

advised counsel that I am going to talk to the jury a little bit this morning with respect to the nature of the testimony they have been hearing in the last two days, give them some guidance with respect to the purpose of that and how they should consider it and what the issues really are in this proceeding. We're going to take about a five-minute recess.

(Recess at 8:45 a.m.)

(Reconvened at 8:50 a.m.)

THE COURT: Be seated, please.

(Jury in at 8:51 a.m.)

THE COURT: Members of the jury, good morning.

We apologize for delaying you for a few minutes this morning; but during those few minutes, I discussed with the lawyers in the case our schedule. And before we begin to hear testimony today, I want to advise you of where we are or where we think we are.

And of course, recognizing that I can tell you of -- what our expectation is, remembering, of course, that it's not the same as a commitment because we have to have witnesses travel and get here on time and so forth. Trials are human events, as I've said; and accordingly, there's always the possibility of our expectations not being realized. But what we expect is that the lawyers for the Government will complete today the calling of their witnesses so that we have a number of witnesses yet to be heard from, and we will proceed as soon as I finish these remarks with calling in the witnesses and expect that to be completed today before 5:00.

And whatever time that is, we'll recess at that point. And then tomorrow, of course, is a holiday; and then, on Friday, we will proceed into the defense part of this hearing, and we'll be hearing from witnesses called by the defense on Friday. And I would like to use a full day on Friday, do that, and then of course, we'll have the weekend -- you will have the weekend off, and then we'll resume on Monday. And it's our expectation now that the presentation of the information may be completed on Monday, or Tuesday, so at least early next week, and then the matter be given to you after the completion of, of course, the arguments and the detailed instructions on the law that I will explain to you.

So that's what we expect, that this matter, this hearing will be completed early next week.

Now, I do want to also tell you something about where we are with respect to the law at this time so that you can put in perspective that -- perhaps better perspective that which you've seen and heard in the last two days and which you will still see and hear in the time remaining.

During the last two days, you've heard a lot of testimony and you've seen exhibits on the effects of the bombing of the Murrah Building in Oklahoma City on April the 19th of 1995. And a lot of that testimony has been quite graphic and vivid and considerable detail. Much of it has also been highly emotional. None of what you've heard in the last two days was admissible evidence at the trial of this case and was not received at the trial of the case and was not admissible evidence on the question of whether the Government could prove the charges against Terry Nichols beyond a

reasonable doubt because none of what you've heard here in these past two days really proves anything about Terry Nichols and the charges against him.

What you have heard evidence about and what witnesses the Government has brought in in support of this matter is different from what you heard as the evidence that the Government relied on in support of the charges against Mr. Nichols, the charges in the indictment.

Now, the 12 jurors deliberating in this case reviewed all of that evidence at the trial of the charges and returned a verdict. And of course, you don't need to be reminded, I'm sure, that what the jury found from the evidence presented and in applying the law as it was given in my instructions is that the evidence that was heard at the trial did not -- was not sufficient to prove Mr. Nichols guilty beyond a reasonable doubt on the eight counts of first-degree murder of the law enforcement agents named in Counts 4 through 11 in the indictment.

The jury also found that the evidence was insufficient on the charges in Counts 2 and 3. Those are the charges that accused Terry Nichols of the actual use of the truck bomb as a weapon of mass destruction and the destruction by explosive of the Murrah Building on April the 19th of 1995.

What the jury did find Terry Nichols guilty of is Count 1; that is, participating in a conspiracy with Timothy McVeigh and perhaps others to use a truck bomb as a weapon of mass destruction.

Nothing that you have seen and heard in the last two days or will see and hear in this proceeding can change that verdict. It is final and conclusive and must be accepted by all of us, including, of course, the jurors who made the decision.

Now, the law says that the persons who participate in a criminal conspiracy can be responsible for the conduct of other members of the conspiracy. Now, the jury found that this conspiracy resulted in the deaths of the people named in the indictment and that those deaths were foreseeable. So the law provides, with such finding, for the possibility of punishment of a conspirator by a possible death sentence, and of course, it provides for that possibility but does not require it. The law also permits punishment of life imprisonment without release, and the law also provides for the possible punishment of some lesser sentence than either death or life in prison.

As I've told you previously here and as I'm sure you understand, the question of life or death is a matter for a jury to decide. And the jury also has the option of deciding neither of those and saying it should be a lesser punishment, in which case, the question on sentence goes back to the Court, to me, to decide.

Now, that's what's being heard here is the matter of what a sentence -- a sentence should be, and the jurors hearing the case decide that question. But before deciding it, as I've said repeatedly and as I said clearly, I hope, on Monday morning, the jury must consider information that can be presented from both sides in the case, both from the prosecution and the defense.

Now, among the things that can be considered -- and

Now, among the things that can be considered -- and we'll talk about this in greater detail when I instruct you in -- on the law at the conclusion of the hearing, just as I did at the conclusion of the trial -- but among the things that can be considered are the scope and extent of injury and loss suffered by the victims and the victims' families. Also, the number of deaths -- deaths, the risks of death and injury to other persons besides those who were actually killed and injured and so forth. I'm not going to repeat all of those now. But much of what you have heard, of course, has focused on these factors of the impact, the deaths, losses, the risks to others. And of course, we relaxed the rules of evidence in considering this information.

You know, as I mentioned to you when we started, the people who have been killed, who died as a result of this explosion can't come in here and speak for themselves,

obviously. So the law relaxes the rules and permits family members and others to come in and talk about what the lives of these people were like, who they were, what they did in life, and also permits them to talk about the effects of the loss of loved ones on those who survived them in the family and in the community.

Now, when these people have come in here -- and of course, we expect to hear more testimony of this type today -- and they are asked to talk about these things and they are asked to relive and relate some very painful parts of their lives, it is only natural that they have the human tendency to talk about these matters in the most poignant and emotional way. What sticks in the minds of some are their last moments that they had with wives and husbands, children, parents, brothers, sisters, grandchildren; in short, their loved ones. And you understand that in talking about that, they, being human beings, can become quite emotional.

And of course, they have also been asked to talk about what their lives have been like since the deaths. And here again, quite understandably, some of them have expressed their emotions with some imagery or graphic examples that are particularly poignant and moving. I have established some guidelines for that in advance with the lawyers so that it can, you know, be conducted with some dignity and respect for all concerned, including those who are no longer living. But of course, you know, we can't put gags on people and we can't expect people, when they are asked to talk about some of these things, to -- well, to not spill over into some things that really shouldn't be considered.

And there have been some examples of that in the last two days. Defense counsel has not been cross-examining these witnesses because, you know, there's really no dispute here about the credibility of what they are telling you in connection with their own lives, so it's not a subject of dispute.

At times, some objections have been raised by defense counsel, and appropriately so, where the witness seems to be going farther than I have and the guidelines that I've established for this permitted.

So, for example, just as an illustration, we had

Ms. Sharon Coyne talking about the loss of her daughter, Jaci, a youngster, and then talking about a vision or images that she has had with respect to seeing her daughter in the building. I mean, she didn't actually see her, but she imagined these things, and also, a vision about her covered with blood and glass and so forth. The last witness that we had yesterday, talking also about -- he was about to get into something with respect to his wedding ring and a grave-side ceremony of some type and so forth, and I stopped that. Now, you know, I did so, I hope you understand, with the purpose of trying to keep this within some boundaries because, to put it frankly, it would be a violation of your oath to be swept away, as it were, by the emotion from an emotional impact of such testimony.

And of course, I've noticed that in the course of this testimony, many of these witnesses cried and some of you and others in the courtroom have cried and have responded in a very human way to some of what you've seen and heard. And of course, that's how people react to hearing people talk about some of our most basic emotions as human beings, emotions of sorrow and grief and despair, a sense of loss.

It's important to remember, though, what your role is, and that is that you're sitting here in judgment of Terry Lynn Nichols. And the ultimate question here is what should be done to him as a sentence for the crime of conspiracy, the crime for which you found him guilty and the only crime that is subject to a sentencing consideration by the jury. Those other convictions on involuntary manslaughter are matters for the Judge, for me to decide, as I've already told you. That's not before you.

So it's the question of the conspiracy, and it's important to keep in perspective that this hearing is not being conducted for the purpose of seeking revenge or making some decision based on vengeance or based on anger. That's not what this is about. You know, the victims don't do the sentencing and, of course, for a reason, obviously. This is why we have a jury system, people unconnected with the case. We went through all of this long voir dire with respect to each of you, all of those questions, to see if you could fairly judge, in the event that the case came to this point, what is a just and appropriate sentence, considering all of the facts and circumstances to be presented.

So the testimony about losses and suffering that you've heard -- and in some cases, you may have perceived that some of the witnesses may be angry. And you know, if they were permitted to be asked -- of course, we don't permit them to be asked, and nobody suggests that we should, but -- we don't ask them what they think about the verdict in this case. We don't ask them what they think should be done. I don't permit anybody to even indirectly express any conclusions or opinions on those matters. But you can see people here on the witness stand and look around -- and say, look around the room, and some of them may have looked at Mr. Nichols or his counsel, or you, or whatever, and you may have perceived some feelings there that weren't expressed. Again, all of that has to be put in perspective here.

Remember, as I'm sure all of you do, that, you know, trials are human events. I keep repeating that, but it's true. And we have human witnesses. And people come in to be asked to talk about these things in their lives that affect the very core of their lives as they have revealed it, can express all kinds of things, but you have to put it in perspective.

And there are many other factors that you will have to consider, including the question of just what Mr. Nichols did, what role he played in the conspiracy that he's been found guilty of. And of course, things that you'll be hearing with respect to who Mr. Nichols is and what his life has been and is. So I simply want to pass these points on to you now so that you will understand perhaps a bit better why these witnesses are here and testifying and how you should put their testimony and their reactions to these things into -- into really the whole picture, which again, of course, you must wait until you've seen it all and we talk again, as we will next week, about how you should approach the important questions that are before you.

So I just wanted to take time out to discuss that with you a bit this morning so that you can understand perhaps a bit better what this proceeding is all about.

With that --

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

THE COURT: Yes.

(At the bench:)

(Bench Conference 148B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: You know, I simply say again so that it is clear to you that what I've said to you is not a complete instruction about how you approach the question of sentencing. I've just given you a part of it, and of course, what I will

I've just given you a part of it, and of course, what I will give you next week when we come to the actual instructions -- which you again will have in writing, by the way, and you'll have again a verdict form that goes through a series of questions that helps you to analyze this and of course, all of the aggravating and mitigating factors that you can appropriately consider under my rulings will be there. And of course, you will also be made -- you will be asked to make some findings about intention, as was mentioned in the opening statements, because you don't even get to aggravating and mitigating factors unless you find certain intentions were present in Mr. Nichols when he participated in the conspiracy.

I'll explain all of that in greater detail then, so I don't want you to have the misimpression that I fully instructed you. Far from it. I just thought it might be a good time right here to remind you what we're here to do, what you're here to do.

So we'll go to the next witness.

MR. MACKEY: Thank you, Judge. We'll call Alice Denison.

THE COURTROOM DEPUTY: Raise your right hand, please.
(Alice Denison 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: Alice Ann Denison, D-E-N-I-S-O-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mackey.

MR. MACKEY: Thank you, Judge.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning, Mrs. Denison. How are you?

A. Good morning, Mr. Mackey.

Q. Would you tell the jury, please, where you live.

A. Oklahoma City, Oklahoma.

Q. And how long have you lived in Oklahoma City?

A. Basically all my life. About 10 years. 10 to 12 years.

Q. Are you married?

A. Yes, I am.

Q. And how long married?

A. Almost three years.

Q. Have any children?

A. One child.

Q. And how old is your child?

A. He's six months.

Q. Ms. Denison, what do you do for a living?

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A. I work at AT&T Wireless Services.

Q. And how long have you worked there?

A. Three-and-a-half years.

Q. Ms. Denison, I'd like to ask you a few questions about Mickey Maroney. Can you answer those for us?

A. Yes, I sure can.

Q. And was he your father?

A. Yes.

Q. And was he killed in the bombing on April 19th?

A. Yes, he was.

Q. Would you tell the jury a little bit about the background of Mickey Maroney.

A. He grew up in Wichita Falls, Texas. He was the baby of 11 children. He played football at Wichita Falls High School. He then got a scholarship to the University of Arkansas where he played football for four years. He then entered the United States Secret Service in 1972 and was a Secret Service agent up until his death.

Q. And when was he married to your mother?

A. He was married to my mother in 1968.

Q. And was there a divorce?

A. Yes, there was.

Q. And approximately how old were you at that time?

A. I was approximately 11 years old.

Q. All right. And did Mr. Maroney remarry thereafter?

Alice Denison - Direct

A. Yes, he did.

Q. In the course of that time after divorce and remarriage, did you maintain a close relationship with your father?

A. Most definitely.

Q. All right. Let's talk a little bit about his career and contributions as a Secret Service agent. Tell us again how many total years Mickey Maroney served in that capacity.

A. August of '95 would have been 25 years.

Q. All right. And could you give the jury an overview of the kinds of assignments that he took on, duties he carried out as a secret service agent?

A. He protected foreign heads of state when they came into the United States. He also protected them outside of the United States. His first assignment was with Lady Bird Johnson and her family, Lynda Bird and the rest of the family, at the LBJ ranch. He was on many assignments, many presidents -- Ford, Carter, Bush, Reagan, Carter, Clinton -- and vice presidents, anybody that needed protection from the Secret Service. Also, counterfeit cases, Oklahoma City, outside of Oklahoma City. Any jurisdiction, basically.

Q. Did he have a number of federal crimes that he was responsible for investigating and presenting evidence in court?

A. Yes, sir. Yes, sir.

Q. Did those duties take him out of the country on occasion?

A. Yes. He went -- his last few assignments were to Cyprus

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where he would be gone a month at a time. I believe he went over there three times, and he was on a -- a big federal case at that time.

Q. As a child of a Secret Service agent, did he invite you down to the office and have you meet the other agents and

acquaint you with what he was doing in life?

A. Quite often.

Q. Tell us about some of those visits to his office.

A. We -- when I would be out of work -- I was a school teacher for a while; and during the summertime, I would go up just to have lunch with Daddy or to visit and just hang out, I guess, and he was more than glad to see me. He was proud of what I was doing. Everybody in the office knew what I was doing, whether I was getting married, whether I graduated from college. And he was very proud to show me around and show me off, I guess.

Q. Ms. Denison, in the course of time, did you come to understand your father's approach to federal law enforcement and how important it was to maintain dignity and never exceed the bounds of the law?

A. Yes, sir. He was very proud to be a Secret Service agent. He was proud to protect and serve. And that was -- that was his job, and he -- I don't ever remember a day that he did not want to go into the office.

Q. Tell us about Mickey Maroney, the father.

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A. How much time do you have?

Q. Well -- choose your words carefully.

A. I understand. That was my daddy, my hero. No matter what I did, he was there for me, even in the divorces -- and not a pretty divorce. But he was always there for me and my brother. I have a younger brother who's four years younger. If I needed him, he was there at the drop of a hat. He was there for my brother, also. And I was as proud of him as he was of me.

And

the day that he was gone was the day my life stopped.

Q. Ms. Denison, when did you talk to your father last?

A. The Monday before the bombing, the 17th.

Q. And was that in a conversation?

A. We -- we had talked that Monday because there was a storm in Duncan, Oklahoma, where my mother lives; and he said, "I think you need to call your mother. There's a really bad storm."

So I called her. She was fine. I called him back and

said, "Mom's fine. You know, everybody's okay. She's just a little scared."

He said, "Well, I'm glad you called and checked on her."

And the last thing I said to him was, "I love you."

Q. That phone conversation where he was checking on the welfare of another person, is that totally consistent with Mickey Maroney?

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A. Oh, very. He cared for anybody and everybody. If there was somebody on the side of the road, he would stop and help

was somebody on the side of the road, he would stop and help them. He would help anybody that he could; and if somebody needed something done, my daddy would say, "I'll take care of it. Don't worry about it. It'll be done."

Q. Ms. Denison, I want to show you a photograph now, Government Exhibit 1171B.

MR. MACKEY: Offer into evidence, your Honor.

MR. TIGAR: No objection.

THE COURT: Received, may be shown.

BY MR. MACKEY:

Q. Who is that man?

A. That's my daddy.

Q. All right. How old was Mickey Maroney when he died?

A. He was 50.

Q. All right. How big a guy was he?

A. 6' 4".

Q. Tell me about the day of the bombing, Mrs. Denison. How did you first learn of the explosion in downtown Oklahoma City?

A. I was at my office in Edmond, Oklahoma, which is probably a 15-, 20-minute drive from downtown Oklahoma City, and we had -- were allowed to have radios, so we had radios on. And it first came over that there was an explosion in downtown Oklahoma City. We all thought, basically, you know, a pipe had burst. Nothing exciting. As more news came on, somebody had a little

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Sony Watchman. That came on the TV. And then it was the federal courthouse. That got me nervous because Dad often went over there to get subpoenas or do some other business, so I called the Secret Service office, and it just rang and rang and rang.

So then I called my brother. And I said, "I can't get ahold of Dad. There's been a bomb. Something downtown. Can you try to call him or can you get down there? I can't leave right now."

The next thing that came on was that it was the Murrah Building; and at that time, I just -- I fell and I just said, "That's my daddy." And they took me to the side away from the TV, and I had my boss call my husband. And they came -- he came and got me, and we were downtown by probably 9:22.

And it was like Beirut. There was glass. There was everything. People running around.

And I had not seen the building from the highway when we came down, and I just went up to a police officer and I said, "Where's the Secret Service people?"

And he just looked at me and he said, "Ma'am, I really don't know."

And we -- we ran and we were looking around. And at one point, I turned a corner and I saw the building, and I just fell into my husband's arms and I said, "There's no way he's alive."

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And we -- I called my stepmother on my cell phone and I said, "Where's my daddy?"

And she said, "Becky, I don't know."

So she worked at a hospital nearby, so we went there and waited for him to call because we said, "If he's okay, he will call; but -- if he's okay, he's helping. He's getting somebody out."

So we waited and waited and waited for two days; and finally, Friday, they told us they had found his body.

Q. All right. Ms. Denison, as you've reflected on this question that you know I'm going to ask you, can you tell the jury in your own words two-and-a-half years later now the impact on you and the other family members of Mickey Maroney as a result of his death?

A. I don't have my hero anymore. My hero's gone. My brand-new baby doesn't have a grandpa here. I don't have a daddy. My brother doesn't have a daddy. The strength of my family is gone. He was -- he was my love. He was my dad.

And he told me one time when I had my heart broken, he said, "There will always be one man that will never break your heart in life, and that'll be me, your daddy." And my heart is broken because he's not here.

And -- he was a good, Christian man. He was the strength of our family and kept us together even when we had hard times. He was the strength that made sure we knew the

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family values and that we would all be together and he would take care of us.

MR. MACKEY: Thank you, Ms. Denison.

MR. TIGAR: No questions, your Honor.

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

Next, please.

MR. MACKEY: Your Honor, we would call Mr. Michael Norfleet.

THE COURT: Thank you.

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

(Michael Norfleet 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 Rand Norfleet, N-O-R-F-L-E-E-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Mr. Norfleet, where do you live?

- A. Today, I live in Allen, Texas.
Q. Where were you born and raised?

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- A. I was born in Marlow, Oklahoma, and was raised internationally by missionary parents.
Q. Where did you graduate from high school?
A. Graduated from high school in Marlow, Oklahoma.
Q. Did you go on to college?
A. Yeah. I went on to college at Oklahoma Baptist University where I graduated in '87.
Q. And upon graduation from college, did you enter into a new career?
A. Yeah, I did. In fact, while I was in college, I watched the movie "Top Gun," got inspired to be a pilot, and went into the Marine Corps and went to Navy flight school.
Q. Is that a dream that you'd had in college?
A. It was a dream that I'd had ever since a child, you know. I was born in '56, and I'd always wanted to be an astronaut back when, you know, we were able to put a man on the moon. So that inspired me to be a pilot. And really, it was a dream come true for me to go to flight school and become a pilot like I'd always wanted to be.
Q. What type of pilot were you in the Marine Corps?
A. I was a KC130 pilot.
Q. Did you fly in combat?
A. Yes. Immediately after graduating from flight school as I reported to my unit at Cherry Point, North Carolina, we were already deployed overseas in Desert Shield, so I immediately

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- reported to my unit in Bahrain -- Manama, Bahrain, and started supporting Desert Shield. And then as Desert Shield went on to Desert Storm, I flew 35 combat missions in Desert Storm.
Q. Were you decorated for those actions?
A. Yes, I was. I received air medals, Navy Commendation medals, Navy Achievement medals, Sea Service Deployment medals, Southwest Asia -- Southwest Asia Service medals from my actions in Desert -- in Desert Storm.
Q. What are you doing today for work?
A. I work for a telecommunication manufacturer's company. We manufacture and sell digital test equipment.
Q. You're not able to fly, are you?
A. That's correct.
Q. Let's talk about April 19th, 1995. If you would tell the jury what you did that day.
A. Well, that morning, I had been invited to a prayer breakfast at the Myriad Convention Center in downtown Oklahoma City, so I arrived in Oklahoma City about 6:30 to attend the breakfast.
Q. Were you in the United States Marine Corps at that time?
A. Yes, sir, I was a -- a captain in the Marine Corps. And I

was an officer selection officer. I was in charge of -- of taking college students and enlisted Marines and transforming them into officers and putting them through OCS or Officer Candidate School.

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Q. All right. Again, back to the 19th, you were going to go to a prayer breakfast. Where did you go after that?

A. Well, after the breakfast, I went down under the parking lot and talked with friends for several minutes. And since I was in Oklahoma City, I thought, well, the federal building is just a couple of blocks away, I'll go see my commanding officer, get some face time with him, let him see me. Since I lived a good hour-and-a-half drive away, I wanted to maximize my time while I was in Oklahoma City.

Q. Okay. And what were you driving?

A. That morning, I was driving a Ford Ranger.

Q. Okay. And where did you -- did you go to the Murrah Building?

A. Yeah. After I left the Myriad Convention Center, I drove to the federal building.

Q. Where did you park?

A. I parked in front of the federal building right in front of a yellow Ryder truck that was parked in the loading zone there.

Q. Let me show you what's been marked as Exhibit 761.

MR. RYAN: I believe this is in evidence, and so I'd ask that it be displayed.

MR. TIGAR: I believe it is also, your Honor.

THE COURT: You may display it, yes.

BY MR. RYAN:

Q. Can you see the photograph there on your screen?

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A. Yes, sir.

Q. You have a light pen on the top of your desk. If you would reach under your desk and place the pen directly on the screen. Would you show the jury where your vehicle is.

A. My vehicle is this black truck here. There we go.

Q. After you parked in front of the Murrah Building -- about what time was that?

A. You know, it was a couple minutes before 9:00.

Q. What did you do?

A. Well, I got out of my truck and actually, I thought, man, this is my lucky day because I had -- really, I got the best parking spot in the whole building. Usually, the whole front row there is filled, and I thought I was very fortunate to get that parking spot. So I walked by probably within an arm's length of the Ryder truck and walked into the federal building where I went directly to an elevator. The doors were open, and I went to the 6th floor where the Marine Corps command center was.

Q. And who did you talk to when you went up to the 6th floor?

A. Well, the first man that I met that morning was a young man

A. Well, the first man that I met that morning was a young man by the name of Benjamin Davis, Sergeant Davis, and he was a -- a young sergeant that had been working his way up through the ranks, and I had been helping him for several months to prepare and qualify for Officer Candidate School. There are several things that he had to do. He had to prepare himself physically

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to pass the physical fitness test, he had to take academic tests to be mentally qualified for the position, and I had helped him through each one of those processes over -- over six months.

Q. Was he waiting on some word with respect to whether he had been accepted to Officer Candidate School?

A. Yeah. In fact, April the 19th was Sergeant Davis' big day because this is a -- a day that -- the promotion board had met the day prior and the results were out on his package on whether he was picked up for Officer Candidate School. And so as I came in that morning, he was very excited because he wanted me to call headquarters Marine Corps and find out if he had been picked up for promotion.

Q. Did you ever make that call?

A. Yes, I did. I sat down in the -- the operations officer's desk, Matt Cooper's desk, and I made a call to headquarters Marine Corps. But the phone was busy, so I hung the phone up and I looked Sergeant Davis in the eyes and I said, "Well, I'll be back in five minutes. Let me go talk to the commanding officer and when I return, I'll make another call and we'll see if you got promoted that day."

Q. Did you ever make that second call?

A. No, I didn't.

Q. What happened?

A. After -- after I left Captain Cooper's desk, I walked

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several feet over through the next office and I sat down and talked to two other Marines. And then 9:02 a.m. came, and the yellow Ryder truck that I had passed exploded.

Q. What do you recall happening?

A. To me, I really -- what I heard was Sergeant Snidecor say and yell, you know, "It's a gas main explosion."

And then -- and then I felt the rush of the -- of the bomb come. And I was sitting in front of a plate glass window there in front of the building; and as it shattered, it felt like somebody had thrown pea gravel at me as -- as the glass had cut through my face and through my arms. And -- and then -- and then, I began to -- to black out. And what I believe happened is I got thrown either by the force of the floors collapsing -- because I was very close to where the building had collapsed -- or from the force of the bomb, I was thrown into the west wall of the building, where I fractured my skull and broke my nose.

Q. Can you tell us about how you got out of the building that

morning.

A. Well, as that pea gravel had come at me, I took a piece of glass from the top of my right head, filleting open my right eye and lodging there in my right eye. And I had thrown my left arm in front of my left eye. And -- and I have shrapnel wounds on my left arm. And that saved my vision in my left eye.

Michael Norfleet - Direct

So after I awoke from my -- from being knocked unconscious, the two sergeants that were there laid me on a desk and began to administer first aid to me. But I could feel that I was quickly dying and that I was losing strength, and I knew that I had to leave the building. So while they were off helping other Marines and other people in the building, I got up off of the -- off of the table and walked to the back of -- of the building where the stairs were still intact.

But with being blind in my right eye and with the -- the blood from the lacerations to my head flowing into my left eye, I could barely see. So as I stood up, I -- I looked down and just kind of let the blood drop off of my head so that I could see, and I followed a blood trail from someone that had gone before me. And that was really all I could -- all I could make out, so I just followed that -- that blood trail down six flights of stairs and went out the back of the building.

Q. And you were ultimately taken to the hospital that morning?

A. Yes. The back of the building, there was a -- an ambulance there waiting. I got into the ambulance. And by that time, I had already entered into full shock. I had lost everything that I had eaten that morning in the ambulance, and I began to pass out from the blood loss. So the --

Q. Was the glass still in your eye?

A. Yes.

Q. How big a piece of glass was this?

Michael Norfleet - Direct

A. I don't know. I'd say it was, you know, a couple centimeters long.

Q. What happened after you got to the hospital?

A. Well, as I -- as I got to the hospital, I was immediately put into triage; and as I found out later, I had lost close to 50 percent of my blood within what I considered 10 to 15 minutes that it took me to get to the hospital. And my blood pressure was approximately 50 over 0 when they began the first phase of my surgery, the triage, and they began sewing up the arteries that I had cut.

And what -- what was real surprising is I had cut two arteries in my head with the glass lacerations, but what was really killing me was that I had -- I had a laceration here on my wrist and I had lacerated my wrist open and -- and I was bleeding profusely out of that. And the doctors didn't see it until they actually cut my clothes off of me and took my watch

off and so they were able to -- to actually resuscitate me there with a proceeding they called "fluid resuscitation."

Q. What surgeries did you have that day on the 19th?

A. Well, the first was the triage surgery to make sure that I lived.

And then second, I went into an eye surgery where essentially, they took the glass out of my eye, and they were able to sew my eye back together. But because my eye had been cut open, all the fluid in it had passed out, and so they just

Michael Norfleet - Direct

kind of sewed it back together.

And then the third part of my surgery was the -- the facial surgery, the -- where they -- cosmetic surgery.

Q. Let me show you what's been marked as Exhibit 1418. Can you see that exhibit?

A. Yes, sir.

Q. Can you identify that for us.

A. Yes, sir. That's -- that's me and -- in my home about a day after I got out of the hospital.

MR. RYAN: Your Honor, Government would offer Exhibit 1418.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be displayed.

BY MR. RYAN:

Q. Would you describe the photograph for us, please.

A. Yeah. Well, as you can see there in the photograph, you can see how I had a -- the glass had made a laceration through my forehead and had gone down through my right eye. And as you can look there, you can see that the glass lacerated open my -- my eyelid and had lacerated open my -- my eye. And you can also see that I received laceration wounds all over my head.

Q. About how many stitches did you have that day on April 19th?

A. The doctor said they put about 500 stitches in me that day.

Q. Do -- were you required to leave the Marine Corps?

Michael Norfleet - Direct

A. Yes. After -- after that, I was -- I was not qualified for a Flight 1 -- or a Type 1 physical which a pilot has to maintain to -- to be flight-worthy, to maintain flight status. So the Marine Corps discharged me on a disability retirement.

MR. RYAN: That's all I have.

THE COURT: Do you have any questions?

MR. TIGAR: No questions, your Honor.

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

Next, please.

MR. MACKEY: Your Honor, we'd like to move in admission Government Exhibit 2202, a videotape displaying brief, abbreviated statements of persons injured in the Oklahoma City bombing.

THE COURT: All right. We'll proceed to play 2202

THE COURT: All right. We'll proceed to play 2202.
(Plaintiff's Exhibit 2202 played.)

THE COURT: All right. Do you have a witness?

MR. MACKEY: Thank you, Judge. We'll call Sue
Walton.

THE COURT: Thank you.

Do you have the witness sworn?

THE COURTROOM DEPUTY: Oh. Okay.

THE COURT: You were so solicitous of her special
needs, you forgot that.

(Susan Walton affirmed.)

THE COURTROOM DEPUTY: Would you state your full name
for the record and spell your last name.

THE WITNESS: Susan Walton, W-A-L-T-O-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed, please.

MR. MEARNS: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MEARNS:

Q. Good morning, Mrs. Walton.

A. Good morning.

Q. Where do you live?

A. In Oklahoma City.

Q. How long have you lived in Oklahoma City?

A. In the area -- I've lived in the area all my life.

Q. Are you married?

A. Yes, I am.

Q. And what's your husband's name?

A. Richard Walton.

Q. Do you and Richard have any children?

A. Yes. He has two boys, and I have two girls.

Q. And are all four of those children now grown?

A. Yes, they are. Thank goodness.

Q. On April 19, 1995, were you inside the Murrah Building when
there was an explosion?

A. Yes, sir.

Q. What brought you to the Murrah Building that morning?

Susan Walton - Direct

A. I had gone to the credit union to make a deposit.

Q. Were you a member of the credit union?

A. Yes, sir. I had been for several years.

Q. Were you presently then a federal employee?

A. No, I was not.

Q. Had you previously been?

A. Yes, sir.

Q. When -- where had you worked?

A. I had worked for the Federal Deposit Insurance Corporation,
Division of Liquidation.

Q. When had you worked for the FDIC?

A. From 1985 to '93.

Q. And what were you doing in April of 1995?

A. They had closed the office in Oklahoma City, and so I was
able to go back to school full-time.

Q. What were you studying?

A. I was studying interpreting for the deaf.

Q. Tell us what happened then on the morning of April 19th.

A. I had taken my husband to work because his car had broken down the night before. And I was setting in his parking lot, trying to study, knowing that I needed to run a few errands before school started. So I thought, well, this isn't getting me anywhere; so I headed downtown. And from my recollection, I got there really fast because I'm a pretty speedy driver, and went into the credit union. That's basically the last I

Susan Walton - Direct

remember.

Q. You don't have any specific recollection of the explosion?

A. No, sir.

Q. Do you know where you were found after the explosion?

A. I have been told that I was in the pit area, under a file cabinet and a door frame.

Q. You were then taken to Presbyterian Hospital?

A. Yes, sir.

Q. And is that where you regained consciousness?

A. Yes.

Q. Describe for us what the nature of your injuries were on April 19th.

A. I had a basal skull fracture, nerve damage behind both eyes, a broken nose, six fractures to my face, ruptured spleen, and both legs were crushed severely.

Q. Beginning on April 19th, did you have a series of surgical procedures?

A. Yes, sir.

Q. Up until today, how many times have you undergone surgery?

A. Approximately 22. I've kind of lost track.

Q. Could you tell us briefly what types of surgeries you have undergone since April 19th.

A. Well, they have had to do some reconstructive surgery to my face. They took a piece of skull and rebuilt my gum. They rebuilt my jaw socket. And then I've had multiple surgeries on

Susan Walton - Direct

my legs.

Q. How long did you stay initially in the hospital after April 19th?

A. I was in the hospital for five weeks and then rehabilitation for three.

Q. In addition to the surgeries, have you undergone extensive therapy?

A. Yes.

Q. Would you tell us a little bit about the therapy that you've undergone since April 19th.

A. I have undergone hyperbaric therapy and then also whirlpooling and physical therapy almost on a daily basis for probably the first year. And since that time, I have begun to heal. And it's down to twice a week now that I go to physical

therapy.

Q. You have a medical device on your left leg; is that right?

A. Yes, sir.

Q. How long have you had that device on your leg?

A. They put it on early May '95.

Q. And could you describe for us what is that -- what that device is and what its purpose is.

A. It's called an Ilizarov, and they use it on fractures, multiple fractures. The wires go through the bones and hold them in place until they can heal.

The one on my left leg -- I lost my talus bone in my

Susan Walton - Direct

ankle, which is the bone that allows your foot to go up and down. It fell out of a large wound in my foot and broke into three pieces, so they chose not to save it. With this device, they cut the bone about mid-calf; and by turning screws on there every six hours, it pulls the bone down into the ankle area where it has now fused. And so my foot sits like this.

Q. And you have had the device on that left leg since May of 1995?

A. Yes, sir.

Q. Do you have an expectation of when it will finally be removed?

A. I have surgery scheduled on the 8th of January.

Q. When the device is removed, will you be able to walk?

A. My therapist and I have expectations that I will be walking with a cane eventually. I can go short distances now with crutches.

Q. Are there activities that you enjoyed prior to April 19th that you can no longer do?

A. Yes, sir. My husband and I are -- were very active. We enjoyed walking. I enjoyed gardening, yard work. And it is -- it's a little difficult now. I still try to find ways to do it. The body is a wonderful thing, and it adapts when there's a need to. So I have a little stool that I get on and roll around in the garden on.

Q. What else do you do with your time now?

Susan Walton - Direct

A. I've been very busy working on a nonprofit organization that is finally up and running. It's very similar to Tailored Transitions here in Denver. It's called Suited for Success, and we work with clothing women that are trying to get out into the work force.

Q. And how much time do you commit to that activity each week?

A. Well, it's -- it's as needed, but probably four or five hours a week, at least.

MR. MEARNS: I have no further questions, your Honor.

Thank you.

THE COURT: Do you have any questions?

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

THE COURT: All right. You're dismissed.

THE COURT: All right. You're now excused as a witness. Thank you.

THE WITNESS: Thank you.

THE COURT: And the next witness?

MR. MACKEY: Is Ms. Helena Garrett.

THE COURT: All right. Helena Garrett.

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

(Helena Garrett 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: Helena Annette Garrett. G-A-R-R-E-T-T.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good morning, Mrs. Garrett.

A. Hello.

Q. You've previously testified in this case at an earlier point in time.

A. Yes.

Q. And so I'm not going to cover with -- with you some of the things about your background; but you had a son, Tevin --

A. Right.

Q. -- who died in the day-care; is that correct?

A. Yes.

Q. What I'd like for you to tell the jury this morning is what occurred on April 19th before 8:00 that morning.

A. I got up about 6 and got dressed and woke up Tevin first. And I took him in the rest room with me, and we played. And he jerked on my curlers and pulled them to the floor. And I kind of played with him. And I told him to go wake up his sister, his Sissy. And he went in there and he -- every morning, he would hit her with this vase in the head, and he just bopped her on the face with that and woke her up like that. I just played with him that morning. And I was running a little bit

Helena Garrett - Direct

late, and we had to go ahead and head on out.

Q. Were you -- were you planning on taking Sharonda to the Murrah day-care?

A. Yes, because I was running late and her school was kind of out of the way.

Q. And why didn't she go to the day-care that day?

A. She said that they are practicing for graduation -- at the time she was five -- and that she needed to practice for graduation, so I went on and took her to her school.

Q. And then you drove downtown?

A. Yes, I did.

Q. And then tell us about arriving downtown.

A. I parked in the federal building garage, and I took Tevin and took him upstairs. We went up the stairway that way -- that day. and I rung the buzzer to go into the day-care.

that day, and I rang the buzzer to go into the day care.

Q. And what happened after you rang the buzzer?

A. Aaron Coverdale came to the door, and then he went back in the day-care for a second. And he came right back and he pushed the bar, because the door was always locked. He pushed the bar. And I asked him, I said, "What are you doing opening up this door?"

And he said, "Because she told me to."

And I went in. And Wanda had a baby on the table, and she was changing her. And she said, "I'm sorry I couldn't open the door, but I didn't want to leave the baby."

Helena Garrett - Direct

Q. Okay. What happened after that?

A. I had some papers to drop off -- who was allowed to pick up Tevin and everything -- so I laid them on the table. And I was starting to head out. And I told Tevin I would see him later, and he started crying. And Elijah and Aaron -- he sat next to Elijah; and Elijah and Aaron just patted him on the back. As I looked back at him, they was just patting him on his back while he was crying.

Q. Is that when you left?

A. Yes.

Q. And is that the last time that you saw Tevin alive?

A. Yes.

Q. What I'd like for you to do now, Ms. Garrett, would be to tell the jury a little bit about your son, Tevin, what he was like, what he enjoyed doing.

A. He was -- he was real happy, and he loved to play with Sharonda. He loved to go to the day-care center. He loved the day-care center. He used to ride his Lion King bike. And it was battery-operated. And he would never sit his bottom on it. He would put his feet on the seat and ride it through the house that way. And I could always tell when he's on it, because my TV would fuzz out because of the battery. And I could always tell when he was coming down the hallway because it made a noise. And he would just ride that.

He would ride -- slide on his slide all the time.

And

Helena Garrett - Direct

I was always afraid to let him play outside. So I would put the slide in the living room, and he would play in the living room so I could just look at him. And he just played all the time.

Q. What has the --

MR. RYAN: Well, before we do that, can we see Exhibit

1493, please, on the screen for Ms. Garrett.

BY MR. RYAN:

Q. Can you identify that picture?

A. That's a picture of Tevin the Sunday before the bombing.

MR. RYAN: We would offer Exhibit 1493.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be shown.

BY MR. RYAN:

Q. Tell us about this photograph, if you would, Mrs. Garrett.

A. We were the only ones at home that day. Sharonda was gone with her little girlfriend. And like I said, it was Sunday. I had got up and dressed Tevin, and I was in the bathroom doing my hair. And I kept hearing the case, that glass case on my stereo, open and close. And I had a speaker in the bathroom, also. Tevin would turn the radio down -- he would turn the volume down, and I would go back in there and turn it up. And I told him to stay out of there.

And he would take that Snoop Doggie Dog CD out. That was his favorite. And that was his way to tell me to play it,

Helena Garrett - Direct

and I didn't want to play it that day. And I told him to put it back in there. I would take it and put it back and he would take it back out. So I got the camera, because he was sneaking it. He kept sneaking it out. And that's why he's looking like that around the corner, to see if he could see me. But I was the other way, taking pictures of him, because he was sneaking out the CD -- the CD out of that case that day.

Q. All right. Now, let's turn to a more serious subject. I'd like for you to express in your own words to the jury about the impact of Tevin's death on you.

A. I remember them telling me that he -- that he was dead. And feeling sick. Throwing up a lot. Not being able to sleep. Can't eat.

Telling my daughter was the hardest thing. She didn't even know that there was a bomb. The person who kept Sharonda till Tevin was -- until I was notified about Tevin Saturday -- they wouldn't let her watch TV or anything. They just let her watch movies. She didn't even know a bomb had happened. She didn't even know Tevin was missing. And -- because I thought he was going to be found alive. And I had to tell her that her brother died and that he wouldn't be coming home. And she asked me what happened. And I told her that it was a bomb. And -- and -- at his day-care and she asked who else died. And I went through the names of the babies that I knew had died, and she cried when I said Aaron -- I mean -- yeah, Aaron. And

Helena Garrett - Direct

when I said Zackary. And she -- she's not the same like she used to be. She's nothing like she used to be. She --

Q. In what way has she changed?

A. She's -- she's scared. She worries about me when she's at school, because I don't like to cry in front of her. And she worries about me when I'm -- when she's at school. Sharonda

gets to where she'll use the phone at school, and she'll call or things like that. And she's worried about things that I don't think an eight-year-old child should be worrying about. And she cries a lot. She misses the kids. She misses her brother.

Q. Has she had counseling?

A. Yes. She went to counseling up until January of this year. And they said, Well, we think that she's doing a little bit better; just let her come back if she needs it. And she's back. She's been back for like two months because she don't sleep in her room for nothing. She would not sleep in her room. There's always a bad man in the closet.

Q. Let's turn to a different subject. At the time of the bombing, you worked at the Journal Record Building; is that correct?

A. Right.

Q. What were your duties there?

A. Micrographic clerk. Just filming the student files and indexing them onto the system.

Helena Garrett - Direct

Q. Was there another type of work that you did at that -- during April and months before?

A. Yes. I --

Q. -- in '95 that you enjoyed more than your work at the Journal Record Building?

A. Yes. I used to sew for people. I make wedding dresses and prom dresses and bridesmaid dresses. And anything that's kind of a challenge, I do it. I make it. And I did a lot of weddings prior to the bombing.

Q. And when would you do that work back in '94 and '95?

A. I would get home and feed my kids, play with them and put them to bed about 8:30, and I was sewing till like 3 in the morning. That's what I liked to do.

Q. Are you still sewing today?

A. I haven't sewed since the 18th of -- April 18th of 1995.

Q. Why is that?

A. I can't. That was -- my sewing and my kids was everything. It was everything. And I just can't. I threw everything away in a big dumpster. The machine. All of my supplies. Everything I bought. Because I've been sewing since 13 and I had so much stuff. And we just boxed it and boxed it and boxed it up and threw it all out.

Q. Have you had any counseling?

A. Yes. I've been going to counseling since August of '95.

Q. Are you still going today?

Helena Garrett - Direct

A. Yes.

MR. RYAN: That's all the questions I have,

Ms. Garrett. Thank you.

MR. TIGAR: No questions, your Honor.

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

THE COURT: You may step down. You're now excused.
We'll take our morning recess, I think, at this time, members of the jury. And again, this 20-minute break, of course, please continue to follow the cautions always given and what you know are very important, that you not talk about anything in connection with this matter with other jurors or other persons and keep open minds, waiting till next week when the matter is given to you for your decision. So please continue to follow those cautions.

You're excused now. 20 minutes.

(Jury out at 10:08 a.m.)

THE COURT: We'll be in recess.

(Recess at 10:09 a.m.)

(Reconvened at 10:28 a.m.)

THE COURT: Be seated, please.

(Jury in at 10:29 a.m.)

THE COURT: All right. Next, please.

MR. MACKEY: Thank you, Judge. Mr. Don Browning.

THE COURT: Thank you.

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

(Don Browning 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: Don Browning, B-R-O-W-N-I-N-G.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Officer Browning, where do you live?

A. In Oklahoma City, sir.

Q. Are you married?

A. Yes, I am.

Q. Do you have children?

A. Yes, sir. I have three children and three grandchildren.

Q. Where did you grow up?

A. In Choctaw, Oklahoma, right outside of Oklahoma City.

Q. That is where you went to high school?

A. Yes, sir.

Q. After high school, what did you do?

A. I joined the Marine Corps.

Q. And how long did you serve in the Marine Corps?

A. Just short of four years, sir.

Q. Do you have any combat assignments?

Don Browning - Direct

A. Yes, sir, I did.

Q. Where did you serve in combat?

A. In Vietnam. I was there approximately two years.

Q. Did you see a lot of death?

A. Yes, sir, I did.

Q. What did you do after you were discharged from the Marine Corps?

A. I became employed with the Oklahoma City Police Department.

Q. And as of April of 1995, what were your duties with the police department?

A. I was assigned to the canine unit of the police department.

Q. Tell the jury what the canine unit is.

A. It is a specialized unit. It's developed for the support of the field officers. The dogs are trained in both criminal apprehension and detection of humans, along with narcotics or bomb detection.

Q. Do you have a dog assigned to you personally?

A. Yes, sir, I do.

Q. What is the name of your dog?

A. Gunny.

Q. And how long have you been with Gunny?

A. Approximately five years.

Q. Where does Gunny live?

A. He is retired from the police department now and lives at home with my wife and I.

Don Browning - Direct

Q. Where did he live in April of 1995?

A. He lived at home with us at that time.

Q. Were you assigned to work on April 19 of 1995?

A. No, sir, I was off that day.

Q. But did you respond to the Murrah Building scene at about 9:30 that morning?

A. Yes, sir, I did.

Q. You left your home and went downtown?

A. Yes, sir, I did.

Q. And who did you take with you?

A. Gunny.

Q. I'm not going to ask you to detail the events of that day, but how long did you work inside the building on April 19?

A. Several hours. Late until the evening of the -- evening of the 19th.

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

A. Approximately 9:30, 10, in that time frame.

Q. And was part of the work that you did that day -- did it involve attempting to locate babies in the building?

A. Yes, sir, it did.

Q. On April 20, what did you do?

A. On April 20, we were basically doing the same thing. We had been in, searching part of the lower areas of the building, and I had stepped outside to take a break. And I had a little girl approach me -- her and her father; and she was trying to

Don Browning - Direct

explain to two or three of us that were standing talking -- she was wearing an angel pin for her friends.

Q. Before you go on, let me show you what has been marked as Exhibit 1517. Can you identify that photograph for us?

A. Yes, sir. That's Gunny and I and apparently one of the

horse patrol officers and his mount.

Q. Is this outside the Murrah Building?

A. Yes, sir. It's on the perimeter of the site there.

MR. RYAN: Your Honor, we would offer Exhibit 1517.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be shown.

BY MR. RYAN:

Q. You were telling us about a girl that came up to you and Gunny. Would you complete the story, please.

A. Yes, sir. She was probably five or six years old. And as I stated, I was having some difficulty in understanding really what she was saying, but she was explaining that the angel pin she was wearing was for her friends that were in the building.

Her father went on to explain to us that she was supposed to arrive at the day-care center later in the morning --

Q. On the 19th?

A. Yes, sir.

Q. All right.

A. Of course, we made sure they understood how grateful we

Don Browning - Direct

were that she had not arrived at the time of the explosion, and each one of us had given the little girl a hug and had shaken hands with her father.

She asked if it was okay if she petted my dog, and I told her certainly that she could do that.

And she took Gunny by the face holding onto both sides of his jaws and looked him right straight in the eyes and asked him, "Mr. Police Dog, will you find my friends?"

Q. After that event, did you have occasion to go back into the building?

A. Yes, sir, I did.

Q. And was that to locate and find the remainder of the bodies?

A. Yes, sir, it was.

Q. When was that task completed?

A. On the 29th of May.

Q. And what happened on the 29th of May?

A. We located the last three victims, two ladies and a gentleman, Christa Rosas, Virginia Thompson, and Alvin Justes.

Q. What was the status of the building at the time you located these three final bodies?

A. At that point, the building had been imploded and was basically nothing more than a pile of -- large pile of rubble.

Q. Since the events of April and May of 1995, have you had nightmares and dreams about the work that you performed in the

Don Browning - Direct

building?

A. Yes, sir, I have.

Q. Would you tell all of us what your nightmare is.

A. Yes, sir. To go back to the 19th just momentarily. I felt

A. Yes, sir. To go back to the 19th just momentarily, I felt very unsuccessful. We had been sent into an area thinking that there was two children still to be recovered, and we were unable to do that. And right about then was when the nightmares did start. But I continually had the dream that I was crawling through the rubble, crawling in an enclosed area, more of a tunneled-type area, and I could hear children crying from up ahead of me and to my right and that as I was crawling to them to aid them or to help remove them from the building, I could feel the ground vibrating through my knees and through my hands, and it would become more and more intense and finally actually turned into what seemed like a demon type of scream or growl. And I would turn chicken and run, and I would have to abandon the kids. And it bothered me greatly that I -- even in the dream that I was not successful; that I didn't get to them.

MR. RYAN: That's all the questions I have, your Honor.

MR. TIGAR: No questions, your Honor.

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

THE WITNESS: Thank you, your Honor.

THE COURT: Next, please.

MR. MACKEY: Yes. Melissa Smith.

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

(Melissa Smith 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: Melissa Dawn Smith, S-M-I-T-H.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

MS. WILKINSON: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Mrs. Smith.

A. Good morning.

Q. You are Mrs.; is that right?

A. Yes.

Q. How long have you been married?

A. I've been married for 2 1/2 -- 2 years.

Q. Do you have any children?

A. I have a 2-month-old baby.

Q. What's her name?

A. Her name is Megan Carolyn Smith.

Q. And could you tell the jury where you live.

A. I live in Yukon, Oklahoma.

Q. How far away is that from Oklahoma City, Oklahoma?

Melissa Smith - Direct

A. It's probably about 10, 15 miles, if even that. It's pretty close.

Q. Did you grow up in the Oklahoma City area?

A. Yes, I did. I grew up in Oklahoma City.

Q. Can you tell the jury the name of your mother.

A. Her name is Katherine Ann Finlev.

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Q. Was she killed in the bombing of the Alfred P. Murrah Building?
A. Yes, she was.
Q. How old was she when she died?
A. She was 44.
Q. Where was she working at the time?
A. She was the vice president of operations at the Federal Employees Credit Union.
Q. How long was your mom the vice president of the credit union?
A. 21 years.
Q. During her time working there, did you come to know many of the employees of the credit union yourself?
A. Yes, I did.
Q. Did you become friends with some of those employees?
A. Yes, I did.
Q. Who did you know, and who were you friendly with?
A. I knew Sonja, Frankie. I knew Christi and Anita and Patty Hall, Kim Ritchie.

Melissa Smith - Direct

Q. Did your visit your mom at her office in the Murrah Building?
A. Oh, yes, I did, quite often.
Q. You mentioned Frankie. Is that Frankie Merrell?
A. Yes.
Q. How did you come to know Frankie Merrell of the credit union?
A. I worked with her when we were just right out of school. I worked with her at Anthony's.
Q. What is Anthony's?
A. It's a clothing store. And she was looking for a job and I let my mother know, and she had an interview with her and hired her.
Q. And that's where Frankie was working on the day that she died; right?
A. Yes.
Q. Now, could you tell the jury a little bit about your relationship with your mom, how you grew up and how she raised you.
A. It's been -- well, me and my mother -- my mother and my father divorced when I was eight, in the third grade, I guess. And we have been together ever since. It's just always been me and her. I mean my mother's world revolved around me.
Q. And at a certain point, did she meet another special man in her life?

Melissa Smith - Direct

A. Yes. She met Riley Finley.
Q. Who is Riley Finley?
A. He is my father and her husband -- was her husband.
Q. What does Riley Finley do?

A. He works for the U.S. Marshal's Service, Air Operations.
Q. Do you know what he does specifically?
A. Yeah. He flies -- flies a 727 Boeing airplane.
Q. He's a pilot for the Marshal's Service?
A. Yes.
Q. Do you know when he and your mother married?
A. They married on October 8, 1988.
Q. Can you tell the jury a little bit about their relationship.
A. They had a very good relationship. It was very caring and loving. It was the kind of relationship that my husband and I would like to have.
Q. Now, are you -- are you familiar with some of the other activities that your mom did outside of her work?
A. She was -- she did a lot of -- she did -- sorry --
Q. Are you a little nervous?
A. Very.
Q. That's all right. Just take a breath.
Let me ask you about one specific thing, if I could.
Are you familiar with what she did for the Red Cross?
A. She was a blood donor. She had a specific type of blood,

Melissa Smith - Direct

so she gave blood quite often to the Red Cross.
Q. Now, back in April of 1995, where were you working?
A. I was working at -- downtown at the Spaghetti Warehouse as a waitress.
Q. Do you recall the morning of April 19, 1995?
A. Yes, I do.
Q. How did you learn about the bombing?
A. I was asleep, and my husband had called me and told me that the federal building had blown up, because he was working downtown at the time and he had felt it and saw it, the smoke, and he knew that something was going on.
And he told me to get up; and when I got up, I turned on the TV, and that's how I knew -- I just turned on the TV and there it was.
Q. Did you recognize the area where your mother's office had once been?
A. Yes.
Q. And did you know what had happened to her that morning?
A. No, I did not.
Q. Did you come to learn from Florence Rogers that your mother had been in a meeting with her at the time of the bombing?
A. Yes, I did.
Q. Now, instead of focusing on that day, if we could, could you tell the jury a little bit about the impact your mother's death has had on you.

Melissa Smith - Direct

A. It's changed my life a lot. It's been real hard because like I look a lot like my mother. I sound a lot like my

mother. And hearing my mother's voice come out of my voice has been very hard, because she was my best friend. She was my mentor. She was somebody who I leaned on every day. She was somebody who took care of me. If Melissa needed something, then Melissa got what she needed from her.

When I look in the mirror, sometimes that's very hard because then I -- I see her in the mirror, and seeing somebody that is not with you anymore that you love very much has been very tough.

Q. Have you had some difficulty dealing with your mother's death when you had your own child?

A. Yeah. I went through a great deal of depression, lost a lot of weight. It was to where you want to lock yourself in a closet and not come out and just be away from the world, when I actually cannot do that because I have a 2-month-old baby who needed me and I needed to be there for her.

Q. Now, you told us you look a lot like your mom. Is that right?

A. Uh-huh.

Q. I want you to take a look at Government's Exhibit 1092B.

MS. WILKINSON: We offer that into evidence, your Honor.

MR. TIGAR: No objection, your Honor.

Melissa Smith - Direct

THE COURT: Received, may be displayed.

BY MS. WILKINSON:

Q. Mrs. Smith, who is that?

A. That's my mother.

Q. Now, after the bombing and after you lost your mother, have you ever had people tell you that you look like her?

A. Yes, I have.

Q. And how has that affected you?

A. It's been kind of tough, because I have a picture of this -- this exact picture sitting on my desk at work and people ask me if that's me, and I have to tell them, "No, it's my mom."

And they ask me why I have a mom on the death -- or on my desk, and I have to tell them.

Q. What about your daughter? Is there any similarities between your mother --

A. Her eyes.

Q. -- and your daughter?

A. They have the exact same eyes. They both -- her eyes are very blue. My daughter has very blue eyes.

Q. Finally, Mrs. Smith, if you could share with the jury just a little bit about the impact of the loss of your mother on her husband, Riley Finley, and your family.

A. It's been very tough for us. Riley has -- it's been very hard for Riley, because I know that -- as I said before, my

Melissa Smith - Direct

mother has always wanted to take care of me. Well, then Riley had to step in the picture and actually do the job for her, which I can always take care of myself, but it's always nice to have that somebody that you can lean on.

And I know that's been tough for him to know what to do, and he's always wanted to protect me from all of this.

As far as my family, my husband, it's been very tough for him dealing with my emotions and my feelings and the impact that it has had on us. My daughter will never get to see her grandmother. My mother will never get to see -- she'll never get to see her grandbaby that she always -- that she always wanted, which is a girl. And she loves little girls.

The rest of my family, it's been very hard for them. My aunt is -- is going through a great deal of depression right now. You can't hardly talk to her. So it's made a huge impact on all of us.

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

MR. TIGAR: No questions, your Honor.

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

Next, please.

MR. MACKEY: LaDonna Madkins.

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

(LaDonna Madkins 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: LaDonna Madkins, M-A-D-K-I-N-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good morning.

A. Good morning.

Q. Mrs. Madkins, did you lose your mother and father together at the same time on April 19, 1995?

A. Yes, I did.

Q. And would you be prepared to answer some questions today to -- intended to give a glimpse into the lives of your mother and father?

A. Yes, I will.

Q. Tell the members of the jury the names of your folks.

A. Peola and Calvin Battle, B-A-T-T-L-E.

Q. And where were your mother and father from?

A. They were from Oklahoma City. They were raised in Luther, a small town between Chandler and Jones, Oklahoma.

Q. And did they marry at a young age?

A. Yes, they did.

Q. How old were your folks when they married?

A. My dad was about 20, and my mom was 15.

Q. And what was their ages at the time of their death?

LaDonna Madkins - Direct

A. Dad was I believe 62, and mom was 55.

Q. Had they shared a life together between those many years?

A. Yes.

Q. And in the course of that time, did they bring into the world four girls?

A. Yes, they did.

Q. You're one of them?

A. Yes, I am.

Q. Where are you in the age spread?

A. I'm the youngest.

Q. Where did the Battle girls live? Where did they grow up?

A. We lived in Oklahoma City.

Q. And what do you do for a living, Mrs. Madkins?

A. I work now at the insurance commissioner's office in Oklahoma City.

Q. And how about your three sisters?

A. My three sisters: Janet works at Seagate and Doris works at Seagate and Gwendolyn works at Seagate.

Q. Where did your mother work?

A. My mom worked at Seagate.

Q. You saw each other a lot, every day?

A. Yes.

Q. Did your folks have some grandchildren?

A. Yes, they did.

Q. And how many?

LaDonna Madkins - Direct

A. They had five grandchildren, and the one grandchildren -- so it's a total of -- a total of seven grandchildren, really. Yeah.

Q. Tell the jury, if you could, in your own words, Mrs. Madkins, what it would be like to visit the home of Peola and Calvin Battle on any given day. What would they likely see there?

A. Well, if you were to come into our home, you would feel -- as you would enter the door, you would feel welcome. You would feel -- as soon as you would walk in the door and ask for that first glass of water, you would probably -- you would feel the warmth and you would feel welcome in our home.

Q. Is that an extension of the people that lived there?

A. Yes.

Q. In April of 1995, was your father still working?

A. Can you repeat that?

Q. I'm sorry. In April of '95, was your father still working?

A. No, he wasn't. He was -- he had gotten sick in December, and so he was in the process of taking a medical retirement.

Q. And how ill had he been?

A. He was very ill. December, right after Christmas, two, three days later, after Christmas, my dad was -- entered -- admitted into the hospital with a thousand -- his -- he was a diabetic. He was diagnosed as a diabetic, and his sugar level was a thousand when he entered the hospital; so he was very

LaDonna Madkins - Direct

ill.

Q. Incidental to that experience, did he suffer a mild stroke?

A. Yes, he did.

Q. And as a result of a combination of those factors, was he then forced into medical retirement?

A. Yes, he was.

Q. Before April 19, 1995, had he applied for Social Security benefits?

A. Yes, he did.

Q. How many years he had worked in the labor force before he sought those benefits?

A. Before he sought the benefits? I would say probably between 25 to 28 years.

Q. And was that for the same company in Oklahoma City?

A. Yes.

Q. Prior to going to work for that company years ago, had he served in the U.S. Army?

A. Yes.

Q. On April 19, 1995, Mrs. Madkins, did you see your mom and dad?

A. Yes, I did.

Q. And tell us why you were at their home.

A. Well, our routine around our home is that all the other girls worked early, so I was the only one that was able to take the kids to school, so I was the designated person. So my

LaDonna Madkins - Direct

routine would start out -- I would get the boys up, we would all get ready; and Kimberly, which is my niece -- she lived with my mom and dad. So I would go over and pick Kimberly up and Christian up, which is the two granddaughters, and we would start our day off.

So that April 19, I drove over and entered the driveway. And as I opened the door, the driveway door up -- you can see through our home -- so my dad was standing right there at the table. And so my mom came out to bring the kids, so we stood there and we talked a while, and she let me know what she was going to do; and she said her and Dad was going to go downtown and take care of some business. And so I kind of got this wild idea like I normally do, since I am the baby, and I told her -- I said, "Well, why don't I go ahead and take the kids to school, and I'll come back and I'll call in and I'll go with you guys and we can have lunch together."

And she just looked at me and she says, "No, I don't think so. Me and Dad want to be together today."

And so I kind of got mad because I wanted to go with them, and I didn't -- and I didn't think at that point they wanted me to be there; so I kind of got mad and said, "Well, okay." And she turned to the grandkids and told them bye.

And she spoke to my son, which is Roy; and he was on his way downtown, too, to go to a field trip. And so he asked my mom for some money, and my mom made a comment, "Do your mom

LaDonna Madkins - Direct

ever have any money?"

And he says, "No, my mom never has any money."

And she said, "I'm going to make sure you always have something stashed away in case of emergency."

And so she said, "Go back home and get Roy a sweater, because it gets cold down there."

And so she said, "I love you guys. I'll see you this evening," because her routine, she would pick them up after school. And she said, "I'll see you guys this evening."

And I started out the driveway and proceeded to my job -- well, to drop the kids off and then to work.

Q. Mrs. Madkins, did you understand that at some point that morning your folks were going to go down to the Social Security office?

A. Yes, I did.

Q. And run some other errands perhaps as well?

A. Right. Yes.

Q. Now, you mentioned the young sister named Kimberly?

A. Yes.

Q. And she had been living with your parents?

A. Yes. She's -- she lived with my mom since she was six weeks old.

Q. And how old was she in April of '95?

A. She was, I believe -- either 12 or 13 at the time.

Q. In the course of that day, Mrs. Madkins, did you learn

LaDonna Madkins - Direct

about the bombing in downtown Oklahoma City?

A. Yes. I -- when I got to work, which was about I would say approximately -- I'm always kind of running a little behind, close to the clock, so it was probably about 8:55 or somewhere, 8:58, and I was standing at the clock; and as I clocked in, I heard this loud noise. It was -- I mean -- the whole building just shook.

And I thought maybe one of the trailer trucks had run into the back of our loading dock, because I was working at Target stores at that time.

And so I didn't really pay it any attention, and I thought, oh, well, maybe everybody is okay; so I proceeded to clock in and go on to my job station.

And then a lot of the co-workers started coming up and questioning about the different -- what it was and everything. And so as the conversation went on, one person said there was a bomb -- someone blew up the Federal Court building.

And I just said, "Oh, oh. I hope everybody is okay."

And then a couple more people came up, and then finally someone says, "No, it was the Alfred P. Murrah Building."

And I said, "Oh, well, what building is that?"

And then they started telling the different agencies that were housed. And I said -- I said, "My mom" -- I said,

"It's -- is that the Social Security building?"

LaDonna Madkins - Direct

And they said yes.

And I said, "My mom is in that building. My mom is down there."

And so I started to call my sisters, and we started calling each other; and then we started paging her on her pager. And she didn't answer, and so we thought, okay, since she didn't answer, maybe she went to her other appointment. Maybe she wanted to go there first and then decided to come on down.

So we were still, you know, hoping that that's what had happened.

And then everything started to just get really crazy around the job; and they said no, it was definitely the Alfred P. Murrah Building that houses the Social Security, FTF, and all the other agencies, and that's when I told them I had to go.

And I was really calm and everything until I got back to the television and realized that all the people had been brought out and everything, and I knew then that my mom and dad was in that building.

Q. Mrs. Madkins, how many days did you wait to hear officially that your mother and father had died in the blast?

A. We waited a total of 14 days.

Q. And how many days did you wait to first learn of your mother's death?

LaDonna Madkins - Direct

A. It was about -- let's see -- I would say about eight days we found out about our mom, and then it was another -- about another -- no, it was about six days when we found out about our mom and then about eight days later, four days later, we found out about our dad.

Q. So several days elapsed between first being advised of your mother's death?

A. Right.

Q. And then your father's death?

A. Yes.

Q. In the course of that wait, were you notified about a vehicle that had been located across the street of the Murrah Building in the north parking lot.

A. Right. Their car was down there, and a lot of our friends had told us that had been down there -- said that they seen my mom's car. So we contacted the local people down there, and they told us that we could come down and identify my mom's car.

And my sister, Janet, and Gwenn went down to identify the car, and the car was destroyed.

Q. Mrs. Madkins, I want to show you on the photograph marked as Government's Exhibit 1208F --

MR. MACKEY: That we would offer at this time.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be shown.

BY MR. MACKEY:

LaDonna Madkins - Direct

Q. Who is that?

A. That is my dad, Calvin.

Q. And as you look into that photograph, Mrs. Madkins, and think about the time you shared with him, tell the jury who was Calvin Battle.

A. Calvin Battle was a loving, caring individual. He not only loved his daughter, he loved anyone that he came in contact with.

He raised four girls and he loved us and he showed us -- he gave us values and a respect for others, but it extended on to our (sic) grandchildren and the grandsons. And with the grandsons not having their fathers as a role model in their lives, he picked up the slack and made sure that they knew at any given time that he was always there to back them up in anything that they did.

So they -- it didn't bother them that they didn't have a father in the home because Pawpaw was always there, and he made sure that they had what they needed as a grandfather.

Q. Now, is it true that he had two loves in life, his four girls and Oklahoma University football?

A. Yeah, Oklahoma Sooners and his daughters was the key spot in his eyes.

Q. Let me show you another photograph, 1208G --

MR. MACKEY: -- that we'd offer at this time.

MR. TIGAR: No objection, your Honor.

LaDonna Madkins - Direct

THE COURT: Received, may be shown.

BY MR. MACKEY:

Q. Is that your mother?

A. Yes.

Q. As you reflect on your time with your mother, tell the jury, please, who Peola Battle was.

A. Peola Battle had the biggest heart that America could probably ever have. She traveled all around the state, and she never met a stranger. She could walk into a room and come out of the room with at least 10 of those people -- knowing them from their background -- family background all the way up to what it is they do now.

She was just -- she was a giving woman. She -- she raised four daughters and loved us dearly, but she extended her love -- her love didn't stop with us. Any young person that came into her life, she took them under her wing; and she made sure that the last word they heard was something to encourage them to keep going, keep their head up and strive for the sky, because education was very important to her. And she made sure that they knew that, and she was just a -- just a wonderful

.....

woman.

Q. The importance of education to your mother: Was that demonstrated in what she did about her own education?

A. Yes.

Q. How so?

LaDonna Madkins - Direct

A. She -- my mom and them came up under the Jim Crow law; and it was very hard, very -- a struggle. But she never let that struggle keep her back from getting what she wanted out of life, and she never sat around to wait for someone to hand her something. She went out and got what it was that she wanted. And she did not have opportunity to finish school, but she put four girls through high school, through college. And then after we got out of high school, she went back and got her GED and then went on to get her associate; and then she was still going to school to even better her education even further from there, so there was no stopping her.

When she put it in her mind to do something, there was no limit, no limitation; and that's what she told us: We have no limit; we limit ourselves. And so she told us to always strive and keep going forward.

Q. Mrs. Madkins, on behalf of yourself and your sisters and all of your parents' grandchildren, describe to the jury the impact of their deaths on April 19.

A. For myself, I not only lost two parents, I lost a very dear friend, friends that would tell me what it is I was doing wrong regardless whether it hurt me or not. They loved me enough to give me the right direction.

The impact for me, my life -- I have none. I have no life because my mom was my shadow; and without my mom, it's hard for me to find that direction. I don't know which way to

LaDonna Madkins - Direct

go.

For my sisters, we were a family that would be classified as "Super Glue." The cap of the glue came off, and it took four loving daughters. Now we're at different sides. It has destroyed our lives.

Our grandkids will not share -- our kids will not share the love that we once shared because it's so much pain and we don't know where to distribute it to and we have no direction to where we should put it. So a family that once was is not anymore.

MR. MACKEY: Thank you, Mrs. Madkins.

THE COURT: Questions?

MR. TIGAR: No questions, your Honor.

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

MR. MACKEY: Lynn Gist, your Honor.

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

(Lynn Gist affirmed.)

LYNN GIST DIRECT,

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

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

THE WITNESS: My name is Lynn Gist, G-I-S-T.

THE COURTROOM DEPUTY: Thank you.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

Lynn Gist - Direct

BY MR. GOELMAN:

Q. Good morning, Ms. Gist.

A. Good morning.

Q. Where do you live?

A. I currently live in Maryland and work in Washington, D.C.

Q. What do you do for a living?

A. I work as a traveling physical therapist.

Q. Do you have any specialty in physical therapy?

A. I work primarily with rehab patients, brain injury, amputees, spinal cord injuries.

Q. How long have you been a physical therapist?

A. About 13 years.

Q. Where are you from originally?

A. I was born and raised in Midwest City, Oklahoma, which is a suburb of Oklahoma City.

Q. Will you tell us a little bit about your family.

A. I am the fourth of five girls. The five girls are from oldest to youngest -- there are just six years, so we're stair-stepped. The oldest two are just eleven months apart, and we're all very close.

Q. You say you're the fourth of five girls?

A. Uh-huh.

Q. Did the youngest of the five girls die in the bombing?

A. Yes.

MR. GOELMAN: I'm going to show you and offer into

Lynn Gist - Direct

evidence Government's Exhibit 1435.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be displayed.

BY MR. GOELMAN:

Q. Moving from left to right in this picture, can you please identify the person and where in the family she fell.

A. The one on the left in the red is Peggy. She's the second to the oldest.

The one in the blue overalls is Karen. That's the one that was murdered.

The next is my mother and then my father, and the next

one is me. I'm the fourth.

And then the next one is Shirley. She's my oldest sister.

And then Sandra, the third to the oldest.

Q. When was this picture taken?

A. This was around 1991.

Q. And how old was Karen in this picture?

A. She would have been around 30.

Q. At the time of the bombing, where did Karen work?

A. She worked at the Murrah Federal Building for Army Recruiting.

Q. And do you know what floor of the federal building?

A. She was on the 4th floor.

Q. I want to talk a little bit about April, 1995. I don't

Lynn Gist - Direct

want to talk about the 19th; but after the bombing, did you go home to Oklahoma City?

A. Yes.

Q. And when was Karen's body found and positively identified?

A. It took 10 days.

Q. April 29?

A. Yes.

Q. In the interim, did you have an occasion to meet someone who worked in the snack bar in the Murrah Building?

A. Yes. There was a girl who worked in the snack bar of the Murrah Federal Building with -- the building that my sister worked in, and she and Karen were -- were on good terms. They liked each other and communicated quite a bit.

My family was all together, and she ran up to my second-to-the-oldest sister, who looked most like Karen at the time of her murder, and hugged her and said --

MR. TIGAR: Your Honor, I respectfully object to the characterization.

THE COURT: Yes. Please avoid use of the word "murder."

THE WITNESS: And hugged her and said, "Karen, I'm so glad you made it out alive."

My family was all very gracious to her, told her it was okay; that we understood. She realized instantly what had occurred.

Lynn Gist - Direct

BY MR. GOELMAN:

Q. When you were growing up as one of five girls, did you often get mistaken for each other?

A. Yes. It used to be such a point of pride and fun as we'd exchange stories about that. But now when that occurs, it's unnerving whenever they mistake me for Karen.

Q. Does that still happen?

A. Yeah, it still happens.

Q. Can you tell us about what kind of person Karen was.

A. Karen was very wonderful. She was very animated, very energetic. She was a leader within the community.

She was athletic. And at the same time that she was

such a leader and had such a powerful influence on people, she also had such compassion for them.

She worked in the evenings as an aerobics instructor at school, at college; and when people didn't have the funds, she couldn't -- attend, she couldn't just let them in, so she would go down and pay the school's tuition for them so they could attend.

She was a rare mixture of leadership and compassion.
Q. If Karen was in the room, was there ever an occasion when you might not know it?

A. No. When Karen was there, the energy level just changed; and if you couldn't see her, you always heard her. She had a very distinctive, raspy voice and a laughter.

Lynn Gist - Direct

Q. Was she married at the time of her death?

A. Yes. She had been married eight years.

Q. Did she have any children?

A. No. They were trying to have children; and one of the things we regret the most is that we don't have any little Karens now.

Q. On behalf of yourself and the other three Gist girls, tell us what it was like to grow up in a family of five girls.

A. I -- it's quite amazing that with five girls and as close as we are in ages that we all have gotten along so well and there isn't competitions and jealousies. And that, I think, had to do with my parents' influence as much as anything. They made it real clear to us growing up that we would support each other, and that's part of why it's been so difficult to lose Karen.

She was a large part of our identity.

At the core of us all is the identity that we have with each other.

Q. Did you think of yourselves as a unit when you were growing up?

A. Yeah. We were always known as the "Gist girls"; and with us being so close in ages, we were always with the family gatherings talked about and took pictures of, and she's not there anymore.

Q. And has the death of the youngest of the Gist girls

Lynn Gist - Direct

affected the unit?

A. It is so strange. Everything is still so out of sync. Karen -- we like to use the analogy of a star with each of the Gist girls being one point of the star and the five points, and we're not a star anymore. She's not there anymore. And it just doesn't have the same effect.

Q. You said that Karen didn't have any children of her own.

A. She was trying to have children.

Q. Did any of your sisters have kids?

A. Yes. We have two nieces, and Karen was very influential with them. I think as a result of Karen's influence that the

with them. I think as a result of Karen's influence that the girls are now wanting to be in gymnastics and wanting to be cheerleaders as well.

Q. Have the -- your nieces expressed anything about Karen since she's been gone?

A. Yeah. Karen was very close to them, and they loved her dearly. They still ask questions about her, still draw pictures, still write about her, and she still comes up all the time in conversations.

Q. How has Karen's death affected your mom and dad?

A. It just shattered their world. It was such a ruthless separation. I think for a while after it occurred -- I think my parents for a time frame didn't want to go on. The pain was just so intense when Karen died, a lot of their hopes and dreams died, too.

Lynn Gist - Direct

Q. Did Karen have any pets?

A. Yes. Karen, because of her asthma, had always had Chihuahuas; and when she died, our brother-in-law gave my parents that Chihuahua. And it's just incredible to watch my parents interact with that dog now. They love on that dog in a way that I've never seen them interact with any other animal we've ever had. It's almost as if it's an extension of her, the last living thing we have of her.

Q. And how has Karen's death affected you personally?

A. Karen was as much a part of me as I am myself. Our whole history was together. We were in basketball together. We were in gymnastics together. We were in cheerleading together. She came up the year behind me in school. A lot of social events, we attended together.

Karen walked with me in ways that no one else has ever been able to or will ever be able to. Karen was my living history, and it is so odd without her.

Q. It's been two years and eight months since her death?

A. Yes.

Q. Do you miss your little sister any less today?

A. I actually miss her more in a lot of ways, because by now the shock is beginning to wear off. The realities are setting in. I can't pick up the phone and call her. We used to have long, deep conversations on the phone. Now those conversations are quiet.

Lynn Gist - Direct

She wasn't just our sister, she was our counselor and our friend.

She was irreplaceable, and there is a void there that will never be filled.

MR. GOELMAN: Thank you very much, Ms. Gist.

MR. TIGAR: No questions, your Honor.

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

Next, please.

MR. MACKEY: William Dilly.
MR. TIGAR: May we approach, your Honor?
THE COURT: Yes.

(At the bench:)

(Bench Conference 148B3 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We'll change the order to another witness.

MR. MACKEY: Yes. Richard Dean.

THE COURT: All right.

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

(Richard Dean 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: Richard Hugh Dean, D-E-A-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Ms. Wilkinson.

MS. WILKINSON: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good morning, Mr. Dean.

A. Good morning.

Q. Tell the jury where you live.

A. In Yukon, Oklahoma, a suburb of Oklahoma City.

Q. Are you married?

A. Yes, ma'am.

Q. What's your wife's name?

A. Barbara West.

Q. Where do you work, Mr. Dean?

Richard Dean - Direct

A. The Social Security Administration in Oklahoma City.

Q. How long have you worked for the Social Security Administration?

A. Since February 4 of '74.

Q. Does Barbara also work there?

A. Yes, ma'am.

Q. What does she do for the Social Security Administration?

A. She's a claims representative.

Q. What do you do for them?

A. Same.

Q. Back in April of 1995, did you work for the Social Security Administration in the Alfred P. Murrah Building?

A. Yes.

Q. Did Barbara also work at that office?

A. Yes.

Q. Can you tell us if I show you Government's Exhibit 952, which is the floor plan for the Social Security Administration, where you and Barbara worked on the morning of April 19? Could you do that?

A. Okay.

Q. See that black pen that's up there attached to the wire? Take that down and underneath, right on the computer screen.

A. Down underneath?

Q. Yes, sir. And if you could mark an X and indicate where your desk was.

Richard Dean - Direct

A. This is -- this is our reception area here, and this is the security door you have to go through to get to the back of the office.

Q. Mr. Dean, are you holding the pen right onto the screen to mark it? You should be able to see your mark coming up if it's working.

A. This is the reception area here.

Q. There you go --

A. This area here is the reception area.

Q. That's where the visitors --

A. Yes.

Q. -- wait?

A. This particular room is 30-by-35. We've got 30 feet of glass here on the north side of the reception area which faces 5th Street.

This is all glass. It's 23 feet from that glass, plate glass, to the curb.

Q. Where was your desk in relation to the visiting area?

A. This is the security door here to go through where you bring our -- where we bring our customers through the security door to come to the back of the office for interviews.

Barbara's desk was this area right here.

This is what became known as the pit area after the bombing.

My desk was located right behind this round, cylinder

Richard Dean - Direct

column, this area right here.

Q. Now, before we get to a discussion of the morning of April 19, can you mark and show the jury where you exited the building after the bombing?

A. Okay. From the lobby of the Murrah Federal Building into our reception area, from that door back to this back wall here is 170 feet, and about 30 feet from that back wall is a door.

It's an exit door that leads into some mechanical rooms.

IT'S AN EXIT DOOR THAT LEADS INTO SOME MECHANICAL ROOMS, machinery, equipment, that GSA was in charge of.

But through this double door here, you could exit up these steps to the east side of the Murrah Building, and this would be Robinson Street. Right next to the building here was Robinson.

Q. Thank you. Mr. Dean, are you prepared to tell us this morning about your efforts to help rescue people from the Social Security Administration and your attempts to locate your wife, Barbara?

A. Yes.

Q. If you could put the pen back on your desk for a moment and tell the jury approximately what time you got to work on the morning of April 19, 1995.

A. April 19, 1995, was a Wednesday, and that's our bowling night; so Barbara and I rode together to work that day. And we normally go in at 7:00 in the morning. We park underneath -- underneath the federal building in the parking garage.

Richard Dean - Direct

Q. Now, how many years have you and Barbara been together?

A. 16 years.

Q. And you've worked at the Social Security Administration for quite some time; correct?

A. Yes. We were one of the first agencies to move into that building in March, April of '77.

Q. Are you pretty familiar with Barbara's routine even at work?

A. Sure.

Q. And do you know where she normally is at 9:00 in the morning during the workday?

A. Right. There are some days where I would go the entire day without seeing her, but that's just because of the location of her desk to mine; but normally at 9:00, that's our first interviews of the day. Our appointments start at 9:00, and she wouldn't be any other place except at her desk because that's her first appointment of the day.

Q. That is where you believe she was on the morning of April 19, when the bomb went off at the Murrah Building?

A. There is no doubt in my mind she was there.

Q. And can you tell the jury what happened when the bomb went off.

A. Just before 9:02, Richard Allen, a good friend -- well, he's more than a friend. He's more like a brother, my bowling partner, ski partner.

Richard Dean - Direct

Q. Did he work with you at the Social Security Administration?

A. Right. He's a claims representative. He sits approximately 10 feet from my desk. He was at my station -- work station, and we were discussing a case and also trying to figure out who we were going to bowl that night.

And we heard Rex, another claims representative about

20 feet from where my work station -- he had brought his -- he had brought his claimant back, his customer back to his desk for an interview at 9:00. Now, Rex was one of those types that would bring his people back early, because at the front of the office you'd have kind of like a traffic jam there at the front door, the security door with various people calling -- call out various names for customers to come back.

So we realized then it was -- we were coming up on 9:00, so -- so Rex started his interview with Mr. Mitchell.

Mr. Mitchell came through the security door. His wife was with him. And for some reason, she decided to stay out in the -- in the reception area; so he came back by himself, and Rex was conducting his interview with Mr. Mitchell.

Q. What happened?

A. Richard also had a 9:00 interview, so he left my work station to go to the front to get his interview. And that's the last time I saw him.

Q. And do you recall what happened after the bomb went off?

A. Well, several things happened at once. There was a

Richard Dean - Direct

brilliant flash of light. I found myself being propelled over my desk, and I wound up on the floor. It was pitch dark. There were -- there was debris, ceiling tiles, all kinds of debris that was falling down from the ceiling.

I held my hand up to try to deflect what was falling and the -- you could -- the breathing became a problem. There was dust, debris, concrete dust. I mean like one of our employees described it as being so thick you could cut it with a knife, but at the same time you could hear -- you could hear cries of individuals at the front of the office crying for help.

Q. Could you see at that time?

A. It was pitch black. You couldn't -- it was a strange -- for me, it was very strange. I knew I had my eyes open, but I couldn't see.

Q. Did you know where Barbara was at that time?

A. Well, she should be at her work station.

Q. What did you think had happened to her?

A. Well, at the time I didn't -- I didn't know what had happened and how severe it was. I was -- I was hearing these cries for help in the front of the office. I was hearing what I later found out to be the floors collapsing. I was hearing -- to me it sounded like gravel being dumped from a truck, sliding out of a truck, and you heard this -- and this lasted maybe 10, 12 seconds, and you heard the cries for help.

Richard Dean - Direct

And then after the gravel noise stopped, you didn't hear anything else.

The -- you didn't hear anyone else from the front of

the office, so I turned my attention to the -- my operations supervisor, who was -- or operations supervisor who was right across the aisle from me, Laquita Cowan. She was covered with debris. And Sharon Paulsen, another claims representative -- she was trapped in her chair and covered up.

Q. Mr. Dean, did you assist them in getting out of the building?

A. We took 3 to 5 minutes -- for your eyes to finally adjust to what was going on from the debris. The dust had settled, and the impact of the explosion had -- had knocked open the exit door on our chart here. And I was -- there was some -- enough light where you could see the interior of the area where we were in, the back.

Q. Did you eventually get those people out of the building?

A. We held hands and we made our way to the back, and I took them up the stairs.

Q. Did you try and find Barbara?

A. I went back in and, of course, all the reference points, all the interior walls of the office had been knocked down by the impact; and I worked my way to the front of the office and out of the darkness.

Laura Bode, a claims representative, grabbed hold of

Richard Dean - Direct

me from the front; and she was obviously hysterical and incoherent, so I took her to the back. And on the way back, I found Mr. Mitchell. During his interview with Rex, there was some information he didn't know, so he was on his way back up to the front to get his wife to bring her back to assist in processing his claim.

And he was just -- I didn't know at the time. I just know he was trying to go to the front of the office, up toward the reception area.

Q. What was his condition when you found him?

A. He was dazed and disoriented. He had been peppered, took some shrapnel wounds to his body and --

Q. Did you assist them in getting out of the building?

A. He was up and moving around, so I told him to -- I pointed to the back and tried to get him to move to the back of the office toward the light, and I carried Laura out and led her on the top of the stairs.

And Janet Beck was out, and I talked to her for a second and I said, "Keep track of who makes it out." And I said who had made it out; and I asked her if she had seen Barbara, and she said no.

I went back in. A lot of the employees lost time. They were stunned. They were knocked out. The work stations -- the ones in the back -- they were starting to come to and make their way toward the light, toward the back.

Richard Dean - Direct

Q. Did you find some of those folks when you went back in?

A. They were -- they were working their way back toward the back door, so I kept going toward the front where Barbara's work station was.

Q. Did you see her --

A. No.

Q. -- at that time?

A. No, I didn't. I did not see her. Her area was -- was full of debris from floors. That part of the building -- that section of our office was underneath the nine stories, eight additional stories, and it collapsed; and the -- the chiller water for the air-conditioning system for the building had -- during the collapsing of the floors had severed an 8-inch pressurized pipe, cast-iron pipe in our office, and it was pouring 42-degree water into our work area there.

And I was looking at this and looking at the fact that

Barbara's work station was no longer there. It was just a pile of rubble; and if she had any chance at all of surviving that, if she was pinned to the floor, she was going to drown because the water at that time was already a foot deep in our work area.

Q. Did you have some thoughts about your grandson at that point, Mr. Dean?

A. Yeah.

Q. Who is your grandson?

Richard Dean - Direct

A. We have three grandchildren. We have -- Miranda is -- will be driving next March, and Mark will be 12 in January, and Cody -- Cody turns 6 April 9.

Q. What did you think about when you saw Barbara's work station?

A. Well, I thought about -- I thought about Easter Sunday. The Sunday before the bombing was Easter Sunday, and all the kids were over the house. Of course, Barbara was out in the backyard hiding Easter eggs for Cody, and he -- at that time, he was just 3 -- just turned 3. And you -- a lot of things run through your mind at that time. I wondered about whether he would remember his grandmother.

Q. Did you continue to help other people get out of the Social Security office, Mr. Dean?

A. Yes. Well, first person appeared at the back to help us was a fireman. I had him come up with his radio, and I told him that we needed to get the water turned off or else we were going to have people possibly drowning on the floor.

And, of course, that was -- I was concerned for everyone and also for Barbara, but the only chance she had was if we could dig her out.

He couldn't radio out because of the interference, so I went to the back door and left and I kept -- we're looking around where Barbara's work station was, and I heard someone moaning, so I started digging for her.

Richard Dean - Direct

Q. Mr. Dean, do you know a woman named Sharon Littlejohn?

A. Right.

Q. Does she work with you?

A. Right. She's been with us since -- she's worked for Social Security since 1987.

Q. And before the bombing, would you have easily recognized her?

A. Oh, yes. She had been in our office since June of '92.

Q. Did you find her that day in the Social Security Administration office?

A. She was -- the person I heard moaning was Sharon Littlejohn. I finally dug her out. I picked her up. I didn't recognize her. She had taken -- she had taken a lot of -- I mean her face was -- I didn't recognize who she was. I had to ask her who she was. I thought maybe she might be one of the customers from the reception area, but she said she was Sharon and then I knew who she was. But she was obviously -- she was -- she was in bad shape. She couldn't help herself. She couldn't stand. Later I found out she fractured an ankle, but she had severe shrapnel wounds. It looked like somebody shot her with a shotgun at close range. There were hunks of flesh missing from her arms. Her face was just -- you couldn't tell -- you couldn't tell -- nobody could tell who it was.

Q. Did you get assistance from police officers to remove her from the building?

Richard Dean - Direct

A. Well, I knew she -- she -- she was going into shock. She was beyond pain. I mean she wasn't -- she was getting hysterical, and I was starting to feel weak myself. And I told her I had to leave to go to the back to get some help for her; and she didn't want me to leave, but I had to lay her down.

I went to the back of the office and out the door,
and

Richard Williams, Oklahoma City Police Department, had just driven up in his unit; and I told him I needed someone to come in and help us get some people out of the work area.

And he came in, and we went back to the front where I left Sharon. She was still there, of course.

And we picked her up, and the two of us were not able to get her out. She was -- she was not able to help us, and we were not -- we're not talking just taking her down the aisle and taking her out there. We're talking about climbing over debris 5, 6 feet tall.

We had been there 18 years. We had three different types of computers in that office, so we still had -- all that wiring from the various computers were still in the ceiling, and all that dropped down, so it was just a maze of wires and other debris that we had to climb over and through.

Q. Did you have to find a third person to assist you?

A. Richard finally decided that he needed to go back and radio for assistance; so he went back and he reappeared with Officer

Keith Simonds, and the three of us were able to get Sharon to

Richard Dean - Direct

the back of the office and up the steps, but we were --

Q. Let me show you Government's Exhibit 1421, which is already in evidence.

If you could click the side of your pen, that will erase those marks there. Just click it.

Do you recognize this photograph?

A. Yes.

Q. Are you depicted in this photograph, Mr. Dean?

A. That's me in the background.

Q. That is you right --

A. Short-sleeved shirt.

Q. Next to the firefighter there?

A. Oh --

Q. Is that you next to the firefighter?

A. Yes, it is.

Q. And is that Ms. Littlejohn laying down?

A. That's Sharon.

Q. Is that where you all took her after you removed her from the Social Security office?

A. Yeah. The blast -- the initial blast had shredded her -- shredded all of her clothing, took a lot of her clothing off, and that's how she looked when we brought her out. She was -- she was complaining of having difficulty breathing when we were bringing her out, but we couldn't stop. We had to bring her out the back, but she was suffocating in her own body fluids.

Richard Dean - Direct

Q. Did you go back in the building after you helped rescue Ms. Littlejohn?

A. I went back in the building, and at this time -- at this point in time, the firefighters had -- were starting to come into our work area; so I took two of them with me, and we went a different route to the front of the office. And I was pointing out the different locations where employees would have been -- should have been during the -- at 9:02. And we looked for survivors. And we got to the front of the office and up to the stock room where the skylight was. So we did have light at the front of the office, and that's where I found Carol Bowers, my operations supervisor, and good friend.

Q. How long had Ms. Bowers worked the Social Security Administration?

A. Carol had 34 years with Social Security.

Q. What was her condition when you found her?

A. She wasn't covered up. I didn't know at the time, but another group of survivors had been by and checked on her; and I'm not sure if they had cleaned her off or not. She was laying there. You couldn't tell she had been injured; but when I raised her head up, she had taken a blow to the back of the head. I feel liked the sev -- the severed pipe, chiller pipe,

had hit her in the back of the head.

Q. Did she survive?

A. No, she was gone. She -- she was -- she wasn't with us

Richard Dean - Direct

anymore, so we got --

Q. Mr. Dean, how long did it take for you to find out what had happened to your wife, Barbara?

A. Well, we kept looking in that area, and we found another employee, Katrina Wreggit. She had been with us for a month. She transferred to Oklahoma City from West Virginia. She -- her husband was -- had a -- was working FAA. And we found her next to her desk in a fetal position. She took a blow to the right side of her face, and she was in obvious shock. She -- we had been by there twice and she hadn't said anything, so she was -- so we had to -- we had to move Carol to get Katrina out of that area.

And somebody had thrown down a part of the picket fence from around the day care down the skylight, and we used that to bridge a -- between the piles of rubble. We used it as a bridge to get to the wall of the skylight where the firefighters had lowered a ladder down. And the decision was made to take her up the ladder because it was too -- it was 140 feet back to the back door, so they carried her up the ladder and took her out.

Q. At that time, did you know where Barbara was?

A. No. I -- I -- the firefighters got a call on the radio to go to the 2d floor, the day-care center. They needed help up there. I told them I was going to stay there, so I sat down next to Carol and tried to listen and see if they could hear

Richard Dean - Direct

anybody there in the office. And I couldn't hear anyone else, and I looked around in front of the office there where I could; and finally I had to -- I had to leave Carol laying there. And I exited the building, and I walked around to the front of the building; and that's when I realized how severe the damage was. I thought the -- I thought -- I just thought the damage was to our area. I didn't realize the magnitude of what happened until I walked around the front.

Q. And did you find Barbara?

A. Well, I -- after looking at that, I turned around and walked down 5th Street, and I recognized Dennis Purafoy, our assistant manager, and Gwenn Greise and Laquita Cowan. They were together compiling names of people that they had not seen. And staying behind Gwenn, I recognized -- the first thing I recognized was the dress that she was wearing. And she had her hands over her face. She was trying to stop -- she took a severe blow to the face and scalp, and she had her -- she was trying to compress the blood flow from her scalp, and she had her hands covering her face; but I knew who it was when I saw the dress.

Q. After the bombing, you learned that you had lost many

Q. After the bombing, you learned that you had lost many colleagues. Is that right?

A. We lost 16 employees and 24 customers in the waiting room.

Q. Could you share with the jury, Mr. Dean, the impact of losing 16 colleagues on you and your wife, Barbara.

Richard Dean - Direct

A. Well, as more -- it was a personal thing with me because we're not talking about -- we're not talking about employees and colleagues. We're talking about an extended family. This is our -- we always referred to ourselves as the Social Security family, and we're a tight-knit group. We had -- we had a very professional staff and a lot of experience under the belt. We had -- Ron Harding and Carol Bowers both had over 30 years' service. We had five that died that had over 20 years. We had three that had over 15 and three others that had over 10, so we were a very senior staff prior to April 19 of '95.

When we reopened in May 22 of '95, we were looking at a very -- we were looking at an experience gap there. We were looking at a lot of new faces, a lot of eager faces, a lot of people that wanted to -- that were caring and compassionate and concerned about those who had survived; but, you know, we were still trying -- we're still trying to make up that gap that we have as far as experience goes.

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

THE COURT: Questions?

MR. TIGAR: No questions, your Honor.

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

THE WITNESS: Thank you.

THE COURT: Next, please.

MR. MACKEY: Mr. John Youngblood, Jr.

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

(John Youngblood 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: John Youngblood, Y-O-U-N-G-B-L-O-O-D.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mearns.

DIRECT EXAMINATION

BY MR. MEARNS:

Q. Good morning, Mr. Youngblood.

A. Good morning.

Q. How old are you, sir?

A. 19.

Q. Where do you live?

A. Yukon, Oklahoma.

Q. Where is Yukon in relation to Oklahoma City?

A. It's about 12 miles or so.

Q. And are you in school there?

A. Yes. I'm a senior.

Q. Senior in high school?

A. Uh-huh.

Q. And your name is John Youngblood, Jr. Is that right?

A. Yes.
Q. You're named after your father?

John Youngblood - Direct

A. Yes.
Q. And was your father killed in the explosion in Oklahoma City in April of 1995?
A. Yes, he was.
Q. What was your father's nickname? What did his friends call him?
A. They called him "Buddy."
Q. What do your friends and your family call you?
A. "Bud."
Q. How many sisters do you have?
A. I have four.
Q. What is your oldest sister's name?
A. Tammy.
Q. And how old is she?
A. I think she's 32.
Q. And what's the next sister's name?
A. Becky.
Q. And how old is she?
A. 26.
Q. And what are your other sisters' name?
A. Ann and Robin.
Q. Do you have any brothers?
A. No.
Q. Where was your father working in April of 1995?
A. He was working at the Federal Highway Administration at the

John Youngblood - Direct

Alfred P. Murrah Building.
Q. And he had just recently returned to the Federal Highway Administration about six weeks before the bombing in April of '95?
A. Yes, he had.
Q. He had spent pretty much his whole career working for the government, for public agencies?
A. Yes, he had.
Q. Prior to working for public agencies, what had he done when you had lived in New Mexico?
A. He was a -- like a deputy sheriff for New Mexico.
Q. And after he began working for the Federal Highway Administration, did your father continue to work in law enforcement in any way?
A. Yes. He was a reserve officer.
Q. And was he a reserve officer in April of 1995?
A. Yes, for Yukon.
Q. Besides working and raising a family, what kinds of things did your father do before his death?
A. He used to teach my Little League baseball team or help coach it, and we used to go hunting every November and go

fishing and stuff like that.

Q. Let's first talk about the Little League. Were you on the team that your father coached?

A. Yes, I was.

John Youngblood - Direct

Q. In what years did your father help coach that Little League team?

A. '94 -- no, '93, '94.

Q. What was his position? What kind of a coach was he?

A. He was a dugout coach.

Q. What does that mean?

A. He pretty much got us ready to go out on the field and stuff, psyched us up, I guess you could say.

Q. What kind of a relationship did he have with your fellow teammates?

A. He was just like a buddy to everybody. Everybody got along with him and everybody liked him.

Q. You also told us that you used to go hunting and fishing with your father. Is that right?

A. Yes.

Q. Where did you go hunting?

A. Three Rivers, Texas. It's kind of in between Fort Worth and Houston.

Q. Was there a regular trip that you took to Three Rivers with your father every year?

A. Yes, there was.

Q. What time of the year would you go?

A. Right before Thanksgiving.

Q. And how many people would go on that hunting trip with you and your father?

John Youngblood - Direct

A. There was probably more than 10 that went with us.

Q. And when did you first start going on that regular hunting trip with your dad?

A. When I was 9.

Q. Was it something that you did every year from -- since you were 9 years old?

A. Yes, it was.

Q. Tell us a little bit about that experience, what it meant to you to go hunting with your father.

A. It was -- we just got together. That was our time to just get out and pretty much talk about everything that was going on in our lives.

Q. What kind of a person was your father?

A. He was well-respected and kind to people who were kind to him. He would do anything to help anybody.

Q. And what kind of a father was he?

A. He was the best dad I could ask for.

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

A. My sister woke me up.

Q. What was the first thing you remember about that day?

Q. were you at home because it was a spring vacation from school?

A. Yes, it was.

Q. And later that day, did you go down to St. Anthony's Hospital where your father was?

A. Yes, I did.

John Youngblood - Direct

Q. Did there come a time that day on April 19 when you saw your father?

A. Yes. I was the first one to see him when he came out of the emergency room.

Q. How long was your father in surgery that day before you saw him?

A. They called -- he got out about 11:00 at night from surgery.

Q. Tell us, if you would, about the experience when you saw your father that evening.

A. It was hard seeing him just -- he was always in control, and seeing him so helpless like that just -- it tore me up inside to see him like that.

Q. What did you do?

A. I just lost it. I couldn't see my dad like that.

Q. Were your sisters there with you at the hospital?

A. Yes, they were.

Q. Was your mother there?

A. Yes, she was.

Q. Did you speak to them about the experience at that time?

A. Yes, sir. Yes, I did.

Q. How long was your father hospitalized?

A. 23 -- 23 days.

Q. Your father died on May 12?

A. May 5.

John Youngblood - Direct

Q. May 5?

During the time that he was hospitalized, did you visit him regularly?

A. Yes, I did.

Q. Describe that experience for us, if you would.

A. Well, the first time we saw him, it was hard; and then we saw him gradually get better and better. And then the last two days, he just dropped, and it was unexpected. It was like we pretty much lost him twice.

Q. Tell us, Mr. Youngblood, the impact, the effect that the loss of your father has had on your four sisters.

A. It's been hard for them because that was pretty much the male figure in their life, and I -- they looked up to him and they didn't know what to do after that.

So I'm the only male now, so they pretty much look up to me for, you know, the strong arm.

Q. Describe what impact the loss of your father has had on you.

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A. It's -- it's been hard because, you know, I have four sisters. They're great, but, you know, to go hunting and stuff like that with your dad and -- it was -- it was -- it was just hard to do.

Q. Mr. Youngblood, if you would, I'd like you to take a look at Government's Exhibit 1439.

MR. MEARNS: Which we offer at this time, your Honor.

John Youngblood - Direct

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be shown.

BY MR. MEARNS:

Q. Mr. Youngblood, tell us who we see in that photograph, please.

A. That's my father and my mom.

Q. Tell us, if you would, what the impact has been upon your mother with the loss of your father.

A. It's been hard for her. I've seen her have days she just -- just cried and cried, and I know it's been hard for her.

MR. MEARNS: Thank you, Mr. Youngblood.

Thank you.

MR. TIGAR: No questions, your Honor.

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

I think we'll take the recess at this time. Members of the jury, as has been our practice throughout, we'll take the 90-minute recess here, which will be till 1:25. And of course, as is the custom throughout, I caution you about avoiding discussion among yourselves and with all others, anything concerning this matter and staying away from anything and any publication of any kind, communication of any kind relating to the issues to be decided.

You're excused now till 1:25.

(Jury out at 11:56 a.m.)

MR. TIGAR: May we approach, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 148B4 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: All right. Recess. 1:25.

(Recess at 11:58 a.m.)

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PLAINTIFF'S EXHIBITS

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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 31st day of December, 1997.

Paul Zuckerman

Bonnie Carpenter

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