, it's A26077. If it went to 100,000, it would be a B00001.

Q. You can take your seat.

Is that a number that helps you determine when it came off the assembly line in terms of --

A. Not very well, no.

Q. And is it unique to that vehicle?

A. It is unique to that and all other Ford vehicles, yes.

Q. Can you tell the jury what a confidential VIN is?

A. A confidential VIN varies, and it is that part of the VIN after the 4; and it may have eight, seven, six digits in it. It all depends.

Q. In this case, what was the CVIN for this truck?

A. The CVIN was PVA26077.

Q. Is that a unique number for this truck?

A. Yes, ma'am.

Q. And does -- where does Ford put the entire public VIN on this F700 series truck?

A. It's put on a certification label required by NHTSA, and that label is affixed to the door, or the B pillar.

Q. Why is it put on the door and not on the window like our cars have?

A. These trucks tend to be so high that if you went to look at

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the VIN number -- say a police officer or whatever -- you couldn't reach it, you couldn't see it.

Q. Now, we heard early in this case a little bit about the confidential VIN number. Do you or does Ford place that on

various parts of the truck?

A. Yes.

Q. Why do they do that?

A. To assist a -- police officers and law enforcement agencies in identifying vehicles which may have been stolen and the parts stripped and sold.

Q. On what portions of the truck do you mark the CVIN?

A. We mark it on the rear-axle housing, we mark it on the transmission, we mark it on the frame, and we mark it on the engine.

Q. Now, in front of us we have quite a few pieces -- what I'll call unidentified -- metal fragments from the crime scene. And you've reviewed these before coming to court?

A. Yes.

Q. Have you also brought some exhibits to compare these pieces to?

A. Yes.

Q. How did -- or how did you come by these exhibits, or let's call them exemplars?

A. We tracked down the next sequentially built Ryder truck, and that would be the vehicle with the last digit of an 8, and

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purchased it from Ford -- from Ryder Truck Rental. And when I say "we," I mean Ford Motor Company.

Q. So are these exemplars made from the truck that was of the next F700 series truck off the Ford assembly plant?

A. Yes.

Q. And how did you take the truck and make it into these exemplars?

A. We just dismantled it piece by piece and reassembled it after we had cleaned it up and painted it.

Q. Will this assist you in showing the jury what these pieces looked like before they were involved with the explosion?

A. Yes, ma'am.

Q. And you can -- we can look at this piece right in front here with the front bumper. This looks rather cleaned up. Is this what the truck looked like when you purchased it?

A. No, it was dirty and rusty, and we cleaned it up and repainted it.

Q. And did you add any additional paint for purposes of explaining your testimony to the jury?

A. Yes.

Q. What did you do?

A. We painted various parts, which I had identified as fragments found at the bomb scene, in different colors to assist in picking them out from all black parts.

Q. And did you also cut away certain portions of the exemplars

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to show the jury certain portions of the truck?

A. Yes.

Q. We'll move this one; but can you describe what this is the

Q. We'll move this one, but can you describe what this is, the wheel that I'm pointing to?

A. That's the wheel and the tire.

Q. What did you cut away from there?

A. We cut away part of the wheel so one could see the inside or the brake system.

Q. Now, did you examine the rear axle from the crime scene -- that was recovered from the crime scene?

A. Yes, ma'am.

Q. Could you step down, Mr. Paddock.

If you can push that right in front of the jury. And we need to move this exemplar -- is that right -- to show the rear axle?

A. Yes.

MS. WILKINSON: Your Honor, we'd offer 791 for demonstrative purposes, the exemplar of the rear axle.

MR. TIGAR: May I inquire of counsel?

THE COURT: Sure.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Let me -- 791 -- Hi, there. I'm Michael Tigar. I'm helping out Terry Nichols.

This is 791, the rear-axle exemplar?

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A. Yes, sir.

MR. TIGAR: No objection to that, your Honor.

THE COURT: All right.

DIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Okay, Mr. Paddock. This is the rear axle that was recovered at the crime scene, which is 637A -- I'm looking at the wrong one. I think it's 630.

It's 630. And did you examine this piece?

A. Yes, ma'am.

Q. And did you determine what it is?

A. Yes.

Q. What did you determine that it is?

A. It is the thing that houses all of the internal parts of the axle called the rear-axle housing.

Q. And did you examine the CVIN here?

A. Yes, ma'am.

Q. What did you determine about that?

A. It is the vehicle that was eventually sold to Ryder, and it has a partial VIN number of PVA26077.

Q. And can you describe for the jury just briefly what the rear-axle housing consists of?

A. Well, it primarily consists of the housing itself and the two tubes upon which all the bearings, spindles, the wheels and eventually the tires.

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Q. And can you describe for them what this rear-axle housing

looked like before when it was attached to the Ford truck?

A. Well, essentially it looked like the part we have marked as 791.

MS. WILKINSON: Your Honor, I don't know if some of the jurors want to stand to -- because this is so close.

THE COURT: Well, all right.

BY MS. WILKINSON:

Q. Go ahead. You can explain how this was attached originally using the exemplar.

A. Well, basically the attached -- out at each outer end were all the bearings which held the brake assembly. We had a brake assembly at each end which we cover with a hub at each end, to which we mounted the wheels, two on each side.

Q. And this portion where the CVIN is -- where is that on our exemplar?

A. In the same place roughly, and it has the next sequential number, which is PVA26078.

Q. And this damage here right in the center area?

A. That's a tear caused by high forces.

Q. Now, you told us this was attached to the wheel rim; is that right? And the brakes?

So to remove this rear-axle housing from that portion, what would you have to do?

A. You'd have to disconnect the U-bolts, which are mounted

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roughly in this area on each side, and those U-bolts go up to a spring, and the spring is mounted to the frame; and that's what bolts everything together.

Q. Since I mentioned a U-bolt, can you identify this, Government's Exhibit 742?

A. Yes. 742 is actually -- three pieces together here. One is the U-bolt, and one is a shock bracket, and one is a spring cap. And at one time, the spring cap was on the top. The springs went through the U-bolt, and the lower part was bolted to the axle.

Q. Now, this U-bolt: Was it in this shape when it was attached to the axle?

A. No, it looks exactly like the letter U inverted, and it is in its original condition.

Q. Where on this rear-axle housing --

A. It would go roughly right in that area when it was in its original condition.

Q. Mr. Paddock, during your analysis, did you also look at portions of the engine?

A. Yes, ma'am.

Q. And were you able to determine that certain items from the crime scene were part of the engine of the F700 Ford truck?

A. Yes.

MS. WILKINSON: Your Honor, I'd offer Exemplar 807 for demonstrative purposes.

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MR. TIGAR: May I just look, your Honor?

THE COURT: Sure.

MR. TIGAR: No objection, your Honor.

THE COURT: Received for the demonstrative purpose.

BY MS. WILKINSON:

Q. Now, Mr. Paddock, do you see this item right here?

A. Yes, ma'am.

Q. What is that?

A. That's a crankshaft that was in the original 7-liter engine.

Q. You were pointing to Government's Exhibit 760. Is that right?

A. Yes, ma'am.

Q. And did you examine this crankshaft?

A. Yes.

Q. And did you compare it to the exemplar, Government's Exhibit 807?

A. Yes.

Q. Can you show the jury where the crankshaft would be in the engine?

A. Well, the crankshaft starts naturally at the front of the engine. This would be the front of the engine where your fan and your radiator is situated, and I would be at the rear of the engine where the transmission is situated; and the crankshaft runs from front to rear and is marked with a casting

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part number which I've highlighted in yellow.

Q. Now, have you cut away this exemplar, Government's Exhibit 807, to show the jury the crankshaft?

A. Yes. We've cut away the entire right side of the engine plus the top.

Q. Can you describe how the engine was constructed and how the crankshaft was inside the engine before you did this cutaway?

A. Basically, it was mounted from the bottom with all the journals and the bearings, and the cutaway portion of the engine looked exactly like the remaining portion on the opposite side.

Q. How difficult would it be to get the crankshaft out of the engine?

A. You couldn't unless you completely dismantled it.

Q. Turn it sideways.

I don't know how easy it is for the jury to see this. It's too heavy for me to lift, Government -- no, leave that right there, please -- all right. 757. Can you lift that up and show the jury.

Did you determine what Government's Exhibit 757 was?

A. Yes. It is the torque converter which is mounted to the transmission and to the engine, and it originally looked like the part which is on the back of our other exemplar.

Q. Can you describe for the jury the changes in Government's Exhibit 757? How does it look different from the original?

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A. Well, it's obviously deformed on one side, and the output shaft is displaced relative to its internal parts.

Q. Why don't you put it down before I ask you another question.

How was the torque converter, Mr. Paddock, attached to the engine?

A. It comes in as part of the transmission and it is then bolted to the flywheel which is on the engine itself.

Q. What type of metal is used to keep the crankshaft and the torque converter in the engine?

A. It's a casting that comes actually on the transmission.

Q. How difficult is it to remove the torque converter from the engine?

A. Again, you have to dismantle the torque converter or a part of it from the engine.

Q. On this little dolly is 713. Do you recognize that?

A. Yes. It is the --

Q. Don't pick it up. Why don't we turn it towards -- if you can push it.

Did you examine 713?

A. Yes. That is the ring gear.

Q. What is a ring gear?

A. A ring gear is something which went inside the rear axle and is actually the thing that turns or is turned by the engine which turns the transmission, which turns your drive line which

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turns your ring gear, which turns your wheel and makes your vehicle go.

Q. Can you show us on the rear-axle exemplar, 791, where this ring gear would have been when the truck was manufactured?

A. It would have been -- it would have been mounted internal to the housing which we looked at before, and the shaft would have come out towards the front of the vehicle.

Q. And again, how -- what is the manufacturing process for putting this wheel-axle housing together and the ring gear?

A. Well, this all comes into the Ford plant. We purchase it from Rockwell Standard, and we install it in one piece.

Q. How difficult would it be to get the ring gear out of the rear-axle housing?

A. Again, you'd have to dismantle all of the bolts and everything which hold it and its other associated parts together.

Q. Instead of moving back to the other exemplar, can we look at this exhibit here, Government's Exhibit 722, I believe it is. Excuse me.

722. Did you examine that?

A. Yes.

Q. And did you determine what it is?

A. It is a front wheel. There are six wheels on this vehicle.

.....
I think we found five. It originally started out looking like the white one that is on our rear-axle exhibit. This happens

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to be a front, and I can tell that by all of the parts which are still attached to it.

Q. And obviously, this has changed shape considerably?

A. Yes.

Q. Is that fair to say? Do you notice any other changes to it?

A. No.

MS. WILKINSON: I believe at this time, your Honor, we need just a few minutes to move the exhibits.

THE COURT: Rearrange things?

MS. WILKINSON: Yes.

THE COURT: If you'd like to stand and stretch at this time, members of the jury, feel free to do so.

This is one reason we don't have carpeting in this room.

MR. TIGAR: Your Honor, may I stand and watch this in a convenient location?

THE COURT: Yes. Certainly.

MR. TIGAR: Thank you, your Honor.

BY MS. WILKINSON:

Q. Okay, Mr. Paddock. We're not going to be able to move all these pieces because they're a bit too heavy. Why don't you start, if you could, by describing to the jury what this exemplar shows and then we'll compare the pieces.

A. Well, the exemplar shows the front part of the vehicle, normally where the engine would be situated right in this area;

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and it has the bumper, the two side rails. We call them longitudinal side rails. This particular vehicle had a reinforced frame side rail, and that's done by putting on a second piece over the initial piece, and that's called a liner. It's pretty hard to pick out right here because it's painted black.

It also has the front axle and the steering associated with the vehicle, such as the steering gear, the tie rod, the steering arms, the upper and lower control arms; and that's essentially it.

Q. Now, it's hard to see over this bumper, but there is a gray area you painted. What is this?

A. That's the steering gear which we purchased from a company, Bendix.

Q. Is that attached to the frame rail?

A. Yes, ma'am. Painted gray.

Q. Do you recall looking at a piece of the truck that shows the steering gear and the frame rail?

A. Yes. And that piece is right here.

Q. 743?

A. Yes, ma'am.

Q. All right. And what did you identify in Government's Exhibit 743?

A. Well, the parts -- the gray part -- part number is highlighted on the side of that steering gear in black, and I

Edward Paddock - Direct
identified that part number.

Q. Okay. And have you identified other portions of the frame rail recovered from the crime scene?

A. Yes. Exhibit 763.

Q. That is this large piece right here?

A. Yes.

Q. And what did you determine about this piece?

A. That's the right-hand front frame rail, and it has the bracket which secures the bumper.

Q. Can you show the jury on the exemplar?

A. Here's the bracket right up here. And you can't see it because really the bumper is on here, but it's painted gray; and you can see a part of it just through this little step hole.

Q. Is there any way you and I can move this, or is it too difficult to turn this?

A. I think it's probably best left where it is.

Q. Okay. I'll take your word for it.

Now, this large piece, Government's Exhibit 732: Were you able to identify this?

A. Yes. That's the front axle.

Q. And can you show the jury where that is on your exemplar?

A. It actually starts way out at this end. This little grease cap, which we showed on the white wheel before, holds all the bearings, holds disc brakes, comes across the vehicle, under

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the engine, holds the other side set of springs up and to the other spindle, and it also holds the steering arm.

Q. And how is it -- what is the manufacturing process to attach this to the frame rail?

A. It's a forged steel piece.

Q. And how difficult would it be to remove that front rear axle from the F700 series Ford truck?

A. To remove it?

Q. Yes.

A. You'd have to take all of the U-bolts out and disconnect the shock absorbers, take some of the steering off, take the wheels off.

Q. Now, I want to go back, if I could, to this large piece of frame rail that you identified.

A. Yes.

Q. Can you tell us the differences you see in this exhibit -- and if you can read me the exhibit number again.

- 763

A. 163.

Q. The differences you see in 763 from the piece of frame rail on the exemplar?

A. Well, it started out as perfectly straight. All of our frame rails are ladder-frame construction, which means they're perfectly straight and have a series of cross-members side to side which are bolted in.

Q. Now, over here you have another exemplar of a piece of

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frame rail. Is that right?

A. Yes.

Q. Can you tell the jury what that shows.

A. This particular piece has two confidential VIN numbers stamped in it. And it is marked in yellow on this side.

Again, because this is the outside, this is the liner, and it's marked on the bottom in the actual frame rail piece.

Q. I don't know if I can find it, but did you recover or did you identify a small piece of frame rail with a portion of those numbers?

A. Yes.

Q. I don't think I see it in here. Can you tell the jury approximately what it looked like.

A. It was a small metal piece of torn steel, and it had the letters "PVA260" stamped in it.

Q. Were you able to identify it as a portion of the same Ryder -- Ford Ryder truck that you've identified earlier?

A. Yes. And it came from the frame, as opposed to the liner.

Q. Now, back on this table, Government's Exhibit 787. I don't know if you can lift that a little bit. Did you identify that?

A. Yes. 787 is part of the left-hand frame, and we matched this up by comparing the engineering drawings and some of the holes in this piece.

Q. Set that down.

This is Government's Exhibit 731. Were you able to

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identify that?

A. Yes. And this is part of the rear right-hand frame rail, and we identified this by matching up pieces in the liner that we found.

Q. And tell us what this would have looked like before the blast.

A. Again, it would have all been straight channel section, essentially like the exhibit that we just looked at.

Q. What type of metal is this?

A. It's a steel, 50,000 PSI unit.

Q. Now, let's go back to your exemplar if we could for a minute.

This shows what portion of the truck?

A. The front portion from roughly the engine/transmission forward.

Q. Okay. And how much further back does the frame rail go if

Q. Okay. And how much further back does the frame rail go if we were to have the entire truck here in the courtroom?

A. Well, the wheelbase is 225 inches, which is roughly 20 feet; and then after that, it's another 100 inches, which would be 8 feet.

Q. And you would have frame rail all along --

A. Yes.

Q. -- those measurements you were talking about?

Do you recall approximately how far back the rear axle is on the truck?

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A. It would be 220 inches from this axle, which would roughly be, again, 20 feet.

Q. Now, during your examination, were you also able to identify portions of the bumper?

A. Yes.

Q. I'm sorry. Go ahead.

A. Several parts of the bumper.

Q. How were you able to do that?

A. To identify them? We were able to identify them through the little square holes which are used to mount the license plate, in addition to the square holes which are used to step up on the vehicle. They're step holes.

Q. You've cut away the front tire for us. Is that right?

A. Yes.

Q. Were you able to identify certain portions from inside the wheel rim?

A. Yes, we were able to identify various brake system parts.

Q. Point those out to the jury, please.

A. We identified the brake caliper, part of the rotor; and they're hard to discern, but inside being squeezed by the caliper are the brake pads. We identified the brake pads without the linings.

Q. Across the bottom of the truck here, you have something painted in yellow. What is that?

A. Yes. That's something called a tie rod, and it goes from

Edward Paddock - Direct

the left side of the vehicle to the right side of the vehicle so that when your left tire turns, your right tire turns equally.

Q. And did you identify a portion of the truck recovered at the crime scene as the tie rod?

A. Yes. We found the entire tie rod in three different pieces.

Q. And over on this side, you have a few pieces highlighted, which I think are difficult for the jury to see; but one is in yellow, and there is a part number here?

A. Yes. That's one of the steering arms, the upper steering arm. It has a Ford part number which is unique to heavy trucks. It also has a Ford logo on it.

Q. What about this portion in blue and portion in green?

A. The same for those portions. The steering links and the output of the steering gear have Ford part numbers on them which are identical to the build list as well as the exemplar we looked at.

Q. You can take your seat. Thank you.

After you examined all the metal fragments from the crime scene, did you come to a conclusion, Mr. Paddock?

A. Yes, ma'am.

Q. What was your conclusion?

A. I concluded that based on the metal fragments which I looked at and various other Ford documents which I looked at

Edward Paddock - Direct

that there was one vehicle involved in the Oklahoma City bombing which was built by Ford and had a unique vehicle identification number.

Q. And what was that VIN number?

A. It was 1FDNF72J4PVA26077.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Thank you.

Mr. Tigar.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon again, sir.

A. Hello, sir.

Q. I mentioned my name before. I'm Michael Tigar, one of the lawyers helping out Terry Nichols.

You worked for Ford for how long, sir?

A. Just a little over 34 years.

Q. And we've never met; right?

A. No, sir, we haven't.

Q. Okay. Now, your role in this case was to -- that's even funnier than you know, sir.

The -- your role in this case was to meet with the Government and help to reconstruct all these truck parts that were found at the scene; correct?

A. Essentially, yes.

Edward Paddock - Cross

Q. And to do that, you had to consult a number of different sources. Correct?

A. That is correct.

Q. But you're relying on your expertise as a long-time Ford employee and mechanical engineer to bring us this reconstruction; correct?

A. Yes.

Q. Now, did Ford do the reconstructions that we've seen here?

A. In terms of putting this all together?

Q. Yes, putting it together.

A. Essentially, yes.

Q. And do you have any idea of the cost of that?

A. No, sir.
Q. Not even a ballpark guess?
A. No, sir.
Q. Do you know if Ford billed the federal government for it?
A. They did not.
Q. Now, these Ford trucks have a lot of plastic parts; correct?
A. They have some nonmetallic parts, yes.
Q. I mean, for example, the little thing that holds the -- do you use fuses, or circuit breakers in the F700?
A. Circuit breakers. Well, little fuses. Not circuit breakers like we would see in a house.
Q. The little, tiny bus-brand fuses with the little wire in

Edward Paddock - Cross
them we can see?

A. Yes. They're blue, green, yellow.
Q. And the breaker-box cover, for example, would be plastic; right?
A. Well, it would be nonmetallic.
Q. Nonmetallic. There are a lot of nonmetallic parts in a Ford truck; correct?
A. In comparison to the number of parts, I would say no, but there are some.
Q. But there are some. And this VIN number that you've told us about here: That VIN number was supplied to you on the 25th of April, was it not, the first day you began work?
A. That's correct.
Q. Because it was your understanding that there was never any dispute that a Ryder truck had been rented at Elliott's Body Shop in Junction City, Kansas, and that that same Ryder truck had been the one that blew up in front of the Murrah Building; right?
A. I have no idea about that.
Q. Well, did you know that this was a Ryder truck?
A. Yes.
Q. And there was never any question about that from the first day; right?
A. I never had any question. I don't know about anybody else.
Q. Nobody ever told you different; correct?

Edward Paddock - Cross

A. No.
Q. All right. And the -- and the Ryder truck in question was the one with that VIN number; correct?
A. Yes.
Q. Now, Ford did not manufacture the box or any part of it. Correct?
A. Correct.
Q. That was done by Morgan Body Shop?
A. Correct.
Q. Now, you've talked to us some about this rear-axle assembly. Are the two rear wheels independently suspended?

assembly. Are the two rear wheels independently suspended?

A. No.

Q. That is, if you put a weight over the differential, which is in the rear there, and that presses down, the two axles don't come up --

A. No.

Q. -- do they?

A. Not like a car. No.

Q. Not like a car. So it's -- that weight is going to press them both down equally; right?

A. It could change a little bit side to side depending where the load is, yes.

Q. But --

A. Generally, it would be equal.

Q. Generally equally; right?

Edward Paddock - Cross

A. Yes.

Q. That is different from the experience we would have if we put weight in a car and we could watch the two wheels camber out?

A. Yes.

Q. Or change angles; correct?

A. Yes.

Q. The axles in question are supplied to you by Rockwell; is that right?

A. Correct.

Q. And are the rear axles the same for all the F700 series trucks regardless of wheelbase?

A. No.

Q. Are they axles that you use unique to the 225-inch wheelbase truck?

A. For Ryder, yes.

Q. Ryder. And do you make anything other than the 225-inch wheelbase truck for Ryder?

A. I can't answer that. I don't know.

Q. If Ryder were to order -- I mean, do you know -- is that axle that you get from Rockwell also used on other Ford trucks other than the 225-inch wheelbase ones that you sell to Ryder?

A. It may be, but it may be modified slightly.

Q. Now, in the process of doing your work in this case, did you consult the Ford Truck Body Builders Layout Book?

Edward Paddock - Cross

A. Yes.

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

THE COURT: Yes.

BY MR. TIGAR:

Q. I'm going to show you, sir, what I've marked as Defendant's D1364 and ask you if that is a section of the Ford Body Builders Layout Book that you consulted in connection with your work in this case?

A. Yes, it is.

MR. TIGAR: We offer it, your Honor.

MS. WILKINSON: May I see it?

THE COURT: Yes.

MR. TIGAR: You can either approach, or I'll give you a copy.

MS. WILKINSON: I'll take a copy.

MR. TIGAR: Here's a copy.

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

THE COURT: D1364 is received.

BY MR. TIGAR:

Q. That's not the whole book, is it?

A. No, sir, it's not.

Q. And I wanted to just ask you to look at this page, which is Bates' stamped 3. Is that the cab and chassis layout showing the various dimensions or showing the various measurements that are going to be taken?

Edward Paddock - Cross

A. It's a generalized illustration of this type of vehicle which has letters that can be filled in with dimensions using other documents.

Q. All right. So that's the sort of overview, and then you'd need other documents for particular trucks that you were going to build for particular customers; is that right?

A. Even this truck, yes.

Q. Even this Ryder truck?

A. Correct.

Q. All right. What is the diameter of the wheel rim on this truck?

A. 19.5 inches.

Q. Now, is -- what are the -- what's the range of diameters on the Ford trucks' wheels, if you know?

A. I couldn't tell you.

MR. TIGAR: Thank you very much. No further questions.

THE COURT: Any redirect?

MS. WILKINSON: I do, your Honor. I have one exhibit.

THE COURT: All right.

MS. WILKINSON: If I can get to it.

REDIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Paddock, as part of your task to assist the FBI in identifying the truck parts, did you assist in laying out the

Edward Paddock - Redirect

truck parts on a drawing or schematic of the measurements of the Ford Ryder truck?

A. Yes.

Q. And did you try -- did you and others try and place the parts that remained from the crime scene on the schematic to show what was left of the Ryder truck?

A. Yes.

Q. Do you recognize Government's Exhibit 824A?

A. Yes, ma'am.

Q. And is this a photograph of that -- that was taken after you did that work?

A. Yes.

MS. WILKINSON: Your Honor, we'd offer 824A.

MR. TIGAR: May I inquire, your Honor?

THE COURT: Of course.

VOIR DIRE EXAMINATION

BY MR. TIGAR:

Q. Now, Mr. Paddock, does this show only parts that were on the Ryder as it came out of the Ford factory?

A. No.

Q. That is, are there any aftermarket parts in here?

A. There are several body parts on that -- on that picture, yes.

Q. Without showing it to the jury, can you identify for me the aftermarket parts?

Edward Paddock - Voir Dire

A. Well, this would be the aftermarket body, and these would be the aftermarket parts, in this area. The bumper, all of the bumper, rear parts.

Q. And those were manufactured by Morgan?

A. I don't know if Morgan manufactured them or purchased them.

Q. So you have no personal knowledge of whether these parts that are on this portion are manufactured by the Ford Motor Company; is that right?

A. I know they weren't manufactured by Ford. They were --

Q. And you don't know by whom they were; correct?

A. That's correct.

Q. And thus, you would not be able to, as you sit there today -- to recognize them as to whether or not they were ever part of a truck that rolled down the road carrying that VIN number; correct?

A. That's correct.

MR. TIGAR: We object to that, your Honor.

MS. WILKINSON: May I ask him just one question, your Honor?

THE COURT: Yes.

REDIRECT EXAMINATION CONTINUED

BY MS. WILKINSON:

Q. Did you review with members of Morgan at some point the specifications for the Morgan box? Did you meet with them?

A. Just in general. No.

Edward Paddock - Redirect

Q. And do you know if anyone else assisted in placing some of these items here from Morgan that you pointed out to Mr. Tigar?

A. Yes.

Q. And did you review it after that was done?

A. yes.

MS. WILKINSON: Your Honor, we'd offer --

MR. TIGAR: We persist in our objection, your Honor.

THE COURT: Yes. Sustained.

MS. WILKINSON: We have no further questions, your Honor.

MR. TIGAR: No questions, your Honor.

THE COURT: Are you excusing this witness?

MS. WILKINSON: Yes, we are.

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

And you can take some of the poster boards.

We won't try to move all this right now. We'll go ahead with another witness.

MR. MACKEY: And that would be Mr. Alton Wilson.

MR. TIGAR: Sorry. I didn't hear.

MR. MACKEY: Alton Wilson.

THE COURTROOM DEPUTY: Raise your right hand.

(Alton Wilson 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: Alton L. Wilson, W-I-L-S-O-N.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Mr. Wilson, where are you employed?

A. With the Federal Bureau of Investigation.

Q. Are you an agent?

A. Yes, I am.

Q. How long have you been an agent?

A. 14 years.

Q. Where are you currently assigned?

A. The Atlanta, Georgia field division.

Q. Where were you assigned back in April of 1995?

A. The New York field division.

Q. And after the bombing in Oklahoma City, were you tasked to come out, to go out to Oklahoma City to assist with the investigation?

A. Yes, I was.

Q. And were you working at the crime scene on April 21, Friday, 1995?

A. Yes, I was.

Q. And were you working with other FBI agents at that time and other FBI staff?

A. Yes, I was.

Alton Wilson - Direct

Q. What was your task on the morning of April 21, 1995?

A. My task was to assist in a search in the parking lot across from the Murrah Building.

Q. Okay. And who were you working with on that day?

A. Ronald Kelly.

Q. And what portion -- well, did there come a time when you were searching the northwest portion of the parking lot?

were searching the northeast portion of the parking lot.

A. Yes.

Q. And did you recover certain pieces of evidence?

A. Yes, I did.

Q. And do you recall where a particular piece of evidence was recovered that day?

A. Yes, I do.

Q. Can you look in your folder for Government's Exhibit 664?

It should be in that other folder there.

No, in -- see that? There you go.

Does that have a Government's exhibit sticker on it?

A. Yes, it does. It reads 664B.

Q. 664B?

A. And I see a 664A sticker on it as well.

MS. WILKINSON: Your Honor, may I look at it for a second?

THE COURT: Yes.

BY MS. WILKINSON:

Q. Are there two bags there, Mr. Wilson?

Alton Wilson - Direct

A. Yes.

Q. How is that bag marked?

A. 664A.

Q. Okay. And do you see 664 inside that bag?

A. Yes, I do.

Q. Do you recognize the bag, 664A?

A. Yes, I do.

Q. How do you recognize the bag?

A. I recognize it because of the markings that I put on it, the CT4/21-06 as well as the date 4-21-95. I also recognize the initials of Ronald Kelly.

Q. Now, were you and Mr. Kelly in the parking lot when that was recovered?

A. Yes, we were.

Q. Do you recall where in the parking lot it was recovered?

A. Yes, I do.

Q. And if I showed you an exhibit, could you -- of the parking lot -- a photograph of the parking lot, could you mark for the jury where you saw it in place before it was seized?

A. Yes, I can.

MS. WILKINSON: Maybe if we just use the photograph instead.

Mr. Tigar, could I have Exhibit D1665?

BY MS. WILKINSON:

Q. Now, can you see that photograph there?

Alton Wilson - Direct

A. Yes.

Q. Do you see there is a pen up there attached to a wire?

Can you show the jury generally -- circle the area you were searching that morning on April 21, 1995.

You have to go down underneath and write on the

screen.

A. Okay. Can you repeat your request?

Q. Just circle the general area that you were searching that morning.

MR. TIGAR: May we have a picture of that picture, your Honor?

THE COURT: I don't know. It hasn't been working lately. We'll try.

MR. TIGAR: Can we have a try?

THE COURTROOM DEPUTY: We can try.

MR. TIGAR: Thank you, your Honor.

Thank you, Ms. Hasfjord.

THE COURTROOM DEPUTY: Should be okay.

BY MS. WILKINSON:

Q. Okay. Can you click the side of your pen to erase that area.

Now, can you go back down and put an X in the area where you recovered Government's Exhibit 664.

Now, is that marking exactly where you found it?

A. It's approximate.

Alton Wilson - Direct

Q. It was in that back corner of the parking lot?

A. That is correct.

Q. Now, did you see who picked it up from that area?

A. Yes, I did.

Q. Who picked it up?

A. Ronald Kelly.

Q. Was he wearing gloves?

A. As far as I recall, he was.

Q. And what did he do with it?

A. He packaged it.

Q. In the plastic bag, Government's Exhibit 664A?

A. That is correct.

Q. And what happened to it then?

A. I entered the item on the recovery log, and I also put the annotations CT4/21-06 followed by the date 4-21-95 on the bag, and then Mr. Kelly recorded his initials on the bag.

Q. Did you seal the bag?

A. Yes, I did.

Q. And did you take custody of it at this time?

A. Yes, I did.

MS. WILKINSON: We have no further questions, your Honor.

THE COURT: Mr. Tigar?

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

THE COURT: Surely.

Alton Wilson - Direct

MS. WILKINSON: Your Honor, I just failed to ask one question, if I could, if Mr. Tigar doesn't mind.

THE COURT: All right.

BY MS. WILKINSON:

Q. Mr. Wilson, after you took custody of Government's Exhibits 664 and 646A, at some point did you turn it over to somebody else?

A. Yes, I did.

Q. To whom did you turn it over?

A. I turned it over to Special Agent Steve Burmeister.

MS. WILKINSON: Thank you.

THE COURT: Now Mr. Tigar.

MR. TIGAR: Thank you.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, sir.

A. Good afternoon.

Q. My name is Michael Tigar. I'm one of the lawyers helping out Terry Nichols.

MR. TIGAR: May I have just another moment?

THE COURT: Sure.

BY MR. TIGAR:

Q. Now, did you take a photograph of this item?

A. I did not.

Q. Did you see someone take a photograph of this item?

Edward Paddock - Cross

A. Yes, I did.

Q. And you said that there was a log kept of what was being seized?

A. That is correct.

Q. Now, who was in charge of your search team?

A. SA -- or Special Agent -- Steve Burmeister.

Q. And the search team then consisted of Mr. Burmeister, Mr. Kelly, and yourself. Is that correct?

A. That is correct.

Q. And were you using a standard form to log in the evidence?

A. Yes, I was.

Q. And was that form -- had that form been provided by the people who were in charge of the search?

A. I'm sorry?

Q. Had that form been provided by the crime-scene directors for the search?

A. Yes.

Q. Did that form have a grid map for you to mark where you found the various items?

A. Yes, it did.

Q. Did you mark on the grid map where you found this item?

A. I did not.

Q. I'm going to show you what I have marked as Defendant's E89 -- marked as Defendant's E89, shown to Government counsel -- consisting of eight numbered pages. I ask you if

Edward Paddock - Cross

you recognize that as a document prepared on that day?

A. Yes, I do.

A. Yes, I do.

Q. And would you just leaf through each of the pages there just to make sure, sir.

A. Certainly.

Q. Please don't take my word for it.

Been through it, sir?

A. Yes, I have.

MR. TIGAR: We offer it, your Honor.

MS. WILKINSON: No objection.

THE COURT: It's E89, did you say?

MR. TIGAR: Yes, E, as in Echo, your Honor, 89.

THE COURT: Received.

BY MR. TIGAR:

Q. Now, looking at the first page here, sir, if I may --

MR. TIGAR: Thank you, Ms. Hasfjord.

BY MR. TIGAR:

Q. Could you click -- there is a pen on a wire there. Could you click the side button there? That will get rid of, I think, that mark.

Could you click it again?

A. You're welcome.

Q. This is from April 21, '95, a crime-scene search, and this is your standard form; correct?

A. That is correct.

Edward Paddock - Cross

Q. And that is you, Special Agent Wilson, and Ronald Kelly. Is that correct?

A. That is correct.

Q. And Ron Kelly is an FBI chemist; right?

A. I know him to be an examiner.

Q. Now, on the -- we're going to look at the last page here. This is a diagram of the parking lot. Correct?

A. That is correct.

Q. And if I were to turn it around like this, we'd see north is towards the top of the page; correct?

A. Yes, sir.

Q. So to orient ourselves, the Murrah Building would be off the bottom of the page; right?

A. That's correct.

Q. And to further orient ourselves, here's that tree -- correct -- that's in the parking lot?

A. That's correct.

Q. The area that you were searching that you described earlier is generally the area that's bounded by this double line. Is that correct, sir?

A. That is correct, sir.

Q. Now, who prepared -- who participated in preparing this document that I'm looking at or that we're looking at together, sir?

A. I do not know who that person was, sir.

Edward Paddock - Cross

Q. Did at sometime -- did you get this document with all of the automobiles marked on it and numbered?

A. Yes, I did.

Q. So that when you got it, it had all of these cars and numbers; correct?

A. That is correct.

Q. Now -- and you then put some numbers on it; right?

A. Yes, I did.

Q. And I know that we don't have both of our television sets here, but these numbers that are not in the car boxes, the 11, the 12, the 2, the 3 -- those are your numbers; correct?

A. That is correct, sir.

MR. TIGAR: All right. May I approach -- will the Court inquire of the jurors, are the jurors able to see the numbers that we're displaying?

THE COURT: Are you able to read that?

BY MR. TIGAR:

Q. All right. Now, when you recovered the item about which you testified on direct examination, sir, did you give it a number?

A. Yes, I did.

Q. And what number was that?

A. That number was CT4/21-06.

Q. And -- the last two digits, the 06 -- those -- you were using the last two digits of what you found to put on the

Edward Paddock - Cross
sheet; correct?

A. That is correct, sir.

Q. And, for instance, if you recovered something that had all those numbers except the 06 was a 03, that would be this thing up here between Car No. 21 and Car No. 73; correct?

A. I don't see --

Q. Down at the bottom. I'm sorry. I've got it off the edge.

A. Would you please repeat your question, sir.

Q. Sure. I'm going to turn this around the other way. Going to put north at the bottom. Would that make it easier to read these numbers?

A. Yes.

Q. Because otherwise, the numbers are upside down; correct?

A. That's correct.

Q. Now, you see here at the top it says "03."

A. Yes.

Q. Now, that 03, if we found that piece of evidence, if you were talking about that, you'd know it because you would have put that number, number, number, number; and it would be an 03 instead of an 06. Is that correct?

A. That is correct.

Q. Now, is it correct, sir, that you -- you're telling us that you found the item that you're talking about over here somewhere between Car No. 6 and Car No. 5? Right?

A. No, sir.

Edward Paddock - Cross

Q. Where do you say you found this number 06?

A. Can I circle the area with this pen?

Q. Yes. Could you do it on the screen?

A. Sure.

Q. Go underneath it there.

A. That area there.

Q. Now, you have circled an area that is -- whoops. And I moved it. That is somewhere defined by 13, 14, 7 and 8.

Correct?

A. That is correct.

Q. Well, where is 06?

A. Well, like I said earlier, I inadvertently left off Item 06 from the diagram.

Q. Now, did you see Agent Kelly pick up 06?

A. Yes, I did.

Q. And before he picked it up, did he call a photographer over to photograph it?

A. Yes, he did.

Q. It's your testimony that before -- that the photographer photographed it before it was touched?

A. That is correct, sir.

Q. And after it was -- is it Agent Kelly that picked it up, or you picked it up?

A. Mr. Kelly picked up the item.

Q. Mr. Kelly, because he's not an agent. Right?

Edward Paddock - Cross

A. That's correct.

Q. Mr. Kelly picked it up?

A. That's correct, sir.

Q. And then he handed it to you?

A. That is after the item was photographed, Mr. Kelly picked the item up, packaged it, handed it over to me.

Q. And what did you do with it? You say you put it in an envelope; right?

A. Again, I put the annotation on it CT4/21-06 and the date 4-21-95, after which time Mr. Kelly recorded his initials on the bag.

Q. Now, did you take that item to the evidence recovery area?

A. Yes, I did.

Q. And was that evidence recovery area a warehouse somewhere, or was it a vehicle that was going to take things to the warehouse?

A. It was a warehouse area.

Q. Now, was that the warehouse in which all of the evidence that the Bureau was collecting had been stored?

A. That is correct, sir.

Q. That was a -- and did you actually go into the warehouse to store it someplace?

A. Yes, I did.

Q. And where did you actually -- where did you go in and store it?

Edward Paddock - Cross

A. Where at --

Q. Where did you go in and take it?

A. To the front table, where items were being entered into storage.

Q. Was that Agent Elliott that was in charge of that at that point?

A. Yes, he was.

Q. So you met Agent Jim Elliott?

A. That is correct.

Q. A gentleman with glasses and looks like he had long service as an agent?

A. That is correct. Now, I hasten to add at that point Agent Burmeister was present as well.

Q. Now, when did Agent Burmeister come on the scene?

A. Agent Burmeister met me there at that facility.

Q. So he was not there at the time that you were collecting these items in the parking lot on the 21st; is that right?

A. That is correct.

Q. Now, when had you arrived there at the -- in Oklahoma City?

A. What date did I arrive --

Q. Yes, what day?

A. -- in Oklahoma City? That would have been Thursday, April 20, 1995.

Q. And when you arrived, you started going to these briefings people were having; correct?

Edward Paddock - Cross

A. I attended one or two, yes.

Q. And you were assigned to cover a part of the parking lot and look for any particular kind of evidence, or just whatever was in the parking lot?

A. Just whatever was in the parking lot.

Q. Now, can -- is it fair to say that that parking lot was a mess?

A. It's fair to say that.

Q. Yes. And that is to say, over in the portion where you were searching, the Athenian Building roof had rained down bricks. Is that right?

A. That could have been the case. I would not have known that to be a fact.

Q. You saw a brick building that was over here -- putting back up what's been received as E89 -- if you could click your pen, we'll get rid of that, sir.

You saw this area that's bounded on the side here as that brick building; correct?

A. That is correct.

Q. And there was debris from the collapse of the roof and the brick building that had rained down on this area; is that right, sir?

A. That's correct.

O. And was there -- and when you first saw this item, can you

remember what its orientation was?

Edward Paddock - Cross

A. Yes, I can.

Q. What was its orientation? What did it look like?

A. It was a piece of what appeared to be from the box panel of a Ryder truck.

Q. Right.

A. It was slightly angled off the ground. It appeared to be resting on a piece of metal. The colored side or the painted side of this piece was face up; that is, the yellow-and-red side.

Q. Now, this time we're talking about here is the morning of the 21st; correct?

A. That is correct.

Q. About what time?

A. At approximately 10:30 a.m.

Q. And the ground was wet, wasn't it?

A. I do not recall the ground being wet, sir.

Q. Were you present when a thunderstorm came through the evening of the 19th?

A. I was not.

Q. You were not, because you didn't get there till the 20th; right?

A. That is correct.

MR. TIGAR: Will your Honor indulge me for a moment?

THE COURT: Yes.

BY MR. TIGAR:

Edward Paddock - Cross

Q. Now, in addition to yourselves and Agent Kelly, was there a photographer present?

A. Yes, there was.

Q. And who was that?

A. I do not recall exactly who that person was, sir.

Q. And were you instructing the photographer on how to take pictures of the evidence in place?

A. Myself and Mr. Kelly basically instructed that person how to take pictures of the items.

MR. TIGAR: If your Honor please, I have about 30 more

minutes with respect to the photographs, and so on, that were taken of this evidence, your Honor.

THE COURT: Well, we'll recess.

MR. TIGAR: I'm sorry that I couldn't complete the examination, your Honor.

THE COURT: You may step down.

THE WITNESS: Thank you, your Honor.

THE COURT: Did the machine make a workable picture of the marking?

MR. TIGAR: Yes, your Honor, the machine did. Is it

the Court's wish that -- this is D1665, I believe. May we mark this as D1665A and may it be received?

THE COURT: Sure.

MS. WILKINSON: No objection.

THE COURT: Yeah. D1665A.

MR. TIGAR: We offer it, your Honor.

THE COURT: All right.

We can turn off the -- whatever this machine is called.

Members of the jury, we'll recess now; and tomorrow is a holiday, and then we'll resume on Friday, the 28th, at our usual time. And again, our schedule will be the usual Friday schedule.

Now, we've gone -- we've come a long way, but we have a ways to go. So, of course, during the time of the recess, please withhold judgment in your own minds about the things that you've seen and heard here, waiting, as you know you must, until you've heard it all. And also, avoid discussion of the case with all persons, including other jurors, and be very careful about anything that you may be viewing, reading, seeing in any respect to avoid things that are outside the evidence in this case, knowing that you're going to decide on the evidence and the law given to you in this room.

So with those cautions, we'll again excuse you until Friday morning at 8:45, and we hope you have a pleasant holiday.

You're excused.

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

THE COURT: All right. Trial will be in recess till 8:45 Friday morning.

(Recess at 5:05 p.m.)

* * * * *

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731	11052	11053			
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D1364	11127	11127			
D1661-D1667	11021	11021			
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Exhibit	Offered	Received	Refused	Reserved	Withdrawn
D1665A	11148	11149			
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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 26th day of November, 1997.

Paul Zuckerman

Bonnie Carpenter

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