

IN THE DISTRICT COURT OF PITTSBURG COUNTY

STATE OF OKLAHOMA

PETITIONERS EXHIBIT
S-8-1

STATE OF OKLAHOMA,)
)
 PLAINTIFF)
)
 -vs-) CASE NO.
) F-04-68
TERRY LYNN NICHOLS,)
)
 DEFENDANT)

TRANSCRIPT OF PROCEEDINGS

(EXCERPT)

HAD ON THE

19th DAY OF APRIL, 2004

BEFORE THE

HONORABLE STEVEN W. TAYLOR.

HEATHER SCOTT, CSR, RPR
Pittsburg County Courthouse
115 East Carl Albert Parkway
McAlester, Oklahoma 74501

DISTRICT COURT OF OKLAHOMA -- OFFICIAL TRANSCRIPT

1 me that. I do see this marking over here that indicates it was
2 a document that was got under the Freedom of Information Act by
3 some third party.

4 Q Okay. But it was sent to Oklahoma City, was it not, in
5 that list of cities on the first page.

6 A Yes, to somebody in Oklahoma City. Exactly when, I don't
7 know.

8 Q Understanding that it has to do with the Midwest Bank
9 Robbers, and specifically mentions Scott Stedeford and Mark
10 Thomas, who you know to be members of that gang, and
11 understanding that there were no bank robberies committed by
12 them in Oklahoma, do you believe that this was meant to be
13 directed to the OKBOMB file?

14 A That would be my guess.

15 Q Now, were you -- I'm on page -- I'm on document 20 now.
16 It's the next one, it's the 302 of Kevin McCarthy. Have you
17 seen that before?

18 A Yes.

19 Q Okay. Have you ever interviewed Kevin McCarthy yourself?

20 A No.

21 Q Okay. But as this is one of the 302s in the case, you are
22 no doubt familiar with it, are you not?

23 A Somewhat, yes.

24 Q Okay. What was the purpose in interviewing Kevin
25 McCarthy, one of the Midwest Bank Robbers, in September 20th of

1 1996 about the OKBOMB investigation?

2 A Well, I believe McCarthy was cooperating at that time with
3 the agents that were doing the BOMBROB investigation, and in
4 light of the fact that there were calls -- I believe there were
5 calls from Elohim City to family members of McCarthy from
6 Elohim City.

7 So again, out of an abundance of caution, we wanted to
8 make sure that we found out whether or not Kevin McCarthy knew
9 anything about anybody in Oklahoma City being involved in the
10 bombing, or if he knew McVeigh, Nichols, or Fortier or anybody
11 on that side.

12 Q Okay. And this was done -- this interview of him was done
13 when? On September 18th of 1996?

14 A Yes.

15 Q And if you look at the second page, the top paragraph
16 there, he indicates, does he not, that he first heard about the
17 bank robbery, or the Oklahoma City bombing, as he was returning
18 from Iowa where he had registered a vehicle; is that right?

19 A Yes, yes.

20 Q Okay. And that's what he told one of the FBI agents in
21 the Oklahoma City bombing investigation, right?

22 A Yes, that's correct.

23 Q Okay. If I could draw your attention back to Number 19,
24 the prior document there, the one that was done in I believe it
25 was August; do you see that?

1 A Yes.

2 Q Would you agree with me --

3 A Exhibit 19?

4 Q Yes.

5 A Yes.

6 Q Okay. Would you agree with me that a month prior to that
7 interview with Kevin McCarthy, the FBI agents had confirmed
8 that that car he was referring to was actually registered on
9 April the 21st, two days after the bombing, not prior to the
10 bombing?

11 A Well, when the title is issued might be different from
12 when McCarthy showed up to have it done. Generally, that
13 doesn't happen on the same day. Usually, that's done, and then
14 there's a few days later is when the title actually gets
15 registered, is what my -- is what I have experienced in that.

16 Q Okay.

17 A So I wouldn't say that, you know, that we knew he had
18 registered on the 21st. That's when the title was issued.

19 Q So what you are saying is Kevin McCarthy may have been
20 truthful in this interview on September 1996?

21 A About that issue, are you talking about?

22 Q Yeah, yeah.

23 A Yes.

24 Q Okay. Last sentence, I'm a little curious. Exhibit 19,
25 last page, last sentence. It says here that the BOMBROB --

I am sorry, you are going too fast. I can't follow what -- you are on Exhibit 19?

3 Q Nineteen, last page, last sentence. Okay?

4 A Okay.

5 Q Do you see it? "The BOMBROB investigators were kind
6 enough to send the OKBOMB investigators pictures of Scott
7 Stedeford and Mark Thomas." Do you see that?

8 A Yes.

9 Q What did you do with those pictures, in terms of your
10 investigation in the Oklahoma City bombing case?

11 A Well, I don't remember specifically what was done with
12 those pictures at this time, but we would have had an interest
13 in seeing those, to see if they looked like any of our
14 composite drawings.

15 Q Okay.

16 A That would have been one possibility. But I don't
17 remember, as I sit here today, what -- precisely what we did
18 with those pictures.

19 Q Did you ever show them, to your knowledge, as the case
20 agent of the Oklahoma City bombing case, did you ever show them
21 to any witnesses, people that had given 302s in the case?

22 A Not to my knowledge, if I can remember, as I sit here
23 today.

24 Q Do you know whether -- do you know who Jeff Davis is?

25 A Yes.

1 A Okay.

2 Q Emphasis on few. Do you recall what the -- you talked to
3 somebody today -- was it today about the Miller, Robert Miller
4 license?

5 A I did.

6 Q Okay. And it's got Langan's picture on it?

7 A It does.

8 Q Do you know -- did they tell you what address was on it?

9 A They did. It was in -- I don't remember the address, but
10 it was in Russellville, Arkansas, I believe.

11 Q Now, you obtained some phone records during your
12 investigation; is that right?

13 A I did not obtain any phone records.

14 Q Okay. Were there ever any Phone America calling card
15 records obtained during the investigation after Langan and
16 Guthrie were arrested in January of '96?

17 A I did not obtain any Phone America records in Columbus,
18 Ohio.

19 Q Well, that's right. The major case, the focus point for
20 the case was in Omaha, Nebraska; is that right?

21 A Prior to August of '95, we -- actually, let me rephrase
22 that. In August of '95, the case became office of origin out
23 of Omaha, correct.

24 Q Okay. And is that where all of the records would be
25 forwarded, to Omaha?

1 Q We referred prior to when -- when Mr. Hersley was on the
2 stand, one of the BOMBROB internal memorandums talked about a
3 meeting of all the BOMBROB investigators that took place in
4 Louisville on August the 3rd, 1995. Did you attend that
5 meeting?

6 A I did.

7 Q Okay. Was the Oklahoma City bombing ever discussed or
8 Timothy McVeigh possibly being connected with the people you
9 were looking for?

10 A No.

11 Q Ms. Elliott referred to videotapes that apparently still
12 exist. There was one that was recovered from Richard Guthrie
13 Senior's car. Do you know what I am talking about, Richard
14 Guthrie Senior, his father?

15 A I don't recall a video recovered from there, but I do know
16 what you're talking about.

17 Q Have you seen an evidence recovery log that's handwritten,
18 that has a note: 24-R videotape, one VHS, and has in quotes
19 "contract" on it. Do you know what I am referring to?

20 A I do not.

21 Q Well, you said that you've seen all the videotapes in
22 relation to the surveillance tapes that the bank robbers did.
23 Have you seen that one that was recovered in that case?

24 A I don't recall one recovered from that particular
25 location. I recall one recovered from Richard Guthrie's van,

no was willing to tell you everything he knew, you didn't ask
him a single question about Timothy McVeigh and the Oklahoma
3 City bombing, because you didn't have any evidence of him being
4 involved?

5 MS. ELLIOTT: Objection, asked and answered.

6 THE COURT: Sustained.

7 MR. EARNEST: No further questions.

8 THE COURT: Any other questions, Ms. Elliott?

9 MS. ELLIOTT: Just one.

10 REDIRECT EXAMINATION

11 BY MS. ELLIOTT:

12 Q All the explosives that were recovered that had to do with
13 the BOMBROB suspects, no Primadet was found, was it?

14 A No explosives or Primadet were found.

15 Q And of all the -- I know there was some conversation
16 between yourself and Mr. Earnest about how bad these people
17 were, and obviously they were, but did you find anything at all
18 to connect them to the Murrah Building?

19 A Absolutely nothing.

20 MR. EARNEST: Objection, asked and answered.

21 THE COURT: Overruled.

22 MS. ELLIOTT: That's it.

23 THE COURT: Any other, Mr. Earnest?

24 MR. EARNEST: No.

25 THE COURT: You may step down.

The main purpose of this
dearing was to prevent me from
being allowed to be a defense
witness in the Nichols trial

P. 54, and 55 are of particular
interest. They try and vouch for
the Mc Carthy alibi by saying
it took more than one day to
title a vehicle in Iowa the

Brescia / Mc Nally Documents and
others prove this to be a lie, and
that they knew it. It was common
knowledge that we use Iowa because
of it's one day service. Hell Brescia
got a Drivers license under the Mc Nally name
sold himself the truck and drove away
with a title all in one day