

# Nichols defense uses John Doe No. 2 as an alternate accomplice



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DENVER \_ The defense opened its case for Terry Nichols on Tuesday by suggesting he is the wrong man to be tried as the accomplice of convicted Oklahoma City bomber Timothy McVeigh.

Defense lawyers called witnesses to fuel the theory that the elusive John Doe No. 2, not Nichols, helped McVeigh build the bomb that destroyed the federal building in Oklahoma City.

The FBI originally identified a suspect known as John Doe No. 2 in the bombing plot, but there is some question as to whether he exists.

Two witnesses said Tuesday they saw someone who looked like a sketch of John Doe No. 2 at the Dreamland Motel in Junction City, Kan., where McVeigh stayed for four days before the April 19, 1995, bombing.

Hilda Sostre, a maid at the Dreamland in 1995, testified to seeing a well-built, rather short man with a brown complexion walking toward a Ryder truck on April 17.

``When I looked at him, I thought he was Spanish," Sostre said. Sostre said the man looked like a sketch the FBI made of John Doe No. 2, a dark-skinned man who wore a baseball hat with a zigzag pattern on the side.

On cross-examination, Sostre said she never saw the man get into the Ryder truck. McVeigh, who was convicted in June, rented the truck used for the bomb.

Shane Boyd, who stayed at the Dreamland in a room two doors down from McVeigh, said he also saw a man near McVeigh's room who looked Hispanic and stood about 5 feet 6 inches tall and weighed 180 to 200 pounds.

Neither Sostre nor Boyd saw McVeigh making any contact with the other man.

But in later testimony Tuesday, an employee at a Ryder truck outlet in Junction City said McVeigh was with someone when he rented the truck there on April 17.

Vicki Beemer, officer manager of Elliott's Body Shop at the time, testified that she only got a brief glimpse of the man with McVeigh but that he was short. Nichols is about 5 feet 9 inches tall, 160 pounds. Beemer could not say if Nichols was the second man.

Beemer said McVeigh talked to the man briefly and that they left at the same time.

“There was no question in your mind the two of them were together?” defense lawyer Reid Neureiter asked. Beemer said there was no question.

Beemer's recollection could be important because the FBI first thought the man with McVeigh was John Doe No. 2 but months later said he was actually another customer who had no connection with McVeigh.

Defense attorneys want the jury to think someone besides Nichols conspired with McVeigh. Nichols is accused of gathering bomb components, but no witnesses saw him with a Ryder truck or with McVeigh at the Dreamland.

In addition to raising questions about who helped McVeigh, witnesses Tuesday also gave testimony intended to contradict the alleged timing and use of just one Ryder truck to assemble the bomb.

Lea McGown, owner of the Dreamland, testified that McVeigh had a Ryder truck at the motel beginning either April 16 or 17 and that he left on April 18, when the bomb was supposedly built.

Three witnesses, including Boyd, said they saw a Ryder truck at the Dreamland on April 16, which was Easter Sunday. One of the witnesses, Herta King, testified that her friend McGown noticed the truck that Sunday, too.

“She said, ‘It does not make sense that McVeigh rented the truck on Monday when a Ryder truck was there on Sunday,’” King said.

McGown said that people often have Ryder and other moving trucks at the motel, but the defense contends that more than one truck may have been used in the building of the bomb.

Prosecutors allege that McVeigh rented the truck on April 17 and met Nichols at the

Geary State Fishing Lake south of Junction City the next day to load the truck with a fuel and fertilizer bomb.

Two prosecution witnesses testified to seeing a Ryder truck and a pickup similar to one Nichols owned at Geary Lake, but the defense plans to call several witnesses who saw a Ryder truck at the lake at other times.

The prosecution rested its case Tuesday morning after calling its 98th witness, a survivor of the blast that killed 168 persons at the federal building.

Before the defense began its case, a routine motion was made for Judge Richard Matsch to acquit Nichols on grounds that the prosecution did not prove any intent on Nichols' part to commit murder or conspiracy.

``The evidence in this case is strikingly weak," defense lawyer Adam Thurschwell said. Matsch denied the motion.

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