

THE COURT: All right. Your next witness.

MR. MACKEY: Mr. William Dilly.

THE COURT: Okay.

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

(William Dilly 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: William David Dilly, D-I-L-L-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Sengel.

MR. SENDEL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. SENDEL:

Q. Where are you from, Mr. Dilly?

A. I'm originally from West Virginia, but I -- I live in Ohio now.

Q. All right. Where in Ohio do you live?

A. Barnesville, Ohio.

Q. Where is that, approximately, in the state?

A. It's central -- east central, real close to the West Virginia-Pennsylvania border.

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Q. All right. Do you live there with your family?

A. Uh-huh. Yes, I do.

Q. And who is in your family?

A. I have a wife and I have three children.

Q. All right. Now, you told us you grew up in West Virginia. And in great suspense here, you're not from Oklahoma; right?

A. No, I'm not.

Q. All right, sir. Where do you work in Ohio?

A. I work -- I'm a correctional officer at a -- a division of corrections prison. State prison.

Q. All right. How long have you been in that position?

A. Five years.

Q. All right. Prior to that, were you in the military?

A. Well, prior to that, I worked in the prison system in West Virginia; but prior to that, I was in the military.

Q. All right. And when did you enlist in the Army?

A. May of 1988.

Q. All right. And when you enlisted, where did you go for basic training?

A. I went to Fort Benning, Harmony Church.

Q. And were you in the infantry?

A. Yes, I was.

Q. When you went to basic training at Fort Benning, did you go into basic training with Terry Nichols?

A. Yes, I did.

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Q. And did you also go into basic training with Timothy McVeigh?

A. Yes, I did.

Q. All right. When you went into basic training, did you meet these men as you went down to Fort Benning?

A. Yes. Yes, I met them -- I met them the first day, actually. Both of them.

Q. All right. The unit you were in there in Fort Benning, what was it called? Was it a plan that you were in that had a certain name?

A. Yes, sir. We were in a cohort unit. It was an experiment the Army used for a couple years to keep the same guys together for their whole term of service. They have -- they don't have it anymore. It didn't work. But the plan was that guys would go through basic training together, AIT, go to the same permanent duty station all the way till the time they ETS'd out of the service.

Q. All right. Now, you said AIT. What is that?

A. Advanced infantry training. You have basic training, and then you have advanced infantry training.

Q. All right. When you arrived in Fort Benning, then, in your cohort unit, did you see Mr. Nichols and Mr. McVeigh on a daily basis there?

A. Yes.

Q. Did you see the relationship between Mr. Nichols and

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Mr. McVeigh?

A. Yes. They were very close friends.

Q. All right. And you say they were very close friends. Did they develop a friendship early on at basic?

A. Yes. It was kind of weird. Actually, it was like they were best friends a couple days after they met. They hung around together. Actually, Tim kind of followed Terry around. Terry was made platoon leader as soon as we got there.

Q. All right.

A. He was the oldest member of our group coming in; and we had a lot of young guys and he carried himself really well, so he was platoon leader from the start.

Q. All right. Now, you say "platoon leader." Then how many men were normally in a platoon?

A. Our platoon, I think -- I'm not sure. Maybe 80. 70.

Q. As a platoon leader, what -- what did they do at basic training?

A. They acted basically as a platoon sergeant would in a regular unit. He would head the formations. He would be -- our first formation, he would be at the front of the formation. He would march us. He would -- you know, it was his responsibility to make sure we were where we were supposed to be.

Q. At basic training, were there other men that were also made platoon leaders?

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A. Yes. Each -- we had four platoons in our company; and yes, each platoon had a platoon leader.

Q. How long was basic training?

A. Total with the AIT -- in infantry, they do it together, so four months.

Q. All right. For that period of four months, did Mr. Nichols remain platoon leader for that entire period of time?

A. Yes. From start to finish.

Q. For the other platoon leaders, did they stay in that position for the entire four months?

A. No. None of the other ones did. No. They all had two or three.

Q. All right. Did Mr. Nichols, in fact, receive some awards at basic training?

A. Yes. Terry was our outstanding soldier in our basic class.

Q. All right. At basic training, did -- did Mr. Nichols and Mr. McVeigh seem to be together on a daily basis?

A. Yes. They -- like I said, they were very close friends. By the end of basic, it was -- they were like -- almost like brothers. They -- Tim really, as I say -- when he first came in, he was really meek. He kind of looked to Terry for support. He was kind of scared -- like kind of almost looked like a junior high kid, he looked so young. And Terry -- Terry was -- he came in and he really -- right from the start, you know, he took the platoon leader job, and he really -- like I

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said, he was our outstanding soldier. He was. He was our outstanding soldier.

Q. Yeah. Approximately how old was Mr. Nichols at basic training; do you remember?

A. Oh, I would guess -- he was six years older than me. And I was one of the older guys there. So he would have been probably 32, 33.

Q. All right. And how old was Timothy McVeigh?

A. I would think 18 or 19. Maybe 19.

Q. All right. So you -- you mentioned they were almost like brothers. Did it seem like Mr. McVeigh looked up to Mr. Nichols like an older brother?

A. Yes. It was almost like big brother-little brother --

MR. TIGAR: Objection. Leading.

THE COURT: Yes. Let's avoid the leading.

MR. SENDEL: All right. Certainly, your Honor.

BY MR. SENDEL:

Q. Now, in observing the relationship, then, between these two men, was one of them the leader of the two?

A. I think Tim looked up to Terry. Like I said, he was really meek when he first got there. Really skinny. Even skinnier -- I mean, he was a thin person, but he was extremely skinny when he first got to basic. He built up after we got there. And he was scared. A lot of the guys pushed around on him a lot and stuff, so he looked to Terry kind of for support.

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Q. And between the two of them -- I mean, as I asked you if you -- if there was a leader between the two of them, who was it?

A. Well, I would say Terry. Terry was the leader of our whole platoon.

Q. All right.

A. Everyone looked at him as a leader.

Q. Now, based on your interactions with Mr. Nichols as platoon leader, would you say he was an intelligent man?

A. Yes. I'd say he was very intelligent.

Q. All right. You mentioned, of course, the cohort unit was assigned together. Did you all go to Fort Riley together?

A. Yes, we did.

Q. All right. And at Fort Riley, did you at some point become the roommate of Timothy McVeigh?

A. Yes. We came NCO's at the same time, and we were the first two soldiers in our cohort unit to become NCO's, so they put us in an NCO room together.

Q. And again, what's an NCO?

A. Noncommissioned officer.

Q. All right. When you became roommates with Timothy McVeigh, was Terry Nichols still in the service at that time?

A. No. He was not. He had already -- I heard he had got a hardship, but he had left the service.

Q. All right. While you were roommates with Mr. McVeigh --

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how long were the two of you roommates?

A. A little over a year.

Q. All right. Up until what time period?

A. Until we went to the Gulf War.

Q. And to Desert Storm?

A. Yes.

Q. All right. During the time period that you lived with Mr. McVeigh, then, approximately how long was that before you went to Desert Storm?

A. It was a year. We actually roomed together for a while with -- before we became NCO's, but alone, we were in a room together at least ten months.

Q. All right. During the time period that you were a roommate with Mr. McVeigh, did he keep in contact with Mr. Nichols?

A. Yes. He corresponded with Mr. Nichols and -- both written and phone calls. On a regular basis, yes.

Q. How long -- how often did they communicate?

A. Of course, we were in the field a lot, you know. It would vary. When we were at the barracks, he -- he -- I'd say at least on a weekly basis.

Q. Were these phone calls, or letters, or --

A. He would -- you know, Tim would tell me he had called him or whatever, or he had wrote him. I know like one time, he got some -- is it beef jerky -- deer jerky that Terry had sent him.

So, you know, they corresponded. I don't know exactly day to

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day how much, but it was a lot, because Tim would tell me, you know, like, you know, what -- what had been going on. I'd ask him every now and then what Terry was, you know, doing.

Q. This frequent communication, did it continue for the entire time period that you were Mr. McVeigh's roommate?

A. Yes. He kept in contact with him in that time frame, yes.

Q. All right. After you went to Desert Storm, did there continue to be contact?

A. Yes. There was several times where he told me he was going to correspond with --

MR. TIGAR: I'd like to register an objection to the hearsay.

THE COURT: Overruled.

THE WITNESS: Yes. There was several times that he told me he was going to tell Terry things that we were doing. So, you know, I'm -- unless he lied to me, I'm assuming that he did.

BY MR. SENDEL:

Q. All right. After Desert Storm, did you yourself get out of the service?

A. Yes, I did.

Q. All right. Took an early discharge?

A. Well, actually, I was past my ETS time because I had a stop loss for the war, but I cleared as soon as I got back.

MR. SENDEL: All right, sir.

Thank you. I have no further questions, your Honor.

THE COURT: Mr. Tigar.

CROSS-EXAMINATION

BY MR. TIGAR:

Q. Good afternoon, Mr. Dilly. My name is Michael Tigar. I'm one of Terry Nichols' lawyers.

At 5:28 p.m. on the 21st of April, 1995, you called the FBI hot line; is that correct, sir?

A. I don't know the exact time; but, yes, I did call the FBI hot line. Yes, sir.

Q. You called them to say that you had roomed with Timothy McVeigh for a year when you were stationed in Fort Riley, Kansas; correct?

A. Yes. I'm sure I told them that, yes.

Q. Yes. You didn't mention Mr. Nichols' name, did you, sir?

A. No, sir.

Q. All right. You told the FBI that Mr. McVeigh was a white supremacist; correct?

A. I don't think I actually said that. They asked me many questions. I'm not -- I really cannot remember my exact words.

MR. TIGAR: May I approach, your Honor?

THE COURT: Yes.

BY MR. TIGAR:

Q. Showing you hot line Lead No. 3354. I know that's not your document. Could you look at that paragraph, please, and tell

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me if that refreshes your recollection you told them he was a white supremacist or supremacist.

A. I don't remember saying that. I do remember saying about the survivalism.

Q. Now, do you remember telling them that Mr. McVeigh was an ammunition and gun freak?

A. Yes, I did. I told them he was very interested in them.

Q. Do you remember telling them that Mr. McVeigh had rented a storage shed in Junction City, Kansas?

A. Yes, I do.

Q. When he showed up in the Army, he had his own personal weapons, didn't he? Mr. McVeigh?

A. Yes.

MR. TIGAR: Excuse me, your Honor.

BY MR. TIGAR:

Q. And he was not permitted to bring his own personal weapons on base, was he?

A. No one was, no.

Q. And so he rented this storage shed to keep his weapons; correct?

A. Correct.

Q. And in that storage shed, he kept other weapons, didn't he, that he later obtained?

A. Yes, he bought and sold, you know. He got some, got rid of some.

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Q. So this young soldier was already in the gun-trading-and-collecting business when he was in the Army; correct?

A. I don't know if he actually was in the gun trading -- he was -- yeah. He was into the weapons before.

Q. Stored black powder in the shed, didn't he, sir?

A. Yes. He had black powder.

Q. Stored manuals on how to build explosive devices, didn't he, sir?

A. I'm not sure about that. I mean, he had the survivalism magazines. I don't know if he really stored them there. Really, you could have the magazines on base.

Q. Well, did you ever see Mr. McVeigh with documents in his possession relating to how to build weapons or bombs?

A. Many -- he used -- had Soldier of Fortune and -- I can't remember the exact names of some of the magazines, but almost all those magazines have that in the back of them. They will have storage --

Q. Okay. And he stored -- so he stored things there that had information how to build bombs; correct?

A. Yes. Those magazines do have that information.

Q. And in addition to that, he stored survivalist materials; correct?

A. Yes.

Q. All right. Now, Mr. McVeigh did talk to you during the time that you roomed with him that he was extremely upset

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regarding the appointment of two African-Americans to a special sniper school. Do you remember that, sir?

A. Yes.

Q. And did you interpret his opposition to Afr -- Mr. McVeigh's opposition to African-Americans being appointed to this sniper school as reflecting some white supremacist attitudes?

A. He was upset about it. He was actually the most qualified person for the job. He was a very good shot. He was just very surprised that he didn't get one of them.

Q. He was bitter about it?

A. Oh, he was upset because, you know, you work hard to get those scores, you know. Whenever you're trying to get a school, you get upset if you don't get it.

Q. All right. Now, in addition to that, Mr. McVeigh told you that he had purchased, with a friend in Buffalo, 10 acres; correct?

A. Correct.

Q. And that he and his -- did he ever mention the name David Darlak?

A. He might have, but it didn't stick with me. I'm not sure.

Q. Did he say that he was going to get together with this friend and build bomb shelters after he got out of the service?

A. He said he was going to -- they, I guess, had planned to make a survivalist-type place there in case something happened.

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They would have a survivalist camp.

Q. Okay. And that was with whoever his friend was in Buffalo; correct?

A. Yes. I can't remember his name exactly.

Q. All right. You called the FBI hot line a second time on the evening of April 21, did you not, sir?

A. I may have.

Q. And do you remember just mentioning more about Mr. McVeigh?

A. Yes. Because I was -- you know, it had been a long time since I'd seen Mr. McVeigh. And when I first saw him coming out of the courtroom, I just thought I should call quick because I knew my name would pop up. Then I recollected more things because I was kind of -- kind of -- I just got off work and saw it, and I was just like --

Q. That's him; right? You saw him, you said, Well, that's the McVeigh I know?

A. Well, you know, actually, I even -- I even waited to see it again to make -- you know, it was so overwhelming that I just didn't want to believe it; and then when I saw it again, I --

Q. And the second time you called, you didn't mention Terry Nichols' name either, did you, sir?

A. No, sir.

Q. Now, you called again at 7:12 p.m. on the 22d of April, a

Saturday. Do you remember that?

A. Yes.

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Q. And that time, you did give them another name, didn't you?

A. I'm not sure.

Q. Do you remember the name "Joel Johnson"?

A. Yes.

Q. All right. Do you remember giving them the name "Joel Johnson"?

A. Yes.

Q. Did you tell the FBI that Mr. McVeigh had a good friend and an Army buddy who was dishonorably discharged and that that was Joel Johnson?

A. Yes.

Q. And what was Joel Johnson, this Army buddy of Mr. McVeigh's, dishonorably discharged for?

A. Discharging a weapon.

Q. Well, don't you all do that in the Army?

A. Well, he discharged a weapon that he had in his poss -- a personal weapon on base, and you're not allowed to have personal weapons on base.

Q. Fired it out the barracks window?

A. Yes, he did.

Q. No enemies in sight?

A. There was no enemies in sight.

Q. All right. So this Army buddy of Mr. McVeigh's, Joel Johnson, what description did you give of him?

A. When -- the -- they had come to talk to me on the phone.

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The FBI contacted me after I called the hot line.

Q. Yes, sir.

A. They asked me -- they were asking me questions about if I -- you know, anyone that was very interested in explosive devices. And he was. He made black-powder bombs. That's the reason I gave them his name.

Q. Oh, Joel Johnson did?

A. Yes, he did.

Q. Mr. McVeigh --

A. He would go out on farms. But he enjoyed that, you know, so that's the reason I gave his name.

Q. Okay. And he was -- but you didn't mention Mr. Nichols' name in this conversation with the FBI on the 22d, did you, sir?

A. No, I did not.

Q. All right. Now, when you all got down there to -- where did you do your basic? In Fort Benning?

A. Yes.

Q. And you were a part of the cohort unit?

A. Yes. Cohort unit.

Q. And Mr. Nichols was the oldest person there; correct?

A. Yes.

A. Yes.

Q. And what -- you were next oldest in your group that you knew?

A. Actually, I think there was a Private Anderson that was a

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couple -- myself and a Private Anderson were the next, yes.

Q. And Mr. Nichols got made platoon leader, do you think in part because he was older than the others?

A. More mature, yes.

Q. And he did a good job as a soldier, didn't he, sir?

A. Yes, he did.

Q. Now, is it the same in the Army as in the branch of service I served; you're supposed to look up to your leader that you have in basic training?

A. Yes. I looked up to Terry there. I did. I was very impressed with him. He was a good leader.

Q. Well, you're supposed to look up to your leader, aren't you, sir?

A. Yes. That's what I -- and I did.

Q. All right. And -- because he's the one that's been assigned by the military to be responsible for you and march you around and get you settled and do whatever else platoon leaders do; correct?

A. Correct.

Q. And this was in -- let's see here. This was in May of 1988; right?

A. When we first got there, it was May of 1988.

Q. Now, when did you become aware that Mr. Nichols had a son?

A. It was toward the end of our basic training.

Q. And that was about six weeks in?

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A. No. No. I would say more -- more toward July. Because it was hot. I mean, it was really hot.

Q. So a couple months, three months?

A. Yeah. A couple months.

Q. Okay. And what did you learn about Mr. Nichols' having this son?

A. I learned one day because he -- it was really getting hot and everybody just wore down to -- a certain point in basic training about halfway through where everybody just -- you start to give up, you know. And Terry got up in front of us and gave us a big speech about how, you know, "Yeah, I know it's bad and I know this is bad." He says, "You know, I've got a son at home, you know, and I want to go see my son. You know, and just suck it up, and let's drive on." And I just -- and that's how at first, I heard of his son.

Q. Okay. Now, later, there came a time when Terry actually went and got custody of his son. You knew that, didn't you?

A. Yes.

Q. And he rented a house there for his son?

A. Yes. I didn't know it was a house, but I knew he rented a

place there.

Q. Did you ever go there where he was taking care of his boy?

A. No, I did not.

Q. But you knew that Terry then had to apply for a compassionate discharge; correct?

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A. I had heard he had put in a hardship, yes.

Q. And do you know that he got it?

A. I assumed he did. I mean, because he had done nothing to get kicked out for.

Q. Right. And with his record, it wouldn't surprise you that he got an honorable discharge, would it?

A. No. Not -- I would expect he would.

Q. And so -- and he got that discharge in what? May of 1989?

A. I don't know the exact month, yes. But it was approximately -- May or June. That's what I would guess.

Q. When did you all go to Germany together?

A. Oh, I'm trying to think. I'm not really sure. I don't think Terry went with us to Germany, though.

Q. That was my question. He didn't go with you to Germany, did he?

A. No.

Q. Now, you and Tim McVeigh and the others went off to Germany, and Mr. Nichols stayed home because he had his boy; right?

A. Right.

Q. Okay. And then you all did something in Germany and got back to the United States; is that right?

A. Correct.

Q. Now, did you serve in Desert Storm?

A. Yes, I did.

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Q. And -- and served with Mr. McVeigh; correct?

A. Yes, I did.

Q. And during this time, Mr. McVeigh -- that you were serving with Mr. McVeigh, this was after Mr. Nichols had left the Army; correct, sir?

A. Yes, sir. Quite a bit. A long time after.

Q. Now, how much longer did you and Mr. McVeigh serve together after Mr. Nichols had gotten a compassionate discharge to go home and be with his boy?

A. Two years.

Q. Two years?

A. Two years. A little bit more than two years because of the stop loss.

Q. Now, during that two years you served with Mr. McVeigh, how would you describe his progress through the ranks? Everybody comes in as an E1; right?

A. Correct.

Q. All right. What did he make by the time you left him?

A. He was an E5 when he got out of the Army.
Q. Was that pretty good progress for an enlisted person?
A. Yes. It was the same rank I had, yes.
Q. All right. Well, then tell us about yourself. Not everybody gets to make E5 in that period of time, do they, sir?
A. No. Everyone has a -- I mean, I guess you have a shot. Everyone has an equal shot. But, you know, only the people who

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get the highest scores and get up -- you have to be -- your first order has to send you to the board, you know.

Q. And Mr. McVeigh did that; right?

A. Yes.

Q. And he made that progress during this time when you all had gone to Germany, and then you all fought together in Desert Storm; right?

A. Correct. Well, you know, he made -- he was always one of the first ones all the way through. He would -- he was one of the first specialists. He was, you know, the second corporal we had in our unit. So he -- he was --

Q. Real hot dog?

A. From the beginning, straight out of basic, he was always one step ahead of everybody.

Q. Mr. McVeigh was?

A. Yes. Actually, Terry was one of the E2's coming straight out of basic, also.

Q. I understand. I'm talking about the time after Mr. Nichols left to take care of his boy. Mr. McVeigh went on and advanced; correct?

A. Yes. Yes, he did.

Q. Then Mr. McVeigh had a disappointment, didn't he, sir, about special forces? Did you know about that?

A. Yes. Yes.

Q. Tell us about --

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A. I wasn't there at the time. I was still at Desert Storm.

Q. Uh-huh. And what did Mr. McVeigh want to achieve in getting into special forces?

A. Actually, I think -- of course, the special forces itself is an elite group, but you get to jump in rank. He would have jumped from E5 to E7, and I think that was his main reason he wanted to do it.

Q. And he washed out, didn't he?

A. I'm really not -- like I said, I wasn't there. I've heard three or four different stories on what the deal was. But myself, I really don't know. I would have to --

Q. When you say you've heard three or four different stories, when's the last time before today that you ever saw Terry Nichols?

A. When he left Fort Riley --

Q. 1989?

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A. -- in 1989.
Q. Sometime in 1989?
A. Yes.
Q. And of course, after he left, you said that Mr. McVeigh would tell you that Mr. Nichols had written to him; correct?
A. Yes.
Q. You never saw any of those letters, did you?
A. Actually, I did. I think I saw one or two.
Q. You saw one or two letters?

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A. Yes.
Q. Right?
A. I didn't get in his mail.
Q. You didn't get his mail.
A. Yeah.
Q. So all -- basically, other than one or two letters, all you know about the contact between Mr. Nichols and Mr. McVeigh is what Mr. McVeigh told you; correct?
A. Correct. Yes.
Q. Now, Mr. McVeigh was not hesitant about communicating with people, was he, about things he cared about? Well, let me --
A. I'm not sure exactly what you're asking me.
Q. Okay. Well, let's talk about the time -- there were times when you all would go out in the -- on maneuvers where you'd have to be away from your base or barracks for three or four days; correct, sir?
A. Usually, 29 days is the way we'd do ours.
Q. Well, on one of those ones where you'd have to be away, would he -- did he have a book with him, Mr. McVeigh?
A. Yes. I know what you're talking about now. The Turner Diaries, yes.
Q. He had The Turner Diaries. Okay. And did he have to actually make room for it in his pack to be able to carry The Turner Diaries out there for his overnights?
A. You only got enough room for so much stuff extra in your --

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in your bag. A few things, but not much by the time you take all your cold-weather gear and everything.
Q. And he chose to put The Turner Diaries in there; right?
A. Yes.
Q. Did he also urge you, Mr. McVeigh, to read The Turner Diaries?
A. Yes. He asked me to read it.
Q. Did you read it?
A. No, I didn't.
Q. You weren't interested?
A. I -- I was doing my E5 board at the time. I didn't have time to fool with anything.
Q. I understand, sir. Now, in addition to -- of course, Mr. McVeigh was a very good friend of yours; correct?
A. Yes. he was

A. Yes, he was.

Q. And you roomed together; right?

A. Uh-huh.

Q. And during the time you roomed together, you would talk about things; correct?

A. Yes.

Q. And you -- as a matter of fact, you kept up your friendship with him, did you not, after he left the Army?

A. After he left the Army?

Q. Yes.

A. I indirectly contacted him a little bit for like a month

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and a half after I got out. But after that, no. Tim never contacted me -- as a matter of fact, I don't think he contacted many. I know Private Littleton -- well, he's not Private anymore. But Littleton, he contacted him a couple times; and then -- you know, I kept in touch with Littleton and he'd say, you know, "Tim said hi." But that was basically about the size of it.

Q. Now, you came forward to testify on Mr. McVeigh's behalf in his penalty phase, did you not, sir?

A. Yes.

Q. Now, and the -- the FBI came out to see you on the 23d; correct? Of April?

A. Yes. I'm sure.

Q. Mr. -- Agent Laupert? Do you remember him?

A. Yes. Uh-huh.

Q. Okay. Now, it was at that time that you told him that -- about Mr. Nichols; correct?

A. I'm not sure if that was -- I'm sure it might have been the first time I said --

Q. Did they ask you about Mr. Nichols, or did you volunteer the information?

A. I really don't recollect.

Q. And you told them that Mr. McVeigh was a young individual who looked up to older soldiers like you and like Mr. Nichols; correct?

William Dilly - Cross

A. Yes. That's true, yes.

Q. He did look up to you, didn't he?

A. Yes, he did. I sponsored him to get his E5, yes.

Q. And he roomed with you; correct, sir?

A. Uh-huh.

Q. And he -- do you think he admired the accomplishments that you had?

A. Admired -- I made it before him. I think he kind of envied that a little bit.

Q. All right. Envy, admiration.

A. Yes.

Q. But he certainly had your respect; right?

A. Yes.

Q. All right. And -- I mean, he respected you and you respected him; correct?

A. Yes.

Q. Now, he even -- despite this relationship that you had with Mr. McVeigh, did -- did you agree with his politics?

A. No. Not really. I -- I really had no serious views on politics.

MR. TIGAR: Thank you, Mr. Dilly. No further questions.

THE COURT: Do you have any redirect?

MR. SENDEL: Nothing further, your Honor.

THE COURT: All right. The witness, then, I take it, may be excused?

MR. SENDEL: Yes, your Honor.

THE COURT: Is that agreed?

MR. TIGAR: Yes, your Honor.

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

Next witness, please.

MR. MACKEY: Richeal Thatcher.

THE COURT: Thank you.

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

(Richeal Thatcher affirmed.)

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

THE WITNESS: Thank you.

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

THE WITNESS: My name is Richeal Thatcher. It's R-I-C-H-E-A-L, T-H-A-T-C-H-E-R.

THE COURTROOM DEPUTY: Thank you.

MR. SENDEL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. SENDEL:

Q. Would you tell us where you live, please, ma'am.

A. Oklahoma City.

Q. And are you married?

A. Yes, I am.

Richeal Thatcher - Direct

Q. And how long have you been married?

A. About three-and-a-half years.

Q. All right. I want to ask you about your birth family. And did you lose a member of your family in the Alfred P. Murrah Building bombing?

A. My oldest sister.

Q. And what was her name?

A. Robbin.

Q. In addition to Robbin, were there other members of your birth family?

A. Well, she was pregnant.

Q. No. I'm sorry. I meant other brothers and sisters.

A. In the bombing, no, sir.

Q. No. Pardon me. I'm confusing you. That's my fault.

A. Yeah.

Q. In your birth family, did you have other brothers and sisters besides Robbin?

A. Uh-huh. I have three sisters and a brother.

Q. All right. Where did your sister work?

A. For the employees' credit union.

Q. All right. Now, your mother and father, do they also live in Oklahoma City?

A. They live in Bethany.

Q. All right. If you would, please, tell us something about your family, your mother and father and sisters that you grew

Richeal Thatcher - Direct
up with.

A. Oh, gosh. There are five of us altogether, and we were born within like a seven-year period, and so we were all really close. And being military, we moved around a lot, so we learned to get along well and play together, and we have just always been close.

Q. Okay. Does your family have the habit of dining together regularly?

A. Every Sunday. It's like going to church in the morning. It's -- I don't know when it started. I guess when the first of us got married and moved away, we -- it -- it just sort of happened. We all just came back and congregated at Mom and Dad's for Sunday dinner about 5. And if you're not going to make it, you call Mom so she doesn't worry. But otherwise, we're there. There's usually 10 to 15 of us every Sunday.

Q. So did members of the family -- they brought their spouses along with them?

A. Everybody. Yeah.

Q. Okay. How old was Robbin in April of 1995?

A. 37.

Q. All right. And was she married?

A. Yes, she was.

Q. Who was she married to?

A. His name is Ron.

Q. And what was his last name?

Richeal Thatcher - Direct

A. Huff.

Q. All right. When had she married Ron Huff?

A. In March of '91.

Q. All right. I want to show you a photograph we've marked as Exhibit 2203, Ms. Thatcher. If you would look down in front of you, you should see it. Is this your sister and her family?

A. Yes, it is.

MR. SENDEL: Your Honor -- your Honor, we're going to offer Exhibit 2203.

MR. TIGAR: No objection, your Honor. Sorry.

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

BY MR. SENDEL:

Q. All right. If you would, please, tell us who we see in this photograph

this photograph.

A. That's my sister Robbin, and her husband Ron, and those are her two stepsons, Matt and Cory. But to her, they were like her own kids.

Q. Now, did Ron and Robbin -- were they going to start a family of their own?

A. Robbin was expecting.

Q. All right. In April of 1995, she was expecting?

A. Yes, sir.

Q. All right. How far along was she in April of 1995?

A. Seven months.

Q. All right. And did she and her husband, Ron, know whether

Richeal Thatcher - Direct

they were going to have a boy or a girl?

A. No.

Q. Had they wanted to know?

A. Not really. They really wanted a girl because they had Matt and Corey, but a healthy one would have been fine.

Q. Okay. Now, when did you first hear about the bombing at the Murrah Building?

A. Immediately after it happened. I had been downtown for a prayer breakfast at the Myriad a couple blocks from the building and had just made it back to my office. And my husband called to make sure I had got out of downtown.

Q. What did you do after you heard about it?

A. We -- I just stayed at work.

Q. Did you get in touch with any other members of your family?

A. I called Mom. We had a real short conversation. My father had been downtown when it happened, and she was waiting for him to call her. So we didn't tie up the phone lines.

Q. All right. Did your father also work downtown?

A. About a block from the Murrah Building.

Q. And I take it he was also aware of the bombing?

A. Yes.

Q. And did he go down to where the Murrah Building was?

A. He knew right away when it happened. He had been in Vietnam a couple tours, and he knew when it -- when he heard it, it was a bomb. I mean, immediately went out and started

Richeal Thatcher - Direct

looking for Robbin.

Q. All right. Did he then call back to your mother?

A. Yes.

Q. All right. And when did you learn that Robbin would have been in the bombing?

A. We knew that was her building.

Q. Okay. Now, after you heard about the bombing, did you get any reports of pregnant women that might be at area hospitals?

A. After I got home that afternoon, they said there was one that was seven months pregnant and she was a Jane Doe at the time and she had been taken to an area hospital, so I knew it was Robbin. I figured she's the only one that was seven months

pregnant, so -- but it wasn't her.

Q. After that, did you have to wait a while to learn whether they recovered Robbin's body?

A. We got a call five days later, on Monday, the 24th, that they had Robbin.

Q. Did you learn after her death what the sex of the child was going to be?

A. Yes. We did.

Q. What was that?

A. A girl.

Q. And had Robbin and Ron picked out a name if they were going to have a girl?

A. Yes. They had already decided on that. Amber Denise.

Richeal Thatcher - Direct

Q. Does your family still have dinners on Sundays?

A. Every Sunday.

Q. Okay. If you would, please, I'd like for you to tell us what has been the impact of the loss of Robbin on your mom and dad.

A. My dad, when his building was demolished, they rebuilt like just half a block down the street; so every day, he goes downtown and every day, he sees the tourists and stuff go to the fence. And it's just been horrendous on him, and his health has not been very well lately; and it's -- it's a terrific void in our family. Robbin was a -- a link between all of us, being the oldest.

Q. If you would, please tell us how it's impacted on your mother.

A. She's more quiet. She lost her firstborn. She tries to be the same, but you can tell there's something missing. Excuse me.

Q. And what effect has it had on you and your sisters to lose your sister Robbin?

A. I lost my best friend. We did a lot of things together. We bowled for like over 12 years together in the same league, and she learned to decorate cakes, and we were always doing crafts and stuff together. And Christmastime, she'd coordinate all the gifts and the money situation and everything, and we just -- we were just always close. She was always chattering

Richeal Thatcher - Direct

and, you know, I miss her, you know -- her chatter.

Q. Do Ron and his sons still come to the family dinners on Sunday?

A. Every Sunday.

Q. Do you still keep a place for Robbin at the family table?

A. We do. We know she's still there.

MR. SENDEL: Thank you.

I have nothing further, your Honor.

MR. TIGAR: No questions, your Honor.

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

THE WITNESS: Thank you.

THE COURT: Next.

MR. MACKEY: With the Court's permission, we would like to play Government Exhibit 1425. It's a video of a youngster, P. J. Allen, who was injured in the bombing.

THE COURT: All right. You may do so.

(Plaintiff's Exhibit 1425 played.)

MR. MACKEY: Next, we'll call Megan Allen.

THE COURT: All right. Megan Allen.

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

(Megan Allen 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: Megan Nicole Allen, A-L-L-E-N.

THE COURTROOM DEPUTY: Thank you.

MR. MACKEY: Thank you, Judge.

DIRECT EXAMINATION

BY MR. MACKEY:

Q. Good afternoon.

A. Hi.

Q. Tell the jury, Ms. Allen, where you live.

A. I live in Norman, Oklahoma.

Q. And have you lived in Norman, Oklahoma, all your life?

A. Born and raised.

Q. Are you attending school?

A. Yes. I'm a freshman at the University of Oklahoma.

Q. Tell the jury the names of your mom and dad.

A. Ted Allen and Laurie Burton.

Q. And did your mom and dad have more than you as children?

A. Yes. There's four of us, and I'm the youngest. There's Jill. She's 25 now. And Gretchen who's 23. And Spencer is 20. And then me.

Q. Did your mom and dad divorce at some point?

A. Yes. When I was about 8 or 7. They separated.

Q. And after that time, did they each remarry?

A. Yes. Both of them.

Q. After the remarriages, did you spend most of your time or -- that is, all of your time divided between the two

Megan Allen - Direct
households?

A. Yes. Equal. Both households. I went to both.

Q. So did you have a long opportunity to spend time with your father even after the time of their divorce?

A. Uh-huh.

Q. Were the two households close in proximity to each other?

A. Yes. They were both in Norman, about 5 miles away from each other.

Q. When your father remarried, what was the name of his new wife?

A. Kay Goodlow.

Q. And does she have a daughter from a previous marriage?
A. Yes. She has Rachel, who's two years younger than me.
Q. And did you and Rachel over time become very good friends?
A. Yes. Very much so.
Q. Did Ted and Kay then later have a child of their own?
A. Uh-huh. Austin, who's now seven.
Q. So between the two families, there were a total of six children?
A. Uh-huh.
Q. Megan, I want to show you a photograph marked 2211.
MR. MACKEY: Your Honor, I'd move for its admission.
MR. TIGAR: No objection, your Honor.
THE COURT: Received. May be shown.
BY MR. MACKEY:

Megan Allen - Direct

Q. Now the jury can see the photograph, Megan. Could you start on the left-hand side with the woman in the red sweater and just introduce by name those persons that appear there.
A. Okay. The one on the left, that's my sister Jill, my oldest, who's 25. That's -- next to her is Spencer. He's my older brother, who's 20. And that's me right below him -- we're all holding hands, being goofy -- and sitting on my dad's lap. That's my dad in the middle. And my stepsister is on his other knee. She is Rachel. And then Austin is down there. He was about 4 at the time of that picture. And there's Kay, which is my stepmom, above Rachel. And Gretchen, my second oldest sister.
Q. Tell us, Megan, a little bit what it was like growing up with a family with Ted Allen as your father.
A. It was great. We had -- when I remember him, I just think of happy times. We were all -- I guess I'd -- now that I think back on it, we were an ideal family. It was just -- I mean, it was great. I was raised perfectly. And I -- he did nothing wrong. And -- I -- we just had the best family, and we still do. We're strong and we love each other and -- so much. We're really close.
Q. At the time of your father's death on April 19th, where was he working?
A. He was working at HUD in the Murrah Building.
Q. And how many years, if you know, had your father been

Megan Allen - Direct

working for the federal government and for HUD?
A. I'm not sure. I know a long time.
Q. A long time.
A. Yeah.
Q. Had you had a chance to visit the Murrah Building? Did you know where he was?
A. Yeah. I had been to his office a couple of times.
Q. On the day of the bombing, were you at school?
A. Yeah.

... again.

Q. And how did you learn of the news of the bombing?

A. My teacher had gotten a phone call. She left the room; and when she came back, she was real -- had this real stern look on her face and very serious, and we all just kind of sat there. And she said, "There's been an accident downtown." And she was like this could affect me, or this could affect you; and I thought she was just picking random people out. So I didn't think anything of it. I knew my stepmom and my dad both worked downtown; but the way she made it sound, it didn't sound that big. They were telling me there was no deaths or anything.

And so then, they calmed me down because I was crying.

And I didn't know which building was -- either of my parents worked in. And so the -- my next hour, they took me back to class. And the teacher got a memo, and it said the building -- the offices that were in the building that was blown up. And right when they said HUD, I knew that it was my dad.

Megan Allen - Direct

Q. And later in the course of the day, did you go home and join with other family members and begin to await news?

A. Yeah. They were all there.

Q. How long did you wait before you and the other family members were officially notified that your father had been killed in the blast?

A. Seven days.

Q. And during that entire seven days, did all of you as a family stay together and wait for that news?

A. Uh-huh. We were very close at that time.

Q. Megan, you had mentioned that when your father married Kay Allen, that Rachel became a stepsister to you?

A. Uh-huh.

Q. And a stepdaughter to him?

A. Uh-huh.

Q. Describe his relationship, how he treated Rachel.

A. Just like me. I mean, we -- like all of us. He thought she was so special. All of us. And we knew it was a regular father-daughter relationship.

Q. How old was Austin at the time of your father's death?

A. He was 4.

Q. And how old were you?

A. 16.

Q. And that was in April of 1995?

A. Uh-huh.

Megan Allen - Direct

Q. In October of that very same year, did any other event happen to you?

A. Yes. My mom had remarried, and her -- she had remarried before the bombing, but her husband, my stepdad, died, also.

MR. TIGAR: Objection, your Honor.

THE COURT: I'll overrule it.

BY MR. MACKEY:

Q. Go ahead. In 1995, in the summer of 1995, did you -- were you injured in a car accident?

A. Yeah. I was a passenger in a car. She had gotten in a wreck, and I got a blood clot on my brain. I had to have brain surgery.

Q. And going through that experience in the summer of '95, did you particularly miss your father?

A. Very much so. Yeah. That was probably the hardest time.

Q. Megan, I want you to ask -- answer just a couple other questions. And having seen Austin over the past two-and-a-half years and observed his behavior, tell the jury how he has dealt with the loss of his father.

A. Being 4 at the time of losing his dad, he's -- I mean, he no longer has a father to look up to. Austin and my dad -- my dad worshiped Austin. Austin -- they enjoyed each other. My dad was seriously my brother's hero. And now, he talks about it, just little things like how tall he wants to be like his dad and how much he misses him, and he writes -- when all the

Megan Allen - Direct

other kids write notes to their dad, he wrote a note that said, "I'm sorry. I love you. I wish this didn't happen."

And I just -- and I just watch him every day. And I feel kind of guilty because I got more time to spend with him than Austin did. And I just wish Austin could have more, and Austin wishes he could have more time.

Q. Megan, can you tell the jury from your own standpoint what it's been like to have lost your dad.

A. Awful. Every single day, I've thought about it. Every single day -- and there's no escaping it because it comes up in everyday situations. And starting college is really hard. And it's nothing I can escape, but I've learned to accept it. But there's always -- I'm never going to be the same person, ever.

MR. MACKEY: Thank you, Megan.

MR. TIGAR: No questions.

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

Next witness, please.

MR. MACKEY: Your Honor, we'll call Rene McNeely.

THE COURT: Thank you.

THE COURTROOM DEPUTY: Raise your right hand, please.

(Rene McNeely 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: Rene McNeely, M-C-N-E-E-L-Y.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Goelman.

MR. GOELMAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. GOELMAN:

Q. Good afternoon, Ms. McNeely.

A. Hi.

Q. What do you do for a living?

A. I'm a deputy court clerk for Oklahoma County.
Q. And where do you live?
A. I'm sorry?
Q. Where do you live?
A. Oklahoma City.
Q. Can you describe your education briefly for us.
A. I finished high school. I've done three years at OU.
Q. OU, University of Oklahoma?
A. Yeah.
Q. Is that in Norman, Oklahoma?
A. Yes.
Q. When did you first enroll in OU?
A. '88. 1988.
Q. And while you were a first-year student at OU, did you meet a man named Antonio Cooper?
A. Yes.
Q. About seven years later, did you and Mr. Cooper have a

Rene McNeely - Direct
child together?

A. Yes.
Q. And did that baby die in the bombing on April 19th?
A. Yes.
Q. I want to show you Government Exhibit 1047E.

MR. GOELMAN: Your Honor, this is from the big board.
1047 is already into evidence. I don't believe this is.

MR. TIGAR: Yes, your Honor. I have no objection.

THE COURT: It may be displayed, yes.

BY MR. GOELMAN:

Q. Is this your son?
A. Yes.
Q. And what was his name?
A. Antonio Cooper, Jr.
Q. How old was he when this picture was taken?
A. He had just turned six months old.
Q. And what was his birth date?
A. October 1, '94.
Q. And your son was Antonio Cooper, Jr.?
A. Yes.
Q. His father is Antonio Cooper, Sr.?
A. Yes.
Q. How did you refer to them to distinguish them?
A. Big Tony and Little Tone.
Q. Big Tony, Little Tone?

Rene McNeely - Direct

A. Uh-huh.
Q. I want to talk a little bit about what was going on in your life in April, 1995. Little Tone was born in October 1994?
A. Yes.
Q. Were you working at the time that you had your son?
A. Yes.
Q. What were you doing at that time?

Q. What were you doing at that time?

A. I was a deputy court clerk.

Q. Same position you have now?

A. Yes.

Q. Did you take time off when you had your baby?

A. Yes.

Q. And when did you go back to work?

A. I went back to work December 2d or 3d, '94.

Q. So --

A. December of '94.

Q. When your son was a little bit less than two months old?

A. Yes.

Q. What did you do with your baby when you went to work?

A. I put him in the day-care.

Q. Where was that day-care located?

A. In the federal building.

Q. Murrah Federal Building?

A. Uh-huh.

Q. How far was that from where you worked at the county

Rene McNeely - Direct
courthouse?

A. Just two blocks.

Q. And did that closeness allow you to have contact with your child during the day?

A. Yes.

Q. Tell us about that, please.

A. We put him in there because it was safe. It was clean. The people that worked there, they worked really well with him. And he was close to me, you know.

Q. What did you do during lunch?

A. I had lunch at the day-care with him, because I fed him his lunch every day.

Q. Did you also see him on other breaks during the day?

A. Yeah.

Q. What was Big Tony doing during the spring of 1995?

A. He was working.

Q. What was he doing for work?

A. He worked for Roadway and Yellow Freight. He had two jobs.

Q. And what did he do for those companies?

A. He -- I think they called it "dock work." He unloaded and loaded trucks for Roadway and Yellow Freight.

Q. What kind of contact was he able to have with your son because of his jobs?

A. On the nights when he didn't work, he was at home with us. Some nights, he might work 11 to 7 or about 8. And if he

Rene McNeely - Direct

wasn't home in the morning before we left going downtown, after he got off work, he'd always stop downtown and see the baby before he went home.

Q. Stop at the day-care center in the morning?

A. Yeah.

Q. In early April, 1995, did the -- was there new staff hired at the day-care center?

A. Yes.

Q. And because of that, did you keep Little Tone out of day-care for a couple days?

A. For the first three days -- that Friday, they told us there was a change in the staff. And that Monday, Tuesday, Wednesday, I took off work because I just didn't want to take him in because we didn't know these people. And so those first three days, me and Tony, we took off, stayed at home with the baby, went up, met the new people at the day-care, went in and sat in on the board of directors' meeting for the day-care to meet all the new people to make sure who we were leaving our child with.

Q. And did you satisfy yourselves that you were leaving your child in a safe environment?

A. Yes.

Q. Did you put Little Tone back in day-care at that time?

A. Yeah.

Q. I want to talk about the 19th now. What were your plans

Rene McNeely - Direct
for April 19, 1995?

A. Originally, I was not going to go to work that day. But I decided to go in.

I wanted to stay off, and I had plans to go buy the baby new shoes and get a new car seat Tone and I had picked out, because he was growing out of his -- his first one.

Q. In the end, did you decide to go to work?

A. Yes.

Q. Was Big Tony working that night, the night of the 18th and 19th?

A. He did, but he made it home that morning before we left.

Q. Would you tell us briefly about that morning.

A. That morning, he got home -- he got home early, because we were still in bed. And I told him I felt like I didn't want to go to work that day.

And he told me go ahead and stay home and do what you need to do.

And I said, well, no, I better get up and go ahead and go to work. And so I got up and Tone -- I knew Tone was going to sleep that morning. And so I got up, and I got the baby dressed. And I took him in and put him on the bed with his daddy, and they played while I got dressed and got ready for work.

Q. And when you were ready for work and your child was dressed, what did you do?

Rene McNeely - Direct

A. Tone got up and he helped pack our things out to the car. And he packed the baby out to the car and, you know, put him in

his car seat and played with him while I was getting ready and getting everything in and kissed the baby goodbye. And we told him we'd see him later.

Q. And was that the last time that Big Tony saw his son?

A. Yes.

Q. What did you do after that?

A. I made it downtown like always. And I was -- I was like 10 minutes late, because there was a big clock in the day-care door as you go out. And I noticed it was 8:10 as I left out, because I was late leaving home. And I dropped the baby off, and I put his things up like I always did. Put his food up and everything. And -- and I put him down. They had little play -- play mats, and I put him on the floor and put a toy in front of him. And I told him, "Baby, I'll see you at lunchtime"; and I went to work.

Q. Was that the last time you saw your baby?

A. Yeah.

Q. Your -- the county courthouse is only several blocks from the Murrah Building?

A. Yes.

Q. Where were you at 9:00 on the morning of the 19th?

A. I clerk for a judge at the county, and he had just -- we had just went into court and he had just taken the bench.

Rene McNeely - Direct

Q. And do you remember what you experienced when the bomb went off?

A. The ceiling tiles came in. The windows shattered. And it rocked our building so hard, I thought it was in our building.

Q. Did they subsequently evacuate your building?

A. Yes.

Q. And when you got outside, did you learn that the bomb had not, in fact, gone off at your building?

A. Yes.

Q. You learned that it had gone off at the Murrah Federal Building?

A. Yeah.

Q. Did you spend the rest of your day trying to find your baby?

A. Yes.

Q. And did you go to a number of different hospitals?

A. Yes.

Q. Some of them more than once?

A. Yes.

Q. At some point in the morning of the 19th, did you get in touch with Big Tony?

A. Yes.

Q. What did you tell him?

A. I -- during that time, I had kept trying to call the house to get him to let him know something had happened. And I never

Rene McNeely - Direct

did not get him. And I finally got in touch with my mom, and I

did get him. And I finally got in touch with my mom, and I told my mother, "Go out to the house and get Tony. He's asleep. Just bang on the door until you get him." And she

brought him to the hospital where I was at the time.

Q. And do you remember when Big Tony joined you at that hospital?

A. Yes.

Q. Tell us about that.

A. I was at Presbyterian, because someone had called and said that they had a baby matching my baby's description there. So I went there. And my mom brought Tony there. And I was in this big waiting room -- it was like an auditorium and with a lot of other people. And I remember looking up; and I saw Tony coming down the aisle and -- and I just remember the look on his face. And he asked me, "Have you found the baby?"

And I said, "No, not yet. Not yet."

Q. Did you and he spend the rest of the day on the 19th looking for your child?

A. Yes.

Q. What time did you go home that night?

A. We went home about 11:30, because the church we were at -- they had set up like a meeting point. And about 10, 10:30, they said they weren't releasing any more names for the night and just to come back in the morning. And so we went home.

Q. What do you remember about arriving home that night?

Rene McNeely - Direct

A. It was the first night I ever went home without my son. He had never been away from me. Never. No one had ever kept him or anything. And I had to go home without my baby. And that was hard.

Q. When was your child -- when was your child's body identified?

A. May 16.

Q. So about a month later?

A. Yes.

Q. And in the interim, did investigators come to your house in order to get things that they could use to try to identify him?

A. Yes.

Q. What things?

A. They came and -- they came and they took fingerprints from his toys and bottles that he had had like that last morning and off different things in the house. And they took samples of his hair, like from his car seat and from his -- his little brush and out of his crib and his first fingernail clippings that I had clipped when he was about two months old and I had saved them, and they took those.

Q. I want to talk a little bit about what kind of baby Little Tone was. In the six-and-a-half months that he lived, did he develop a very distinct, unique personality?

A. Yes.

Q. What was he like?

Rene McNeely - Direct

A. Tone was a -- he was a happy baby. That's all I can say. He was happy. That's all he knew, was happiness; and I always described him as if you were having a very bad day and he just smiled at you, it would just lighten up your whole day, just make you feel good. You know -- and he loved to play and -- I don't know. I don't know.

Q. At the time of his death, was he crawling yet?

A. He was just starting to crawl. He was just starting to crawl. And he didn't like to sit down. He didn't like to sit down. He always loved to stand up. He had real strong, hard calf muscles, because he was always on his tippytoes. He liked to stand.

Q. Can you offer us a glimpse of how Little Tone's death affected you personally.

A. Well, it changed my whole life. I felt as if the one I -- I lost my son and -- I felt as if I just -- I lost all sense of direction. I didn't -- I felt as if I didn't have a purpose in life anymore. Why? You know. Because I feel like once you've been a parent, you can't go back from that.

Q. How long was it before you were able to go back to work?

A. I just went back this year.

Q. And when you went back to work, what were your lunch periods like?

A. Well, before the bombing, I used to go to day-care every day; and this year, when I went back to work, the first few

Rene McNeely - Direct

weeks, I would just go to my car and sit and cry, because I was just so used to the routine I had before and now I was -- it was different. I didn't have him to go see anymore.

Q. What kind of relationship did Big Tony have with your child?

A. They had a real close bond. They really did. I -- you just had to see them together to know. But they had a real close bond.

Q. And on behalf of Big Tony, can you tell us a little bit about what impact the death of your son had on him?

A. He has -- Tone took the death of our child really hard. It -- he didn't -- he got to where he never wanted to even talk about the baby. He -- he didn't even want to stay in the same house because of the baby's presence in the house and his things in the house. He just -- he just took it real bad. He felt like -- I remember him saying he felt like he lost his only friend in the whole world.

Q. Did Big Tony ever express to you whether he thought that he personally had failed?

A. Yes. He -- he said he felt as though he had failed as a father because he didn't -- he didn't save our child. But how could he?

Q. And did he express that he failed in any other role?

A. He thought he failed me because he couldn't help take the pain away. And I would tell him, "Tony, you can't. We just

Rene McNeely - Direct

lost our son." You know -- but he felt as though he failed as a father and failed to -- me because he -- he couldn't help us.
Q. Did your son's death have any impact on your and Big Tony's plans to get married?

A. Yes. We were going to be married the first week of May; but during that time, you know, we still hadn't even found our baby yet. They hadn't found him in the building yet. And so plans were just kind of put on hold and, you know -- and then just -- the tension was just so unbearable that Tony eventually, you know -- he moved out because he couldn't stand being in the house. And I couldn't move, because I wanted to be there because I felt close to Little Tone there. But he couldn't stand to be there. And so he moved.

Q. How long were you and Big Tony together?

A. Eight years.

Q. And what was the cause of the breakup of your relationship?

A. The death of our son.

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

THE COURT: Any questions?

MR. TIGAR: No questions, your Honor.

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

Next, please.

MR. MACKEY: Ron Burks.

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

(Ron Burks affirmed.)

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

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

THE WITNESS: My name is Sergeant Ronnie Eugene Burks,
B-U-R-K-S.

THE COURTROOM DEPUTY: Thank you.

DIRECT EXAMINATION

BY MS. WILKINSON:

Q. Good afternoon, Mr. Burks.

A. Good afternoon, ma'am.

Q. Tell the jury where you live.

A. I live in Oklahoma City, Oklahoma.

Q. What do you do for a living?

A. I am a police officer for the City of Oklahoma City.

Q. How long have you been a police officer for Oklahoma City?

A. Approximately 10 years.

Q. Do you have any prior law enforcement experience?

A. Yes, ma'am. I do.

Q. What is that?

A. I was a military policeman for eight-and-a-half years, and I was a police officer for the Midwest City Police Department, Oklahoma.

Q. Are you married to another member of the police force?

Ron Burks - Direct

A. Yes, I am.

Q. Who is that?

A. That is my wife, Terry. She is a dispatcher.

Q. And do you have any children?

A. Yes, I do.

Q. How many children do you have?

A. I have two children. I have a daughter, 19 years old; and I have a daughter, 5 years old.

Q. What's your 5-year-old daughter's name?

A. Sabrina.

Q. Is that a daughter that you had with your wife, Terry?

A. Yes.

Q. And how old was she at the time of the bombing?

A. She was 3 years old.

Q. Do you recall April 19 and where you were the morning of April 19th?

A. Yes, I do, ma'am.

Q. Where were you early that morning?

A. I was at home with my wife and child.

Q. Can you tell the jury a little bit about your areas of responsibility back at that time for the police force.

A. Yes, ma'am. I was currently a canine officer for the police department.

Q. What is a canine officer?

A. I worked patrol dog, police dog.

Ron Burks - Direct

Q. What is the name of your dog?

A. My dog's name was Arlo, A-R-L-O.

Q. Is he still active on the police force?

A. No, ma'am. We retired him out in January of '97.

Q. Were you working with Arlo in April of 1995?

A. Yes, ma'am, I was.

Q. How did you come to find out about the bombing of the Murrah Building on April 19th?

A. My -- we received a telephone call that morning. They called and wanted my wife to come to work in dispatch.

Q. Did she do that?

A. Yes.

Q. What did you do?

A. I stayed there at home with my child. And then my mother-in-law came over to our home; and then I got a call from dispatch, also, to respond.

Q. And were you asked to bring Arlo?

A. Yes, I was.

Q. Now, when you first got downtown that morning, what was your first responsibility or your first assignment?

A. I went directly to the command post, and I met with Sergeant Don Browning, who was our coordinator for canine. We were told to go over to the St. Anthony's Hospital; that they received a bomb threat over there and to search that building for any kind of devices over there

FOR ANY KIND OF DEVICES OVER THERE.

Ron Burks - Direct

Q. Now, did Arlo have any training in detecting bombs?

A. No, he had not.

Q. So why did you go over there?

A. Apparently, that's what I was instructed to do. And they were shorthanded on people that did have that expertise; so the canine officers -- myself and two others -- went over there and assisted to look for any kind of devices.

Q. You didn't find anything, did you?

A. No, ma'am, we did not.

Q. Now, did you enter the Murrah Building at some time on April 19th?

A. Yes, ma'am, I did. After we completed our search of the St. Anthony's Hospital, we went back to the Murrah Building and -- to the southwest corner down there.

Q. Were you able to bring Arlo along with you at that time?

A. Yes, ma'am, I was.

Q. Were you allowed to bring Arlo into the Murrah Building?

A. No, I wasn't. We went up on the south plaza of the building and we were told to wait there. We did not take our dogs in. There was too many people in it at that time.

Q. And would that have made it difficult for you and Arlo to find bodies?

A. It could have. Apparently, they felt that way so I didn't take him in.

Q. All right. Did you nevertheless enter the building to

Ron Burks - Direct

assist?

A. Yes. I did. I took my dog back to the car and put him in there. Then I went back myself. I went back up to the building with Sergeant Browning and Sergeant Jan Latta, who's another canine officer. We entered the building down in the basement area on the southwest side.

Q. And do you recall seeing anyone who was trapped in that basement area?

A. Yes, I do.

Q. Who did you see?

A. I seen a lady trapped underneath there. Her leg was pinned underneath a big, high concrete beam. I believe her name was Daina Bradley.

Q. Now, were there other people down there when you found Ms. Bradley?

A. Yes, there were.

Q. And did you speak with them about the stability of the building?

A. Yes, I did. There was a man there that said he was a city engineer with the City of Oklahoma City. He said that the beam was unstable; that we was going to have to shore it up so it wouldn't collapse.

Q. Did you assist in doing that?

A. Yes, I did.

Q. Now, did there come a point when there was a first bomb

Ron Burks - Direct
scare in the building?

A. Yes, there was.

Q. What did you do?

A. I remained there.

Q. And did anyone else stay with you?

A. Yes. There was a few people still down there, also.

Q. Were you given any instructions about that concrete pillar?

A. I was told to make sure I -- by this engineer, I was told to make sure I felt the beam; if it had any type of vibrations, to warn everybody to get out because the whole structure was coming down.

Q. Would there have been anything you could do if you noticed that it was moving?

A. Just other than just yelling out, warning people to get out is all I could do.

Q. Could you tell the jury a little bit about what you saw down in that basement area that morning.

A. Yes, ma'am. The -- the area was very dark. I seen Ms. Bradley pinned underneath this giant piece of concrete with her leg. There was a lot of debris. There was people moving around up above us, so the place was unsound. I mean, there was a lot of dust and pieces of concrete falling down around us at the time.

Q. Did you see anything on the pillars?

A. Yes, I did.

Ron Burks - Direct

Q. What did you see?

A. I seen a lot of blood and brain matter coming down the walls, because there was people trapped right above us.

Q. Now, at a certain point, did Dr. Sullivan come down into the basement area?

A. Yes, he did.

Q. And did other people enter that area?

A. Yes.

Q. Was there a second bomb scare?

A. Yes, there was.

Q. And what did you do at that time?

A. The second bomb scare, I was told to leave, to get out; that it was definitely something there. And so I went ahead and left with everyone else that I knew that left.

Q. How did you feel about leaving, Mr. Burks?

A. Very guilty. I had a real sense of guilt about leaving.

Q. Why is that?

A. Because I have an oath. I swore an oath to protect and serve; and I felt I let Ms. Bradley down by going out and the other people that were trapped.

Q. Did you later learn that Ms. Bradley was successfully

removed from the building?

A. Yes, I did.

Q. Now, when you left the building after the second bomb scare, did you continue to assist with the recovery effort?

Ron Burks - Direct

A. Yes, I did.

Q. What did you do then?

A. I went up -- up on the east side of the building to the garage, came up; and they said that they needed some help moving some recovery victims over to the church across the street. And so I went over there to assist them in doing that.

Q. Did they ask you because you were a big guy and you could carry some of those people?

A. I have no idea, ma'am. They just asked me if I could help, and I did.

Q. And did you learn that they were asking you to transport children?

A. Yes, I did.

Q. What did you do?

A. I picked up this little boy that was already deceased and carried him over to the church and laid him on the floor.

Q. And what did you notice about his injuries?

A. His face was completely gone. His chest cavity was completely open. He was dead.

Q. How did that affect you?

A. Very dramatically.

Q. Why is that?

A. Because I pictured my own little girl being that way and I -- I felt for the parents of that little child, what he had to go through when that happened.

Ron Burks - Direct

Q. Did you experience some difficulty after that because of what you had seen?

A. Yes, I did.

Q. So what did you do?

A. I tried to seek some counseling from the police department to help me out.

MR. TIGAR: Objection, your Honor.

THE COURT: Overruled.

BY MS. WILKINSON:

Q. Now, did you continue to participate in the rescue mission in the days and weeks that followed the bombing?

A. Yes, I did.

Q. Could we turn for a moment to May 3 and 4.

A. Yes, ma'am.

Q. Were you and your dog, Arlo, asked to assist in recovering the deceased from the Alfred P. Murrah Building during that time period?

A. Yes, we were.

Q. Did you work with Officer Browning?

A. Yes, I did.

A. Yes, I did.

Q. What did you do on May 3?

A. On May 3, Sergeant Browning and I, along with our dogs, were asked by the Medical Examiner's office to assist in recovering the remaining victims in the building.

Q. Now, before this time, had you done some training with

Ron Burks - Direct

Arlo?

A. Yes, I have.

Q. Did you ever notice before any difference in when Arlo would notice a deceased, whether the person was an adult or a child?

A. On this particular incident, yes. That did occur. Whenever Arlo would indicate for a victim, he had a very distinct indication that I found out later was a child. He knew the -- in my opinion, he knew the difference.

Q. What did he do when it was a child?

A. Whenever we came up to a child, he would start digging real tremendously to the point that it actually cut his pads. He wouldn't give up. He just kept digging and digging and digging. If it was an adult, he would kind of slow back. He would indicate, but not as dramatic. It got to be so bad that I had to take Superglue and glue his pads back sometimes because he would dig so hard.

Q. Once -- did Officer Browning have his trained dog with him?

A. Yes, ma'am.

Q. And that was -- what was the name of his dog?

A. Gunny.

Q. When Gunny and Arlo would find a body, did you mark the area in some way for the rescuers?

A. Yes, we would. We would mark it with orange paint.

Q. Okay. Did you continue that the following day, on May 4th?

Ron Burks - Direct

A. Yes, we did.

Q. And do you know why you were brought in at that time?

A. We still had some victims to find that -- that hadn't been recovered yet; and we were asked to assist them, to get as many folks out as we could.

Q. Were other people cleared from the building so that the dogs could focus on --

A. On the 3d of May, they were. On the 4th of May, they weren't. We were in such a hurry to get everyone out that we could possibly do it, that we worked around the other -- the firefighters and the recovery people to assist us.

Q. Was it your understanding that May 4 was the final day of the investigation, of the recovery effort?

A. That's what I was told, yes.

Q. All right. Did you come upon an area surrounding a pillar that I think you've referred to as "Pillar 14"?

A. As Pillar 20.

Q. Pillar 20?

-

A. Yes.

Q. And what was significant about Pillar 20?

A. Both of our dogs -- Arlo had indicated on this pillar that there was possibly some -- some victims there. I indicated this to Deputy Chief Mike Shannon, that we still could have some victims in this area.

Q. Could the rescuers at that point recover the bodies from

Ron Burks - Direct

the area surrounding Pillar 14 -- Pillar 20? Excuse me.

A. No. They couldn't, because the building was too unsound at that point. We couldn't have got to them without bringing the whole building down, possibly.

Q. Was it your understanding that soon thereafter, the building was imploded?

A. Yes.

Q. Were you brought back with Arlo and Officer Browning for yet another effort to retrieve deceased from the area?

A. Yes, we were, on May 29th.

Q. What did you do on that day?

A. On the 29th of May, Sergeant Browning and I returned to the scene, took our dogs in, and helped indicate where the other victims were that we hadn't recovered yet.

Q. Did you find the remaining people?

A. We found a total of three.

Q. For a moment, could you tell the jury a little bit about the impact of participating in this rescue mission, what it's been on you.

A. It -- at first, it made me angry, because I did have to leave Ms. Bradley and I -- that -- like I said, I was sworn to serve and protect; and I felt I let her down by leaving.

It saddened me because of the death that was involved.

I couldn't sleep at night. Had trouble with that. I've had moments where I just bust out crying for no apparent reason.

Ron Burks - Direct

Q. Have you had any specific nightmares about what you saw?

A. Yes, I have.

Q. What are those?

A. There was a certain victim that had a look on his face that I can't get out of my mind; that the -- the impact of the blast was on his face. And I've had nightmares of that.

Q. Did you have several incidents during the recovery process that have stayed with you?

A. Yes, I have. One particular incident, I was working the perimeter. I was so proud of our citizens in Oklahoma City. We had a -- I had a man drive up in an old, beat-up car. He had a couple little -- four kids in the back seat. The man offered me his work boots and said, "Here, you can use these better than I can." And this guy didn't have anything. And so he gave me his shoes off his feet.

Another incident was I was working one night, and they had recovered a Marine in the building. And then when they took off the slab -- they had found him -- I seen the stripe on his uniform pants. And we took him out. And it was very traumatic for me.

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

THE COURT: Any questions?

MR. TIGAR: No questions, your Honor.

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

THE WITNESS: Thank you, sir.

THE COURT: Next, please.

MR. MACKEY: Kathy Treanor.

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

(Kathleen Treanor 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: Kathleen Treanor, T-R-E-A-N-O-R.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Mearns.

MR. MEARNS: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. MEARNS:

Q. Good afternoon, Ms. Treanor.

A. Hello.

Q. Where do you live?

A. I live in a little town just outside of Oklahoma City about 30 minutes away. It's called Guthrie.

Q. How long have you lived in the area of Oklahoma City?

A. Since I was born. I went to school there. Met my husband that I'm married to now there. Went to school with his brothers and sisters there.

Q. What's your husband's name?

A. Michael Treanor.

Kathleen Treanor - Direct

Q. When did you and Michael Treanor get married?

A. We got married June 16, 1994. We were high school sweethearts originally; but life had separated us, and we married other people and had children by other people. And I had a little girl and little boy by a previous marriage, and he had a little boy by a previous marriage.

Q. What was your son's name?

A. Zachary Eckles.

Q. What are your two children's names?

A. Zachary Eckles and Ashley Eckles. David Treanor was his son.

Q. And was your daughter, Ashley, and Michael's two parents killed in the explosion in Oklahoma City?

A. Yes, sir, they were. They went down to Social Security that morning to file for Luther to retire. He was getting ready to retire.

Q. And when Treanor's name was Michael's father's

Q. And Luther Treanor is your husband's father?

A. That's correct.

Q. And what is -- what was Luther's wife's name?

A. LaRue. LaRue Treanor.

Q. And how was it that your daughter, Ashley, was with Luther and LaRue Treanor on the morning of April 19th?

A. LaRue watched all of our children for us. All of the -- all of her children's children. She had eight grandchildren, and they all stayed at her house. And as it turned out, Ashley

Kathleen Treanor - Direct

was the only one that she had with her that day. And she just went along with Luther. I mean, it was just going to be a quick little trip. They were just going to be there for a short time, sign some papers. And then they were going to make a day of it. Maybe do some shopping and have lunch, that kind of thing.

Q. And those three members of your family were killed in the Social Security office that morning?

A. That's correct.

Q. How old was Ashley at the time of her death?

A. She was four-and-a-half.

Q. How long had you known Luther and LaRue Treanor?

A. Almost as long as I'd lived in Guthrie. Mike's little brother, Mark, and I started school together, first grade. We grew up together. I mean, it's a small town. Everybody knows everybody. And -- and it's just like one big, happy family. We went to a little community church together. Mike and I started dating in high school, as a sophomore in high school, and we were baptized in this little church. Luther and LaRue were kind of our mentors and guides and such as we were teenagers. I -- I'd known them almost my whole life.

Q. Tell us, if you would, what Luther Treanor did for work.

A. He was a milk deliveryman for Townley's Dairy. He had started the job as a temporary job 27 years ago and just never left. He also farmed. He had 240 acres outside of Guthrie

Kathleen Treanor - Direct

that he had cattle and wheat. And he had done that all of his life, since he was a little boy. He had grown up on a farm in Oklahoma. He loved it. Wouldn't be anywhere else. He -- he just loved the earth, and was really close to the earth and he loved his farm. Loved his kids. And he loved his wife.

Q. I'd like you to take a look at Government Exhibit 1208D.

MR. MEARNS: At this time, we'd offer that photograph, your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be shown.

BY MR. MEARNS:

Q. Who is that picture of, Ms. Treanor?

A. That is my father-in-law, Luther Treanor.

Q. Tell us what kind of a man Luther Treanor was.

Q. Tell us what kind of a man Luther Treanor was.

A. Oh, he was a good Christian man. He was a pillar of his community. He was a charter member of his church.

We tell a story about Dad. He goes to work. He would go to work 2, 3:00 in the morning. And one day, he was going to work, and he looked over and he saw a house on fire. And he pulled off the road, and he tried to wake the people up by beating on the door. And finally, he just broke the door down and helped the people get out and saw that everything was okay and under control and calmly got back in his truck and went back to work.

For weeks and weeks afterwards, the TV and radio was

Kathleen Treanor - Direct

looking for this man who had saved this family's life. And he told us he didn't need any recognition, he didn't need any glory; he just did it because it was the right thing to do. And he wouldn't have had it any other way. But that was just the kind of man he was.

He loved his kids. Every one of us. Even if we were married kids, to him, there was no difference. He loved us all the same. There wasn't anything he would (sic) do for us. If we needed money, he was our banker. If we needed moral support, he was there for us. If we needed encouragement, he was there for us. There wasn't anything he wouldn't do for us at all.

Q. How many children did Luther and LaRue Treanor have?

A. They had four children. Three boys and a girl.

Q. And how many grandchildren did they have?

A. At the time, they had eight grandchildren.

Q. I'd like you to take a look now at Government Exhibit 1208C.

MR. MEARNS: And I'd offer that, your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be shown.

BY MR. MEARNS:

Q. Who is that, Ms. Treanor?

A. That's LaRue Treanor.

Q. Tell us, if you would, what kind of a woman LaRue Treanor

Kathleen Treanor - Direct

was.

A. For me, LaRue filled a very special hole. She was my mother. My mother had passed away, committed suicide a few weeks before my son was born. And LaRue seemed to recognize that I needed her. She was my friend. She was my confidant for quite some time. She seemed to know that I needed a mother figure in my life.

She was a beautiful woman. Very creative. Very joyful. Loved to sing. Loved her grandkids. She had a shirt that she had made. It was so sweet. It was a little teddy bear Santa, and Santa was holding a scroll with the list of

names and he was checking it twice. And it was all of her grandkids. And as she would have a grandchild, she would add a name to that shirt. And it didn't matter that my children were step-grandchildren. They were still her grandchildren and she loved them just the same.

Q. I'd like you to take a look now at Government Exhibit 1489.

MR. MEARNS: And we would offer that exhibit, as well,
your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: Received. May be shown.

BY MR. MEARNS:

Q. Tell us, Ms. Treanor: Who do we see in that photograph, please.

A. It's my son, Zachary, and my daughter, Ashley.

Kathleen Treanor - Direct

Q. What kind of a girl was Ashley?

A. She was a beautiful child. She was the sunshine of my life. She still is.

Q. What kind of a relationship did she have with her two brothers?

A. She ruled our home. Anything that Ashley said, those boys, they marched right to her tune. And nobody could pick on Ashley but those two boys. They just would not allow it. They loved their little sister. She was -- she could do no wrong as far as they were concerned.

She had such a joyful spirit. I mean, she'd sing all the time. She'd sing to her dolls. She'd sing this, she'd sing that. It didn't matter if she knew the words. She'd make them up as she'd go. She was just so full of life.

We had had some kittens not long before the bombing, and she picked these little kittens up. And she'd come running in the house; and she said, "Mommy, Mommy, the cat had kittens." And she was holding this little kitten right up next to her, and she was being so careful and so gentle with it.

And I said, "Honey, you've got to take the kitten back, or you're going to upset the mommy cat."

And she said, "But I just want to love it." And she was so careful with these kittens, and she just went and took and laid it right back in the box with the momma cat. And she just stayed there the whole time and just -- you know, that's

Kathleen Treanor - Direct

just who she was. She just loved life. She was so full of joy. She was so special to all of us.

Q. What kind of a relationship did Ashley have with your husband, Michael, her stepfather?

A. You know, we have a blended family; and that's -- that's difficult at best. And every night, when we'd tuck Ashley into bed and she'd run in and she'd say, "A kiss and a hug for Mommy." And I'd go in and I'd tuck her in and I'd give her a

kiss and give her a hug. And we'd talk a little bit and say our prayers.

And when she was done with me, she'd say, "A kiss and a hug for Daddy." And Michael would come in and he'd do the same.

And one night after he had done that, she told him, "You know, I'm the luckiest little girl in the world because I have two daddies that love me very much."

Michael came out of the room that night, big tears rolling down his cheeks; and he said, "Thank you so much for giving me a daughter."

Q. What has been the impact on your family with the loss of Luther and LaRue Treanor?

A. I don't even know where to begin. After the bombing -- well, before the bombing, we all would gather at Mom and Dad's house for holidays. That was the place we came. And it didn't matter what differences the brothers and sisters might have

Kathleen Treanor - Direct

had; they all stopped at the door. And we came in, and we were one big, happy family, and we would fellowship together. We would love and we would have a really good time, and all the cousins would get together and they would play. It didn't matter.

Since the bombing, we haven't -- we haven't even been able to stay in the same room with each other. It has torn our family apart. We -- we can't see eye to eye on where Dad wanted us to go with what he was doing. Dad had bought several acres of land and thousands and thousands of dollars' worth of cattle, and he mortgaged himself to the point where you could see that this man was not prepared to die financially. He had leveraged himself financially to the point where he knew that he was going to be around and it was going to take him some time to get out of that.

After the bombing, not knowing, he left us no instruction, no will. We didn't know what we needed to do with all these cattle and all this land. We lost the cattle. We lost most of the land. And finally, after all was said and done, all of us had to take out mortgages and -- to keep from losing our homes. We all lived on this one acreage. All of us except for Brad, who lived just in town. And that was something that we had holding over us through this whole two-and-a-half years. We -- we didn't know if the -- the banks were going to come and take us out of our homes. We'd already

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lost our family, and then we had to worry about this.

Q. What has been the impact, the effect, on you and your family of the loss of your daughter, Ashley?

A. There was a great deal of -- of pain, as you can imagine. It took me a long time to just find the will to live, to go on. Ashley was the sunshine of my life. She was such a beautiful child. The last day I saw her -- normally Ashley would get up

CHILD. THE LAST DAY I SAW HER. NORMALLY, ASHLEY WOULD GET UP in the mornings when we would get up, and she would greet us at the -- at the door when we would be coming out of the bedroom. But not this morning. This morning, she didn't want to get up. She cried and screamed and I had to -- to sit on the bed and dress her. Normally, I didn't have to do that. And she begged me: "Mommy, please don't go to work today. Please stay home with me and play with me today. I need you to stay home today, Mommy." And I couldn't. I had just started a new job.

And so I took her to Mom's house that morning and -- and left her, and she was okay then. I mean, everything was okay. And she threw her arms around me and she kissed me one last time. And the next time I saw her was in a box. I buried a little, white box. I never saw her again. And I had to live with the guilt, the guilt of it being a mother that had to work. And I wanted to die because my daughter was gone. She was taken from me. She was taken from my family. I have no daughter now. I have no future with my daughter.

The first day of school, I sit there in the parking

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lot, remembering that we had been counting the days. We had 137 days until she started school. And I sit there in that parking lot for most of the day, and I cried because we weren't going to get that. It was gone. It was stolen from me.

MR. TIGAR: If the Court please --

MR. MEARNS: Thank you. I have no further questions.

MR. TIGAR: May we approach, your Honor?

THE COURT: All right. We'll -- I'm going to excuse the witness. You're excused.

THE WITNESS: Thank you.

THE COURT: Yes.

(At the bench:)

(Bench Conference 149B2 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

THE COURT: We're going to take the recess; and we will clearly complete, I think, the testimony yet this afternoon and perhaps earlier than five. But of course, you know what I'm going to say about the witness you've just heard and the outburst of anger that you just heard. Understandably, the woman lost control.

And as I said to you in some detail this morning, when

these people come in and get asked about these things, that, you know, are so sensitive for them and touch the basic emotions here -- you know, this woman lost. And the volume with which she expressed her anger is something that may have been intended to suggest more to you than she was asked. And you'll have to disregard it. Obviously, that was inappropriate. But we're not here to deal with anger, we're not here even for the people on the jury to deal with grief and sorrow and revenge and vengeance. I don't have to go through all of that again with you. I think you understand what I'm saying. But this is an example of what is inappropriate for a witness to do. And so you'll have to disregard that part of her testimony, remembering also, of course, that you must be careful throughout all recesses to keep open minds. Avoid discussion about the witnesses that you've heard or anything else in connection with this matter until next week when it's given to you for a decision.

So you're excused now. 20 minutes.

(Jury out at 3:11 p.m.)

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

(Recess at 3:12 p.m.)

(Reconvened at 3:32 p.m.)

THE COURT: Please be seated.

MR. TIGAR: May we approach, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 149B3 is not herein transcribed by court order. It is transcribed as a separate sealed transcript.)

(In open court:)

(Jury in at 3:33 p.m.)

THE COURT: All right. Next witness.

MR. MACKEY: Mr. Mike Shannon.

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

(Mike Shannon 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: Mike Shannon, S-H-A-N-N-O-N.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Proceed, Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Where do you live?

A. Mustang, Oklahoma.

Q. And you're an Oklahoma City fireman?

A. Yes, sir.

Q. And what -- how do you -- how do others in the fire department refer to you -- officially?

A. Chief of Special Operations.

Q. Chief Shannon, where were you born and raised?

A. Oklahoma City.

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Q. And are you married?

A. Yes, sir.

Q. Do you have children?

A. Yes, sir.

Q. What was your father? What did he do for a living?

A. He was a firefighter.

Q. How about his father?

A. Firefighter.

Q. Where did you go to high school?

A. Ponca City West.

Q. After graduating from high school, what did you do?

A. I went to the Navy.

Q. How long did you serve in the Navy?

A. Four years.

Q. Was that during Vietnam?

A. Yes, sir.

Q. Did you serve in Southeast Asia?

A. Yes, sir.

Q. And after being discharged from the United States Navy, did you join the fire department?

A. Yes, sir.

Q. And how long have you been with the fire department as of today?

A. A little over 20 years, almost 21.

Q. Now, what is -- I think you ran it by us pretty quick a

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moment ago, but what is -- what are your responsibilities with the fire department?

A. I'm in charge of tactical rescue, tactical and technical rescue, water rescue and hazardous materials.

Q. What are hazardous materials?

A. Products that are -- can create immediate danger to life and health conditions, whether it be by commercial or noncommercial products, chemicals.

Q. By virtue of your position and your training in the fire department, what position did you have regarding the Oklahoma City bombing?

A. I was in charge of rescue operations.

Q. What does that mean -- the rescue operations?

Q. What does that mean, the rescue operations?

A. As stated by the fire chief, I was in charge of technical rescue and recovery inside the building.

Q. Did that include the men and women who died in the building?

A. Yes, sir.

Q. Where is the station that you were assigned to in April of '95 in relationship to the Murrah Building?

A. Station 1, five blocks west.

Q. Did you hear the explosion at 9:02?

A. Yes, sir.

Q. And how long did it take for you to arrive on the scene at the Murrah Building?

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A. About three minutes.

Q. Arrived at about 9:05?

A. Yes, sir.

Q. Let me show you a photograph that's been marked as Exhibit 944. Do you recognize that scene?

A. Yes, sir.

Q. This is --

MR. RYAN: I believe this is in evidence, your Honor.

MR. TIGAR: Yes, your Honor.

MR. RYAN: I ask to display it to the jury.

BY MR. RYAN:

Q. Chief Shannon, are you in this photograph?

A. Yes, sir.

Q. There is a pen there on your desk. Would you take that pen and circle where you are in this photograph.

And approximately what time of the morning is this?

A. This is 2, 3 minutes after the explosion.

Q. Where had you parked your vehicle?

A. At the corner of 5th and Hudson.

Q. About half a block from where you're displayed --

A. About a half a block from where I'm located right now.

Q. I take it at this point you're running towards the building?

A. Yes, sir.

Q. Who was with you that morning?

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A. Once I got into the building -- I was by myself for the first 4 or 5 minutes; and Danny Atchley, the photographer from the fire department, was accompanying me the biggest part of that morning.

Q. Let me also show you Exhibit 1000. Do you recognize that scene?

A. Yes, sir.

MR. RYAN: Offer Exhibit 1000.

MR. TIGAR: No objection, your Honor.

THE COURT: Proceed, may be shown.

BY MR. RYAN:

-- ----

Q. About what time of the morning is this?

A. This is probably around 9:08 or 10.

Q. Tell us -- or tell the jury and the Court what we're seeing in this photograph.

A. The fires across the street had been taken under control. There were 50 cars on the north side of the street over in this area. And I had made two entries into the building at this time, and I got out one person -- one person here. And I'm standing here.

Q. Why don't you take us back, then, to the time where you're running towards the building, and tell us what you had done between the earlier photograph, Exhibit 944, and what is displayed here in Exhibit 1000.

A. I had entered the building approximately over in this area

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here, climbed in through a window, had got halfway through the first office area. Two ladies were laying down in the debris with office debris over them. I helped them to their feet. One had a slight leg injury. She very vividly explained to me that there were 25 children in a day-care center on the 2d floor and was explicit, to say the least, about telling me to go to the 2d floor and see about the babies.

Q. When you say she was "explicit," what do you mean?

A. She was extremely explicit about telling me to get my person to the 2d floor.

Q. She grabbed you by the collar?

A. Grabbed me by the collar and my bunker gear and my tie and was real close, nose to nose, while I was helping her to her feet; and she explained to me how many children and where they were located and for me to get to the 2d floor.

Q. After you had this encounter with these two women and learned about the day-care facility, what did you do?

A. I tried getting to the hallway that was just behind, just to the south of them and where I met a person that was bringing this person out, Tom Hall. And I took him from that rescuer, a police officer, and carried him outside and laid Tom Hall down the street and went back in. And this is when I was stopped and I was asked some information about outside from here.

Q. What was the condition of Mr. Tom Hall, the man that's laying there in the street?

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A. I really didn't think that he would survive. His face had been burned, had a lot of shrapnel damage to his face. His carotid had been cut. There was a flap of skin across his face from the neck and side of his face. His hair had been matted, and he was wet, a lot of water and body fluids on him, real slick. And he was in a ball because both legs were broke real severely at the femurs. He was hard to carry by yourself. He was real slippery. It was a job not to drop him, to get him outside to the street. I didn't think he would survive.

He introduced himself to me a year later. I didn't recognize him.

Q. After you talked to the ladies and brought Mr. Hall out, you said you talked to someone else that gave you some information. What did you do after that?

A. I went back in the building, went down the hallway. It was pitch black in the hallway then from the debris blocking out the sunlight and the smoke coming in; found the elevator shaft, knew that the stairwell was close to the elevator shaft, and proceeded up to the stairwell to the 2d floor where the day-care center was at, entered the 2d floor and surveyed the area there.

Q. What did you find?

A. There was a lot of debris in the area, large, large debris, heavy concrete. A large piece of concrete fell out of a cross-member and hit me in the head, hurt.

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Q. Did you have a helmet on?

A. I had a helmet, and it knocked me to my knees. That brought a concern of fall hazards. And I looked up at the ceilings and saw that one of the main crossbeams had been broken in half, and a lot of debris was falling at that time; and I didn't go any further on the 2d floor and -- because of the falling debris from the -- from there and went on to the 3d floor.

Q. Just describe for us, if you will, what you did.

A. Going to the 3d floor, there were a lot of people in chaos on the 3d floor, people jumping off of office debris. Office furniture had been blown to the south side of that floor, and people were crawling over the office furniture trying to help people. And they were jumping onto the floor, which was causing the floor to vibrate, and debris was then falling from the floor down into the -- down -- that's what hit me, was that vibration.

Going around the debris, I found two ladies that were trapped. And there were some people trying to help them. I was trying to show them how not -- how not to treat the ladies that were down because they were being injured further by their efforts. And I got that -- tried to get that under control of helping them in a little better manner.

And that was the size up on the 3d floor that brought me into surveying individuals up there.

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Q. Did you at some point there in the early time in the building come upon Danny Atchley?

A. Danny Atchley was on the 2d floor. I went back down to the 2d floor, and Danny Atchley had been removing -- had found several children, small children. My own children were at a day-care center, 3 and 5; and we were trying -- and they were the same size; and Danny was -- I asked Danny how many he had

found, did he find -- we were expecting them all to be in one -- one area. And they were scattered further than we thought. Danny had removed four that morning and was in the process -- you couldn't get very close to Danny. He was throwing a lot of debris over his back and shoulder.

Q. What did you view your responsibility as that morning?

A. To reduce the amount of risk hazard, hazard and known perceived danger, and to reduce the risk or exposure to that known and perceived danger to the rescuers and workers that were going to be in that area, not to let any more of them be injured than -- than was -- than was possible.

Q. Did that cause some conflict inside of you?

A. There was a lot of conflict from things you want to do morally or what you are traditionally taught to do and what your job description had to be. You couldn't do the typical job of a firefighter of stopping and rendering aid to an individual; and every time I did, I would find myself behind vs. going forward with supervising and recognizing hazards and

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risks throughout the building.

Q. What did you do in that first hour in terms of -- give us an overview, not person by person but an overview of what you were attempting to accomplish in the first hour.

A. I took a note pad and started writing down the hazards and the locations of those hazards and where seemed to be the most accumulation of people, of people alive and the people -- rescuers trying to perform rescue, recognizing the hazards for that particular location, collapse hazards and fall hazards, and trying to assess where to keep people away from until we could get some support in there, to better assess the hazards and better to render those hazards ineffective.

Q. Were there people who were unable to get out of the building?

A. Yes.

Q. Let me show you what's been marked as Exhibit 981. Do you recognize that photograph?

A. Yes, sir.

Q. Is that you the morning of April 19?

A. Yes, sir.

MR. RYAN: We offer Exhibit 981.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be shown.

BY MR. RYAN:

Q. Tell the jury what we're seeing in this photograph, if you

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would.

A. This is on the 3d floor, just east. Right behind me, it drops three floors into what was called "the pit," and before me is rubble and three floors to the rubble pile, and the crater was out front.

Nancy and Patty were to my left

nancy and patty were to my left.

Q. Excuse me. Nancy and Patty who? Nancy Ingram and Patty Hall?

A. Yes. They were behind me to my left. They were the two ladies that were trapped on the 3d floor.

At my feet is Mr. Youngblood.

Q. What is he doing?

A. He was trapped by some heavy material. I was able to move that off, but in doing that I trapped myself out on top of this ledge. I couldn't get off. And at this point I was trying to get the attention of a truck officer to get me an aerial ladder. The chief that was working outside -- to get me an aerial ladder so I could get off and I could get the patient off.

He was severely injured -- extraordinarily, severely injured from the buttocks to the knees.

Q. What happened with respect to the aerial ladder and Mr. Youngblood?

A. They brought an aerial ladder up, and we got him stabilized, immobilized, and put him into a Stokes stretcher, a

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type of basket, and removed him from that ledge down to the ground.

Q. Are you knowledgeable about the fact that he lived for 23 days in the hospital?

A. I wasn't until six, eight months ago.

Q. Let's talk about Nancy Ingram and Patty Hall. What were you doing for them that morning?

A. The first people there, there were just people off the street and they were trying to help. And they were doing things like holding them by the shoulders and just pulling on them, and that caused a lot of pain. And the ladies were crying out; and I was trying to get the people with the best intentions not to pull on the ladies anymore, to lay them down and wait for the rest of the fire department to show up and trying to show some people how to use some leverage and not to set the collapsed pieces of steel and concrete back on top of them when they'd pry it up. It was the best of intentions, but sometimes it was frustrating the rescue efforts of those two ladies.

Q. At some point that morning, was there a bomb scare?

A. At 10:30 that morning, there was a bomb scare.

Q. And was there ever a bomb?

A. No.

Q. What happened as a result of the bomb scare?

A. The building had to be evacuated. All the rescuers had

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to -- had to leave, leaving some of the people entrapped.

Q. And did those include Ms. Ingram and Ms. Hall we've been talking about?

A. They were delayed. I allowed -- went back and stayed with

the two teams that was working with those two ladies. Patty come out a little bit earlier than Nancy and just as the bomb scare was being halted -- was being brought in. And then Nancy -- I allowed that team to stay in a few minutes longer because they were very near of removing her. And so I allowed them to stay a little bit longer to get her out.

Q. And they did that?

A. And they did that.

Q. Let me show you Exhibit No. 968. You can identify that, can you not?

A. Sure.

Q. It's the Murrah Building?

A. It's the Murrah Building.

MR. RYAN: We would offer Exhibit 968, your Honor.

MR. TIGAR: Is it already in, your Honor?

THE COURTROOM DEPUTY: Yes, it has been.

MR. TIGAR: We have no objection.

MR. RYAN: Thank you.

BY MR. RYAN:

Q. Now, with respect to this exhibit, we'd like to use this in terms of you trying to explain to the jury who was left in the

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building at 10:30 and where they were located. Can you do that?

A. This area right in here, Nancy and Patty were at behind that debris, and they were taken out right at 10:30. About 10:35, Nancy came out.

The area inside the pit and to the bottom behind -- this front area is called "the pile" or "the Christmas tree."

Behind this area was the three other -- three other -

-
three, four people that were left in that -- at the bomb scare when we evacuated. They were left.

Q. Do you know where Terry Shaw was?

A. Yes.

Q. Can you -- can you circle where -- approximately where Terry Shaw was trapped?

A. If you were ahead -- if you had X-ray vision, you could look through this spot right here and you would see the area. It's at -- between Columns -- this is Column 16. She's at the end of 16, between 16 and 14 in a V -- in a V-shaped collapse behind the Christmas tree.

Q. How about Daina Bradley? Where was she located?

A. Daina Bradley, if you had X-ray vision, would be at the end of 22 -- at the end of 20, on the first floor, straight through the building.

Q. How about Priscilla Salyers? Where was she located?

A. Priscilla and Daina were in line, directly in line with

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each other. And Amy were all directly in line with each other.

Q. Amy Petty?

A. Yes.

Q. Did you know that Brandie Ligons was trapped at 10:30?

A. No.

Q. You later learned that?

A. Yes.

Q. Now, what instructions did you give the rescuers who were attempting to render aid to these trapped victims?

A. I told them they needed to leave the structure because there was a secondary bomb and that we wouldn't tell the victims that. We told -- I told them that we had to get some more -- some heavier equipment to move the concrete.

There were a lot of discussion with them that they didn't -- the rescuers didn't want to leave, and it took a lot of persuade -- persuasion right down next to an order for them to leave the structure.

Then went down to the hole and spoke to Daina myself, and the other ladies were hollering in the background screaming for help.

Discussing -- told her that we would be back. She begged me not to leave her, begged me to -- I wouldn't leave a dog like this; that it was a situation that you -- if you left people there and the bomb was real, you would lose the rescuers along with the victims. If you didn't -- if you allowed

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them -- made them leave, you were going to be the person who were cold-hearted and calloused and not allow emotional aid to the people trapped.

It put you in a very difficult position to make the call and to deal with it and to go along with that later.

Q. Harsh words were exchanged?

A. Very harsh words. There were friends that didn't speak to me for a long time afterwards.

Q. Let me show you Exhibit 997. Can you identify that as a picture within the Murrah Building that morning?

A. Yes.

MR. RYAN: We would offer 997.

MR. TIGAR: No objection, your Honor.

THE COURT: Received.

THE WITNESS: This is the area behind the Christmas tree. And the area this way -- I'm not coming off the --

BY MR. RYAN:

Q. There you go.

A. It's not moving.

Well, I'll draw an arrow. If it points this way towards the end of the screen, just the other side of the pole, piece of shoring is where Terry was at in a V-shaped collapse behind that, in that area there.

Q. Terry Shaw?

A. Yes.

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MIKE SHANNON - DIRECT

Q. Did you know how long it was before Terry Shaw was removed?

A. It was three -- about three hours after we came back from the second bomb scare.

Q. Let me show you Exhibit 982. Can you identify this exhibit?

A. Yes. This is a -- this was the main beam of Column 20.

Q. Just a second, Chief Shannon.

A. I'm sorry.

MR. RYAN: Let me offer Exhibit 982.

MR. TIGAR: Your Honor, may I have a continuing objection?

THE COURT: It seems to me to be cumulative.

MR. RYAN: That's fine. I'll withdraw the exhibit.

THE COURT: All right.

BY MR. RYAN:

Q. Let me show you Exhibit No. 986.

MR. RYAN: We offer this exhibit, your Honor.

MR. TIGAR: Same objection, your Honor.

THE COURT: Where are you going?

MR. RYAN: The point of this, your Honor, is to allow Chief Shannon to demonstrate to the jury what happened with the floors of the building.

THE COURT: All right. Objection overruled.

Received.

You may proceed.

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BY MR. RYAN:

Q. Chief Shannon, with this exhibit, could you explain to the jury what happened with the building and the floors?

A. There are three types of collapse: a V, a lean-to, and pancake. And this is a very typical textbook pancake collapse. You can count many of the floors here, this being the 9, 8, 7, partial of 6. The areas down in front here were all packed together from Floors 1, 2, 3, 4, and 5 -- were all mixed here.

Down in this area was the day-care center and memorabilia, articles.

The pancake -- everything between these floors here and the entire space of the floors was compacted roughly in a space between my elbow and palm of my hand. All the office furniture, victims, everybody was compacted into that area, and that was kind of the biggest profile you could see of the entire building.

Q. You told us earlier that your concern as the chief was to reduce the risks and hazards to your firemen and to the rescuers.

I'd like for you to tell the jury what the primary risks were to your firemen and to the rescuers.

A. Three primary risks to the people were fall hazards -- things that could fall or swing off of the debris and strike people -- collapse of the building -- the building was still relatively unstable and trying to support the building so it

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wouldn't continue its collapse -- and then the -- an extreme amount of biohazards from the deceaseds.

Q. Let me show you Exhibit No. 990. Do you recognize that exhibit?

A. Yes.

MR. RYAN: Your Honor, we would offer 990.

MR. TIGAR: Same objection, your Honor.

THE COURT: Overruled, received.

BY MR. RYAN:

Q. Would this exhibit, Chief Shannon, help you describe the falling hazard that you recognized from the building?

A. The main slab here was referred to as "the mother slab" unaffectionately, and the mother slab weighed about 40,000 pounds. The small widowmakers that was down here because of the wind and the debris would fall at different times and come close to some of our people rescuing -- some of the rescue workers and became unnerving.

This type of fall hazards were, as you see up here, everywhere throughout the building and became a challenge how to work around it and to remove the hazard.

The risk of the people, intimate risk of the people being -- having something fall on them and -- was everywhere throughout the building, from light debris to heavy pieces of concrete. And the smallest debris I've circled here is probably 150 to 200 pounds.

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Q. You said the second hazard that you recognized was the potential for the building collapsing.

A. Yes.

Q. In your judgment, how near was this building to collapse?

A. Early on -- it got better as the shoring was put in and sort of stabilizing the building -- there was different concerns that the -- if the mother slab fell, she would release energy on the south side causing the south side to fall south. And from this part of the building to the east or if this swung straight down, it would hit into the shoring that had been built, lateral shoring, causing the front to be sucked to the south and causing the whole west side of the building to collapse.

Q. Let me show you Exhibit No. 988, our final exhibit. Can you identify that exhibit?

A. Yes.

MR. RYAN: We would offer Exhibit 988.

MR. TIGAR: Same objection, your Honor.

THE COURT: Overruled. Received.

BY MR. RYAN:

Q. Chief Shannon, what are we seeing in this photograph?

A. I'm sitting there, called the cave -- I'm sitting -- it looks a lot better now. This is taken about Day 5, Day 4 or 5. The -- in the cave early on, the biohazards being into this area -- the cracks in this area produced a lot of body fluids

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to be dripping down on the rescue workers while you were in there digging, and the area you see here is water and body fluids mixed. A lot of it has been evaporated off, and only the heavy products are left. Shoring has been established in this area to make it more safe for the rescuers to work in. And the far back shoring was cribbing.

And you could get back in that area if you crawled on your back and you just -- just pushed through the fluids. You'd tie a rope typically around your ankle; and when you get back in there, they'd pull you back out. You couldn't mobilely pull yourself back out. And you'd survey different hazards and risks and recognize how many victims were left in different areas, where to direct the people to.

Q. How many days did you spend inside this building following April 19?

A. 16.

Q. And how many hours did you spend in that building?

A. 288.

Q. In 16 days?

A. Yes, sir.

Q. And when were the last bodies recovered?

A. That we recovered during that -- a little before midnight

on May 4.

Q. After that, what happened with respect to the building?

A. They had the implosion later on in the month, and they

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removed three more from after the implosion.

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.

Next witness.

MR. MACKEY: Carl Brown.

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

(Carl Brown 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: Carl LaRue Brown, last name B-R-O-W-N.

THE COURT: Proceed.

MR. SENDEL: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. SENDEL:

Q. Will you tell us where you live, please, Mr. Brown.

A. I live in Choctaw, Oklahoma, 18300 Whippoorwill Vista.

Q. Where is Choctaw in relation to Oklahoma City?

A. About 15 miles due east of Oklahoma City.

Q. How long have you lived there?

Q. How long have you lived there?

A. Since 1985.

Q. How old are you, sir?

Carl Brown - Direct

A. I am 52 years old. I turn 53 this August.

Q. Are you married?

A. Yes, I am. I have a beautiful wife. She is an elementary teacher, reading specialist. I have one daughter left at home. She's a graduate of Oklahoma State University.

Q. How many children did you and your wife have?

A. We had three children. My son was hers by a prior marriage; but when I first dated her, I fell in love with him, so he's my son by adoption. He's a wonderful young man. We lost him in 1981 when he was crossing the street. A car hit him.

Q. Did you lose another daughter in the bombing of the Murrah Building?

A. Yes, sir, I did. Dana LeAnne Brown, married name Cooper, was the director of the day-care. She had been in the day-care approximately three weeks this time.

Q. Did you -- excuse me. I need to ask you another question, sir, Mr. Brown. Did you lose someone else in the bombing?

A. Yes, I did. My grandson, my only grandson, Anthony Christopher Cooper -- and we call him Christopher -- was in the day-care with her. He was two-and-a-half years old.

Q. You mentioned that your daughter, Dana, had been in the day-care three weeks. What job did she have?

A. She was the director of the day-care. This was her second time to have worked in that day-care. In 1988 while she was a

Carl Brown - Direct

junior in high school, she entered into the day-care vocation; and after working at a day-care in Midwest City approximately two or three months, her -- the owner of that day-care bid upon the first day-care in the Murrah Building. And when she got the contract, she moved Dana downtown to help open that center. And, of course, Dana was in kind of a trainee position where not only was she a caregiver for the children but she was somewhat of an intern, learning management skills.

Q. In April of 1995, how old was Dana?

A. Dana was 24 years old. She was born -- she would have turned 25 in November.

Q. And in April of 1995, how old was Christopher?

A. Christopher was 2 years old in September, so that would make him 2 years 8 months at the time of the bombing.

Q. I'd like to show you, if you'd like, right in front of you there, Mr. Brown, the screen, a photograph marked Exhibit 1047A.

A. Yes. That's one of the better pictures of Dana. She --

Q. Just a moment, Mr. Brown.

MR. SENGEL: Your Honor, I'm going to offer 1047A.

MR. TTGAR: No objection, your Honor.

MR. TIGAR: No objection, your Honor.

THE COURT: Received, may be shown.

BY MR. SENDEL:

Q. Again, if you'd tell us, is this your daughter?

A. Yes, it's my daughter, Dana.

Carl Brown - Direct

Q. How soon was this taken before April of 1995?

A. I believe this picture was probably taken a year, possibly 18 months, two years before the bombing. She really didn't change much in that time. She looks a lot like my wife did when my wife was 22 and 23 years old.

Q. I'd like you to look next if you would at another photograph in front of you. It will be marked as 1047B.

A. That's Christopher, my grandson.

MR. SENDEL: Your Honor, I'm going to offer 1047B.

MR. TIGAR: No objection, your Honor.

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

BY MR. SENDEL:

Q. And again, how old was Christopher in April of 1995?

A. Christopher was 2 years 8 months old in April of '95. This picture was probably taken 6 weeks -- maybe not over 6 weeks prior to the bombing. This is a picture prepared for Easter.

Q. And was Dana married at the time?

A. Yes. She married her childhood sweetheart, Anthony Cooper. They married in 1990. She finished high school -- well, both daughters, my younger daughter and Dana, finished high school in the same year in 1989.

Carrie went on to OSU, and Dana stayed in the child-care business as well as progressing in her education at Rose State and Central State. And then in 1990, she married A. C., Anthony Christopher Cooper, Sr., and the two of them

Carl Brown - Direct

were pursuing their education while -- while she was still in the day-care, various skills of management level.

Q. You mentioned that Dana was pursuing her education. What was she training to become?

A. She was pursuing a degree in elementary education at the time of her death at Central State University. She needed approximately one more semester, I believe, before she would do her practice teaching. She wanted to be a kindergarten teacher.

Dana had such a wonderful, wonderful talent with children that, you know -- I don't know what caused her to go into child care; but I do know that she started caring about children while in junior high school working with the pulpit ministry in our church. And then as I stated, as a junior in high school, she started in the day-care business, and she was pursuing that. She felt like when she moved into management of day-care she almost had to leave the children, so that's why she was pursuing the degree as an elementary teacher to be a kindergarten teacher, so she could be back with the children.

That's where her love was.

Q. Your grandson Christopher: If you would tell us briefly, what was he like?

A. He was the greatest blessing God ever gave me. Christopher was -- was a vibrant young man, full of life and happiness. I can't -- can't really describe just the joys I had with him.

Carl Brown - Direct

Christopher appreciated the things we did with him, and he returned that with his love.

And all Sunday mornings when we'd be in church, my youngest daughter, Carrie, sang in the choir at the front of the church, and A.C. and Dana and Linda, my wife and myself would sit midway back. And it may seem somewhat immature, but Carrie and I, as soon as church was dismissed, would rush out, not running over people but rush back to the nursery to see who could get there first, because whoever picked up Christopher got the most wonderful hug from him. And it was -- you know, he was just that type of boy. And, you know, it's -- I don't know how else to describe him. He loved to please us; and, of course, being that way, our whole life was dedicated to pleasing him.

Q. When were Dana and Christopher's bodies recovered from the Murrah Building?

A. The bombing on -- occurred on Wednesday morning. We were fortunate. Christopher was -- we were advised that they had recovered Christopher on a Saturday afternoon. The following Sunday, late in the afternoon, we were advised they had recovered Dana's body, so we didn't have to wait as long as many people.

Q. I'd like you to, if you would, please, Mr. Brown, tell us the effect the loss of Dana has had on your wife and your other daughter.

Carl Brown - Direct

A. It's been a devastating loss for my whole family. First of all, I'd like to tell you about my mother, Christopher's grandmother (sic).

THE COURT: No, Mr. Brown. I understand your wanting to do that, but we have to stay within limits here.

THE WITNESS: Yes, sir.

Carrie loved to do things with Christopher. And when we lost Christopher, what -- you know, she was -- she was somewhat devastated. It was a year before she could sit even back in the choir again.

Carrie will turn 25 this year. She is living at home because she's the sole surviving member of my children, of three children. Carrie is all that's left.

When Dana and A. C. first discovered they were pregnant, our family was tight-knit enough that the way they announced is that Dana and A. C. came to Oklahoma State University to Carrie's dorm room while Linda and I were

visiting Carrie; and there in the dorm room, instead of telling us they were expecting, they asked Carrie, "Would you like to be an aunt?" And from that time forward, you know, Carrie was -- was alive, and it -- she still suffers. She can't -- she doesn't socialize near as much as she once did.

My wife has done very well, but she, too, suffers every time we see children in a restaurant. We can't help but have a little bit of a tear in our eyes. You know. We see a

Carl Brown - Direct

young child and think of the many blessings that we shared and enjoyed with Christopher.

For myself, I think I'm recovering, but -- but I would

want you to know that I'm a woodworker by hobby. I love working with wood. I've done it most of my life. And I made Christopher's cradle, then I made his highchair, then I made a rocking-horse-type thing for him which, you know, when he came into the room seeing that rocking chair sitting in the middle of the room and then looked at me, the biggest, most beautiful grin that ever existed just popped on his face, you know. And -- that's what a woodworker lives for is to -- when you make toys and see that great, big grin on a child, you know that that's -- that's the most you can expect out of that day. There is nothing better.

That's gone now.

I had -- had two or three toys in process in my garage. I'd already made some toys for him for Christmas, and he had played with those; and I had pictures of him doing that that I cherish dearly. But those two or three toys that were unfinished that I was working on for his birthday later on, I -- they're still there. They're gathering dust. I -- I haven't been able to do any further woodworking since that time. You know, I do maintenance at my mother's house, but that's not -- that's not woodworking, that's not toy-building. Toy-building is where the love is, and I can't do that anymore,

Carl Brown - Direct

because when you work with power tools, you have to focus on the saw or whatever you're using. And when I look at the pattern of something I'm working on, I start thinking of Christopher again and those big, big smiles, the big grin. And if you can't focus on the tool, you've got to lay it down and get out of there.

So since April of '95, I haven't -- haven't done any further woodworking.

BY MR. SENDEL:

Q. What would you tell us that you miss most about your grandson, Christopher?

A. I would think it would be those hugs that I talked about when we picked him up. Christopher would come in and throw his arms around me, you know. A hug from a child -- you can't prompt a child to give love. You can't prompt a child to

prompt a child to give love. You can't prompt a child to really hug with meaning. The child gives it and it's pure love. And that's not there anymore.

I don't think there is a Sunday that's gone by -- and we still attend church, but I don't think there is a Sunday that has gone by that there hasn't been at least one time when I'd see someone else's child holding their dad's hand or holding their grandpa's hand. And I won't have that anymore.

MR. SENDEL: Thank you, Mr. Brown.

I have no further questions.

MR. TIGAR: No questions.

THE COURT: You may step down, Mr. Brown. You're excused.

Next?

MR. MACKEY: Your Honor, we'd like to play Government's Exhibit 1426. It's a video footage of Nekia McCloud, a youngster injured in the Oklahoma City bombing.

THE COURT: All right.

(Plaintiff's Exhibit 1426 played.)

THE COURT: Next witness.

MR. MACKEY: Your Honor, we'd call Mr. Glenn Seidl.

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

(Glenn Seidl 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: Glenn Aldon Seidl, S-E-I-D-L.

THE COURTROOM DEPUTY: Thank you.

THE COURT: Mr. Ryan.

MR. RYAN: Thank you, your Honor.

DIRECT EXAMINATION

BY MR. RYAN:

Q. Good afternoon, Mr. Seidl. Where do you live?

A. A small -- a small community, Bethel, Oklahoma.

Q. You say "small." How small?

Glenn Seidl - Direct

A. Probably about 6-, 700 maybe at the most.

Q. And where do you live?

A. I live on the -- in -- on a small lake just west of Shawnee, Oklahoma.

Q. And how large a piece of land is it that you live on?

A. Probably about 2 1/2, 3 acres.

Q. Does anyone live with you there?

A. My 10-year-old son, Clint Seidl.

Q. What do you do for a living, Mr. Seidl?

A. Plumbing contractor.

Q. Are you self-employed?

A. Yes.

Q. Were you born and raised in Oklahoma?

A. Yes, sir.

Q. Tell us about where you grew up.

A. I grew up in Del City. That's a small suburb outside of Oklahoma City. Went to grade school, junior high, and high

school.

Q. And along the way there, you met someone special?

A. I had met Kathy in the sixth grade at a local movie theater in Midwest City.

Q. Kathy was your wife?

A. Yes.

Q. She died April 19?

A. Yes, sir.

Glenn Seidl - Direct

Q. Would you tell us a little bit about where Kathy worked and what she did for a living.

A. Kathy worked for the Secret Service. She was an investigative assistant, had just celebrated her 10-year anniversary March of '95.

Q. How long had you and Kathy been married?

A. We had been married 10 years January of '95.

Q. Did you and Kathy have plans for the property that you lived on prior to her death?

A. Yes. We had -- Kathy loved the community out there, and we had purchased 5 acres. And I had promised her I'd build her, you know, a new home. And so on the weekends, we'd go clear the land off and cut trees down.

In the cabin we live in, we only heat with firewood; so I'd cut the trees down and she'd load them up.

Q. Tell us a little bit about Kathy and her relationship with Clint, your son.

A. Before Kathy and I were married, we were told of ever having children would be almost impossible. She had endometriosis. And when Clint was born, I mean that was a great day.

And oh, I guess Clint was about 6, and I'd come home from work one evening and Clint was on the couch covered up with blankets; and I asked what was wrong, and he said, "Well, Mom had to come and get me from school. I'm sick."

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And about that time, you know, he hollered, "Mom, would you get me a glass of water."

So here she come with a glass of water.

She gets -- about the time she gets back in the kitchen, he hollers, "Mom, you know, it's been about 2 hours. Do you think I should have a little more medicine?"

Here she come, spoon and medicine.

And about the time she gets back in the kitchen, he says, "Mom, I'm hungry. Do we have any soup?"

She said, "Yeah. What kind?" You know.

And so I looked down at Clint and I said, "Watch this." And I said, "Hon, do you think you could fix me a cup of coffee?"

And she turned around the corner and she said, "I'm a little busy. You think you could get it yourself?"

And she worshiped the ground Clint walked on. I mean that was her baby.

Q. Was she protective of him?

A. Yeah, very. I -- of course, you know, I'd stayed in trouble over that quite a bit.

Clint was about 3. And Kathy and Clint loved to fish, and we would -- about every weekend in the summer, we would fish. And so I figured it was about time for Clint to get a tackle box; so we go to Wal-Mart and load up on the hooks and weights and bring them home and dump everything on the floor.

Glenn Seidl - Direct

And Clint and I are sorting this stuff in the tackle box, and the phone rings and it's his mother; and she wants to know what we're doing. And I tell her; and she goes, "Well, you better watch him or he might get a hook in him."

And of course, my luck, I says, "Now, Hon"; and I turned the corner, and he's got this hook through his tongue and he's pulling on the string. And, of course, I like to think I'm pretty fast thinking; but the only thing I could think of was, "Hey, Hon, someone's at the door. I'll see you when you get home."

So I had to go out to the truck to get the wire cutters and cut this hook out. And he was doing just fine. And then he saw a little blood on my hand, of course, you know, he freaked after he figured out it was his blood. And when -- as soon as Kathy come in from work and opened the door, you know, Clint runs over there and has got his tongue hanging out, and he's singing like a canary and I'm in trouble.

And you know, that night when he goes to bed, she informs me that she didn't really appreciate me letting her son get, you know -- get a hook in him; and she laid into me pretty good over that and my not paying attention to him.

Q. Would that characterize the way that she felt about him and looked after him and his needs?

A. Oh, yeah. Well, Clint, you know, we thought was just a special gift, I mean, from God that we were blessed to have a

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little boy.

Q. Excuse me. On April 19, where were you?

On April 19, 1995, where were you?

A. I -- my job carried me out of town quite a bit, and I was in a small town called Cleveland, Oklahoma, about probably 130 miles from Oklahoma City.

Q. What were you doing there?

A. Putting the groundwork in a house. That's before they poured the concrete.

Q. At some point during the course of that day, did you learn about what happened in Oklahoma City?

A. Well, I didn't actually learn about really what -- I mean, well, a police officer came out on the fish and asked, you know

well, a police officer come out on the job and asked, you know, if Glenn Seidl was on the job; and he had said that I needed to call a guy I was working for at the time.

And I asked him if it was an emergency.

And he said, "Well, not that I know of." That was just something rare that the guy I'd work for would call out of town and said I needed to call him.

I went to the phone and called, and he told me I need to load my stuff up and get home and there had been a small explosion or, you know, some type of explosion downtown.

And of course being a plumber, I just thought maybe a gas main. And I asked him, "Well, gas main?"

He said, "I don't know." And I was driving an old

Glenn Seidl - Direct

truck that didn't have much of a radio. And when -- he said come to his house. And so when we got there, he informed me that school had called; that I need to pick Clint up.

And when I got to the school, I mean, there was a lot of -- I guess, you know, just a lot of panic going on, and I still had no idea what was going on.

And the school had told us that we need to go to my sister-in-law's house in Midwest City. It was closer. And of course, you know, Clint was wanting to know what was going on. I didn't know. At the time, I didn't know.

And when I pulled up in front of my sister-in-law's house, there was probably 20 to 30 cars, and I knew something -- something big, pretty serious going on.

Q. How did you and Clint spend the rest of that day?

A. When I went into the house -- when I walked into the house and I went, you know, to the TV -- and of course they were showing, you know, the building, and everybody was trying to keep Clint occupied, I mean keep him away from the TV so he really didn't know what was going on. And I -- I was just fixed to the TV. I mean I was, you know -- I guess in shock. I mean just I was glued to the TV, couldn't move.

Q. The next day, April 20, did counselors come?

A. Yes. Some counselors had -- the Secret Service flew counselors in from Washington, D.C., and of course they asked me if I'd like to talk to them. And I wasn't really concerned

Glenn Seidl - Direct

about me. Clint had -- had avoided me. I mean he had seen -- he hadn't seen me cry a lot -- I mean over the years. And I was shook up; and so the -- Carolyn Ellis, the counselor -- I asked her if she would speak to him and see if he's all right. And she had taken him into a room, and about two hours later she come out and she asked if she could speak to me outside. We went outside; and she said that he was worried about me, never seen me like that and he didn't know what was really going on. And he was afraid that whoever done this was after me and him personally.

And then this lady, very professional lady, gets a

tear in her eye and she said, "He told me that you and his mom had started him a savings account and he had \$180 in there and he'd like to pay me if I could help you."

Q. Clint wanted to pay the counselor?

A. Yeah, to help me because he knew something was really, really bad going on. He just didn't quite know what yet.

Q. Had you told him about Kathy?

A. I think someone had told him that, you know -- that that's where his mom worked and that -- you know, and I mean -- he had seen the TV. You know, he had walked by and stuff, and he had seen that, you know, something was wrong.

Q. And how old is he at this time?

A. He's 10.

Q. No, at the time --

Glenn Seidl - Direct

A. Oh, 7.

Q. -- of the 19th?

A. 7 years old.

Q. And on the following day, April 21, did you receive some word of Kathy?

A. I guess about -- I want to say probably around 3, 3:30, I was standing out in the yard and there were several other people out; and Kathy's boss, Mr. Gallow, the SAC in command at Oklahoma City, pulled up with two other gentlemen. And as soon as he got out of the -- out of his vehicle and I looked at him, I knew that -- I knew Kathy was dead just by the look on Mr. Gallow's face -- I mean the strain.

Q. Did he come into the home and tell you?

A. He -- we stood out in the yard and he told me, and then we -- then we went in the house.

Q. Did you tell Clint?

A. Yes.

Q. That same day?

A. Yes.

Q. What was his reaction?

A. He -- of course, he broke down and started crying and -- and -- but he was like all of us. I mean he -- he really hadn't realized, I guess, that Kathy's -- was dead until probably -- probably until he was about 8. I mean he just kept -- it was just not real to him. I mean he didn't really

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realize that Kathy was dead and not coming back till he was probably 8 years old.

Q. What role have you undertaken in the past two-and-a-half -- two-and-a-half years in Clint's life?

A. Mom and dad both. I mean, I never realized -- I never realized what all Kathy had done, you know, working out in town. Kathy took care of everything, taking him to school, wrestling practice. And I've -- I do it all now. I mean it's -- it's a complete 360 for me. I mean it's -- it's a job.

Q. Does Clint ever complain about your cooking?

A. Yeah. He -- he's told several people that he'd just as soon we go out to eat than cook my roast beef.

And we trade at a little store; and here about two weeks ago I walked in and this lady said, "Well, Clint told out on you."

And I said, "Uh-oh."

She said, "Well, she -- he told me that you would be lost if it wasn't for him."

And you know -- when I was leaving the thought crossed my mind -- I thought, boy, that lady don't know how true that is.

I trade at the store, and every morning we'll stop and I'll get gas and I'll write a check, and I'll usually get 10 or \$15 over; and I'm already down the road -- I mean I'm walking out, and Clint would usually have to grab the money and say,

Glenn Seidl - Direct

"Here, Dad," because, you know, I'm just -- you know, I'm already at work in my mind. So he's a big help. He's -- he's a blessing. I mean that's the way he is. We help each other. We depend on each other. We look to each other for support. I mean --

Q. How has -- how is Clint doing today?

A. Clint still suffers from anxiety separation. He's afraid I'm going to drop him off at school and I'm not going to come back. I mean -- and that's -- that really bothers him. Here about a month ago, I was running late from work and I come in the house and I -- I could see through the window and he was crying and he was talking to his grandmother. And when he got off -- I got on the phone and told her, "I'm home. It's all right," and he -- he was afraid I had been in a car wreck. I mean he -- he gets -- there is days, I mean Mother's Day, Valentine's Day, that he gets, you know -- he gets pretty rattled about it.

Q. Finally, in your own words, express to the jury, the Court, to all of us what the effect has been on you and Clint since Kathy died.

A. Well, it's been real hard. I mean Clint -- Clint asked me questions that some of it I can answer, some of it I can't. Driving down the road one day and he -- this is a very intelligent little boy, and he asked me -- he said, you know, just out of the blue -- he said, "Dad, you believe in angels?"

Glenn Seidl - Direct

I said, "Well, yeah," you know.

And he said, "You believe they help people?"

And I said, "Well, yeah."

And he said, "Well, where was my mom's at, April 19?"

And see, I haven't been able to answer that yet.

And he -- I think right now he's questioning God a little bit. I mean like -- I haven't -- I didn't think I'd ever do that, but -- but that's -- but we -- you know, we've -- we've got memories. That's all we've got to hold on to, and I hang on to every -- everything I can, because I mean that's all I've got.

And Clint -- he talks about his mom and then -- that's good, you know, because I like that. And he misses his mom.

And we -- you know, and all I can tell him sometimes when he gets upset or emotional is that we're going to get through this. We have no choice.

MR. RYAN: Mr. Seidl, thank you.

MR. TIGAR: No questions, your Honor.

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

THE WITNESS: Thank you.

MR. MACKEY: Your Honor, that completes our presentation.

THE COURT: All right.

Well, members of the jury, as I indicated to you when we started this morning, we'll recess now; and of course, tomorrow is a holiday. And we'll take that off and return to this case on Friday and resume at -- we'll say 9:00 Friday.

I don't mean to suggest any of you need extra time on Friday after New Year's Day; but just in case we're a little slow-moving on Friday, recognizing that this holiday coming up is one of festive occasion for many people -- and it may be for you; but, of course, you recognize what your responsibility remains here. And during this time of recess, of course, you must again put this matter to rest as you've done many times, recognizing that you're going to hear witnesses called by the defense. You're going to hear from the lawyers with respect to their respective positions in the matters to be decided, and you're going to hear a lot more from me with respect to the law.

We'll proceed to hear witnesses on Friday and on Monday. And as I said, we expect to submit the case sometime early next week. Wait till we get there.

You know what I've said to you this morning with respect to keeping in some perspective the testimony that you heard before then and that, of course, you've heard today and recognize, as I explained as we went through the day, the caution when we have an outburst or a witness who, you know, gives very emotional testimony, how you have to consider that. It's only a part of the case. I'm sure you'll do that.

So do not discuss anything about the decisions to be made here or anything about this case with anybody during the time of this recess, including, of course, other jurors, family members or whatever.

Be careful as you watch television, listen to the radio, read publications, any kind of communications, to avoid anything at all that relates to what your responsibilities are here, knowing that you have to decide, follow the law, decide according to what's presented to you in this courtroom.

So we'll recess now and resume this matter at 9:00 Friday morning. You're excused till then.

(Jury out at 4:42 p.m.)

(Daily case at 4:43 p.m.)
THE COURT: All right. The Court is in recess till
9:00 Friday morning.
(Recess at 4:43 p.m.)

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PLAINTIFF'S EXHIBITS

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2203	15548	15548			
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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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