

Nichols witness says he saw five - Prosecutors challenge his story of seeing group with fertilizer

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McALESTER — A key defense witness testified Tuesday of seeing five men around a farm truck loaded with fertilizer and a Ryder truck at a Kansas lake the night before the Oklahoma City bombing.

His credibility, however, was challenged at length by the prosecution at Terry Nichols' state murder trial.

The witness, Charles W. Farley of Wakefield, Kan., said he overheard the leader tell the others "we have to get this done" or "we need to get moving."

At issue Tuesday was that Farley still insists that man was Morris Stuart Wilson, then commander of the Kansas Unorganized Citizens Militia. Wilson, however, has an alibi. Records show he was in a Kansas jail that night on a concealed-gun complaint.

Also, prosecutor Suzanne Lister pointed out Farley's testimony Tuesday was more detailed than his testimony in Nichols' 1997 federal trial.

"Your memory seems to be getting better in some regards, doesn't it, Mr. Farley?" Lister said.

Farley told jurors he was at Geary Lake about 6 p.m. April 18, 1995, to check fishing conditions. He described seeing five men, the Ryder truck, the farm truck, two pickups, a car and a sport utility vehicle.

He described the flatbed farm truck as being so loaded with bags of ammonium nitrate fertilizer that its springs had bottomed out. He said the leader gave him "a dirty look" as he drove past. He said he called the FBI after seeing Wilson on a Kansas television station.

His testimony in Nichols' federal trial played a major role in the outcome. Several jurors later said his account raised doubts about the government's proof.

Nichols, 49, was convicted at his federal trial of the bombing conspiracy but was acquitted of any direct blame for the April 19, 1995, attack. He was convicted of involuntary manslaughter rather than murder for the deaths of eight federal agents.

The state case focuses on the 160 other fatalities plus the loss of an unborn girl.

Jurors at the federal trial saw Wilson's photo but were not told his identity. Those jurors also were not told of the evidence Wilson was in jail that night.

The conflicts in Farley's account only came to light in news accounts — three weeks after the federal trial ended.

The defense strategy

Nichols contends bomber Timothy McVeigh had help from others and they set him up to take the blame. Prosecutors contend McVeigh and Nichols made the bomb from fertilizer in a Ryder truck at Geary Lake in the morning April 18, 1995.

Also Tuesday, jurors heard the sworn statement of the late Danny Wilkerson, who owned a convenience store in the Regency Tower apartments, a block west of the Alfred P. Murrah Federal Building.

Wilkerson said he sold a pack of Marlboro Lights cigarettes and two cans of Coke to McVeigh about 22 minutes before the explosion. He said McVeigh was friendly and driving a small Ryder truck. He said he saw the silhouette of someone else in the Ryder's cab.

Wilkerson said, about 10 minutes later, he saw the truck again, now parked across the street. He also said he watched McVeigh pacing on the sidewalk. "I thought it was strange," he said.

Prosecutors say Wilkerson's recollection is "impossible" and contradicted by a videotape from a Regency Tower security camera.

Wilkerson was questioned in August 1997 as part of an Oklahoma County grand jury's look at theories about a wider conspiracy. Wilkerson later died of cancer.