

` John Doe 2' Laughed At Midnight In Motel Defense Seeks To Prove McVeigh's Conspirator With A Velvety Voice Was Not Terry Nichols

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John Doe 2 wasn't in the courtroom, but he was the main attraction Tuesday in the trial of Terry Nichols.

Nichols' lawyers launched their bid for acquittal in the second Oklahoma City bombing trial by going right to the heart of their case:

Unknown collaborators - and not Nichols - aided convicted bomber Timothy McVeigh's murderous plot against the federal government.

Jurors in Denver federal court heard that:

* John Doe 2 was in McVeigh's Junction City, Kan., motel room laughing heartily at midnight while Nichols was home in bed.

* John Doe 2 bought a Coke at the same motel while Nichols was shopping at Wal-Mart in a nearby town.

* John Doe 2 accompanied McVeigh to rent the bomb truck while Nichols was getting ready to take his son to the airport.

Just as hard as the defense sought to prove John Doe 2 exists, the government tried to prove he doesn't.

Former federal prosecutor Mimi Wesson said whether John Doe 2 exists is irrelevant because it doesn't change the government's evidence linking Nichols to the bombing.

``It would be one thing if we could allege that John Doe 2 did all the things the government says Terry Nichols did," said Wesson, a law professor at the University of Colorado.

``But it was Terry Nichols who met with Tim McVeigh in Oklahoma City on Sunday (three days before the bombing). It was Terry Nichols who had incriminating evidence in his house."

In the days after the April 19, 1995, blast that killed 168 people, employees at a Junction City body shop described two men they said rented the Ryder truck used in the bombing.

Lea McGown, owner of the Dreamland Motel in Junction City, identified John Doe 1 as McVeigh, a guest at her motel in the days before the bombing.

John Doe 2, depicted in an FBI sketch as beefy and olive-skinned, has never been identified. Even the government admits he isn't Nichols.

McGown testified Tuesday that she regularly patrols her motel grounds late at night as a security check and to watch for freeloaders.

She described walking past McVeigh's room just after midnight two days before the bombing. She said she heard conversation inside.

McVeigh was supposed to be staying in Room 25 alone.

She said she heard McVeigh talking with a man with a ``velvety, deep" voice. A third man also might have been present.

McGown said the man with the ``velvety, deep" voice might have been the same voice she heard when answering telephone calls for McVeigh during his stay.

She said she didn't see the man or men who were with McVeigh.

McGown said she never saw Nichols until his lawyers called her to the witness stand Tuesday.

Prosecutors fought back, again linking McVeigh with Nichols in the days before the bombing.

They noted that computer telephone records show two calls were made from McVeigh's room at the Dreamland to Nichols' home in Herington, Kan., on the mornings of April 15 and April 17.

Another defense witness was Vicki Beemer, who handled the paperwork for the rental of the bomb truck.

She said McVeigh and another man arrived at Elliott's Body Shop about 4:15 p.m. April 17.

She testified that she couldn't describe them when the FBI showed up two days later.

Another body shop employee, Tom Kessinger, provided the information used in the sketches. He will take the stand today.

Nichols' lawyers began their case after the prosecution rested and U.S. District Judge Richard Matsch denied a standard defense motion for acquittal.

The defense argued that prosecutors had failed to prove that Nichols intended for the Alfred P. Murrah Federal Building to be bombed or for people to die as a result.

THE NICHOLS TRIAL / Day 44

TUESDAY'S SUMMARY: Terry Nichols' lawyers launched their case with testimony suggesting Timothy McVeigh had mysterious accomplices.

WITNESSES TO DATE: 98 for prosecution, 10 for defense

TODAY'S SCHEDULE: Employees at the body shop where the bomb truck was rented will testify.

QUOTE OF THE DAY: ``He was a man and that's about it. He just blended in."

- Vicki Beemer, describing a man she said accompanied McVeigh to rent the bomb truck.