

THE COURT: All right. Next witness, please.

MR. WOODS: Yes, your Honor. Joseph Wannemacher.

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

(Joseph Wannemacher affirmed.)

THE COURTROOM DEPUTY: Have a seat, please.

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

THE WITNESS: Joseph Melching, M-E-L-C-H-I-N-G, Wannemacher, W-A-N-N-E-M-A-C-H-E-R, Jr.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Wannemacher.

A. Yes, sir.

Q. How are you today?

A. Fine, thank you.

Q. Do you have a little bit of a hearing problem, Mr. Wannemacher?

A. Yes, I have a slight hearing problem. I can hear you fine now, though.

Q. Okay. If there's any problem at all, we have a hearing aid available, so you just let us know if you can't hear what I or

Joseph Wannemacher - Direct
the other counsel -- questions are asking you, okay?

A. Thank you, sir.

Q. Where are you from, Mr. Wannemacher?

A. Tulsa, Oklahoma.

Q. And how old are you?

A. I'm 63.

Q. And what's your business, sir?

A. I have two businesses. I am a petroleum consultant and geologist, and I produce the Tulsa Gun and Knife Show.

Q. In producing the Tulsa Gun and Knife Show, do you maintain records?

A. Yes, sir, I do.

Q. And how are those records maintained?

A. They're maintained in two forms, in paper form and by computer.

Q. And what do you do with your paper records after a certain period of time?

A. After a year or so, the paper records are destroyed; and after a certain length of time, the computer records are purged, also.

Q. Are some computer records maintained in their entirety and some computer records maintained partially as you purge them over the course of time?

A. Yes, sir, that is correct.

Q. I want to show you two documents. They've been marked for

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Exhibit 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

identification as D1763 and D1764.

MR. NEUREITER: If I may approach, your Honor?

THE COURT: Yes.

BY MR. NEUREITER:

Q. And looking at the first one, D1763: Is that a computer record that was generated by you from your computer system?

A. Yes, sir. It's a facsimile of the computer record, yes, sir.

Q. And those records were maintained in the ordinary course of your business?

A. Yes. It was.

Q. And how can you be certain that the information contained on that sheet of paper accurately reflects the information contained in your physical computer in your offices?

A. Well, in this case, I was subpoenaed to bring information under -- for -- for a '93 gun show under two different names --

Q. Just asking --

A. -- and did so --

Q. Sir --

A. -- so I searched the computer records.

Q. Sir, hold on just one second. Did you, yourself, conduct a search on your computer screen?

A. Yes, I did.

Q. Okay.

A. Monday before last.

Joseph Wannemacher - Direct

Q. And did you download the information, yourself, that's found on that first exhibit?

A. Yes, I did.

Q. Now, turning to --

MR. NEUREITER: We offer that exhibit, your Honor, D1763.

MS. WILKINSON: Your Honor, I'd just like to voir dire for a minute.

MR. NEUREITER: If I can retrieve it.

MS. WILKINSON: That's okay. He can keep the exhibit.

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Tell me if I'm not speaking loudly enough for you. I'll try and speak into the microphone.

A. Thank you.

Q. This record that you have, Defense 1763, that's a record from your computer?

A. It's from my secretary's computer.

Q. And the name to which this record refers, is that the only record you have for that name in 1993?

A. It's the only record we had in our file that I could find for -- for any date.

Q. So you didn't have any record for 1994 for this person?

Joseph Wannemacher - Voir Dire

A. I think I should explain: This record was started in '93. And it was a record in the '93 -- for the spring '93 gun show, April '93 gun show.

Q. For your Tulsa gun show in '93?

A. Tulsa gun show, yes, ma'am. Since the person who made the reservation apparently didn't attend a subsequent show, his -- his record was left in as a '93 record. Some of it had been changed -- not changed, but deleted; and the file that I found this name under was from the April, 1995 gun show records.

Q. So this -- you can't say that this has all the information from the 1993 record; correct?

A. Oh, it does not.

MS. WILKINSON: Your Honor, we'd object on those grounds.

THE COURT: I don't know what it's being offered for.

MR. NEUREITER: If I may explain, your Honor. There are two records.

THE COURT: Well, I don't know how you can explain the witness' records.

MR. NEUREITER: Absolutely.

THE COURT: What are you offering it for? That's my question.

MR. NEUREITER: To show a connection between two individuals who made reservations through --

THE COURT: Are you offering it for somebody attending

Joseph Wannemacher - Voir Dire

a 1993 gun show?

MR. NEUREITER: No, your Honor.

THE COURT: What are you offering it for?

MR. NEUREITER: We're offering it to show a connection between individuals and an address that is common for both these records.

THE COURT: For what period of time?

MR. NEUREITER: 1993, 1994 time period.

THE COURT: Well, I don't understand your records, Mr. Wannemacher. I guess you'll have to explain them to us.

THE WITNESS: Okay.

THE COURT: This is a computer record.

THE WITNESS: It's a computer record made when a person calls in or writes in for a reservation for space at the gun show.

THE COURT: All right.

THE WITNESS: And we enter the record at that time.

MR. NEUREITER: If I may ask a couple of questions that might clarify?

THE WITNESS: Yes, sir.

DIRECT EXAMINATION CONTINUED

BY MR. NEUREITER:

Q. Some of the information from your records of years ago has been purged; is that right?

A. That is correct.

Joseph Wannemacher - Direct

Q. But the information that remains is accurate and part of your business and you maintain that, the information that remains, the specific entries, for example, for the address and for the name?

A. As far as the address and the name, the location, some of the columns were zeroed out after that gun show to facilitate the -- making the file for the subsequent gun show.

Q. That's correct. But with respect to the address and the name, those two were not zeroed out and those remain part of your business records and are accurate?

A. That is correct.

MR. NEUREITER: With that, your Honor we offer --

THE COURT: For what time period?

THE WITNESS: Pardon me.

THE COURT: For what time? They're accurate as of what time?

THE WITNESS: This records shows that the reservation was made March --

THE COURT: No.

THE WITNESS: -- March --

THE COURT: No.

THE WITNESS: Okay.

THE COURT: You said you made a record in 1993.

THE WITNESS: Yes, sir.

THE COURT: That's when you started this computer

Joseph Wannemacher - Direct

database; is it?

THE WITNESS: No, sir. No. The computer database was

started many years ago. The oldest that I found in there. I was subpoenaed to bring information on the April, '93 gun show, and I was looking for information on that --

THE COURT: The objection that has been made here is that your records don't really show April, 1993, because it includes --

THE WITNESS: To a certain extent. The remnants of the record for this one person -- what is in there is essentially correct. What hasn't been zeroed out.

MR. NEUREITER: So one last clarifying question.

BY MR. NEUREITER:

Q. According to your records and what remains on that sheet, can you accurately state that the person listed under the "name" column and the address listed under the "address" column, that individual made a reservation for that gun show in 1993?

A. I can say somebody made a reservation under that name, yes,

sir.

Q. Based on that record?

A. Based on that record.

MR. NEUREITER: With that, we offer it, your Honor.

MS. WILKINSON: Your Honor, could I elicit what information is missing at least so we have a record?

Joseph Wannemacher - Direct

THE COURT: All right. Yes.

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Sir, you said some columns are zeroed out; is that right?

A. Yes, ma'am. Such as amount and paid and what was due, that wouldn't -- that would be information for one specific gun show. Then the -- then the person's name and his table location were -- are carried on to the next -- and physical address are carried on to the next show in case he wants to reserve again for the subsequent show.

Q. So this is an ongoing record, then; it's not just for 1993, is what you're saying?

A. That's correct.

Q. You kept in your computer for '94; correct?

A. Uh-huh. The file I found the '93 information in was April, 1995 file.

Q. But you're saying some of this information was created in 1993?

A. Yes, ma'am.

Q. Correct?

A. Yes, ma'am.

Q. Somebody registered under this name and address in 1993?

A. Yes, ma'am.

Q. And then you deleted a lot of the information that was on the record; correct?

Joseph Wannemacher - Voir Dire

A. Yes. We leave some of the information, and some of it that wouldn't apply to the following show is deleted.

MS. WILKINSON: Your Honor, I think we'll have to object if it's not a complete record from 1993.

THE COURT: Well, the objection's overruled. D1763 is received.

MR. NEUREITER: If I could retrieve the exhibit.

If I may publish, your Honor.

THE COURT: Yes.

DIRECT EXAMINATION CONTINUED

BY MR. NEUREITER:

Q. Tell us what we see on this sheet of paper, please, Mr. Wannemacher.

A. The title is something I placed on there last Monday, "All Data in Computer Under Name Tim McEeige."

The first row is "date reserved," which was March 2,

1993.

The next row is "first name: Tim."
Next row, "last name: McEeige, M-C-E-E-I-G-E."
The next row is "street: P.O. Box 2406."
Following that is "City: Hot Springs."
"State: Arkansas."
"ZIP Code: 71914."
"Quantity: One." That means one table was reserved.
As I stated previously, the next three columns have

Joseph Wannemacher - Direct
been zeroed out subsequent to that show.

"Kind" is "G" for gun, a gun table as opposed to a western wildlife art table, which would not be a G.

"Remarks," which is blank.

"Aisle 5, Row D, Table Nos.: 3," that indicates a specific location within the building. This table, where the table was located.

The following row is receipt. There was a receipt number -- in there, or there should have been, which was zeroed.

"Last show attended," that indicates the April '93 show.

"No show" is a column -- or a row we use to let us know who made reservations and didn't show. In this case it's blank. I don't know whether this person made a reservation and did not show. I can only say they made a reservation.

The next row is "exhibitor phone," blank.

"Electricity," it's whether they need electricity or not.

"Oklahoma tax number," that was probably inserted from a later show date and would not apply to the '93 show.

"Sort" column is a column used by our personnel to sort the records.

And "confirmation sent" is the last row. That indicates that we have sent them the receipt and confirming

Joseph Wannemacher - Direct
their reservation.

Q. How big is the Tulsa gun show?

A. It's the world's largest. We have approximately 3700 tables and 11 acres.

Q. How many exhibitors would show up for a particular show, on average?

A. Right now, we have over 5,000 exhibitors, their helpers, and their family.

Q. Do you know your exhibitors, some of your exhibitors personally?

A. Quite a number of them I know. But those are the ones who have exhibited for several years.

Q. Do you have any way of verifying that -- whether the names under which reservations are reserved are accurate as to the person who actually shows up and sells guns at your show?

-
A. No, sir, I do not.

Q. Do you know Tim McEeige?

A. No, sir, I do not.

Q. And do you know for whoever was interested in attending that gun show, if Tim McEeige was his true name?

A. I have no idea.

Q. Okay. And now I'd like to put up on the ELMO -- and we'll do it this way in the event of an objection so everybody can look at the document -- D1764. It has not yet been admitted into evidence.

Joseph Wannemacher - Direct

Do you recognize this document?

A. Yes.

Q. And --

A. That was --

Q. Don't tell us what it is yet.

A. Okay.

Q. Was that document generated from your computer system?

A. Yes, it was.

Q. And does that document reflect another part of your computer records that you maintain in the course of your business?

A. It reflects the same computer records in a different format output.

Q. Is this part of your address list?

A. Yes, sir.

Q. And did you download this information, yourself, from the computer onto this sheet of paper?

A. Yes, I did, Monday before last.

Q. And there's some handwriting on there. Is that your handwriting?

A. Yes, it is.

MR. NEUREITER: We would offer this exhibit, your Honor.

MS. WILKINSON: May I have a few questions?

THE COURT: Yes.

Joseph Wannemacher - Voir Dire

VOIR DIRE EXAMINATION

BY MS. WILKINSON:

Q. Sir, the record we're looking at right now is not in the same format the jury just saw, 1763; correct?

A. That is correct.

Q. This has a lot of other information or at least columns for information; correct?

A. Yes, ma'am.

Q. Why do these two records differ in format?

A. I was subpoenaed to bring information on the April, 1993 show. I did not have a file for April, 1993, because that had been discarded. But the oldest file I had was April, 1995.

And I went to my oldest file and found this information in that. The other information that would -- that would be on the first exhibit for -- for the party, Karen Anderson, would have subsequently been updated for 1993 two or three times to April, 1995. And so it wouldn't apply -- it wasn't what was requested.

Q. You were subpoenaed by the defense; correct?

A. Yes, ma'am.

Q. And they didn't ask you to look for records other than the ones you've just told us about?

A. They asked me to look for April, 1993 records. Yes, ma'am.

Q. But this record in front of us is a 1995 record; correct?

A. That is correct.

Joseph Wannemacher - Voir Dire

Q. Now, are you telling me that this record also was an old record that's been updated? You just said the information would change.

A. Yes, it has, as far as name and so on.

Q. How can we tell that from looking at the record?

A. You probably couldn't tell it from looking at the record.

Q. So this record doesn't tell us how old it is -- correct -- or when it was first started?

A. No. No, ma'am, it doesn't.

MS. WILKINSON: Your Honor, I guess with those limitations, we'd have no objection, as long as it's clear that this is only a record from 1995, April of 1995.

THE COURT: All right. I'll receive D1764.

DIRECT EXAMINATION CONTINUED

BY MR. NEUREITER:

Q. Mr. Wannemacher, if --

MR. NEUREITER: If it could be published, your Honor.

THE COURT: Yes.

BY MR. NEUREITER:

Q. Could you tell us what this document is and explain to the jury what the entries mean.

A. It's a printout of our file information in our computer in a format of an address list.

Q. And what is the name listed here?

A. The -- pardon me, sir?

Joseph Wannemacher - Direct

Q. What is the name listed here?

A. The name listed is Karen Anderson. That was the second name on the subpoena, the second part of the subpoena which asked for 1993 information on K. or Karen Anderson.

Q. And what is the address listed for Karen Anderson in your records at the Tulsa gun show?

A. P.O. Box 2406, Hot Springs, Arkansas, 71914.

Q. And if I put both exhibits up at the same time, are the two addresses for those two entries identical?

A. Yes, sir, they are.

Q. Have you instructed an employee of yours to do an

Q. Have you instructed an employee of yours to do an additional search on your computer system?

A. Yes, sir, I did.

Q. And what search was requested?

A. I requested her to search the computer and that file for any other person reserving tables at the -- under that address, the same address.

Q. What were the only two names listed under that address in your files for the '95 gun show?

A. Tim McEeige and Karen Anderson.

MR. NEUREITER: Pass the witness.

CROSS-EXAMINATION

BY MS. WILKINSON:

Q. Sir, I just have a few more questions.

You can't tell us when that record for Miss Anderson

Joseph Wannemacher - Cross
was created; correct?

A. From the Karen Anderson record?

Q. Yes.

A. No, ma'am, I cannot.

Q. And you don't know who called in and gave you the name Tim McEeige; correct?

A. I do not.

Q. And you don't know who gave you that address?

A. I do not.

Q. Do you know whether that person, Tim McEeige, actually attended the show in Tulsa in the spring of 1993?

A. I have no idea.

Q. And do you know if Miss Anderson attended the gun show in 1995 in Tulsa?

A. I can't say for sure, but she has been a regular; and I would assume she had.

Q. Now, when you were asked to look for records, were you asked to search for records for Terry Nichols and whether he had ever attended gun shows, your Tulsa gun show?

A. No, I was not.

Q. Were you asked to search for the name "Havens"?

A. No, I was not.

Q. For the name "Rivers"?

A. I was not.

Q. For the name "Kyle"?

Joseph Wannemacher - Cross

A. I was not.

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

THE COURT: Any redirect?

MR. NEUREITER: No, your Honor. He may be excused. Thank you for coming, sir.

THE COURT: You're excused.

THE WITNESS: Thank you, your Honor.

THE COURT: Next, please.

MR. WOODS: Yes, your Honor. Patricia Gragg.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Patricia Gragg 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: Patricia K. Gragg, G-R-A-G-G.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Hello, Miss Gragg. Miss Gragg, where do you live?

A. Topeka, Kansas.

Q. And are you in the gun show business there?

A. Yes.

Q. Could you tell the jury about that.

A. I've been promoting gun shows in Topeka for -- since the

Patricia Gragg - Direct

mid 70's, and there are four in Topeka each year.

Q. And are you the owner of that -- of those --

A. Yes, I am.

Q. And what does that mean, to be the owner?

A. It means that I have the dates and I own the mailing lists and any property that goes with it.

Q. And do you currently operate the gun show as well?

A. No, I don't. I hire someone to manage them for me.

Q. And you said you'd been in the gun show business since the mid 70's?

A. Yes.

Q. Do you have any other businesses?

A. I also am a sales rep for manufacturers, for licensed sporting items for collegiate and pro sports, and I'm also a rep for a confectionery company.

Q. Now, let me take you back to April, 1995. Did you operate a gun show in Topeka, Kansas, at that time?

A. Yes, sir, I did.

Q. Where was that held?

A. Held at the Kansas Expo Center.

Q. And now, if -- at that time if a person wanted to be -- appear and sell guns at your gun show, how would he or she go about doing that?

A. They would either call me to see if I had space available or they would send in a reservation off of a reservation form.

Patricia Gragg - Direct

Q. Did you have a preprinted form for members?

A. Had a preprinted form that was mailed out to a mailing list and also distributed at other gun shows.

Q. About how many vendors would appear at a gun show during that period?

A. In Topeka, approximately 150.

Q. I want to show you what's been marked for identification as

D1770, not yet admitted, an exhibit in three unmarked -- unpagged pages. And I want to begin with page 3.

And this is a very poor copy, but I think we can see it.

Do you recognize, first of all, the nature of this copy?

A. It's an envelope.

Q. Okay. Just -- don't say anything else about it. Let me zoom in. Do you see your name on this envelope?

A. Yes.

Q. All right. And do you see your handwriting --

A. Yes.

Q. -- on it?

Turning to page 2 of the exhibit. Is this a financial instrument of some kind?

A. Yes.

Q. And is that -- is it made payable to you?

A. Yes.

Patricia Gragg - Direct

Q. And above the copy of the front, do you see a copy of the back in which there is a bank endorsement?

A. Yes.

Q. Finally, turning to page 1, do you recognize what this -- what document this is a copy of?

A. Yes.

Q. Okay. Is that your name in the upper left and then again in the upper right, preprinted on this?

A. Yes.

Q. And is -- does your handwriting appear on this document?

A. Yes.

Q. Is the information contained in this document something that you -- and the document itself -- something you maintain and keep in the ordinary course of your gun show business?

A. Yes.

Q. And do you use and rely upon the information that's provided --

A. Yes.

Q. -- for the operation -- thank you.

MR. THURSCHELL: Your Honor, we would move the admission of D1770.

MR. ORENSTEIN: No objection.

THE COURT: D1770 received. And it's three pages, now?

MR. THURSCHELL: Three pages.

Patricia Gragg - Direct

THE COURT: Thank you.

MR. THURSCHELL: If we could publish.

BY MR. THURSCHELL:

Q. Beginning again with the third page. Now you can expand

upon your earlier testimony. What does this -- what kind of document is this?

A. It's an envelope.

Q. A poor copy of one. Let's start in the upper left-hand corner and zoom in. Do you see the return address that's printed there?

A. Yes.

Q. What does it say?

A. It says, "T. Nichols, 109 South 2nd Street, Herington, Kansas."

Q. And turning to the address, can you read that to the jury?

A. You want me to read it to you aloud?

Q. Yes.

A. "P. K. Gragg, P.O. Box 1607, Topeka, Kansas, 66601."

Q. And if you can, focusing in on the postmark. Can you read -- make out the place and date of the postmark?

A. The place is Herington, Kansas. I believe the date is April 5, 1995.

Q. And can you see the year? Thank you.

Is this your handwriting over here below the stamp?

A. Yes.

Patricia Gragg - Direct

Q. And can you read what that says to the jury?

A. "Paid, \$75, 24th April," and I don't know what that last thing is.

Q. Page 2. What is this?

A. That's a Traveler's Express check.

Q. Made out to?

A. P. K. Gragg.

Q. Okay. That's you?

A. Yes.

Q. And "by payer" is?

A. "Terry Nichols, 109 South 2nd, Herington, Kansas."

Q. And that's in the amount of \$75?

A. That's correct.

Q. And finally, page 1. What is this document?

A. That's a registration form for the gun show in Topeka, Kansas, for April 29 and 30, 1995.

Q. Okay. And starting on the left-hand side, what information -- is this your preprinted form?

A. Yes.

Q. You're the one who made use of this information at the time?

A. Yes.

Q. First we see Mr. Nichols' -- Terry Nichols' name; correct?

A. Yes.

Q. Then there's a phone number?

Patricia Gragg - Direct

A. Yes.

Q. And again, what is the address?

A. "109 South 2nd Street, Herington, Kansas, 67449 "

A. 100 South 2nd Street, Herington, Kansas, 67119.

Q. Now, is there -- what -- Pointing to this information, what does this represent?

A. I ask that question. It says, "Check for new address," and it is checked so that if I had that person on my mailing list, that would clue me to go back and make a change.

Q. A little more. Below the address information, you asked for special needs and/or table arrangement preference?

A. Yes.

Q. And what does it say there?

A. It says, "Side by side, prefer wall."

Q. Now, what would that mean to you, "Side by side, prefer wall"?

A. The tables at most gun shows are 8 feet long so that you would have the narrow end together, so that you would have a straight run of 16 feet.

Q. And there's a space for items to be sold and/or displayed?

A. Yes.

Q. And what did Mr. -- what did this individual write there?

A. "Guns, military, ammo, etc."

Q. Turning to the right side of the form. What -- how many tables did Mr. Nichols request?

A. Two.

Patricia Gragg - Direct

Q. And then there's the amount enclosed and other information; correct?

A. Yes.

Q. Miss Gragg, you've been in the gun show business for a while.

A. Yes.

Q. In 1995 in the April, 1995 time period, what kinds of things could you find -- found -- have found at gun shows in your experience apart from guns?

A. There would be small section of baseball cards, jewelry, coins, some crafts. There would be reloading supplies, camouflage clothing, books. There would be custom knife makers, people who sold manufacturer or collector knives. People who sold taxidermy. There's a huge variety.

Q. Okay. And each of those would be sold from a table that was rented from you?

A. Correct.

Q. Is that correct? At your gun shows?

A. Yes.

Q. Do organizations or did organizations rent tables from you during this time period as well?

A. Yes.

Q. And what sorts of organizations?

A. The NRA would have a booth. Marine Corps League would have a booth.

Patricia Gragg - Direct

Q. And let me just stop you there. What is the Marine Corps

League?

A. The Marine Corps League is an organization for mostly former Marines, but there are active Marines who participate as well, and they do philanthrop -- a lot of giveaway stuff, scholarships.

Q. And continue. You were listing organizations that have rented from you.

A. Kansas Hunter Safety would have a booth so that they could help educate kids about hunting and safe operation. The -- I believe it was the Kansas Department of Revenue has the power to confiscate firearms. They occasionally would hold an auction to sell those items.

Q. And they would rent a table from you, or space?

A. I would give them space because they were operating it, and they would do it on the Friday night before the show; and they would only deal with licensed firearms dealers.

Q. Did you ever rent to political groups?

A. In election years, yes. For a very nominal fee, they could come in.

Q. And what sort of groups rented from you?

A. It would be the Governor Graves was represented, Carlos Stovall was represented. Anybody that was running for political office was free to come.

Q. How about organizations that were not running candidates

Patricia Gragg - Direct

but had a particular political perspective?

A. John Birch Society would rent a booth.

Q. And any others that you can think of?

A. I'm sure there were others, but none come to mind at the moment.

Q. Now, in your experience, is security a concern at gun shows?

A. Yes.

Q. And why is that?

A. I didn't -- if someone -- people were allowed to bring in firearms, to either help determine their value if it was something they had inherited or they would trade for something else, or they wanted to trade something; and the goal was to make sure a firearm didn't get inside the building that had a round in it. So we would check those at the door to make sure that that didn't happen.

Q. Were you concerned about theft?

A. Absolutely.

Q. In your experience, is privacy a concern of the vendors who you've rented to?

A. Yes.

MR. ORENSTEIN: Objection to speculation.

THE COURT: As far as she's concerned. I don't understand your objection. Overruled.

BY MR. THURSCHELL:

Patricia Gragg - Direct

Q. Do you release or sell your list of vendors who have rented to you -- rented from you to anyone?

A. No.

Q. Why not?

A. It's part of the ownership of the show, so it has value. And it's also a way of protecting those dealers. If someone would call me and want to get in touch with someone, what I would do is call the dealer, give them their number, and then they could call that individual back.

Q. Do you allow cameras or video cameras in your show?

A. Not without permission, no.

Q. Why not?

A. There was a time when anti-gun groups would come in and film people and then use that information in any way they so choose. So if it you don't allow it in for any reason, you cut that risk as well as protecting the privacy concern of people.

Q. Was there a security concern?

A. Well, a lot of people who have collections of firearms keep them in their homes. And use mailboxes rather than their home address in order to help them.

Q. Well, what was -- what would be the relationship? Why would the cameras be relevant to protecting individuals who keep collections in their home?

A. To be able to identify the film and identify that individual.

Patricia Gragg - Direct

Q. And concern there being a theft?

A. Protection -- yes.

Q. A protection of theft from their home?

A. Uh-huh.

Q. Finally, you started to talk about this. I cut you off. In your experience, is it unusual for the people who rent from you to use mailbox addresses?

A. No.

Q. And do you know why?

A. A lot of people travel; and if you have a mailbox number, then all of your mail goes there, and you don't have to be concerned about it being left out in the weather or open for vandalism or whatever.

MR. THURSCWELL: Thank you very much, Miss Gragg.

THE COURT: Mr. Orenstein.

CROSS-EXAMINATION

BY MR. ORENSTEIN:

Q. Good afternoon, ma'am.

The way you found this record that's been introduced into evidence concerning Mr. Nichols' reservation was that an agent came to your business; is that correct?

A. An agent called me.

Q. I'm sorry, called you. And asked you to conduct a search of your records; is that right?

A. That's right.

Patricia Gragg - Cross

Q. And the search went back to the fall of 1994?

A. Perhaps. I don't remember that specifically.

Q. You recall it went back sometime before that, just that one show in April of 1995?

A. April of 1995.

Q. It covered up to that, but you know it wasn't just that show?

A. I don't specifically remember that.

Q. If I showed you a report concerning that contact, would that help you to recall?

A. Perhaps.

MR. ORENSTEIN: If I may approach, your Honor?

THE COURT: Yes.

BY MR. ORENSTEIN:

Q. There are two highlighted portions. If you could look at the second one.

A. Okay. This I believe was an FBI person rather than a BATF person.

Q. But does that refresh your recollection, ma'am, that you were asked to conduct a search back to the fall?

A. Yes, by the FBI.

Q. Thank you. And you conducted a search?

A. Yes, I did.

Q. And it covered several names?

A. Yes, it did.

Patricia Gragg - Cross

Q. One of those names was Terry Nichols?

A. Yes, it was.

Q. The only entry you found was for that record?

A. Yes, it was.

Q. And it showed that the first time that Terry Nichols registered for one of your shows was in April of 1994?

A. Yes. 1995.

Q. I'm sorry, 1995. Thank you. That was for a show at the end of April, 1995?

A. Correct.

Q. You didn't have a show prior to that in April?

A. No.

MR. ORENSTEIN: I'm sorry. May I have the exhibit, please.

Thank you.

BY MR. ORENSTEIN:

Q. Now, I'm putting back up on the screen the registration form. Do you see that?

A. Yes.

Q. And in that form, you ask the people who are going to register what they plan to be selling?

A. Yes.

Q. And Mr. Nichols indicated guns, military, ammo, etc.?

-
A. Yes.

Q. And he did not list ammonium nitrate?

Patricia Gragg - Cross

MR. THURSCHWELL: Objection.

THE COURT: Yes. Sustained as to what he didn't list.

This is what he listed.

BY MR. ORENSTEIN:

Q. And that's all he listed?

A. That's what's here, yes.

Q. And you told us about a long list of items that you commonly see at gun shows?

A. Uh-huh. Yes.

Q. But you've never seen anyone at one of your gun shows selling small amounts of ammonium nitrate?

MR. THURSCHWELL: Objection.

THE COURT: Overruled.

THE WITNESS: Not that I recall, no.

BY MR. ORENSTEIN:

Q. Not as plant food, not as fertilizer?

A. There have at times been people who sold plants, but I don't recall them selling plant food.

Q. Now, you also mentioned in your direct testimony that a number of organizations register for your shows; is that correct?

A. That's correct.

Q. And those organizations register under the corporate name?

A. Yes.

Q. It's not just an individual, you also have company names?

Patricia Gragg - Cross

A. That's true.

Q. Did you find a company named "Ground Zero Impact" in your records?

A. I don't believe I was asked that.

Q. Did you find an individual named "Joe Rivers" in your records?

MR. THURSCHWELL: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: I don't recall having been asked that.

BY MR. ORENSTEIN:

Q. Were you asked to look at a list of names?

A. Yes, I was.

Q. And did you understand that they were names for Terry Nichols and other names that he's used from time to time?

A. I believe so, yes.

Q. And the only name that you found was Terry Nichols?

A. Yes.

Q. And I think we saw during your direct testimony that he sent in his registration for the first and only time on April 4, 1995?

A. Yes.
Q. That was the date of his money order; correct?
A. Yes.
Q. That was the financial instrument that was referred to?
A. Yes.

Patricia Gragg - Cross

Q. And he sent it to you the following day, April 5?
A. Okay. Yes.
Q. And that was for a show that didn't begin until after April 19, 1995?
A. That's correct.
MR. ORENSTEIN: Thank you. I have nothing further.
THE COURT: Anything else of this witness?
MR. THURSCWELL: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. THURSCWELL:

Q. Referring to the same exhibit, D1770. You noted earlier that Mr. Nichols had checked off "check if new address"?
A. Yes.
Q. You don't know how new that address was, do you?
A. No, I do not.
Q. Now, your gun shows -- could you describe how they are laid out physically, briefly, for the jury?
A. This room is -- well, I would lay the tables out crosswise or lengthwise, depending on what the best fit is.
Q. Okay.
A. As far as the length of the tables. It would be very, very square, as square and as simple as possible.
Q. And there would be rows of tables?
A. There would be rows of tables, and there also would be a row of tables around the wall, the perimeter.

Patricia Gragg - Redirect

Q. And the people would be displaying their wares on the tabletops?
A. That's correct.
Q. Would it be something like a flea market?
A. As layout goes, yes.
Q. As layout goes, not in terms of the content?
A. Content.
MR. THURSCWELL: I think that's all, your Honor, thank you.
MR. ORENSTEIN: Nothing further, your Honor. Thank you.
THE COURT: Excusing the witness?
MR. THURSCWELL: The witness is excused.
THE COURT: You may step down. You're excused.
MR. WOODS: Georgia Rucker.
THE COURTROOM DEPUTY: Would you raise your right hand, please.

(Courtroom Deputy - 661-1111)

(Georgia Rucker 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: Georgia Ann Rucker, R-U-C-K-E-R.

THE COURTROOM DEPUTY: Thank you.

MR. WOODS: Thank you, your Honor.

DIRECT EXAMINATION

Georgia Rucker - Direct

BY MR. WOODS:

Q. Good afternoon, Mrs. Rucker. Where do you live?

A. I live at 509 North Deet, Herington, Kansas.

Q. And how long have you lived in Herington?

A. I'm a lifelong resident.

Q. Do you own and operate a business in Herington?

A. Yes, I do.

Q. What's the name of it?

A. Rucker Real Estate.

Q. How long have you owned that business?

A. Approximately nine years. Thereabouts.

Q. And are you the sole owner of Rucker Real Estate, or is that a partnership, or what is it?

A. My husband and I.

Q. What is the occupation of your husband?

A. He is an engineer with Union Pacific Railroad.

Q. Does he sometimes work in the real estate?

A. He's also licensed as my salesperson, yes.

Q. How many total people work in the real estate office?

A. There are three.

Q. Who is the third?

A. Karen Lawrence.

Q. And what is her function?

A. Just sales representative.

Q. Okay. What is your educational background before you got

Georgia Rucker - Direct

into the real estate business?

A. High school graduate. Took some further courses after high school, about two years.

Q. Okay. And did you do that away from Herington and then come back and live in Herington?

A. Yes.

Q. And where did you go to school?

A. Went to school in Wichita, finished up my education in Kansas City.

Q. How big is Herington?

A. Herington's approximately 2600 population.

Q. How many real estate agencies are there in the city?

A. Too many. Three.

Q. Okay. Have you been there the longest?

A. I have been downtown the long -- no. I take that back. I

A. I have been downtown the long time, I came back. I have not.

Q. Your office is downtown; is that correct?

A. Yes.

Q. On what street?

A. Broadway. Broadway and Main.

Q. What's right next door to you?

A. Insurance agency, American Family.

Q. And next to that?

A. Next to that is cable TV.

Q. Is that where you go to sign up to get cable TV for your

Georgia Rucker - Direct
house?

A. Yes.

Q. Do you know Terry Nichols?

A. Yes, I do.

Q. Would you tell the jury when you first met Terry Nichols.

A. Terry Nichols called the office sometime in mid January looking for property. He was looking at an ad that we had advertised in the Home Guide, the local Home Guide, on a farm property.

Q. How do you advertise there in the Herington area?

A. Mostly in the Home Guide, because it covers the Junction City, Abilene, Manhattan, Chapman area. The whole area, you know, that we have people, prospective buyers from.

Q. And you mentioned mid January. I assume you mean 1995?

A. I do mean 1995.

Q. Okay. Did you have a conversation with him over the phone?

A. I believe so. He asked about a property that we had listed, and subsequently I think we may have set up an appointment or planned to look at that.

Q. Did you take notes of that first conversation on the phone; do you recall?

A. No, I did not.

Q. Did you take notes of the first meeting that you had with Mr. Nichols listing the type of property?

A. I may have, but I don't remember for sure.

Georgia Rucker - Direct

Q. Do you recall whether or not when you were first contacted by the FBI that they took some notes from you -- with your consent of course -- that you gave some notes concerning the first meeting with Mr. Nichols?

A. I believe so, yes.

Q. Okay. And was that the first meeting in January, or do you recall?

A. That was later on. That was more toward the first part of February.

Q. Okay. After the first phone call, did you set up an appointment, you think, with Mr. Nichols?

A. You know, I really don't recall whether we actually set up an appointment or whether he just came down. I believe he

probably just came down.

Q. And do you recall approximately what day that was?

A. No, I really don't.

Q. It was in January, '95, still?

A. It was between the 15th of January and the 1st of February.

Q. All right. And when Mr. Nichols came into your office, what conversation did you have with him?

A. Well, we always start out by asking prospective buyers what type of property they're looking for, what type of financing they might be looking for. And I'm sure I had the same type of conversation.

Q. Do you recall what type of property Mr. Nichols was looking

Georgia Rucker - Direct
for?

A. He was originally looking for a country property.

Q. And was -- when you say "country property," is that just property in the country, or a working farm, or what, or did he specify?

A. No, just a property in the country, just a few acres.

Q. Okay. And any discussion about financing at that time?

A. We discussed the fact that he was coming from the military so whether he told me -- I knew automatically he had VA eligibility. We deal with a lot of veteran buyers.

Q. Did Mr. Nichols seem to know anything about real estate, or was he just a complete novice?

A. No, Mr. Nichols knew quite a bit about real estate. He knew what type of questions to ask. It was very obvious that he had bought and sold real estate before.

Q. All right. Did you -- you mentioned that you had some advertisements for some farm property, or out-in-the-country property. Did you take Mr. Nichols to look at any property on that occasion?

A. Yes, I did. At the time I only had one listing in the country, and we went to look at this listing. It was in relatively rough condition. I think it was discussed the fact that it would not go VA for VA financing, and he just decided it was more work than he wanted.

Q. Okay. Now, was Mr. Nichols alone in that first meeting?

Georgia Rucker - Direct

A. Yes.

Q. In all the subsequent meetings that you had with him concerning purchase of real estate, was he by himself?

A. He was by himself. He did tell me that he was married, that his wife was in the Philippines, and he would be buying with power of attorney.

Q. Okay. After looking at the first piece of property in the country that was a little too rough, what next happened concerning your meetings and discussion with Mr. Nichols on real estate issues?

A. I believe we looked at some properties in town then. It

became clear ultimately that what he really wanted was a property that he could buy on private contract.

Q. All right. And if you would, explain to the jury what you mean by "private contract." And is that referred to by other terms, also?

A. "Private contract" has a lot of terms, "seller financing." It basically means that you don't work through the bank, the seller collects and makes the interest off the property.

Q. Okay. Is it sometimes referred to by "contract by deed" and such as that?

A. Contract, yes, it is.

Q. Now, is that an uncommon practice in the Herington area?

A. No. No.

Q. What is the advantage to the seller and to the purchaser by

Georgia Rucker - Direct
going that route?

A. Well, if you have a seller that owns his house outright, makes no payments on it, it basically is a savings account. He can earn more money -- or more interest on his money doing that -- there is a little risk involved -- than he can putting the money in the bank.

For the buyer it means you're not -- you don't have all the buying expenses, you don't have the appraisals, you don't have, you know, a lot of the things that the mortgage companies will charge you.

Q. Okay. And that's not uncommon practice in Herington; is that correct?

A. No. It's really not. I mean, there are not a lot of sellers that are willing to take the risk to do it; but it happens.

Q. Okay. Now, you mentioned that you showed Mr. Nichols some houses in Herington. Approximately how many houses did you show him?

A. I suppose there were approximately five, in that neighborhood.

Q. And over what period of time did that occur?

A. In that two-week period of time.

Q. And did you get to know Mr. Nichols by talking with him, find out what his occupation was, where he was from?

A. Yeah. Mr. Nichols was easy to visit with. But he wasn't

Georgia Rucker - Direct
one to just, you know, tell you everything that, you know, he knew.

You do get into conversations as you are traveling around looking at properties. A lot of it was about properties, though.

Q. Did he seem to be knowledgeable about evaluating properties and houses and the potential for fixing a house up?

A. Yeah. It wasn't that -- you know, I'm not sure that he necessarily knew our market. He knew -- he could look at a house and be able to tell what type of work would need to be

house and be able to tell what type of work would need to be done. He had told me that he had fixed up a farmhouse before in Michigan and, you know, had just done that type of work before.

Q. Okay. Did he tell you what his occupation was?

A. He told me that he sold and bought military surplus.

Q. Did he tell you why he wanted to locate in or around Herington?

A. He said that Herington was centrally located for the business that he did.

Q. Okay. Are you familiar with Fort Riley?

A. Yes.

Q. Do you know whether or not there is a large army surplus outlet there called the DRMO?

A. Yes, there is.

Q. And are you aware that they sell army surplus?

Georgia Rucker - Direct

A. They do.

Q. Over that two-week period in showing Mr. Nichols the houses, did you show him a house that was right behind yours?

A. I did.

Q. Okay. And was he interested in that one?

A. No. I think that it had some problems in the basement, and he recognized that. And he was not interested.

Q. Okay. You recall what the problem was in the basement?

A. It definitely had some moisture problems in the basement.

Q. Did you eventually show him a house that he became interested in and that you then handled the transaction for?

A. Showed him the house at 109 South 2nd Street. We looked at that house on two separate occasions. There was a renter in the property, so we had to make some arrangements with the renter to get in the property to see it.

Q. Okay. And did you know who the owner of that property was?

A. Yes. The owner was Mr. Kenneth Siek.

Q. And where did he live?

A. He lived in Abilene, Kansas.

Q. Now, what county is Herington in?

A. Herington is in Dickinson County.

Q. What's the county seat of Dickinson County?

A. Abilene, Kansas.

Q. And were you handling the property for Mr. Siek as the realtor?

Georgia Rucker - Direct

A. Yes, I was.

Q. After inspecting the property, there was a renter in it at that time; is that correct?

A. Yes. There was a Jennifer Hughes in the property.

Q. Did Mr. Nichols eventually make an offer on the property?

A. Mr. Nichols came in on February 3 with a handwritten offer for that property.

Q. Now, this handwritten offer -- was it just something

awkward, or did it appear to have all the terms that you were familiar with as a real estate agent?

A. There were, you know, a few terms used that we don't normally use; but he basically had everything covered. He even asked for some things that I thought for sure the seller would never agree to but did.

Q. Okay. And what did you do with the offer, the handwritten offer?

A. I kept that in the file. We took the handwritten offer, then, that same day and made a regular offer for purchase on my forms.

Q. You typed up --

A. I typed up and presented that to the seller.

Q. Okay. And was the seller, the owner, Mr. Siek -- was he agreeable to the terms in there, or did he want to meet with Mr. Nichols, or what?

A. He was open to the offer. But he felt like he wanted to

Georgia Rucker - Direct

get to know the person that was making the offer. And so he actually set up an appointment to come down and meet Mr. Nichols.

Q. And was that meeting to take place in your office?

A. Yes, it was.

Q. And this offer: Was it a contract for sale, contract for deed, without going through -- just a private buyer/seller transaction?

A. It was a contract for deed, the seller finance.

Q. Were you present when Mr. Siek and Mr. Nichols met?

A. I was in and out of the room. As the phone rang, I would run catch the phone. So I was in and out of the room.

Q. Had Mr. Nichols provided you with a list of references pursuant to Mr. Siek's request?

A. Yes, he did.

Q. And had you given these references to Mr. Siek?

A. Yes, I did.

Q. Do you know how long the meeting took place?

A. I would guess that the meeting probably lasted maybe only 30 minutes.

Q. What happened then? Did they separate and you talk to each of them separate?

A. You know, I really don't recall.

Q. Okay. When were you aware that Mr. Siek was agreeable to the terms and was willing to sell the house?

Georgia Rucker - Direct

A. If I remember, Mr. Siek had asked for something more, possibly . . . I believe Mr. Nichols left, Mr. Siek stayed there, and we visited a little more. But I'm not positive on those details.

Q. Okay. Was there eventually a contract signed?

A. Yes, there was.

Q. And do you recall the date of that contract?

A. I really don't recall the exact date on the formal contract.

Q. Okay. There's an envelope in front of you with some exhibits inside of it. And if you would, the first exhibit should be D1465, which is a package of exhibits.

A. Uh-huh.

Q. Now, let me ask you one question: As part of your records, did you keep a copy of most of the documents concerning this sale, since you handled it?

A. I have to, yes.

Q. And did the FBI when they first contacted you, or the next one or two contacts -- did they take a copy of the documents, or did they take the original documents?

A. They took the original documents. I made a copy for my own file.

Q. Okay. If you will, just look through D1465 to see if you're familiar with each of the pages in that, and I'll ask you if that was a copy of what the FBI took from your file.

Georgia Rucker - Direct

A. Yes, they are.

MR. WOODS: Okay. Your Honor, we would offer into evidence D1465.

MR. MACKEY: Your Honor, could I just have the witness verify it's page 1 through 20?

THE COURT: Do you have pages 1 through 20 there?

MR. WOODS: I think they're Bates' stamped there, on the bottom.

THE WITNESS: Yes, they are.

MR. MACKEY: No objection.

THE COURT: All right. It's D1465 received.

BY MR. WOODS:

Q. Can you by examining those documents see what date the contract was signed on the sale?

A. The offer-to-purchase contract was dated February 3. The formal contract, then, was dated the 12th day of February, 1995.

Q. And do you recall what the closing date was?

A. February 20, 1995.

Q. And what was the final price agreed upon between Mr. Siek and Mr. Nichols?

A. \$25,000.

Q. How much cash did Mr. Nichols put up at the closing for his final cash payment, down payment?

And I may need you to refer to the next exhibit,

Georgia Rucker - Direct

Mrs. Rucker, which is the settlement statement --

A. Yes.

Q. -- and that's the next exhibit, 1466.

A. Right. Now, this No. 20 is the back page of the settlement statement

statement.

Q. I noticed that. That's what the Government provided to us.

A. Okay.

Q. It's the second page or the back page of the closing statement, is that your testimony?

A. Yes.

Q. And 1466 is the front page of it?

A. Yes.

MR. WOODS: Do you agree with that, Mr. Mackey?

MR. MACKEY: Don't want to make an editorial, but

I'll

agree that that exhibit can be offered without my objection.

THE COURT: All right. D1466 is received.

BY MR. WOODS:

Q. From the front page, which is a separate exhibit, 1466, can you tell the amount of cash that Mr. Nichols put up?

A. Mr. Nichols paid \$2,629.40.

Q. And do you recall what the monthly payment was?

A. I would have to refer to the contract.

\$263.14.

Q. Now, was there an escrow account set up so that the payments would be made into escrow, rather than just one on one

Georgia Rucker - Direct

between the seller and purchaser?

A. Yes, there was. The escrow was with Central Bank, Herington.

Q. And was that at the request of Mr. Siek?

A. Yes.

Q. And did Mr. Nichols have any objection to that?

A. No.

Q. Now, you mentioned that Mr. Nichols had a power of attorney for his wife; is that correct?

A. Yes.

Q. And is the contract, then, a sale to Mr. and Mrs. Nichols?

A. Yes, it is.

Q. With a power of attorney?

A. Yes, it is.

Q. Now, did there come a time where you met Mrs. Nichols?

A. There was. After the contract was closed, after Mr. Nichols moved in, he'd stop by the office a few times looking for what we had filed with the county, which was called the "affidavit of equitable interest."

Q. Is that something that gets returned back, a copy of it is returned back to the purchaser?

A. It gets recorded, and it's stamped by the registrar of deeds, and it's returned. And I did deliver that to their home.

Q. Do you recall approximately when it was?

Georgia Rucker - Direct

A. I really don't know the day. It probably was, say, a couple weeks after he had moved in.

Q. Well, let me back up one, then. Do you recall the day that he moved in? There was a renter there, as I understand your testimony. Do you recall when the renter moved out and Mr. Nichols moved in?

A. Mr. Nichols moved in somewhere around March 11.

Q. And sometime after that time, you took the affidavit by to give to Mr. Nichols and met Mrs. Nichols?

A. Yes.

Q. Now, were you present with Terry Nichols when he was inspecting the house and making his determination as to whether or not to make an offer on it?

A. Yes, I was.

Q. Did he appear to understand the nature of real estate and look at certain things in the property?

A. He did. He wanted to know the age of the roof. He inspected the wiring, the heating, the plumbing, what type of plumbing there was.

Q. What was the condition of the roof?

A. The roof was beginning to show some age.

Q. Was there any discussion about reshingling the roof?

A. I really don't recall. I know that it was the type of roof that was -- I don't know what it's called. It's flat on the top and then it's peaked on the sides, and they typically have

Georgia Rucker - Direct

a tendency to leak. They need some care.

Q. And you don't recall whether or not Mr. Nichols made any statement about his plans to reshingle the roof?

A. I really don't remember.

Q. Okay. After that time, did you have any other discussion

with Mr. Nichols concerning that property or the property nearby?

A. I talked to Mr. Nichols sometime after that about there was a property -- all the lots right behind his house, which was a full city block, was for sale. And it was for sale at a very decent price, and I asked him if he would be interested in those lots.

Q. Do you remember when that was that you had that conversation? Not the specific day, but approximately -- in relation to April the 19th?

A. I suppose it was probably more toward the end of March.

Q. Now, what discussion did you have concerning those lots -- you've just related what you said. What did Mr. Nichols say concerning the lots behind his house?

A. Well, I had told him -- I have flood plain maps in the office. We had looked at the fact that it was partially in the flood plain. He was interested in the type of zoning. And I did not know what type of zoning there were on the lots. So he went directly across the street and checked with the city office there to find out the type of zoning.

Georgia Rucker - Direct

Q. Did he appear to know how to do that: check city records and county records for zoning ordinances?

A. It was just a matter of walking in and talking to Janet Novak there --

Q. Okay. Okay.

A. -- who was the head of zoning.

Q. And did you have a conversation with Mr. Nichols after he checked the zoning?

A. He came back and told me how it was zoned, yes.

Q. And how was it zoned?

A. It was zoned commercial.

Q. So the lots were in the flood plain and they're zoned commercial?

A. Yes.

Q. Did he express any further interest after learning that?

A. No, he did not.

Q. Now, did -- during that period of time that you negotiated with Mr. Nichols, up until he moved in about March the 11th -- and then this conversation took part at the end of March concerning the lots behind him; is that correct?

A. Approximately the end of March, first of April, somewhere in there.

Q. Did you have any other one-on-one conversations with Mr. Nichols?

A. No. Not that I recall.

Georgia Rucker - Direct

Q. Okay. Did you see Mr. Nichols around town occasionally up until April the 21st of '95?

A. Yes, I did, on occasion.

Q. And where would you see him?

A. I saw them walking down on Walnut one day.

Q. And when you say "them," who are you speaking of?

A. Terry Nichols, Marife, and their daughter was with them. I've seen them on Broadway walking. So I'd seen them several places.

Q. Did you ever see him in the company of anybody other than his wife and child?

A. No.

Q. Now, on April the 21st, 1995, did you hear Mr. Nichols' name mentioned over the radio?

A. Yes, I did. I heard them ask about a Jerry Lynn Nichols.

Q. When you say "them ask about," what do you recall hearing over the radio?

A. The radio station was just announcing that the FBI was looking for a Jerry Lynn Nichols and anyone with information should call.

Q. And was there any further identifying information that caused you to pay attention at that time?

A. Well, my sister had called and said that she had also heard a report, and they were listing -- asking for a Terry Lynn Nichols. And I, of course, said, "Oh, no, they're not; they're

Georgia Rucker - Direct

saying 'Jerry Lynn.'" And -- but then they happened to mention Decker, Michigan, and I remembered that he was from Michigan.

Q. Okay. Were you familiar with whether or not he was from Decker, or did he ever mention the name of the town he was from?

A. At that point I did not remember Decker. I just remembered Michigan.

Q. Okay. Upon hearing that information -- do you recall about what time that was on Friday, the 21st?

A. That was sometime probably between -- around 2:15.

Q. Okay. What did you do upon hearing that information?

A. We have a long-time family friend that is an FBI agent in Salina, and I called for him.

Q. And is that Mr. Crabtree that we've all met?

A. That's Scott Crabtree, yes.

Q. Did you have a conversation with Mr. Crabtree then that afternoon?

A. I did.

Q. And what did you relay to Mr. Crabtree?

MR. MACKEY: Objection.

THE WITNESS: I --

MR. MACKEY: Objection. Hearsay.

THE COURT: Sustained.

BY MR. WOODS:

Q. Were you visited by an FBI agent shortly thereafter?

Georgia Rucker - Direct

A. Yes, I was.

Q. Was that in the office?

A. Yes.

Q. And what did you provide to the FBI agent in that visit in the office?

A. What they had asked me for was for pictures of any entrances and exits of Mr. Nichols' home and for an interior drawing.

Q. Okay. About what time was it that the agent came to your office?

A. He probably got to my office around 2:45, somewhere in there.

Q. Okay. And during the meeting with him, did he receive a phone call?

A. Yes, he did.

Q. Okay. And did he leave after the phone call?

A. Yes, he did.

Q. And did he tell you anything as he was leaving?

MR. MACKEY: Objection.

THE COURT: Sustained.

MR. WOODS: Okay.

BY MR. WOODS:

Q. Did you subsequently become aware that Mr. Nichols had walked into the police station at 3:00?

A. We later learned that -- yes

A. We later learned that, yes.

Georgia Rucker - Direct

Q. Okay. Now, do you have any children, Mrs. Rucker?

A. I have two children.

Q. Okay. And what are their ages?

A. Justice who is now 12, Jonathan, who is seven.

Q. And where in 1995, where was Justice going to school?

A. Justice was attending school at Emmanuel Lutheran Parochial School in Junction City.

Q. And how would he get to school?

A. We traveled Highway 77 to and from.

Q. What time would you leave in the morning to take him to start to school?

A. His school starts in the morning, or would start at 8 a.m. We would typically leave the house at around 7:20.

Q. And what time would you pick him up in the afternoon?

A. We -- his school dismissed at 3 p.m. in the afternoon. I would leave to pick him up at 2:30, there, approximate.

Q. And did you always take the Highway 77 between Herington and Junction City --

A. Yes.

Q. -- as the route to and from?

A. It's the only route.

Q. Okay. I want to call your attention to the week before the Oklahoma City bombing, which was on Wednesday, April the 19th. Was there a school holiday connected with Easter at the end of that week and the beginning of the following week?

Georgia Rucker - Direct

A. Yes, there was. There was the Easter break.

Q. And what days was school not held, based on your recollection?

A. School was not held Maundy Thursday, which was the Thursday before Easter, Good Friday, that following day, Saturday, Sunday, and then they had Monday also as a break.

Q. Okay. Now, did you take your son to school, then, Monday, Tuesday, Wednesday of that week prior to the 19th?

A. Yes, I did.

Q. And you took your son to school on the 18th?

A. The 18th is just following?

Q. Would be the day before the 19th, the day of the bombing.

A. Okay. Yes, I did.

Q. Okay. And you go by Geary Lake every day; is that correct?

A. That is correct.

Q. Do you recall seeing a Ryder truck at Geary Lake --

A. Yes.

Q. -- the week prior to April 19?

A. Yes, I did.

Q. And would you tell the jury the first day you recall seeing the truck?

A. The first day would have had to have been Monday. And the first day we saw it, you know, my son and I -- you saw it, and

you thought, Well, someone's pulled off the highway to rest.

Q. Had you ever seen a Ryder truck down there at the Geary

Georgia Rucker - Direct

Lake before?

A. No.

Q. And you saw it on your trip up, or coming back?

A. On Monday, I'm really not sure. I know we saw it, and I believe it was the trip in the afternoon.

Q. Now, in April time of year, can -- from the highway as you're going by, can you see the lake and the surrounding shoreline?

A. There are two points on Highway 77 as you pass the lake that you can actually get a good view. The trees were without leaves.

Q. I'm going to put on the monitor here what's been admitted into evidence as Government's Exhibit 1982B. And there's a pen up there, Mrs. Rucker, that you can reach under the screen and touch the screen below. It's not that one. It's the one that's got a wire attached to it. It's a black one.

A. Up here.

Q. Yeah. And if you'll reach under the screen, you can mark on the screen below, if you hold it straight up.

A. Okay.

Q. Now, would you mark where a person could be on the highway where you can get a good look down to the shoreline?

A. Okay. It would have had to have been, say, in this area.

Q. Yes, ma'am.

A. And then again more in this area.

Georgia Rucker - Direct

Q. Okay. Now, are those the two spaces where you can get a good look as you're going north toward Junction City, or both ways?

A. No. You can only get a view when you're going north.

Q. Okay.

A. When you're going south, the view is actually behind you, and you actually have to physically turn around and look.

Q. Okay. So do you recall, then, on that first day, which would be Monday, the 10th -- are we talking about the 10th?

A. Yes.

Q. Do you recall where the Ryder truck was on the 10th?

A. It's very deceiving when you look at the aerial map; but it would have been more in this area, I believe. I know you go over a draw, and then there's a first parking area, and then there's actually a second area where you can park.

Q. Okay. It's past the dike that goes out a way?

A. Yes.

Q. Now, could you see from that vantage point -- could you see whether or not there were any automobiles around the Ryder truck?

A. I could see automobiles, but I couldn't tell what they

were.

Q. Okay. Were they near the Ryder truck?

A. Yes.

Q. Could you see any individuals at that time on Monday, the

Georgia Rucker - Direct
10th?

A. Not that I recall.

Q. Okay. Could you tell how many automobiles were near the truck on April the 10th?

A. It appeared as though there were at least two.

Q. Okay. Now, as of this date, on April the 10th, had you seen Terry Nichols in his automobile at any time that he visited your office?

A. Prior to April 10, yes.

Q. Yes, ma'am. You were familiar with what type of pickup Mr. Nichols had?

A. Yes.

Q. Okay. On that day, April the 10th, did you notice Mr. Nichols' vehicle there?

A. No, I did not. You don't have a long enough glimpse as you're passing on the highway to really -- especially when you're driving --

Q. Okay.

A. -- to really be able to tell what a vehicle is.

Q. Okay. So if the view is only available in the mornings as you're going north, I take it you didn't see it on the way coming back, or did you?

A. Coming back, no.

Q. Yes, ma'am.

A. No.

Georgia Rucker - Direct

Q. Okay. What about Tuesday, the 11th?

A. Yes, it was there yet Tuesday.

Q. Did it appear to be the same truck in the same space?

A. Yes.

Q. Let me show you what is also in evidence as Defense Exhibit 1737. And from your vantage point, could you tell us whether or not it was a small van Ryder, or can you pick out amongst these four sizes of Ryder trucks approximately what size it was?

A. It was more like the four-bedroom, the bottom.

Q. Okay. A big one?

A. The big one. Like you'd move a household with.

Q. On Tuesday, when you saw the truck, were there vehicles around the truck at this time?

A. I remember vehicles; but to actually swear as to what day the vehicles were there, I would have a very difficult time with it.

Q. Okay. Did you see any individuals at that time?

A. I would hate to say that I actually saw individuals. It's too short a glimpse. I know there were vehicles. The truck

too short a glimpse. I know there were vehicles. The truck was there.

Q. Okay. And then you went to school on Wednesday -- took your child to school on Wednesday; is that correct?

A. Yes.

Q. And this would be the 12th, April the 12th?

Georgia Rucker - Direct

A. Yes.

Q. Okay. Did you see the Ryder truck in the same place on Wednesday?

A. Yes.

Q. Okay. Did it appear to be the same truck in the same place?

A. It did.

Q. And did it have vehicles around it on that day?

A. There were vehicles. Like I said before, I'd hate to say exactly what day the vehicles were there; but there were vehicles there.

Q. Okay. And did you see any individuals there?

A. Again, it was very -- too hard to tell.

Q. Okay. Could you tell if there was anybody fishing near the truck?

A. Yeah, we had seen someone out on the lake fishing.

Q. On which day, or was it all days?

A. If I had to pick a day, I'd say maybe Tuesday; but that's very difficult.

Q. Tuesday of that week before?

A. Yes.

Q. And did you see any like boat trailers or vehicles with boat trailers or anything associated with fishing, or were there people in a boat on the lake, or were they on the shore, or could you tell?

Georgia Rucker - Direct

A. I didn't have time enough to be able to tell.

Q. Now, you didn't take your son to school on Thursday, the day before Good Friday?

A. Correct.

Q. Did you make a trip to Junction City anyway?

A. Not that I recall.

Q. Okay. And Good Friday, did you make a trip to Junction City?

A. No.

Q. Okay. And Saturday?

A. No.

Q. Easter Sunday?

A. No.

Q. And you said that there was a school holiday on Monday. Is that correct?

A. That's correct.

Q. Which would have been the 17th?

A. Yes.

Q. Did you go to Junction City on any other errand?

A. No.

Q. Now, on Tuesday morning, you got back into the routine of taking your child to school; is that correct?

A. That's correct.

Q. Did you notice the Ryder truck there on Tuesday, the 18th?

A. In the morning.

Georgia Rucker - Direct

Q. Okay. And you are driving there before 8:00; is that correct?

A. Correct.

Q. Did it appear to be the same truck in the same location?

A. It appeared to be.

Q. Okay. Did you see any vehicles near the Ryder truck on Tuesday, the 18th?

A. Not that I recall.

Q. Okay. Did you see any individuals?

A. Not that I recall.

Q. What about people fishing?

A. Not that I recall.

Q. Now, when you go up and take your child and he starts school at 8:00, you just turn around and come right back?

A. Correct.

Q. But you don't look in because to do that, you've got to crane around as you're driving south to look back?

A. Very dangerous.

Q. And so you don't look in --

A. No.

Q. -- is that correct? And then on the afternoon run when you're going to pick him up -- school ends at 3?

A. Yes.

Q. And you leave at what time?

A. I leave around 2:30.

Georgia Rucker - Direct

Q. Okay. And is it your recall that the vehicle was -- the Ryder truck was not there at the time?

A. I don't recall that it was. I may have been passing a car, or a car may have passed me and I not been able to look.

Q. Okay. When you're doing that drive, do you look down at Geary Lake as a point of interest when you make that run, or is it something that you ignore?

A. Usually -- no. Usually you look, especially that time of year, there isn't a lot to look at. Everything's brown and barren, and everything was very wide open and easily seen.

Q. Okay. Have you seen Ryder trucks there since?

A. No.

Q. This was the only occasion that week previously and the day before that you've seen Ryder trucks there?

A. Yes.

Q. Was it something that caught your attention?

A. Yes.

Q. Now, did there come a time shortly after the bombing and then after your experiences on April the 21st when a roadblock was set up there by the FBI?

A. Yes.

Q. And were you stopped?

A. I was.

Q. Okay. Did you relate to them your experiences in having seen the Ryder truck?

Georgia Rucker - Direct

A. At that point -- they asked you, "Did you see a Ryder truck at the lake?" And I said yes. And they took my name and basically said someone would come visit with me.

Q. And that was the question they were asking -- or that was the purpose of the roadblock?

A. Yes.

Q. And then over that -- the subsequent period of time from when the person came to see you, was it shortly thereafter?

A. It was very soon thereafter.

Q. Okay. And you have represented to them what you recall -- is that correct -- over this period of time in '95 to here we are in December of '97?

A. I have.

Q. Okay.

A. When they initially asked -- they wanted to know "Did you see the Ryder truck," and of course I had seen it; but to put a date on it was very difficult. It was only after an FBI agent asked for a school schedule that I realized when it actually was.

Q. So you went back and got the school calendar and put dates together in your mind?

A. Yes.

Q. Is this the most accurate recollection that you have --

A. Yes.

Q. -- based upon what you've gone back and thought about and

Georgia Rucker - Direct

looked at records?

A. Yes, it is.

MR. WOODS: Okay. Thank you very much. I appreciate it.

THE COURT: Mr. Mackey.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Good afternoon, Mrs. Rucker.

A. Hi.

Q. How are you?

A. Fine.

Q. Let me start where we left off on our drive up and down Highway 77.

A. Okay.

Q. I want to ask you to go back to the beginning of the trial, to the

Q. I guess would it be fair to summarize that you've been asked questions about what you saw in the way of trucks and vehicles at Geary Lake on multiple occasions.

A. Yes.

Q. By the FBI?

A. Yes.

Q. By more than one defense investigator?

A. Yes.

Q. Worked for Mr. McVeigh?

A. Yes.

Q. Mr. Nichols? And your recall at various times has not

Georgia Rucker - Cross
always been the same?

A. No. No, it has not.

Q. What you do know and can say with certainty is before April of 1995, you never noticed a large, yellow, Ryder truck sitting at Geary Lake?

A. No, never have.

Q. And since April, 1995, you've never noticed a large, yellow truck?

A. Nor since.

Q. And the occasions that come to your mind as you have reflected on those drives and those observations, you are most certain that it was the same truck in the same place?

A. Yes.

Q. Leading you to believe that it was parked there for several days through the days, through the nights; correct?

A. Yes.

Q. On any of those occasions, Mrs. Rucker, did you stop and drive down to the lake and investigate to get a better view?

A. Only after . . . I think we actually stopped to get a better view when the FBI had divers at the lake.

Q. So at no time on any of the days as you recall that you actually saw the truck, did you stop on that day --

A. No.

Q. -- and investigate in any fashion?

A. No.

Georgia Rucker - Cross

Q. Other witnesses have estimated, Mrs. Rucker, that it would be about a 2-second opportunity to observe.

MR. WOODS: I object to what other witnesses have testified to.

THE COURT: Sustained.

BY MR. MACKEY:

Q. What would be your estimate, Mrs. Rucker, as to the time that a person driving at highway speed would have to observe vehicles at Geary Lake?

A. A very, very brief glimpse. I would say 2 seconds would probably be fairly accurate.

Q. And I take it for that reason, you make a division in your own recollection about large, yellow truck and any other class

own recollection about large, yellow truck and any other class of vehicle?

A. Yes.

Q. And for that reason, you can't -- and you do not testify, do you, that Mr. Nichols' truck was not there for sure on Tuesday, April 18, when you noticed the Ryder?

A. No, I do not.

Q. Let's go back to January of 1995. And I understood your testimony, Mrs. Rucker, to be that you had not met nor heard of Terry Nichols before then; is that correct?

A. No, I had not.

Q. Do you have listings in the Herington area?

A. Listings in the Herington area.

Georgia Rucker - Cross

Q. To include Junction City?

A. No, to include Hope, maybe White City, just the very immediate surrounding area.

Q. When Mr. Nichols first contacted you in January of 1995, did you learn where he was living or staying at that time?

A. He was staying at a motel in Junction City. He didn't really give me the name of the motel. He gave me a phone number.

Q. Did you have occasion to call that phone number thereafter?

A. Yes, I did.

Q. Did you come to know it was a Sunset Motel?

A. Yes, I did.

Q. In any of your conversations with Mr. Nichols, did you learn whether he had shared that room, been in the company of anyone in Sunset Motel, in January of 1995?

A. I never learned that, no.

Q. As a real estate agent, did you seek to learn a little bit about the past of Mr. Nichols in terms of what his connection to the community might be, for example?

A. I did.

Q. Did you learn, Mrs. Rucker, whether he had any ties -- any family ties, anyway, to the state of Kansas?

A. I learned that basically, no -- that he didn't. I learned that he had been stationed in the area before and liked the area and thought it to be a nice area to live.

Georgia Rucker - Cross

Q. Do you know where he had been before coming to Junction City in January of 1995?

A. I was led to believe that he was coming straight out of the military but that he was originally from Michigan.

Q. Do you know where he had been in January of '95, immediately before he came to Junction City?

A. No.

Q. In the course of your conversations with Mr. Nichols, did he ever tell you he had lived and worked in Marion, Kansas, in the fall, the previous fall?

A. No.

Q. Did the name "Tim Donahue" ever come up in your conversations?

A. No.

Q. When you and Mr. Siek asked for references, did he give the name "Tim Donahue" as a former employer?

A. No, he did not.

Q. To your knowledge, Mr. Nichols did not come to central Kansas to take a job; is that correct?

A. No.

Q. But to engage in the business of selling military surplus?

A. Right. He was self-employed.

Q. Do you know how many military bases there are in the state of Kansas?

A. Not really. Maybe two.

Georgia Rucker - Cross

Q. You would agree there are many around the country, though?

A. There are many around the country.

Q. In your conversations with Mr. Nichols about that business, the military surplus, did he mention to you what it is in the way of inventory or items that he would offer for sale?

A. Later on in a conversation, I asked him what type of items he had to sell; and he told me that he had ammo boxes.

Q. In all the time that you spent with Mr. Nichols, did you ever learn of any other item that Mr. Nichols said that he offered for sale in his business?

A. No.

Q. Do you know where while living in a motel room in Junction City one -- or in this case Mr. Nichols -- stored the ammo cans that he was offering for sale?

A. No.

Q. In the course of your dealings with Mr. Nichols, did it ever come up whether he had belongings or other possessions in storage in Herington, Council Grove, or anywhere else in central Kansas?

A. He just said that his home furnishings, his belongings, were stored; but he never said where, and I never asked.

Q. As you reflect on the number of occasions you dealt with Mr. Nichols in the course of purchasing this real estate, did you come to see that he is a man who gathers information before acting?

Georgia Rucker - Cross

A. Yes.

Q. Was careful and deliberate as he reviewed the various properties with you?

A. Yes.

Q. Researched carefully?

A. Yes. Took notes.

Q. And made no decision until he had done so?

A. Correct.

Q. Mr. Nichols took possession of 109 South 2nd on what date, if you recall?

A. The date would have been -- he actually moved in around the 11th of March. He took possession -- I mean it was actually his property after closing, which was February 20.

Q. When was he in a position to gain access to the property and move any of his belongings in?

A. Not until around the 11th of March, '95.

Q. So approximately four-weeks-plus prior to the bombing; is that correct?

A. Yes.

Q. Now, in the course of the paperwork that has been admitted through your direct examination, that included, did it not, the handwritten offer that Mr. Nichols drafted on February 3, 1995?

A. Yes.

Q. Direct your attention to page 4 and 5 of the Defense Exhibit 1465.

Georgia Rucker - Cross

A. Yes.

Q. Let me display that for you, please.

Is this the first page of two pages of that handwritten offer?

A. It is.

Q. And that's a document that was written by Mr. Nichols and maintained in your files?

A. It is.

Q. And it bears a date of -- in the upper right-hand corner -- of February 3, 1995?

A. Correct.

Q. Now, the terms set forth on this preliminary offer did not become the final terms; there were some modifications?

A. There were some modifications.

Q. Let me direct your attention to the second page of this exhibit.

For the record, there's a paragraph at the top that recites some additional terms of the proposal; correct?

A. Correct.

Q. And then towards the bottom, there's some numbers that appear on the right-hand side?

A. Correct.

Q. All right. Let me rotate this document, if I can.

Mrs. Rucker, I'm directing your attention now to some handwriting that appears on the left-hand portion in a vertical

Georgia Rucker - Cross

fashion on that same page.

A. Yes.

Q. Do you see that?

A. Yes.

Q. Do you recognize the handwriting?

A. That's my handwriting.

Q. And when did you write it?

Q. And when did you write it:

A. I wrote that just prior to the closing. The bank and the insurance company were needing a Social Security number. And Mr. Nichols informed me he didn't have one but that he could provide me with this number.

Q. The information that you've written here in your handwriting: That came from Mr. Nichols?

A. Yes.

Q. And it says, "Taxpayer ID Number" at the beginning; right?

A. Yes.

Q. Prior to that entry, or at any course in time, in conversations with Mr. Nichols, had you and he talked about paying taxes?

A. We may have.

MR. WOODS: Your Honor, I object.

THE COURT: Overruled.

MR. WOODS: Paying taxes. Thank you.

THE WITNESS: I don't recall.

BY MR. MACKEY:

Georgia Rucker - Cross

Q. Do you recall Mr. Nichols' telling you he didn't pay taxes?

A. He just said he didn't have a Social Security number.

Q. Do you know whether in fact this number that appears before your title, WG 975-010455, is in fact an ID number issued by the Internal Revenue Service or any other taxing authority?

A. Yes, it is.

Q. And what do you base that on?

A. I have a WG number.

Q. What's the final digits of your WG number?

A. 0495, I believe. There are four.

Q. Do you know what the date of birth of Mr. Nichols is?

A. No. I do not.

Q. If you read this in military terms, Miss Rucker, would that be April 1, 1955?

A. Yes.

Q. Let me show you at this time what's been previously admitted Government Exhibit 1818. You see that as a Michigan driver's license for Terry Nichols?

A. Yes.

Q. See here on "date of birth," does it say "April 1, 1955"?

A. Certainly does.

Q. The words that appear below the number or sequence of numbers reads what?

A. "Without prejudice."

Q. And why did you write that?

Georgia Rucker - Cross

A. It was at his request that I wrote that.

Q. Miss Rucker, as you've reflected on this matter, do you know anyone in Herington who had more face-to-face dealings with Terry Nichols in January, February, and March than you?

A. No one.

Q. Do you know where Terry Nichols was on the morning of April 18, 1995?

A. No, I do not.

Q. Do you know where he was or what he was doing in the fall of 1994?

A. No, I do not.

MR. MACKEY: I have nothing else.

THE COURT: Redirect?

MR. WOODS: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. WOODS:

Q. Mrs. Rucker, after the closing on February the 20th when the house became Mr. Nichols', were you aware that he let the renter stay on until a certain period?

A. Yes.

Q. And do you know who Jennifer Hughes is?

A. I know who she is, yes.

Q. Did she ever complain about anything --

MR. MACKEY: Objection.

BY MR. WOODS:

Georgia Rucker - Redirect

Q. -- about being thrown out by Mr. Nichols?

MR. MACKEY: Hearsay, relevance.

THE COURT: Sustained.

BY MR. WOODS:

Q. Now, in that envelope in front of you, Mrs. Rucker, there were some photographs. You mentioned where your office was and that you do business around the Herington area. If you would, look at Defense Exhibit 1779. Does that fairly and accurately depict the condition of your office as you knew it at that time?

A. Yes, it does.

MR. WOODS: We would offer into evidence 1779, your Honor.

MR. MACKEY: This is a photograph of the witness's office?

MR. WOODS: Yes.

THE COURT: That's what I understood her testimony to be, yeah.

Do you want to look at it?

MR. MACKEY: I think I've seen a Xerox. No objection.

THE COURT: All right. D1779 is received.

BY MR. WOODS:

Q. And you mentioned that the escrow account was held at the Herington -- Central National Bank of Herington; is that correct?

Georgia Rucker - Redirect

A. That's correct.

Q. Did you ever see Mr. Nichols go in and make the payments

personally --

A. No.

Q. Or do you know how he made the payments?

A. No.

Q. 1780, does that fairly and accurately depict the condition of Herington National Bank as you knew it?

A. Of Central National Bank, yes, it did.

MR. WOODS: Okay. We would offer 1780 into evidence, your Honor.

MR. MACKEY: No objection.

THE COURT: Received.

BY MR. WOODS:

Q. Now, you mentioned that there were some lots behind Mr. Nichols' house that were for sale that you showed him?

A. Yes.

Q. And if you would, look at Defense Exhibit 1775 and 1783.

A. Yes.

Q. Do those two photographs accurately depict the condition of those lots as you knew them at that time?

A. Yes, they do.

Q. And is that a view -- from where?

A. From what's now AmPride. Then it was called Cardies Corner.

Georgia Rucker - Redirect

MR. WOODS: We would offer 1783 and 1775 into evidence.

MR. MACKEY: Your Honor, I think the witness's testimony was he never bought the lots. I'm not sure what the relevance would be.

THE COURT: What is the purpose?

MR. WOODS: To show the lots that she referred to, your Honor, for the jury to take into account.

THE COURT: All right. I'll receive them.

BY MR. WOODS:

Q. Now, Mrs. Rucker, are you familiar with some Surplus City outlets in Herington?

A. Yes, I am.

Q. And is surplus bought and sold and exchanged at those two locations?

A. Yes.

Q. Do you know who Mr. Herbel is?

A. Yes, I do.

Q. And do you know where the locations of those two outlets are in Herington?

A. Yes, I do. On Trapp Street and 5th Street.

Q. Okay. And if you would, look at Defense 1782.

THE COURT: This is redirect examination.

MR. WOODS: Yes, your Honor.

THE COURT: Well, you're going way beyond what was

Georgia Rucker - Redirect

brought up on cross examination

brought up on cross-examination.

MR. WOODS: Yes, your Honor. Is the Court ordering me to stop?

THE COURT: Yes.

MR. WOODS: I want to offer those into evidence.

THE COURT: That's right. Some other witness. This isn't a grand tour of Herington through this witness.

MR. WOODS: Yes, your Honor.

Thank you, Mrs. Rucker. Appreciate it.

MR. MACKEY: No questions.

THE COURT: All right. She's excused?

MR. WOODS: Yes, your Honor.

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

We'll take our usual afternoon recess at this time, members of the jury. It will be for 20 minutes. And again, of course, please follow the cautions at earlier recesses of keeping open minds, avoiding discussion of the case or anything about it and remembering we have more to come.

You're excused.

(Jury out at 3:15 p.m.)

THE COURT: We will be in recess.

(Recess at 3:15 p.m.)

(Reconvened at 3:35 p.m.)

THE COURT: Be seated, please.

MR. TIGAR: May we approach briefly, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 106B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

(Jury in at 3:38 p.m.)

THE COURT: All right. Next witness, please.

MR. WOODS: Yes, your Honor. Elwin Roberts.

THE COURT: Okay.

THE COURTROOM DEPUTY: Would you raise your right

hand, please.

(Elwin Roberts 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: Elwin L. Roberts, R-O-B-E-R-T-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Roberts. How are you today?

A. Pretty good.

Q. Where are you from, Mr. Roberts?

A. Dwight, Kansas.

Q. Where is Dwight, Kansas, in the -- if you were to describe Kansas -- and where would Dwight be found?

A. Oh, it would be about 19 miles southeast of Junction City, about 30 miles from Manhattan, and we're about 18 miles north of Council Grove.

Q. If I were to put on that screen in front of you Exhibit

Elwin Roberts - Direct

D1762, which has been previously admitted, have you seen that before, Mr. Roberts?

A. Yes, I have.

Q. And where would your hometown be located on that? If you used that pen with an extension on it and write on the screen just to indicate where it would be.

Make a big X so everybody can see.

A. A big one?

Q. All right. What do you do for a living sir?

A. I'm an engineering technician for BG Consultants in Manhattan, Kansas.

Q. Were you doing that in April of 1995?

A. Yes, I was.

Q. I want to direct your attention to the day after Easter, April, 1995, Monday, the 17th. What were you doing on that particular day?

A. On that day I picked up some samples from Hamms Quarry by

Herington and was taking it to the office in Manhattan.

Q. Where is Hamms Quarry? If you put a big X on the screen for the jury.

And what time were you assigned to do that?

A. Well, I went out to the job first, and then I went over there and I left. I picked them up, oh, probably about 10:00 in the morning. Between 10 and 10:30.

Q. On Monday, the 17th?

Elwin Roberts - Direct

A. Yes.

Q. Was there any other day that week or the previous week when you had been assigned to pick up rock samples at the quarry?

A. No, there was not.

Q. That was the only day?

How did -- what road did you drive to get back to Manhattan?

A. I went back to 77, to I-70 at Junction City, and then over to K-18, and went into Manhattan.

Q. Did you pass a state recreation area along the way?

A. Yes, I did.

Q. What was that?

A. Geary State Lake.

Q. Excuse me?

A. Geary State Lake.

Q. And is that indicated on that map, by the way?

A. Yes, it is.

Q. I'm going to put up a photograph. Tell me if you recognize this -- previously admitted as Government 1982B.

A. Yes, I do. That's -- that's the lake.

Q. And is that what you passed on your way that morning back to Manhattan?

A. Yes, I did.

Q. Did you see anything unusual as you drove?

A. Yeah. I seen -- well, I was looking at the lake, and there

Elwin Roberts - Direct

was a guy going out on the lake in a boat; and there was a truck and a green truck with a cap on it and a boat trailer setting (sic) by the boat ramp. And I also seen a Ryder truck that was setting back over on the cove.

Q. Sitting on the cove. Where was the Ryder truck located, if you could use that pen again.

A. Right over in this part of the cove right there.

Q. In which direction was it facing?

A. It was facing out towards the lake.

Q. Did you see any vehicles around that Ryder truck?

A. Yes. There was an older, brown pickup setting back over in here behind it.

Q. Did you see any individuals around it?

A. No, I did not.

Q. How much time did you have to look at the lake as you're driving back?

A. Not a whole lot if you're going by 50 miles an hour. I had

slowed up because I wanted to look at the lake and see what it looked like because I do a lot of fishing and stuff.

Q. So if you pass by a fishing lake, is it your normal practice to look at what the conditions are?

A. Yes, it is.

Q. Have you had occasion to fish at Geary Lake before?

A. Yes, I have.

Q. Is that one of the reasons why you looked down, to see the

Elwin Roberts - Direct

conditions?

A. Yes, it was.

Q. How much did you slow down, would you say?

A. Oh, I probably slowed down about 10 miles an hour from what I was going.

Q. Do you recall what the Ryder truck looked like?

A. Yes. It was a larger -- one of the larger Ryder trucks, and it had the slipover front -- I mean it didn't go over the cab front but it came down.

Q. Just a box?

A. Yes.

Q. If I were to put up a brochure of several Ryder trucks which has previously been admitted as D1737 -- zoom out a little bit, clear the screen -- could you circle with that pen which Ryder truck it was you saw to the best of your recollection.

Okay. All right. Now, do you know a gentleman by the name of Rick Glessner?

A. Yes, I do.

Q. How do you know that gentleman?

A. He works for the same company I do.

Q. And have you -- did you have occasion to discuss your sighting of this Ryder truck with Mr. Glessner -- Glessner in the 1995 time period?

A. Yes. I ran across him at the office and I told him that I

Elwin Roberts - Direct

had heard on TV that they wanted people to call in; and I said that I had seen one out there and I was going to call in; and he told me --

Q. Don't tell me what he said. You had discussed with him that you had seen it and you were going to call in?

A. Yes.

Q. Was that a special number that you had heard about that you were supposed to call?

A. Well, I didn't have the number. I just called the Geary County Sheriff's Department, and they gave me the number to call.

Q. And did you come to learn that Mr. Glessner, too, had something that he wished to report?

A. Yes.

Q. And did you discuss that -- his issue that he wanted to report with him at that time?

A. No, I did not.

Q. You didn't at that time. Now, you continue to know Mr. Glessner; correct?

A. Yes, I do.

Q. Do you all still work at the same place?

A. Yes, we do.

Q. Were you both subpoenaed in this case?

A. Yes, we were.

Q. And did you both drive out together from Kansas?

Elwin Roberts - Direct

A. Yes, we did.

Q. And are you staying in the same hotel?

A. Yes, we are.

Q. How long is the drive from Kansas?

A. About eight hours.

Q. What subjects did you discuss on your way here?

A. We did discuss, you know, some of what we had seen, but it was only like a couple different times.

Q. Was that on the suggestion of defense counsel in any way?

A. No, it was not.

Q. And when you arrived here and you spoke with defense counsel, did defense counsel suggest to you that it would be inappropriate to discuss further what you might testify about?

A. Yes, they did.

Q. Has your recollection of what you saw at Geary Lake on Monday, the 17th, in any way, shape, or form been affected by your discussions with Mr. Glessner?

A. No, it has not.

MR. NEUREITER: Pass the witness.

THE COURT: Cross-examination?

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. Roberts.

A. Good afternoon.

Q. You told us on direct examination about some vehicles that

Elwin Roberts - Cross

you saw down at Geary Lake when you passed it?

A. Yes.

Q. What was the first vehicle you mentioned -- was a green truck with a topper?

A. Yes. It was a pickup and a topper. It was setting down by the boat ramp. And I took it that probably belonged to the gentleman that I said was out in the boat on the lake.

Q. You also saw a boat at that time?

A. Yes.

Q. Can you describe the boat?

A. Yes. It was about a 12- or 14-foot, aluminum, V-bottom boat.

Q. V-bottom?

A. Yes.

Q. What does that mean exactly?

A. Well, it's got a V bottom. It's not a flat. It's got a V hull on it.

Q. Okay. And the truck that you saw, that first truck?

A. It was green -- I don't know what make it was. It was, you know, facing out toward the lake; but it was a green with green cap on it; and it had a boat trailer, you know, hooked to the back of it.

Q. Could you tell if it was a fairly new truck?

A. Yes. It was fairly new.

Q. And you were able to determine this in the amount of time

Elwin Roberts - Cross
that you had to glimpse --

A. Yes.

Q. -- down at the lake?

Now, according to your testimony on direct examination, sir, the truck was down near the jetty that goes out into the water, the Ryder truck?

A. Well, it was down on that island part right there by the jetty.

Q. There is no rest rooms down there, sir, are there?

A. No, there is not.

Q. Have you previously indicated that the Ryder truck that you saw was by the rest rooms?

A. Yes. I have.

Q. And you've never seen another Ryder truck at Geary Lake, sir?

A. No, I have not.

Q. Have you passed that way pretty often?

A. Yes, I do.

Q. And you indicated that you went and you told the FBI about this after you heard that they were looking for people who had seen the Ryder truck at Geary?

A. I did.

MR. GOELMAN: Thank you, sir. That's all I have.

MR. NEUREITER: No more questions.

THE COURT: All right.

MR. NEUREITER: He's excused.

THE COURT: Excusing the witness, I take it.

MR. NEUREITER: Yes, your Honor.

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

Next, please.

MR. WOODS: Yes, your Honor. Rickey Glessner.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Rickey Glessner 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: Rickey D. Glessner, G-L-E-S-S-N-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Glessner. How are you?

A. Fine.

Q. If you could lean forward towards the microphone just so everyone can hear.

Where you from, Mr. Glessner?

A. Onaga, Kansas.

Q. Where do you work?

A. BG Consultants. That's engineering firm in Manhattan.

Q. How old are you?

A. 36.

Rickey Glessner - Direct

Q. Are you married?

A. Yes.

Q. Do you have kids?

A. Four kids.

Q. I want to take you back to the Easter Sunday of 1995. Do you recall that day, sir?

A. Yes.

Q. What were you doing on that day?

A. I was driving to my folks' for Easter dinner.

Q. Where did your folks live at that time?

A. They lived south of Junction City. It's White City is what the rural area is called.

Q. Is that White City?

A. White City, yes.

Q. I'm going to put a map on the screen that will appear in front of you. It's labeled D1762 previously admitted. And there should be a pen up there with a wire attached. If you put the pen underneath the table onto the television screen, could you put a big X where White City is located, if you can, to the best of your estimation.

A. Is that big enough?

Q. That's big enough that the jury can see.

So I take it from the indication on the map it's a few miles east of U.S. 77?

A. It's 6 miles east.

Rickey Glessner - Direct

Q. And it's north of Herington?

A. Yes.

Q. And south of Junction City?

A. Yes.

Q. What time were you going there for Easter?

A. It was between 10 and 11:00 in the morning.

Q. And did you take U.S. 77 south to get there?

A. Yes.

Q. On the way there, did you pass a state recreation area?

A. Yes.

Q. And what was that?

A. Geary County State Lake.

Q. Going to put up a photograph. Do you recognize that?

A. Yes.

Q. What is that?

A. That's Geary County State Fishing Lake.

Q. Is the highway that's shown there the one that you drove down southward towards White City on Easter Sunday?

A. That's 77, yes.

Q. What did you see as you drove past Geary Lake on Sunday, Easter?

A. I saw a Ryder truck sitting down there by the lake.

Q. Can you describe the Ryder truck?

A. It was a -- I would say a 20- to 24-foot-long truck with a

A. It was a -- I would say a 20- to 24-foot-type truck with a grandma's attic over it.

Rickey Glessner - Direct

Q. Where was it located? If you could use the light pen again.

A. Okay.

Yeah, that's -- do you want an X there?

Q. X there. So this truck that you saw was not all the way at the cove, then, was it?

A. No.

Q. It was pretty close to the road?

A. Pretty close, yes.

Q. As you drove south, did you have to look over your shoulder to see it, or did it appear in front of you as you were driving?

A. I had to slow down as I got there.

Q. Tell us about that. Why did you have to slow down?

A. Okay. Somebody was behind me in a hurry to pass. They passed me; and right when they get to that entrance, that south entrance there, they slow down and turn, so I have to slow down to keep from hitting them basically. And I watched that car pull in; and as it pulls in, that's when I see the truck down in there.

Q. Did you say anything to the people who were riding with you?

A. My wife --

Q. I assume there were people riding with you. Did you have anybody in the car riding with you?

Rickey Glessner - Direct

A. Yes. My wife, and I had three children at that time.

Q. What were you driving?

A. A white Grand Caravan, '93.

Q. Did you say anything to anybody as you drove past?

A. I mentioned to my wife that it seemed like an odd day to be moving.

Q. Easter Sunday?

A. Yes. Yes, Easter Sunday would be an odd day to be moving.

Q. Did she say anything about it?

A. She said yes, that would be odd.

Q. Did there come a time when you had a discussion in 1995 with your colleague at work -- with a colleague at work about what you had seen?

A. A colleague at work had mentioned to me that they were stopping people out on the highway and asking if anybody had seen anything or a truck down there, a Ryder truck, if anybody seen that to contact -- I think it was the Geary County Sheriff's Department or something to that nature.

Q. Who was that colleague?

A. His name was John Lynch.

Q. Okay. Did you ever have a discussion in 1995 with Mr. Elwin Roberts?

A. Other than the fact that I had mentioned to him that I would -- I had called this number and told them that I had seen a truck; and he had mentioned to me that he had seen a truck

Rickey Glessner - Direct

also and that he was going to call that number.

Q. Did you drive out here to testify with Mr. Roberts?

A. Yes, I did.

Q. And did you have some discussions about this case as you drove out here?

A. Mostly complaints about having to come out.

Q. There was some discussion about what your testimony might be?

A. Correct. Very little, but yes, there was some.

Q. Has your testimony in any way, shape, or form been affected by those conversations?

A. No, sir.

Q. And once you got here, were you instructed not to speak with any other witness in this case about your testimony?

A. This morning basically.

Q. Okay.

A. This morning.

Q. Last evening, did anyone --

A. Last evening, too. Also.

MR. NEUREITER: Pass the witness, your Honor.

THE COURT: Any cross-examination?

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. Glessner.

A. Hello.

Rickey Glessner - Cross

Q. At the time that you saw a Ryder truck at the entrance to Geary Lake: That was Easter Sunday, 1995?

A. Correct.

Q. About what time was that?

A. It was between 10 and 11. I'd say 10:30.

Q. And you said that this truck had a grandma's attic; is that right?

A. Yes.

Q. Would you describe that, please.

A. It's the van that comes up over the top -- or over the top of the cab of the truck. It's the -- a storage area above the cab of the truck.

Q. So part of the cargo box actually overhung the cab?

A. Correct.

Q. Is that --

A. Correct.

Q. About how far was that from the highway when you passed it?

A. That -- on that little picture, there is that information center, and it was right there by that. There is that -- an

information board down there by the state lake.

Q. Let me put on what's already been received in evidence as Government 1982B. Can you again mark the spot where you saw -- well, it's probably -- did you just write that X?

A. That's been there for the last -- if you slide the picture over a little bit, it would be about right.

Rickey Glessner - Cross

No, a little bit higher. Now the other way.

Q. Why don't you click the side of the pen and do it yourself.

A. Okay. There is an information right there, and the truck is sitting right here.

Q. Where are the rest rooms on this picture?

A. They're actually over here. That thing as you look at it from the road -- this information center looks kind of like a building because it's, you know -- you're seeing it widthwise. As you look at it, it would appear to be a building because it does have a roof-type thing on it.

Q. When you first reported the incident to the FBI, did you think you had seen a truck by the rest room?

A. That's correct.

Q. Is that what you told them?

A. That's correct.

Q. You first told the FBI after the roadblock at Geary State Lake?

A. Correct. I contacted them after I heard from John Lynch about it.

Q. You heard that they were looking for people who had seen this truck?

A. That's right.

Q. Did you drive back the same way on Easter Sunday that you drove down?

A. Yes.

Rickey Glessner - Cross

Q. Did you have a chance to look over at Geary Lake at that time?

A. Yes. I just generally look that way every time I go home.

Q. What did you see then?

A. There was nothing there at all. The lake was deserted.

Q. No Ryder truck?

A. Nothing.

MR. GOELMAN: Thank you, sir. That's all I have.

THE COURT: Anything else for this witness?

MR. NEUREITER: No, your Honor.

THE COURT: All right. I take it he's excused.

MR. NEUREITER: He can drive back to Kansas.

THE WITNESS: Thank you.

THE COURT: You are excused.

Next, please.

MR. WOODS: Yes, your Honor. Ray Siek.

THE COURTROOM DEPUTY: Would you raise your right

nand, please, sir.

Would you stand, please.

(Raymond Siek affirmed.)

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

These are for you, and it's adjustable here.

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

THE WITNESS: Is that --

THE COURTROOM DEPUTY: Can you state your full name for the record.

THE WITNESS: Raymond Siek.

THE COURTROOM DEPUTY: And spell your last name.

THE WITNESS: S-I-E-K.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Siek. How are you?

A. That's too loud.

THE COURTROOM DEPUTY: That's adjustable. Did you adjust it?

BY MR. NEUREITER:

Q. Is this -- test, test, test, test. Is this okay?

A. That's okay.

Q. Where are you from, Mr. Siek?

A. From Lawrence, Kansas.

Q. And how old are you?

A. 69.

Q. Mr. Siek, did you have a sister who passed away in 1995?

A. Yes, I did.

Q. I'm going to put up on the ELMO an exhibit that has not

been previously introduced, D1765. It's the first page. Do you recognize that as the first page of a document you've seen before?

A. Yes, I do.

Raymond Siek - Direct

Q. And I'm going to turn to the second page. Do you recognize that as the second page of that document?

A. Yes, I do.

Q. And what is that document without reading anything on it? Just describe it.

A. Describe it? Well, it's a -- from my sister -- funeral home puts out, her death.

MR. NEUREITER: Move the admission, your Honor.

THE COURT: What's the purpose of that?

MR. NEUREITER: Your Honor, it indicates the date --

THE COURT: Well, he can testify to the date.

BY MR. NEUREITER:

Q. Did your sister have a funeral on a particular day in April, 1995?

A. Yes, she did.

Q. What date was that?

A. April 17.

Q. And where did you go for your sister's funeral on April 17?

A. Herington, Kansas.

... Herington, Kansas.

Q. What time did you drive there?

A. Well, you mean drive down?

Q. Yes, sir.

A. Oh, probably about 10:00.

Q. And what time did you return that day?

A. Well, it was -- I'd say 4. I probably left there between

Raymond Siek - Direct

3:30 and 4.

Q. And why did you leave there between 3:30 and 4? Was there a scheduled time?

A. Well, they had -- after the funeral, why, they had where people come by and chat, and that lasted from 2 to 4. And I had a -- two nieces that were here from Connecticut, and they had to catch a flight out of KC; and I went to take them up to get on the interstate so they could make it back there. So I left a little bit early. I didn't stay till 4:00.

Q. What route did you drive home?

A. I took 77.

Q. Going to put a map in front of you designated D1762. Have you seen that before, sir?

A. Yes, I have.

Q. And does that show the route that you drove home that day?

A. Yes, it does.

Q. And did you pass a lake on your way home?

A. Yes, I did.

Q. What lake did you pass?

A. Geary County State Lake.

Q. I'll put up a picture, and it's designated Government 18 -- 1982B. Have you -- have you seen a picture like that before?

A. Yes, I have.

Q. What is that?

A. It's a picture of the lake, Geary County State Lake.

Raymond Siek - Direct

Q. As you drove past the lake on that day, did you see anything unusual?

A. Yes, I did.

Q. What did you see as you drove past around 4:00 on that day?

A. Ryder truck backed up to the edge of the lake, and there was a pickup truck next to it, and there was two people.

Q. And where was that Ryder truck located on that day?

Looking at the picture . . .

A. Well, I would say it was -- you want me to point to it here?

Q. Well, I'll start here and you tell me to stop when you saw the truck -- where you saw the truck.

A. Okay. I'd say right up there on that outlet right there.

Q. Who was riding in the car with you? Was it a car that you were driving in?

A. Yes.

Q. Who was riding in the car?

A. My wife and my son and daughter-in-law.
Q. Did you say anything as you saw this Ryder truck?
A. I don't remember exact words, but I think I said something to the effect, "Kevin, I wonder what those idiots are doing down there in the rain."
Q. Was it raining that day?
A. Yes, it was.
Q. And did you think it odd that a Ryder truck and a couple of

Raymond Siek - Direct

people in a pickup truck would be down there in the rain?

A. I did.

Q. Why was that?

A. I couldn't figure why you'd want to stand out there in the rain. They were standing there talking.

Q. Are you certain of the date?

A. I'm positive.

Q. Have you been questioned by many people about the date on which you saw this event?

A. I've been questioned several times on it, yes.

Q. And are you certain of the date that your sister's funeral occurred?

A. Yes. I have proof of it.

MR. NEUREITER: Pass the witness, your Honor.

THE COURT: Okay. Cross-examination.

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, sir.

A. Good afternoon.

Q. Can you hear me okay?

A. Yes, I can.

Q. Can you tell me about the people that you saw down at Geary Lake when you drove by on April 17.

A. Well, it was just two individuals standing by this truck.

Q. Did you see any detail of those individuals? Could you see

Raymond Siek - Cross

what they were wearing?

A. No.

Q. Could you see if they were approximately the same height?

A. I would say they were approximately the same height, yes.

Q. And you indicated on direct examination that when you saw them, you made a comment about them and what they were doing out there?

A. I didn't so much say what they were doing as I didn't think it was too bright being down there.

Q. But you pointed out their presence there to other people in your car?

A. Yes, I did.

Q. Do you know if other people in your car looked at that time?

A. My son looked, yes.

Q. Where was your son seated in the car?
A. Right behind me.
Q. Were you driving, sir?
A. Yes, I was.
Q. That is the only time that you've ever seen a Ryder truck down at Geary Lake, sir?
A. Yes.
Q. And can you describe the other truck that you saw there, please.
A. Well, it was a pickup truck with a shell on it, and it

Raymond Siek - Cross

was -- it was either a dark blue or black. It was raining, kind of hazy. I'm not that positive on it. I would say it was dark blue, but I don't know. It could have been black.
Q. Now, what do you mean by a shell? A camper top?
A. A camper top, yes.
Q. And you never saw another Ryder truck at Geary Lake except for that one day; is that right, sir?
A. That one day.
Q. But you did say what you saw was the same pickup truck at another time, didn't you?
A. Well, at the -- at that time, no.
Q. No, you didn't?
A. I saw another pickup truck later. And at the very time that I saw it, I didn't connect the two. But then later, as this case developed, why, thinking back on it, why, yes, they did resemble.
Q. Did you later become convinced, sir, that they were in fact the same truck?
A. Well, I'd say pretty sure.
Q. And can you tell us about the time where you saw this pickup truck the second time?
A. The second time? It was on the 19th of April, and I had gone down -- Do you want the whole story on this, or what?
Q. Please.
A. I had gone down to the gas company -- I was made executor

Raymond Siek - Cross

of my sister's estate, so I went in to pay this gas bill. And as I pulled in, why this gentleman came walking out of the gas company. And his pickup was about one slot down from me, and I looked to see if I rec -- I at one time lived in Herington. I was born and raised there, and I thought maybe it was somebody I knew, so I looked to see whether it was someone I knew or not. And it turned out it wasn't, but I -- when he went to get in his truck, why, I looked over and saw just mainly the front of the truck. I didn't really look the truck over or anything. And I got out and went in the gas company. And that's the second time I saw it -- first time I saw it.
Q. Did you later learn the identity of this individual?

MR. NEUREITER: Objection.

THE WITNESS. Yes I did

THE WITNESS: Yes, I did.

THE COURT: Yes, we have to have a better foundation.

BY MR. GOELMAN:

Q. That was on April 19, sir?

A. Yes.

Q. At sometime after that, did you see this individual depicted anywhere?

A. Yes.

Q. And can you tell us where that was.

A. On TV.

Q. And can you tell us what it was in connection with.

A. With the bombing at Oklahoma City.

Raymond Siek - Cross

Q. And at that time, sir, did you learn the name of this individual?

A. Yes, I did.

Q. And what is that person's name?

A. Nichols. Terry Nichols.

MR. GOELMAN: One moment, your Honor.

THE COURT: Yes.

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

THE COURT: Any redirect?

MR. NEUREITER: Just a little.

THE COURT: Okay.

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. There are a lot of Sieks in the Herington area, Mr. Siek?

A. Well, there was at one time. Not right now.

Q. Are you related to a Siek who sold a home to Mr. Terry Nichols?

A. Yes, I am. I'm his brother.

Q. You said on cross-examination that you saw a second truck or a truck similar to the one you had seen down at the lake at a later time. Do you remember that?

A. Yes.

Q. And you also said on cross-examination that after all this came out, you sort of became convinced that it was probably the same truck. Is that correct?

Raymond Siek - Redirect

MR. GOELMAN: Object to characterization, your Honor, "sort of became convinced."

THE COURT: Yes. Rephrase it.

BY MR. NEUREITER:

Q. How many times did you speak with the FBI about what you had seen?

A. FBI, I think -- I think just once.

Q. And you've spoken to members of defense?

A. Yes, I have.

Q. And tell us how you came to decide or conclude that these two trucks were the same truck?

A. Well, just after -- after thinking about this, why, then

I -- thinking -- somebody was asking me about the age -- you know, what year, model, make it was. And then like I say, I didn't really pay all that much attention to the whole truck; but when I -- what I could remember seeing of the front of it there and what I saw that day down at the lake, why, they seemed to me like probably the same make, anyway. Whether it was the same truck, I don't know.

Q. Probably the same make, but you don't know if it was the same truck?

A. I don't know if it was the same truck.

Q. Once you were made executor of your sister's estate, did you have occasion to frequently drive to Herington?

A. Many, many, many times.

Raymond Siek - Redirect

Q. And each time you drove, did you drive by Geary County State Lake?

A. Yes, sir.

Q. And how popular is a pickup truck as a vehicle in the great plains of Kansas?

A. Very, very popular.

Q. A lot of people drive pickup trucks?

A. Yes, they do.

Q. A lot of people have toppers on pickup trucks?

A. Yes, they do.

Q. Do a lot of people fish at Geary County Lake?

A. Well, I -- there's quite a few fish there, yes.

MR. NEUREITER: No more questions, your Honor.

THE COURT: Anything else of this witness?

MR. GOELMAN: Nothing further, your Honor.

THE COURT: All right. He's excused, I take it?

MR. NEUREITER: Yes, your Honor.

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

MR. WOODS: Kevin Siek. Kevin Siek, your Honor.

THE COURT: Thank you.

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

(Kevin Siek 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: Kevin Ray Siek, S-I-E-K.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Siek.

A. Hi.

Q. Where are you from, Mr. Siek?

A. I'm from Overland Park, Kansas. It's a suburb of Kansas City.

Q. And how old are you?

A. 42.

Q. And what's your father's name?

A. Raymond Siek.

Q. Did your aunt pass away in April of 1995?
A. Yes.
Q. Did you go to her funeral?
A. Yes, we did.
Q. At what time did you return from her funeral?
A. Well, we stayed for the reception in the afternoon, and I think we probably left about 3:30. It got over at 4, but we left before it ended, so about 3:30.
Q. Whose car were you riding in?
A. My dad's -- my mom and dad's van.
Q. Which way did you get home?

Kevin Siek - Direct

A. We took 77 highway up to I-70 and then on over to Kansas -- or Manhattan.
Q. Did you pass Geary County Lake?
A. Yes, we did.
Q. What did you see when you passed Geary County Lake?
A. Well, actually my dad, as we were driving by -- my dad said something to the effect that "I wonder what those guys are doing down there with that Ryder truck."

And I looked down there to see what he was talking about. There was a Ryder truck parked down there with a blue pickup next to it and some people standing next to it.

Q. I'm going to put a picture of Geary Lake -- a picture that has been previously introduced as Government's Exhibit 1982B. Can you tell me what that is.

A. That's a picture of Geary Lake.

Q. Can you -- there should be a pen up there with a wire attached. If you could take the pen and put it on the screen and put a big X where you saw that Ryder truck.

A. Okay. It's kind of hard to tell from this map.

Q. Let me zoom in.

A. But I would say --

Q. And if where it was is not within the zoomed area, you tell me.

A. Oh, it would have been -- I'm going to say probably on this jetty back here.

Kevin Siek - Direct

Q. It was down by the shore?

A. Yeah. They were pulled down -- there is a series of these little jetties that go out into the lake along that side, and they were pulled out on one of them.

Q. And that's your best recollection of where it was?

A. Yeah. It's kind of hard to tell from this map because, you know, the angle. We just saw it from the road looking down. It wasn't up this high.

MR. NEUREITER: Okay. Thank you. Pass the witness.

THE COURT: Questions?

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon

Q. Good afternoon.

A. Hi.

Q. My name is Aitan Goelman. I represent the United States.

Can you tell me about the people that you saw when your dad directed your attention down to Geary Lake on that day.

A. Well, it looked to me like three guys standing down there. One of them was visibly shorter than the other two. You know -- I don't know if it was, you know -- it could have been an adolescent or just a shorter person next to two taller guys. You know, they were back quite a ways; so, you know, I didn't really have anything to really judge if they were average height or --

Kevin Siek - Cross

Q. Was it clear in your memory that two of them were of similar height and one of them was significantly shorter?

A. Uh-huh, yes.

Q. Where in relation to the trucks were these people?

A. Well, they would have been south of them. They were closer to us than to the vehicles.

Q. You said you saw a blue pickup truck there, too?

A. Uh-huh.

Q. Did this blue pickup truck have a white camper shell on it?

A. It had a camper shell on it. I couldn't say that, you know, exactly what color it was. It was lighter than the truck. The truck looked like it was a dark-blue truck and with a lighter shell on the back. You know, I would say it was -- at least part of it was white.

Q. Have you told us the time that you went by Geary State Lake --

A. Oh, well, let's see. It takes approximately 30 minutes to get there from Herington; and so if we left at 3:30, that would put us there around 4:00.

Q. Do you recall talking to the FBI after the bombing about this incident, sir?

A. Uh-huh.

Q. And that was in connection with the FBI's search for people who had seen a Ryder truck at Geary Lake. Is that right?

A. That's correct.

Kevin Siek - Cross

Q. That was after you had seen that on the news, sir?

A. Uh-huh.

Q. And they came out and talked to you on May 19, 1995. Does that sound about right?

A. Probably.

Q. Within a couple weeks of the bombing?

A. Yes.

Q. A time when your memory of the 17th was much fresher?

A. Oh, yeah.

Q. Than it is today, I mean?

A. Sure.

--- -----

Q. And you told them at that time, didn't you, sir, that you passed Geary State Lake on Monday, the 17th, between 5 and 5:30 p.m.?

A. Well, that was just my best guess at the time. I mean, I didn't have the obituary, so --

Q. Yeah. I just want to know if that's what you told them, sir.

A. Oh, well, I think it probably is, yeah.

MR. GOELMAN: One moment, your Honor.

THE COURT: Yes.

BY MR. GOELMAN:

Q. Mr. Siek, I'm showing you what's already in evidence as Government's Exhibit 2045. Can you just click the side of your pen, sir.

Kevin Siek - Cross

Can you find the a little -- the black pen up there with the cord and just click --

A. Yeah, I did.

Q. Thanks. And can you -- that is an accurate depiction of where Geary Lake lies in relation to Marion and Herington and Junction City?

A. Yeah, I would say so.

Q. On the 17th you were on your way to take relatives to Kansas City airport; is that right?

A. Well, no. They just followed us out of Herington and up towards I-70.

Q. Okay. Were you -- when you passed Geary Lake, were you nearing the intersection of 77 and I-70?

A. Well, no, that's south of the intersection with the highway.

Q. About 8 to 10 miles south? Is that fair?

A. Yeah. I'd say that's, you know, within the ballpark, I guess.

Q. Do you know where Elliott's Body Shop is located in Junction City, sir?

A. No. Never been there.

Q. Now, in the -- while you were driving north, that's when you saw these vehicles and these people at Geary Lake. Is that right, sir?

A. That's correct.

Kevin Siek - Cross

Q. About how long did you have to look at them?

A. A few seconds. We were just driving by on the highway.

Q. That is the only time that you've ever driven by Geary Lake?

A. No. I've been there a lot of times.

Q. Is that the only time you ever saw a Ryder truck there?

A. I believe so.

MR. GOELMAN: Thank you, sir. That's all I have.

MR. NEUREITER: Yes, your Honor.

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. I want to display on the ELMO what has not been previously admitted, D1766. Do you recognize that, sir?

A. It's the obituary for my Aunt Lila's funeral from the Herington paper.

MR. NEUREITER: Move its admission under the "substantial guarantees of trustworthiness" exception of the hearsay rule.

THE COURT: For the whole content of it?

MR. NEUREITER: No, your Honor. Just for the time at which the memorial services were held.

MR. GOELMAN: No objection.

THE COURT: All right. Received.

BY MR. NEUREITER:

Q. We'll zoom in. We'll zoom out a little bit.

Kevin Siek - Redirect

Can you read that paragraph for us, please, Mr. Siek?

A. Yes. It says, "Services will be at 11 a.m. Monday at St. Paul Lutheran Church, Herington. Burial will be in Sunset Hill Cemetery, Herington. Relatives and friends will meet from 2 to 4 p.m. today at Donahue Funeral Home, Herington. Memorial contributions may be made --"

Q. That's enough.

Did you stay till 4:00 on that day?

A. No. We didn't stay till the end of the reception. No.

Q. What's your best recollection as to what time you left?

A. Oh, I'm going to say probably about 3:30.

MR. NEUREITER: No more questions, your Honor.

MR. GOELMAN: No questions.

THE COURT: All right. Excusing the witness, I take it.

MR. NEUREITER: Yes, your Honor.

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

MR. WOODS: Sharen White.

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

(Sharen White affirmed.)

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

THE WITNESS: Thank you.

THE COURTROOM DEPUTY: Would you state your full name for the record and spell your last name.

THE WITNESS: Sharen Diane White, W-H-I-T-E.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Good afternoon, Ms. White. How are you?

A. Just fine.

Q. Good. Ms. White, I take it you're not married.

A. No.

Q. Are you engaged?

A. Yes.

Q. Where -- where do you live presently?

A. In Herington, Kansas.
Q. And where did you live in April of 1995?
A. In Lost Springs, Kansas.
Q. Where is that located?
A. About 6 miles south of Herington.
Q. If I put on the ELMO what's been previously admitted as D1762, is this -- does this map include enough of central Kansas to show approximately where Lost Springs would be?
A. It would be probably right about at the bottom of the map.
Q. Okay. Is it near 77?
A. Yes.
Q. And where was your house specifically in relation to Route 77 at that time?
A. It was right on 77.

Sharen White - Direct

Q. Your driveway opened out onto Route 77?
A. Yes.
Q. Now, let me direct your attention to April 13, 1995, specifically in the morning. Did you have an occasion to drive to Junction City that morning?
A. Yes.
Q. What was that?
A. I went to Wal-Mart.
Q. All right. And how often did you get to Junction City during that period of time?
A. I would usually go about once a month, sometimes twice a month because I live so far away.
Q. How often did you go to Wal-Mart in Junction City?
A. That was when I would go. I would go to Wal-Mart.
Q. Did you pass -- how did you go?
A. I would pull out of my drive and turn north on 77 and go all the way up to 70 and then turn right to go to Wal-Mart.
Q. And did you pass Geary State Park Lake -- Geary State Lake when you drove that route?
A. Yes.
Q. Are you familiar with Geary State Lake?
A. Yes.
Q. How so?
A. Because we go fishing there quite often.
Q. Okay. How often is "quite often"?

Sharen White - Direct

A. Anytime there is nice weather.
Q. Okay. Quite often. Now, on that particular morning, April 13, 1995, about what time did you pass the lake?
A. Probably, I would say, around 9:30, 9:35. Somewhere around there.
Q. And what do you base that estimate on?
A. Well, I leave the house whenever I would go to Wal-Mart about 9:00, every time I went. And it takes about 30, 35 minutes to get up there.
Q. Okay. Now, did you happen to look over at the lake on your

Q. Okay. Now, did you happen to look over at the lake on your way driving north?

A. Yes.

Q. And why was that?

A. It's just a natural thing that I always do. We always -- whenever I drive up there, I like to see how many fish, you know -- people are fishing, or if you see any animals, anything like that.

Q. Did you see anything unusual that day?

A. Yes.

Q. What was that?

A. A Ryder truck.

Q. Had you ever seen a Ryder truck at Geary State Lake before?

A. No.

Q. Have you ever seen one since?

A. No.

Sharen White - Direct

Q. I'm going to show you on the ELMO what's been previously admitted as Government's Exhibit G1982B.

A. Okay.

Q. And ask -- well, let me keep it out for the beginning. Can you tell me, did you look over at the lake once, or more than once?

A. More than once.

Q. Okay. How many times?

A. Twice.

Q. Can you mark on this photograph where, approximately, you glanced over the first time?

A. Yes. Where I was on the 77?

Q. That's correct.

A. Okay. Right about there.

Q. Right about there. Okay. And where on the second occasion?

A. It was just a little bit further down. Probably about where those -- right there.

Q. Now, can you mark where you observed the Ryder truck?

A. Okay. It was right there.

Q. And is that location near some physical landmark?

A. Yes. That's where the rest rooms are.

Q. Now, could you see the rest rooms?

A. No.

Q. The truck was blocking them?

Sharen White - Direct

A. Yes.

Q. It was directly in front. Did you notice which direction the truck was pointed?

A. It was pointed south.

Q. Which is?

A. Like it would be pulling out of the park -- like your finger is pointing.

Q. In the direction going out of the park. Okay. Could you

tell if the truck was moving, or not?

A. It looked like it was still, but I honestly don't know. It could have been pulling out.

Q. Okay. Now, how do you know that it was a Ryder truck?

A. It said "Ryder Truck" on the side.

Q. All right. Could you see the entire truck?

A. No.

Q. How much of the truck could you see?

A. Probably about the top two-thirds.

Q. Let me show you what's been previously admitted as Defense Exhibit D1737. And if you could, could you identify which, if any, of these four models of Ryder trucks you believe the one you saw was?

A. Second from the bottom.

Q. Second from the bottom. The one indicated as three bedrooms?

A. That's correct.

Sharen White - Direct

Q. Can you just for the jury with your -- with the light pen again -- just draw a line about the height that you could see over when you say two-thirds of the truck.

A. I'm trying to -- because it was facing the other direction, so I'm trying to see.

Q. I understand.

A. It probably went about like that.

Q. Okay. You could see more of the rear of the truck than the front of the truck?

A. That's correct.

Q. And is that because of the lie of the land there?

A. Yeah.

Q. Now, about how long a look did you get the first time, if you know?

A. Probably about 2 seconds.

Q. Okay. And --

A. Because I was driving.

Q. How about the second time?

A. Probably about the same, about 2 seconds.

Q. All right. Now, are you certain that you saw this truck on April 13 --

A. Yes.

Q. -- 1995? And what makes you certain?

A. Because I wrote a check at Wal-Mart.

Q. You wrote a check at Wal-Mart?

Sharen White - Direct

A. Uh-huh. On the 13th of April, which was the time that I -- I don't go there very often, so that was the time that I had gone.

Q. Did you, when thinking about the date that you saw this truck, go back and look at your check register?

A. Yes.

Q. And did you see an entry for April 13?

A. Yes.

Q. All right. Now --

MR. THURSCHWELL: Your Honor, may I approach?

THE COURT: Yes.

MR. THURSCHWELL: I'm showing the witness what's been marked for identification as D1767.

BY MR. THURSCHWELL:

Q. Can you just take a look at that three-page exhibit. And I would ask if that was an accurate copy of three pages of the check register you just mentioned.

A. Yes.

MR. THURSCHWELL: Okay. Your Honor, we would move the admission of Defense Exhibit D1767.

MR. GOELMAN: No objection.

THE COURT: Received.

MR. THURSCHWELL: I'd like to publish the first page. What did I do?

BY MR. THURSCHWELL:

Sharen White - Direct

Q. Now, Ms. White, I want to focus in on this entry. Check No. 718, the bottom entry on this page.

A. Yes.

Q. Do you recognize the handwriting --

A. Yes.

Q. -- for that entry? Whose handwriting is that?

A. That's mine.

Q. And the -- what is indicated in the date column?

A. 13 April.

Q. 13 April. It says 13A. Correct?

A. Uh-huh.

Q. Is that how you indicate 13 April?

A. Yes.

Q. And how much -- how large a check did you write that day according to the register?

A. \$106.

Q. Is that typical for how much you spend on your once-a-month trip to Wal-Mart?

A. Yes. It's always over a hundred.

Q. Now, I want to point out to you on the second page of Exhibit D1767 for the date marked 18 -- looks like APR, Check No. 720, there is another entry for a Wal-Mart, a check written to Wal-Mart. Is that correct?

A. That's correct. Right.

Q. Whose handwriting is that?

Sharen White - Direct

A. That's my fiance's.

Q. You recognize that handwriting?

A. Yes.

Q. Now, at that time, did you share a checking account?

Q. Now, at that time, did you share a checking account?
A. Yes.
Q. You both had joint checking privileges?
A. Yes.
Q. How much was that check for, if you can see?
A. \$27.50.
Q. Where did your fiance work during this time period?
A. On Fort Riley.
Q. Is that near Junction City?
A. Yes.
Q. If you know, did he go to Wal-Mart more frequently than you did during that period?
A. Yes.
Q. Now, are you certain that this -- it was not the 18th when you saw the Ryder truck?
A. Yes.
Q. Did you work in Junction City during that period?
A. No.
Q. Were you working?
A. No.
Q. Now, later that day, Ms. White, April 13, 1995, did you see a similar Ryder truck?

Sharen White - Direct

A. Yes.
Q. Okay. About what time?
A. I would say about 3, 3:30.
Q. And where did you see it?
A. On Interstate -- on Highway 77 in front of my house.
Q. Okay. Right in front of your house? Can you tell the jury what happened?
A. Okay. I was going to go to the store into Herington, and I pulled out of my driveway -- I was going to pull out of my driveway. I had to wait while a Ryder truck was coming down 77, so that's --
Q. Now, you saw the Ryder truck go by?
A. Yes.
Q. Could you see any individuals in the truck?
A. The passenger.
Q. Could you see the driver?
A. No.
Q. Okay. Now, what did you observe the -- of the passenger?
A. Well, he stared at me as he went by and stared so long that he actually leaned out the window and looked back at me.
Q. Now, did there come a point in time where you believed you knew who that passenger was?
A. Yes.
Q. And when was that?
A. It was -- I don't remember the exact date, but it was after

Sharen White - Direct

pictures came out in the paper.
Q. Pictures of who?

-

A. Timothy McVeigh.

Q. And did you believe that the individual you saw was Timothy McVeigh?

A. Yes.

Q. Are you certain of that as you sit there today?

A. Yes.

Q. If I asked you to describe the individual's appearance that you saw on that day, could you give me an accurate description?

A. Yes.

Q. Okay. Could you please describe that person.

A. Okay. He was in his mid 20's, sandy-colored hair, neatly cut, like a military cut, and no glasses.

Q. Okay. Now, do you remember any other details about his face?

A. No.

MR. THURSCHWELL: I think that's all I have, your Honor.

THE COURT: All right.

MR. THURSCHWELL: Thank you.

THE COURT: Mr. Goelman?

CROSS-EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, ma'am.

Sharen White - Cross

A. Hi.

Q. My name is Aitan Goelman. I represent the United States.

When you saw Mr. McVeigh on April 13, 1995, passing in a Ryder truck, about what time was that?

A. It was between 3 and 3:30.

Q. And was there something that drew your attention to this particular passenger in this particular vehicle?

A. It's just the way he stared, because he was just so sad and so solemn-looking.

Q. How could you tell that?

A. Because he actually locked eyes with me as he drove past -- I mean as whoever was driving went past, and he was staring out the window.

Q. And you described on direct examination that he actually leaned out the window?

A. Yes. I could see his left shoulder as he leaned out to look back.

Q. Was it clear to you that he was making eye contact with you?

A. Yes.

Q. This was on April 13, 1995?

A. Yes.

Q. So six days before the bombing?

A. Yes.

Q. And you're clear that it was a Ryder rental truck that

Sharen White - Cross

Mr. McVeigh was driving?

A. Yes. He wasn't driving it. He was a passenger.

Q. I'm sorry. That he was a passenger in. And after that, sometime in late April, did you watch the news and hear that the -- or early May, actually, that the FBI was looking for people who might have seen a Ryder truck at Geary Lake?

A. Yes.

Q. You didn't come forward then, did you, ma'am?

A. No.

Q. You waited until approximately a year after the bombing to come forward?

A. Yes.

Q. What is the reason for that?

A. I didn't want to be caught up in all the limelight and all the people -- not all the people, but a lot of people in Herington was saying I saw this and I saw that. I didn't want to be part of that.

Q. You wanted to be different, ma'am?

A. Yes. I mean I just wanted to be truthful but not, you know -- it's hard to describe. It's just I wanted to be truthful; but everybody was out in the middle, you know, trying to be -- center of attention.

Q. Everybody in Herington?

A. Yes.

MR. GOELMAN: Thank you.

MR. THURSCWELL: One question, your Honor.

REDIRECT EXAMINATION

BY MR. THURSCWELL:

Q. Ms. White, did you initially request anonymity in making your report to the FBI?

A. Yes.

Q. In other words, you did not want your name distributed when FBI reports were given out to others, including defense counsel?

A. That's correct.

Q. And why was that?

A. Because I didn't want to be identified and didn't want to be the center of attention.

MR. THURSCWELL: Okay. Thank you.

Nothing further, your Honor. Witness is excused.

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

THE WITNESS: Thank you.

MR. WOODS: Kelly Gulker.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Kelly Gulker affirmed.)

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

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

THE WITNESS: My name is Kelly Gulker, last name G-U-L-K-E-R.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Gulker. How are you?

A. Fine.
Q. A little nervous?
A. A little.
Q. Just relax. It will be over quickly. Where are you from, Mr. Gulker?
A. Woodlawn, Tennessee.
Q. Where do you live presently?
A. Woodlawn, Tennessee.
Q. Where did you live in 1995?
A. I lived in Milford, Kansas.
Q. Where is Milford, Kansas?
A. It's about 2 miles west and 5, 10 miles north of Junction City, Kansas.
Q. If I put a map up here that's labeled D1762 previously admitted, zoom it out -- is that Milford Lake up there?
A. Yes, it is.
Q. Is Milford right near Milford Lake?
A. Yes, it is.
Q. Did you and your wife go somewhere Easter, 1995?
A. Yes. We visited my younger brother in Wichita Falls,

Kelly Gulker - Direct
Texas.

Q. And on what date did you return to your home?
A. The Monday following Easter, whatever date that was.
Q. And what route did you take coming back?
A. We -- I don't remember all the names of the roads, but basically we took interstate to Wichita, at that point got on a state highway to Peabody, and then Highway 77 north to Milford.
Q. Did you pass something on the way?
A. Yes. We passed Geary County Lake.
Q. And did you see something as you passed Geary County Lake?
A. Yes. I saw -- I observed a Ryder truck on the east side of Geary County Lake, southeast side.
Q. If I put a picture of Geary County Lake up -- and there should be a pen up there with a wire attached. And if you take the pen and go underneath the table and put it right on the screen, put a big X where you saw that Ryder truck.
A. In that location.
Q. Did you say something to your wife as you passed by?
A. Yes, I did. My wife doesn't enjoy camping. I saw a Ryder truck there. It was bad weather that day and rain, and I mentioned to her that that should be the way that we go camping next time is we'll get a Ryder truck and sleep in the back of that thing.
Q. What was the best of your recollection as to the time that you passed the lake?

Kelly Gulker - Direct

A. It was 4:30 plus or minus 10, 15 minutes.
Q. Now, you had previously described the lake -- the truck that you saw. Is that correct?
A. Yes.

... 100.

Q. Are you certain as you sit there today as to what that truck looked like?

A. No, I'm not. I'm not certain of the size. I'm not certain of the direction it was facing.

Q. Can you be certain whether it had a cab-over, or was a box truck?

A. No, I can't. I can't accurately say whether it was or not.

Q. And you have previously given different descriptions about what that truck was?

A. Yes, I have.

Q. Was there a time after the bombing when you wondered whether you had dreamed what you had seen?

A. Yes, there -- immediately after the bombing, in the few days after that, my -- I had read in the papers; and at that time the rumor or the press was indicating that it was from the Junction City area. And I had read that some people had observed it by Geary County Lake. And at that point, I thought I had a mental picture of seeing a Ryder truck at Geary County Lake; and for a few days, I didn't say anything to my wife or anything. But then in the shower one day, I remembered telling her that that's the way we should go camping. So I asked her

Kelly Gulker - Direct

if she remembered me telling her that. And she said yes, she did. At that point, I contacted the FBI.

Q. So it was your recollection of your conversation with your wife that confirmed that you did, in fact, see a Ryder truck on that day?

A. Yes.

MR. NEUREITER: Pass the witness, your Honor.

THE COURT: Okay. Mr. Mackey.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Mr. Gulker, what was the conversation with your wife in the shower?

A. Maybe not that day.

THE COURT: I don't think you have to answer that.

THE WITNESS: She was pregnant.

BY MR. MACKEY:

Q. It's the end of the day, Mr. Gulker.

How long did you live in Milford, Kansas?

A. How long did I live in Milford, Kansas?

Q. Yes, sir.

A. I grew up there. My dad was in the military. The first time I lived there was in '74. On and off. The last time I lived there was from '88 to '95.

Q. Did you get to know the Elliotts?

A. I knew Mr. Elliott as my neighbor. He lived about three

Kelly Gulker - Cross

houses down. I also played baseball with his son, Val Elliott.

Q. So that would be Eldon Elliott and his son Val?

A. Yes.

Q. In April of 1995, it came to your attention that these former neighbors of yours had been thrust in the limelight, if you will, about the Oklahoma City bombing; correct?

A. Yes.

Q. You have fished at Geary Lake?

A. Yes.

Q. You've been down there?

A. Uh-huh.

Q. How many different times?

A. Fishing it, I'd say three to four times.

Q. Have camped there?

A. Yes.

Q. And as a youngster maybe did a little illegal drinking down there?

A. Certainly.

Q. We'll give you immunity.

On any of those occasions, Mr. Gulker, did you ever see a Ryder truck down at Geary Lake?

A. No.

Q. Just one and one time only?

A. Just this one time.

Q. In April of 1995?

Kelly Gulker - Cross

A. Yes. Just this one time.

Q. Way back in May of 1995, a few weeks after the bombing, do you remember being contacted by the FBI?

A. No, I -- no, I don't remember being contacted by the FBI. And I believe it wasn't till June.

Q. I'm looking at the report, and you are absolutely right. June 20, 1995. Is that correct?

A. Yes.

Q. All righty. At that time, Mr. Gulker, did you tell the representative from the FBI that the Ryder truck that you saw down at Geary Lake had a cab over or a compartment over the cab?

A. I believe I did -- I don't have the statement in front of me. I believe I probably did, yes.

Q. And just a few weeks ago, did you receive a phone call from an investigator of the defense?

A. Uh-huh.

Q. And did they ask you to describe essentially what you saw at Geary Lake?

A. Yes.

Q. And a few weeks ago, did you tell the defense investigator that the Ryder truck you saw at Geary Lake had a compartment over the cab?

A. Yes, I did.

Q. And how many times have you talked to Mr. Neureiter since

Kelly Gulker - Cross

the time that you have spoken both to the FBI and to defense investigators?

A. Once.

Q. And is it now your testimony that you're uncertain of that feature to the Ryder truck?

A. Yes.

Q. You also told the defense investigator that as you drove by and saw this Ryder truck you saw something blue, something dark blue next to it. Is that correct?

A. Yes.

MR. MACKEY: Thank you, Mr. Gulker.

MR. NEUREITER: Just one question, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. NEUREITER:

Q. When the defense investigator contacted you, did the conversation start out with him saying "I'd like to talk about your 302 and see if this is what you told the FBI"?

A. No.

Q. Okay. Tell us what that conversation with the defense investigator was, if you can remember.

A. Well, he asked me what I observed at Geary County Lake.

I told him I thought I observed -- well, I told him I observed a Ryder truck at Geary County Lake.

He asked me the description of the vehicle, and I told

Kelly Gulker - Redirect

him I thought it had a cab-overhead design.

He asked me if I saw anything else.

I said I thought I saw something blue at the lake.

And that's also what I had told the FBI agents when they came out in April; but between -- correction -- in June of '95. But between June of '95 and December of '97, the 5-second image I had of that vehicle is missing in my mind. All I can go on is what I told the other people previously, and he basically highlighted the same things that -- he asked me the same questions the FBI agents did.

MR. NEUREITER: Thank you.

Witness is excused for our side.

MR. MACKEY: Nothing else.

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

Next, please.

MR. WOODS: Yes, your Honor. Robert Jaynes.

THE COURT: Okay.

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

(Robert Jaynes 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: Robert William Jaynes, J-A-Y-N-E-S.

THE COURTROOM DEPUTY: Thank you.

Robert Jaynes - Direct

DIRECT EXAMINATION

BY MR. NEUREITER:

Q. Hello, Mr. Jaynes. How are you?

A. Not too bad, sir.

Q. Mr. Jaynes, where are you from?

A. From Herington, Kansas.

Q. Where were you living in 1995?

A. Herington, Kansas.

Q. How old are you, sir?

A. 33.

Q. And where do you work?

A. I work at Fort Riley.

Q. And what do you do there?

A. I'm a diesel mechanic.

Q. Are you familiar with Geary County Lake?

A. Yes, sir.

Q. And how are you familiar with Geary County Lake?

A. I fish it quite a bit during the summer months.

Q. Do you have a common practice when you drive by Geary County Lake?

A. Yes, I do.

Q. What is that practice?

A. I drive -- I look at the lake to see what the fishing -- the water is like, if it's smooth or ripply. And I just drive by it every day on the way to work.

Robert Jaynes - Direct

Q. Okay. I'm going to put up a picture that's been designated Government 1982B. It's been previously admitted.

Do you recognize that?

A. Yes, I do.

Q. Is that Geary County Lake?

A. Yes, it is.

Q. I want to direct your attention now to the April, 1995 time period and ask you if you saw something at Geary Lake when you were driving by?

A. Yes, I did.

Q. What did you see?

A. I seen a Ryder truck.

Q. And what date was that?

A. It was on a Saturday.

Q. Do you remember if it was the Saturday before Easter?

A. Yes, it was.

Q. And can you tell us where the truck was down at the lake that day?

A. It was by the first boat dock on the first fishing pier.

Q. Can you take the pen -- there should be a pen up there with a wire attached, and put it on the screen underneath. Just put a big circle where you saw that Ryder truck.

Do you remember what time it was that you drove past on Saturday before Easter?

A. Between 2 and 4 in the afternoon.

Robert Jaynes - Direct

Q. And what was your purpose in driving past?

A. Going home.

Q. You were going home from?

A. Junction City.

Q. So you were driving south?

A. Yes, sir.

Q. And to see that area that you've just marked, are you able to see that when you're driving south?

A. Yes, sir.

Q. How is that?

A. There is a clearing that's like a ravine that goes down, and you can see the lake real clear going south.

Q. What kind of vehicle do you drive?

A. At that time I had a '92 Chevy, extended cab, full-size pickup.

Q. Is it a two-wheel-drive, or four-wheel-drive?

A. Two-wheel-drive.

Q. Is it similar in some way to a four-wheel-drive?

A. Yes, it was.

Q. How is that?

A. It had oversized tires.

Q. So it's jacked up a little bit?

A. Yes, sir.

Q. So not only are you in a pickup but in a pickup that's jacked up a little bit?

Robert Jaynes - Direct

A. About 2 1/2 inches.

Q. Can you see better down to the lake in your pickup than you could in a passenger vehicle?

A. Yes.

Q. Can you remember what the truck looked like?

A. It was just a yellow truck, 16 to 24 feet in length with black "Ryder" emblem on the sides.

Q. Was it a square truck, or did it have a cab-over? Do you know?

A. Just a square truck.

Q. Did it have a van front, or did it have a truck front?

A. Just a regular truck front end.

Q. If I put an exhibit up here, D1737, can you tell us which of these -- which of these four vehicles the one you saw looked most like. Just circle it.

Did you see any other vehicles around the truck as you drove past?

A. Not that I recall, no.

Q. Did you see any individuals around the truck as you drove past?

A. No, not that I recall.

Q. And which way was the truck facing?

A. It was facing south.

Q. Towards the lake?

A. Yes.

MR. NEUREITER: Pass the witness.

THE COURT: Do you want to identify which truck he circled?

MR. NEUREITER: I'm sorry. For the record, he has circled the truck that says "three bedrooms" right next to it.

THE COURT: All right.

Cross-examination.

CROSS-EXAMINATION

BY MR. MACKEY:

Q. Good afternoon, Mr. Jaynes. How are you?

A. Not too bad, sir.

Q. Do you remember getting a phone call from a defense investigator not too long ago?

A. Yes, I do, sir.

Q. Do you remember his name?

A. Not right offhand, no, sir.

Q. Was it H. C. Bodley?

A. Not that I recall, sir.

Q. Roland Leeds? Ed Killam?

A. I can't remember.

Q. Charlie Sullivan?

A. It was about a month ago, sir.

Q. None of those names ring a bell with you?

A. Not right offhand, no.

Q. You and I had a chance to meet the other night?

Robert Jaynes - Cross

A. Yes, we did.

Q. Did I show you a report that was prepared by a defense investigator based on that conversation with you?

A. Yes, sir.

Q. Is that the first time you had seen that report?

A. Yes, sir.

Q. Did I also show you the report that the FBI wrote up when you first talked to them back in May of 1995?

A. Yes, sir.

Q. Was that the first time that you received or seen that report?

A. Yes, sir.

Q. There were differences in those two reports?

A. Yes, sir.

Q. Okay. Your testimony today, Mr. Jaynes, corresponds more with which report, sir?

A. The one in May of '95.

Q. Recently when the defense investigators called you to ask you about your testimony, did they tell you they had an FBI report?

A. No, sir.

Q. Did they tell you that -- what the content of that report was?

A. No, sir.

MR. MACKEY: Nothing else.

MR. MACKEY: NOTHING else.

THE COURT: Any other questions?

MR. NEUREITER: No, your Honor.

Safe trip back to Kansas.

THE COURT: Excusing the witness?

You may step down. You're excused.

Next, please.

MR. WOODS: Your Honor, we'd like to change the order, if it doesn't create a problem, with Larry Chapman.

THE COURT: All right.

THE COURTROOM DEPUTY: Chapman? Okay.

Raise your right hand, please.

(Larry Chapman 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: Larry Clinton Chapman. It's C-H-A-P-M-A-N.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. THURSCHELL:

Q. Good afternoon, Mr. Chapman.

A. Good afternoon.

Q. Lean forward a little bit and just keep your voice up or speak into the microphone. Thanks.

Where do you live, Mr. Chapman?

Larry Chapman - Direct

A. I live in Kingman, Arizona.

Q. Okay. How long have you lived there?

A. Oh, about 10 years now.

Q. Where do you work?

A. I work for State Security Service.

Q. What is your position with State Security?

A. I am the chief of security and the operations manager.

Q. What kind of a business is State Security?

A. It's a security guard agency. We provide guards throughout the county of Mohave.

Q. And Mohave is a county in Arizona?

A. It's the county that encompasses Kingman.

Q. What kinds of clients do you have, briefly?

A. Schools, industrial plants, department stores, and various types of special events, fairs and that type of thing.

Q. What -- in your -- what are your duties as chief of security?

A. I oversee all of the personnel, hiring, firing, setting up training, that type of thing.

Q. So in effect, you're the chief operating officer for the company?

A. Yes, sir.

Q. All right. Mr. Chapman, do you know Timothy James McVeigh?

A. Yes, I do.

Q. And how do you know him?

Larry Chapman - Direct

A. I know Tim as a former employee of mine. He came to -- came to work for us in '93.

Q. Okay. Now, when was the first time you met Timothy McVeigh?

A. I would say it was approximately April of 1993.

Q. All right. And how -- how did you happen to meet him?

A. He was a walk-in applicant. He walked in and applied for the job -- for a job with us.

Q. All right. And did you interview him?

A. Yes, I did.

Q. Okay. What did he tell you?

A. He told me that he had just recently moved to Kingman; that he was fairly fresh out of the military and that he was looking for some part-time employment with us.

Q. Did he tell you why he was only looking for part-time employment?

A. Yes, he did.

MS. WILKINSON: Objection, your Honor. I believe this is 1993. I'm just wondering about the relevance. This is before the time of the conspiracy.

MR. THURSCHWELL: Your Honor, this -- well, two things, your Honor: (1) I want to develop the connection -- it demonstrates a connection -- potential connection to others in the case, and it lays the background for the evidence that is directly linked to the evidence that the Government has entered

Larry Chapman - Direct
against Mr. Nichols.

THE COURT: All right. We'll see where it goes.
Overruled.

BY MR. THURSCHWELL:

Q. Sorry. I think the question was did he say why he was only looking for part-time employment?

A. Yes, he did. He said that he was involved in military surplus shows and that type of thing and that that was where he had pulled -- drawn the base of his income and that he was seeking a part-time position to supplement that income.

Q. And he told you that he had just moved to Kingman. Is that your testimony?

A. Yes.

Q. Now, did you decide to hire him?

A. Yes, I did.

Q. Why?

A. Well, because he was very polite, well-groomed. He presented himself well. He -- because of -- he had a good military background at that time, and he seemed very appealing to us as a prospective employee.

Q. All right. And now, was he a good employee?

A. He was.

Q. All right. He performed all his duties as required?

A. Yes, he did.

Q. All right. And so your good impression of him continued

Larry Chapman - Direct
through his employment?

A. Yes, it did.

Q. Did you know Timothy McVeigh in any connection other than as his boss?

A. No, I did not.

Q. Did you ever socialize with him?

A. No, I did not.

Q. Did you ever have any political discussions with him?

A. No, I did not.

Q. Any kind of social discussions with him?

A. No, I didn't.

Q. How often did you see Timothy McVeigh during the time period that he worked for you?

A. I probably saw him probably a total of five times.

MS. WILKINSON: Your Honor, could we get a time period for when he did work for him?

MR. THURSCHELL: Yes. You're right, and I will ask.

BY MR. THURSCHELL:

Q. About how long did he work for State Security after joining in April of '93?

A. Well, to the best of my memory, it was between three and four months. From approximately April of 1993, I believe, until June or July.

Q. Okay. Now, did there come a time when Mr. McVeigh gave you some literature?

Larry Chapman - Direct

A. Yes.

Q. All right. Can you tell me how that came about?

A. I called Tim to find out if he was available to fill a post -- shift at a post for me, and at that time he had what appeared to me to be a really strange message on his answering machine.

Q. Let me stop you there. About what time was this? What month?

A. I would say it was probably in the final month before he -- he left our employment.

Q. Okay. So that would be June or July, 1993?

A. Yes, sir.

Q. July or August? Okay. Now, he -- let me continue. You called him to tell him about a job, and you received what you called a strange answer on his answering machine?

A. Yes.

Q. What was that strange answer?

A. It had something to do with --

MS. WILKINSON: Objection, your Honor, to the content.

THE COURT: Sustained.

MR. THURSCHELL: Not offered for the truth, your Honor.

THE COURT: Well, what is it offered for?

MR. THURSCHELL: It's offered, your Honor -- the Government has tried to --

Larry Chapman - Direct

THE COURT: Just answer my question. What's it offered for?

MR. THURSCHELL: It's to negate the Government's evidence of motive.

THE COURT: The objection is sustained.

BY MR. THURSCHELL:

Q. Did he -- okay. As a result of that phone call, did you have a conversation with him?

A. Yes, I did.

Q. All right. And in that conversation, did he offer to give you some literature?

A. Yes, he did.

THE COURT: Well, we're at 5:00.

We'll have to have you back in the morning.

THE WITNESS: Yes, sir.

THE COURT: Step down, please.

Members of the jury, we'll, true to our work hours -- it's 5:00. The bell rings and you can go home, but not before

I again caution you about what your duties are, which, of course, you know; but I trust you. And you know if we didn't trust you what I'd be doing. So it's a lot easier for me to say again and for you to hear again what your responsibilities are, to keep open minds and avoid discussion and avoid things outside the evidence, than it would be in the alternative; so please continue to be very careful so that you can decide when the time comes based on the evidence and the law given to you in the trial.

You're excused now. And tomorrow is Friday already; so it's again a short day. We'll follow the Friday schedule, 1:00 recess.

You're excused till 8:45 tomorrow morning.

(Jury out at 5:01 p.m.)

THE COURT: All right. We're in recess.

(Recess at 5:02 p.m.)

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Direct Examination by Mr. Thurschwell

DEFENDANT'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
D1465	12595	12595			
D1466					
D1763	12551				
D1763	12555	12557			
D1764	12560	12562			
D1765	12654				
D1766	12670	12670			
D1767	12678	12678			
D1770	12568	12568			
D1775	12628	12628			
D1779	12626	12626			
D1780	12627	12627			
D1782	12629				
D1783	12628	12628			

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 4th day of December, 1997.

Paul Zuckerman

Kara Spitler

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