

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TERRY LYNN NICHOLS,
Defendant.

REPORTER'S TRANSCRIPT

(Trial to Jury: Volume 145)

PROCEEDINGS BEFORE THE HONORABLE RICHARD P. MATSCH,

Judge, United States District Court for the District of Colorado, commencing at 1:45 p.m., on the 29th day of December, 1997, in Courtroom C-204, United States Courthouse, Denver, Colorado.

Proceeding Recorded by Mechanical Stenography, Transcription
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APPEARANCES

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PROCEEDINGS

(Reconvened at 1:45 p.m.)

THE COURT: Be seated, please.

A note of caution about the witnesses. There has been no objection from the defense here to having persons who have been in attendance at the trial be witnesses in this stage of the proceeding. And that, of course, is something that has been clear and we've proceeded accordingly. This matter of what is appropriate victim impact testimony is, of course, an area of the law that is still evolving, but it is clear enough that it is -- it is -- it does not include the effects of

attendance at the trial as spectators at the trial. And of course, it does not include any opinions that a witness may have or a victim may have with respect to the trial proceedings or the jury verdict. Not express and not implied. And questions of the type that were asked of Mr. Sells here concerning why he attended the trial every day seems to me by implication to suggest that. So I'm going to restrict counsel and avoid such questions for those who have been in attendance at the trial.

We'll proceed with the next -- we'll bring in the jury.

(Jury in at 1:47 p.m.)

THE COURT: All right. Next witness, please.

MR. MACKEY: Thank you, Judge. We'll call Constance Favorite.

THE COURT: Thank you.

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

(Constance Favourite 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: Constance Bernadette Favourite,
F-A-V-O-U-R-I-T-E.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

MS. WILKINSON: Thank you, your Honor.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Mrs. Favourite.

A. Hi.

Q. Why don't you tell the jury where you live.

A. I live in New Orleans, Louisiana.

Q. Were you born there?

A. Yes.

Q. You lived there all your life?

A. Yes.

Q. And do you mind telling the jury how old you are?

A. 43.

Q. Do you have children?

A. Yes.

Q. How many children do you have?

A. Well, I had two.

Q. And can you tell us about your oldest daughter? What was her name?

A. Lakesha.

Q. And was she killed in the bombing on April 19th, 1995?

A. Yes.

Q. How old was she when she died?

Constance Favourite - Direct

A. 21.

Q. And what about your other daughter?

A. She's 14 now.

Q. How old were you when you had Lakesha?

A. 17.

Q. And did you have a rough start of it when you had Lakesha?

A. Yes. I was in high school.

Q. Tell the jury what you did after Lakesha was born.

A. Lakesha was born in '73, and I was still in high school.

And I stopped for a year, took care of her, and then I completed my education, 12th grade -- the 12th grade.

Q. And did there come a time when you started working to support her?

A. Yes.

Q. And did you put her through school?

A. Yes.

Q. What type of school?

A. She went to Seaton Academy.

Q. Was that a Catholic school?

A. It's a Catholic school.

Q. Why did you choose that for her?

A. Well, in the first grade, she was in public school, and her teacher had a conference with me and told me that Lakesha would do better in a Catholic school because she was too bright to be there. She needed discipline. So I removed her and put her

Constance Favourite - Direct
into Catholic school.

Q. Did you have much money at the time?

A. No. I was a single parent.

Q. And where were you living when you were raising Lakesha?

A. We were in New Orleans.

Q. And were you living in the projects?

A. Yes.

Q. And did you talk to Lakesha about that as she was growing up and what you wanted for her life?

A. Often.

Q. What did you tell her?

A. I just -- I told her to do better and not let history repeat itself.

Q. And what kind of high school student was Lakesha?

A. She could have been A, but she did B plus.

Q. And did she do other deeds while she was in high school other than her schoolwork?

A. Yes. Desert Storm -- Desert Storm happened. I was very emotional about it all and hadn't discussed it with her. I just went to my job and had a discussion with a personnel manager; and then that evening, Lakesha came home and she had the same discussion I had -- that I had had at work about Desert Storm.

She said, "Mom, you need to give me some money to start a care package for the soldiers."

Constance Favourite - Direct

And I was like that's the same thing I was telling my job. And so I told her, I said, "Okay, I'll give you some money and I'll buy some things, too."

And she brought it all to school and had her classmates get together, and she started the care package.

Q. Mrs. Favourite, I know it's difficult, but could you lean just a little bit forward into the microphone so the jury can hear.

A. Sure.

Q. It was her idea to start the care packages?

A. Yes. She was in 12th grade and she did that.

Q. Did you give her some money to do that?

A. Yeah.

Q. Did she send the packages over to Saudi Arabia?

A. Yeah.

Q. Now, did she graduate from Catholic school?

A. Yes. She completed the 12th grade.

Q. And after that, what happened to her?

A. She did two semesters of college; and after she couldn't get her grant to -- well, yeah, she did two semesters. And she couldn't get the grant, and then she decided she would join the service.

Q. Now, at some point before she joined the service, did she have a baby?

A. Yeah. She had a baby right out of high school.

Constance Favourite - Direct

Q. That's your grandson?

A. Yes.

Q. What's his name?

A. Corey.

Q. How old is Corey today?

A. He's five.

Q. And how did you feel when Lakesha came home and told you that she was pregnant?

A. Very upset.

Q. Why were you upset?

A. Because I just -- I had always asked her, you know, not to do -- make the mistake that I've made and I just wanted better for her, so . . .

Q. And for a certain time, did she rebel?

A. She did.

Q. What did she do?

A. Well, she and Corey, her husband, got married. She went to Virginia. He was there for work, and she went there and had taken some -- my rope and went out there and got married and came home and said, "I'm married." I said, "Fine." And then after she did that, she wanted to live with me at home, and I told her I couldn't afford that, for she and her family to stay there, so she went and applied for homeless -- the housing authorities, which is a -- a public assistance project. And she did that.

Constance Favourite - Direct

Q. Did she live in the projects for a while with her husband and Corey?

A. For about eight months before she decided she would join the service.

Q. And at that point, she made a change?

A. Oh, yeah.

Q. How did she change?

A. She told me, she said, "Mom, I'm not going to stay here. I want more than this for myself and my family."

And she spoke to a couple of my relatives that were a part of the military and made a decision about what branch she wanted to join. And so she came back and she said, "I decided I'm going to the Air Force," so . . .

Q. Can you try and keep your voice up --

A. Sure.

Q. -- just a little bit. I'm having a little trouble hearing you.

Do you recall how old Lakesha was when she joined the Air Force?

A. Lakesha was 19.

Q. And at a certain point, was she stationed in Oklahoma City?

A. Yeah.

Q. And do you recall what her job was there in Oklahoma City for the Air Force?

A. Medical lab technician. She was in the lab.

Constance Favourite - Direct

Q. Now, when she joined the Air Force, did you have any discussions with her about her safety or security?

A. Well, when she decided to join the Air Force, I was like -- that's not a good thing, you know. And she just reassured me that she was going to be okay. She wasn't going to be at war, wouldn't be on the front line. And then I agreed, okay, that'll work, you know.

Q. Where did she work in Oklahoma City?

A. Tinker Air Force Base.

Q. What were her duties and responsibilities there?

A. She was a lab technician.

Q. Did she enjoy that?

A. Very much.

Q. Did you keep in touch with her when she was in Oklahoma City and you were in New Orleans?

A. Practically every day, she called me at my job, several times a day.

Q. Where do you work?

A. NAPA Auto Parts, and I'm a receptionist. NAPA Auto Parts.

Q. And did you speak to her prior to April 19, 1995?

A. The Monday -- I spoke to her that Sunday, Easter, and she called me that Monday, and she talked for about two hours. And I asked her, I said, "Lakesha, where are you?"

She said, "I'm at work."

I said, "You'll get in trouble being on the phone that

Constance Favourite - Direct
long."

And she said, "No, Mom. I just needed to talk to you."

Q. What did you talk about with her?

A. She was having some personal problems that she just wanted to discuss with me. Really financial, you know. She was trying to work some things out, so she and I talked about that, and talked about her husband and her baby. We'd always have to talk about that.

Q. What kind of mother was Lakesha?

A. She was an excellent mother to be a young girl at a young age. She took a lot of time off, very family-orientated. And that's all we all are, family-orientated. So she took a lot of time off with her husband and her baby.

Q. What kind of wife was she to Corey?

A. She loved Corey. I was wondering if she loved Corey more than she loved me. She was a real good wife.

Q. And before April 19, 1995, had you ever been to visit her apartment in Oklahoma City?

A. No.

Q. And did you have any idea on April 19, 1995, where the federal building was?

A. No.

Q. Did you have any reason to believe that Lakesha would have left Tinker Air Force Base to go to the federal building that

Constance Favourite - Direct
day?

A. Well, when I heard about the bombing, I -- I was at work on my break. And there was a -- on television, and my girlfriend and I was sitting watching it all. You know, I kept saying Oklahoma City. I was supposed to have a week's vacation with Lakesha the week after Easter. And so when I heard about it, I was like I need to call her and find out if that's near her. You know, I didn't know exactly where she was. And I did. I called.

Q. Did you get any answer?

A. Well, I called her job. And a young lady answered the phone and I asked to speak with her, and she said -- she paused and she said, "Lakesha is not here, and may I ask who's speaking?"

I said, "This is her mom."

She said, "Okay."

I said, "Just tell her I called." And I just figured she was -- had to go out to the -- you know, help out.

Q. Did you decide that evening when you didn't hear from Lakesha that you would travel to Oklahoma City?

A. Well that evening Corey called me because he and I kept

A. Well, that evening, Corey called me because he and I kept in touch with each other during the day. He called me about two minutes after 5 and told me that her boss had called and said that she had went to the building.

Q. Did Corey tell you why Lakesha went to the Alfred P. Murrah

Constance Favourite - Direct

Building that day?

A. At the time, he didn't know.

Q. Did you later learn why?

A. Yes. To obtain a Social Security card.

Q. And did you learn anything else about Lakesha at about 5:00 that evening?

A. No. Just basically what Corey told me that her boss had called and said that she -- she had left to go to the building and she hadn't returned.

Q. What about Corey, Jr.?

A. What happened, Corey her husband, called me at work and said that Kesha didn't pick the baby up from the nursery. The nursery had called him. And he had been home with the flu, and the nursery called and said she hadn't come and picked the baby up. So I just asked how would he get the baby, and he said one of Lakesha's friends had agreed to pick the baby up from school, so . . .

Q. And did you travel to Oklahoma City that next day?

A. The next -- yeah. The next day, I -- that day, I made arrangements to come out here to Oklahoma for 9:00 that morning. But instead, I got a -- I got a 6:00 flight to Oklahoma City.

Q. And when you got there on April 20th, did you find out anything about Lakesha that day?

A. No. Major Hayes, her boss, he had said that he went to the

Constance Favourite - Direct

hospital to -- there was a young lady there and he had went over to see if that was Lakesha, and he said he didn't believe it was. This young lady had red nail polish on. And he asked me did I know if she polished her nails, and I told him I didn't know if she did. She do polish her nails, but I didn't know if she did. He asked Corey. Corey said he was ill so he didn't know what she was doing at the time he was ill. I insisted we go to the hospital to see if that was Lakesha.

Q. And were you told before you went to see this young woman that she had been badly injured in the bombing?

A. Yeah. He said she's -- she was wrapped up from head to feet, just her hands and her toes was out. And I asked him that --

Q. Can you keep your voice up?

A. I said could we go to the hospital and let me make sure, you know. I would know her. And he said, yeah, so we did. We went to the hospital. And as I entered ICU, the doorway of the hospital, I seen a young lady's feet; and I told him, I said, No, that's not Lakesha. And he said, You haven't seen her.

You know, you don't know yet. I said, Yeah, I know her feet. You know, that's not her feet.

Q. So you were sure that wasn't your daughter?

A. I was sure.

Q. What did you do after that?

A. After -- well, we went into the room anyways. And when we

Constance Favourite - Direct

came out of the room, I -- I believe there was a missionary there. And I asked her could we pray for that person that was laying there that she would be okay.

Q. Did you go back home to be with your son-in-law and your grandson?

A. Yeah.

Q. And did there come a time when you found out that Lakesha had been identified and had died in the blast?

A. Yeah. Nine days. Nine days later.

Q. How many -- I want you to take a look at Government Exhibit 1208E.

MS. WILKINSON: Which we offer into evidence, your Honor.

MR. TIGAR: No objection.

THE COURT: Received, and may be published.

BY MS. WILKINSON:

Q. Tell us who this is, Mrs. Favourite.

A. That's Lakesha.

Q. She was 21 at the time that she died?

A. Yeah. She was 21 when she took this picture. That was her lab picture.

Q. Can you tell the jury what impact her death has had upon you and your family.

A. Well, it's brought a change in that her baby is without a mommy. Her husband is without a wife. I'm without a daughter

Constance Favourite - Direct

and a friend. Confidant. You know, she was my strength and my courage and my conscience, and she just was my baby.

Q. Now, at some point after she died, were you contacted by the FBI, saying that they had reason to believe there was need to exhume her body?

A. Yeah.

Q. Had you buried Lakesha down in New Orleans?

A. Yeah. That's where she is, in New Orleans. And we had gotten word that they had found her leg after -- after they brought the building down.

Q. Now, Mrs. Favourite, after Lakesha died and before her first burial, did you see her body?

A. No.

Q. Were you told that one of her legs had been blown off?

A. Yes.

Q. And was that one of the reasons why you did not view her body?

A. No. They just told me that she had been down there too long, and it wasn't a good idea for me to see her. But they did tell us that her leg was blown off, but they had found her leg and, you know, all her pieces were there.

Q. And when the FBI contacted you and told you that they had identified a different leg that belonged to Lakesha, did you allow them to exhume her body again?

A. Yes.

Constance Favourite - Direct

Q. And what was the impact for you of having to bury your daughter a second time?

MR. TIGAR: Objection, your Honor.

THE COURT: Overruled.

THE WITNESS: It was hard, because it felt like we

had

done it twice. And I told my family, the only difference was is that we had about 400 people the first time we did it and it was just we, the family, after the second time.

MS. WILKINSON: Thank you, very much, Mrs. Favourite.

We have no further questions, your Honor.

THE COURT: Are there any questions?

MR. TIGAR: No, your Honor.

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

Next, please.

MR. MACKEY: Your Honor, we'll call Diane Leonard.

THE COURT: Thank you.

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

(Sonya Leonard 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: Sonya Diane Leonard, L-E-O-N-A-R-D.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon, Mrs. Leonard.

A. Good afternoon.

Q. Are you married?

A. In my heart, I am.

Q. Did your husband, Don Leonard, die on April 19th in the Murrah Building?

A. Yes, he did.

Q. Where were you born and raised?

A. Tulsa, Oklahoma, which is about 100 miles from Oklahoma City.

Q. How about Don? Where was he born and raised?

A. Oklahoma City.

Q. When were you married?

A. We were married in 1974.

Q. Been married how long at the time of Don's death?

A. 20 plus years

A. 20-plus years.

Q. Now, Don had three children; is that correct?

A. That's correct.

Q. What are their names and ages?

A. Brad is the oldest, and he is 28. Jason is the middle one. He's 26. And Tim is the baby. He's 25.

Q. Are these your children, as well?

Sonya Leonard - Direct

A. They are my stepchildren. They allow me to -- to call them my children, but they are actually my stepchildren.

Q. Do they call you "mom"?

A. Yes, they do.

MR. TIGAR: Your Honor, may we have a continuing objection with respect to the Count 4 through 11 issue?

THE COURT: Yes.

You may continue.

MR. TIGAR: Thank you, your Honor.

BY MR. RYAN:

Q. What role did you play in the raising of these three boys?

A. Well, we had them in the summers and for holidays, and I've made clothes for them and we've -- we've done lots of things together.

Q. How old was Don when he died?

A. 50.

Q. Let me show you what's been identified and marked as Exhibit 1452.

MR. RYAN: We would offer that in evidence, your Honor.

MR. TIGAR: Subject to our continuing objection.

THE COURT: All right. 1452 is received. May be displayed.

BY MR. RYAN:

Q. Ms. Leonard, would you take us through this photograph.

Sonya Leonard - Direct

A. Yes. I will be glad to. That's Don on the left. And the baby, Tim, is next to him. And the middle one, Jason, who just got married last summer, is next to Tim. And then on the far right is Brad, the oldest. And I'm down front.

Q. Thank you. Tell us about Don Leonard as a man, as an individual.

A. Don was a man who loved life. He was a warm, sensitive person. He loved children. When we were in restaurants, he would smile and grin and talk to children until he'd get them to smile back.

He loved nature. We would go for drives sometimes at night, and he would pull over and make me get out of the car and look at the sky.

He loved his dog. One night, when I was waiting for his body to be found, they brought me some things from the building, and one of the things they brought was a picture of his dog. He had that with him at the time.

Q. How about his relationship with his sons?

A. He worked very hard at that. He had to be gone a lot. He was, of course, not with them all the time since -- since he had -- he and his -- their mother were no longer married, but he worked very hard at his relationship with his boys. And the youngest was living with us at the time of the bombing and had been with us the last five years.

Q. This would be Tim?

Sonya Leonard - Direct

A. Yes. And the middle one was living with us at the time. He was attending school in Houston, Sam Houston College, but he was home for the Easter holiday in April of '95.

Q. How about Brad? Where did he live?

A. He was living in Oklahoma City.

Q. Let's talk about Don's career for a moment. Tell us where he worked.

A. He worked for the Secret Service.

Q. And how long had he worked at Secret Service?

A. 24 years, 24 and a half.

Q. Before we talk more about his career, tell us more about Don's growing up. Where did he go to high school?

A. He went to high school in Oklahoma City; and after high school, he joined the military. He was in the Army and was in Vietnam. He was in military police, and he escorted nuclear weapons. And after the Army, he came back to Oklahoma City and went to college.

Q. Did he work his way through college?

A. He did. He was a police officer with the Oklahoma City Police Department. He worked nights with the PD while he was going to school during the day.

Q. Did he obtain his degree?

A. Yes.

Q. What was his degree in?

A. Industrial arts.

Sonya Leonard - Direct

Q. Now, let's -- again, let's talk about his career with Secret Service. You say he was there for 24 years.

A. Yes.

Q. What comes to your mind when you think about the service of Don Leonard to his country through Secret Service?

A. Don was a man that was very proud to be an American. He traveled all over the world in the work that he did. There are very few countries that he didn't visit. And it always -- he always came home saying how fortunate we were to live in this country because he saw so many problems in other countries that we don't deal with here.

Q. Did he have occasion to ever work on a presidential detail?

A. He -- we were assigned to Washington, D.C., for three years when we were first married, and he was assigned to the vice presidential detail at that time. However, he has protected

President Nixon, President Ford, President Clinton, President Bush, and President Carter.

Q. When he was on assignment sometimes overseas, did you worry about him?

A. I did. When he was with certain protectees, I would be very concerned about him. One in particular, he was with Aristide, and I worried a lot when he was with Aristide because there were threats on his life at that time. But people like the Kennedys or when he was with someone like that, I was very concerned, yes.

Sonya Leonard - Direct

Q. Was there a time during Don's career with Secret Service that you did not worry about him?

A. I felt very safe when he was in his office.

Q. At the Murrah Building?

A. Right.

Q. Did Don have a nickname?

A. His nickname was OC.

Q. What did that stand for, OC?

A. Oklahoma crude. He got that name when he was on a vice presidential detail. He always talked about Oklahoma and how proud he was to be an Oklahoman, and the guys gave him that name because he -- he just always was letting them know what a great place that was to live.

Q. Did Don participate in community organizations in Oklahoma City?

A. He did. He supported the Cowboy Hall of Fame, the Lazy E Ranch. He supported also St. Jude's. I mentioned earlier, I think, that he loved children, and that was another thing that he was very committed to supporting.

Q. Let's talk about April 19th. Did Jason have plans to be with Don on April 19th that had to be canceled?

A. Yes. He did. He -- he had asked his father if he would play golf that morning, and Don said he -- he couldn't because he was supposed to be in Tulsa the next day with Mrs. Bush, so he made the decision not -- not to take leave and play golf

Sonya Leonard - Direct

while Jason was home that day.

Q. Where were you on April 19th?

A. I was in Tulsa, Oklahoma. I was a sales rep, so I was working there and had been for a couple of days.

Q. When had you lost -- excuse me. When had you last spoken to Don Leonard, your husband?

A. At 10:00 the night before, on the 18th. He and I had a habit of contacting each other at 10:00 at night. We both traveled in our work, so whoever was gone would call home at 10, of course unless he was out of the country. Then that had to be changed a little bit. But if we were in the country, we'd call home at 10.

Q. And is that what you did the night of April 18?

A. That's what I did.

Q. And was that the last time you spoke to Don Leonard?

A. Yes.

Q. Just catch your breath. How did you find out about what occurred in Oklahoma City?

A. A customer told me. I had gone into her store and she asked if I'd heard about the explosion. And I -- I hadn't. I hadn't had my radio on in the car that morning. And I asked her where it was. She told me downtown Oklahoma City. And I asked her what building, and she told me and asked if I knew anyone who worked there. And I told her that my husband did, but I felt sure this was a small gas explosion and that

Sonya Leonard - Direct

everything would be all right. So I said, Let's just go ahead and finish what I came to do and then I'll go home. But she had seen the pictures on TV and was very insistent that I call home. So I did call the office. The phone rang, but there was no answer. And we had 24-hour coverage on the phones in that office, so I knew that something was terribly wrong. So I called the Secret Service office in Tulsa, and they told me that six of our people were missing. So then, I called home, and all three boys were there. And they told me Don was missing.

Q. What did you do?

A. I got in my car and I drove to Oklahoma City. I remember trying to get information about what had happened there. And I heard about bomb threats all over the country. I kept changing the station on the radio, and -- and just couldn't get the information I needed. I finally did hit a station that was talking about Oklahoma City. And they were talking about bringing in 200 body bags. So it's then that I began to understand this was not a small gas explosion.

Q. What did you do after you arrived in Oklahoma City?

A. I went into the house, and I saw the picture of the building on the TV screen. Don's sister was there, so I got her to go with me. I wanted to go downtown. The first place we stopped was the church where they were having family members come for information. They had a table inside the door and

Sonya Leonard - Direct

they asked you questions. I answered those. And they told me to wait. There would be someone who would interview me. I was looking around. There were lots of families in that room and lots of people interviewing family members. And I went to one and asked him who he was. And he told me that he was a funeral director. I left. I didn't want, nor did I need a funeral director.

Q. Where did you go?

A. I went downtown to St. Anthony's Hospital where they also were wanting -- they were -- giving lists of people who had been found that day. The -- the room we were in there was very chaotic. It -- there were people in all kinds of conditions in

chaotic. There were people in all kinds of conditions in that room. And I remember there were sheets of paper all across one wall. They were about 3 feet by 3 feet, and each sheet had two columns of names.

And I told Don's sister, "You start at that end, I'll start at this end, and we'll see if we can find him." We did that. We met in the middle of these sheets of paper that went clear around each end of the wall.

And we didn't find him, of course, so I said, "Well, let's double-check each other," and we did that. And still, Don's name wasn't there, nor was any name from our office. There were John Does and Jane Does on those lists, however. So I went to a table and asked them if they had descriptions of the John Does. And they didn't at that time, but they did get

Sonya Leonard - Direct

descriptions, and of course, none of them was my husband.

Q. How many days was it before you learned that Don Leonard had been identified by the State Medical Examiner's Office?

A. It was Friday evening.

Q. Two days later?

A. Right.

Q. In that two days, did you ever give up hope?

A. I never did. I -- I was told when I was at that hospital that there wouldn't be much hope of very many coming out of that building, but I -- I believe in miracles, and I didn't give up hope for a miracle until we were informed.

Q. Did you for personal reasons insist upon seeing Don's body?

A. Yes. I -- I did. My mother had --

MR. TIGAR: Objection, your Honor.

THE COURT: Sustained.

THE WITNESS: I did.

BY MR. RYAN:

Q. When did you do that, Mrs. Leonard?

A. I learned that when you love someone, you love them from the inside out.

Q. Did you see Don that Friday?

A. Saturday.

Q. Saturday. Can a Secret Service agent with 20 years of time in service retire?

A. Yes. They have a 20-year hazardous-duty retirement. And

Sonya Leonard - Direct

Don could have, of course, retired at 20. However, he wanted to provide well for his family.

Q. Did you talk about retirement and what would you do?

A. Oh, yes. We had big plans.

Q. What plans did you have for your retirement?

A. Don wanted to do some research into his family background. He had a German heritage and Native American heritage. And he wanted to go to Germany and -- and spend some time there and learn about his family background, and mine. I have German heritage, also.

Q. Now, some events have occurred with respect to your -- to Don's children in the past two years, have they not?

A. Yes.

Q. Jason, what are the major events in his life in the past two years?

A. Jason got married last summer. He came to me right after we found out about his father, about 3 in the morning, and said that he wanted his dad back, he wanted him to see him graduate from college and to see his first baby, to see him get married. But of course, that -- that wasn't to be. We had a wedding without Don, and there was a dove released in memory of Don.

Q. Tell us, if you would, in your own words, Mrs. Leonard, what the impact of Don's death has been upon you and Don's children.

A. I -- I thought that I would never have to get through

Sonya Leonard - Direct

anything more difficult when my mother committed suicide.

MR. TIGAR: Objection, your Honor.

THE COURT: Overruled.

You may go on.

THE WITNESS: Thank you.

I was terribly wrong. That did not even compare to this. I feel like my heart is like that building. It just has a huge hole that can't be mended. The youngest, Tim, since October, has made three suicide attempts. Our lives have totally, totally changed. There's nothing the same. And -- and this Christmas, the oldest announced that he's going to get married. So we'll have another wedding and another new daughter-in-law that Don will never meet.

MR. RYAN: Thank you, Mrs. Leonard.

THE COURT: Do you have any questions?

MR. TIGAR: No, your Honor.

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

Next, please.

MR. MACKEY: Thank you, your Honor. Call Mr. Rudy Guzman.

THE COURT: Okay.

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

(Rudolph Guzman 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: Okay. Rudolph Arthur Guzman, Jr.,
G-U-Z-M-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Mr. Guzman.

A. Good afternoon.

Q. Tell the jury where you live.

A. I live in San Leandro, California, which is a suburb outside of San Francisco, about 25 miles away.

Q. Where do your parents live?

A. My mom lives in the same town as me with my stepfather, and my father lives in the Philippines with my stepmom.

Q. Were you living in that area back in April of 1995?

A. Yes, I was.

Q. And was your mother and your stepfather living there, also, at that time?

A. Yes.

Q. Can you tell the jury a little bit about your family.

A. My family, I'm -- my mom was born in the Philippines. My father was born in Hawaii. They met in (sic) the East Coast.

Rudolph Guzman - Direct

My -- my father was in the Navy, and my mom was working as a nurse.

Q. And how many children were in your family, Mr. Guzman?

A. Two.

Q. And you were born when?

A. I was born in (sic) October 18, 1967.

Q. What about your brother?

A. Randy was born at (sic) May 5, 1966.

Q. So what's the age difference between the two of you?

A. We were about a year and a half apart.

Q. And was your brother killed in the bombing of the Murrah Building on April 19th?

A. Yes, he was.

Q. Can you tell us a little bit about how you and your brother grew up.

A. Well, me and Randy, since our age difference is a year and a half apart, we graduated a year apart from high school. We had the same friends. We did everything. When we were little -- we were both altar boys at our local Catholic church. We were a team. We just kind of helped each other out.

Q. And how did you feel as the younger brother toward your older brother, Randy?

A. I felt proud. I -- I always looked up to Randy. He guided me. He kind of just took care of me.

Q. Let me show you Government's Exhibit 2206.

Rudolph Guzman - Direct

MS. WILKINSON: Which we offer into evidence, your Honor.

MR. TIGAR: No objection.

THE COURT: Received, 2206. May be shown.

BY MS. WILKINSON:

Q. Can you tell the jury, Mr. Guzman, who's depicted in this photograph, Government's Exhibit 2206.

A. Okay. In the first row on the left is my grandma, on my mom's side. And the person on the right is my mom, Linda. And in the back row starting from the left is me. And in the middle is my father, Rudy. And then the right side is my big

middle is my father, Rudy. And then the right side is my big brother, Randy.

Q. Your brother graduated from high school before you did, I take it?

A. Yes, he did.

Q. And what type of student was he in high school?

A. He was a kind of a -- a lot -- you know, trying to -- really school-spirited. He -- we were both involved in student government. He ran track, cross-country. He was a big long-distance runner.

Q. And at some point, did he discuss with you his interest in joining the military?

A. Yes. Since I -- Randy and I were pretty much military brats, Randy had that interest of being in the military, and he decided to pick the Marines.

Rudolph Guzman - Direct

Q. Did he tell you why he picked the Marines?

A. Because he -- he said that he was proud and wanted to serve his country and he looked at the Marines as -- as that -- that -- I guess that steppingstone to serve his country as best as he can.

Q. Do you recall when he joined the Marines?

A. He joined right after high school, back in 1984. He joined the reserves right after high school, and he worked -- I guess he was in the reserves before he got accepted as an officer.

Q. Did he also attend college?

A. Yes, he did. He attended Cal. State Hayward, which is a Cal. State college outside of -- outside our hometown.

Q. What year did he graduate?

A. He graduated in 1988, in June, with his commission. Got his second lieutenant.

Q. And did he attend OCS?

A. Yes, he did. He -- as soon as he got his commission, he was transferred to Quantico, Virginia, to take some OCS training.

Q. Did you speak to him when he was in OCS?

A. Yes, I did.

Q. How did he enjoy his Marine training?

A. He said it was tough, but he loved it. He loved every

minute of it.

Q. Did there come a time when he was assigned to go to serve

Rudolph Guzman - Direct

in Desert Storm?

A. Yes. He was -- he got into a light infantry unit out -- stationed out of Kaneohe Bay, Hawaii, and he was out in -- at Okinawa at the time when he got the call.

Q. Do you recall having a conversation with him about his service in Desert Storm?

A. Yes. Prior before he left, he kind of called me up and said, "Rudy, I'm leaving. I'm going to go to Saudi Arabia. If

anything happens to me, please take care of everything. Just take care of everything."

Q. Did he explain what he meant?

A. Just in case if he gets killed during service, during Desert Storm, he wanted me to take care of everything from arrangements of the funeral to where he's buried at. And I just kind of laughed in his face and kind of said, "Yeah, Randy, you're coming back."

Q. He did come back from Desert Storm, didn't he?

A. Yes -- yes, he did. With a few flea bites, but he was fine.

Q. Where was he assigned after that?

A. After a little bit in -- in Hawaii, he was stationed to -- to the Oklahoma City recruiting station at the Alfred P. Murrah Building.

Q. Were you ever -- excuse me -- able to visit him before he died in Oklahoma City?

Rudolph Guzman - Direct

A. Not in Oklahoma City. I saw him prior before his death.

Q. When was that?

A. That was about a month before in March. Me and Randy -- well, actually, an uncle of mine passed away, which he lived in Las Vegas; and so Randy and I decided -- I came from California and he came from Oklahoma City to meet up and attend the funeral and hang out with our family there.

Q. Was that the last time you saw him before he died?

A. Yes, it was.

Q. Do you know what assignment he had at the Marine recruiting station in Oklahoma City?

A. First, he started off as the operations officer. Then he moved up to becoming the executive officer out of the station.

Q. How would you describe what kind of soldier your brother, Randy, was?

A. Randy was -- Randy was very -- he loved his country. He wanted to serve his country as best as he can. He was proud to be a Marine. And I'm really proud of him.

Q. Now, did there come a point on April 19th when you learned that the bombing had occurred at the Alfred P. Murrah Building?

A. Yes. I remember that morning, I was -- I was at home in California, and I happened to be up at 6:45 Pacific Time, which is 8:45 Central Time, and just kind of watching TV. Just being -- watching the local news. And then at around -- a little bit after 7 -- 7 a.m., there was a flash on the TV,

Rudolph Guzman - Direct

saying there was some kind of explosion in Oklahoma City.

Q. Did you know that your brother's office was in the Alfred P. Murrah Building at that time?

A. Not at that moment. I found out when -- was watching more of the news, flipping around every station I could find. And one of the networks flashed an address of -- of the office, so

I decided I -- I took out my wallet and I pulled out Randy's business card and the address matched. It said 200 N.W. 5th Street, and that kind of -- that hit me.

Q. At the time of his death, was your brother engaged to be married?

A. Yes, he was.

Q. Did you speak to his fiancée?

A. Yes. That day, called her every 15 minutes, "Did Randy call? Have you heard from Randy?" And we assumed that he was helping out folks. He's the type of person that would risk his life to help any other people out if they are hurt, so just -- just kept on calling and calling, but there was no word.

Q. So you assumed he was helping others?

A. Yes.

Q. Did you travel to Oklahoma City?

A. Yes, after a few hours of waiting and hearing no word of Randy, I decided to fly out that day.

Q. And on Monday, April 21st -- April 24th -- excuse me -- did you learn what had happened to your brother, Randy?

Rudolph Guzman - Direct

A. Yes, I did.

Q. How did that occur?

A. In the morning, I believe it was about 8 a.m., we were just sitting -- sitting around about to have breakfast and you hear a (indicating) at the door, a loud rap. And I answered the door, and I saw a Marine dressed in a Marine uniform and two chaplains. And they asked to speak to Mr. and Mrs. Guzman, my mom and dad.

Q. Did you know why they were there?

A. I had -- I had that feeling, yes, I did. So I -- I let the gentlemen in, and they sat my folks down in the living room.

Q. Were you present when they spoke to your parents?

A. Yes, I was. I was in the distance, in the kitchen area. I could see, but -- and could hear, but not in the exact room.

Q. And when you learned that your brother's body had been identified and removed from the building, what did you do?

A. As soon as they said that they found Randy, he was presumed dead, I -- I just remember what Randy told me before he left for Desert Storm, "Rudy, take care of everything." So I started taking notes. I pulled out a notepad and just writing down everything that Randy -- Randy told me that I could remember and making his wish granted.

Q. Did you cry at that point?

A. A little bit. But I -- I just remember Randy said take care of everything, so I had to be strong.

Rudolph Guzman - Direct

Q. Did you do that, take care of everything?

A. Yes, I did.

Q. And did you learn from others who had been present how your brother's body was recovered?

A. Yes, I did.

Q. What did you learn?

A. I learned that they found him -- they saw his leg sticking out with the Marine Corps stripe on the pants, the blood stripe. And they knew it was a Marine, and they identified him as Randy. So yeah, they -- a few of Randy's Marines told me about that.

Q. Now, after you took care of everything for your brother, can you tell us what kind of impact the death of your brother had on you and your family.

A. For my folks, my mom visits Randy every -- pretty much every single day. If you go to Randy's grave site, there's always fresh flowers and -- fresh flowers and bright colors of red because Randy -- red was Randy's favorite color as being a Marine and red was one of the colors.

To myself, I -- I had two anxiety attacks, one in the airplane which I -- my first time I had it, I didn't know what was happening. I thought I was getting a -- having a heart attack. But all it was was anxiety.

Q. And how have you dealt with the loss of your brother?

A. Just a lot of praying, a lot of seeing Randy, you know, the

Rudolph Guzman - Direct

good times we had, seeing his -- you know, remembering -- remembering him being that tough Marine but yet that -- that really nice guy that I always knew. And I feel proud of, you know, thinking about my big brother.

Q. Can you tell the jury just one other thing, Mr. Guzman. Can you tell the jury how your mother reacts in terms of your safety and security now that you've lost your brother and she's lost her son.

A. My mom needs to talk to me every day, making sure I'm okay. She's always saying, "Rudy, take it easy." She says, "Rudy, take it easy. You're the only one I've got."

MS. WILKINSON: Thank you very much, Mr. Guzman.

MR. TIGAR: No questions.

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

Next, please.

MR. MACKEY: Yes, your Honor. We'll call Mr. Ray

Blakeney.

THE COURT: Thank you.

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

(Ray Blakeney 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: Ray L. Blakeney, B-L-A-K-E-N-E-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Sengel.

MR. SENDEL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. SENDEL:

Q. Where do you live, Mr. Blakeney?

A. I live at 1809 Park Lane Drive. Edmond. Oklahoma.

A. I live at 1000 Park Lane Drive, Lawton, Oklahoma.

Q. Is that near Oklahoma City?

A. Yes, it is.

Q. And how are you employed?

A. I'm employed with the State of Oklahoma for the office of the Chief Medical Examiner.

Q. What is your position there?

A. I'm the director of operations for the office.

Q. How long have you been director of operations for the State Medical Examiner?

A. A little over 10 years.

Q. If you would, please, tell us briefly as director of operations what some of your duties and responsibilities are.

A. I basically oversee the day-to-day operation of the office as far as death investigations are concerned, of that type of operation.

Q. Prior to becoming director of operations, did you hold another position in the Medical Examiner's office?

A. Yes, sir. For approximately seven years, I was the chief

Ray Blakeney - Direct
investigator at the Medical Examiner's Office.

Q. Again, if you would, tell us briefly what a chief investigator does.

A. Primarily the investigation of the death, going out to the death scenes, investigating the -- the deaths to determine the -- and help the forensic pathologist determine the cause and manner of death.

Q. Prior to joining the Medical Examiner's Office, where were you employed?

A. I was employed with the City of Midwest City, Oklahoma, as a police officer for approximately 10 years.

Q. And prior to your experience as a police officer, were you in the military?

A. Yes, I was. I was in the United States Navy, attached to the Marine Corps. I was a hospital corpsman, spent a year in Vietnam in a M*A*S*H-type unit and received my medical training there.

Q. And I believe you were director of operations in April of 1995 for the Medical Examiner?

A. Yes, I was.

Q. Where were you when you first learned of the bombing in downtown Oklahoma City?

A. I was en route to Little Rock, Arkansas, to visit my father who was ill.

Q. And how did you hear about it?

Ray Blakeney - Direct

A. I heard about it through my brother, who met me in front of the hospital and informed me of the bombing.

Q. After you learned about the bombing, what did you do?

A. I immediately turned around and began driving back to Oklahoma City, communicating with the office by the cell phone

in the car.

Q. As you communicated with your office, what were you attempting to arrange as you headed back?

A. I was attempting to set up the operation that I knew would have to be in place to take care of a large number of deaths which had apparently occurred as a result of the -- the bombing. The -- the recovery of the bodies, the -- the morgue situation, the identification process and also the Family Assistance Center.

Q. So as you drove back, did you plan essentially on three stages or phases for your operation?

A. Yes, sir, that's correct.

Q. The first stage I believe you mentioned is the recovery of bodies from the building.

A. Yes, sir.

Q. And how was that arranged?

A. We -- we coordinated that through the law enforcement officials that were at the scene, also the fire rescue officials to -- once the bodies had been located and they were accessible, then they would be removed from the rubble, taken

Ray Blakeney - Direct

across the street to a -- where a temporary morgue had been set up. They would be assigned a number and briefly examined and information taken at that time if it could be determined, such as sex and race and some of those things. Then -- then the bodies would be refrigerated at that site until they were ready to be transported to the Medical Examiner's Office.

Q. So somewhere near the Murrah Building, you set up your facility for the initial identification process and temporary morgue?

A. Yes, sir. It was directly across the street to the east.

Q. If you could, please, for us in general terms describe the conditions of the bodies that were removed from the Murrah Building.

A. There were really three different types of -- of conditions. First of all, we realized fairly quickly that if the individuals were on the first or the second floor of the building, they were directly affected by the blast. In other words, the shock wave physically moved them as it moved the debris of the building. So they were receiving some blast injuries and they were also receiving some destruction as far as dismemberment of the bodies, decapitations, and dissections and things like that, because they were in that blast pattern.

If they were on the third floor or above, then they were usually not affected directly by the blast, but they were affected when the building fell down. They would fall down

Ray Blakeney - Direct

with the building, and they received crushing injuries from all of the rubble that -- that fell down with them. And so these crushing injuries also produced a great deal of destruction as

far as dismemberments and crushing amputations and crushed chests and heads and things like that.

Then of course, the third stage that we saw after a few days, because of the weather in Oklahoma -- on some days, it was getting very warm -- and then the -- the -- the victims were beginning to decompose.

Q. The temporary morgue you mentioned: I believe you indicated there were some stations in the morgue so that you could attempt to identify bodies. And if you would describe those for us, please.

A. The stations that you're asking about were not at the temporary morgue. They were at the actual Medical Examiner's office, where we began processing the bodies to make the identifications and determine the cause and manner of death.

Once the -- the bodies arrived at the Medical Examiner's office, they were checked in, they were assigned a case file, and they were also assigned a -- an escort, a body escort to escort them through the facility there at the office. We had several examination stations set up.

The first station that they would go to was the pathology station, which consisted of a forensic pathologist and a team usually of a property officer, a scribe to help the

Ray Blakeney - Direct

pathologist, an agent of the FBI or ATF for the collection of evidence. A complete and thorough examination would be done, the clothing would be removed and any personal property and given to the property officer. If there was any evidence that presented itself, it would be handed directly to the FBI agent, and then the doctor would do a complete examination to determine, if possible, the cause of death of that individual and also any -- anything that might help in the identification of that person.

From that station, they would go to the fingerprint and photography station, where each victim would be fingerprinted by the Oklahoma City police department and the FBI fingerprint squad. They would also be photographed at that station.

The next station would be the radiology station, where full body X-rays were taken of each one of the victims so that we could determine, again, the extent of their injuries internally and also determine if there may have been any evidence available that might present itself from the X-rays.

From the x-ray station, they would go to the dental examination station, where each victim would receive a full dental examination by the forensic dentist in the event we could use the -- the dentition to make the identifications.

From the dental station, then, they would go to the radiology stations, where the X-rays would be read by a

Ray Blakeney - Direct

radiologist, again to document any of these injuries and the evidence

evidence.

Once they had completed all of these stations, then the bodies would go back to the -- where they started from; and then they would be placed in refrigeration, awaiting identification and release to the families.

Q. As each body arrived at the Medical Examiner's office and was given a number, did you begin to build a list to keep a record of the bodies as they went through your temporary morgue?

A. Yes, sir. As we began to identify the bodies, we kept a list. I had a large piece of brown paper that stretched down the hall of the Medical Examiner's office, and it was about 3 feet wide. And we began writing the names and the -- the ages, the date that the individuals were identified, and the manner that they were identified.

Q. Excuse me one moment. I'd like you, if I may, Mr. Blakeney -- I want to show you what we've marked as Exhibit 1244A, if you would look at that screen in front of you. And is this the list that you've just been referring to?

A. Yes, sir. That is the list. And it stretched all the way down the hall. It was split by the doorway at the end.

MR. SENDEL: Just a moment.

I'll offer 1244A, your Honor.

MR. TIGAR: No objection.

Ray Blakeney - Direct

THE COURT: 1244A is received, may be shown.

THE WITNESS: And it served two or three different purposes. First of all, it was a -- it began as a reference for the workers at the Medical Examiner's office to determine which of the victims had been identified and the manner in which they had been identified. Second of all, it was a quick reference for me and the others compiling the list that needed to go to the family center and to the press for those that had been identified. And a third thing that we found, it was very good for the workers there at the Medical Examiner's office to -- to go out and look at and see that they were making progress in the -- in the task that they were performing in trying to make these identifications of all these victims.

BY MR. SENDEL:

Q. How long, ultimately, did these sheets of paper become that ran down the hallway at the Medical Examiner's?

A. They extended for between 50 and 60 feet down the hallways.

Q. Now, you also mentioned the conditions of bodies as they were recovered from the building; that there was some dismemberment. Did you also attempt to identify the body parts?

A. Yes, sir, we did. When a -- when a body part was located, it again would receive a number. It would be taken to the temporary morgue and put in refrigeration until it was ready to be transported to the Medical Examiner's office. Upon arrival

Ray Blakeney - Direct

at the Medical Examiner's office, it was checked in and given a case file. A forensic pathologist would then examine that -- that body part. And we had a list that we kept on the wall in the morgue area, and we would list that body part. For instance, if it were the leg of a -- of a white female amputated above the knee, that information would be placed on that list. A photograph would also be taken of that part and placed on the wall in the morgue area, so that as the doctors were doing their initial examinations, if the body in which they were examining was missing a part, they could refer to the -- the list and see if it may contain a part that they needed. If it did, they could then refer to the photograph and see if it may be one that was compatible. And then if it was, they would -- they would retrieve that part and an examination would take place by several different methods -- radiology, DNA, and anthropology -- to try and reassociate that part with that particular body.

Q. Did you at some point use fingerprints on occasion to attempt to identify body parts?

A. Yes. We did. We used that quite frequently, especially in the hands and arms portions of the bodies.

Q. In the case of -- were there some children that you had to attempt to identify body parts?

A. Yes, there were. There were children that we identified body parts by fingerprints, by DNA and other means.

Ray Blakeney - Direct

Q. If you identified a body part, did it ever happen that you identified a body part after the body had been identified?

A. Yes, sir. It was -- it became obvious very quickly that we were not going to be able to reassociate the parts as quickly as --

MR. TIGAR: Interpose an objection, your Honor.

THE COURT: Just a moment.

MR. TIGAR: May I have a continuing objection?

THE COURT: Yes, you may. You may proceed.

THE WITNESS: -- reassociate the parts as quickly as we had the bodies identified. And so we -- upon realizing that, when we would make an identification and were ready to notify the family that we had identified their loved one, we would give them the information that their loved one may not all be there, so that they would -- could prepare themselves for that.

And also, we would, you know, at that time give them some options that were available to them in the event that we found their loved one's part or parts later on.

BY MR. SENDEL:

Q. Were there some occasions in which you had to notify a family of the identification of a body part after burial?

A. Yes, sir. There were several occasions, six or eight, probably, where weeks and sometimes a couple of months later, we were able to identify a body part and we -- I would call

Ray Blakeney - Direct

that family and -- and advise them of the part and let them make the decision as to what they would like done with that.

Q. In general, was there often a delay between the actual recovery of a body and the identification of that body?

A. Well, there was always some delay from the -- the time that the body was recovered and the time it was identified because of the process that I have just described to you. In some instances, that may have occurred on the same day of recovery. In other instances, it may have been several days, depending on the information that was available from the victim antemortem and postmortem.

Q. I'd like to show you a summary chart we've prepared --

MR. SENDEL: Exhibit 1253A, your Honor, which we offer for demonstrative purposes, a summary of recovery identification.

THE COURT: This is to illustrate the process? Is that the --

MR. SENDEL: Yes, your Honor. And to show the time period. We have a blow-up, your Honor, we can set up -- I see it's on the computer. We can use it on the computer, your Honor.

MR. TIGAR: No objection for demonstrative purposes, your Honor.

THE COURT: All right. You may proceed.

BY MR. SENDEL:

Ray Blakeney - Direct

Q. If you would, please, Mr. Blakeney, if you can tell us then, just briefly without going through every item, but the -- what we see here in the recovery and the time period for identification.

A. On the 19th, of course, which was the day of the bombing, we recovered 32. Two of those had gone to the hospital. And then ten on the 20th and 25 on the 21st. From that time on, until the -- the end of the -- of the initial search period, it -- it dwindled to six or seven or eight a day. And then normally, we would identify about that same number the next day, so it was about a 24-hour period from the time of recovery until the time of identification.

Q. And as we can see from the chart, what was the date of the last body identified from the Murrah Building?

A. The last body was identified May the 31st.

Q. Of the individual bodies that were identified, how many died in the Murrah Building?

A. 163 died in the Murrah Building.

Q. Now, initially, was it believed that 160 had died in the Murrah Building?

A. Yes, it was.

Q. And were three bodies then recovered later?

A. Yes. There was -- now, are you referring to the -- to the end of the search?

Q. Yes, sir.

Q. Yes, sir.

Ray Blakeney - Direct

A. Yes. The initial search had to be stopped because the building was in jeopardy of falling down on about the 5th of May. And then later, on the 29th of May, after the building was imploded, an additional three bodies were located.

Q. Were those three bodies down in what was referred to as "the pit" of the building?

A. Yes. They were in that area. Yes, sir.

Q. In addition to the 163 then that died in the Murrah Building, how many died in other buildings around the Murrah Building?

A. Five.

Q. I want to show you what we've previously introduced as Exhibit 940. And this one is marked as 940A with some highlighting. Does that highlight the locations where those that were killed outside the Alfred P. Murrah Building were found?

A. Yes, sir. There was one --

Q. One moment, if you would. Does that show the locations, Mr. Blakeney?

A. Yes, it does.

MR. SENDEL: I'm going to offer 940A.

MR. TIGAR: No objection, your Honor.

THE COURT: All right. It's received. May be shown.

BY MR. SENDEL:

Q. If you would, please, describe for us where those

Ray Blakeney - Direct

individuals outside the Murrah Building were located that were found.

A. Is this pen working?

Q. Yes, sir. You'll have to reach under the glass there, I believe.

A. Oh, I'm sorry.

There was one lady that was walking along the sidewalk

in the parking lot directly across the street, being 5th Street.

There was one lady that was killed in the Athenian Building, again directly across the street.

There were two killed in the Water Resources Board.

And then a rescue worker, a nurse, was struck in the head and she was killed somewhere outside of the Murrah Building here and later died at the hospital.

Q. Thank you.

I'd like to show you what we've marked as Exhibit 2214.

MR. SENDEL: I don't know if we have that in the computer. If I may, your Honor, I want to offer this for demonstrative purposes. It's an enlargement showing those five individuals that died outside the Murrah Building.

THE COURT: Are you talking about photographs, or --
MR. SENDEL: Yes, your Honor. 2214.
MR. TIGAR: Your Honor, I think we have -- we have a

Ray Blakeney - Direct

continuing objection to this based on -- on the bench.

THE COURT: Yes.

MR. TIGAR: And --

THE COURT: But that -- that's preserved, and we'll
admit it.

MR. TIGAR: All right. Thank you.

THE COURT: 2214. And you have an enlargement.

MR. SENDEL: Yes, your Honor.

THE COURT: All right.

MR. TIGAR: Is the enlargement being offered, or just
the picture?

THE COURT: Well, the enlargement is being used
simply
for convenience of the --

MR. TIGAR: The enlargement is for demonstrative
purposes?

THE COURT: Yes.

MR. TIGAR: Thank you.

BY MR. SENDEL:

Q. Mr. Blakeney, if you would, please, sir, would you identify
for us those two individuals that died in the Water Resources
Building.

A. Robert Chipman and Trudy Rigley were in the Water Resources
Building.

Q. And if you would, the -- please identify the person who
died in the Athenian Building.

Ray Blakeney - Direct

A. Anita Hightower.

Q. And the individual that -- excuse me -- died in the parking
lot?

A. Kathryn Ridley died in the parking lot.

Q. And then that individual -- individual you identified, the
nurse who died outside the Murrah Building?

A. And the nurse is Rebecca Anderson.

Q. Thank you. That's all.

You also mentioned when you were setting up your
operation, Mr. Blakeney, there was a third stage, a Family
Assistance Center. If you would, please, tell us what the
Family Assistance Center was.

A. The family center was set up on the same day as the
bombing. It was set up at the First Christian Church to
accommodate the families of these victims. It served several
different purposes. It was an information-sharing location.
It was also a place that the families could gather and begin
giving information concerning their missing loved one so that
we might begin gathering that antemortem or predeath data from

them concerning all of the things that we would need to help make the identifications of those people. That information included, of course, their names, their addresses, their ages, their dates of birth, their clothing that they wore to work that day, the jewelry that they may have had on, their height, their weight, who their physician may have been, when they were

Ray Blakeney - Direct

last at the doctor, their dentist, where he may be located, and any information concerning that individual that may help us with the identification of that person.

The second reason was to share information with the families about what was going on with their loved one, about how the identification process was going to take place, how the recovery would take place, and how they would be notified -- once their loved one had been identified, how they would be notified and how their loved one would be returned to them.

Q. In order to provide this information to the families, were there regular meetings there at the Family Assistance Center?

A. Yes, sir. I met with the families twice a day for 15 days. I would go at 9:30 in the morning and talk to the families and 3:30 in the afternoon.

Q. And each day, did you brief those families on those bodies that had been identified and other information that you had?

A. Yes, sir. I would try and answer all of their questions. I would tell them how many bodies had been recovered. How many individuals had been identified. Basically, the stage of the recovery at the scene. And again, try and answer as many questions as possible and keep them informed. I would always talk to the families before any information was released to the press.

Q. Were there then families each day who were asking you about their loved ones and their identity?

Ray Blakeney - Direct

A. Yes, sir. The families, of course, were concerned. Initially, they were questioning whether there was still a possibility that their loved one may still be alive in the first two or three days. There was -- there was hope that that may be a possibility. After the first two or three days, everyone pretty much realized that that was not a possibility, and that then their question became more of, one, will you recover my loved one at all and be able to return them to me.

Q. How long was the Family Assistance Center open?

A. It ran for 15 days. From the day of the bombing, really, until the -- the -- about the -- the 6th of May. And each day is -- as we would progress with the -- with the recovery and the identifications, it was always for the families that were having to wait -- that question always arose, you know, that the possibility existed that their loved one may never be found, and we had to address that. And we addressed that several times.

And of course, rumors would surface that there would

be a certain number of the victims that would be vaporized or -- or atomized or blown into such small pieces that they would never be found, and I -- and I visited with the families about that. But we -- we were not seeing that type of destruction. Even though we were seeing a lot of dismemberment and badly damaged bodies, we weren't seeing bodies that had been destroyed in that nature. And so I tried to -- to explain

Ray Blakeney - Direct

to them as long as we could stay in the building and begin -- again continue to search for the victims, that I thought that we might possibly find everyone.

Of course, there was -- there was always that -- that thought and the fear in many of us's minds, there was a lot of children involved in this incident. And in fact, there were three infants. It was the habit of the day-care center to place the three little boys in cribs and place them next to the front window of the building which would have placed them directly over the -- the truck containing the bomb. And I felt sure that if there were any that we would not find, it would probably be those three little babies.

But then on the evening of the 15th day, as we are -- our search had really accelerated -- we had found a lot of individuals that day. We -- we found one of those babies. And as a result of that -- prior to that, every day, when I would go to the family center, one of the mothers of those babies would always ask me -- when I would ask if there were any questions, she would say, "Mr. Blakeney, did you find any babies today?"

And I'd have to say, "No, ma'am, we didn't."

And I did that for 15 days until the evening of that 15th day, we found a baby. And myself and all of the other workers knew that if we found one of those children, that we might be able to find the other two children. And if indeed,

Ray Blakeney - Direct

we found the other two children, we would probably find all of the victims.

And at about 12:15 that night, we had to stop the search because the building was in jeopardy of falling down. We had found all of the children. We had found all of the victims with the exception of what we then thought was two. We knew who they were and we knew where they were. We simply could not continue to search and recover those victims.

Q. And those are the three you later found after the building was imploded?

A. That's correct. We -- after the building was imploded -- and in fact, we realized it was not two, but three, because an individual was in the credit union, Alvin Justes, and he had not been reported missing until late in the event.

MR. SENGEL: Thank you

MR. SENDEL: Thank you.

I have no further questions, your Honor.

THE COURT: Have you any questions?

MR. TIGAR: Just one, your Honor.

THE COURT: All right.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Hello, Mr. Blakeney.

A. Good afternoon.

Q. My name is Michael Tigar. I'm one of the lawyers. I know you've been very helpful, talking to members of our team and

Ray Blakeney - Cross

sharing information over time.

I don't think you and I have ever talked, have we, sir?

A. No, sir.

Q. Your recovery operation that you've described for us was designed to make sure that you had found everybody you could; is that right, sir?

A. That is correct.

Q. And you know about the situation involving Lakesha Levey and the -- it has been testified to earlier today, but you know about that situation; correct, sir?

A. I'm very aware of it, yes, sir.

Q. And even with that situation, you're satisfied, are you not, sir, that you have accounted for everybody that was in that building or that was killed as a result of the explosion as best as human beings can account for them; is that right, sir?

A. Yes, I do (sic).

MR. TIGAR: Thank you. No further questions.

MR. SENDEL: Very briefly, your Honor.

THE COURT: All right.

REDIRECT EXAMINATION

BY MR. SENDEL:

Q. In addition to the children that you identified, how many unborn children died in the blast, Mr. --

Ray Blakeney - Redirect

MR. TIGAR: Objection, your Honor. Improper redirect.

THE COURT: Sustained.

MR. SENDEL: Thank you. I have nothing further.

THE COURT: You may step down.

I take it he's excused.

MR. SENDEL: Yes, your Honor.

THE COURT: Agree?

MR. TIGAR: Yes.

THE COURT: You're excused. I think we'll take the afternoon recess at this point.

Members of the jury, as usual, our recess of about 20 minutes' duration; and of course, as usual, please avoid discussion of the matters that you're hearing, avoid discussion

of what is at issue here, recognizing that you must wait until you hear it all. Keep open minds. Avoid anything outside the evidence. You're excused now. 20 minutes.

(Jury out at 3:14 p.m.)

MR. TIGAR: May we approach, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 145B1 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We'll be in recess. 20 minutes.

(Recess at 3:16 p.m.)

(Reconvened at 3:36 p.m.)

THE COURT: Be seated, please.

(Jury in at 3:36 p.m.)

THE COURT: All right. Next witness, please.

MR. MACKEY: Thank you, your Honor. We call

Catherine

Alaniz.

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

(Catherine Alaniz 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: Catherine Alaniz, A-L-A-N-I-Z.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Orenstein.

MR. ORENSTEIN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. ORENSTEIN:

Q. Good afternoon, Ms. Alaniz.

A. Good afternoon.

Q. Where are you from, ma'am?

A. Norman, Oklahoma.

Catherine Alaniz - Direct

Q. And that is where you grew up?

A. Yes.

Q. Have you been married?

A. Briefly.

Q. Is your husband no longer alive?

A. Yeah. He was killed in Desert Storm.

Q. Do you have any children, ma'am?

A. I have three little girls.

Q. What are their names?

A. Andy, after my husband; Taylor; and Elisa Claude, after my father.

Q. Who was your father?
A. Claude Arthur Medearis.
Q. Was your father killed in the bombing of the Murrah Building?
A. Yes, he was.
Q. What was your father's job at the time of the bombing?
A. He was senior special agent for the U.S. Customs Service.
Q. And he was stationed in the Murrah Building at the time of the bombing?
A. Yes.
Q. When did he join the Customs Service?
A. He had been with Customs for approximately eight years.
Q. And before that, what had he been doing?
A. He worked for the Oklahoma State Probation and Parole

Catherine Alaniz - Direct
Office.

Q. He had had some military service?
A. Yes, he did.
Q. He was in the Navy?
A. He was in the Army and then a brief stint in the Navy.
Q. When your father joined the Customs Service, what kind of work did he do for them?
A. His duties included busting people for drugs, guns -- illegal guns -- just a variety of illegal activities that were brought into the United States from outer borders.
Q. And did he work at the border?
A. He did for quite a while. He was stationed in Eagle Pass, Texas, and in Del Rio, Texas.
Q. When your father was working for Customs Service doing his enforcement activities, were there ever times when you were worried about his safety?
A. We did, but not as much as we did when he worked for the parole office. We realized when he was in law enforcement that there was that chance that he could be shot and killed, but that was in God's hands.
Q. You told us that your father spent time in the Customs Service working at the border, working in Texas. Did there come a time when he transferred to Oklahoma City?
A. Yes. In -- actually, I believe it was in '90 -- '89 or '90, my mom's father had a heart attack and my dad's mom had a

Catherine Alaniz - Direct
heart attack, and both had to have quadruple bypass surgeries; and then in '91 -- well, '90 I was married. And then in August of '90, my husband was sent over to Saudi, and I was -- stayed with my parents in Eagle Pass; and shortly after, I found out I was pregnant with our first child and our only child.

February 27, the day of the cease fire, my husband was killed by friendly fire; and I was six months pregnant with our only child.

My dad received a hardship transfer back to Oklahoma

my dad received a hardship transfer back to Oklahoma to bring me back home with my family and to enable them to be with their parents.

Q. You said you had been married briefly before your husband died in Desert Storm. And it was that event, his dying, that caused your father to request a transfer back to Oklahoma?

A. Correct. I was married June 29 of '90. I wasn't -- I hadn't even graduated high school yet, and he was shipped off in August. We had two weeks together and created a baby in two weeks, and he never got to see her.

Q. Before he left for Saudi, had your husband met your father?

A. Oh, yes. Numerous times. My dad basically threatened him with his life when he came to bring me my engagement ring; and being law enforcement, my dad came to Corpus Christi from Eagle Pass -- at the time, I was living in Corpus Christi -- brought his gun, picked up my husband or my fiance at the time from the airport, and took him out to the beach and told him if he hurt

Catherine Alaniz - Direct

his little girl he was going to have to use the gun on him.

Q. He was joking around?

A. Yes, he was.

Q. After meeting with your father and talking with him from time to time, did your husband, Andy, tell you about what he hoped to do after he got out of the Army?

A. Yeah. He had pretty much decided that he wanted to pursue a career in law enforcement, and he had -- we had discussed --

MR. TIGAR: Your Honor, I'm going to object to impact from Desert Storm.

THE COURT: Sustained.

BY MR. ORENSTEIN:

Q. You told us that you were pregnant with the first child and the only child from the marriage with your husband Andy at the time of his death. Is that right?

A. Correct.

Q. What did your husband -- your father do to help out in that situation?

A. Since Andy was in Saudi and wasn't able to be there for me for my birthing classes, my dad and my mom pretty much stepped in as my coach. He basically became a surrogate father to my daughter.

Q. Can you give us an example of how after your husband died and your father stepped in to fill that role?

A. Well, my dad was there -- actually, both my parents were

Catherine Alaniz - Direct

there when I had my daughter, and my dad helped coach me through my labor.

After she was born, living on the border, my daughter had colic a lot and she would be up late at night crying, and I would be just at wit's end. And my dad would come in 2, 3, whatever time of the morning it was, and he would take my daughter and rock her to sleep in the rocking chair, you know,

just -- when I was born, my dad was in Korea, so he missed out of all the baby parts when I was growing up; so he basically just filled that with my daughter.

Q. Did he like to exercise with young Andy?

A. Oh, yeah. He loved to lay her in his lap and take her little legs and run them back and forth and say, "Run, run, run, run, run," and she would just laugh.

Q. I would like to show you --

MR. ORENSTEIN: And, your Honor, I'd offer into evidence Government's Exhibit 1446.

MR. TIGAR: Subject to our continuing objection.

THE COURT: All right. It's received, may be shown.

BY MR. ORENSTEIN:

Q. Now that the jury can see 1446, Ms. Alaniz, would you tell the jury who we see in this photograph?

A. Mainly it's family and friends. We have a very close-knit, large family, and we have just backyard gatherings just to get the family together; and this is one of our -- our volleyball

Catherine Alaniz - Direct
tournaments that we have.

And that's my dad sitting there smiling with his elbows against the table, and I'm sitting next to him.

The man sitting next to me is a cousin holding my oldest daughter, Andy, and then just friends and family in the background.

Q. Ms. Alaniz, I'd like to ask you about April of 1995. Before the bombing, when did you last see your father?

A. The day before, I had gone over to my mom's house and I stayed there for some reason. I just couldn't leave. I didn't leave until after midnight. And I went home with my two children. I was four months pregnant at the time. And I had spent the entire day there, and I just -- just didn't want to leave. And that was the last time I got to see him.

Q. The next day was April 19. Can you tell the jury how you heard about the bombing at the Murrah Building.

A. I was laying in bed, and I get a phone call just shortly after 9:00 from my cousin who worked on North Main, which was -- it was a little ways from the bomb site. And she asked if I felt that, felt something.

And I said, "Well, no. What was I supposed to feel? I was asleep."

And I hadn't heard.

And she said there was an explosion downtown.

Well, it didn't even occur to me that that's where my

Catherine Alaniz - Direct

dad worked at the time. I was half asleep, but my -- the father of my last two children worked at a car dealership down there. I thought, oh, my gosh, somebody got mad and bombed one of them; and I turned on the news and it said that it was the Federal Courthouse. And that's when it occurred to me when I

heard the word "federal" that my dad works down there.

So I tried calling my mom and didn't get an answer. And after calling my dad's mobile, he didn't answer, and I tried paging my dad; and he always called me right back, and he never called me back.

So I called the office. And the phones at night -- they switched over to Houston to make sure that they were answered 24 hours a day in case an agent needed to go out in the field, and they hadn't been switched back over to Oklahoma City.

And so when he -- when the sector answered, I asked if that was the building that my dad was in; and he goes, "What are you talking about?" He was completely clueless.

And as I was talking to him, it came back on the TV that it was the Alfred P. Murrah Building; and I said, "Is that my dad's building?"

And he said, "I don't know. I'll have to call you back."

And so I left my number and everything and hung up and tried calling my mom again and still didn't get an answer, and

Catherine Alaniz - Direct

then my cousin called back and said, "I think it's your dad's building."

So at that point I got my -- the children's father up and I said, you need to go to mom's house. I think something has happened to dad."

So he throws on a pair of jeans, throws on a shirt, doesn't button it, doesn't put shoes on, nothing, just runs out the door, goes 8 miles over to my mom's house and beats on the door. My mom answers the door and is frantic thinking something happened to the girls.

He said, "Have you turned on the TV? There has been an explosion downtown, and we think it's Claude's building."

Well, after that, before he even came back home, I had gotten dressed and got the two girls dressed and got them in the car and went to my mom's.

Q. As you were going to your mom's house that morning, did you know if your father was in fact in the Murrah Building that day?

A. No. The night before we had discussed -- well, I had overheard my mom and dad talking about my dad going to El Reno to speak with an informant, so I was hoping that he wasn't in the building; but it was really unlike my dad not to answer his mobile phone or not to call me back when I paged.

Q. You went to your mom's house?

A. I'll never forget that. I walked in the door, and my mom

Catherine Alaniz - Direct

was sitting on the floor cradling the cordless phone, rocking back and forth; and I just ran up and I put my arms around her and I said, "Mom, God can't do this to both of us. Dad's going to be okay."

Q. As the day went on, did you find out more information about whether your father had gone to El Reno?

A. Well, it was really hard, because the only news we were getting was on the media; and so we still were not sure where my dad was, you know, if he had been in the building, if he was outside the building. We were just completely unsure.

And so later on that afternoon, they found my dad's secretary, and she -- she was alive and she was in the hospital; and she had told my mom that my dad was sitting at his desk talking on the telephone and she was waiting for my dad to get off the phone to transfer the phones back from Houston to Oklahoma City.

And in his desk, the back of his chair faced the window against the street, and so we kind of knew then that they weren't going to find him alive.

Q. How long did you have to wait until your father's body was recovered?

A. We waited nine days. And that nine days was longer than the six months of Desert Storm, just waiting to hear if he was alive or dead.

Q. When those nine days ended, did somebody come to your

Catherine Alaniz - Direct
parents' house?

A. Yeah. Mom always told me through Desert Storm, "Don't worry till they come to your door."

Well, one day I was sitting there and two Customs agents wearing police coats came to the front door, and nobody ever comes to the front door of my mom's house. And I saw the coats and I just panicked. I just started screaming saying, "No, no, no."

Well, come to find out, they were just there to tell us that, you know, they were there for us if we needed them; and on the ninth day, we were finally -- my mom had told them, "Don't come to our door. I don't want to wait the 30 minutes for you all to get there from the city. Just call us and let us know." And so that's what they did. We got the phone call that night.

Q. Who got the phone call?

A. My mom did, and it was one of the Customs agents had called and said that they had found my dad and that he was not alive.

Q. And the call was to tell you and the rest of your family that your father was dead.

Ms. Alaniz, I'd like you, if you would, to tell the jury a little about Claude Medearis. What kind of man was he?

A. He was wonderful. He would -- my dad was the type of man that if he was wearing a complete suit, he would stop on the side of the road and change a flat tire for some lady who

Catherine Alaniz - Direct

couldn't change it herself and come home covered in grease in a brand-new suit. I mean he literally gave the shirt off his back for anybody who needed it. He was a wonderful person, very kind, very quiet, just wanted to keep drugs off the streets.

Q. Did you know how your father treated others who he came into contact with in his work?

A. Yes. He always treated so-called "criminals," if that's what you'd like to call them, with respect. He always called them "sir." They always treated him with the same respect, and that's what he was doing. He just wanted to be -- he wanted to treat them the way he wanted to be treated. And he usually got it.

Q. You told us that your father would stop, help someone else change a tire even if he was wearing a suit. Did he have something he liked to do wearing something other than a suit?

A. Right. My dad, after I moved out and got my own house and was living on my own -- my mom and dad finally went out and bought a Harley that they had wanted for a long time, and the sole purpose was that you could only fit two people on a motorcycle. And they were married for 22 years, and they went to Sturgis in '94. They -- I mean I knew on the weekends that I would never see them.

And a lot of the things that they went on were charity runs, poker runs for children with AIDS or Toys for Tots. I

Catherine Alaniz - Direct

mean they were always doing charitable runs, and I knew I wouldn't find them on the weekend if the weather was nice.

Q. Talking about charity runs, those are motorcycles runs benefiting charity?

A. Right. Like on poker runs, they have designated stops and you get a card; and at the end of the stops you look at what hand you get, and you get prizes for the best hand and the worst hand and things of that nature.

Q. And the prizes all went to --

A. Right.

Q. -- different charities?

A. Right.

Q. Was he doing one of those charity poker runs the weekend before he died?

A. Yes, he was.

Q. Who was that to benefit?

A. Children with AIDS.

Q. Ms. Alaniz, I'd like you to tell the jury, if you would, the impact that your father's death has had on members of your family and on yourself.

A. My dad's mom is unable to come to my mom's house anymore. If she does, she only stays just for a few minutes.

My uncle, who was sober for 13-something years, started drinking again that November.

I mean just -- he was just a wonderful man, and it's

Catherine Alaniz - Direct

so hard to know that my children will not know him. My six-year-old begged to come testify, and I had to tell her that she couldn't because she wasn't old enough and that they just wouldn't allow her to testify. And she was crushed because that was the only father that she ever knew.

Q. After April 19, the days that followed, did there come a time when your mother, Sharon, had to go downtown?

A. Yes. We were called about my dad's personal possessions that he had on him, and we were told to go to 7th Street, but they didn't specify which one. There were two different ones.

And the one that we went to was really close to the bomb site. And my mom got out of the car to go into one of the

buildings; and my daughter was 4 at the time and started panicking and just screaming, saying, "No, grandma, don't go. The building is going to kill you."

And every time we would go downtown, my four-year-old would just panic because she was so afraid that something was going to happen to us.

Q. Has that fear subsided in the years since the bombing?

A. We've explained to her that it wasn't the building that killed him, and she understands that. But she always -- she'll be sitting in the car and she'll just start crying out of the middle of nowhere and just sit there and just say how much she misses her Andy Daddy and her Papa. My daughter is six, and she's experienced more loss than people in their 80's.

MR. ORENSTEIN: Thank you, Ms. Alaniz. No further questions.

MR. TIGAR: No questions.

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

Next, please.

MR. MACKEY: Call Mr. Mike Lenz.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Michael Lenz 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: Michael James Lenz, L-E-N-Z, Jr.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Sengel.

MR. SENDEL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. SENDEL:

Q. Would you tell us where you live, Mr. Lenz.

A. I live in Choctaw, Oklahoma.

Q. About how far is that from Oklahoma City?

A. Oh, it's east about 25 miles from downtown.

Q. How long have you lived there in Choctaw?

A. Seven years.

Q. And what do you do for a living?

Michael Lenz - Direct

A. I own my own -- I have my own company. It's based in Midwest City. I do consulting work.

Q. How long have you been doing that?

A. About 12 years.

Q. Now, did you lose someone in the bombing of the Murrah Building?

A. Yes, sir.

Q. And who was that?

A. My wife, Carrie.

Q. How long had you and Carrie been married in April of 1995?

A. Four years.

Q. Where did she work at the Murrah Building?

A. She worked on the 9th floor for the Drug Enforcement Administration.

Q. How long had she worked at the Drug Enforcement Administration?

A. I believe three years. She had worked -- she had worked her way through college on a stay-in-school program. She had worked for the Bureau of ATF, and also worked in the Secret Service office, and I believe it was two or three years.

Q. And what did she do for Drug Enforcement Administration?

A. She was an asset forfeiture specialist. She handled their seized properties.

Q. Now, in April of 1995, were you and your wife expecting a baby?

Michael Lenz - Direct

A. Yes, we were.

Q. Did you have any other children in April of 1995?

A. No. We had -- we had tried -- tried for some time to have a child and, you know, Carrie worked hard and went to school. And I got my career going, and we got married and got a house and we were just -- we were just getting around to that point in our life where we felt like we were responsible enough to bring a child into the world; and we had actually worked at it for some time with not much success.

Q. I'd like to show you a photograph we've marked as Exhibit 1082A and ask you: Is this a picture of your wife?

A. Yes.

MR. SENDEL: Your Honor, I'll offer 1082A, previously introduced with one of the poster boards.

MR. TIGAR: No objection.

THE COURT: All right. Received.

BY MR. SENDEL:

Q. The day before April 19, 1995, had your wife gone for a checkup with her pregnancy?

A. Yeah. Actually, I met her at the doctor's office. And because of her previous -- some of the problems that we had had, we had already had one ultrasound, but we decided that given the opportunity we wanted to try and find out the sex of the child; so at about 4:00, I met her at the doctor's office and we went into -- received a second ultrasound to find out

Michael Lenz - Direct

the sex of the child that we were having.

And we went in and they did their stuff and they messed around; and sure enough, the nurse told us that we were going to have a baby boy. And at that time, Carrie and I had already -- we had already decided that if we had a son that he was going to be Michael James Lenz, III, and we held hands and named our child right there on that day.

Q. How far along was your wife's pregnancy in April of 1995?

A. She was due in September, so -- I don't know, five months.

Q. The ultrasound that you had: Did you actually get some pictures made from that ultrasound April 18?

A. Yes, sir. We requested them, yes, and they gave us a printout of pictures, 10 or 12. And we were elated. We went home that evening and called all of our friends and all of our family members and just the happiest day of my life. It really was.

And she got up the next morning. I think she left for

work about 30 minutes early so she could show her co-workers pictures. That was the last time I saw her.

Q. So she took the pictures of your baby from the ultrasound to show her co-workers at the Murrah Building.

A. Uh-huh.

Q. How did you learn of the bombing on April 19?

A. I had business. I travel a lot with my business, and I was actually on the highway. I heard on just a local radio

Michael Lenz - Direct

station, chatter back and forth. First I guess they said it was the courthouse.

Anyway, I called my office that we had at that time. The secretary was there and she turned the TV on, and I asked her to describe the building to me.

And she described the outside of the building, and there was a helicopter flying around; and at that time I put two and two together, so I turned around and immediately headed back towards Oklahoma City.

Q. What did you do when you got to Oklahoma City?

A. I had to park a considerable distance away from the building. I walked. I came up onto the building from the southwest corner. I don't remember what time, but, you know, all I did was try to find Carrie was what I was doing, and the building didn't look so bad from the angle that I came up.

And then when I worked my way around to the north side

of the building, and I looked up and her office was on the 9th floor and it was gone. The whole -- everything was gone.

Q. After you saw the 9th floor was gone, what did you do next?

A. I believe I fell on the ground; and one of her co-workers that wasn't at work that day picked me up and got me with some other people and told me where to go. And to be quite honest

with you, I don't know that the memory is that good of what all I did that day.

Q. Did you go back home ultimately that day?

Michael Lenz - Direct

A. Yeah. I know I prayed a lot.

Q. At your home, had you and Carrie started to work on a nursery for your son?

A. Yes. Yes, we had. Carrie -- one of her pastimes was cross-stitch, and she had cross-stitched several things and was in the process of -- of actually finishing, I believe, what was to be a teddy bear that was going to hang in the wall -- on the wall of Michael's nursery.

Q. If you would, please, Mr. Lenz, tell us what effect it's had on you in your life to lose your wife and your unborn son.

A. Well, after the bombing, we all had so many things that we had to do. And it was a flurry of arrangements that needed to be made; and to be honest, I don't know -- I don't think I actually realized until three weeks or a month or sometime later when everyone was gone and you somehow had to try to find the motivation to get up and go to work. And everything that I worked for for 10 years was gone. I was a husband. I was a good husband. I was going to be a daddy one day. And the next day, I'm nothing. I mean, I got to get up and go to work. Why? You know. And I had a real hard time with that, finding a reason to go on.

I did a lot of things I'm not proud of. I thought that -- my world did end, and I came to a point where I almost ended my world. And I'm not proud of that.

But, you know, the home that I lived in and the place

Michael Lenz - Direct

that I lived -- it was a home when Carrie was there. It's, you know -- it's just bricks and mortar and -- it was a definite struggle to go on.

MR. SENDEL: Thank you, Mr. Lenz.

I have no further questions, your Honor.

THE COURT: Any questions?

MR. TIGAR: No questions, your Honor. Thank you.

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

Next, please.

MR. MACKEY: Thank you, Judge. We'll call Dr. Andy Sullivan.

THE COURT: All right.

THE COURTROOM DEPUTY: Raise your right hand, please.

(James Sullivan 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: James Andy Sullivan, S-U-L-L-I-V-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mearns.

DIRECT EXAMINATION

BY MR. MEARNS:

Q. Where do you live, sir?

A. Oklahoma City.

Q. And how are you employed?

James Sullivan - Direct

A. I'm employed by the University of Oklahoma. I'm the chairman of the Department of Orthopedic Surgery.

Q. Are you an orthopedic surgeon yourself?

A. Yes, I am.

Q. As an orthopedic surgeon, what kind of operations do you perform?

A. I mainly do pediatric orthopedic surgery so that I take care of children. I do reconstructive surgery, trauma surgery.

Q. Where were you working in April of 1995?

A. I was seeing patients at Children's Hospital.

Q. Where is Children's Hospital?

A. Children's Hospital is a part of the University of Oklahoma teaching hospitals, and it's about a mile east of downtown Oklahoma City.

Q. And were you at work on April 19, 1995?

A. Yes, I was.

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

A. 8:00.

Q. And at about 9:00 that morning, where were you?

A. I had taken a break from seeing patients and walked across to our main academic office to pick up my mail and was in the middle of Stanton Young Boulevard.

Q. And what happened at that time?

A. I heard a loud explosion and turned to my left and saw a large cloud of what initially looked like concrete-type smoke

James Sullivan - Direct

and then followed by a cloud of black smoke.

Q. What did you do?

A. I ran over to University Hospital. There was a -- construction going on just a little between downtown and Oklahoma City and the Health Science Center. I figured something had blown up over there. The glass was out of the teaching hospitals; and I went up to the top floor of the teaching hospitals and looked downtown and could identify the YMCA building and see that that's what, you know -- something in that block had blown up.

Q. What did you do after you saw that?

A. I left, ran down to the orthopedic clinic and then back to Children's Hospital, discharged all of the patients that were to be seen that morning, called both operating rooms to find out what orthopedic procedures were going on, told them to terminate the procedure as soon as possible and got people ready to go to the emergency rooms of both hospitals.

Q. Did there come a time when you learned that the explosion had occurred at the Murrah Building?

had occurred at the Murrah Building:

A. Yes.

Q. And did there come a time that morning when you first went to the Murrah Building?

A. Yes. It was -- you know, we have a condition called "code black" that we practice frequently, hoping we'll never have to use for any type of a disaster. And so we went into a code

James Sullivan - Direct

black; and in reality, it was a while before anyone began arriving at the hospital.

And then not too long after that, there was an initial rush at both emergency rooms, and we took some patients to the operating room. And things quieted down. And I began to watch the television and see that there were people needed downtown.

So David Tuggle, who is a general surgeon, and I requisitioned a police car and went down to the bombing site.

Q. About what time did you first arrive at the bombing site?

A. It probably was 10:30, 11:00, something like that; and we got -- we got, oh -- we drove from 13th down to 5th, which is where the Y is. It was kind of like being in, you know -- like you see on TV in Saigon or Jerusalem or something. People were streaming down the street by that time to the bomb site, and they had already set up a yellow ribbon around the block and weren't letting anyone in.

We went to the head of the yellow ribbon, identified ourselves as medical personnel and were let under -- under the barrier to go to the building.

The first time that I went to the building, we -- we just mainly surveyed the scene. It was questionable in terms of what state things were in in terms of an organized relief effort.

David Tuggle went to the 2d floor because he knew there was a children's day-care center there and did not find

James Sullivan - Direct

anyone there at that time that was alive or anything that could be done.

And I stayed about an hour probably.

And at that point, it became obvious to me that anyone that was still alive was going to be evacuated fairly quickly and taken to the teaching hospitals or to a hospital, and I didn't think that I was serving any useful purpose.

So I walked about a mile and passed the barriers and then hitchhiked back to the hospital.

Q. Back to your hospital?

A. Yes.

Q. And what did you do when you returned to your hospital?

A. I went back to my clinic and began watching some of the events on television and just kind of sat there collecting my thoughts.

Q. Did there come a time when you returned to the Murrah Building that same day?

A. I hadn't been back too long, probably sometime around noon, and I got a phone call in the clinic. And it was from Dr. Tuggle. And he had gotten through on some sort of a cellular phone and notified me that there was a person that they had found in the basement of the Murrah Building whose leg was trapped, but the person was alive and that the only way the person could be evacuated from the building was to have an amputation.

James Sullivan - Direct

The first time I went down to the Murrah Building, I went down in jeans -- green clogs, actually. It wasn't -- it wasn't too easy to walk around.

So I ran up to the operating room, requisitioned a pair of shoes from one of the orderlies, got an amputation set, some disposable scalpel blades, some traction rope for tourniquet, and took everything out of my pockets, all of my personal belongings except for an identification card in case something happened to me; and I requisitioned a state police car and went back down to the Murrah Building.

Q. What did you do when you returned to the Murrah Building?

A. Well, at that point I just -- I was carrying these trays of instruments, and I kind of made my way through the crowd asking if anyone knew where this was taking place, was eventually led to -- we came in from the south side of the building, was eventually led to a place where there was a stairwell, but it was completely filled with debris; and so they had a ladder going down into the stairwell. I saw someone that I knew that was wearing a hardhat, so I grabbed the hardhat from him, went down the ladder. And once in the basement, it was -- it was kind of an eerie place to be. I mean you were underground, walking around in rubble with electrical wires sticking out and people crying out and water under you and very poor lighting.

So eventually then was led to a place where Dr.

Tuggle

and the victim were and kind of surveyed the scene, went in --

James Sullivan - Direct

The way the lady was trapped was that -- it's like when you go in a parking garage and they have those beams of concrete that kind of stick down. It was as if one of those beams had fallen

on her and then as the floor collapsed, it formed kind of like a pup tent, only it came down to a point at the end, so it was kind of like crawling in a cave.

So I got down on my belly and crawled into this cave and eventually found her. She was lying there in rubble and water, and her face was all -- looked like -- looked like makeup or kind of somebody from an African village or Indian village. She was totally covered in white.

And found the lady, talked to her, kind of tried to figure out what, if anything, we could do. And I think probably because I didn't want to do it, I kind of convinced myself that there wasn't anything that we could do.

We had been there awhile, 10, 15 minutes, and they said that there was another bomb in the building, they had found another bomb; that the building was very likely to explode again; that the building -- we had to leave.

And so at that point, I fishtailed out, or, you know, crawled backwards out; and the lady screamed don't leave her, don't leave her. But there really wasn't anything we could do at that point.

Q. Did there come a time when you learned the name of the woman who was trapped there?

James Sullivan - Direct

A. Yes. Her name was Daina, D-A-I-N-A, Bradley, B-R-A-D-L-E-Y.

Q. I'd like to have you look at the screen at Government's Exhibit 1423, if you would.

Do you recognize that photograph?

A. Yes. That's Daina Bradley.

MR. MEARNS: Your Honor, we would offer 1423.

MR. TIGAR: Subject to our continuing objection, your Honor.

THE COURT: All right. It's received, may be shown.

BY MR. MEARNS:

Q. Now that the jury can see the photograph, could you explain using that photograph the condition that you found Ms. Bradley that day, April 19?

A. If you look where you see the person's hand to the right, that was kind of one wall; and then if you look over on your right, you see kind of another wall coming down. And if you see her left leg, her left leg is up in the air; and if you see her right leg, her right leg disappears in the concrete. And if you look right in the middle of the screen, you can see an oxygen mask draped over a piece of rebar, concrete rebar.

So when I first crawled in, I had to crawl under the rebar. And I could tell that her leg was trapped under the concrete, and I could tell even if you could get that leg out that leg wasn't going to be any good.

James Sullivan - Direct

So when we ran the first time, we went about a block away and we sat in the basement -- in the lobby of a bombed-out building and kind of formulated a plan as to when we went back what we could do.

And that probably was a good thing. We got the all-clear. We went back. We came in through the parking garage. I couldn't get to her with the rebar there, and so the fireman cut -- there was no way I could get to her with the rebar there, so the fireman cut the rebar away with a saw. And at

that point I could then crawl in and by lying on top of her could get my left hand, which was the only one I was going to be able to use, down to the level of her knee. I knew I had to amputate through the knee because I could not have possibly sawed through the bone.

Q. Are you left-handed, Dr. Sullivan?

A. No, I'm right-handed.

Q. So you normally perform your surgical procedures with your right hand?

A. Yes.

Q. Describe what you did.

A. We had decided -- she was lying in water. She was in shock. We knew we couldn't -- we didn't have -- we had tried and could not get an IV started to give her any kind of medicines, so we had some different medicines like Demerol and morphine; but we knew those would suppress her respiration and

James Sullivan - Direct

might kill her. We had a drug called Versed, V-E-R-S-E-D, that will kind of make you -- it's a sedative and you don't remember what happened.

Q. Is it an anesthetic that numbs the pain?

A. It's more like a tranquilizer. It doesn't do much for pain.

So we calculated a dose of Versed, gave her less than the fully calculated dose and, you know, did more or less what you call informed consent. I crawled in and told her we had to amputate her leg, and she initially said no. And I told her if that was the case, we had to leave because we couldn't stay there; and she consented to having her leg amputated.

Q. What was the condition of the cement block or piece that was crushing her right leg?

A. Well, it was -- it was lying on her and I guess kind of balanced. And one of the firemen had his hand on the block at the other end. And we were told that if at any time he felt a tremor in the block that we had no choice, we had to leave and if necessary they'd remove us, you know, by force.

And so Dr. Tuggle gave her a dose of Versed. When I was there previously -- if you saw those rocks lying around her, there was no way to get under her leg; so I had dug out with my hands under her leg to pass two pieces of rope under her leg to then tie in a knot. I took a piece of metal from nearby and twisted it to make a tourniquet to cut off the

James Sullivan - Direct

circulation so she wouldn't bleed to death and then tied a knot around that.

And I began amputating first of all -- it's just like diving in cold water. I think, once you make the skin incision, you can kind of commit yourself. I kind of prayed that this lady didn't die because of something I did, and so I -- I made the incision; and once you've made the incision, then it's kind of like breaking through the ice. So I

then it's kind of like breaking through the ice. So I hurriedly began cutting whatever I could with the disposable knives. They dulled rapidly and had to be discarded. We had a large amputation knife that's kind of like a bread knife, and I used that to put through the knee and cut back and forth until it got dull.

I came out two or three times thinking I had amputated the leg. There was one time I cut through a vessel and thought I cut through a major artery, and she bled a lot; but it turned out it was a vessel that was bleeding from where I cut off the circulation. I came out two or three times. Each time we pulled on her to try to extract her, and she'd still be attached to her leg. I had to crawl back in. She was kicking and screaming and fighting, so I'd initially have to pin back her left leg and get my shoulder and elbow over to that.

And finally I had a pocketknife that I had used to cut the traction rope. And it was new and sharp, and I finished the amputation with that; and we were able to extract her and

James Sullivan - Direct
take her to the hospital.

Q. How long did the whole procedure take to amputate her leg?

A. It seemed like a lifetime. It probably was about 10 minutes.

Q. And you then removed her to the hospital?

A. Yes. We -- we had cleared an area. We had these sterile instruments which really didn't make any difference once you opened it up. I had on gloves. It didn't matter. They were torn. I was bleeding from where I had crawled in through the rock and stuff, so there wasn't anything sterile about this. When you do -- this is what you called a field amputation. Sterility is the last thing on your mind. We cut her out, though, took some clamps, clamped off some of the superficial bleeders, put her on a stretcher and took her straight out the back of the parking lot to an ambulance and from there to the hospital.

Q. Later did you learn -- and she survived. Is that correct?

A. She did.

Q. Later did you learn anything about the fate of any of her relatives with respect to the bombing?

A. Yes. She lost two children and her mother, and her sister sustained a head injury.:

Q. When you were in the Murrah Building that day performing this amputation, were you at all concerned about your own safety or your own health?

James Sullivan - Direct

A. Yeah. I mean I was concerned that the building would fall in on me; that I might not survive. I was operating on a patient about whom I had no knowledge. I had no sterility of my own, so I was worried about infection of my own, AIDS,

hepatitis, you name it.

Q. How has your involvement in this rescue operation affected you?

MR. TIGAR: Your Honor, we have a continuing objection to this, your Honor.

THE COURT: Yes, you do.

And you may answer.

THE WITNESS: Oh, it's had a pretty tremendous impact on me. I'm certainly not the same as other people who lost family members, but it's been very hard to deal with. I thought last time when I came out here that it would be over and I thought that I could handle it, and I went home and had kind of a renewal of old problems and feelings and stuff. And it's not anything I ever want to go through again.

MR. MEARNS: No further questions, your Honor.

THE COURT: Any questions?

MR. TIGAR: Very briefly.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, Dr. Sullivan.

A. Good afternoon.

James Sullivan - Cross

Q. My name is Michael Tigar. I'm one of the lawyers in this case.

You said that Daina Bradley did survive. Is that correct, sir?

A. Yes, she did.

Q. Now, were you her treating physician after you got her to the hospital?

A. No.

Q. Did you later learn what she had witnessed just before the explosion?

A. No.

Q. So you don't have any knowledge of what she saw through the windows of the building just before 9:02?

A. No, sir.

MR. TIGAR: No further questions, your Honor.

MR. MEARNS: No questions.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. MACKEY: Thank you, Judge. We'll call Todd McCarthy.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Todd McCarthy 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: Todd Joseph McCarthy, M-C-C-A-R-T-H-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Mr. McCarthy.

A. Good afternoon, sir.

Q. How old are you?

A. 25.

Q. Are you married?

A. Yes, I am.

Q. Do you have any children?

A. I have one son.

Q. How old is he?

A. He is 21 months old.

Q. Do you have any brothers or sisters?

A. I have a brother, Tim, who is 27, and a sister, Christi, who is 21.

Q. What do you do for work?

A. I am a service installer with TCI Communications in Overland Park, Kansas.

Q. Is that near Kansas City?

Todd McCarthy - Direct

A. Yes, it is.

Q. Are your parents alive?

A. My mother is alive, my father is dead.

Q. Your father died in the Murrah Building bombing on April 19?

A. Yes, sir.

Q. What was his position at that time?

A. He was the director of the U.S. Department of Housing and Urban Development for Oklahoma.

Q. How long had he been in that Oklahoma City office of Housing and Urban Development?

A. He had spent four years in Kansas City and was transferred for the promotion to director in Oklahoma in December of '94, so about -- about 3 1/2 months prior to his death.

Q. And he had only lived in Oklahoma City for that period of time?

A. Yes, uh-huh.

Q. Where were you living in April of 1995?

A. In Overland Park, Kansas.

Q. What did you do for Easter in April, 1995?

A. My mother had phoned me the week preceding Easter and had asked me to come down over the Easter weekend to visit my family, and I did.

I hadn't seen my family since they had relocated to Oklahoma City, so I thought this was an ideal opportunity to go

Todd McCarthy - Direct

out and visit.

So I went down on the Thursday before Easter and stayed until the Monday directly after Easter.

Q. I want to turn to Sunday, April 16, Easter Sunday. Do you remember what you did that day?

remember what you did that day?

A. Yes, very well. We -- we all got up. My brother was in law school in North Carolina, so he wasn't in for Easter that weekend; but my mother, father, sister and myself went to Easter Sunday mass. And following that, we went back to the house, had lunch, and then went down to my dad's office building at the Murrah Federal Building in downtown Oklahoma City.

Q. Was that the first time that you had been to the Murrah Building in Oklahoma City?

A. Yes, it was.

Q. Did you actually go in the building on Easter Sunday?

A. Yes, we did.

Q. Can you tell us about that.

A. My father -- we went in, went up. His office was on the 7th floor, right in the middle of the building. I remember distinctly riding up the elevator and getting off on the elevators. You kind of had to take a left and then take a right to go down the hallway where his office was on one wall and the DEA was on the wall to the left.

As we made the turn around the left and then to the

Todd McCarthy - Direct

right, he kind of paused in front of what would seem to be a marquee and just stopped and looked at it for a little bit, glancing over his shoulder, surely indicating that he wanted the family to look over here. And after catching onto his cue, I did, noticing his name in white letters, "James McCarthy, Director."

Q. You got the hint?

A. I got the hint; and while he never got his name in lights, I think that was good enough for him.

Q. After you saw your dad's name on the marquee on the 7th floor, where did you go?

A. We proceeded to what I later found out was the front door of the DEA, where he jokingly commented he must have made a mistake and went ahead and turned around and went into the HUD door, went to his office there on the 7th floor.

Q. Describe the office that your dad had on the 7th floor of the Murrah Building.

A. The office was rustic, I guess is the best way to call it; a little old, small, but it had what he said was something that was few and far between in the Murrah Building, which was a great window view.

Q. What was the window view of?

A. The window view was of an immaculate parking lot, which I took great humor in because he had come from his Kansas City office where he as well had a parking lot view there; but this

Todd McCarthy - Direct

was a higher parking lot view, so he had moved up in the world.

Q. Was this a view of the parking lot across 5th Street?

A. Yes, sir.

Q. What did your dad say when you commented about his parking lot view?

A. Oh, just that this was, you know -- this was quite an honor because these window views didn't come to everybody.

Q. Did he tell you whether or not the other side of the building had windows?

A. No. He had said that -- that this was especially rare because the Murrah Building only had windows on one side of the building, on the front facade, the north facade of the building.

Q. How long were you in your dad's office on Easter Sunday, 1995?

A. We were probably there for a half an hour to 45 minutes, I think.

Q. Did you notice any pictures in his office at that time?

A. Yes. He had -- he had a picture frame of the three kids, my brother, my sister, and myself, all dating back to when we were probably in junior high, elementary school, or first year of high school. They were extremely outdated, but they were there. And they were there whether he was in Kansas City, in Iowa, or in Oklahoma. He had that picture frame wherever he went.

Todd McCarthy - Direct

Q. What time did you leave the Murrah Building that day?

A. We left the Murrah Building, I would guess, probably around 1:30, 2:00 in the afternoon. Probably 1:30.

Q. Do you remember the next time that you saw that building?

A. Yes, I do.

Q. Tell us about that, please.

A. It was Wednesday morning, April 19, and my mother had phoned me. I had gone back to Overland Park Monday morning after my father went to work, and my mother had phoned me about 11:00 Wednesday morning and asked me if I had seen the news; and I said no, which was very uncharacteristic of me. I was a news junkie, if you will.

And she said that a bomb had gone off in my dad's office building and she was quite frantic. I really hadn't unpacked my bags completely, so I told her I'd jump in the car and come back down.

And I ran upstairs to grab my bags and turn on the TV, and that's when I saw the Murrah Building, or what was left of it.

Q. What did you see when you turned on your television?

A. A skeleton of what I was in three days before.

Q. Did you see what there was where your dad's office had been?

A. Where my dad's office had been wasn't there anymore. He was right in the middle of the building on the window, and it

Todd McCarthy - Direct

was gone.

Q. What was your reaction?

A. I cried. I felt crippled. I don't know of any good words that can really describe that feeling.

Q. Did you go to Oklahoma City on April 19, 1995?

A. Yes, I did, immediately following that.

Q. And how long were you in Oklahoma City after that?

A. I was in Oklahoma City off and on for about the next nine months. I came back. I had -- I was engaged to be married at the time, and my fiancée was still in Overland Park. And I was going back and forth between Oklahoma City and Kansas City, spending the majority of my time in Oklahoma City.

Q. When was your father's body identified?

A. My dad's body was recovered and identified on the 29th of April, about 10 or 11 days, give or take, for the timing after the bombing.

Q. What did you do during those 10 or 11 days?

A. In the beginning, it was a regiment (sic) of calling hospitals, going to the Red Cross stations that they had set up. We made an initial stop at the First Christian Church, just basically a lot of calling hospitals to check and see. My dad didn't carry identification on him. He had a Day Runner, so we hoped to find him perhaps as a John Doe that had been admitted; and that continued for four days.

Q. What happened after that?

Todd McCarthy - Direct

A. On the Monday following the bombing, Secretary Cisneros of HUD came and had a meeting for the families of the 35 HUD people who were still listed as missing.

I had met a woman there who had indicated to me that she had been -- after I asked her if she had seen my father, she had indicated that she had been in his office moments prior to the blast and had just left his office and made it back to her desk when the bomb went off and she turned around and he was gone.

So at that time, I knew that he wasn't in a bathroom on the south side of the building or anywhere else; that he was more likely than not buried, and really pretty much our trips to the hospital stopped.

And our only call to Red Cross was just to tell them that we were waiting.

Q. When your father's body was identified on April 29, did you get anything back, any of his possessions from the office building?

A. The only thing that we received from the recovery effort was the brass picture frame that had his three kids' pictures in it. Unique about it was the brass was dented and scratched and contorted a little bit, but the glass and the pictures were pristine; so my mother tells me she takes great comfort in knowing that's probably the last thing he saw.

Q. I'm going to show you Government's Exhibit 1464. Is that a

Todd McCarthy - Direct
picture of your parents?

A. Yes, sir.

MR. GOELMAN: I offer Government's Exhibit 1464.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be shown.

BY MR. GOELMAN:

Q. Can you identify the people depicted in that picture?

A. Yes, sir. That's my mother and my father.

Q. Is that what your dad looked like in April of 1995?

A. Except for about 70 pounds' difference, that was him.

Q. 70 pounds lighter?

A. He was 70 pounds lighter. He had -- right before he had transferred to Oklahoma City, he had undergone an interoffice contest in the Kansas City office called "Dump Your Plump"; and while humorous, he was quite proud of this. They formed into teams, and he lost 77 pounds. And their team won obviously. To say he carried it would be an understatement; but yes, that's fair and accurate, except for the weight.

Q. Can you tell us a little bit about the kind of man that your dad was.

A. My dad -- I think what I would say wouldn't be any different from what a lot of people would say about their fathers; but mine, as every one, is special to me, in that he was the most wonderful man I ever knew. He was always caring, loving. He was a coach of a T-ball team when I was a little

Todd McCarthy - Direct

kid, always there for my football games.

When he was -- when I was younger, he was an examiner with the FDIC in North Platte, Nebraska; Burlington, Iowa; Kansas City, and he -- he was gone a lot. Being an examiner, he traveled throughout the Midwest. And he was gone throughout -- Monday through Friday basically; and on the weekends, he would come home. And I remark to my mother now and to my wife that lots of people look back to their parents may have traveled or even when they haven't traveled and they really don't have -- some of them don't have a good memory of their parents being there for them, for work or whatnot. I don't have a memory of my father not being there. I often wondered whether he had friends outside of his family, because it seemed like his whole life was spent with us.

He would take a month off every summer when we got off of school, a month solid from the FDIC, and do nothing but spend time with us, whether we were skiing at a lake or playing ball in the park. He was like that from the time I can first remember him till the very last day that I saw him.

Q. Mr. McCarthy, you mentioned that you were engaged at the time of the bombing.

A. Yes.

Q. You're married now?

A. Yes, I am.

Q. Have you been divorced. also. in the period of time since

2. Have you been divorced, also, in the period of time since

Todd McCarthy - Direct
the bombing?

A. Yes, I have. I was engaged -- I became engaged to be married December 12 of '94. I was -- we had hoped to be married in the summer of '95. Due to what happened in April, that was put off. She and I eventually married on November 24 of '95, and we filed for divorce on the 12th of April of '96.

Q. Can you describe what effect, if any, your dad's death had on your relationship with your fiancée and your subsequent marriage?

A. My dad's death completely tore my relationship apart. I was finally -- I shouldn't say finally. I was in a position where I had never been before. I didn't understand it. I didn't know how to cope with it. All throughout my life, not belittling my mother's importance to my life, but as a daughter would go to a mother, perhaps as a confidant, I was to my father. And in the worst time of my life, I now had nobody to go and ask what to do.

I'd go to my mother, and all I'd do is make her cry and hurt her because of her loss.

I was unable to talk to my fiancée for the first week after the bombing. I didn't even want her around. I don't know why. I just didn't want to talk to her.

It made things very hard, because while two people who marry and form this -- what should be everlasting bond are supposed to share everything with everybody, I couldn't share

Todd McCarthy - Direct
anything with her. I didn't have it in me.

The only thing I had in me was pain, and I didn't want to put that pain on anybody else. That's a pain nobody should have to go through.

Q. Have you since remarried to the same woman?

A. Yes, I have.

Q. When was that?

A. October 24 of this year, we remarried. We became officially divorced on the 27th of August of '96, began to reconcile in January of '97, and remarried this past October.

Q. You and she have a son?

A. Yes, we do.

Q. How old is he?

A. He's 21 months.

Q. Can you tell us what effect your father's absence had on the birth of your son or how you felt about that?

A. The birth of my son, much like my wedding, was bittersweet, two occasions I think most people look forward to in their lives as being definite high points, which isn't to say that it wasn't. The birth of my son was definitely the highest point in my life, but it came with -- it came with a lot of pain,

like most things did through that two-year period and continue today.

I remember walking over. My wife had an emergency cesarean which didn't help the matter.

Todd McCarthy - Direct

MR. TIGAR: I'm going to object to the non-impact testimony.

THE COURT: Sustained.

BY MR. GOELMAN:

Q. Since your son's birth, what effect has your father's death had on how you raise your son?

A. I think I was scared about how I was going to teach my son to walk or talk. What scares me the most now is having my son come home and want to know why. He can look at a picture of his grandfather now; and when I ask him where he is, he points up, but that won't hold. I know that. Someday he'll come from junior high or high school and open up his textbook to a picture of the Murrah Building and ask why.

My wife and I are now charged with explaining to this young child a world of love and compassion when he sees so much horrible hate, and there is no explanation for that.

MR. GOELMAN: Thank you, Mr. McCarthy. I don't have anything else.

MR. TIGAR: No questions.

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

Next witness.

MR. MACKEY: Call Keith Simonds.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Keith Simonds 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: Keith Wesley Simonds, S-I-M-O-N-D-S.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mearns.

DIRECT EXAMINATION

BY MR. MEARNs:

Q. Where do you work, sir?

A. Oklahoma City Police Department.

Q. How long have you been employed by the Oklahoma City Police Department?

A. 11 years and 4 months.

Q. Where do you live?

A. In Oklahoma City.

Q. How old are you?

A. 34.

Q. Are you married?

A. Yes.

Q. Do you have any children?

A. Yes.

Q. In April of 1995, what were your duties and responsibilities with the police department?

- A. I was assigned to Spring Lake Station as a patrol officer.
Q. Where is the Spring Lake Station in relation to downtown

Keith Simonds - Direct
Oklahoma City?

- A. It was located at approximately 40th and Prospect.
Q. Where is that in relation to the Murrah Building?
A. That is in the northeast part of town off of 36th and about a mile from Lincoln.
Q. So about how far away from the building is it?
A. Approximately 4 miles, 4, 5 miles.
Q. And what were your duties and responsibilities in April of 1995?
A. To patrol, answer calls for emergency, citizens assist and stuff.
Q. Were you working on the morning of April 19, 1995?
A. Yes, I was.
Q. What time did you get to work that morning?
A. 7:00.
Q. And where were you at about 9 a.m. that morning?
A. I was en route to an alarm call that was real close to Edmond, and I was taking Broadway Extension and I was about at Wilshire Boulevard going northbound.
Q. At that point, did you hear the explosion downtown?
A. I did not hear the explosion. The first indication of anything going wrong was the radio transmissions that came over the radio. I immediately pulled into the center median and looked south towards the downtown skyline and saw the last of a white cloud and then the skyline being filled with black smoke.

Keith Simonds - Direct

- Q. What did you do then?
A. I mainly started going downtown.
Q. How far away were you from the Murrah Building at that point when you pulled into the median?
A. At that point, approximately 6 miles.
Q. And so you drove downtown?
A. Yes.
Q. How long did it take you to get downtown?
A. 6 to 7 minutes.
Q. And what did you see as you were driving and approaching downtown Oklahoma City?
A. As I was approaching 23d and Broadway, a lot of the cars and traffic had already been pulled over, and I got off 235 onto Broadway Extension, continued south. I came across -- coming up on 13th; and once I got to 13th, I noticed a lot of the businesses' front windows, the glass had been blown out of them or shattered out into the street.
Q. Did you continue to proceed?
A. Yes, I did. I went onto 5th Street, and I turned west on 5th Street. At that time -- while I was going en route there, they identified the building, the exact location, so it was easier for me to get to. And we get to -- or I get to 5th and

easier for me to get to. And we get to -- if I get to 5th and Broadway and I turn west; and as I'm driving up towards the building, Sergeant Richard Williams gets on the radio and is asking for assistance in what he referred to as the "basement."

Keith Simonds - Direct

Q. He was calling actually from the building?

A. Yes.

Q. What kind of assistance was he seeking?

A. He said he had some victims trapped. He had found one victim alive and he needed assistance. He needed water shut off and electric shut off.

Q. So what did you do?

A. Well, I get to 5th and Robinson; and I get out of my scout car, and we have a lot of walking wounded out there. And they see the scout car, so they're looking to us for assistance and help and stuff.

The best we could do, not having any medical supplies or anything -- we directed them towards the northeast corner of that intersection, because I saw an ambulance en route; and I knew that they would have the medical attention they needed.

I started asking around to other emergency workers how

I could get to the basement, and no one knew.

Richard -- Sergeant Richard Williams was sounding a little bit more frantic. I knew he needed some assistance as soon as possible.

Q. Did you have a portable radio with you?

A. Yes, I did.

Q. Is that where you continued to hear transmissions over that radio?

A. Yes. Yes, it was.

Keith Simonds - Direct

Q. What did you do?

A. I looked for a way to get down to where he was at. We later identified that as the Social Security office, and I was not able to find the entrance.

He came out of the east side of the Social Security building or office on the east stairwell; and when you come up, you come up a flight of stairs and you're on the street level.

We made eye contact. He said, "Keith, I need your help." And we went immediately down the flight of stairs.

And -- excuse me -- I stepped into water that was about ankle deep at the bottom of the stairs.

Q. Describe what you saw when you went into the building, into that area of the Murrah Building.

A. We had to -- first, to get in the building, you go through a double door by first turning left. Then you have to turn immediately right, and that will put you into the Social Security office.

Once you actually get in there, it was pitch black.

You couldn't see anything. The only light we had was Richard's light. That was -- and he knew where the victim was, so I was having to depend on his illuminations and stuff to follow.

I immediately -- excuse me. When we got in there, it's immediate wall partitions, broken desks, broken doors. You couldn't identify where a door was other than it being -- you know, laying down and broken. We had to go over desks. We

Keith Simonds - Direct

were walking on top of ceiling tile, on top of a lot of the structure that was down there in the office.

We had to crawl under a lot of structure, too, to get where we were going. And once we were getting close enough, Richard shined a light over to where the victim was.

And I was surprised to see two people there. One was standing up over the victim assisting her, and Sergeant Richard Williams was trying to get us over there.

Q. Was the other person that was by the victim: Was that another police officer or law enforcement person?

A. No. That was a citizen. I believe his name was Richard Dean.

It was only about 10 yards. It seemed like it took us a mile's worth of work to get to her.

Once we get to her, it was a real small area to work around. Sergeant Richard Williams and Mr. Dean got to the leg side of her where her feet and legs were, and I was going to carry her by her upper torso.

I laid her head on my chest and cradled underneath her left arm with my left arm. I couldn't get a good grip on my right arm -- on her right arm, so I was having problems carrying her. We were having to go zigzag back in and out, carry her under the things we went over, carry her over the things we went over. And at one time, Sergeant Richard Williams got his gun tangled up in some of the electrical wires

Keith Simonds - Direct

or the wires that were hanging down from the ceiling, so we had to set her back down, untangle him, pick her back up, and continue.

I basically carried her the same way, and I'm still not getting a good grip on -- my right arm with her right arm.

We get outside to where the staircase is, and the water is now about knee deep. As we're carrying her up the stairs, I'm trying to get a response from her, you know, "Can you see? We're outside. The light, can you see the light?" I didn't get a response immediately, but I was finally able to get a good grip on her right arm with my right arm.

When I did that, her arm for some reason came up and had hit me in the face.

As we were carrying her up, I looked down again at her. I could only see one eye.

The other eye was -- appeared to be missing. She had a -- what looked like muscle tissue hanging from her cheek, and her arms were just full of dime-size and quarter-size holes.

As we get her up to the top of the stairs and we set her down is when she first says, "I can't breathe, I can't breathe."

There are some medical personnel up there, a nurse and a couple of firemen there. So Richard and myself and Mr. Dean, we set her down. And it wasn't till then when I looked exactly where I was holding onto, and I was holding onto an open wound

Keith Simonds - Direct

and I was holding onto her bone. Apparently I had hit a nerve or something that had caused her arm to come up and react like it did.

After we had set her down, myself and Sergeant Richard Williams were exhausted. We started walking away to the curb line there on Robinson; and after about 30 seconds to a minute, we turned around and she was gone. We don't know what happened to her. We don't know if medical personnel picked her up, if someone else picked her up because she had passed away or whatever.

We later found out that that was Sharon Littlejohn.

Q. Let me ask you to look at your screen at Government's Exhibit 1421. Do you recognize that photograph as yourself and Ms. Littlejohn and Sergeant Williams?

A. Yes.

MR. MEARNS: Your Honor, we would offer 1421.

MR. TIGAR: Subject to our continuing objection, your Honor.

THE COURT: All right. It's received, may be shown.

BY MR. MEARNS:

Q. Sergeant Simonds, who was the individual bending over on the left side of the photograph?

A. That's Sergeant Richard Williams.

Q. And that's you standing in the center of the photograph directly facing the camera?

Keith Simonds - Direct

A. Yes, it is.

Q. Who is the gentleman behind Ms. Littlejohn, who is lying on the ground?

A. The gentleman in the striped shirt, short-sleeved, is Richard Dean.

Q. Was that the condition that Ms. Littlejohn was in when you helped rescue her from the basement of the building?

A. Yes.

Q. At that point, what did you do?

A. At that point, we knew we needed to get back in there and

A. At that point, we knew we needed to get back in there and do as much as we can to assist anybody else.

I went to the south side of the building; and while I was over there, I ended up going through the playground of the day-care center.

Q. What did you see as you were walking on the south side of the building?

A. In the playground -- in the playground, they used it as a temporary morgue for the babies.

Q. Did you go back into the building at that point?

A. Yes, I did. I continued on the south side of the building, and I saw on about the 3d floor a male victim that was pinned up against the wall facing south. The windows have all been blown out of the whole building. And something had crushed him from behind, but he was obviously deceased when we saw him.

After that, we went -- when I say "we," it was myself

Keith Simonds - Direct

and Lieutenant Burns at this point. We got with each other. We went up the south stairwell because the stairwells -- stairwells were still passable, so we started going on different floors where there was nobody searching, and we felt like maybe we could be some benefit on other floors.

We get up to where the snack bar is in the Murrah Building and didn't find anything there other than I found a clock on the floor that had been knocked off on the floor, and I picked it up and dusted it off. And that clock read exactly 9:00. I understand all the other tests and stuff you put it as 9:02; but for the people in that room, it was 9:00.

We continued on up another floor. I don't know what branch of the armed services it was, but there is a blood trail that led from the stairwell into the armed forces branch there in their office. So we was thinking that maybe the victim has already gotten out or somebody came in looking for someone.

And we had no luck finding anybody on that floor, so we continued up. We get to the top floor and we find that nobody has been to the mechanical room yet, which is where all the elevator motors are. We get up there, and it was dust-covered. As we walked on it, we left footprints. So we were pretty sure that nobody was there, but we went ahead, went to the rooftop to check, just to make sure that nobody had climbed out up there.

Q. Did there come a time when you were ordered to leave the

Keith Simonds - Direct

building because of a bomb scare?

A. Yes. As we started working our way back down the floor systematically, orders came out to evacuate the building; that they had a second bomb scare or they had found a second bomb, something like that.

Q. Did you leave the building at that point?

A. Yes, I did.

O. Did you return to your patrol station, your command post at

that point?

A. Not at that point. We met up outside south of the building shortly after they cleared the building, and the fire department secured it. The police officers were told to report to the command post. When I got there, I had blood on my uniform actually from my left side going down to my waist from where I was holding Sharon Littlejohn's head. All my brass was covered in blood. And we were given orders then to go to the house and get cleaned up and report back for duty.

Q. Did you not return to the Murrah Building that day, April 19?

A. No, I did not.

Q. What effect, if any, has your participation in the rescue operations at the Murrah Building had on you?

A. I have dreams. They're not as frequent as they used to be, but I play kind of two roles in the dream. I'm the victim in the Social Security office, and I'm a police officer. The

Keith Simonds - Direct

explosion happens and I'm trapped; and as a police officer, I walked right by myself to go assist someone else.

MR. MEARNS: Thank you.

I have no further questions, your Honor.

THE COURT: Any questions?

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

THE COURT: You may step down.

MR. TIGAR: Excuse me, your Honor. May I have a moment to confer with counsel?

THE COURT: Oh, yes. All right.

Just a moment.

MR. TIGAR: No questions, your Honor.

THE COURT: All right. You're excused.

Well, we're almost at 5:00, so we'll recess at this time, members of the jury, for overnight. Once again, of course, you've heard a lot of testimony today concerning the effects of what happened.

Remember, however, the limited purpose for which this information is being provided to you; that is to say, it is one of the factors that may be considered in making the decision that is to be made by the jury in this case, but it is only one. You will hear more, and you will hear about other factors as well.

And, of course, as you know from what I told you when we began this morning, it will be your responsibility to put it all into perspective and wait until you've heard it all before, again even in your own minds, you begin to formulate any views about what is an appropriate decision in the case, what is an appropriate sentence. So please wait until you've heard it all, including the instructions that I'll be giving you about the law that has been touched on a bit today, which will be provided in more detail, of course, at the conclusion of the hearing.

So again, let the matter rest; and be careful, avoiding discussion about this matter with all other persons,

including other jurors. Avoid anything in any radio, television, publications of any kind, newspapers, magazines, or the like, to stay away from anything which could possibly affect your decision, knowing that your decision will be made on the basis of what is presented to you in this room.

So you're now excused until 8:45 tomorrow morning.

(Jury out at 5:00 p.m.)

MR. TIGAR: May we approach?

THE COURT: Yes.

(At the bench:)

(Bench Conference 145B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We'll recess, 8:45.

(Recess at 5:03 p.m.)

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INDEX

Item

Page

WITNESSES

Constance Favourite

Direct Examination by Ms. Wilkinson

Sonya Leonard

Direct Examination by Mr. Ryan

Rudolph Guzman

Direct Examination by Ms. Wilkinson

Ray Blakeney

Direct Examination by Mr. Sengel

Cross-examination by Mr. Tigar

Redirect Examination by Mr. Sengel

Catherine Alaniz

Direct Examination by Mr. Orenstein

...

Michael Lenz
Direct Examination by Mr. Sengel
James Sullivan
Direct Examination by Mr. Mearns
Cross-examination by Mr. Tigar
Todd McCarthy
Direct Examination by Mr. Goelman
Keith Simonds
Direct Examination by Mr. Mearns

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PLAINTIFF'S EXHIBITS

Exhibit	Offered	Received	Refused	Reserved	Withdrawn
940A	15011	15011			
1082A	15041	15041			
1208E	14974	14974			
1244A	15005	15006			
1253A	15009	15009			
1421	15079	15079			
1423	15052	15052			
1446	15030	15030			
1452	14978	14978			
1464	15067	15067			
2206	14991	14991			
2214	15012	15013			

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REPORTERS' CERTIFICATE

We certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter. Dated at Denver, Colorado, this 29th day of December, 1997.

Paul Zuckerman

Bonnie Carpenter

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