

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 102)

PROCEEDINGS

Proceedings before the HONORABLE RICHARD P. MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:32 p.m., on the 2d day of December,
1997, in Courtroom C-204, United States Courthouse, Denver,
Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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

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PROCEEDINGS

(Reconvened at 1:32 p.m.)

THE COURT: Please be seated.

All right.

(Jury in at 1:32 p.m.)

THE COURT: Next witness, please.

MR. WOODS: Yes, your Honor. David D'Albini.

THE COURT: Thank you.

MR. WOODS: Mr. Neureiter will question him.

THE COURT: All right.

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

(David D'Albini 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: David Frederick D'Albini. D apostrophe
A-L-B-I-N-I.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. D'Albini. My name is Reid Neureiter. We've met
once before; is that right?

A. Yes.

Q. Where do you live, Mr. D'Albini?

A. Bigfork, Montana.

Q. Before Montana, where did you live?

A. Junction City, Kansas.

Q. Are you presently in the restaurant business?

A. Yes.

Q. Were you in the restaurant business in April of 1995?

A. Yes, I was.

Q. Where were you living in April of 1995?

A. Junction City, Kansas.

Q. Were you the manager of the McDonald's in Junction City,
Kansas?

A. Yes, I was.

Q. Did your family own and operate two McDonald's in Junction

David D'Albini - Direct
City?

A. Yes, they did.

Q. What was the location?

A. The 6th Street and what we call the I-70 McDonald's.

Q. But you were the manager of the I-70 McDonald's; is that
right?

A. Right.

Q. I'm going to show you a picture that has been previously
admitted into evidence, Defense D1733. You can look down on
that screen in front of you. Tell me if you recognize that.

A. Yes, that's the I-70 McDonald's.

Q. Is that the McDonald's where you were the general manager
in April of 1995?

A. Yes, I was.

Q. Is that McDonald's equipped with some kind of security
system?

A. Yes, it has video monitors.

Q. Tell us a little bit about those monitors. How many
cameras, how many monitors?

A. There were seven video cameras placed around the store and
fed into one video recorder.

Q. Was there a camera that would capture the image of a
customer leaving the store through the front door?

A. Yes.

Q. Was there a camera that would focus on the front counter

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area?

A. Yes, there was.

Q. I'm going to show you an exhibit, D1734, that has not been previously admitted, ask you if you recognize that?

A. Yes, I do.

Q. And what is that?

A. That's the interior of the McDonald's showing part of the dining room area.

Q. Does that truly and accurately reflect what the interior of the I-70 McDonald's looked like in April of 1995?

A. Yes, it does.

MR. NEUREITER: Move to admit, your Honor.

MR. MACKEY: No objection.

THE COURT: D1734 admitted.

MR. NEUREITER: Move to publish.

THE COURT: Yes.

BY MR. NEUREITER:

Q. Now, does this photograph show some of those video cameras that you were telling us about earlier?

A. Yes, there are two of them there.

Q. I'm going to put some pins on this exhibit. One's a red one, the one on the left, and one's a black one. Can you tell me what the pin on the left, the red one, is pointing toward?

A. The red one points towards the back of the dining room area, towards the bathrooms.

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Q. And is there -- let me zoom in.

Is it pointing to a specific thing on that zoom-in there, that pen? Is that pointing to a camera?

A. Yes, that's pointing to the camera that goes to the back of the dining room area.

Q. And that shows the back dining room area the way it appears on the video monitor?

A. Right.

Q. And what does that camera capture when it sends the image to the video monitor?

A. That shows the front counter area, including the front door and the drive-through area.

Q. Okay. Explain in a little bit more detail for the jury, please, how the images are collected and recorded on your video monitor through these seven cameras that are located in your store.

A. Okay. Each camera has -- both turn off for 5 seconds in its area, and it's preset series so it's always going to come back around to the same camera within 35 seconds. A five-second shot, then it goes to the next shot, the next camera, and then the next camera and so on.

Q. And are the images that are taken -- are they smoothly flowing images that are taken on those video machines?

A. No, it's a still shot. You get about 12 shots, I think, per camera on . . . 12 still shots and then it will move to the

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next one. You get 12 still shots. That enables us to conserve the film in the recorder.

Q. So it's a stop-motion process?

A. Right.

Q. And that way you can have just one videotape and see an entire 24-hour period; is that right?

A. Right.

Q. Tell us a little bit about the process by which you maintain these videotapes for security purposes in your store.

A. We have 31 tapes. Each one's numbered for the day of the month. In the morning, the morning manager would come in, switch out the tape, and put the corresponding date into the machine, start it, and it would go until the next day.

Q. So there are 31 tapes. Each one's numbered one, two, three, all the way through?

A. One through 31.

Q. And if it's the 15th day of the month, which tape would be in the machine?

A. It would be the 15th.

Q. Were you involved in doing that process of taking out the tape and putting it -- replacing it with the next one?

A. I usually checked the managers periodically to make sure they're using the right tapes throughout the month.

Q. All right. Now, were there -- how many monitors -- in other words, how many video screens were there in the store on

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which you could see the images that were being captured by these cameras?

A. Just the one.

Q. Just one?

A. Just one for the inside, yes.

Q. Would the image that was being projected cycle through those seven cameras?

A. Right.

Q. Would everything that would appear on that screen then be recorded on the tape that was in the security --

A. Yes, it would.

Q. Was there a time and date that appeared on that monitor?

A. Yes. It showed the date of the year -- month, day, year -- and also showed the time.

Q. How do you know that those dates and times were accurate?

A. I was the one responsible for setting the clock, Daylight Savings and back to standard. And also I used that basically as my timepiece a lot of times when I was back in the office.

Q. Now, let's go back to the April of 1995 time period.

Did there come a time after the bombing in Oklahoma City when you were contacted by the FBI?

A. Yes.

Q. And did they ask you whether your restaurant maintained security tapes?

A. They either asked or we volunteered the information, yeah.

David D'Albini - Direct

Q. And did you provide a number of tapes to the FBI at that time?

A. We provided about a week's worth.

Q. And do you remember what dates those were that you provided to them?

A. Somewhere around the 14th or 15th on into 21st, 22d. I couldn't tell exactly what the dates were.

Q. Did you turn over the date -- the tape of April 17, 1995?

A. Yes, we did.

Q. And if you were to play that tape here in court, would you be able to -- not you -- would a normal person that is unfamiliar with those tapes be able to understand what they were seeing or identify any images if it were played at normal speed?

A. At normal speed, probably not, because it would move quite fast.

Q. Would it move -- would the images -- would the stop motion be playing so fast that it would appear as if --

A. It would look as if everybody was running.

Q. Did someone slow that tape down for you of April 17 and have you reviewed the slowed-down version of the tape?

A. Yes.

Q. And to your knowledge, were actual photographs printed -- images printed on sheets of paper from that particular day, April 17?

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A. Yes.

MR. NEUREITER: If I may approach, your Honor, I would like to show the defendant -- the defendant -- the witness two exhibits.

THE COURT: All right.

BY MR. NEUREITER:

Q. I've just handed you two sets of photographs. The first is labeled Defense Exhibit D1735, and that should be a series of seven photographs. If you could flip through those and tell me if you recognize those photographs.

A. Yeah, they're the same set of photos I had seen before.

Q. And do those photographs come from the surveillance tape provided to the FBI by you on April 17, 1995?

A. Yes, they do.

Q. And how do you know that?

A. I've reviewed the tape and also reviewed the same photographs before.

Q. And does the time/date stamp that you maintain on that videotape --

A. Yes, it is.

Q. -- appear in those photographs?

A. Yes, it is.

MR. NEUREITER: Move the admission of D1735.

THE COURT: Received, and they're seven photos.

MR. NEUREITER: There are seven, and they're

David D'Albini - Direct
distinguished, your Honor, by the time.

THE COURT: Timing.

MR. NEUREITER: Yes.

THE COURT: Thank you.

BY MR. NEUREITER:

Q. I'd like you to look at the second set -- it should be labeled D1736 -- and tell me if you recognize those.

A. Yes.

Q. What are those?

A. These are the same pictures that I had seen from the videotape prior.

Q. So are those also photographs taken from that same videotape --

A. Right.

Q. -- April 17, 1995?

A. Yes, they are.

Q. And that tape was provided to the FBI, and now those images you know came from that videotape?

A. Right.

Q. And just to clarify, are -- those two sets of photographs, do those come from different cameras within your store?

A. Yes, they do.

MR. NEUREITER: If I could collect those.

I would move the admission of the second set, 1736.

MR. MACKEY: No objection.

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THE COURT: D1736 received.

BY MR. NEUREITER:

Q. Now, Mr. D'Albini, we're just going to go through this first set and have you describe what we see. This is D1735.

This is -- tell us what you see in this photograph.

A. This is our front counter area, customer area. And you'll see the drive-through through the back.

Q. And do you recognize some of the employees in that photograph?

A. Yes, I do.

Q. And -- use the pen. Is this the time-and-date stamp that we were talking about earlier?

A. Yes, it is.

Q. And although there's a scratch through that, can you make out the date?

A. 4-17-95.

Q. And the time?

A. 3:49:01.

Q. All right. And what is that?

A. That's a customer appearing to give money -- getting money out of his wallet.

Q. And can you say anything about what the customer is wearing from this image?

FROM THIS IMAGE:

A. Dark shirt and a light -- light blue jeans.

Q. Does it appear that there's sort of a triangle of a

David D'Albini - Direct

T-shirt?

A. Yes, it looks like he's got a T-shirt underneath his neck.

Q. Move to the next image.

And again, this is the first set, D1735. Can you read

the time down in the lower right-hand corner?

A. 3:49:02.

Q. And do you still see the image of that customer up there?

A. Yes. He's still looking for money.

Q. All right. Next image. Can you read the time, please.

A. Yeah. It's 3:49:03.

Q. Is the customer still there?

A. Yes.

Q. Next image. Time, please.

A. 3:49:04.

Q. And is the customer still there?

A. Yes, he is.

Q. And it's a little hard to read. Can you read the time on this one?

A. 3:49:05.

Q. And --

A. Customer's still there.

Q. If we zoom in a lot, can you tell anything about the customer's haircut in that picture? If you can't, that's okay.

A. Not really. Not in the focus it's in right there.

Q. All right. Next image. What is the time, please.

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A. 3:49:06.

Q. And do you see the customer's still there?

A. Yes, he's still there.

Q. And this is the final image of that set. Can you make out the time?

A. 3:49:07.

Q. And is the customer still there?

A. Yes.

Q. Now, you have reviewed the entire videotape; is that correct?

A. Yes.

Q. Does the customer appear -- that particular customer appear in any other images near the front counter?

A. No. Not at the front counter.

Q. And does it actually show him getting any products anywhere?

A. No.

Q. And why is that?

A. Whatever he purchased was quick enough before the 35

seconds came back around to that camera, he'd already sat down or left.

Q. In other words, the cycling process --

A. Right.

Q. -- missed some of the things he must have done, not necessarily buying things, but coming in and going out?

David D'Albini - Direct

A. Right.

Q. Okay. Let's switch to the next set. This is D1736. It's the first image.

And can you read the time, please.

A. 3:57:06.

Q. And how much later than the last set was that?

A. It's about 8 minutes.

Q. About 8 minutes afterwards?

A. Right.

Q. And between that first set and this last set, are there any other images from that videotape that capture the individual with the darker shirt with the white undershirt?

A. No.

Q. And where is -- based on your knowledge of the restaurant, where is the customer coming from?

A. That's the back dining room area, right in the back corner.

Q. Okay. Is there a door back there?

A. No, none leading outside.

Q. To your knowledge, must the customer have been at a table, if he's coming back from that area?

A. Yeah.

Q. All right. Now look at the next image. Can you read the time, please.

A. 3:57:06.

Q. And does that capture the same -- is that from the same

David D'Albini - Direct

camera and show the same view?

A. Yes, it does.

Q. And has the customer advanced a couple of feet in that photograph?

A. Yes, he has.

Q. Try and move quickly here. Next image?

A. 3:57:07.

Q. Same customer?

A. Same customer.

Q. Anybody else in that picture?

A. You can see a gentleman sitting down right in the corner, eating. Right there, yeah.

Q. Okay. Next image.

A. It's 3:57:07.

Q. And why is it that it's the same time as the previous one?

A. The way that camera's set up, a lot of times it will capture two images on the beginning of the second, and on the

end of the second it will still show the same time.

Q. So the two shots were within one-second time period?

A. Right. Right.

Q. And you still see the customer?

A. Yes.

Q. And what is the time on this?

A. 3:57:08.

Q. Does the customer appear to you to be doing anything in

David D'Albini - Direct

this picture?

A. He's walking forward and appear to be looking down a little bit.

Q. All right. Go to the next image. All right. What is the time on this picture?

A. 3:57:08.

Q. By the way, how accurate is that time that's set there? Do you set it by your own watch, or do you call --

A. I usually set it by time and temperature. And it could be plus or minus 2 minutes, within that -- within the next six months.

Q. So it could have been -- by the atomic clock in Washington or wherever they set that time and temperature, it could have been 3:59, pretty darn close to 4:00?

A. Or 3:55, yeah.

Q. Okay. And last time on the last image, you said he was looking down. What does he appear to be doing in this photograph?

A. Looks like he's looking at his watch.

Q. Checking out what time it is; right?

A. Yeah.

Q. Right before 4:00, on April the 17th --

A. Yes.

Q. -- he's checking his watch?

A. Right.

David D'Albini - Direct

Q. Next image. Zoom out.

All right. Could you read the time there, please.

A. 3:57:09.

Q. And the same customer was in that picture?

A. Same customer.

Q. Next image.

A. 3:57:09.

Q. But that's different from the one we just saw?

A. Right.

Q. He appears to have proceeded a little bit further. Is there an exit out in this direction, by the way?

A. You'll have to walk -- he'd have to walk forward a little bit. Then he's got his choice of going either right or left.

Q. And that's where the exit of the store is?

A. Right.

Q. Okay. The next image, could you read that?

Q. Okay. The next image, could you read that?
A. 3:57:10.
Q. Can you tell anything about his haircut in this picture?
A. Yeah, it's a crew cut, looks like.
Q. Military style?
A. Military style.
Q. Next image?
A. 3:57:10.
Q. And he's advanced a little further?
A. Yes.

David D'Albini - Direct

Q. The next image?
A. 3:57:11.
Q. Here's the second-to-last one.
A. 3:57:12.
Q. Just zoom in.
And the last image, if you could read that.
A. 3:57:12.
Q. And he has -- from the picture, appears to have totally left the screen?
A. Yes.
Q. And you reviewed the entire videotape on that day; is that correct?
A. Yes, I did.
Q. Did you observe any other images that appear to be this customer on that day?
A. No, I didn't.
Q. Did the FBI have you review the videotape for the next day as well?
A. Yes, they did.
Q. Did the customer appear -- this particular customer with the crew cut and these clothes, did he seem to appear on that next videotape?
A. Not that I could see.

MR. NEUREITER: One moment, your Honor.

THE COURT: Yes.

MR. NEUREITER: Pass the witness, your Honor.

THE COURT: You may inquire, Mr. Mackey.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Good afternoon, Mr. D'Albini. How are you?
A. Fine.
Q. On Easter Sunday, April 16, 1995, what were your hours of operation?
A. From 6 in the morning to 11 at night.
Q. And on the next day, Monday, April 17?
A. 6 in the morning till 11 at night.
Q. And how about Tuesday, the 18th?
A. 6 to 11.
Q. All right. And the videotape that you reviewed of Monday, April 17, you told members of the jury that you reviewed it from start to finish?
A. Yes.
Q. And the only frames that captured the image of the person

2. the only frames that appeared in the image of the person
that we displayed to this jury were the ones we've shown here
by way of photograph; is that right?

A. Right.

Q. By my calculations, the first frame had a time stamp of
3:49:01 --

A. Right.

Q. -- that is when that individual first walked in the door,

David D'Albini - Cross

at least was captured?

A. Right.

Q. And the last one was 3:57:12?

A. Right.

Q. As his head left the viewing area. Do you recall that?

A. Yep.

Q. Is that about a little more than 8 minutes, total time?

A. Yeah, right about there.

Q. Based on viewing the video, looking at these photographs a
number of times, did you see any evidence that that single
individual was ever with anyone?

A. No, didn't appear to be.

Q. Never a single shot of him in conversation with someone
else?

A. No.

Q. Never a single shot of him eating a meal with anyone else?

A. No.

Q. Always by himself?

A. Right.

Q. Let me hand you at this time what I've marked as Government
Exhibit 2080.

Do you recognize that video as coming from your store,
representing the security-surveillance-camera footage for the
next day, Tuesday, April 18, 1995?

A. Yes, I do.

David D'Albini - Cross

Q. And prior to coming to court, did you view that video from
start to finish?

A. I reviewed it from about 6 in the morning till a little
after 4.

Q. Before doing so, Mr. D'Albini, had you had several
opportunities to look at the set of photographs that have been
admitted here earlier?

A. Yes, I had.

Q. And the individual depicted therein. Had you also seen a
photograph marked Government Exhibit 318, a picture of Timothy
McVeigh? And I'll show that to you at this time.

I'll hand it to you.

A. Okay.

Q. Do you have that photograph?

A. Yes.

Q. And without the details necessarily so, Mr. D'Albini,

you've in fact met Mr. McVeigh or at least seen him in person, have you not, before today?

A. I've seen him in person, yes.

Q. Based on the photographs you had, your familiarity with the various photographs you've identified here in court and the previous encounter with Mr. McVeigh, did you see Tim McVeigh anywhere on the video footage that's reviewed for Tuesday, April 18?

A. No, I did not.

David D'Albini - Cross

Q. Did you study the segments around the time period near 7:30 in the morning?

A. Yes, I did.

Q. Did you see any sign of Tim McVeigh in your McDonald's restaurant at 7:30 on Tuesday, April 18?

A. Not that I could tell, no.

Q. Did you study the segments around 2:00 or shortly after 2 p.m. on that same day, Tuesday, April 18?

A. Yes, I did.

Q. Did you find any sign that Tim McVeigh was in your McDonald's on Tuesday afternoon, April 18?

A. Not that I could tell.

MR. MACKEY: I have nothing else.

THE COURT: Any follow-up.

MR. NEUREITER: Yes, sir.

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. Mr. D'Albini, you had explained to us earlier the cycling process. And in the photographs that we reviewed earlier, there was an 8-minute span between which Mr. McVeigh did not appear; is that correct?

A. Right.

Q. How long does it take, if somebody comes into your store, to buy an apple pie?

A. To buy an apple pie, it would probably be less than 30

David D'Albini - Redirect
seconds.

Q. And the cycling process that you talked about earlier goes through 35 -- every camera in 35 seconds goes all the way around?

A. Right.

Q. Based on the photographs you saw here before, Mr. McVeigh -- was Mr. McVeigh necessarily in your restaurant during the 7-minute time period when he's first captured and when he's last captured?

A. It would appear to be, yeah.

Q. But during that 7-minute period, he doesn't appear on any of your video surveillance; correct?

A. Right.

Q. So somebody could have bought a lot of pies during that 7-minute time period without appearing on your surveillance equipment?

MR. MACKEY: Objection to form.

THE COURT: Sustained.

BY MR. NEUREITER:

Q. Could someone have made a number of purchases at your store without appearing -- could someone have made a purchase at your store without appearing on your video camera?

A. Possibility.

MR. NEUREITER: No further questions.

MR. MACKEY: None from me.

THE COURT: Are you excusing this witness?

MR. NEUREITER: Yes, your Honor.

THE COURT: Agreed?

MR. MACKEY: Yes, your Honor.

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

Next witness, please.

MR. WOODS: Yes, your Honor. Hilda Sostre.

Mr. Thurschwell will question.

THE COURT: Thank you.

You have a communication problem here with the witness.

MR. WOODS: Okay.

THE COURTROOM DEPUTY: We have no Miss Sostre.

THE COURT: S-O-S-T-R-E it is?

THE COURTROOM DEPUTY: Yes.

MR. WOODS: We would call the next witness, then, Renda Truong, and Mr. Neureiter will question.

THE COURT: Yes.

MR. WOODS: Apologize to the Court. She was here this morning, your Honor.

THE COURT: All right. Well, this happens.

We'll go back to Miss Sostre.

MR. WOODS: It looks like her right there.

THE COURT: Okay.

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

(Hilda Sostre affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Hilda L. Sostre, S-O-S-T-R-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Thurschwell.

MR. THURSCHWELL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. THURSCHWELL:

Q. Mrs. Sostre?

A. Yes.

Q. How are you?

A. Fine.

Q. Good. Where do you live, Mrs. Sostre?

A. Topeka, Kansas.

Q. Are you married?

A. Yes.

44. 103.

Q. Do you have children?

A. Yes.

Q. How many?

A. Three.

Q. Three? And are you working currently?

A. I just started working.

Hilda Sostre - Direct

Q. Where are you working now?

A. I'm working with the school district.

Q. Let me take you back to April, 1995. Were you working then?

A. Yes.

Q. And where were you working then?

A. Dreamland Motel.

Q. Sorry?

A. Dreamland Motel.

Q. Dreamland Motel, okay. Let me be more specific and direct your attention to April 17, 1995. Monday, April 17. Were you working on that day?

A. Yes, sir.

Q. Okay. Do you recall what time you arrived at work?

A. In the morning. 8:30. 8 to 8:30.

Q. 8 to 8:30?

A. Yes, sir.

Q. And did you drive?

A. Yes, sir.

Q. Do you have a usual place to park?

A. Yes, sir.

Q. You did. Did you park there that day?

A. No.

Q. And why not?

A. Because there was a truck, Ryder.

Hilda Sostre - Direct

Q. What kind of truck was it?

A. Ryder.

Q. A Ryder truck? I'm going to show you what's been previously admitted as Government Exhibit 283 and ask you if you recognize this aerial view.

A. This is the Dreamland Motel.

Q. Okay. Now, I'm going to zoom in and ask you if you would, take the pen that's on your desk there and underneath the desk, on the screen, if you would mark where the Ryder truck was parked that day.

A. I have to go under?

THE COURT: Yes.

BY MR. THURSCHELL:

Q. Actually right underneath on the screen, yes.

A. Okay. It was parked in here.

Q. Okay. Good. All right. And where did you park that day?

A. Well, most -- well, most -- always when I come to work, I park in this area.

Q. Okay. And where did you park that day?

A. That day, I had to park in this, in this area.

Q. Okay. Now, using that pen, could you show the jury and trace your steps immediately after you got out of the car that morning, if you recall.

A. When I -- when I get there and I park, I get out of the car, and I saw a man walking --

Hilda Sostre - Direct

Q. Well, before we get to the man --

A. Okay.

Q. -- can you just draw -- trace where you went that morning, first, yourself.

A. How do I do that?

Q. Do you recall -- where did you go after you got out of your car?

A. I just get off of my car, and I supposed to go through this door.

Q. Okay. And did you go straight to that door?

A. Yes.

Q. Okay. Now, did you notice anyone else in the parking lot?

A. Yes.

Q. All right. And who did you notice?

A. It was a man walking.

Q. Okay. Now, can you -- about how far away from you was he when you first noticed him?

A. 15 to 20 feet.

Q. Okay. Can you draw on this -- the photograph again -- or the screen I should say -- about where you saw him when you first noticed him?

A. He was walking like this.

Q. Okay. Now, can you trace the path that you saw this individual take that morning?

A. Okay. When I -- when I get off from the car, I was walking

Hilda Sostre - Direct

like this, and he was walking. When he get to this point, I look at him.

Q. Okay.

A. And he just continue walking to the truck. And I just continue to there, to the room.

Q. Did you see him get into the truck?

A. I see him close to the door.

Q. Close?

A. Yeah, when he get into -- getting to the door.

Q. Could you see whether he was carrying anything?

A. He was carrying nothing. Something in his -- he got one of the hand, you know, closed, but nothing like -- nothing else.

Q. Nothing that you could see?

A. No.

Q. Now, can you describe, to your best ability, the appearance of this person?

A. He was medium. Build --

Q. Well, let me be more -- I'm sorry, go ahead.

A. Build, good build. He got black hair. He got -- how I say it -- shape nose, you know.

Q. Long?

A. Yeah, long.

Q. Did you notice his skin color?

A. It's like -- like my skin.

Q. Okay. Is that light, dark? How would you characterize it?

Hilda Sostre - Direct

A. It is a brown-like.

Q. Brown-like?

A. Yeah. Yeah. No.

Q. Could you tell his ethnicity from where you were standing? What nationality --

A. Oh, okay. When I look at him, that's why I, Gosh, maybe I thought he was Spanish. And I look at him and I thought he was coming to town with going out, you know, for Ryder or whatever, you know. And I just --

Q. He caught your eye?

A. Yeah.

Q. Were you eventually shown a sketch of a person by the FBI?

A. Do they show me?

Q. Yes.

A. Yes, they show me a sketch.

Q. Okay. Did you recognize that sketch?

A. The first one they show me, I say no, because he wasn't. Then the second one, second one or the third time, I don't -- you know, I don't remember, been so many. But then after the first one I say no. Then the second one is when I say he look more like the guy I saw.

Q. Okay. So there came a time when the FBI showed you a sketch that resembled the individual that you saw in the parking lot that day?

A. Yeah.

Hilda Sostre - Direct

Q. All right. Now, let me go back to what you were doing that day. You said you first went to the laundry room. What do you do in the laundry room?

A. In the laundry room, in the morning I will check if there is clothes to wash, and then I fold whatever I have there for shower, in the dryer. Then I do the dry. And after that, then I call Lea McGown to --

Q. Let me just stop while you were in the laundry room. About how long did you spend in the laundry room that morning, if you recall?

A. That depend how many thing I have to do.

Q. Do you recall that day how long you were there?

A. 30 minute. I cannot

A. 30 minute. I cannot.

Q. Okay. That's it. You don't remember exactly. What did you do after you left the laundry room?

A. After I left the laundry room, then I ask Lea for the paper to let me know what room I have to clean.

Q. Let me stop you. When you say you asked Lea, who are you referring to?

A. The owner of the Dreamland Motel, Lea McGown.

Q. And where -- to return to the photograph that's still in front of you, where did you go to speak to Mrs. McGown?

A. This is the office. Stay here. Inside. This is her office.

Q. Okay. And is this the front door?

Hilda Sostre - Direct

A. This is the front door, yes, sir. And then this is inside.

Q. Okay. Now, you said you got a paper from Mrs. McGown?

A. Yes, sir.

Q. Now, what is that paper?

A. That paper tell me, you know, how many room do I have that day, who stay and who is gone.

Q. Okay. How many rooms -- which rooms you need to service that day?

A. Hmm?

Q. Does it show you which rooms you need to service that day?

A. Yes, sir.

Q. Okay. That day, if you recall -- well, let me -- before I ask you that, when you emerged from the laundry room, did you notice whether the Ryder truck was still there?

A. No, he was gone.

Q. Okay. Now, let me come back. The paper that you mentioned: Do you recall whether Room 25 was listed on the paper for you to service that day?

A. He was listed because somebody in there.

Q. Okay. And did you in fact service Room 25?

A. I knock at the door.

Q. About what time was that?

A. Noon.

Q. Noon?

A. Yes, sir.

Hilda Sostre - Direct

Q. Tell me what -- before I ask you that, I'm showing you what's been previously admitted as Government Exhibit 318. And if you click your pen, I think you can get rid of those marks.

A. No, no, don't worry about that. I can see it.

Q. Did you recognize this individual?

A. Yes, sir.

Q. And who is that person?

A. This is Timothy, Timothy.

Q. Is it someone you've since come to learn's name was Timothy McVeigh?

A. Yes.

Q. When was the first time you saw this person?

A. I saw him in the Room 25.

Q. All right. And tell me what happened when you knocked on the door.

A. When I knock on the door, nobody answer, and I figure out nobody was there. And I was ready to go in, put the key on the lock to open the door.

Q. And then what happened? Go ahead. Then what happened?

A. And I ask him if he need service, he needs towel.

He say no, he was okay.

And I say, "Okay. Have a good day." And I continue walking, and that time he close the door.

And he open again and he go toward me and he say, "No, I think I need some towel."

Hilda Sostre - Direct

And I told him, "For me to be able to give a towel, you have to give me the used one."

And he say, "Okay," and he go back.

Q. And he came out and gave you the used towels and you exchanged them for the new ones?

A. Yes, sir.

Q. Have you ever seen this individual again?

A. No. On TV.

Q. On TV, but not in person?

A. No, no in person.

MR. THURSCHWELL: That's all I have.

THE COURT: All right. Mr. Mackey.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Miss Sostre, good afternoon. How are you?

A. Good afternoon.

Q. I have just a few questions of my own.

A. Okay.

Q. Let me return our attention to Government Exhibit 283, the aerial photograph of the Dreamland.

A. Okay.

Q. Miss Sostre, and I listened to your testimony. My understanding is that on Monday --

A. Yes, sir.

Q. -- morning, April 17, 1995, you saw what you described to

Hilda Sostre - Cross

the jury; is that correct?

A. Yes, sir. Yes, sir.

Q. Can you tell the jury why you remember that day.

A. Because -- because that was my first day of working.

Q. Of the week?

A. Yes, sir.

Q. Is there any other reason why you remember that day as the day you saw a truck parked in your spot.

No other reason?

A. Because this is my -- where I park in all the time, and I know --

Q. I understand.

A. -- you know, that I have to . . .

Q. Trucks around the Dreamland is a common sight, is it not?

A. Yes.

Q. And you know Mrs. McGown? You've worked for her as a maid for a couple years?

A. Yes.

Q. If her testimony was that there were large moving vans or trucks around the Dreamland on 20 to 60 occasions every year, do you have any reason to doubt that?

A. Well, because I'm working weekdays, you know, maybe --

Q. Would you have any reason to doubt her estimate?

A. No, I not.

Q. Let me go back to Government Exhibit 23. On this

Hilda Sostre - Cross

particular Monday morning, as you recall, Miss Sostre, a vehicle was parked in this area?

A. Yes, sir.

Q. Forcing you to park where -- as this photo shows, there is a truck -- correct -- pickup truck?

A. Yes.

Q. And as you got out of the vehicle, it's your testimony your attention was drawn to the right as you were headed to the laundry door?

A. Uh-huh.

Q. And you saw an individual that you've described to this jury?

A. Yes, sir.

Q. Did you stop and look at him?

A. No, sir.

Q. You continued walking?

A. I walk.

Q. I take it, then, the two of you had no conversation?

A. No, sir.

Q. Never got any closer than the distance that separates the width of that entire office area; correct?

A. Yes, sir.

Q. Did he turn in your direction so that you had a frontal view?

A. I saw the front and I saw him -- his side of his face.

Hilda Sostre - Cross

Q. Miss McGown -- excuse me. Miss Sostre, did the individual climb into the truck? Did you see that happen?

A. No, I don't see him climb to the truck.

Q. Miss Sostre, you encountered Tim McVeigh on one occasion in person; is that your testimony?

A. Yes, sir.

Q. And that was that same morning that you mentioned

Q. And that was that same morning when you discovered, unbeknownst to you, that he was still in Room 25?

A. Yes.

Q. Is that correct? I take it, then, you had not seen him on the previous Friday?

A. No, sir.

Q. And you didn't work the weekend in between?

A. No, sir.

Q. So this was the one and only occasion.

I take it as well, Miss Sostre, that you never saw the individual that you noticed walking towards the truck ever in the company of Tim McVeigh?

A. No.

Q. Never saw him at Room 25?

A. No.

Q. Even near Room 25?

A. No.

Q. Never in the company of Mr. McVeigh?

A. No.

Hilda Sostre - Cross

Q. When you did observe him, my understanding of your testimony is he was coming from the opposite wing of the Dreamland; is that right?

A. Yes, sir.

Q. Do you know whether the Dreamland houses lots of construction workers and people who drive trucks?

A. Can you repeat that?

Q. In April of 1995, Miss Sostre, do you remember there being some construction projects going on around the Dreamland, road construction?

A. Yes.

Q. And did you find it common that there were construction workers who stayed at your motel --

A. Yes.

Q. -- on --

A. Yes.

Q. -- several days? And those construction workers often drove trucks; correct?

A. Yes.

Q. Miss Sostre, I'm going to show you at this time an exhibit that's not been admitted into evidence yet, and I want you to look down into your screen to Government Exhibit 1629. You see the composite sketch that now appears before you?

A. Yes.

Q. At any time in April of 1995, did you see that individual

Hilda Sostre - Cross

or anybody that looks like that individual at the Dreamland Motel?

A. No, sir.

Q. Miss Sostre, when the FBI came out and showed you two

Q. Miss Sostre, when the FBI came out and showed you the composite sketches, do you recall that?

A. I recall they show the pictures, but I don't recall when, you know, it was in the first time or the second time, I cannot; but they show me pictures.

Q. Miss Sostre, had you talked to Mrs. McGown about what you had seen before you talked to the FBI?

A. Nothing at all.

Q. Do you recall, Miss Sostre, when you were first shown two composites, that you recognized one as bearing some likeness to Tim McVeigh?

A. Yes.

Q. And the second composite, Miss Sostre, do you recall telling the FBI, when first shown it -- let me finish.

A. Uh-huh.

Q. -- that you did not recognize that person?

A. I do not recall that.

MR. MACKEY: I have nothing else.

THE COURT: Any follow-up?

MR. THURSCHWELL: Briefly, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

Hilda Sostre - Redirect

BY MR. THURSCHWELL:

Q. Mrs. Sostre, you were asked whether you recall construction workers who stayed at the Dreamland Motel in April of 1995.

A. Yes.

Q. And you -- your testimony was you do recall them driving trucks.

A. Yeah.

Q. Do you recall any construction workers who drove rental Ryder trucks?

A. That what I want to say before. No. They use truck, but different type of truck.

Q. You were asked about FBI sketches that were shown to you also; is that correct?

A. Uh-huh.

Q. And you were -- testified that there were one or two that you did not recognize?

A. That's what I said.

Q. I'm going to show you what's been marked as Defense Exhibit D780, not yet admitted.

Do you recognize this sketch?

A. Yes.

Q. Was this one of the sketches that was shown?

A. That's the one. The one I always say is --

MR. THURSCHWELL: Okay. Your Honor, we would move the admission of D780.

Hilda Sostre - Redirect

MR. MACKEY: No objection.

THE COURT: D780 received.

MR. THURSCHWELL: And ask that it be published.

THE COURT: Yes.

BY MR. THURSCHWELL:

Q. What was your reaction when you were shown this exhibit?

A. Well, that's -- I agree that is the one that more look like the person I saw walking toward the truck.

Q. This sketch looked like the person who you saw?

A. Yes.

Q. And you told the FBI that?

A. Yes.

MR. THURSCHWELL: No further questions.

THE COURT: Mr. Mackey?

MR. MACKEY: Just a couple.

THE COURT: All right.

REXCROSS-EXAMINATION

BY MR. MACKEY:

Q. Miss Sostre, when you encountered this man walking towards the truck on Monday, was he wearing a cap?

A. I don't recall that.

Q. Let me show you what's been previously admitted into evidence as D1731.

Do you recall, Miss Sostre, that this was the composite sketch that was first shown to you by the FBI on

Hilda Sostre - Recross

April 23, 1995?

A. I don't recall. I don't know.

Q. You told Mr. Thurschwell earlier that when you saw the composite sketch, it looked more like the guy that you had seen? You remember using words to describe that?

A. In the photo that he just showed, yes, sir.

Q. All right. Neither of the sketches, the one that's being shown to you now nor the one with the cap, in fact is identical to your memory of the individual you saw; is that correct?

A. The one that you have in your hand.

Q. Your testimony is there's no differences between the person depicted in D780 and your previous descriptions of the individual you saw?

A. You lost me.

THE COURT: That's --

MR. MACKEY: I'll withdraw the question. No other questions.

MR. THURSCHWELL: No other questions, your Honor. She's excused.

THE COURT: You're excusing this witness, then, by agreement?

MR. MACKEY: Yes, your Honor.

THE COURT: You may step down. You're now excused. Next, please.

MR. WOODS: At this time, we would call Renda Truong, your Honor, and Mr. Neureiter will question her.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Would you raise your right

hand, please.

(Renda Truong affirmed.)

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

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

THE WITNESS: Renda Truong, T-R-U-O-N-G.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Miss Truong. How are you?

A. I'm fine. How are you?

Q. We met for the first time a couple days ago; is that right?

A. Yeah.

Q. Where do you live?

A. In Hawaii.

Q. In Hawaii?

A. Yeah.

Q. Came a long way. How old are you?

A. I'm 19.

Q. 19. Did you just graduate from high school last year?

A. Yes, sir.

Q. Before Hawaii, where did you live?

Renda Truong - Direct

A. In Kansas.

Q. You're going to have to speak up a little more so the jury can hear you. Just lean towards the microphone.

And say where you lived.

A. In Kansas.

Q. Did you live on the base at Fort Riley?

A. Yes.

Q. Why did you do that?

A. 'Cause my mom's in the military.

Q. And is she in the military still today?

A. Yes.

Q. And that's why you moved to Hawaii?

A. Yes.

Q. Do you know Lea McGown?

A. Yes.

Q. How do you know Lea McGown?

A. She's my best friend's mom.

Q. And what's your best friend's name?

A. Kathleen McGown.

Q. Do you know the Dreamland Motel?

A. Yes.

Q. How do you know the Dreamland Motel?

A. I used to live there.

Q. Did you live there during the April time period of 1995?

A. Yes.

Renda Truong - Direct

Q. Before you lived at the Dreamland, though, were you staying with your dad for a while, too?

with your dad for a while, too:

A. Uh-huh.

Q. Were you helping him move?

A. Yeah, I was -- we were fixing the PCS, my family did.

Q. Let me show you what's been previously admitted as Government Exhibit 287.

Do you recognize that?

A. Yes, I do.

Q. What is that?

A. That's the Dreamland Motel.

Q. I'll leave that up there for a minute.

I want to take you back to Easter Sunday, 1995. Do you remember Easter, 1995?

A. Yes, I do.

Q. Where were you living on Easter Sunday, 1995?

A. I was still living at home with my dad.

Q. Is that with your dad?

A. On the base.

Q. Were you helping him pack?

A. Yeah. Actually I was helping -- I was helping clean quarters.

Q. And then soon thereafter did you move to the Dreamland?

A. Uh-huh.

Q. Tell me about Easter, 1995. Did you -- did you get

Renda Truong - Direct

together with the McGowns on that day?

A. Yes, I did. We -- I was helping my dad clean, and they had came over and asked me to go out to eat with them for Easter brunch. And they came by my house to pick me up.

Q. And where did you go to brunch; do you remember?

A. No, I don't.

Q. Was it O'Kelly's? Is there an Irish restaurant there in -- O'Grady's? The name escapes me, too.

A. I'm not sure.

Q. But they came to pick you up on Easter Sunday?

A. Yes.

Q. For brunch. Was Eric with them?

A. No, he was not.

Q. Is Eric Kathleen's sister -- brother, excuse me?

A. Yeah, he is.

Q. But you went out with the McGowns, mother and daughter; is that right?

A. Yes, I did.

Q. What did you do after you ate?

A. We went back -- we went back to the motel.

Q. Did there come a time on that day when you went to the motel?

A. Yes, there was.

Q. And what did you see as you arrived back at the motel?

A. I seen cars and the Ryder truck.

Renda Truong - Direct

Q. You saw a Ryder truck on Easter Sunday, 1995, at the Dreamland Motel?

A. Yes, I did.

Q. Where was the Ryder truck parked?

A. In front of the sign.

Q. In front of the sign. And when you say "the sign," did you mean this sign?

A. Yes, I do.

Q. And was it to the left of the sign as indicated on this picture, or was it to the right of the sign?

A. It was parked right in front.

Q. Right on the other side of the sign?

A. In the middle. In the front of the office. It was parked directly in front. In front of the sign.

Q. Okay. Can you describe the Ryder truck at all?

A. It was a big, yellow truck.

Q. Yellow, it was yellow?

A. Yeah.

Q. Do you know the difference between Ryder trucks and trucks that construction workers might drive?

A. Yes, I do.

Q. And what's the difference?

A. Ryder truck is for moving, and the work trucks are just for working.

Q. Ryder trucks are yellow?

Renda Truong - Direct

A. Yeah. The Ryder truck is yellow.

Q. Does it have the big word "Ryder" on the side?

A. Yeah, it does.

Q. And construction trucks don't have the "Ryder" on the side, do they?

A. No, they do not.

Q. Did there come a time when the FBI showed you a brochure of different-size Ryder trucks?

A. Yes. Couple days after the incident had happened.

Q. And were they interested in what kind of Ryder truck you saw on that day, Easter Sunday, 1995?

MR. MACKEY: Objection to the question.

THE COURT: Sustained as to the form.

BY MR. NEUREITER:

Q. They showed you a brochure?

A. Yes, they did.

Q. I'm going to show you something that's not in evidence yet. It's marked D1737.

MR. NEUREITER: Have you seen this?

BY MR. NEUREITER:

Q. Do you see that on your screen there?

A. Yes.

Q. Is that the brochure that the FBI showed you?

A. Yes, it is.

Q. And did they ask you to pick out the specific Ryder truck

Renda Truong - Direct

on that brochure as the one that you saw on Easter Sunday, 1995?

A. Yes, they did.

MR. NEUREITER: Move to admit D1737, your Honor.

MR. MACKEY: No objection.

THE COURT: Received. D1737 may be shown.

BY MR. NEUREITER:

Q. There are four Ryder trucks on this brochure; right?

And we're going to go from the top to the bottom.

And

I'm going to ask you: Was it this one?

A. No.

Q. Was it this one?

A. No.

Q. Was it this one?

A. Yes.

Q. And was it this one?

A. No.

Q. You're indicating that the truck you saw on Easter Sunday, 1995, at the Dreamland Motel was what's indicated here as the three-bedroom Ryder truck; is that correct?

A. Yes, sir.

Q. Okay. And do you see that that has a cargo door on the side?

A. Yes, it does.

Q. Does it have an overhang over the cab?

Renda Truong - Direct

A. I don't remember.

Q. You don't remember?

A. No.

Q. The one that you saw, you don't remember?

A. No.

Q. But --

A. This one doesn't.

Q. This one doesn't?

A. No.

Q. Is that the one that you picked out for the FBI on that date?

A. Yes, this is the one.

MR. NEUREITER: One moment, your Honor.

THE COURT: Yes.

BY MR. NEUREITER:

Q. Do you remember what day it was that the FBI talked to you?

A. No, I don't recall.

Q. If I showed you a report of interview that they did, do you think that would help you refresh your recollection as to what date it was that they talked to you?

A. Yes, it would.

Q. Okay. And to put your time, on Easter Sunday was the 16th, the bombing was the 19th. Let me show you this document.

A. It was on the 23d?

Q. Does that help you refresh your recollection that it was

Q. Does that help you refresh your recollection that it was

Renda Truong - Direct

the 23d that they talked to you?

A. You know, I don't really remember. I mean the report says 23d, but --

Q. But you don't remember?

A. No.

Q. Was it within a week of the bombing?

A. Yes, it was.

Q. Just a few days after the bombing that they talked to you?

A. Yes.

Q. And your recollection at that time was pretty fresh; right?

MR. MACKEY: Objection.

THE WITNESS: Yes.

THE COURT: Sustained as to the objection.

BY MR. NEUREITER:

Q. Was your recollection when the FBI talked to you in 1995 fresh as to what you had seen on Easter Sunday?

MR. MACKEY: Same objection.

THE COURT: Sustained.

MR. NEUREITER: No further questions.

THE COURT: All right. Mr. Mackey.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Miss Truong, how are you this afternoon?

A. I'm fine.

Q. How long did it take for you to fly from Hawaii to Denver?

Renda Truong - Cross

A. A day.

Q. And how many total minutes did you see the Ryder truck in front of the Dreamland?

A. I don't remember. We were parked there for a while.

Q. Do you recall what time Easter Sunday you came back to the Dreamland?

A. No, sir.

Q. Do you remember whether it was morning or afternoon?

A. It was afternoon. It was in the afternoon.

Q. And when you arrived back at the Dreamland, what did you do?

A. We were going to pick up Eric to -- before we went back to my house. And I had saw the truck, and I had asked Miss McGown if -- if someone was moving. And she said she didn't know.

Q. Miss Truong, did you get out of the car?

A. No, I did not.

Q. How close did the car come to the Ryder truck that you saw?

A. Very close. We were parked right in front of the office.

Q. Where were you seated in the car?

A. I was on the driver's side in the back seat.

Q. And how long did you wait for Eric?

A. Not very long. 10, 15 minutes, maybe.

Q. Miss Truong, have you ever driven a Ryder truck?

2. -----

A. No, I haven't.

Q. Have you ever ridden in one?

Renda Truong - Cross

A. Yes, I have.

Q. On how many occasions?

A. On once.

Q. And how many occasions prior to April 16, 1995?

A. Like seven, eight months ago, before.

Q. Miss Truong, have you ever met Tim McVeigh?

A. No, I haven't.

Q. I take it your testimony is you never saw him near that Ryder truck on Easter Sunday?

A. Correct.

Q. Do you remember when you were first interviewed by the FBI, they showed you two composites?

A. Yes.

Q. Artist's sketches?

A. Yes.

Q. You looked at each of those two artist's sketches?

A. Yes, I did.

Q. Do you remember telling the FBI you didn't recognize either one of those as somebody you knew?

A. Yes, I remember.

MR. MACKEY: Nothing else.

THE COURT: Anything else?

MR. NEUREITER: Yes, just one.

THE COURT: All right.

REDIRECT EXAMINATION

Renda Truong - Redirect

BY MR. NEUREITER:

Q. Miss Truong, were you in school April, 1995?

A. I don't remember. You mean the day?

Q. Did you have school the day after Easter, April, 1995?

A. Oh. Yeah, I did.

Q. So you didn't go to lunch with the McGowns on Monday, April 17, 1995, did you?

A. No, I did not.

Q. It was Easter Sunday that you were there and you saw the Ryder truck; right?

A. Uh-huh.

MR. NEUREITER: No further questions. And thank you very much for coming.

THE COURT: Excusing her?

MR. NEUREITER: Yes, sir.

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

Next, please.

MR. WOODS: Yes, your Honor. Herta King, and Mr. Neureiter will question her.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Herta King 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: Herta Maria Magdalena King, K-I-N-G.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Miss King, how are you?

We met for the first time a couple nights ago; is that right?

A. Yes.

Q. How old are you?

A. 57.

Q. Where are you from?

A. Port Charlotte, Florida.

Q. Where did you live in April, 1995?

A. In Junction City, Kansas.

Q. Do you have children?

A. Yes, I have two sons.

Q. What are their names?

A. David and Edward.

Q. Where was David living in April, 1995?

A. He lived in the Dreamland Motel.

Q. Do you know Lea McGown?

A. She's my best friend.

Q. Do you and she share a common heritage?

A. Yes; we're German.

Q. I want you to think -- I'd like to ask you to think back to April of 1995 and the Easter time period. Did you do something

Herta King - Direct
special for your son on Easter, 1995?

A. Yes, I did.

Q. What did you do?

A. I went to the Dreamland Motel and brought him an Easter basket.

Q. Okay. Let me show you a picture which is previously admitted, Government Exhibit 287. Can you tell me what that is.

A. That's the Dreamland Motel.

Q. And do you remember where your son was staying at the Dreamland?

A. In room -- excuse me -- Room 25. Right next to the office.

Q. Was it Room 25 or was it Room 23?

A. Oh, 20 -- I think it was 24.

Q. 24.

A. Right next to the Coke machine.

Q. It was in the 20's?

A. Yes.

Q. And it was close to the office?

A. Yes.

Q. Okay. So you drove to the Dreamland on Easter Sunday?

A. Yes.

- Q. And you're bringing your son a Easter basket?
A. Yes, I did.
Q. As you arrived in the parking lot, what did you notice at

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the Dreamland on Easter Sunday, 1995?

A. I noticed a Ryder truck being parked right next to the sign.

Q. And why did you notice that Ryder truck?

A. Because it was blocking the view to my son's car.

Q. And do you remember what your -- your son was driving at that time period?

A. He was driving an old, green, American car.

Q. And you don't recognize American cars, do you?

A. No. I working -- I've been working with foreign cars for 24 years. I don't know any American cars. I'm sorry.

Q. But you remember your son was driving an old, American car?

A. Yes.

Q. And did you look for it as you approached the Dreamland --

A. Yes.

Q. -- in the parking lot that day?

A. Yes, I did.

Q. And you couldn't see it?

A. I couldn't see it.

Q. Why not?

A. Because the view was blocked by the Ryder truck.

Q. Was it a small truck, or a big truck?

A. It was a medium-sized truck.

Q. Medium-sized truck.

Do you know the difference between trucks construction

Herta King - Direct

workers drive and Ryder trucks?

A. Yes, I do.

Q. What's the difference?

A. A Ryder truck is much bigger, and it's yellow and has "Ryder" --

Q. Construction trucks don't have "Ryder" on the side, do they?

A. No.

Q. Have you been shown a brochure that has different Ryder trucks on it?

A. The only thing I saw is the piece of paper that you showed me with Ryder trucks.

Q. I'm going to show you previously admitted Exhibit 1737.

And if we count down one, two, three, four, which Ryder truck was it that you saw on Easter Sunday, April, 1995?

A. To my recollection, it looked like No. 3.

Q. No. 3. And that would be this one --

A. Yes.

Q. -- right here. Can you tell that that has a cargo door on the side from this photograph -- or from this brochure?

A. I don't remember that. I'm sorry.

A. I DON'T REMEMBER THAT. I'M SORRY.

Q. I'm just -- from this brochure?

A. From this brochure it has a door, yes.

Q. And zooming in a little closer, is that the one that can move three bedrooms?

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A. Yes; that's correct.

Q. Okay. Now, Lea McGown is your best friend?

A. Yes.

Q. And the last two-and-a-half years have been pretty interesting for Miss McGown; correct?

A. Yes.

Q. And that's because the FBI has visited the Dreamland a lot?

MR. ORENSTEIN: Objection, your Honor.

THE COURT: Sustained.

BY MR. NEUREITER:

Q. Have you and Miss McGown had discussions about the Ryder truck?

A. After the bombing.

Q. Just answer yes or no without telling us what she said.

A. Yes.

Q. You have had discussions about that truck. And did you say to Miss McGown -- what did you say to Miss McGown about the truck?

MR. ORENSTEIN: Objection.

THE COURT: Sustained.

BY MR. NEUREITER:

Q. Did Miss McGown agree with you at one point that a Ryder truck was at her hotel on Easter Sunday, 1995?

MR. ORENSTEIN: Objection.

THE COURT: Overruled.

Herta King - Direct

BY MR. NEUREITER:

Q. You can answer.

A. Yes, she did.

Q. And did she say to you, "It doesn't make sense that a truck was there on Sunday, if McVeigh rented it on Monday"?

MR. ORENSTEIN: Objection.

THE COURT: Sustained.

THE WITNESS: Yes, she did say that.

THE COURT: No, sustained the objection.

MR. NEUREITER: May I ask the witness to say what

Miss

McGown said?

THE COURT: Well, yes.

BY MR. NEUREITER:

Q. What did Miss McGown say to you?

MR. ORENSTEIN: I --

THE COURT: Objection is overruled.

THE WITNESS: May I talk about --

BY MR. NEUREITER:

Q. Yes, you may.

THE COURT: What is your recollection of what she said to you? That's the question.

THE WITNESS: Mrs. McGown said, "It doesn't make sense that Mr. McVeigh rented the truck on Monday morning when the truck -- when a Ryder truck was there already on Sunday.

MR. NEUREITER: Thank you very much.

Herta King - Direct

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. ORENSTEIN:

Q. Good afternoon, Miss King.

A. Good afternoon.

Q. We've met before, of course.

A. Yes, we have.

Q. Now, you've seen pictures of Mr. McVeigh in the time since the bombing; correct?

A. Yes, I have.

Q. And you know what he looks like?

A. Yes.

Q. And you've never seen him in person; is that correct?

A. No, I have not.

Q. You've been to the Dreamland many times over the years?

A. Many times.

Q. And you've been friends with Lea McGown for, what, 20 years?

A. 20 years.

Q. Now, while you were still living in Kansas, would it be fair to say that you visited Mrs. McGown weekly at the Dreamland?

A. That's correct.

Q. Probably two or three times a week?

A. That's correct.

Herta King - Cross

Q. And you were there -- excuse me -- you were there on Good Friday, which was her son's birthday; correct?

A. Yes.

Q. You didn't see a truck that day; correct?

A. I did not, no.

Q. Now, Mr. Neureiter asked you about Sunday; correct?

A. Yes.

Q. When were you there on Sunday?

A. I was there about 12:45.

Q. And how long were you there?

A. For about 15 minutes.

Q. And that was to visit your son; correct?

A. Yes.

Q. And you were on your way to an Easter meal with a friend; correct?

A. That's correct.

Q. So at about 3:00 in the afternoon, you were with your friend having your Easter meal; correct?

A. That's correct.

Q. You weren't at the Dreamland?

A. No.

Q. And you didn't go back to the Dreamland until rather later that night; correct?

A. Correct.

Q. And when you came back, there was no Ryder truck; correct?

Herta King - Cross

A. I did not see any, no.

Q. And -- excuse me.

When you saw a Ryder truck at the Dreamland Motel on the occasion that you're describing, there was no one in it; correct?

A. Correct.

Q. No one near it?

A. Correct.

Q. No one walking to it or from it?

A. Correct.

Q. Now, you've previously rented a 20-foot Ryder truck.

A. Yes.

Q. Wasn't as big as the one you rented -- the one that you saw?

A. No.

Q. And I think you told Mr. Neureiter that you don't recall seeing a side door on the box of that truck?

A. I don't recall.

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

THE COURT: Yes.

MR. ORENSTEIN: I have nothing further.

THE COURT: Any other questions?

MR. NEUREITER: No redirect, your Honor. The witness is excused.

THE COURT: Will you excuse the witness?

MR. ORENSTEIN: Yes, your Honor.

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

MR. WOODS: Yes, your Honor. We would call Shane Boyd. Mr. Thurschwell will question.

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

(Shane Boyd 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: Shane W. Boyd, B-O-Y-D.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Thurschwell.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Good afternoon, Mr. Boyd.

Mr. Boyd, where do you currently reside?

A. In Killeen, Texas, at Fort Hood.

Q. Are you married?

Q. Are you married?
A. Yes.
Q. Children?
A. Yes.
Q. How many?
A. Two.
Q. And what do you do down there at Fort Hood?

Shane Boyd - Direct

A. I'm in the U.S. Army. I'm a sergeant. And --
Q. What's your rank?
A. Sergeant.
Q. Okay. E4, is that --
A. E5.
Q. E5. Shall we refer to you as "Mister" or "Sergeant"?
A. It doesn't matter.
Q. Well, I'll keep to non-military, then.

Let me take you back to April, 1995. How were you employed at that time?

A. At the time, I worked for Lockheed Martin contractor, working on Apache helicopters.
Q. What specifically were you doing on Apache helicopters?
A. What they call ASAMs, Aviation Safety Accident Messages. We would travel around the country and do repairs or modifications to the helicopters themselves.
Q. You were a mechanic of some kind?
A. Yes.
Q. Okay. Now, I want to show you what's been previously admitted as Defense Exhibit D1701.

Do you recognize what's depicted in that exhibit?

A. Yes.
Q. What is that?
A. The Dreamland Motel.
Q. Okay. Did you have occasion to stay at the Dreamland Motel

Shane Boyd - Direct

in April of 1995?

A. Yes. I stayed there for approximately five to six weeks.
Q. All right. Do you recall the precise dates, or as near as you can remember?
A. I believe the first week of April through the middle of May.
Q. Okay. Now, I wanted to zoom in.

And if you can, take the pen that's on the desktop in front of you and underneath the desk, if you just can point on the screen and touch the screen with the pen to the room that you were staying in, if you recall.

A. I'm pointing at it. Do you see it?

Q. Not yet.

Okay. All right. Do you recall the room number that you were in?

A. It was 28.

Q. Okay. Now, during the period you stayed there, did you

ever observe a Ryder truck or trucks?

A. Yes.

Q. Okay. When was the first time, if you recall, that you remember seeing a Ryder truck during your stay there?

A. The Monday previous to . . . I can't give you a specific date as far as the Monday before I had an encounter with Timothy McVeigh.

Q. Okay. We'll come to that.

Shane Boyd - Direct

A. Okay.

Q. Let me do it in terms --

A. I do not --

Q. Do you recall the day that the Murrah Building bombing happened?

A. It was on a Wednesday, wasn't it?

Q. That's right. Did you see the truck for the first time on the Monday immediately preceding that?

A. No. The one prior to that.

Q. The one prior to that?

A. Correct.

Q. Okay. All right. And what time of day did you see it?

A. Approximately 5:45 to 6:00 in the morning.

Q. And when you -- can you describe it?

A. It had a flatbed trailer on the back of it. It was a three-bedroom-size Ryder with a flatbed trailer on the back.

Q. And can you describe the flatbed trailer? Was it a small one, large one?

A. It was about 20, 25 feet in length, something you would carry a car or a tractor on. It was welded with a wood bottom.

Q. Okay.

A. As far as it was steel with a wood bottom.

Q. All right. Now, where was this truck when you first saw it? Was it parked, or was it moving?

A. It was down at the -- at the east end of the -- of the

Shane Boyd - Direct

motel, as far as it looked like it was attempting a U-turn in the early morning.

Q. So it was in motion when you --

A. Correct, uh-huh.

Q. Okay. Did -- when was the -- did you see -- did you return to your room later that day?

A. Yes, approximately around 3:00.

Q. Did you see the truck at that time?

A. Excuse me. No.

Q. When was the next time you saw a Ryder truck that week?

A. Tuesday or Wednesday.

Q. Tuesday or Wednesday? And what time of day did you see it then?

A. I'd usually see it in the morning. And in the afternoons.

Q. Okay. Now, what time of morning are we talking about?

A. Same time frame, 5:45 to 6:00 in the morning.
Q. And is there a reason that you were up and about at that hour?
A. Well, our work call as at 6:00, and it only took me about five minutes to get to the -- to the Army base and on the airfield.
Q. So you were leaving for work around that time?
A. Correct.
Q. And what time did you usually, typically return home?
A. 3:00. Between 3:00 and 3:15.

Shane Boyd - Direct

Q. Did you see the truck on any day that afternoon -- in the afternoon, when you returned?
A. Yes, I'd see it every day. As far as where I parked in front of my room -- the Ryder truck, I had to go past it.
Q. Okay.

If we can show 1701 again.

Can you mark on this exhibit where you -- the places, plural, that you saw the Ryder truck parked that week in the afternoon.

A. First it was parked over here.

THE COURTROOM DEPUTY: Tell him to put the pen right down.

BY MR. THURSCHELL:

Q. You've got to hold the pen straight up and down and touch the screen with it.

A. I'm doing that.

THE COURTROOM DEPUTY: There it is.

THE WITNESS: There we go.

BY MR. THURSCHELL:

Q. So is that just to the east?

A. That's the east side of the sign.

Q. All right.

A. As far as directly behind it.

Q. Did you see it parked anywhere else that week?

A. Yes. On the west side of the -- of the sign, as far as it

Shane Boyd - Direct

was parked on this piece of grass right here.

Q. Now, I'm referring to it as if it were the singular, but you tell me: Could you determine whether this was the same Ryder truck you would see in the morning as in the afternoon?

A. It was the same size. I didn't see a license plate or anything. Like I say, the only thing that distinguished it was a flatbed trailer on the back of it.

Q. When you saw it that week, did it have the flatbed trailer?

A. No.

Q. It was just that first time?

A. Uh-huh, on Monday morning.

Q. But was the same-size truck that you saw each time?

A. Yes.

Q. Now, when you saw the first time that you saw the truck,

Q. Now, when was the last time that you saw the truck?

A. I believe it was Sunday morning. Parked in the same -- same spot.

Q. Would that be Sunday, April 16?

A. Easter.

Q. Easter Sunday, all right. And when you say the "same spot," would that be to the east, or to the west?

A. It was on the east side of the sign. It was -- excuse me.

I stand corrected. It was on the west side of the sign, pointing west, as far as facing west.

Q. Okay. Now, Mr. Boyd, I want to show you a photograph of someone and ask if you've ever seen them in person before.

Shane Boyd - Direct

A. Yes.

Q. Have you since come to learn the name of this person?

A. Yes, I have.

Q. All right. And what is that?

A. Timothy McVeigh.

Q. Okay. Now, when did you -- let me ask it this way: When was the first time you encountered this individual?

A. Friday, the week prior to the bombing.

Q. Would that be Friday, April 14?

A. I believe so. If I could . . . Two days before Easter, so . . .

Q. And what time of day was it?

A. This was right at getting dusk. It was approximately 6:30; 6:00-to-7:30 time frame.

Q. All right. And how did you see him? What were the circumstances?

A. I was outside. Me and my wife were outside having a barbecue as far as in front of our room. What we do -- what I'd do a lot on the road. And I had too much -- too much meat on the barbecue pit, so I decided, well, I can't eat this all by myself; I better ask somebody if they would like to have some. And from the way I am, I just -- the first person I saw, I asked them if -- would they like any barbecued chicken.

Q. And who was that person?

A. That was Timothy McVeigh.

Shane Boyd - Direct

Q. All right. Now, had -- was he there the whole time, from the time you began barbecuing?

A. He had been in his room. Because by the time -- 'cause I'd been outside for at least 45 minutes to an hour, in and out, getting a beer, whatever. And whenever he came out, he was locking his door and leaving.

Q. Okay. So you saw him going in and out. Going in and out. Or come out?

A. I saw him leave.

Q. Okay. Do you recall the room number that he came out of?

A. No. Because I was -- I was pointing to the east, and I couldn't see the room number. It was two doors down from me.

couldn't see the room number. It was two doors down from me.

Q. All right. Is that two doors down from the room that you were staying in?

A. If I could see a picture again, I could point.

Q. Well, let's show you the picture. Showing you again --

MR. THURSCHWELL: The last exhibit was Government 318. I'm not sure I identified it.

THE COURT: All right.

MR. THURSCHWELL: This is showing the witness again D1701, the west wing of the Dreamland Motel.

BY MR. THURSCHWELL:

Q. Can you try one more time with the pen, and let's see if you can point to the room where you were --

A. Okay. We were here. We were here.

Shane Boyd - Direct

Q. Once more. I think you have to keep it upright, or it starts blinking.

Okay.

A. And the person came out of the room here.

Q. Okay. Now, are you certain that those were the rooms that you were staying in and that he was staying in?

A. I don't know if he was staying there, but I saw him come out of that room.

Q. Okay. Did you see that individual at any point in a vehicle?

A. There was a yellow car, Mercury that he got into, a four-door, yellow Mercury.

Q. Okay. And -- but when did you see him get into the car?

A. When I was -- when I asked him if he wanted any barbecue chicken, he didn't say anything to me, turned around and made sure his door was locked, and then immediately got in his car and left.

Q. And left. Okay. Did you ever see him again, in person?

A. No, I didn't. I did see the car off and on.

Q. Okay. During that week?

A. During the week, yes, sir.

Q. Do you recall the last time, the last day that you saw the car there?

A. That was probably Saturday. I believe it was Sunday after . . . after Easter dinner.

Shane Boyd - Direct

Q. Okay. Now, I want to direct your attention to late afternoon of Saturday of that same weekend, around 3:30. Do you recall where you were at that time?

A. Yes, sir. We just -- me and my wife had just come back from the mall.

Q. Okay.

A. And --

Q. Sorry. Did there come a time when you decided you wanted to get a Coca-Cola?

A. Correct. I -- we got into the room, and then I proceeded

to just go out, because it was such a nice day -- that I want to go down and buy a Coke, take a little walk.

Q. Where -- where did you go to get the Coke?

A. On the other side of the office, the east side of the office.

Q. And is that because there was a Coke machine there, to your recollection?

A. Correct. That's where the Coke machine was located.

Q. Okay. Let me show you what's been marked and admitted as Government Exhibit 287.

And if you could click -- there's a button on the side of that pen. If you could click that two or three times, I think you could get rid of those marks.

Thank you.

Now, again using the pen as a pointer, can you point

Shane Boyd - Direct

to where the Coke machine was, to your best recollection, in April of 1995?

One more time. We've got the blinking problem. Try to keep the pen straight up and down.

Okay. And you're pointing to what is the -- appears to be the east side of the office; is that correct?

A. Correct. It was located approximately in the corner where the shadow is at the moment.

Q. Okay. Now, you left your room to walk down to the Coke machine; is that correct?

A. Uh-huh.

Q. Okay. Tell me what happened. Did you, on that trip or the return trip -- did you encounter an individual?

A. Yes.

Q. All right. Tell me about that. Where did you encounter this individual?

A. Where the mark is on the screen is approximately where I met the person at the corner of the building --

Q. Okay.

A. -- as . . .

Q. And were you -- at that point had you bought the Coke, or were you on your way to buy the Coke?

A. I had already bought the Coke. And I was turning around to proceed back to the -- to my room.

Q. Okay. So you were beginning to head back west towards your

Shane Boyd - Direct

room?

A. Correct.

Q. Which way was this other individual walking?

A. He was walking east.

Q. Okay. Can you describe him?

A. Yes. He was Hispanic. Approximately 5' 6", 180 to 200 pounds, short, short haircut, seemed like he was in the

military.

Q. How was he dressed?

A. Tan shirt, blue jeans shorts down to the knees. No facial hair or anything like that. No jewelry or any scars or anything.

Q. Okay. Could you describe his skin tone?

A. Olive.

Q. Olive?

A. Hispanic-looking, olive color.

Q. Now, do you know where he came from? Do you know if he came out of any of the rooms in the motel?

A. No, I don't know if he came out of any of the rooms, because when I came out of my room, I looked to the right, saw no one; then I proceeded left, walked around the building, walked around the office, got the Coke, and turned around and about ran into him.

Q. Okay. About how long did it take you to walk from your room down to the Coke machine?

Shane Boyd - Direct

A. Approximately . . . 10, maybe 20 seconds.

Q. All right. And did you see this individual come out of the office?

A. No.

Q. Okay. Do you know whether he came out of the office, or not?

A. No. He did not. I don't -- he did not come out of the office.

Q. He did not. And how do you know that he didn't come out of the office?

A. Well, if he -- I don't know if you could have a better shot of the office, but there's windows on all three sides.

Q. Okay.

A. And nine times out of ten, the windows are open with the blinds pulled up. That means you can see straight through from one side to the other. I couldn't see one -- no one in there at the time.

Q. All right. So if he had been in there, you would have been able to see him?

A. Yes. Because I had previously seen people before walking that way.

Q. Based on your -- based on your looking down west when you emerged from your room and not seeing him in the office, did you draw any conclusions about where he had come from?

A. That he came up on me pretty quick and that I know he

Shane Boyd - Direct

didn't come out of the office, so he must have come out of either the first or second room beside me.

Q. Okay. And those -- and one of those two rooms was the room that you saw Mr. McVeigh come out of; is that correct?

A. Correct.

Q. Okay.

Q. Okay.

MR. THURSCHELL: No further questions.

THE COURT: All right.

Mr. Orenstein.

MR. ORENSTEIN: Make I have a moment, your Honor.

CROSS-EXAMINATION

BY MR. ORENSTEIN:

Q. Good afternoon, Mr. Boyd.

A. Hi.

Q. Now, you were staying at the Dreamland for about a month -- is that right -- about six weeks, something like that?

A. Correct.

Q. And you saw a truck there. The first time was Monday not before the bombing but a week before; right?

A. Correct.

Q. So that would be -- if the bombing occurred Wednesday, the 19th, the Monday before that would be Monday, the 17th; and the Monday before that, when you saw the Ryder truck, would be Monday, the 10th; correct?

A. Correct.

Shane Boyd - Cross

Q. And, now, Mr. McVeigh was somebody that you saw at the Dreamland; correct?

A. Yes.

Q. While you were staying there; correct?

A. Yes.

Q. And you never saw him before that Friday night when you had your barbecue; correct?

A. No, I did not.

Q. Are you aware that he was in Arizona on Monday, the 10th?

A. No.

Q. Are you aware that he was in Arizona --

MR. THURSCHELL: Objection --

THE COURT: Sustained.

BY MR. ORENSTEIN:

Q. And prior -- I'm sorry. After Sunday, you never saw that Ryder truck?

A. No, I did not.

MR. ORENSTEIN: May I have a moment?

THE COURT: Yes.

MR. ORENSTEIN: I have nothing further.

THE COURT: All right.

MR. THURSCHELL: No redirect, your Honor. The witness is excused.

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

I think we'll take our afternoon recess at this time. Members of the jury, we'll take our usual break here for about 20 minutes, during which, of course, please avoid discussion of the case or anything about it with other jurors and all other persons; and continue to avoid anything outside the evidence that could affect your judgment in this case, and keep open minds.

You're excused now, 20 minutes.

(Jury out at 3:05 p.m.)

MR. WOODS: Your Honor, just for the Court's convenience --

THE COURT: Yes.

MR. WOODS: -- we're changing the order of witnesses. Vicki Beemer will be the next witness.

THE COURT: Miss Beemer. And will you do Mr. Elliott right after that?

MR. WOODS: Yes.

THE COURT: Thank you. 20 minutes.

(Recess at 3:06 p.m.)

(Reconvened at 3:24 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:24 p.m.)

THE COURT: All right. Next witness.

MR. WOODS: Yes, your Honor. Vicki Beemer.

THE COURT: Ms. Beemer.

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

(Vicki Beemer affirmed.)

THE COURTROOM DEPUTY: Would you have a seat.

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

THE WITNESS: My name is Vicki Beemer, B-E-E-M-E-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Woods.

MR. WOODS: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. WOODS:

Q. Good afternoon, Ms. Beemer.

A. Hi.

Q. My name is Ron Woods. I'm one of the lawyers that was appointed by the district judge in Oklahoma City to help Terry Nichols in this case.

A. Yes, sir.

Q. You and I have never met. Is that correct?

A. That's correct.

Q. I've never been given an opportunity to interview you; is that correct?

A. That's correct.

Q. Are you represented by a lawyer here today?

A. Yes, sir, I am.

Vicki Beemer - Direct

Q. And who is that?

A. John Morris.

Q. Is he here in court today?

A. I think so, yes.

Q. Seated back here behind the Government counsel table?

A. Yes.

Q. Who is Reid Robison?

A. He is representing Eldon Elliott.

Q. Did he at one time represent you?

A. I believe I spoke with Reid during the grand jury, the day of the grand jury, in Oklahoma City.

Q. Do you recall testifying in this case here in this trial before on the 21st day of May, 1997?

A. Yes, I do.

Q. Do you recall being asked the question concerning grand jury -- the question to you was, "Was your lawyer with you outside?"

And your answer being, "I believe that Reid Robison was outside, yes."

A. At that time, I don't know that -- I think the law firm was -- Ryder had contacted that law firm for us, but -- and Reid did speak to me; but as far as actually me ever asking him to represent me, you know, he was there and he did speak to me just briefly. But yes, he was there.

Q. Okay. And are you paying the fee for your lawyer, or is

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Ryder paying the fee?

MR. MEARNS: Objection. Relevance.

THE COURT: Sustained.

BY MR. WOODS:

Q. Where do you work, Ms. Beemer?

A. I am no longer employed.

Q. Okay.

A. I used to work at Elliott's Body Shop.

Q. What period of time did you work at Elliott's Body Shop?

A. I worked at Elliott's Body Shop from October of '94 till October of this -- '97. Or actually, just three weeks ago.

Q. Approximately four years?

A. Three years.

Q. '94 to '97 is three years?

A. Three years, yes.

Q. You were employed there in April, '95?

A. That's right.

Q. What were your duties?

A. I was more or less the office manager. I answered the telephone, took care of body-shop tickets. We also were a Ryder dealer, and so I did Ryder Truck Rental agreements, also.

Q. Okay. Where was Elliott's Body Shop located?

A. It's in Junction City, Kansas.

Q. Is it downtown in the center, or is it away from town?

A. It's on the west edge of Junction City. It is in the city

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limits, but it's on the west end.

Q. Okay. Now, as office manager -- and you mentioned that the body shop also was a -- what, a licensee or a franchisee for Ryder? Is that correct?

A. We are a Ryder dealer.

Q. A dealer. Okay. And did you handle the transactions, the paperwork, for the rentals on Ryder trucks?

A. Yes, I did.

A. Yes, I did.

Q. Okay. Can you tell the jury in general the transaction procedure that you would go through if a person were to call and get a quote and then come in and rent the truck. Could you just tell them briefly in general how that process works.

A. Just briefly, they call in. They ask, you know, how much it would cost to take a Ryder truck from one destination to another destination. It can also be a local move, which is within the Junction City area. We have certain things that we -- it's all done by computer. We have to enter certain information in the computer. We tell them, you know, for what information they are wanting, where they're going, how much it costs, what day they're going to pick it up, how many days they are given, you know. We offer them coverage for the truck; and at the very end, we can give them a total, including tax plus a deposit to let them know the entire rental cost.

Q. How long is that quote good for, the quote that you give them?

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A. The quote is good for 24 hours.

Q. And what has to happen within that 24 hours before the quote is no longer effective?

A. Well, after 24 hours -- they need to come in and put a deposit, an \$80 deposit down on the truck to reserve it which will guaranty them a truck. It also locks the price in.

If they don't do it within the 24 hours, if the price should happen to go up, they would have to pay it -- they could still have a truck, but they'd have to pay a higher price.

Q. Okay. And after they lock the price in, then what happens?

A. Then we post them -- after they give us the deposit, it is then a reservation. We have a board on the wall that we put -- a calendar board that we put their name, the size of truck. On a one-way rental, we circle it because that tells us it's a one-way; and then it's there for them to pick up the truck.

Q. And if the person comes in to pick up the truck, what procedure do you go through with the customer?

A. When they walk in, the first thing I do is get into the -- access the computer for their -- the quote that is in there or the reservation comes right up as an open agreement, and I ask them for their driver's license.

Q. What do you do with the driver's license? What information, if any, do you take from that?

A. I take the first name, the last name, driver's license number, Social Security number, state, date of birth,

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expiration date.

Q. And do you type that into some form on the computer?

A. Yes. It's all -- has a format right there, and you just fill in the blanks.

Q. After typing that up, what is the next step in the process?

A. The next step is you will print the contract; that is,

... unless there are some questions or they want to add or delete something off of the contract. You print it up. There is a safety inspection that has to be done on the truck.

Q. And explain that to the jury, if you would.

A. It's just merely a sheet that one of us at the body shop would go out and do a walk-around on the truck and list any damages that are on the truck so that they are not responsible for any damages that are on that truck when they rent the truck out.

Q. Okay. And after the safety inspection is done, does the customer initial that?

A. The customer initials the safety instructions -- the safety inspection sheet and they sign it. And there is also the agreement number of a contract. The rental agreement is also on there.

Q. All right. And when do you hand the rental agreement to the customer to be signed, if you do?

A. Yes. It is also printed out on the computer. After we get the driver's license information, it's printed. They are asked

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to initial and to sign it.

And then after all the paperwork is done and they have signed each one, they are given their copies and it is put into a folder and they're ready to go.

Q. Do you give them a set of keys, or the keys in the truck?

A. Normally the keys are in the truck.

The trucks at Elliott's Body Shop are kept up on a hill, and they are the brought down for the customer, and usually they're just left right there.

Q. Do the keys have a key ring with any emblem of Ryder on them?

A. It's just got a Ryder -- it's a yellow tag that's got "Ryder" written on the key chain.

Q. Now, did there come a time on April 19 in 1995, the day of the bombing -- were you contacted concerning the rental of any vehicle that had previously been rented from your location?

A. Yes, I was contacted.

Q. Now, one question back to the procedure: Is there a number on that contract that will correspond with the number of the truck in any manner?

A. Yes. Truck number is on the contract.

Q. Okay. And by "truck number," do you mean the vehicle identification number?

A. That is the VIN number. This is a regular -- a number assigned to the truck. It is located on the top of the truck.

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Q. All right. Now --

A. I think it's also on the hood of the truck. There is two different places that that number appears.

Q. And the number will also then appear on your contract?

A. Yes.

Q. That you write up with the renter?

A. That's right.

Q. You remarked to the jury that you were entering into a computer -- is that correct -- all the information?

A. That's right.

Q. Is that computer hooked up to anywhere, or is it just a stand-alone within your office?

A. No, it's hooked up to Ryder First.

Q. Where is Ryder located?

A. They've got an office in Miami and also one -- well, now it's out here in Denver, I guess, and then in Dallas, Texas, also. I'm not real sure on what it --

Q. In April, '95, do you know where the headquarters were at that time?

A. I believe it was still out of Miami, because they weren't out here in Denver yet.

Q. Did you receive any inquiry from Denver concerning the rental of an automobile -- of a van?

A. I received a phone call approximately 2, 2:15 on that Wednesday afternoon, April 19, inquiring as to a truck

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number -- whether I had rented that particular truck number out. A lady, didn't identify herself -- just said, you know: Did you rent out Truck No. such and such? I checked my files and I had.

And she -- she just dropped it, and I didn't even know who it was.

Q. Okay. By checking your files, after you fill out the rental form for the customer, what do you do with your copy of the printed paper? There is obviously something in the computer, but do you have a printout also?

A. Yes. That's what I was checking. I have a filing cabinet that I kept those in. If she would have known the last name of the customer or a number, I could have pulled it up in the computer; but without that, I had to go to my file.

Q. So you went back and looked through them individually to look for that truck number; is that correct?

A. That's correct.

Q. And you had no name to look for at that time?

A. Not at that time. I went by the truck number.

Q. Did you find a rental contract that corresponded to the inquiry that you received from the lady?

A. Yes, I did.

Q. What was the name of the individual that had rented that truck?

A. It was Rob or Bob Kling.

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Q. How do you spell that?

A. Kling is K-L-I-N-G.

Q. Okay. And did your contract reflect the date and time of that rental?

A. Yes, it did.

Q. And what was the date and time?

A. On the top of the contract, it had 4 -- the time was 4:19, and the date of the contract was 4-17 of '95.

Q. Now, on the top of it, the date 4-19 --

A. Sir, that was not the date. That was the time on the top of it.

Q. Oh, I'm sorry. Okay. The date was 4-17. It just had a time of --

A. That I accessed the computer.

Q. -- of 4:19. Okay. I see. And you pulled that contract up. Is that correct?

A. Yes.

Q. Or you got the written portion of it?

A. When the phone call came to me and I checked the file, I just told her yes, I had rented it out. And I don't remember for sure whether I gave her the name of which the contract was rented out or not. She just -- that seemed to, you know, answer her question, and then I didn't hear any more from her.

Q. Again, for the jury, what time was that on the 19th that you got the call?

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A. It was approximately 2:15.

Q. In the afternoon?

A. Yeah. That's a just estimate is 2:15.

Q. Okay. And had you observed on the news or the media or the radio, television, that there had been a bombing in Oklahoma City that day?

A. I had heard it on the radio in the morning, yes.

Q. All right. Now, what next happened after 2:15 concerning that particular contract that you looked at?

A. It was around 3 -- 3 to 3:15. And this is an estimate. Scott Crabtree from Salina, Kansas, with the FBI called and he informed me that that truck number -- there was a possibility that that truck was used in the Oklahoma City bombing and that -- to ask -- that none of us leave there until he got there.

Q. Okay. And by "none of us," can you tell the jury who worked at Eldon Elliott's at that time.

A. I believe there were -- can I name them?

Q. Sure.

A. There was Val Elliott, which is Eldon's son. There was Tommy Kessinger, Bob Nelson, Greg Hegamiester, myself and Eldon and Fernando Ramos.

Q. And did you inform any or all of those individuals that they were not to leave?

A. Yes. I told everyone that we could not -- no one could

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leave until Mr. Crabtree got down there and talked to us.

Q. Okay. Now, the rental had occurred two days earlier; is that correct?

A. That's right.

Q. Approximately -- not approximately, but on April 17, Monday afternoon, at 4:19 in the afternoon?

A. That's right.

Q. Now, did Mr. Crabtree arrive shortly thereafter?

A. It was probably -- it was somewhere around 4:15 to 4:30, because it takes about an hour to drive from Salina to Junction City.

Q. Okay. And when Mr. Crabtree arrived, did he interview you at some point during that afternoon?

A. Yes, he did.

Q. Were you by yourself and Mr. Crabtree, or were all of you together, being interviewed together?

A. No, I was by myself.

Q. Okay.

A. With him.

Q. And who else did he interview to your knowledge?

A. I know he interviewed Eldon. I would be guessing on anybody else. I'm not sure. He may have interviewed Tommy. I really don't remember.

Q. Now, do you have a recollection, or at that time when Mr. Crabtree interviewed you, did you have a recollection of

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the rental that had occurred two days before with Robert Kling?

A. I had some recollection, yes.

Q. Well, let's start, then, of what your recollection was at that time in your interview with Mr. Crabtree.

What did you tell -- well, let's just call on your recollection. Do you recall an individual by the name of Robert Kling coming into your office?

A. Yes. I recall that there was an individual by that name that came in to rent the truck.

Q. Okay. Now, in the envelope in front of you, there is a group of photographs right in the front, and they are -- list the numbers. It's D765, D766, and D771. Also, D1719, 1720, '21, '22, '23, '24, and '25. If you would look at those photographs. And without explaining what the scene is, do you recognize the scene that's depicted in those various photographs?

A. Yes, I do.

Q. Have you seen that view of the objects depicted in those photographs before?

A. Yes, I have.

Q. And do those photographs accurately depict the scene that's captured in the photograph?

A. Yes, they do.

Q. And are those photographs of your office --

A. Yes.

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Q. -- area?

A. Yes, they are.

MR. WOODS: Your Honor, we would move into evidence again for the record Defendant's D765, 766, 771 and 1719 through 1725.

MR. MEARNS: No objection.

THE COURT: All right. They're received.

MR. WOODS: We would ask to publish the photographs.

THE COURT: Yes.

MR. WOODS: Thank you, Ms. Beemer.

THE WITNESS: Do you need this one, too?

MR. WOODS: Yeah.

BY MR. WOODS:

Q. Mrs. Beemer, are all these photos within your office showing photos from different views, different vantage points?

A. Yes.

Q. I'm going to put each one up and ask you to explain to the jury what view we're looking at concerning your office. And can you give the jury a brief description of what view we're looking at there, from what vantage point?

A. It would be looking from where I sit at my desk out to the southwest of the building. It's looking straight out to the southwest.

Q. And there is a doorway there; is that correct?

A. That's correct.

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Q. Is that the door that enters and exits your office to the outside?

A. Yes, it is.

Q. Is that the only door that goes to the outside from that office?

A. There is a big shop door also, but that's the only small door.

Q. The shop door opens up into the shop; is that correct?

A. That's right.

Q. This is the door that people -- that are customers coming in and out of; is that correct?

A. This is the door to the office, yes.

Q. How many feet is it from the door to the counter that's reflected there in front of your desk?

A. Probably 3 to 5 feet.

THE COURT: What is that number, Mr. Woods?

MR. WOODS: I'm sorry, your Honor. It's D765.

THE COURT: Thank you.

BY MR. WOODS:

Q. Ms. Beemer, I'm going to show you now what is marked as D766. And can you give the jury an explanation of what view we're looking at there?

A. Well, that would be the view if I was sitting at my desk -- it would be off to my right, then, which would be off to the north.

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Q. And there is chairs?

A. And there is chairs sitting there.

Q. And there appears to be a window; is that correct?

A. That's right.

Q. And if you keep going to the left, we get to the doorway; is that correct?

A. If you keep going to the left -- right -- you get to the front door.

Q. Now I'm going to show you what's marked as D771; and can you tell the jury what view is depicted there.

A. That's looking from the hallway towards the front door, the hallway being the hallway to the body shop. You're standing and there is a hallway looking towards the front door.

Q. And again, those chairs are where in relation to this photograph?

A. They're to the right of it.

Q. Okay.

A. If you're looking at the front door, there is some -- well, you can see one of the chairs. I believe there is two on that wall; and then on this wall over here that you can't see, there is probably three or four chairs there.

Q. Okay. And D1719: Can you tell the jury what that view depicts.

A. That would be the view you would see as you'd walk -- as you're walking in from the front door.

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Q. From which door?

A. Well, it's -- you're looking catty-corner. The front door is over on this side, and then to the body shop is off on that -- you're looking at it kind of at an angle.

Q. Where was your chair?

A. My chair is right -- right in the middle there.

Q. Okay. There is a pen up there laying on the desk. And if you reach under the screen and put the pen on top of the screen, sort of holding it vertical, you can mark on the screen. If you would, mark where your chair is.

A. Right there.

Q. Okay. And I'm going to show you D1720. And if you will tell the jury what view within your office is depicted there.

A. That's the view almost directly straight in front of the window that's in the office there. Well, the window to the southwest. The window that's from the door -- that is beside the front door, this vending machine is almost straight from the window.

Q. All right. Approximately what is the size of your office in feet, length- and widthwise, if you could give the jury an estimation?

A. I really don't know. It's a small office. It's probably maybe 15 foot wide and 12 or 15 foot long; and that may be completely wrong too. I don't know. It's a small office.

completely wrong, too. I don't know. It's a small office.

Q. Okay. And D1721: Will you tell the jury what view that

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depicts.

A. If you look to the right here, there is -- that is the door over there. It's in front of my counter. It's in front of the counter of my desk. As you walk in the front door, this would be what you would see.

Q. And there is a chart depicted there. Is that correct?

A. Yes.

Q. And we'll get to that later, but you referred to that chart at one time; is that correct?

A. That's right.

Q. And the door is just right here, the entrance?

A. That's right.

Q. Okay. And Defense Exhibit 1723: What view is depicted there?

A. That is the view looking from the hallway of the body shop out by my desk out the window to the south.

Q. All right. And 1725?

A. Well, that's pretty much a view as you walk in the door and kind of glance to your left. That's the view you would see.

Q. All right. Now, these chairs that are along here: How many chairs were along there in April, '95, if you recall?

A. In April of '95 we didn't have like the handtruck and the boxes in there, so there was probably at least one more chair on that side, so there was probably three there and three on the west wall.

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Q. Okay.

A. So there was probably a total of six chairs out there.

Q. And when you say you didn't have the handcart, is this the handcart you're referring to?

A. Yes.

Q. And the boxes? They were not there in April, '95?

A. That's right.

Q. Was there a time when the Government came and took photographs of your office there when you were present?

A. Yes, I believe they did that several times. Yes.

Q. Okay. Do you know -- were you present when the handcart was there and photographs were taken?

A. I really don't remember if they took them after that was there or not.

Q. Okay. And the next-to-the-last one: Does this depict the chairs that are along the front wall by the door?

A. That's right.

Q. And does that show a perspective of where the counter is in relation to the door?

A. That's right.

Q. All right. And then the last photo, 1703: Is this a photo of the chart that's along the wall to the left of your counter?

A. That's right.

Q. Is that the chart that you referred to during your negotiations with Mr. Kling?

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A. On the phone, yes.

Q. Yes, ma'am?

A. Yes.

Q. Thank you.

Now, let's mention that phone contact that you had first. When you reviewed the contract with Mr. Kling, you were asked to pull up a certain contract number or truck number; is that correct?

A. I was asked to pull up his name. You just -- I had to put a K in and pulled the whole thing up.

Q. When he came in --

A. When he came in, uh-huh.

Q. I'm speaking now back on April 19, when you were asked to find the contract for the truck number.

A. Okay. Okay. I'm sorry. You said on the -- on what date?

Q. On April 19, you got an inquiry from someone who asked about a truck number, if you had a rental contract. Is that correct?

A. That's right.

Q. At that time, did you remember when you looked at the contract and the forms therein, the reservation form and the quote form and all -- did you recall a phone conversation that you had with the individual on Friday, April 14?

A. Not exactly at that moment, no. It wasn't till I reviewed the contract a little more; and probably by the time

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Mr. Crabtree got there, I had, you know, done some more thinking about, you know, what had happened. But at the time that the first phone call came, I really didn't give it another thought.

Q. Sure. By the time Mr. Crabtree got there, you looked at the contract and refreshed your memory; is that correct?

A. I looked at it, and I did remember some things that stuck out in my mind, yes.

Q. Now, tell the jury about the phone conversation that you had on Friday, April 14. And was there a form that you filled out in regard to that phone call?

A. You just -- it's a blank form in there that when you have a phone call, you just start filling in the blanks; and he gave me his name -- he gave me the information that I asked for.

Q. Okay. Let me stop you there when you're saying "he." Did someone call you in regards to a quote?

A. Yes, they did.

Q. On Friday, April 14?

A. Yes.

Q. And do you recall the name that was given at that time?

A. Yes. It was Rob Kling.

Q. Do you recall approximately what time the quote was given?

A. It was in the morning. It was around 10, 10:30.

Q. Okay. And what exactly did he ask for in the phone conversation, if you could, for the jury? Just summarize the

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best you can recall the phone conversation you had with the individual who identified himself as Robert Kling.

A. He asked me when we got to the size of the truck -- he asked me -- he says -- he wanted to know how much it would cost to take a 15-foot. And he says, "Well," he says, "how many pounds does a 15-foot truck hold?"

And that's when I had to get up and go look at my chart. And I saw that it was like 32- to 34,000 (sic) pounds. I came back and I gave him that information.

And he said, "I need a truck that will hold 5,000 pounds."

I again got up and went around and saw that it would take a 20-foot truck, and I conveyed that to him.

Q. And was a price -- a bid given? Excuse me. A quote given as to the cost for a 20-foot?

A. That's right.

Q. And what conversation did you have with Mr. Kling after you gave him the quote for a 20-foot?

A. I would have told him -- I did tell him that the quote was good for 24 hours; that we needed a deposit to lock this in and that they were only open till approximately 10:00 on Saturday so that if he couldn't get in before the end of the day on Friday, then he would have had to be there by 10:00 on Saturday.

He wanted the truck for the 19 -- or for the 17th,

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which was on Monday, and we needed to get it reserved.

Q. Okay. You're not open on Sunday, I take it?

A. No, at that time we were not. No.

Q. And what hours was the shop open on Saturday, to your knowledge?

A. 8 to around 10 or 10:30. We just basically was to rent out Ryder trucks, however many we had to rent out.

Q. And you didn't work on Saturdays, did you?

A. I did on occasion, not as a regular basis; but two or three times, I did.

Q. Okay. Did you work that Saturday on April 15?

A. No, I did not.

Q. All right. Is there anything else in that phone conversation that you can recall you had with Mr. Kling concerning the quote and the reservation?

A. No, I don't believe so.

Q. Did he give you an address at that time?

A. I don't -- I don't know. On the quote, it would be on the

quote, if he gave me one.

Q. And if you will, look inside that envelope again, and there is a copy of the quote?

A. There is not one listed there; so obviously, he didn't give me one.

Q. Okay. What's the D number on that exhibit?

A. Are you asking me?

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Q. Yes, ma'am.

A. 1715.

Q. Okay. Now, is that the form that you filled out, or a copy of it that you filled out concerning the phone conversation and giving the quote to a Robert Kling?

A. Yes, it is.

MR. WOODS: We would offer into evidence D1715.

MR. MEARNS: No objection.

THE COURT: Received.

MR. WOODS: And may I get the --

THE COURT: Yes.

BY MR. WOODS:

Q. Thank you, Ms. Beemer.

Now, Ms. Beemer, would you explain to the jury what information is put on a quote form when you take a reservation over the phone. It's not really a reservation but a request, and you gave the quote.

A. The first thing we ask would be for the last name, and then we ask for the first name.

Q. Can you point out for the jury where you put that information. You might need to click the pen on the side, which will remove that prior marking.

I think if you hold it straight up and down and touch the screen, it works better.

A. I'm not too good at this.

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Q. If you could just point to the area where you put the name in.

A. That would be the -- where that top arrow is the name.

THE COURTROOM DEPUTY: Just touch it to the screen

and

it should --

THE WITNESS: How do I get rid of those?

MR. WOODS: Thank you.

BY MR. WOODS:

Q. Now, the name is -- excuse me. The name is put in the top upper left. Is that correct?

A. Well, that's the way it's printed out, yes.

Q. All right. And --

A. The way it has gotten on the computer, the last name is there first and then the first name and then the telephone number.

Q. Now, the telephone number: What phone number is that?

Q. Now, the telephone number. Was phone number 15 used?

A. The phone number on this particular paper is the Elliott's Body Shop phone number.

Q. Had you asked Mr. Kling for a phone number?

A. Yes, I did.

Q. And did he give you one?

A. He said he didn't have a telephone number.

Q. And why do you put the Elliott's phone number in there?

A. Because at that time, the computer would not go any further without a telephone number, so we had to put something in order

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to continue --

Q. To go to the next blank to fill out, you have to put a phone number in there?

A. I have found out since then I could have put all zeros, but I didn't know that at that time so I had to do something.

Q. So the phone number that's there is the body shop?

A. Right.

Q. And what other type of information do you take down from the customer that you put on that form?

A. We ask when they need the truck.

Q. And what date did you put on this one?

A. That says 4-17-95. And what time. And unless they tell us a different time, the time is normally 8:00. But if the customer gives us another time, then we put that in.

Q. Did he give you that particular time?

A. Yes. He gave us that -- gave me that particular time.

Q. And what time is that?

A. 1600 hours, which is 4:00.

Q. 4 in the afternoon.

A. That's right.

Q. Okay.

A. And this date due would be the date given. The trip going to Omaha was given -- he was given two days, but he did ask for two additional days, so he had four days total. So that would have been something that would have been obtained from him on

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the quote.

Q. All right. And the city, Omaha: Was that information obtained from the customer?

A. That's right. He said he needed the truck to go to Omaha, Nebraska.

Q. And was this a one-way, or a return?

A. It was a one-way.

Q. Okay. Do you normally do returns at all? People go one way and then come back?

A. We have, yeah. We can do that. Those are just called "long locals"; but he was not going to bring the truck back to us.

Q. Is the normal practice that you rent your trucks one way to a different city and it's turned in at the other city?

A. There again, there is nothing really normal. We've had them go clear back East to Massachusetts as a long local. So locals are normally just the -- in the Junction City area, people moving from off base to Junction City or Junction City to Fort Riley or whatever. Locals are normally going from Junction City to another state or city.

Q. Okay. All right. Now, what other information that you put on the form came from Mr. Kling?

A. That it was a one-way; that it was going to Omaha; that it was going to be picked up on the 17th; that he had 212 miles. Now, the 212 miles and the four days was not something that he

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told me. That was something the computer will do on its own.

Q. The computer figures up the mileage on its own?

A. Uh-huh.

Q. Okay.

A. When you put in the destination, that comes on the next screen as so many days and so many miles.

Q. Okay. And what other information came from the customer?

A. That he needed a handtruck.

Q. And -- excuse me?

A. That he did not want insurance because -- I would have asked him that, and he said no.

Q. Now, is this something that you require people to take, or it's an option that they can pay for?

A. It's an option.

Q. And Mr. Kling said no, he didn't want the insurance?

A. That's right.

Q. Now, as to handtruck, explain to the jury, if you will, what -- do you rent the handtrucks in addition to the van?

A. Yes. They are not -- the trucks do not come with the handtrucks in it. Those are used for washer, dryer, refrigerator. They're appliance dollies, basically, is what they are.

Q. Is there an additional charge for that?

A. Yes. There was a charge of \$15.

Q. And what other information then came from the customer?

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A. That would -- I think that's all, because the rest of it is done in the computer.

Q. All right. Now, did you have any further conversation with Mr. Kling on that day, April 14?

A. Not that I can recall, no.

Q. Okay. And you didn't work the following day, April 15; is that correct?

A. No, that's correct.

Q. When you came in the morning of April 17 -- you worked Monday, April the 17th, didn't you?

A. That's right.

Q. What time do you normally come to work?

A. I usually get there around a quarter till 8.

Q. And did you receive any information either from Mr. Elliott or in written form concerning this quote that you had made on Friday?

A. When I got to work, there was a reservation on my desk showing that a Mr. Kling had paid the deposit, actually had paid the entire rental; and I posted it on our calendar board when I got to work.

Q. What do you mean by posting it on the calendar board?

A. I wrote his name, I wrote the size of truck, that he needed a handtruck, and I circled it because it was a one-way.

Q. And that's a board that you and the employees can see and look at?

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A. That's right.

Q. All right. Now, if you would look in that envelope again, and you will see a reservation form. And that should be 1709. That is the number on it?

A. That's right.

Q. And is that the reservation form that you found in your office on Monday morning?

A. Yes, it is.

Q. And does it have Robert Kling's name on it?

A. Yes, it does.

MR. WOODS: Your Honor, we would offer into evidence D1709.

MR. MEARNS: No objection.

THE COURT: Received.

MR. WOODS: If I may publish it . . .

THE COURT: Yes.

BY MR. WOODS:

Q. Now, can you click that pen, Mrs. Beemer, to remove those red marks.

Now, is this a business record that's kept there within your business by people entering the entries in there?

A. Yes, it is.

Q. Okay. And this is a form that you found Monday morning?

A. That's right.

Q. Did you have a conversation with Eldon Elliott about it

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that morning, or did you just take it and act on it based on what you read there?

A. I really don't remember if I talked to him, or I just saw it on my desk and I knew what to do with it, so . . .

Q. Now, on this particular form, what information comes from the customer that's entered in there? I assume you've done these type of forms on a number of occasions.

A. That's right.

Q. People that come in and paid you the money; is that right?

A. That's correct.

Q. Would you point out to the jury what information is put on

Q. Would you point out to the jury what information is put on the form that the -- that the customer gives.

A. Eldon would have had to give the number here or the address, because that was not on the quote, so he would have had to get that from the customer.

Q. And would you read for the jury what address was put on the form?

A. It's 420 -- I really can't read it very well. 428 M-A-P -- I'm sorry -- M-A-L-P Drive, Redfield, South Dakota.

Q. Okay. And the name is still there; is that correct?

A. Yes.

Q. And is it Bob Kling or Robert Kling?

A. On this, it's Bob Kling.

Q. Okay. What other information is put on the form that comes from the customer?

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A. The information on this side of the -- right in here for the payments and everything: That was added to the -- he would have paid the cash. As far as information given to him or given to Eldon by him, there is no additional information that was gotten.

Q. Okay. So the only information that the customer provided on that date was the address. Is that correct?

A. That's true.

Q. And does it show a date and time that that form was entered into the computer and printed out?

A. Not a time. It will have the date up there, which is 4-15-95.

Q. Now, does the customer sign this particular form when they pay the money?

A. Yes, they do.

Q. And what signature is on this form?

A. Robert D. Kling.

MR. WOODS: Okay. May it please the Court, at this time the parties have agreed and stipulated that the signature "Robert Kling" is the signature of Timothy McVeigh.

MR. MEARNS: That's our agreement, your Honor.

THE COURT: All right. That's agreed.

BY MR. WOODS:

Q. Now, is there anything else on that form, Mrs. Beemer, that the customer gives or that's unique to that date and time?

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A. No, sir.

Q. Okay. Now, did Mr. Kling come to your business, then, on April 17?

A. Yes, he did.

Q. Okay. And approximately what time was it?

A. He walked into the office. It was shortly after 4:15.

Q. Okay. And where were you seated?

A. I was seated at my desk.

Q. And did Mr. Kling arrive alone, or with someone?
A. There was somebody with him.
Q. Okay. And who was in the office with you at that time when the two of them entered?
A. At the time, Tommy Kessinger was in the office.
Q. And where was Mr. Kessinger seated -- excuse me. Where was he?
A. Where was he? He was seated in one of the chairs just to the right of me.
Q. Okay. And Mr. Kessinger is an employee you mentioned earlier?
A. Yes, he was.
Q. What is his function or occupation?
A. He was our mechanic at that time.
Q. Now, why was he seated next to you?
A. He was taking a late afternoon break. He had evidently been working on something and gotten done later, and he was in

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there eating popcorn.

Q. Okay. Would you explain to the jury what your practice and procedure there in Eldon Elliott's was as to the employees' taking a break, morning break, afternoon break?
A. The employees all got a 15-minute midmorning break and midafternoon break. It just kind of depended on what, you know -- there wasn't a whistle that blew that told everybody when to go, but it was just whenever, usually 10, 10:30, 3, 3:30. But, you know, it's not carved in stone. It's just whenever they got around to it.
Q. And Mr. Kessinger was taking a late afternoon break?
A. Yes.
Q. Now, you mentioned that it's 4:15. How are you able to recall that time?
A. I -- well, No. 1 is because he was supposed to pick the truck up at 4:00, and he was late getting in there.
Q. Okay. So had you focused on that? It's up on your board. You mentioned to the jury that there is a 4:00 reservation.
A. I would have checked that during the course of the day or even that morning when I put it on the board to see what time. We check that sometimes periodically to make sure, you know, what time they're coming in to --
Q. Yes, ma'am.
A. If they don't show up when they're supposed to or when it's in the computer. That's what that phone number is for, for us

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to get a hold of them and make sure that they still are going to pick it up.
Q. Okay. Was there any other reference point you had as to your recollection that he came in at 4:15?
A. Other than the date on the agreement form was -- it said -- the time said 4:19, which is when I would have accessed the

computer.

Q. Okay. Now, when the customer walks in, what do you do? Let's start with Mr. Kling's transaction. What did you do when Mr. Kling and the other individual walked in?

A. At some point -- and I don't recall whether he said "I'm Mr. Kling, I'm here to pick up a truck" or I said "Are you Mr. Kling?" It was determined at some point that he was here to pick up a truck and that his name was Kling. And with that, I got into the computer and pulled up his paperwork, and we started right in on his agreement.

Q. Now, as soon as you get into the computer with the name, does the computer print out a time?

A. Yes. As soon as I access it, the time that I would get into it, because if you'll note on there, it has got a time that it was accessed and then a time that it was actually printed.

Q. Okay. And you mentioned the -- the form. If you would look in that brochure again, you will find a form.

A. Uh-huh.

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Q. Which should be 1710. D1710. Is that correct?

A. That's right.

Q. Do you recognize that as the form that you typed up and entered into a rental agreement with Mr. Kling?

A. That's correct.

MR. WOODS: Your Honor, we would offer into evidence Government's Exhibit -- excuse me -- Defense Exhibit 1710.

MR. MEARNS: No objection.

THE COURT: D1710 is received.

MR. WOODS: Thank you.

THE COURT: May be shown.

MR. WOODS: Your Honor, just for the record, there was

one photo which depicted the chart, which was 1703, which I showed to the jury that she identified as the chart on the wall. I don't think I mentioned that when I listed the series of photos within her office; so we would offer that into evidence.

THE COURT: Did you say D1703?

MR. WOODS: Yes, your Honor.

MR. MEARNS: We have no objection.

THE COURT: All right. It's received.

BY MR. WOODS:

Q. Now, I'm not sure if the jury can read this, Mrs. Beemer; so if you would point out to the jury what information you typed into the computer that prints out this rental agreement

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form.

A. In the driver's information here, that would have been all the information I would have obtained from his driver's

license

license.

Q. Now, you mentioned driver's license. What is your practice and procedure there about getting information from the rental -- the renter?

A. When the rental agreement comes up, the first screen that it comes to is the driver's license information; and so that's the first thing we ask for is the driver's license.

Q. Okay. And you can't go forward without putting something in that blank; is that correct?

A. That's right. That's right.

Q. Now, do you recall obtaining a driver's license from Mr. Kling?

A. I don't specifically recall him handing it to me, but I know he did.

Q. Okay.

A. Because I got the information.

Q. I take it it's not your practice to just take somebody's verbal representation that they have a driver's license and they give you some figure, some number off the top of their head.

A. That's right. We always look at it.

Q. Would you tell the jury, then, what information you entered

Vicki Beemer - Direct

into the form from the driver's license.

A. I entered his name, the license number, the state, his date of birth, and the expiration date and Social Security number.

Q. And what was the date of birth given on there?

A. It is 4-19 of '70, I believe. I can't read it very well. 4-19 of 1970.

Q. All right. Now, is there any other information that you enter into the form that comes from the customer?

A. I don't believe so, no.

Q. After entering that information into the form, what do you next do?

A. In this case, since the rental was already paid, we just print up the form, and it's presented to him to initial and sign; and that's all there is to it.

Q. Okay. And did you present this form to him to sign?

A. Yes, I did.

Q. And did he sign it in your presence?

A. Yes, he did.

MR. WOODS: Okay. Again, your Honor, it's the agreement and stipulation of the parties that the signature "Robert Kling" on this form is the signature of Timothy McVeigh.

MR. MEARNS: That's our agreement, your Honor.

THE COURT: All right. Accept that.

BY MR. WOODS:

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O. Now, is there anything else on that form as to date and

time -- well, there is a time that you haven't mentioned. Is there a time put on there at the completion of what you do to the form, Mrs. Beemer?

A. I can't read what the time is on the top of there.

Q. Okay. Let me see if I can move it down, if it will help. Maybe focus in.

Does that help at all?

A. I believe it says 4:22. So that time up there would have been the time -- the completion time. The time down over on the -- right in here -- that time right there would be the time that I accessed my computer here.

Q. So you accessed it at 4:19?

A. 4:19, yeah.

Q. And then you show a completion time of 4:22?

A. That's right.

Q. Okay. Now, is there another form that is utilized and filled out and signed by the company and the renter --

A. Yes, there is.

Q. -- in this transaction?

A. The safety inspection sheet.

Q. All right. And if you would look in the brochure, you'll find that. And that should be D1712.

A. That's right.

Q. And is that the form that is signed by both the renter, or

Vicki Beemer - Direct

at least signed by the renter or initialed --

A. That's right.

Q. And is Robert Kling's signature or initial on that?

A. Yes, it is.

MR. WOODS: Your Honor, we'd offer into evidence D1712.

MR. MEARNS: No objection.

THE COURT: D1712 is received.

MR. WOODS: And may I publish?

THE COURT: Yes.

MR. WOODS: Thank you.

BY MR. WOODS:

Q. Now, Mrs. Beemer, if you will, explain this form to the jury and what is -- what information is put on the form by an employees there at Eldon's and what information is put on the form by the renter.

A. The customer will read these four -- this is four safety rules here. They will read those four safety rules, and they have to put their initials.

And the only thing that -- and then they have to sign it down here.

Then the marks over here on the truck were done by Mr. Elliott. That is indicating all of the damages that were on the truck.

And this -- this right here is the rental agreement

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number. Those are my initials and the date.

Q. Okay. Now, you mentioned that Mr. Elliott did the vehicle inspection. Is that correct?

A. That's right.

Q. Now, would you tell the jury how it was that you had Mr. Elliott do the vehicle inspection.

A. I don't really recall if I went out and got Eldon or if he happened to be -- I don't recall. I just know that sometimes I do very few of the walk-arounds, because I'm in the office taking care of the other paperwork; so how it was determined he did it -- he may have offered to do it. I really don't remember, but he does most of or a lot of them.

Q. You can tell by this form that he did that one; is that correct?

A. Yes. I can tell by the writing. Yes.

Q. Do you recall whether or not he came into the office where you, Mr. Kessinger were, Mr. Kling and the other individual, to get the form from you?

A. He would have had to get it from me in order to do that, yes. As far as if I remember it, I really don't remember him doing it, no.

Q. You don't remember any conversation that he had with Mr. Kling there in your presence?

A. Not really, no.

Q. Now, do you remember saying anything to Mr. Kling as you

Vicki Beemer - Direct

were filling out the form, the information that came from his driver's license?

A. Yes. When I typed his birth date down, his birth date would have been 4-19 of '70, this being 4-17, I said, "You have a birthday in a couple days."

And with that, he turned and faced the other gentleman, put his elbow up on my counter, and there was no other conversation after that.

Q. Okay. Do you remember him saying anything to the other individual?

A. I don't remember any words. I know there was some mumbling, but I don't remember what -- I don't know what he said.

Q. Okay. Was there any question in your mind that the two of them were together?

A. No, there was not.

Q. Okay. Now, do you recall whether or not Mr. Elliott came back in and gave the form to you? Is that something you keep in your file?

A. Yes. He would have to give me the form so I could have given Mr. Kling his copy; so the form was brought back to me and given to me, and then I would have given Mr. Kling his copies and kept mine.

Q. Okay. And did Mr. Kling make that signature in your presence?

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A. Yes, he did.

MR. WOODS: Your Honor, again it's the agreement and stipulation of the parties that the signature "Robert Kling" is the signature or handwriting of Timothy McVeigh.

MR. MEARNS: That is our agreement, your Honor.

THE COURT: All right.

BY MR. WOODS:

Q. Now, Mrs. Beemer, to be fair, you have told the Government that you cannot recognize who that individual was. You can't put a face to him, can you?

A. That's right.

Q. And nor can you put a face to the second individual?

A. That's right.

Q. You have given general descriptions to Mr. Crabtree when he came as to maybe height and weight. Is that right?

A. That's right.

Q. As to both individuals?

A. I don't believe I -- well, just maybe that he was -- the second gentleman was about the same height. I mean he wasn't huge or real short, but that was about all.

Q. Okay. And it's still your position today that you can't identify the facial -- you can't identify a person, either one of them. Is that correct?

A. That's correct.

Q. Okay. You see Terry Nichols seated here?

Vicki Beemer - Direct

A. Yes, I do.

Q. Was he one of the two?

A. I really don't know.

Q. Okay. Do you think you'd recognize him if he was?

A. Probably not.

Q. You wouldn't?

A. I don't know because I can't put a face to him.

Q. Okay. Does he look like the same build at all as the individual?

A. From where I was setting, he was standing up above me. It's kind of hard to tell with him sitting over there and me up here.

MR. WOODS: Okay. Okay. May I have just one moment, your Honor --

THE COURT: Yes.

MR. WOODS: -- to review my list, here?

BY MR. WOODS:

Q. Ms. Beemer, if you would look inside the envelope there again. There are -- there should be two sketches of two individuals. Is that correct?

A. Were those the two?

Q. Without showing them to the jury --

A. Okay.

Q. -- after Mr. Crabtree came to your office there on the

Q. After Mr. Crabtree came to your office there on the afternoon of the bombing, the 19th, he talked to you

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separately. Is that correct?

A. That's correct.

Q. Now, did you have an occasion to go to Fort Riley later that day, that evening?

A. Yes, we did.

Q. Do you know what the -- the purpose of going to Fort Riley was?

A. We went out to meet with a sketch artist.

Q. Okay. What time was that?

A. It was about 3:00 in the morning. 3 or 4:00 in the morning on -- it would have been on Thursday morning.

Q. Had you been interviewed by Mr. Crabtree between that time when he came at 4:00, and then that evening did you speak with Mr. Crabtree further?

A. I think I did. I don't recall for sure, but I think -- Once I got to Fort Riley, you mean?

Q. Yes, ma'am.

A. I believe I did talk to him -- I talked to somebody out there.

Q. Now, who was present out at Fort Riley from Eldon Elliott's Body Shop to meet with the sketch artist?

A. It was Eldon Elliott, Tommy Kessinger, and myself.

Q. Okay. Now, did you meet privately with the sketch artist and he compile a sketch based on what you were telling him?

A. Not what I -- I met with him, but I did not tell him

Vicki Beemer - Direct

anything.

Q. He had already completed the sketch by the time you met with him?

A. That's right.

Q. Okay. Did he show you the sketch?

A. Yes, he did.

Q. Did you tell him that you cannot add or delete anything from the sketch?

A. That's what I told him.

Q. Did he show you one sketch, or two?

A. I really don't remember.

Q. Okay.

A. I know he showed me one, but I don't remember if he showed me the other one, or not.

Q. Okay. And is your testimony to the jury you couldn't positively identify either individual by their face; is that correct?

A. That's correct.

MR. WOODS: Okay. Ms. Beemer, I thank you for your testimony. It's nice to meet you.

THE WITNESS: Thank you.

MR. WOODS: Pass the witness, your Honor.

THE COURT: All right. Mr. Mearns.
CROSS-EXAMINATION

BY MR. MEARNS:

Vicki Beemer - Cross

Q. Good afternoon, Ms. Beemer.

A. Hi.

Q. You told us at the outset of your testimony that you worked at Elliott's Body Shop for about three years, from 1994 to sometime this year, 1997.

A. That's correct.

Q. And you had responsibilities for the paperwork with respect to the Ryder rental business; right?

A. That's right.

Q. And did you also have responsibility for records and documents relating to the body-shop business?

A. That's right.

Q. Now, would it be fair to say that on any given day at Elliott's Body Shop, there are a lot of people coming and going into and out of the office there?

A. That's correct.

Q. And people come there to drop off their cars for the body shop?

A. That's right.

Q. People come in to pick up cars that have been repaired in the body shop?

A. That's correct.

Q. People come in to get quotes for Ryder rental trucks?

A. Yes, sir.

Q. People come in to reserve Ryder rental trucks?

Vicki Beemer - Cross

A. Yes.

Q. And people come in to pick up the Ryder rental trucks?

A. That's right.

Q. And you've told us that the Ryder rental process is essentially three steps. Is that correct?

A. That's correct.

Q. First, the customer obtains a quote. Is that right?

A. That's correct.

Q. Then they reserve the truck?

A. That's right.

Q. And then they actually come in and fill out the rental documents. That's the last step?

A. That's correct.

Q. And that's when they pick up the truck?

A. Yes, sir.

Q. And you told us in response to Mr. Woods' questions about a quote that you gave to a Mr. Kling on the morning of April 14, 1995; right?

A. Yes, sir.

Q. And you told us that that quote call came in to -- to you -- you answered the call?
A. Yes, sir, I did.
Q. And it came in at about 10:00 in the morning?
A. Around 10, 10:30, yes.
Q. And during that conversation, Mr. Kling gave you certain

Vicki Beemer - Cross

information about -- in order to obtain the quote, he gave you certain information about where he was going?

A. That's right.

Q. He told you he was going to Omaha, Nebraska?

A. Yes, sir.

Q. He also asked to -- in addition to renting the truck, he wanted a handtruck to go along with it?

A. That's correct.

Q. And it was that kind of information that you put into the computer to get the rental quote; is that correct?

A. That's correct.

Q. About how long was that conversation with Mr. Kling on the morning of April 14?

A. Oh, I'm going to say between 5 to 10 minutes, because I had to keep getting up and checking with the chart; so, you know, somewhere around 5, 7, to 10 minutes. It was longer than normal.

Q. And about 5 minutes is the normal length of a quote call?

A. Or maybe even a little less. For me, it probably took me a little less than say it would Eldon because I can type faster, but I could do it -- I'm sure 5 minutes would be ample to do one.

Q. You couldn't do a quote in 2 minutes, though, could you?

A. Probably not.

Q. You certainly couldn't have done the quote that you did

Vicki Beemer - Cross

with Mr. Kling in less than 5 minutes?

A. No, you couldn't have.

Q. You told us that during that telephone conversation, Mr. Kling asked questions about the size of the truck by the weight that he was interested in; is that correct?

A. That's correct.

Q. Do you consider that odd?

A. In April of '95, I thought it was a little odd because I had only been there six months, and normally in order to determine the size of truck, people would ask me or tell me they had so many rooms.

Working with military, they are allotted by pounds on their moving, so it really isn't odd at all. I just thought it was odd because it was one of the first ones that I had encountered.

Q. And based upon your checking the chart, the truck that you gave Mr. Kling a quote for was a 20-foot-size truck; is that correct?

correct:

A. Yes.

Q. That's the second-largest Ryder truck?

A. Yes.

Q. And it's the only Ryder truck with a loading door on the side of the compartment, the passenger side of the compartment; is that correct?

A. That's correct.

Vicki Beemer - Cross

Q. Ms. Beemer, I'd like to now show you what is in evidence as Government's Exhibit 580. It will come up on the computer screen there. And this is a record of all of the incoming phone calls into Elliott's Body Shop on April 14.

A. Yes, sir.

Q. And if we could focus a little closer in on the time of the call; that is, the length of the calls. Okay. Do you see the telephone number 238-8534?

A. Yes, I do.

Q. And is that the -- the phone number at Elliott's Body Shop for the Ryder rental business?

A. Yes, it is.

Q. And the time reflected on that call is 9:54 a.m., the second of those two calls; correct?

A. Yes, it is.

Q. And if we could focus a little over towards the right, could the call just above that, the one for 39 seconds, have been the quote call on April 14?

A. No, it couldn't have been.

Q. Of those two calls, is the second call, the one that was 7 minutes and 34 seconds, the only one that could have been a quote call on April 14?

A. Yes, it is.

Q. And that's the one that was at 9:54 a.m.?

A. That's correct.

Vicki Beemer - Cross

Q. Now, if I could show you page 16 of Government's Exhibit 1888. If we could focus on the calls for Friday, April 14, 1995. You see there at the top that there -- the first call is from a pay phone at the J & K Bus Depot in Junction City. See the first call there to the subscriber at the residence of Terry Nichols?

A. Yes, I do.

Q. And just below that from the same J & K Bus Depot pay phone at 9:53 a.m. there is a call to (913) 238-8534. What is that call? What is that telephone number?

A. That is our Ryder rental number.

Q. And you see that the length of the call there is 7 minutes and 36 seconds. Could that have been the quote call?

A. Yes, sir.

Q. Now, turning to -- turning to the afternoon of April 17, you told us that the Mr. Kling who you gave the quote to on

Friday morning came in sometime after 4:15. Is that correct?

A. That's correct.

Q. And would it be fair to say that after Mr. Kling came in, you accessed the computer to do the transaction quickly?

A. Yes, sir, I did.

Q. And you told us that the transaction then was completed -- the information that you put in the computer was completed at 4:22?

A. Yes, sir.

Vicki Beemer - Cross

Q. So it was about 3 minutes that you were on the computer?

A. That's right.

Q. During that 3-minute time, were you focused on the computer, or who else was in the office at that time?

A. I was focused on the computer.

Q. I'd like to show you what has been marked -- I believe only for identification, so if you could look at your screen -- Government's Exhibit 391. Do you recognize this as an aerial photograph of Elliott's Body Shop and the western side of Junction City?

A. I guess. I can't really tell. It's Interstate 70, so I'm sure -- yeah, there is the frontage road. Yeah. There it is.

Q. And is this a fair and accurate depiction of the body shop and the western side of Junction City in April of 1995?

A. Yes, it is.

MR. MEARNS: Your Honor, we would offer Government's Exhibit 391.

MR. WOODS: No objection.

THE COURT: Received, 391.

BY MR. MEARNS:

Q. Now, Ms. Beemer, in the lower left-hand corner of that photograph, is that the area where Elliott's Body Shop is?

A. Yes, it is.

Q. And could you just put a big circle around the area where Elliott's Body Shop is.

Vicki Beemer - Cross

A. This pen is not working.

There, I got it. I got it.

Q. And are you familiar with the McDonald's that is located at the end of that frontage road as you drive up that frontage road up to the upper right-hand corner of that photograph?

A. Yes, I am.

Q. Could you put a circle -- a large circle around the area where the McDonald's by Interstate 70 is located.

A. Okay. It's right in there, I think.

Q. And is the distance from that McDonald's to the Elliott -- Elliott's Body Shop about a mile?

A. Yes, it is.

Q. You told us in response to Mr. Woods' questions that at some point during the transaction with Mr. Kling, Mr. Elliott

came in to pick up the paperwork to do the walk-around on the truck.

A. That's right. That's right.

Q. About how long was Mr. Elliott in the office that afternoon while Mr. Kling was there for that transaction?

A. I really can't say because I was doing my paperwork and doing what I have to do; and I don't remember -- I know that at some point he had to be in there to get the paper, but I really don't remember him coming in or even coming back in with the paper. I have no recollection of that, but I know he did it because the paper was there and it was with his handwriting.

Vicki Beemer - Cross

Q. So as you sit here today, you don't have an independent recollection of seeing Mr. Elliott in the body shop -- excuse me -- in the office that day doing that transaction?

A. Not really.

Q. Describe, if you would, to the best of your recollection what Mr. Kling looked like.

A. He was around 5 -- 5' 11", slender-built, military-type haircut, real short, dark blond to light brown. Just average build, average to slender, and it was a man.

Q. And you told us that while Mr. Kling was there, Mr. Kessinger was there on a break; is that correct?

A. That's correct.

Q. And he was eating popcorn during that break?

A. Yes, sir.

Q. Does Mr. Kessinger often eat popcorn, or some kind of a snack during a break?

A. Yes, sir.

Q. He wasn't reading a magazine, or watching TV, or anything like that?

A. We don't have a TV; and no, he was eating popcorn.

Q. You told us in response to one of Mr. Woods' questions that there was another person who was also present in the office when Mr. Kling was there; correct?

A. That's right.

Q. And you told us that they came in the door together?

Vicki Beemer - Cross

A. Yes, sir.

Q. And did you see them -- did you personally see them leave together?

A. I know they walked out the door together, yes.

Q. You didn't see them drive up in the same car, did you?

A. I didn't see how they got there.

Q. And you didn't see how they left. You didn't see both of them leave in the truck together, did you?

A. No, I did not.

Q. What is your best recollection as you sit here today of what the other person looked like?

A. Other than that I know he wasn't real tall. He was

about -- he just blended in. He was a man, and that's about it. He was not 7-foot tall and not 2-foot tall -- you know, just barely peek over the counter. He just blended in. I just noticed him out of the peripheral vision, and I really didn't -- other than that, I don't know.

Q. And you don't recall -- you don't remember what color his hair was?

A. No, sir, I don't.

Q. Do you remember whether he was wearing a jacket, or a shirt?

A. I don't know.

Q. Do you remember what kind of pants or color pants he was wearing?

Vicki Beemer - Cross

A. No, I don't.

Q. Do you recall, as Mr. Woods was asking you, there came a time on the afternoon of April 19 that Agent Crabtree came out to pick up some documents and ask you and Mr. Elliott some questions; correct?

A. That's correct.

Q. Agent Crabtree got there around 4:30. Would that be fair to say?

A. Approximately, yes.

Q. And Agent Crabtree on that occasion asked you certain questions about what you could remember about the rental transaction on April 17; correct?

A. That's correct.

Q. And you told Agent Crabtree that you had no recollection, no independent recollection of what this second person -- what this other person looked like; correct?

A. That's correct.

Q. And isn't it fair to say that you told Agent Crabtree you couldn't even remember whether this other person was a man, or a woman?

A. That could be. I don't remember what I told him, but I -- you know, I don't recall for sure if I told him that.

Q. And Mr. Woods asked you certain questions about going out the next day, early -- in the early morning hours of April 20 to participate in or assist in drawing the sketches.

Vicki Beemer - Cross

A. That's correct.

Q. You did not help in the creation of the sketch of Mr. Kling, did you?

A. No, I did not.

Q. And you don't recall whether you were even shown the sketch of the other individual that was prepared that day?

A. I don't recall.

Q. And that was because you had no recollection of what that other person even looked like?

A. That's correct.

Q. Do you remember where this other person was standing in the

Q. DO YOU REMEMBER WHERE THIS OTHER PERSON WAS STANDING IN THE OFFICE?

A. Just to the side of him, but not, I mean -- as I was facing him, he was on this side. Mr. Kling was in front of me, and the gentleman was on this side of him somewhere in that area.

Q. Did he --

A. Whether he was far back or up close, I can't tell you.

Q. Did he talk to you -- did this other person talk to you during the transaction?

A. No, he did not.

Q. And did this other person talk to Mr. Elliott?

A. Not that I know of.

Q. And did this other person talk to Mr. Kessinger?

A. Not that I know of.

THE COURT: When you said "this side," were you

Vicki Beemer - Cross
gesturing with your right hand?

THE WITNESS: With my right hand, yes, sir.

THE COURT: Thank you.

BY MR. MEARNS:

Q. When Agent Crabtree first called -- you spoke to him briefly before Agent Crabtree came out; is that correct?

A. Yes.

Q. And he asked you to tell the other employees that they were not permitted to leave Elliott's that day?

A. That's right.

Q. And he also asked you to identify the other employees who might have seen the person who rented the truck?

A. That's right.

Q. And -- and in response to that request, you went around to several people to see if they had seen anything in connection with this rental.

A. The only ones that I would have -- that would have even had any kind of an idea of what anybody looked like would have been Tommy or Eldon because the other gentlemen were not in the shop at the time that he was in there.

Q. So --

A. I would have told them all not to leave because that's what Mr. Crabtree told me. But as far as anybody else knowing anything about, you know, could it possibly have done any

identification or anything, it would just been Tommy or Eldon

Vicki Beemer - Cross
or myself.

Q. And you determined that it was either Tom Kessinger, Eldon Elliott, or yourself before Agent Crabtree arrived around 4:30?

A. Yes.

Q. And you had a brief conversation with Mr. Kessinger prior Agent Crabtree arriving; correct?

A. I think in -- as far as conversation, I think everybody was trying to, you know, mull over in their minds independently and

kind of talking out loud. But as far as talking to anybody and saying "Do you know what they looked like," or "Can you describe it," you know, that didn't happen. But I know that at sometime Tommy said that he was in there, and then I remembered that he was eating popcorn.

Q. And the conversation you just indicated occurred before Agent Crabtree --

A. Yes.

Q. -- arrived at 4:30, the exchange that you described between you and Mr. Kessinger?

A. That's right.

Q. And during that exchange, do you recall telling Mr. Kessinger that you couldn't recall whether it was one person or two people who came in on April 17?

A. I could -- I could have done that at that time; and then by the time I looked over the contracts, I realized when I saw the birth date, that's when it hit me that he had made that -- that

Vicki Beemer - Cross

when I made that comment to him and he faced the other gentleman.

Q. But you could have told Mr. Kessinger that you didn't remember whether there were one or two people?

A. I could have at that time, yeah.

Q. Do you recall testifying in the grand jury on August 1, 1995?

A. Yes, I do.

Q. And during that grand jury testimony, you provided -- or in response to certain questions, you described or gave descriptive information about the other person. Is that correct?

A. I gave a -- I characterized him, the second person.

Q. What do you mean "characterized" as opposed to "describe"?

A. I was asked by the grand juror to characterize John Doe 2. And I had already three different times in my grand jury testimony said that I really -- I could not identify him. And when he said the word "characterize," I thought he meant to tell him what I believed him to look like according to the TV, newspapers, sketches, what I have heard about, you know, from hearing, you know, from Tommy and Eldon about that man. But as far as -- it was not a description from my memory. It was just a characterization as far as what I perceived him to look like according to what I had heard.

Q. And part of the descriptive information that you provided

Vicki Beemer - Cross

in response to the question to characterize the other person was information that you had gotten directly from Mr. Kessinger; correct?

A. From him and along with the other things that I just mentioned: The media, TV, newspapers, sketch, yes.

Q. So some of the information did include information that was directly given to you by Mr. Kessinger?

A. Yes.

Q. That he told you?

A. It could have.

Q. And that was information that Mr. Kessinger gave you within days after the bombing in Oklahoma City, on April 19; correct?

A. I imagine it did, yes.

MR. MEARNS: Thank you, your Honor. No further questions.

THE COURT: Mr. Woods?

MR. WOODS: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. WOODS:

Q. Mrs. Beemer, you heard the prosecutor ask you is it possible that you told Mr. Crabtree that you don't remember if it was a man or a woman? Did you hear that question?

A. I heard that, sir.

Q. Right now, do you recall specifically what you told Mr. Crabtree about the description of the other individual?

Vicki Beemer - Redirect

A. I didn't -- I don't ever remember or recall saying that I didn't know if it was a man or a woman. I don't remember that ever being a question.

Q. If I showed you a memorandum of interview with Mr. Crabtree, would that refresh your memory as to what you did say to Mr. Crabtree?

A. I don't recall saying it, sir.

MR. WOODS: Okay. May I approach --

THE COURT: Yes, you can show.

See if this refreshes your recollection.

BY MR. WOODS:

Q. Ms. Beemer, I'm going to show you a memorandum filed by Mr. Scott Crabtree with the date of April 20 on it. And if you would, look on the second page in the last paragraph. And don't read it out loud, but read that and see if that refreshes your memory.

A. I don't see what you're talking about as far as me saying I don't remember if it was a male or female.

Q. Right. You didn't say that?

A. I didn't think I did.

Q. Do you recall -- does that refresh your memory as to what you did tell Mr. Crabtree on that day?

A. Yes, that part of it.

Q. And what did you tell Mr. Crabtree that day about what you could recollect about the second individual?

Vicki Beemer - Redirect

A. That I really didn't have any recollection other than he was there and was quiet. He never talked to anybody.

Q. Okay. Did you describe him as male?

A. Yes. I did. A white male.

A. Yes, I did. A white male.

Q. White male? Did you say that he possibly smoked?

A. I don't recall saying that.

Q. Do you recall --

A. I saw it in there, but I don't remember saying that at all.

Q. Do you recall anything about telling Mr. Crabtree about an ashtray, how the person reached for an ashtray?

A. I don't recall that.

Q. Okay. Do you recall whether or not the person wore glasses, or not?

A. No, I don't.

Q. Ms. Beemer, is there any question in your mind whether or not there were two individuals in there together?

A. No, there is not.

MR. WOODS: Thank you so much. I appreciate you coming in.

MR. MEARNS: May I have just one moment to confer with Mr. Mackey?

THE COURT: Yes.

RE-CROSS-EXAMINATION

BY MR. MEARNS:

Q. Ms. Beemer, if I can show you a document. That's not the

Vicki Beemer - Recross

same report that Mr. Woods just showed you a moment ago; correct?

A. No, it's not.

Q. The report that Mr. Woods showed you was from the interview on the morning of April 20. That's the report from the -- from April 19; correct?

A. That's correct.

Q. And if you flip over to the second page, there is only one sentence there that deals with information that you provided with respect to the second person. Is that correct?

A. Uh-huh.

Q. And it doesn't -- it's gender-neutral, isn't it? It doesn't indicate man or woman. It says "other" --

THE COURT: Don't say what it says. This is for purposes of seeing if she recalls, isn't it?

MR. MEARNS: Yes, your Honor.

THE COURT: All right.

BY MR. MEARNS:

Q. Ms. Beemer, does that refresh your recollection as to whether or not in the first interview with Agent Crabtree you told him you couldn't recall whether it was a man, or a woman?

A. It says I had no recollection of that individual.

MR. MEARNS: No further questions, your Honor.

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

THE COURT: All right. Agreed?

MR. MEARNS: Yes, your Honor.

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

MR. WOODS: Eldon Elliott.

THE COURT: All right.

MR. MEARNS: Your Honor, may I retrieve the document?

THE COURT: Yes.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Eldon Elliott 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: Eldon Elliott, E-L-L-I-O-T-T.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. WOODS:

Q. Good afternoon, Mr. Elliott.

A. Good afternoon.

Q. My name is Ron Woods, sir. I was appointed by the district judge in Oklahoma City to represent Terry Nichols.

You and I have never met; is that correct?

A. That's correct.

Q. You've never allowed an interview to be conducted by the defense, have you?

A. No, I have not.

Q. Where do you live, sir?

Eldon Elliott - Direct

A. 2921 Rolland Hills Drive, Milford, Kansas.

Q. What's your business and occupation?

A. I have a body shop, and I'm a body man and I rent Ryder trucks.

Q. Okay. Where is your body shop located?

A. It's located at 1430 Golden Belt Boulevard, Junction City, Kansas.

Q. Okay. What's the name of it?

A. Elliott's Body Shop.

Q. Do you have other businesses, also?

A. Yes, I do.

Q. And would you tell the jury what those are.

A. I have a business in Estes Park, Colorado, which is a brochure rack, which is where they have the brochures of what's going on in the area. We have that rack service, and I have a snow-pushing in Kansas.

Q. Is that in Kansas, or in Estes Park?

A. Back in Junction City, Kansas.

Q. How long have you had that body shop, sir?

A. 27 years.

Q. Same location?

A. No, sir. This is my third location.

Q. Third. Still -- all of them in Junction City?

A. Yes, sir.

Q. How long has it been in the present location?

Eldon Elliott - Direct

A. Since 1988.

Q. In 1995, how many employees did you have there -- April,

1995?

A. I believe it was five.

Q. Okay. Can you tell the jury who they were.

A. I had Tom Kessinger.

Q. And could you also tell what they were: body man, or office person.

A. Yes, I will, sir.

Q. Okay.

A. I had Tom Kessinger, which was a mechanic.

I had Bob Nelson. This was a body man.

I had Val Elliott, which was a painter.

Q. Now, is he any relation to you?

A. He's my son.

Q. All right. How old is he?

A. He's 33.

Q. Okay.

A. I had Vicki Beemer that was secretary in the office, run the office.

And Greg Hegameister, and he was a body man.

Q. Okay. You mentioned that you're a Ryder dealer. How long have you been a Ryder dealer?

A. About -- I guess going on six years now.

Q. Okay.

Eldon Elliott - Direct

A. Six or seven years now.

Q. Do you recall the date that you started being a Ryder dealer?

A. No, I don't, sir.

Q. Okay. So six or seven years back from now, we're at '90, '91?

A. That would be about right.

Q. How many Ryder dealers are there in the Junction City area?

A. Then, or now?

Q. Well, let's keep our focus on April, '95.

A. Okay. There was two Ryder dealers, sir.

Q. And where was the other dealer located?

A. Downtown on the corner of Washington and 6th Street.

Q. Washington and 6th?

A. Yes.

Q. Okay. As a Ryder dealer, are you employed by Ryder?

A. We have the Ryder franchise. We just rent the Ryder trucks, do all the paperwork, have a report on Monday morning that we do, and then send money to them that we collect from (sic) them.

Q. Excuse me. Go ahead. I stepped on your answer.

A. And then at the end of the month, they figure it up; and then later on, we get our commission check that they pay us for the percentage of the rental we do.

Q. So I take it you're independent. You're not employed by

Eldon Elliott - Direct

Ryder in any fashion or form; is that correct?

Ryder in any fashion or form; is that correct?

A. That's correct. I'm not employed by them.

Q. Now, you mentioned that you give them the forms every Monday; is that correct?

A. Yes, we do a Monday morning report, and then we send them a copy of the -- of each one of the forms.

Q. Okay. What compiles the Monday morning report? What information do you put in those?

A. Of every rental we do for the week from Monday till Monday.

Q. And you said that you also submit the forms. Do you give Ryder the forms of all the rentals that took place that month?

A. That week.

Q. I'm sorry. That week?

A. Yes, sir.

Q. Are those the forms that the customer actually signs?

A. Yes, sir.

Q. I want to call your attention to April 19, 1995, which was the day of the bombing in Oklahoma City. Do you recall that day, sir?

A. Yes, sir.

Q. Okay. When did you first hear any information that there had been a bombing in Oklahoma City?

A. It was on the radio in the morning. I'm going to say probably somewhere around 9:30, 10:00.

Q. Were you there in the shop?

Eldon Elliott - Direct

A. No, I was coming back from town.

Q. And what hours were you in the shop then on the 19th, if you recall?

A. When I got back from downtown, I was there the rest of the day.

Q. Was that still in the morning? You got there in the morning hours?

A. Yes. I was there earlier before I went downtown, and then I just went downtown for an errand and come back.

Q. Okay.

A. And then I was there the rest of the day.

Q. Okay. What time do you open shop up there on a normal day-to-day basis?

A. Our hours is from 8 to 5.

Q. Okay. Now, on that day, April 19, was there an occasion where you received an inquiry concerning any incident connected with the bombing?

A. Yes. I got a phone call in the afternoon on that.

Q. Approximately what time?

A. It was probably somewhere around 3:30.

Q. Okay. And from whom?

A. It was from the Ryder -- Dave Russell, the vice president from Ryder.

Q. Did you know Mr. Russell at that time?

A. No, I did not.

Eldon Elliott - Direct

Q. You've since come to know him, haven't you?

A. Yes, I have.

Q. Okay. What did Mr. Russell relate to you on the phone?

A. About pulling the contract and -- and telling that he thought that truck was from my place that was at Oklahoma City and that Mr. Crabtree from the FBI would be calling us and coming down to see us.

Q. Okay. Did he tell you not to talk to anybody?

A. He said, "Don't talk to anybody else about it."

Q. Okay. And did you pull the contract?

A. I can't really remember whether I pulled it, or I had Vicki pull it.

Q. What information did Mr. Russell, the vice president at Ryder -- what information did he convey to you that allowed you to go to any certain contract, rental contract, that you had on your premises?

A. It was the number of the -- the number -- the six-digit number that's on the side of the trucks and on the front that we go by.

Q. He had that number that he related to you?

A. Yes.

Q. At that time, did he have a name to go with it?

A. I think I told him what the name was on the contract.

Q. You looked at the contract; and did you have him on hold, or did you call him back?

Eldon Elliott - Direct

A. At that time, I had him on the phone.

Q. Okay. And how are you able to access your rental contract so quick just using the number on the truck?

A. Well, we just pulled out what we had done, and we didn't have that many that -- to get it out of there.

Q. Do you recall how many contracts you had that you were looking at that Wednesday?

A. No, I don't.

Q. I take it you hadn't sent in your Monday report for the rentals that week. Is that correct?

A. I didn't --

Q. Yes, sir. You related to the jury that you give Ryder a summary every week on Monday of the prior week's rentals. You still have rentals on hand on Wednesday that you had not provided to Ryder; is that correct?

A. Well, sir, we keep a copy of it, also.

Q. Okay.

A. And that's why we had a copy of it, because we keep a copy of each rental.

Q. All right.

A. As well as sending one in to Ryder.

Q. Yes, sir. And we'll get into the forms in just a minute, but do you recall what the name was on the contract when you looked it up at Mr. Russell's request?

A. It was Kling.

Eldon Elliott - Direct

Q. Okay. Do you recall a first name?

A. I believe it was Robert Kling.

Q. Okay. And I'm not trying to play guessing games with you. I'm going to give you the contract there in front of you in just a minute.

Did you relate that to Mr. Russell?

A. Yes, I did.

Q. Now, there is -- well, we'll get to that in just a minute.

Did you write down Mr. Russell's name and phone number on the contract there at one time?

A. I believe I did.

Q. Did you get a bunch of calls from the FBI wondering who this person is?

A. Yes, I did.

Q. Was that during the night when you were trying to sleep that night?

A. Yes, it was.

Q. Okay. Now, did Mr. Russell ask you to do anything in addition to pulling the contract?

A. Yes, he did.

Q. What was that?

A. He asked me if I would call and get some -- make some reservations for some rooms because they was going to be flying out that evening and they needed some rooms at the motel, which I did. I called and got some rooms, and then I called him back

Eldon Elliott - Direct

to tell where it was at.

Q. Where did you book them, the Ryder people, in?

A. At the Comfort Inn Motel.

Q. Is that there --

A. In Junction City.

Q. Is that there in Junction City? How many people were coming from Ryder?

A. I believe I booked four rooms that night. I believe.

Q. And did you meet with the Ryder people then that night or the next day?

A. The next day, sir.

Q. And who came from Ryder?

A. Dave Russell was from Ryder. Lana Fava was from Ryder.

Q. Who is she?

A. She was the Ryder attorney out of Miami.

Q. Yes, sir.

A. We had Chris Frontier, I believe it was, that was a security guy that came in.

Q. What do you mean by "security guy"?

A. Well, they hired the security to come in that that -- he's just a security guy.

Q. Security for your office, or was he -- what do you mean by "security," if you could explain to the jury.

A. Well, Ryder hired him for security and he was there; and then after he left, he had some other people that he had hired.

Eldon Elliott - Direct

It was security to be there to keep the press from talking to us or getting our pictures.

Q. Okay. Did you have a lot of press inquiries the next day?

A. Yes, I did, sir.

Q. And the security was there to, what, keep the press and others away?

A. Well, to talk to them and keep them from talking to us.

Q. Okay. You mentioned to the jury that Mr. Russell asked you not to talk to anybody and that an agent -- did he give you the agent's name at that time?

A. Yes, he did.

Q. And that was Mr. Crabtree?

A. Yes, it was.

Q. Did you know Mr. Crabtree that day before having heard his name that day?

A. Before that day?

Q. Yes, sir.

A. No, I did not.

Q. You've come to know him pretty well, haven't you?

A. I've seen him several times.

MR. WOODS: Okay. Your Honor, I'm not sure at what point the Court wishes to stop.

THE COURT: Well, if this is an interrupting point.

MR. WOODS: Seems to be a convenient place, your Honor.

THE COURT: We'll quit early today. You may -- we'll resume this tomorrow morning at 8:45, Mr. Elliott. You may step down now.

THE WITNESS: Thank you, your Honor.

THE COURT: And, members of the jury, we'll take our recess at this time. And of course, continue to follow the cautions as I have given them to you every time we break, which you certainly remember, I'm sure; and I'm sure you remember also of keeping open minds, avoiding discussion with other jurors and all other persons and anything connected with the case and being careful about all of the things that you may encounter in any of the communications media, or books, or whatever that you read -- to stay away from anything related to the trial and its subject matter.

You're excused now till 8:45 tomorrow morning.

(Jury out at 5:00 p.m.)

THE COURT: All right. We'll be in recess.

(Recess at 5:00 p.m.)

* * * * *

Item
Page

WITNESSES

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 Shane Boyd
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 (Vicki Beemer)
 Redirect Examination by Mr. Woods
 Recross-examination by Mr. Mearns
 Eldon Elliott
 Direct Examination by Mr. Woods

PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
391	12024	12024			

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
D1703	12007	12007			
D1709	12001	12001			
D1710	12007	12007			
D1712	12011	12011			
D1715	11995	11995			
D1719-D1725	11985	11985			
D1734	11895	11895			
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D1736	11901	11902			
D1737	11940	11940			
D765-D766	11985	11985			
D771	11985	11985			
D780	11931	11932			

* * * * *

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 2d day of December, 1997.

Paul Zuckerman

Kara Spitler

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