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14 \* \* \* \* \*

15 PROCEEDINGS

16 (In open court at 9:00 a.m.)

17 THE COURT: Be seated, please. Good morning.

18 Mr. Tigar, I have the motion that you filed  
concerning

19 challenges for cause. We'll discuss that at 5:00  
today.

20 MR. TIGAR: Thank you, your Honor.

21 THE COURT: We'll proceed with Juror 583.

22 MR. TIGAR: Yes, your Honor.

23 (Juror No. 583 was recalled to the stand.)

24 THE COURT: Good morning.

25 JUROR: Good morning.

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1 VOIR DIRE EXAMINATION CONTINUED

2 BY THE COURT:

3 Q. Yesterday afternoon, we were talking about a number  
of

4 things from your questionnaire, and we'll sort of pick  
up where

5 we left off. As I recall it, you told us yesterday  
that you

6 had concerns about the financial impact of this jury  
service on  
7 you and your ability to make payments on your residence  
and so  
8 forth, but that you had discussed that and ways that  
may  
9 alleviate that problem.

10 A. There will still be some distress, but . . .

11 Q. Yeah. Well, also, you mentioned that these  
concerns had  
12 somewhat colored perhaps your answers to some of the  
other  
13 questions or influenced or affected them.

14 A. Well, it's definitely a worry.

15 Q. Yeah. Well, I want to talk about some of those  
other  
16 answers with you, and that, in particular, relates to  
the  
17 publicity that you have seen or heard and what effect  
it may  
18 have on you and your ability to deal fairly with the  
issues in

19 this trial, considering that there has been a trial of  
20 Mr. McVeigh, and these are things that you've  
mentioned. And

21 I'm turning -- I'm really focussing for the moment now  
on pages  
22 37 and 38. If you will turn to those pages, please.

23 You were asked here in Questions 159 and 160  
about  
24 what you had seen, read, or heard about Terry Nichols

and also

25 in 160, if you formed any opinion. And you answered  
here that

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1 you had. Is -- is this your opinion today?

2 A. I don't think so.

3 Q. All right. Well --

4 A. I have -- I mean, I really haven't been paying  
attention to

5 the news. I mean, even before I was summonsed about --  
I mean,

6 I heard the verdict on McVeigh, and that was about --  
the --

7 the gist of what I've -- what I've heard.

8 Q. I think I remember that you said that you watched  
Channel 9

9 News regularly.

10 A. I didn't say that.

11 Q. Well, there's something in here about watching  
Channel 9.

12 A. Is there?

13 Q. I think.

14 A. Did I?

15 Q. Well --

16 A. Possibly.

17 Q. I think I read that, but, you know, I could be --

be

18 confused. But I think on page 15, Question 67. No,  
that isn't

19 the one. I'm sorry. The next page, I guess. Yes.  
Page 70 --

20 I mean, page 16, Question 73 is the one. You talk  
about the

21 shows that you watch regularly --

22 A. Oh, yes.

23 Q. -- on television, and that includes 9 News. Now,  
what is

24 the fact?

25 A. Can you say that again?

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1 Q. Yes. What is the fact with respect to your viewing  
habits

2 on television and watching news on that particular  
television

3 channel?

4 A. Well, I pretty much just like to watch the weather  
and

5 sports. I really don't pay attention that much to the

6 beginning. I mean, the -- I'm -- I'm pretty much a  
casual news

7 watcher. I -- I do things while I'm watching the news,  
so I

8 don't pay attention to, I mean, the detail. I mean, I  
don't

9 think I could tell you the evidence that there was  
against the

10 McVeigh trial because I didn't watch it that closely.

11 Q. All right. But you are aware, apparently, of the  
results

12 here, and of course, we've mentioned --

13 A. Correct.

14 Q. -- the results in talking with you in this process.  
But

15 you recall watching news or reading newspapers with  
respect to

16 the outcome of the trial of Timothy McVeigh?

17 A. All I recall is what the verdict was. That -- you  
know,

18 that he was guilty. That's --

19 Q. And the sentence?

20 A. I know it was a life -- no. A death penalty  
sentence.

21 Q. Yeah. And then you say here, "He must" -- speaking  
about

22 Terry Nichols, "He must be guilty since McVeigh has  
been found

23 guilty. And anyone who would intentionally plan to  
kill

24 people, execute their plan, should be punished. I  
haven't

25 heard much of the evidence, though, against Nichols."

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1                   So -- you know, I guess reading this and also  
hearing  
2                   from you now, I'm puzzled about what your opinion now  
is and  
3                   what your viewpoint is.  
4                   A. Well, I think -- I don't know. I think initially,  
I -- I  
5                   did have those feelings of -- of possibly, you know,  
Terry  
6                   Nichols being guilty, but I haven't heard anything, so  
I have  
7                   no proof to back up my feelings, so --  
8                   Q. Well, let me suggest something to you and then you  
tell me  
9                   whether this is right, and that is that when you were  
filling  
10                  out this questionnaire, you had in mind the things that  
you  
11                  have mentioned in the back here about what's this going  
to mean  
12                  to you and your financial circumstances and so forth so  
that  
13                  you, in answering some of these other questions,  
answered them  
14                  in ways that you thought would get you excused. Is  
that a --  
15                  something that went through your mind?  
16                  A. Well, I didn't -- I didn't intentionally answer  
these  
17                  questions in trying to get excused. I answered them  
kind of

18 what my feeling was at the moment, and maybe it was  
clouded by  
19 my feelings of the financial distress that I might have  
to  
20 entail.

21 Q. So are you modifying these -- this answer now?

22 A. Yes, because I don't feel like I know enough -- I  
mean, I  
23 don't have enough information or proof to say that he  
is  
24 guilty.

25 Q. Now, you say also down here at page -- excuse me --  
also on

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1 page 37 that -- Question 163, "The Government must have  
some  
2 evidence against him to proceed."

3 What -- tell us what makes you think that.

4 A. Well, I guess just from the TV shows I watch on TV,  
maybe  
5 "Law and Order" and, you know, they -- they can't  
prosecute  
6 unless they have some evidence, I guess, some -- some  
way of,  
7 you know -- can't be just hearsay. So it's basically  
based on  
8 my perceptions.

9 Q. As to --

10 A. But I don't know if that means that he's -- he's  
guilty.

11 It just means that they have some evidence to bring  
forth a

12 trial.

13 Q. You mentioned a program -- what's the name of it?  
"Law and

14 Order"?

15 A. Yeah. I'm not a very -- I mean, I'm a casual  
viewer. I

16 might watch it -- watch it once a month maybe at the  
most.

17 Q. That's a program about lawyers, is it?

18 A. I think so. Yeah. It's about prosecuting  
attorneys, I

19 think, for the state. A drama program.

20 Q. You also -- excuse me. I didn't mean to cut you  
off.

21 A. I think it's more of a drama program.

22 Q. You also -- I'm flipping back over to page 33, if  
you'll go

23 with me to Question 146. That you did watch the O. J.  
trial

24 proceedings during a few days and watched the news  
about it.

25 Did you watch a part of that trial -- that trial was  
televised

1 of course --

2 A. Right.

3 Q. -- as it proceeded, which is different here. But  
how much  
4 of that trial did you watch?

5 A. It was mostly newscasts. I think I was sick one  
day during  
6 the O. J. trial and I might have had it on, but I mean,  
it  
7 was -- it was very brief. I mean, there was like maybe  
-- I  
8 don't even remember who was on -- who was on the stand  
that  
9 day.

10 Q. And do you think that that case has had some  
influence on  
11 your understanding of the criminal justice system and  
criminal  
12 trials?

13 A. I think I watched the O. J. trial because I was  
more  
14 interested in understanding how the judicial system  
works, you  
15 know, what it's like to be in a courtroom, and that --  
I don't  
16 know if it really clouded my vision. I think it was --

17 Q. I didn't say clouded. I just wanted to know  
whether it  
18 affected you. I'm not trying to put words in your  
mouth.

19 A. I don't think so.

a 20 Q. And that, you know, some people have suggested, was  
21 celebrity trial in many ways and not really  
representative of  
you 22 what happens day in and day out in criminal courts. Do  
23 understand it that way?  
24 A. Yeah. I agree.  
of all 25 Q. Now, I want to talk with you, also, for the benefit

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criminal 1 of us, about your views concerning punishment in  
2 cases. And we have some questions about that --  
3 A. Okay.  
questions 4 Q. -- here, and I'm sure you understand why we have  
because of 5 about that, because this is the kind of case where  
6 the nature of the charges and the possibility of -- of  
involved with 7 punishment by a death sentence, the jury becomes  
we have 8 punishment in this case. Could become involved. And  
9 to ask about it, even though at this time, of course,  
10 Mr. Nichols is presumed to be not guilty. You  
understand that?

11 A. Yes, I do.

12 Q. Basic to the criminal justice system and to our  
13 constitutional system of liberty, of course, is the  
fundamental  
14 principle that any person charged with any crime, no  
matter  
15 what it is or who they are, is presumed to be not  
guilty,  
16 presumed to be innocent of that crime. So in this  
case, as we  
17 sit here this morning with Mr. Nichols, he is presumed  
to be  
18 innocent of all of the charges made against him in this  
19 indictment. Do you understand that?

20 A. Yes, I do.

21 Q. And that presumption carries throughout the trial  
and  
22 causes a verdict of not guilty unless the Government  
proves the  
23 charges against him. And of course, the Government  
having made  
24 the charges through this form of indictment, they have  
the  
25 responsibility to try to prove what they said. And  
therefore,

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1 it is the Government who, through these lawyers, will  
be

2 calling the witnesses, producing the exhibits and  
offering the  
3 evidence in support of those charges.

4 Now, Mr. Nichols, just as any other defendant,  
has no  
5 duty of any kind to produce any evidence at all. He  
doesn't  
6 have the burden of proving himself not guilty. He  
doesn't have  
7 to prove anything. And he does not have to therefore  
call any  
8 witnesses and he does not have to be a witness himself.  
He  
9 doesn't have to take the stand and say anything. Do  
you accept  
10 that?

11 A. Yes, I do.

12 Q. And what that means, of course, is that through his  
not  
13 guilty pleas, he can simply challenge the evidence that  
the  
14 Government offers in support of the charges by  
objections and  
15 under the rules of evidence which apply here, by  
16 cross-examination and the like. Now, he does have the  
17 opportunity to call witnesses if he wants to. That's  
entirely  
18 up to him and his lawyers. But in the event in this  
trial or  
19 any other trial that a defendant does not testify or  
offer any  
20 evidence, the jury may not make any inference from that

or

21 assume, well, he must be guilty or he would have  
testified.

22 They can't do that. Understand?

23 A. Yes, I understand.

24 Q. And in criminal cases that do not involve, as this  
federal

25 case does, the question of the possibility of  
punishment

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1 through death or life imprisonment without the  
possibility of

2 ever being released, the jury does not consider  
punishment at

3 all in the ordinary trial. And in fact, the judges in  
those

4 cases say to the jury, Don't think about punishment  
because

5 punishment's a matter for the court to decide. And  
then in

6 those cases, the court does decide if there is a guilty

7 verdict -- of course, if there's a not guilty verdict,  
that's

8 the end of it. And a guilty verdict can only result if

9 everybody on the jury, all twelve people, believe and  
decide

10 that the evidence that they did hear under the law as  
given to

11 them in the instructions of the court showed the  
defendant to  
12 be guilty beyond a reasonable doubt. What that means  
is then  
13 at the end of the trial when the case is given to the  
jury, the  
14 jurors have to give the defendant the benefit of any  
reasonable  
15 doubt remaining after consideration of all of it. Do  
you  
16 understand that?  
17 A. Yes, I do.  
18 Q. And then -- if there is then a case that's not a  
capital  
19 offense, the judge, before deciding on the sentence  
appropriate  
20 for that particular person, the defendant, must get  
more  
21 information, more about the circumstances of the  
offense and a  
22 lot more about the defendant himself, his background,  
family  
23 history, employment history, all those things that go  
together  
24 to make each one of us a unique being, unique person.  
And then  
25 after hearing arguments and statements from the  
attorneys, the

1 judge decides the punishment and that's it.

2 Now, in this case and in any other case in  
federal

3 court where there is the possibility of a death  
sentence, the

4 jury has to do that. And that's why we need to ask you  
some

5 questions about your attitudes towards the sentence  
because,

6 again, I emphasize, just as this questionnaire  
emphasized, you

7 don't get there unless there's a guilty verdict and you  
can't

8 consider this part of it during what we call the guilt  
phase --

9 that is, the trial -- to determine whether the evidence

10 supports the charges beyond a reasonable doubt. So the

11 possibilities, though, for the jury in a jury  
sentencing case

12 is whether the sentence should be life in prison  
without any

13 possibility of ever being released or death or any  
other

14 punishment provided by law and essentially leave it  
back to the

15 court. Those are the choices.

16 Now, because of those choices, we have asked  
you some

17 things on page 38. No. I'm sorry. 28. And if you'll  
turn

18 there. Your -- you remember addressing these  
questions?

19 A. Yes, I do.

20 Q. And your first answer under A suggests that you  
think or  
21 thought at the time that you answered these questions  
that  
22 putting somebody in prison for life without the  
possibility of  
23 release is a waste of taxpayers' money?

24 A. Well, I believe it is if that person has -- what  
they did  
25 was so bad, you know, that they -- they knew -- you  
know, knew

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1 what they were doing. I guess -- I guess it's -- if  
they  
2 require isolation, like I said, from society for the  
rest of  
3 their life, I guess I don't understand what the benefit  
would  
4 be of keeping them in prison that long.

5 Q. So you think it's subject to -- I guess it's the  
M.B.A. in  
6 you -- maybe that is subject to a cost-benefit  
analysis?

7 A. Well, in a sense. I mean, if that person does  
provide some  
8 benefit or, you know -- I guess, it -- it depends on  
the case,  
9 in a sense. I mean, I don't think it's in every case,

but it

10 could be on a case-by-case basis.

11 Q. Well, let's now -- please understand I'm not  
arguing with

12 you and I'm not saying to you that you're wrong or

anything

13 like that. We just want to know what you think.

14 A. Okay.

15 Q. And we want you to tell us honestly what you think.  
People

16 have very different views about this. And it's one of

the

17 benefits of our society that people can have their own

views

18 and express them freely, so I don't want you to think

that I'm

19 leaning on you here, trying to get you to say anything.

20 A. Okay.

21 Q. I just want to draw you out a little to have you  
explain

22 the views that are expressed by these words in your

answers.

23 A. Okay.

24 Q. Now, you go on in the next one, which is referring  
to the

25 penalty of death, and say, "The only time I believe it

should

1 not be imposed is if the crime was accidental with no"  
-- is

2 that "motive"? -- "with no motive" --

3 A. Uh-huh.

4 Q. -- "no prior planning. Then there might be  
something to

5 correct the thinking of the person." Is that your view  
today?

6 A. Yes, it is.

7 Q. And then going to the next question, a positive  
influence

8 would be something you'd look for before imposing a  
punishment

9 of life in prison. And then finally -- and I'm not  
going to

10 read all these words, but I understand you to be saying  
that

11 death punishment should be imposed whenever the --  
there is a

12 purpose -- purposely planned and executed a plan to

13 intentionally kill someone. Now, is that without  
regard to the

14 circumstances -- anything about the defendant who is  
found

15 guilty of --

16 A. No. It still goes back to what I said about, you  
know, if

17 they positively influence another person or if they  
have some

18 positive impact.

19 Q. Making some contribution to society? Is that --

20 A. Exactly.

21 Q. -- what you're saying?

22 A. Exactly.

23 Q. Okay. So what I am hearing you say is that's the way you

24 think it should be, and you could make these determinations

25 free from what the law is; that is, deciding yourself what the

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1 law is.

2 A. No. I think the law is what -- I mean, can you explain?

3 Q. Yeah. I'll try.

4 A. Okay.

5 Q. I wanted to get your views before explaining to you more

6 about the actual procedure and what the law provides for before

7 a jury can decide this question.

8 A. Okay.

9 Q. That's what I'm distinguishing.

10 A. Okay.

11 Q. So that the answers that you gave us, we didn't instruct

12 you at all about the law concerning the death penalty.

13 A. Correct.

14 Q. And what restraints there are before it can be  
imposed. I

15 want to talk with you about that just a little bit --

16 A. Okay.

17 Q. -- to acquaint you with that. Now, what happens in  
a case,

18 if there is a guilty verdict on the crimes charged and  
for

19 which there is now conviction then by a jury verdict,  
just as

20 is the case with a judge deciding punishment, before  
the jury

21 can decide punishment, they have to hear a good deal  
more. So

22 in a sense, there's a second trial. We sometimes refer  
to it

23 as the sentencing hearing or the penalty phase hearing.  
And in

24 the course of that hearing, both sides have the  
opportunity to

25 provide information, not only more information about  
the

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1 circumstances of the particular crime, but also  
information

2 about the defendant, who he is in terms of his  
upbringing, his

3 background, the things that have influenced and  
affected his  
4 life, what he has done with his life in other respects,  
what  
5 service he's performed for the public, those kinds of  
things,  
6 work experience, family relationships. Again, the  
things that  
7 make each of us human and individual. And what the law  
says  
8 then is that -- and then arguments are given to the  
jury. And  
9 what the jury has to do is, first of all, consider the  
question  
10 of punishment with an open mind; secondly, analyze what  
has  
11 been submitted as what we call aggravating factors,  
those  
12 things that the Government urges should support a death  
13 sentence. Mitigating factors, those things that the  
defendant  
14 would be suggesting demonstrate that death is not a  
justified  
15 punishment for the individual under the circumstances  
of the  
16 particular role in the crime and so forth. And then  
the jury  
17 has to decide. And I've already told you what the  
choices are,  
18 life in prison without ever being released, death, or  
some  
19 lesser punishment, leaving it up to the court.

20 Each juror has to decide that for herself.

But they

21 all have to agree before there can be a sentence to  
death. And

22 what it is is not really a legal analysis as such, but  
you have

23 to consider all that you hear and then decide as a  
moral

24 judgment, should this defendant live or die. That's  
what's

25 involved in penalty decisions by a jury.

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1 Now, the question is -- and I want you to be  
just as

2 forthright as you can -- considering what you've told  
us about

3 your views concerning punishment, would you be able,  
sitting on

4 this jury, to make a decision with respect to Terry  
Nichols if

5 he should be found guilty that would consider all of  
the

6 circumstances shown as mitigating and aggravating  
factors?

7 A. Yes, I think I would.

8 Q. Would you be able to set aside these views that  
you've

9 expressed here that are views that concern what we've  
talked

10 about as maybe a cost-benefit analysis and apply the

factors

11 that would be outlined by the Court?

12 A. Yes, I do. I think, you know, the cost-benefit  
analysis

13 is -- sometimes doesn't account for people, human life,  
so

14 there would be a lot more factors that I would  
definitely take

15 into account besides that in deciding a -- a sentence.

16 Q. And as I said, what it comes down to is a moral  
judgment

17 about another human being. That's the bottom line,  
using a

18 phrase you're familiar with, I'm sure.

19 A. Yes. Correct.

20 Q. And you'd -- you think you would be able to do  
that?

21 A. Yes, I do.

22 THE COURT: Okay. Counsel have some questions  
for

23 you, and I'd appreciate your answering them  
straightforward,

24 too.

25 Ms. Wilkinson . . .

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1 MS. WILKINSON: Thank you, your Honor.

2 VOIR DIRE EXAMINATION

3 BY MS. WILKINSON:

4 Q. Good morning.

5 A. Good morning.

6 Q. As the Judge told you, my name is Beth Wilkinson  
and I'm  
7 one of the prosecutors who's responsible for presenting  
the  
8 evidence against Terry Nichols in this case.

9 You got asked quite a few questions through  
the  
10 questionnaire and by the Judge, but if you don't mind,  
I'd like  
11 to follow up on a few of the issues that the Judge  
raised.

12 A. Okay.

13 Q. I'd like to start with a little about your  
background which  
14 the Judge has tied into maybe some of your views about  
the  
15 death penalty. You said you had an undergraduate and  
two  
16 master's degrees?

17 A. Correct.

18 Q. And that you teach at a school one night a week?

19 A. Right.

20 Q. Teach a computer course?

21 A. Yes.

22 Q. We were all interested in that computer course.  
That's a

23 pretty basic course that you're teaching?

24 A. Yes, it is.

25 Q. And do you have mostly younger students or do you  
also have

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1 older students?

2 A. It's pretty much nontraditional-age students.

3 Q. And when people come into the class, are they  
usually real

4 beginners who have no knowledge about computers?

5 A. It varies.

6 Q. Have you had students like that who really don't  
have much

7 knowledge about computers at all?

8 A. You have some, and then you have some that are  
there

9 because it's a required course and they know -- they  
know what

10 we're talking about.

11 Q. We were just wondering whether you have any room  
left in

12 your class for certain people who might be beginner  
students.

13 MR. TIGAR: Object, your Honor.

14 A. Sure.

15 THE COURT: Yes. That's -- objection,  
sustained.

16 BY MS. WILKINSON:

17 Q. As part of your work, do you interact with a lot of  
people  
18 or supervise a lot of people, or do you work mostly  
with  
19 your -- through your computer and E-mail?

20 A. No. I work with a -- a team and a group of users.

21 Q. Do you supervise any of those people or do you --  
are you  
22 just more of an intermediary with those people?

23 A. I'm more of an intermediary.

24 Q. You told the Judge quite a bit about your views on  
the  
25 death penalty, and we're obviously very interested in  
following

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1 up on those. As you might imagine, just like the  
defense, the

2 Government is interested in receiving a fair trial in  
this

3 case, and the Judge has explained to you what the law  
is in

4 terms of what you would need to be -- what attitude you  
need to

5 have -- that is, a totally open mind -- to come into  
this

6 courtroom to be a juror and also that you would have to  
keep

7 that open mind if you found the defendant guilty and  
you were

8 to determine the penalty. Can you do that?

9 A. I think so. I mean, it gets kind of hard for  
everybody to

10 keep a completely open mind. I mean, you have your  
background

11 and your views of -- of opinions of those issues, but I  
think

12 I'd be able to do that.

13 Q. But you understand that when you come into the  
courtroom as

14 one of the twelve jurors, you would have to take an  
oath; that

15 you would promise to do that. You would do that on  
behalf of

16 the defendant, of course, but also on behalf of the  
Government;

17 that you would set aside any of your opinions, set  
aside

18 anything you'd heard in the news and come in here and  
listen to

19 only the evidence that was presented.

20 A. Yeah.

21 Q. And do you understand why that's important in terms  
of

22 making a decision about whether someone is guilty or  
not but

23 also about what penalty that they might receive if they  
are

24 found guilty?

25 A. Yes, I do.

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instruct 1 Q. If you do that, you understand that the Judge will  
defendant 2 you as to what elements you have to find, whether the  
the law 3 is guilty or not and would you be able to follow his --  
4 as he set it out?

5 A. Yes, I think so.

6 Q. If you found the defendant guilty, you'd have to do  
you. I 7 same thing in the penalty phase as he just explained to  
questionnaire 8 think you set forth some of your views in the  
it 9 about when the death penalty was appropriate and when  
remorse would 10 wasn't. And you -- you focused on, for example,  
that? 11 be one thing that you would consider. Do you recall

12 A. Yes, I do.

13 Q. I think you told the Judge that, now, listening to  
his 14 explanation of the law, that you would consider all the  
factors 15 that he asked you to consider before making any  
decision; is

16 that right?

17 A. Yes.

18 Q. Would you have any problem considering all the  
factors that

19 the Judge set forth in his instructions to you, whether  
they be

20 aggravating factors or mitigating factors?

21 A. I don't think so.

22 Q. So you wouldn't come in with any preconceived  
notions about

23 no matter how heinous the crime is, no matter what was  
proved,

24 that before you decided the punishment, you would  
listen and

25 consider all of those factors?

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1 A. Yeah. I would listen to only what was stated in  
the

2 courtroom.

3 Q. Okay. I think it's clear from what the Judge told  
you, but

4 it's important that you understand that under our  
system and

5 under the law the Judge will give you, we don't have  
any

6 automatic death penalty. You understand that, so no  
matter

are  
guilt,  
those  
7 what someone is convicted of, no matter how many people  
8 killed or what the circumstances are, once you decide  
9 you have to start again and you can't just consider  
10 facts; you have to consider all the other facts?

11 A. Correct.

death  
12 Q. And can you accept that, that there's no automatic  
13 penalty?

14 A. Yes. Yes, I could.

that  
crime was  
is that  
15 Q. You said when you were discussing the death penalty  
16 you would focus on certain factors like whether the  
17 planned, premeditated and whether there was no remorse;  
18 right?

19 A. Correct.

in  
penalty  
factors the  
20 Q. Are there any other factors that you would consider  
21 determining whether someone should receive the death  
22 that come to mind? I realize you don't have the  
23 Judge is going to give you, but that come to your mind?

would have  
for  
24 A. Probably, like I stated, the influence that they  
25 on society or in their community, what they have done

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1 society or the community.

2 Q. So you'd be willing to listen, then, if the defense  
3 presented a background on the defendant, his family,  
where he's  
4 from, what he did?

5 A. Yes.

6 Q. And you would listen to all that?

7 A. Yes.

8 Q. With an open mind?

9 A. Yes.

10 Q. And when you talked about the pretrial publicity,  
you told  
11 the Judge that you probably hadn't listened to as much  
of the  
12 details of the media as we might have understood from  
reading  
13 your questionnaire; is that right?

14 A. No. I -- I've pretty much just -- I mean, I know  
the trial

15 was going on. I mean, I didn't listen to all the  
details. I

16 mean, after a while, you hear so much of the media  
going on and

17 on, it gets really old. I mean, I didn't listen to any  
of the

18 details, really.

not going 19 Q. So you don't know what the evidence is and you're

20 to bring any of those ideas or --

21 A. No.

22 Q. -- information that you heard into the courtroom?

happened 23 A. If I heard it, I don't remember it now, so what

24 with the McVeigh trial wouldn't influence me here.

Terry 25 Q. Can you tell us that you'll come in then and give

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when 1 Nichols the benefit of the doubt, the reasonable doubt,

2 you sit down in that jury seat the first day?

have any 3 A. Yeah, I think so because I don't have -- I don't

4 proof in my mind one way or another.

about the 5 Q. You said that you had some preconceived notions

questions on 6 case. You answered that in maybe one of the last

the 7 publicity. Are the preconceived notions -- what are

8 preconceived notions that you were talking about?

9 A. Well, I guess I did at the time I filled out the  
ideas, but I 10 questionnaire. I thought I had some preconceived

just  
the --  
about all  
preconceived  
part of  
your  
the  
it

11 haven't really listened to the details. Like I said, I  
12 have a brief overview that the trial went on and what  
13 what the verdict was in the McVeigh trial. That's  
14 the information that I had. So in terms of those  
15 ideas, I don't know. I can't -- I guess I can't really  
16 elaborate on what they are exactly.  
17 Q. So if there's something nebulous out there, that's  
18 what you'll set aside when you take your oath?  
19 A. Correct.  
20 Q. And try and sit as a fair juror. You told us in  
21 questionnaire that your brother and your dad were in  
22 military; is that right?  
23 A. Yes, they were.  
24 Q. Was your father a career military person?  
25 A. No.

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1 Q. Or was he in for just a couple years?  
2 A. He -- he -- he didn't retire with the military, so

how 3 wasn't a career. I think it maybe -- I don't even know

4 many years it was. Maybe ten. Maybe.

5 Q. Is your brother still in the service?

6 A. No.

7 Q. And what branch was he in?

8 A. He was in the Army.

9 Q. How long was he in the Army?

10 A. Five and a half years.

Army? 11 Q. And do you know what he did while he was in the

had a -- 12 A. He was a specialist stationed over in Germany. He

what he 13 a top secret security clearance so he couldn't tell us

Institute in 14 did. But I know he went to the Defense Language

15 Monterey to learn Russian.

questionnaire 16 Q. Is that what you were referring to in your

clearance? 17 about being interviewed for a top secret security

18 A. Yes.

19 Q. So he's no longer part of that and you haven't been  
20 interviewed recently?

21 A. No. That was probably six years ago.

22 Q. So it wasn't related to a civilian job?

23 A. No.

24 Q. You told us that your family -- I just want to go

back to

25 your financial hardship because I know that's of great  
concern

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1 to you. You told us that your family had been generous  
enough

2 to offer to support you or help you. Not support you,  
but help

3 you in any way that they could; is that right?

4 A. Right. As much as they could.

5 Q. Do you -- do you feel that growing up in your  
family, that

6 they felt like serving as a juror, doing some kind of  
public

7 service, was important?

8 A. Yes.

9 Q. And do you feel that way?

10 A. Yeah, I do.

11 Q. Do you understand that we bring in a lot of jurors  
who come

12 in here and have some kind of financial hardship?  
Serving on a

13 jury like this is difficult for almost anyone?

14 A. Yes, I do.

15 Q. Do you think you could do that even though it might  
be a --

16 some financial hardship to you over the next couple

months?

17 A. I hope so. I don't know. It's -- you know, it's  
18 difficult. I need to pretty much estimate my finances  
and work  
19 that out in more detail.

20 Q. And would it be -- would it be hard for you to go  
to your  
21 family and ask them -- you know, I know it's one thing  
for them  
22 to offer assistance, but for you to do that calculation  
and  
23 say, I'm going to need a little help over the next  
couple  
24 months? Would you be able to do that so you could sit  
as a  
25 fair juror?

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1 A. Yeah. I think I could to an extent. I don't want  
to put  
2 them in a financial hardship, either. For me -- I  
wouldn't  
3 want to do that to my family.

4 MS. WILKINSON: Okay. Well, I appreciate you  
5 answering my questions. Thank you.

6 JUROR: Thanks.

7 THE COURT: Mr. Tigar . . .

8 VOIR DIRE EXAMINATION

9 BY MR. TIGAR:

10 Q. Good morning.

11 A. Good morning.

12 Q. When you -- I'm Michael Tigar. I've introduced  
myself  
13 yesterday.

14 When you were thinking about how long a trial  
might  
15 take in terms of your personal situation, financial  
situation,

16 did you -- have you made an estimate about that in your  
17 calculations?

18 A. Well, I kind of estimated about two to three  
months.

19 That's kind of just a rough guess.

20 Q. But we're not -- we're not in a position to -- to  
help you

21 with that. There are a number of witnesses and we'll  
just have

22 to see. Could -- could even be longer than that. But  
I wanted

23 to ask you -- I wanted to start out about the -- the  
24 questionnaire and some of the things other folks have  
talked

25 about.

out 1 Were you in the morning or the afternoon group

2 there at Jefferson County?

3 A. Afternoon.

introduction; 4 Q. Afternoon. And you heard the Judge make an

5 is that right?

6 A. Correct.

this 7 Q. And you heard him describe what the charges were in

8 case?

9 A. Correct.

agreement -- 10 Q. That the charge is a conspiracy -- that's an

destroy 11 with Timothy McVeigh and others to use a truck bomb to

it and 12 the Murrah Building and kill and injure the persons in

agents 13 then the use of the truck bomb and then there are eight  
14 separate charges of the premeditated murder of federal

remember 15 who were in the building. And the Judge also -- you

16 that; right?

17 A. Yes, I do.

that 18 Q. Okay. And then do you remember the Judge saying

19 the -- there's a presumption of innocence?

20 A. Correct.

21 Q. And that the results of the Timothy McVeigh trial

may not

22 be considered in any way by the jury hearing the  
evidence as to

23 Terry Nichols?

24 A. Correct.

25 Q. So you heard all that?

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1 A. Yes.

2 Q. Well, then in filling out the questionnaire, you  
had a

3 chance to think about some of these questions and talk  
about

4 them a little more. And I noticed that one of the  
things you

5 mentioned was that you had followed the O. J. Simpson  
trial;

6 right?

7 A. Yeah.

8 Q. Well, let's talk about that for a minute. Did that  
affect

9 your opinion of the criminal justice system?

10 A. No, I don't think so, because I understand it was a  
11 celebrity trial and it was a little different than real  
life.

12 Q. Yeah. How is a celebrity trial different than a  
13 noncelebrity trial?

14 A. Well, I think -- I mean, obviously, that was more  
15 publicized than any other trial that I know of.  
Television

16 cameras were allowed in the courtroom. I don't know.  
Just --

17 it just seemed like the -- the circumstances  
surrounding the

18 trial were completely different than if it was not -- a  
19 noncelebrity.

20 Q. You know some -- O. J. Simpson -- Mr. Simpson  
didn't

21 testify in that trial; do you remember?

22 A. I didn't remember that.

23 Q. You didn't remember. Did you think that -- that  
the

24 verdict in the case was unjust?

25 A. I didn't hear any of the evidence -- I mean, I  
didn't

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1 really -- I mean, really listen to all the specific  
evidence,

2 so I -- I didn't really form an opinion.

3 Q. Well, you notice on your -- on your questionnaire,  
the

4 Judge asked you about what you heard about the Oklahoma  
City

5 bombing and you said you'd heard that -- that's page 36  
-- that

6 McVeigh was found guilty and sentenced to the death  
penalty.

7 "I've heard that Nichols helped plan and execute the  
bombing.

8 I've heard this was a direct plan against the  
Government.

9 Also, many children were injured and killed due to the  
10 bombing."

11 You watched 9 News; right?

12 A. Right.

13 Q. That's one source. Do you get any news about these  
events

14 on the Internet? Have you --

15 A. I don't follow it on the Internet.

16 Q. Have you seen things about it on the Internet?

17 A. No.

18 Q. Now, have you talked about it with -- with other  
people?

19 A. Yes.

20 Q. Talked about it with your boyfriend?

21 A. Well, I don't -- I don't know if it ever came up  
with my

22 boyfriend that much. I mean, it was -- you know, Did  
you hear,

23 by the way, there was a verdict.

24 Q. Give me an example of something that you talked  
about.

25 A. About the Oklahoma City bombing?

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1 Q. Yes.

2 A. I think it was maybe, Did you see those children on  
TV that  
3 were -- you know, that were killed or did you see the  
fireman  
4 with the baby. You know, just things like that. Did  
you hear  
5 about the verdict. He was found guilty, and then  
sentenced to  
6 the death penalty. It's just brief things like that.  
There  
7 was never any real specifics about evidence or anything  
like  
8 that.

9 Q. Well, those -- the images of the children, those  
are pretty  
10 graphic images, aren't they?

11 A. Yeah.

12 Q. And do you -- do you think you'll ever forget  
those?

13 A. Probably not. But -- the only picture that I  
remember  
14 seeing was the fireman holding the one child.

15 Q. Now, did you see any of the news coverage of the  
McVeigh  
16 jurors on television?

17 A. No.

18 Q. Haven't seen them on any of the talk shows?

19 A. No.

20 Q. Well, if -- where did you hear that Nichols helped  
plan and

21 execute the bombing?

22 A. Well, I guess I just heard that those were the  
charges that

23 were brought up against Terry Nichols.

24 Q. Well, do you remember where you heard that?

25 A. I guess probably on the news.

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1 Q. Do you remember what news?

2 A. I'm not really sure.

3 Q. Okay.

4 A. I think maybe it was just in terms of, you know,  
that was

5 the charges that were brought against him. This is the  
way I

6 interpreted them.

7 Q. Are you -- now, this is the first time you ever  
filled out

8 a questionnaire this big about all of your opinions  
about

9 things, isn't it?

10 A. Yes.

11 Q. Take you a long time?

12 A. Yes.

13 Q. You worked hard on it?

14 A. Yes.

15 Q. And you were trying to do your very best?

16 A. Yes, I was.

17 Q. Because it's important to be honest with the Judge;  
right?

18 A. Right. I agree.

19 Q. Well, then, let me -- so let's go on to the next  
page

20 and -- and look at this thing that you have seen Terry  
Nichols

21 on the news. That's Question 159. Do you remember  
where you

22 saw him on the news?

23 A. I think it was when maybe he was -- he was arrested  
or

24 indicted. I just remember seeing him in a -- a flak  
jacket

25 with handcuffs.

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1 Q. Handcuffs and leg chains and so on?

2 A. Yes.

3 Q. What did that image make you think?

4 A. I don't know. I don't know if I really thought  
anything

with 5 about it. Just that they had found somebody involved

6 the -- with the bombing.

7 Q. So you thought -- you thought that they must have  
some

8 evidence if they were going to put him in chains and a  
flak

9 jacket?

10 A. Yeah. I guess that was my initial feeling, yeah.

11 Q. And then this Question 160, everybody is going to  
ask you

12 about it, I might as well, also. You said he must be  
guilty

13 since McVeigh has been found guilty. All right. Now,  
what did

14 you mean when you wrote that?

15 A. I guess it was just from those images that I've  
seen on TV

16 briefly. I guess I think of the government, you know,  
they --

17 they must prosecute someone; and if they have some  
evidence

18 against it, I mean -- because that's initial feelings.

19 Q. So those images that you have, whatever -- was it  
your

20 feeling about -- well, let me just ask you: You  
participated

21 in a drive to give canned goods and other supplies to  
the

22 people in Oklahoma City through your company?

23 A. Yeah, we did.

24 Q. What was that about?

25 A. Well, I -- I -- I don't know. It was just -- our  
company

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1 does a lot of community service things. We do a lot  
of, you

2 know, canned food drives and other things like that.  
So it

3 would just happen to be one of those.

4 Q. And when was that?

5 A. I can't -- I can't remember. It was right after  
the

6 bombing happened. I think.

7 Q. Was that after you -- you remember seeing Mr.  
Nichols on

8 television with the shackles and the jacket?

9 A. I can't remember which -- what the sequence was.

10 Q. And -- well, after you say he must be guilty,  
anyone who

11 would intentionally plan to kill people and execute  
their plan

12 should be punished -- all right -- then you do say, I  
haven't

13 heard much of the evidence, though, against Nichols?

14 A. True.

15 Q. My question is this: Opening day of a trial -- all

16 right -- how are you going to put out of your mind the  
17 conclusion that you wrote here that he must be guilty?  
18 A. Probably because I'm -- because I'm supposed to put  
my  
19 preconceived ideas out and listen to only what's  
presented in  
20 the case.  
21 Q. But I'm asking, how do you think you can do it?  
What'll  
22 you do?  
23 A. I don't know. Shut out my views.  
24 Q. Well, let's look at Question 161: "Have you ever  
had a  
25 different opinion about Mr. Nichols," and you say  
"Yes." Can

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1 you tell me about that? How did -- how did your  
opinion change  
2 over time about Terry Nichols?  
3 A. Well, I guess my opinion changed because I haven't  
heard  
4 any of the evidence. I haven't -- you know, I don't  
have any  
5 proof behind my views on the way I think. I mean, I'm  
a very  
6 logical person, so I have to have proof of the way I  
think or  
7 the things that I do.

8 Q. Uh-huh.

9 A. I don't do things just on a whim. So . . .

10 Q. Okay. Right.

11 A. So that's why my ideas can change.

12 Q. So that's -- they did change. You said here that  
they did

13 change?

14 A. Yes. Yes.

15 Q. So what were they at the beginning and how did they  
change?

16 A. Well, I guess at the beginning, I had opinions that  
he was

17 probably guilty, like I stated on 160.

18 Q. Right. That's -- 160 says, "Have you formed an  
opinion,"

19 and you said, "He must be guilty"; right?

20 A. Right. That was my initial opinion.

21 Q. And then it says, "Have you ever had a different  
opinion in

22 the past," and you said, "Yes."

23 A. Well, that -- I've changed it since then.

24 Q. Since when?

25 A. Since --

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1 Q. Since 160?

2 A. Since my initial opinion.

3 Q. I'm sorry. I'm -- I'm not -- I'm not  
understanding. Maybe

4 you --

5 A. Well, I guess the more I evaluated why I thought  
that way,

6 I mean, I -- I initially thought, well, he must be  
guilty. But

7 then when I started evaluating why do I think that way,  
I had

8 no proof. I had no reason to think that way.

9 Q. I see.

10 A. So that's why I changed my opinion.

11 Q. Okay. Could you go -- could you help me, then.  
Here's

12 161. You say, I wasn't sure in the beginning; right?  
So you

13 weren't sure in the beginning; is that right?

14 A. It's kind of teetered back and forth. Right at the  
15 beginning, I didn't have that much of an opinion. Then  
I

16 thought, well, he must be guilty, you know, if they are  
17 prosecuting him; and then I started evaluating why do I  
think

18 that and realized I have no proof. I have no way of  
knowing

19 that.

20 Q. Okay.

21 A. So that's why I changed it again. So it's been  
teetering

22 back and forth.

23 Q. So let's look. When you -- you weren't sure at the  
24 beginning; right?

25 A. Right.

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1 Q. Okay. Then you did get sure; right?

2 A. Somewhat, for a short period of time.

3 Q. Right. For a short period of time; and that's why  
you

4 wrote on 160 he must be guilty. Was that during the  
time that

5 you were sure?

6 A. That was -- that was one of the opinions I had,  
yes.

7 Q. Okay. So at the time you answered 160, you were  
sure.

8 Then on 162, you say I heard -- have heard he may have  
a hard

9 time due to McVeigh's verdict. All right. What do you  
mean?

10 A. Well, I mean, he may have a hard time getting a  
fair trial

11 because of -- of McVeigh's trial.

12 Q. Why --

13 A. Just because of all the publicity and, you know,

14 probably -- I mean, if Nichols was tried before

McVeigh, I

15 guess there wouldn't be any preconceived ideas or any  
media

16 coverage so -- that was just an opinion I had.

17 Q. All right. What kind of publicity do you think  
would make

18 it hard?

19 A. Well, I guess the media coverage. I don't know. I  
mean, I

20 know there's some people out there that watch the trial

21 intensely and evaluate all the evidence that they hear  
and --

22 Q. Who did you hear that from; that you heard he may  
have a

23 hard time?

24 A. I don't know. I guess that was kind of my opinion,  
in a

25 sense. I mean, I don't know if I ever really discussed  
it with

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1 anyone or heard it on the news.

2 Q. And then -- well, as a result of the McVeigh trial,  
how did

3 your opinions change about Terry Nichols, or did they  
change?

4 A. I don't think they changed.

5 Q. Okay. Well, at Question 163, you say, "How, if at  
all,

Timothy 6 have your opinions changed as a result of the trial of  
7 McVeigh," and you said, "Yes." Now, what --  
8 A. It kind of teetered. I mean, I have not come down  
to an 9 exact opinion on Terry Nichols. I mean, they teetered  
back and 10 forth between guilty, not guilty, back and forth. I  
mean, I 11 have no way exact definite opinion either way. That's  
why in 12 these questions, I kind of go back and forth because --  
I mean, 13 that's the way I am. I'm a very logical person, and I  
want to 14 evaluate all the specific details before I really make  
an 15 opinion; so, you know, everybody makes kind of a  
preconceived 16 idea of, you know, their initial idea of whether he's  
guilty or 17 not guilty; but then until you hear the evidence, I  
don't -- my 18 opinion is I can't. I can't make a firm decision.  
19 Q. So on the 17th of September, your opinion was that  
he was 20 guilty; right?  
21 A. I think it still teetered back and forth.  
22 Q. Well, on the 17th of December (sic), you wrote down  
that 23 you thought he was guilty; right?

24 A. It probably could have been that afternoon what I  
thought.

25 Q. And -- well, I noticed several times that when the  
judge

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1 was talking about Mr. Nichols, you looked over at him.  
Maybe.

2 Maybe I'm wrong. What do you think as you -- about him  
as you

3 look at him today?

4 MR. MACKEY: Judge, objection.

5 THE COURT: Overruled.

6 JUROR: I don't know. I don't think I really  
have any

7 opinion. Really.

8 BY MR. TIGAR:

9 Q. Well, let's turn to some of these questions about  
potential

10 punishment. Before -- since you got your jury summons,  
have

11 you talked about your possible jury service with people  
where

12 you work?

13 A. Yes, I have.

14 Q. And tell me what they said and what you said.

15 A. Well, I just -- I mean, I notified my boss that I  
had been

16 summonsed --

17 Q. Right.

18 A. -- so that they knew that I had to appear.

19 Q. Uh-huh.

20 A. I don't know. They -- I mean, they were worried to  
lose me  
21 for -- for the length of the trial.

22 Q. Sure.

23 A. But nobody -- nobody tried to persuade me one way  
or  
24 another. They understand that I can't -- I'm not  
supposed to  
25 speak to anybody about it or anything. They have been  
very

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1 good about it.

2 Q. Have they expressed opinions?

3 A. No.

4 Q. And have you -- have you talked about the problems  
of jury  
5 service with other potential jurors, either here --  
here or on  
6 your way or at Jefferson County?

7 A. I don't think so. I mean, the financial aspect,  
maybe,  
8 saying that my company only pays for ten days; but I  
don't

9 think anything more than that.

10 Q. And after the -- the company pays for ten days and  
then  
11 you're -- I don't want to pry into this, but you're  
worried  
12 about the financial problem of the condo payment; is  
that  
13 right?

14 A. Well, yeah. I mean, I've got a condo payment and a  
car  
15 payment, you know. You've got to pay electricity and  
phone  
16 and --

17 Q. Student loans?

18 A. I don't have any student loans.

19 Q. And is that -- can you tell us about how much that  
is a  
20 month, what that burden is?

21 A. Well, I'm -- I'm not much of -- I'm not very good  
at  
22 writing everything down. I mean, most of it's  
automatic.

23 Let's see. I've also got homeowner's dues on top of  
that. You  
24 know, I mean, everybody has -- I'd say probably 13- to  
\$1500 a  
25 month.

Juror No. 583 – Voir Dire

to you: 1 Q. Well, here's -- here's the question I have to put  
of 2 Suppose you're a juror in a trial and it goes a couple  
They 3 months. You know, the government gets their ups first.  
4 do their part first. You know that?

5 A. Yes.

Now, if 6 Q. They put their evidence on. Then it's our turn.  
putting 7 we get into a third month and it's our turn and we're  
to happen 8 on evidence the third month, the crunch really starts  
sit there 9 more for you in terms of hardship. Are you going to  
Woods and 10 saying, You know, when is this guy Tigar and that guy  
that we 11 Nichols -- when are they going to close this down so  
12 can get back to work?

stuff 13 A. I hope not. I mean, I hope I can get my financial  
14 all taken care of before I come to --

15 Q. Does that worry you?

16 A. At this point, yes.

28. You 17 Q. Okay. Well, I said we were going to get to page  
18 know what the charges are. The charges are a  
conspiracy to --

19 which is an agreement, an intentional agreement to use  
a weapon  
20 of mass destruction to blow up a building. Now, coming  
in here  
21 today, do you have a feeling about what the appropriate  
22 punishment is for somebody that's convicted of that?  
23 A. No.  
24 Q. I'm -- I'm wondering here. You talked about the  
life in  
25 prison without possibility of parole as being a waste  
of

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Juror No. 583 - Voir Dire

1 taxpayers' money. Do you remember that?  
2 A. Yes.  
3 Q. Now, is -- where did you -- can you remember the  
first time  
4 that you formulated the idea that this is a waste of  
taxpayers'  
5 money, holding people in prison all those years?  
6 A. I don't know. I don't know when I formulated that  
opinion,  
7 no.  
8 Q. Can you remember who you've -- have you talked  
about the  
9 death penalty with your parents?  
10 A. Maybe within my family a long time ago. I don't  
think it's

11 anything the past couple of years.  
12 Q. And before you came out there to Jefferson County  
and  
13 filled out the questionnaire, can you remember a time  
before  
14 that when you had a talk with somebody about punishment  
or  
15 penalty?  
16 A. Possibly. I don't -- I don't remember specific  
details.  
17 Q. Well, can you help me with that? As much as you  
can  
18 remember.  
19 A. I just remember -- I guess, you know -- I don't  
know. Just  
20 talking about, you know, how much it cost to keep  
somebody in  
21 prison and -- and, you know, but what about their life,  
though,  
22 and what contribution do they make.  
23 Q. Right.  
24 A. I mean, it's -- it is a tradeoff. It's definitely  
a --  
25 Q. And how much -- who can you remember talking about  
it with?

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Juror No. 583 - Voir Dire

1 Do you know?  
2 A. I don't know. It might have been a family

discussion. I

3 don't -- I don't remember specifically who it was.

4 Q. Well, here's -- here's my concern. Do you -- do  
you think

5 that that opinion of yours which you held for some time  
--

6 would that have some influence on your -- on your

7 decision-making?

8 A. Maybe. Maybe not. It would depend on the  
circumstances.

9 I mean, this is a general view. I mean, it's -- I  
think every

10 case is different. I think every specific case is  
different.

11 Q. I understand. I'm just saying that you would feel  
you

12 would take that into account in making your decision?

13 A. In making my decision here in the courtroom?

14 Q. Well, if -- if you were confronted with it. I'm  
not

15 talking about this case. I mean, we should be clear:  
Here's

16 Terry Nichols. He is presumed innocent. Innocent.

17 A. Right.

18 Q. So -- but we don't -- we don't get to ask questions  
19 anymore. This is our only time. So our view is there  
won't

20 ever be this kind of a penalty phase or a life phase.  
But if

21 there is, in any case, if you were a juror, would you  
be

analysis 22 thinking, Well, I have an opinion that this financial  
decision? 23 is important. Would that play some role in your  
24 A. I don't think it's a big role, no.  
25 Q. Would it play some role in your decision?

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Juror No. 583 - Voir Dire

aside 1 A. No. I don't think so. I think I'd try to place it  
2 and weigh the evidence that's here in court.  
death 3 Q. Now, you say that the only time you believe that  
Do you 4 should not be imposed is if the crime was accidental.  
5 remember that?  
6 A. Yes, I did.  
7 Q. Okay. And so -- how about somebody convicted of  
murder. 8 premeditated murder? Eight people dead, premeditated  
9 Penalty.  
And like 10 A. I don't know. I mean, it depends on the person.  
on the -- 11 I said later on, you know, it depends on, you know --  
12 the benefit they have into society.  
13 Q. Uh-huh.

say in 14 A. I mean, to me, it depends on the person. I can't  
15 every case, that's the way I feel.  
concerns 16 Q. Right. Well, you did write -- quite frankly, what  
is if 17 me -- "The only time I believe it should not be imposed  
day? 18 the crime is accidental." Did you believe that on that  
that. 19 A. Well, this is a general opinion. But I still have  
20 Q. I understand.  
opinion; but 21 A. It's a general -- I mean, it's just my general  
had to 22 I still think it's based on a case-by-case basis, if I  
23 decide that for one particular case.  
before 24 Q. So that general opinion is one you held for a while  
25 you came out there on the 17th?

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Juror No. 583 - Voir Dire

today? 1 A. I think so.  
2 Q. And do you still hold it as a general opinion  
3 A. I think so.  
4 Q. And --  
5 A. But it still depends on the case.

6 Q. All right. Are you saying in a case in which  
something  
7 more than accidental death was proved that you could be  
8 convinced out of your general opinion?  
9 A. Yeah. I think so.  
10 Q. And would it take evidence to convince you --  
11 A. Yes.  
12 Q. -- out of your general opinion?  
13 A. Yes, I think so.  
14 Q. So the general opinion is sort of a background  
principle  
15 that -- that you use that as a part of your thinking  
about it?  
16 A. Yeah. But if there was proof otherwise --  
17 Q. And it's -- do you feel the same way about the  
trial; that  
18 is, you might have had something that you've read about  
Terry  
19 Nichols, but if we were able to bring you some evidence  
to show  
20 that he didn't do it, that you could acquit him?  
21 A. Yeah. I think so.  
22 Q. Well, let me get on to something that maybe is a  
little  
23 more pleasant here than -- or less emotionally charged.  
You --  
24 you said that you enjoyed traveling.  
25 A. Yes, I do.

## Juror No. 583 – Voir Dire

1 Q. Where?

2 A. Anywhere.

3 Q. Anywhere but right in that chair you're sitting in  
right

4 now; right?

5 A. No. I like -- I like to see different parts of the  
6 country. Different cultures. I've only been out of  
the

7 country once to Europe.

8 Q. Where did you go in Europe?

9 A. I went to Germany.

10 Q. Uh-huh.

11 A. I went to Prague and went to Paris.

12 Q. And what did you think of the different cultures  
and people

13 that you saw there?

14 A. It really was interesting. It really makes you, I  
guess,

15 appreciate the way we live here in the United States.

16 Q. How so?

17 A. Well, I mean, Prague is a -- well, maybe not  
anymore, but

18 when I was over there, it was very poor.

19 Q. When was that?

20 A. I have a hard time remembering dates.

Soviet 21 Q. It was before -- before the collapse of the former  
22 Union? Was --  
23 A. No. It was after that.  
24 Q. It was after?  
25 A. It was probably maybe four or five years ago.

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Juror No. 583 - Voir Dire

1 Q. I see.  
2 A. And you know, purchasing crystal in what seemed to  
me is  
3 almost monopoly money, buying crystal that we think is  
so great  
4 over here. I mean, I just felt sorry for those people.  
5 Q. And how about Paris?  
6 A. I guess Paris didn't turn out to be the place I  
thought it  
7 was going to be.  
8 Q. What was disappointing about it?  
9 A. Just -- just the people. And --  
10 Q. Felt they were a little rude?  
11 A. Yes.  
12 Q. Kind of like New Yorkers with different hats?  
13 A. I don't know.  
14 Q. What places have you been in the United States?  
15 A. When I was a kid, my parents always took us in a

camper

16 across the United States for three weeks.

17 Q. I notice you're philanthropy chairman for your  
sorority.

18 A. I was.

19 Q. What sorts of projects did you get involved in  
there?

20 A. I was just basically fundraising money-wise. We  
would

21 do -- what did we do? Maybe sell things at school to  
get

22 money. Some of them were -- I think it was the March  
of Dimes.

23 Q. Right. And is that something you're still  
interested in;

24 that is, fund-raising for charity?

25 A. I haven't been involved in that since then, no.

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Juror No. 583 - Voir Dire

1 Q. You mentioned that you might have read a book by  
John

2 Grisham.

3 A. But I can't remember which books he -- he wrote.

4 Q. They were all the same -- excuse me. But what was  
that one

5 about?

6 A. I don't remember.

7 Q. Oh.

8 A. That's why I put it might have been.

9 Q. Did it give you a view of lawyers and the legal  
system?

10 A. No.

11 Q. No. It wasn't about that?

12 A. No, I don't think so.

13 Q. Okay. But it sure didn't stay with you?

14 A. No.

15 Q. Nothing that would influence what you have to do  
here?

16 A. No.

17 MR. TIGAR: May I have just a moment?

18 THE COURT: Yes.

19 BY MR. TIGAR:

20 Q. I was reminded that at Question 65 -- I'm supposed  
to be  
page 15.  
service  
penalty."  
before?

21 better at this. You said do you have any -- it's at

22 "Do you have any political beliefs that may affect your

23 as a juror?"

24 And you said, "I do believe in the death

25 That's that background opinion we were talking about

1 A. Correct.  
2 Q. Okay. And Question 11. And I know -- I don't want  
to  
3 intrude. Was that a -- a family situation, or a close  
friend?  
4 A. They died of a sudden death -- SIDS. It was -- it  
was a  
5 close friend of mine that I've grown up with. It was  
her --  
6 her cousin.

7 MR. TIGAR: Well, thank you very much.  
8 THE COURT: All right. Well, we're done; and  
you're  
9 done with this questioning of you. And we, of course,  
I hope  
10 you understand, will be talking with other people. And  
there's  
11 no timetable that I can give you an estimate of as to  
when a  
12 decision will be made with respect to who will serve.  
So you  
13 have to leave here today now with the understanding  
that you  
14 may be serving in this case.

15 So please continue to follow the cautions that  
were  
16 given to you when you left from the questionnaire  
session,  
17 avoiding all publicity concerning the case and avoiding  
18 conversations with others, including conversations  
about your

I can't 19 experience here. We'll be back in touch with you, but  
20 tell you when.

21 JUROR: Okay.

22 THE COURT: So you're excused for now.

23 And we'll ask 624 in.

take 24 If you will, please, raise your right hand and  
25 the oath from the clerk.

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1 (Juror No. 624 affirmed.)

2 THE COURTROOM DEPUTY: Thank you.

3 VOIR DIRE EXAMINATION

4 BY THE COURT:

5 Q. Please be seated.

6 Good morning.

7 A. Good morning.

interrogatories 8 Q. You have already answered a lot of the

9 about being possibly a juror in this case, haven't you?

10 A. Yes, I have.

chance 11 Q. And you do understand that you have been through a  
name 12 process, picked out of the crowd, as it were, and your

13 came up and you received a summons for possible service  
as a  
14 juror in the case of the United States against Terry  
Lynn  
15 Nichols. And we're going to be asking you some  
questions about  
16 that. You appeared earlier on September 17th at  
Jefferson  
17 County Fairgrounds and answered a lot of written  
questions.  
18 And I'm sure you remember that day.  
19 A. Yes.  
20 Q. And you also remember that at that time, I was  
there,  
21 introduced something about the case, but also  
introduced some  
22 of the participants. And I want to do that again so  
that you  
23 know who's here sitting in front of you. At this first  
table  
24 are the lawyers for the Government. You remember that  
you met  
25 Mr. Lawrence Mackey, who is the first one; Ms. Beth  
Wilkinson.

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Juror No. 624 – Voir Dire

1 They were there with me. Also here this morning, Mr.  
Patrick  
2 Ryan. He was not present then. And Mr. James  
Orenstein is at

3 this table.

4 At the other table, you recall being  
introduced to

5 Mr. Michael Tigar and Mr. Ronald Woods, attorneys for  
Terry

6 Lynn Nichols; and here is Mr. Nichols, who was also  
present at

7 that time.

8 And I take it that you remember that before  
the -- we

9 asked you to fill out the questionnaire, I gave you  
some

10 explanation about the background of the case, how it  
was moved

11 from Oklahoma City to Denver, why there are separate  
trials

12 even though Mr. Nichols is named with Mr. Timothy  
McVeigh, and

13 something about the indictment, the charges in the  
indictment,

14 which, you'll recall, I said basically that Mr. McVeigh  
and

15 Mr. Nichols and other persons not named in the  
indictment are

16 accused of a conspiracy to bomb a building, federal  
office

17 building in Oklahoma City and also, accused of that  
bombing and

18 the murder of eight law enforcement agents of the  
government.

19 Do you recall all that?

20 A. Yes.

and you 21 Q. Okay. And then you did fill out the questionnaire;

22 have it there in front of you now, or you should have.

23 There it is. Have you reviewed it while  
you've been

24 waiting here this morning? Did you read it over?

25 A. Oh, no. They handed it to me as I walked in the  
door.

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Juror No. 624 - Voir Dire

1 Q. Just as you came in. Okay. Well, I want you to  
feel free

2 to make any changes in there, if there are any. We  
understand

3 the broad range of questions that were asked of you,  
and some

4 of the questions are quite personal and may be thought  
by you

5 to be invasive of your privacy. And we understand  
that. We

6 wish we didn't have to do this, but we will protect  
your

7 privacy as much as we can. That's why your name is not  
being

8 used and you're referred to by a number. And these  
questions

9 and answers, of course, are in public; but the  
questionnaires

10 are not.

11 But I want to ask you a few questions about

some of

12 the things that you wrote here. But before I do, I  
want you to

13 understand you can change your answers, because we know  
that

14 under those circumstances, what you wrote down, you  
might have

15 thought about and say, Well, I wish I'd have answered  
it this

16 way or that way because there's a difference. If there  
is

17 anything like that, you tell us. Okay?

18 A. I can't remember.

19 Q. Well, it'll be all right. I'm just talking about  
as we go

20 along.

21 A. Okay.

22 Q. Now, something else that I told you before you left  
out

23 there -- you and the others -- that you have to assume  
that

24 you're going to serve on the jury and, therefore, you  
have to

25 be careful about anything that's in any publicity on  
radio,

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Juror No. 624 - Voir Dire

1 television, newspapers or whatever, to avoid being  
influenced

that's 2 by that and also in conversations with others. We know  
if a 3 not easy, because there's a lot of it out there. And  
to the 4 person is used to watching a news program or listening  
something. 5 radio news or something, inadvertently, you can hear

serving 6 And people, when they find out that you possibly may be  
Tell 7 on a jury are very curious and want to talk about it.  
you were 8 me, tell us, if anything like that has happened since  
9 together with us.

comes on, 10 A. Well, I have not watched any of the TV. When it  
11 I click it off.

12 Q. Okay.

say, and I 13 A. You know, I've had people say -- tell me what to  
14 just ignore them.

15 Q. All right.

really by 16 A. But no, I haven't been pressured at all, though,  
17 anybody.

remember it 18 Q. You had a -- a rather routine practice, as I  
news. 19 from your questionnaire, of watching 7 a.m. television

20 A. Uh-huh.

21 Q. As you get ready for the day, I guess.

22 A. Uh-huh.

23 Q. Have you stopped doing that?

24 A. No. I just click it off. I have the clicker right  
beside  
25 me; and if it comes on, I just switch to another  
channel.

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Juror No. 624 - Voir Dire

1 Q. What channel do you normally watch?

2 A. 4.

3 Q. 4. Now, as I understand it, you're living in  
Arvada. You  
4 were born here in Colorado and lived in Colorado  
continuously?

5 A. Yes.

6 Q. And I'm a little uncertain about your -- the jobs  
that you  
7 have, because it's mentioned here you've got four --  
you had

8 four part-time jobs and you got --

9 A. I still have them.

10 Q. Still have them. Tell us what they are.

11 A. I'm a remedial reading tutor, and I work six hours  
a day in  
12 an elementary school. I take care of my two  
grandchildren

13 right after school. That's for three-and-a-half hours.

And

goods 14 then I have two sewing jobs where I sew for a sporting  
mending 15 store and Arvada Junior Baseball League; and I do the  
16 of all their uniforms.

17 Q. And you do that at home?

of them, 18 A. Uh-huh. Yeah. Three of them are at home and one

I work 19 I'm out of the home. I work -- I have 46 children that  
20 with.

21 Q. At the school down there?

22 A. Uh-huh.

age? 23 Q. And that's an elementary school. Do they range in

24 A. First grade through sixth grade that I work with.

problems? 25 Q. Okay. And some of them -- they all have reading

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Juror No. 624 - Voir Dire

1 A. Right.

disability 2 Q. Is that -- some of them have full developmental

3 or --

I work 4 A. No. Now, that's a special ed. What it is is that

5 with students that their reading level is below grade

level,

6 and it averages from one year to four years below grade  
level.

7 Q. Okay. And what kind of training did you have to do  
this

8 work?

9 A. It's through a federally funded program called --  
it was

10 Title I and Chapter 1, and now it's back to Title I;  
and I've

11 had probably 20 years of training to do this.

12 Q. And you --

13 A. I'm actually considered a reading specialist; and  
I'm

14 called in if a teacher doesn't know what's wrong with a

15 student. Then I can work with him several hours or --  
you

16 know, over a period of several days to try and diagnose

17 a  
visual

18 problem. I'm in the process of -- of going through a  
reading

19 problem -- we're finding out that 70 percent of the  
take

20 problems can be a visual problem. And so I want to  
isn't

21 training in that to where I can diagnose -- "diagnose"  
we can

22 really the -- quite the word. I give a little test so  
don't have

23 recommend that they go to a doctor, because if you  
convergence, if your eyes can't converge on to a word

--

24 Q. Uh-huh.

25 A. You know, dyslexia is one of the problems.  
Hyperactivity

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Juror No. 624 - Voir Dire

1 can be another problem.

2 Q. I think you -- I think you've explained the work.  
Thank

3 you.

4 A. Yeah.

5 Q. Okay. Now, do you also do some tutoring of  
individual

6 students?

7 A. Yeah. I do one-to-ones and I do groups.

8 Q. Okay. And you've been doing this --

9 A. 28 years.

10 Q. 28 years. Now, you're married. Your husband is  
11 semi-retired.

12 A. Uh-huh.

13 Q. And you show here that he does some work at the  
Adams

14 County work release facility?

15 A. Yeah. Corrections. Yeah.

16 Q. Where people who are under sentence check in?

17 A. I think they live there. I really don't know that

much

18 about them, but they're -- I think he's -- it is a work  
release  
19 where they stay there and they are on work release and  
they go  
20 out and work.

21 Q. They go out and perform work and come back?

22 A. Yeah.

23 Q. They are all under the control of a -- the sheriff?  
His --

24 well, does he work with them at all or --

25 A. No. He does the maintenance and the --

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Juror No. 624 - Voir Dire

1 Q. Takes care of the physical facility?

2 A. In -- yeah. The -- the electrical and plumbing and  
3 locksmithing.

4 Q. And he was self-employed doing work like that?

5 A. Yeah.

6 Q. Is that right?

7 A. Basically did it through the VA.

8 Q. On houses?

9 A. Yeah.

10 Q. Fixing --

11 A. VA repo's.

then for 12 Q. Fixing up VA houses that had been repossessed and  
13 resale?

14 A. Yeah.

what it 15 Q. Okay. Now, a question that we have, of course, is

jobs that 16 would mean to you and the responsibilities of these

involved in 17 you have if you were to serve on this jury and be

length of 18 this trial for several months. We can't estimate the

19 the trial.

husband 20 A. It would be very difficult. One reason why my

And he 21 retired is because he has degenerative spine disease.

he 22 can't put his head back anymore, or he passes out. And

the four 23 didn't have retirement; and so the reason why I have

make 24 jobs is because I am now the breadwinner. And I don't

to be 25 that much money, so I have to have that many jobs to --

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Juror No. 624 - Voir Dire

1 able to put the food on the table and --

2 Q. Now, this --

the  
off. And I  
hour

3 A. It wouldn't -- one I would have to give up would be  
4 grandkids, and then I would have to sew after I got  
5 would -- you know, it would be putting in probably 18-  
6 days, 16-hour days.

7 Q. Now, are the grandchildren because your -- their  
mother and  
8 father are both working?

9 A. Yes.

10 Q. So you're helping them. Is it your daughter or --

11 A. She pays me. She pays me.

12 Q. Okay. And they would have to get a substitute?

13 A. Right. And we've already worked that out. I've  
already  
14 found somebody else to take care of the kids.

15 Q. Okay. Now, how about the school? Did you say  
that's a  
16 federal grant program?

17 A. It's a federally-funded program. Yeah. It would  
be hard  
18 in the essence that these children are so far behind  
already.

19 And I'm just now starting to see the growth, especially  
with my  
20 one-to-ones.

21 Q. I appreciate your concern about the children. I  
want to  
22 talk about the concern of you personally, too, as to  
whether

23 your pay would continue.

24 A. No. I would -- I would continue to get paid.

25 Q. Okay.

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Juror No. 624 - Voir Dire

1 A. Yeah, there's no --

2 Q. You've already talked to them about that?

3 A. Through the Jefferson County School District,  
there's no

4 problem that way. And I have four months of sick  
leave, so I

5 could always take sick leave.

6 Q. Okay. So it's doable?

7 A. It's doable.

8 Q. Your -- if I can turn to the questionnaire with  
you. You

9 have a -- page 11, an answer that I wanted to ask you  
about.

10 And that is where -- Question 53, where we list all  
these

11 agencies --

12 A. Uh-huh.

13 Q. -- and whether you or anybody in the family have  
been

14 employed by any of them. And you show Department of  
Treasury.

15 A. My husband worked for the Mint.

16 Q. Okay. That's -- that's the source of -- or the  
reason that

17 you answered that yes?

18 A. Right.

19 Q. Okay.

20 A. That was 16 years ago.

21 Q. All right. Then you -- you've never been on a  
jury, have

22 you?

23 A. No.

24 Q. Or particularly followed criminal trials or the  
criminal

25 justice system?

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Juror No. 624 - Voir Dire

1 A. No.

2 Q. Let me explain a few things here to be sure that  
you have

3 an understanding about this process we're involved  
with, and

4 one is what a trial is. And I don't mean to insult you  
in

5 talking about these things in basic terms, but it is  
important

6 that we all understand the fundamentals. And the  
fundamentals

7 are that Mr. Nichols has been charged in this  
indictment; that

8 as I told you earlier, he's presumed to be not guilty  
of all of  
9 those charges because he entered pleas of not guilty.  
And  
10 under our constitutional system, the mere fact that a  
person  
11 has been charged in this process cannot in any way be  
12 considered as any kind of evidence against him and  
can't be  
13 considered at all except in terms of that's what the  
Government  
14 tells us lawyers will attempt to prove at the trial. So it  
tells us  
15 what the trial will be about, and that's all it tells  
us.

16 The law then says that what this presumption  
of  
17 innocence means is that, first of all, it's up to the  
18 Government to prove those charges by legal evidence.  
No person  
19 accused, no matter what the crime is or who he is, has  
any  
20 burden or duty of calling any witnesses or introducing  
any  
21 evidence at his trial. He certainly doesn't have to  
prove  
22 himself not guilty. Indeed, he doesn't have to prove  
anything.  
23 And that includes, of course, that he not take the  
witness  
24 stand as a witness and testify or explain anything.  
You

25 understand those principles?

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Juror No. 624 - Voir Dire

1 You have to answer out loud because we make a  
record

2 of your answers.

3 A. Yes, I do.

4 Q. And then the defendant, through his counsel, can  
simply

5 challenge all of the Government's evidence by  
objections to --

6 under the rules of evidence by cross-examining, by  
arguing that

7 the evidence is insufficient, and so forth. The  
defendant can

8 call witnesses if he wants to, but there's no  
obligation to do

9 so. And if, at the end of the trial, a defendant has  
not

10 introduced any evidence or testified, the jury cannot  
consider

11 that in any way. In fact, the court, the judge,  
routinely

12 instructs jurors in those situations that, look, that's  
not any

13 kind of admission, you can't even talk about it when  
you talk

14 about the evidence in the case. And then the jury is  
also told

15 that the Government must prove the case beyond a

reasonable

16 doubt, which means that if, after considering  
everything that's

17 been presented at the trial and following the law as  
what must

18 be proved to prove the elements of the particular  
offense

19 charged, the jurors have a doubt, a reasonable doubt  
about

20 whether the defendant has been shown to be guilty, they  
have to

21 give him the benefit of that doubt and find him not  
guilty.

22 Now, do you accept those principles?

23 A. Yes, I do.

24 Q. And you agree to follow them if you were to serve  
on this

25 jury?

330

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1 A. Yes, I would.

2 Q. And the law also in this case gives the jury an  
additional

3 responsibility, which is not normally true in a  
criminal case.

4 And in this case, if there were to be a verdict of  
guilty, the

5 jury has a role -- in fact, the defining role -- with  
respect

6 to punishment because this case, the crimes charged  
carry the  
7 possibility of a sentence to life imprisonment without  
any  
8 possibility of ever being released or death.

9 Now, that's why we asked you some questions in  
this  
10 questionnaire about your views and attitudes towards  
the death  
11 penalty, and I want to turn to that before talking with  
you  
12 further about the law. These questions and your  
answers are  
13 found on page 28. If you'll turn to that page, please,  
and  
14 just take a moment to review what you wrote there.

15 Have you read your answers?

16 A. Uh-huh.

17 Q. I want to ask you a few follow-up questions with  
respect to  
18 that. First of all, tell us whether, in answering  
these  
19 questions, this is the first time you've thought very  
seriously  
20 about this question of the death penalty and when it  
should be  
21 imposed.

22 A. I've thought long about it.

23 Q. You have. Over time?

24 A. Over time. Yeah.

25 Q. And discussed it with others?

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1 A. Uh-huh.

2 Q. Like your husband?

3 A. Uh-huh.

4 Q. And has it happened that you've talked about it in  
terms of

5 any particular cases other than this one now?

6 A. Yes. There were cases.

7 Q. Like what comes to mind?

8 A. Oh, the one they are going to execute right now.  
What's

9 his name?

10 Q. In Colorado?

11 A. In Colorado. Yeah. Davis, is it?

12 Q. I think so.

13 A. Yeah. Talked about that. I thought that was very  
14 deserving. I thought that should have been the death  
penalty.

15 Q. Did you follow the newspaper or television accounts  
of that

16 trial and the -- what's followed?

17 A. I rarely -- I don't watch television very much and  
-- I

18 don't have time, and I read -- I just kind of flip  
through and

19 if there's an article I might want to read on the  
newspaper --

20 Q. Do you remember what he was found guilty of doing?

21 A. Rape and murder.

22 Q. And do you remember the publicity about the crime  
at the

23 time that it was reported?

24 A. Yeah. It was -- yeah. I remember it.

25 Q. Okay. Other cases come to mind? I mean, in these

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1 discussions.

2 A. Oh, in the discussions.

3 Q. Yeah. Not -- not with me this morning, but the  
things --

4 the kinds of cases you've talked about in the past.

5 A. The Chuck E. Cheese case.

6 Q. Okay.

7 A. Oh, the one where he shot and paralyzed the lady  
that tried

8 to rescue the one he killed. I can't remember her  
name. That

9 was another one.

10 Q. A Colorado case?

11 A. Yeah. That was a Colorado case.

12 Q. These are all local cases?

13 A. These are all Colorado cases.

14 Q. All right. I -- you know, this is not a test and  
we're

15 just asking you for your views, so there are no right  
and wrong

16 answers here. They are just your answers.

17 A. Right.

18 Q. And that's what we want.

19 A. And I do believe in the death penalty.

20 Q. And you say here now that, first of all, with  
respect --

21 the first question deals with life in prison without  
the

22 possibility of release. And I note that you say you  
have your

23 doubts that there truly is a life sentence anymore.

24 A. Uh-huh.

25 Q. What's that from?

333

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1 A. Well, it seems like the prisons are a revolving  
door.

2 Q. Okay. Let me eliminate that doubt from your mind  
with

3 respect to federal law.

4 A. Uh-huh.

5 Q. Because when we say life in prison without the  
possibility

6 of release, we mean it.

7 A. Good.

8 Q. That's the statute, and there is no parole from  
such a  
9 sentence.

10 So in a very real way, what we're talking  
about is if  
11 the crimes are proved, the question basically is life  
or death.

12 Now, with respect to death, you say -- as a  
penalty,  
13 under Item B, that in your view, death should be -- if  
life is  
14 very important and if wantonly taken, death should be  
the  
15 recourse of the person who committed the crime,  
particularly  
16 crimes of passion and -- well, I'm not sure I  
understand here.

17 A. Well, crimes of passion, I kind of waiver on.

18 Q. Waiver. Yes. That's the way I --

19 A. More what's gone into it.

20 Q. But if it's a sex crime against a child resulting  
in death,  
21 you don't have any doubt about it?

22 A. Huh-uh.

23 Q. Is that what you're saying?

24 A. Uh-huh.

25 Q. Then you come down on Item D to mass murder, rape,  
and

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1 murder of the victim, usually vicious murders. Were  
you  
2 thinking -- excuse me -- where you think it's  
appropriate?  
3 That's your answer?  
4 A. Yes.  
5 Q. These are your answers today?  
6 A. Yeah. I haven't changed my mind.  
7 Q. You've held this -- the views expressed here then  
for an  
8 extended period of time?  
9 A. Probably.  
10 Q. Now, I want to talk with you a little about the  
procedure  
11 that is involved in a punishment decision in federal  
court.  
12 We've talked about it with respect to trial. And of  
course,  
13 you understand that if the trial results in a jury  
verdict of  
14 not guilty, that's the end of it. The case is over.  
15 Obviously. If, in a case that doesn't involve the  
possibility  
16 of this type of punishment, the jury finds a defendant  
guilty  
17 of the crime charged, that's the end of it from the

jury's

with 18 standpoint because the judge then makes the decision  
crime 19 respect to the punishment that is appropriate for that  
individual 20 and that particular defendant. And because it is an  
be 21 decision as to the defendant, more information has to  
So 22 gathered before there can be a decision by the court.  
those things 23 information is collected concerning the defendant,  
24 that deal with his background, his upbringing, family  
life, 25 relationships, the things that have happened to him in

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that 1 his life's experience, employment and the like, all of  
individual. 2 that, you know, for each of us makes us unique and  
the 3 And those things are presented to the court, and both  
judge 4 prosecution and the defense make statements, and then a  
crime 5 decides this is the punishment for this person and this  
6 under all the circumstances.

7 Now, where we have the question of the

possible death

8 sentence, it's different because we don't give that to  
a judge.

9 We give that to the jury to decide. They are the  
conscience of

10 the community, the jurors. And what the law says,  
though, is

11 that regardless of the out -- you know, regardless of  
the fact

12 that they have already found a defendant guilty of a  
particular

13 crime, before they can decide the punishment, just as  
is the

14 case with a judge in other kinds of trials, you have to  
know

15 more. And that more is provided -- that more  
information is

16 provided in a second trial, which relates specifically  
to the

17 question of punishment. And at that separate trial, or  
second

18 trial or hearing, the Government offers information to  
be

19 considered to support a death sentence. The defendant  
offers

20 information to be considered in deciding that death is  
not a

21 justified punishment for the crime for this person.  
And it is

22 a case that has to be decided individually. The fact  
that

23 another person involved in the same criminal conduct  
has

be 24 already been found guilty and sentenced to death cannot  
it's 25 considered by the jury sentencing a defendant because

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that are 1 unique to him. And so what the court in instructions  
factors that 2 given in the circumstances says is these are the  
aggravation, 3 have been shown here that you could consider an  
mitigation. 4 aggravating factors. These, you can consider in

But 5 And we call them mitigating and aggravating factors.  
death is 6 again, they are for or against the question of whether  
7 deserved.

anything. You 8 Now, there's no arithmetical formula or  
have to 9 don't add them up and do that sort of thing. What you  
10 do ultimately, each juror individually, is make a moral  
the 11 judgment. Considering everything that you hear, should  
-- each 12 defendant live or die. That's the issue. And a jury  
13 juror must decide that.

14 Now, given what you've said here, can you do

that if

15 you were to serve as a juror in this case?

16 A. I think I can, yes.

and I'm

17 Q. And, you know, the notions that you've got here --

aside

18 not quarreling with you about it -- they have to be set

not

19 because now you're not talking about what you -- we are

certain

20 talking about what you think should be the result in

decide is

21 cases but what you, as a matter of a moral judgment,

22 the correct punishment in this case if there's a guilty

23 verdict.

24 A. That's true. I can do that. Yeah.

opportunity

25 Q. Okay. Well, we're going to ask some -- have an

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we'll take a 1 for lawyers to ask you some questions, but I think

take a

2 little break first, if you don't mind. We're going to

3 recess.

4 A. Okay.

5 Q. You'd like to get this over with, we know.

6 A. Yes. It's been two days.

hope 7 Q. I know. I apologize for keeping you waiting, but I

8 you understand the importance of it.

9 A. I do.

a little 10 Q. And we ask for your patience, and we'll ask for it

lawyers. 11 more as you hear from -- the questions from the  
It's

12 only fair that they get a chance to ask you some  
questions, as

13 well. So we're going to take 20 minutes out and you'll  
come

14 back and we'll finish this up with you.

15 A. Okay.

16 Q. You're excused for now.

17 A. Leave this here?

want to 18 Q. That'll be good. Yes. You can do that -- if you

19 take it and read it over, you can do that, too.

20 A. It's dry reading.

21 Q. All right. Okay. You can step out now. We'll  
have you

22 back in 20 minutes.

23 A. Okay.

24 THE COURT: Okay. We'll take a recess.

25 (Recess at 10:34 a.m.)

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1 (Reconvened at 10:54 a.m.)

2 THE COURT: Be seated, please.

3 All right. Mr. Mackey, do you have some  
questions?

4 MR. MACKEY: Yes, your Honor. Thank you.

5 VOIR DIRE EXAMINATION

6 BY MR. MACKEY:

7 Q. Good morning.

8 A. Good morning.

9 Q. My name is Larry Mackey, and I'm one of the  
prosecutors

10 responsible for bringing the evidence into the  
courtroom in

11 this particular case.

12 As his Honor told you, among all the thousands  
of

13 people who live in and near Denver, your number came up  
by a

14 chance process and you're here to give us a little more  
15 information about yourself. Are you feeling lucky?

16 A. Oh, yeah.

17 Q. Enough to go out and start buying lottery tickets?

18 A. I thought my chances were real good, because I  
never win

19 the lottery.

20 Q. Well, one question occurs to me. You work four  
jobs. You

your  
21 have six grandchildren. When do you find time to ride  
22 motorcycle?  
property  
23 A. On the weekends. We go to the -- we have mountain  
24 and we ride up there.  
for years,  
25 Q. This is something you and your husband have done

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1 then?  
2 A. Yes.  
3 Q. When is Grandchild No. 7 due?  
4 A. December 29.  
Colorado, and  
5 Q. Okay. I take it all your roots are here in  
6 are your three children here as well?  
7 A. No. My son is in Santa Cruz.  
frequent  
8 Q. Santa Cruz. Okay. Do you see your children on a  
9 basis?  
10 A. Yes.  
11 Q. All right. Are you a member of what you'd call a  
12 close-knit family?  
13 A. Yes.  
14 Q. Share holidays together and that sort of thing?

15 A. Yes.

16 Q. You told us that you started tutoring small  
children some

17 28 years ago?

18 A. (Juror nods head.)

19 Q. Tell me what got you interested in that.

20 A. Well, my -- it was kind of a chance of wanting to  
eat. My

21 husband went from Coors to the Mint to work, and we  
took a

22 4000-a-year cut in pay. And it was right at the height  
of the

23 recession; and so the job opening came up, and I took  
it. And

24 I started working as an aide, two-hour aide, which is  
basically

25 to put food on the table, so we could pay our bills or  
we

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1 couldn't buy food.

2 Q. And it's worked out for you well?

3 A. I love my job.

4 Q. Why have you stayed at it so long?

5 A. Because I love the kids. I love the diversity.  
They're

6 really a challenge, and I just love children.

7 Q. Because you dedicated to much of your life to

helping

8 youngsters, let me just ask you one question that may  
relate to  
9 this case; and please understand there may be some  
testimony  
10 about harm that was suffered by children in this case.

You

11 need to understand as a potential juror that you're  
entitled to  
12 that emotional connection, but as a juror that cannot  
be part  
13 of the way you evaluate the evidence. You understand  
that?

14 A. Well, I have to do that, too, because I come in  
contact  
15 with a lot of child abuse, and you do have to divorce  
yourself  
16 from it and step aside. And it's hard, but, you know,  
I have  
17 to do that.

18 Q. So despite that connection in your past, that's  
something  
19 you could do as a potential juror, listen to the  
evidence with  
20 an open mind and test whether the Government had met  
its burden  
21 of proving beyond a reasonable doubt the charges? Can  
do you  
22 that?

23 A. Yes.

24 Q. All right. Tell me a little bit about your  
husband's

the 25 current job. I know he works as a maintenance (sic) at

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1 Adams County facility. Does he have much day-to-day  
2 interaction with guards or prisoners?

3 A. None -- he basically deals with the office  
personnel. They

4 give him his job orders, and then he just goes out and  
does 5 them, and usually there is nobody there.

6 Q. So I take it there is nothing about that job of  
recent 7 years that would have affected his view about the  
criminal 8 justice system?

9 A. Uh-uh.

10 Q. Nor yours as well?

11 A. Doesn't talk about it.

12 Q. He was in the naval reserve for some 13 years?

13 A. Yes.

14 Q. When was that?

15 A. Oh, I think he got out right -- after the Cuban  
crisis is 16 when he dropped out of the reserve. What year that  
was, the 17 Cuban crisis.

18 Q. I have a guess. What was his rank when he left the  
19 reserves, if you remember?  
20 A. I have no idea.  
21 Q. All right. That's fine.  
22 A. It wasn't high up at all.  
23 Q. Okay. It was his supplemental income.  
24 A. Barely.  
25 Q. Do you or your husband own any weapons?

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1 A. Yes.  
2 Q. Tell me about those.  
3 A. Oh, we have hunting rifles, target-shooting rifles,  
4 handguns. He's kind of a collector, a mini collector.  
5 Q. But you've not had occasion to go to gun shows or  
anything  
6 of the like?  
7 A. Oh, no.  
8 Q. Let me spend just a little more time, ma'am,  
talking a  
9 little bit further about the death penalty. I take it  
from  
10 your earlier answers that you may have seen recent news  
reports  
11 about local Colorado cases --  
12 A. Uh-huh.

those 13 Q. -- that involve the death penalty. Did you read

14 articles?

15 A. No. Basically, I didn't read them. I just  
basically hear

16 what's going on, because I'm usually working or doing  
something

17 and have the TV on or playing the radio -- might be on;  
and I

18 just listen as I'm doing stuff.

19 Q. I take it that the extent of that exposure wouldn't  
affect

20 in any major way your own views about the death  
penalty. You

21 follow those cases, but they have an impact --

22 A. I don't even follow them. It's just osmosis, I  
guess. I

23 don't know.

24 Q. Take a look at page 28.

25 His Honor touched on this earlier, but in your  
answer

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1 to Question B, you made reference to crimes of passion  
as being

2 an example of a case resulting in death that did not

3 necessarily justify the death penalty. That's your  
general

4 view?

into it 5 A. Yeah. I think there is a lot of variables that go

6 that you have to take into consideration.

where you 7 Q. And that's -- crimes of passion is one example

8 are thinking about motivation as a consideration in the

9 appropriate punishment?

10 A. Yes.

to get 11 Q. The questionnaire really for us was a way to begin

role of 12 an idea about your views. It sort of put you in the

Assume you 13 Congress where you got to make the law. It said,

penalty 14 alone could write the law and what would the death

this was 15 law -- might be and what cases might it cover. And

views; 16 helpful to get your views, and you're entitled to those

inside the 17 but we need to shift gears just a little bit here

18 courtroom.

course, 19 When you filled out the questionnaire, of

down; 20 there weren't any rules governing what you would write

21 but as a juror, you understand there would be rules --

22 A. Right.

23 Q. -- that would govern your conduct and how you would

carry

24 out those duties. You understand that?

25 A. (Juror nods head.)

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1 Q. And I noted in your questionnaire that when the  
Judge asked

2 or the questionnaire asked, "Would you agree to follow  
the

3 Court's instructions," you said, "Yes, strongly."

4 A. Uh-huh.

5 Q. Tell me about that.

6 A. I believe in fairness, and I believe that  
everybody, you

7 know, needs to be heard and that there is two sides to  
every

8 story and that you should be able to listen to them.  
And one

9 of them is the Judge. You know, he's giving you the  
groundwork

10 that you need to go through, and you have to follow  
them.

11 Society is that way. You have to -- society has the  
same type

12 of things.

13 Q. So if you were selected as a juror, you would  
follow the

14 Court's instructions?

15 A. Yes.

16 Q. However he gave them to you?

17 A. Yes.

18 Q. So, for example, if he told you that as a juror you  
could

19 not read or listen to any news about the case, you  
would follow

20 that instruction?

21 A. Yes. I have already. Yeah.

22 Q. And if he told you as a juror that you would be  
prohibited

23 from talking to your husband about what had happened in  
the

24 courtroom that day, you would follow that instruction?

25 A. Yes.

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1 Q. If he told you that you could not talk among your  
fellow

2 jurors in the course of the case about the evidence,  
would you

3 follow that instruction?

4 A. Uh-huh.

5 Q. You understand that your responsibility as a juror,  
even

6 though there are two phases of a capital case, two  
potential

7 phases of a capital case, the rules would be the same?

You'd

8 have to be open-minded on each phase. You understand  
that?

9 A. Yes.

10 Q. And you would follow the rules directed by the  
Judge to

11 keep an open mind both in the guilt and innocence phase  
and any

12 penalty phase, should there be one.

13 A. Yes.

14 Q. Would you do that?

15 In a penalty phase there would be laws --  
rules of law

16 explained to you by the Judge concerning the kinds of  
17 information that you could hear and listen to. Would  
you

18 follow the law as he described that kind of information  
19 regardless of the case or regardless of the defendant?

20 A. Be hard, probably; but yes.

21 Q. And if his Honor laid out a series of questions  
that would

22 guide the jury's process in deciding an appropriate  
penalty,

23 would you follow that process as laid down by the  
Judge?

24 A. Yes.

25 Q. And you'd do so regardless of facts of the case or  
the

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1 defendant? You would do so because that was the law?

2 A. Yes.

3 Q. The Judge would tell you that there are three  
sentencing

4 options for a jury in a federal capital case. Would  
you follow

5 the law to keep an open mind and consider each of those  
three

6 options before you decided upon one?

7 A. Yes.

8 Q. Would you do that?

9 I take it that you would agree to follow the  
law that

10 the Judge would instruct you to consider all of the  
factors,

11 both aggravating and mitigating, both sides of the  
story before

12 you would render any judgment?

13 A. Yes.

14 MR. MACKEY: Thank you.

15 THE COURT: Mr. Tigar.

16 VOIR DIRE EXAMINATION

17 BY MR. TIGAR:

18 Q. Yes. Good morning.

19 A. Good morning.

20 Q. I notice that all your four jobs have something to  
do with

21 children.

22 A. Yes. Well, except -- yeah, the sewing does, too.

23 Q. Keeping them in uniforms, I guess.

24 A. Yes.

25 Q. And, you know, this is a case -- I guess you've  
heard -- in

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1 which children died --

2 A. Uh-huh.

3 Q. -- in that explosion.

4 I know the Judge and the prosecutor have  
talked about

5 it. How does that affect -- your knowing that, how  
does that

6 affect how you feel about potentially being on the  
jury?

7 A. Well, it's heartrendering (sic) in a way that -- I  
don't

8 think anybody wants to see children die.

9 Q. I agree.

10 A. And to be on a case that has -- where the children  
have

11 died, it's -- it's very emotional for me. I get very  
emotional

12 with kids.

13 I think I could get past it. It just is --

you know,

14 it -- it is a very emotional thing for me.

15 Q. Yes. Well, this is a case in which, as the Judge  
said out

16 at Jefferson County, Terry Nichols stands there  
presumed

17 innocent.

18 A. Exactly.

19 Q. And I guess what I'm asking is if that evidence  
comes in --

20 and it may very well -- if you should see evidence of  
that

21 kind, can you still hold the balance true?

22 A. I think so. Because I have -- I have made no  
opinion yet

23 about Terry Nichols at all. I don't -- I haven't  
really read

24 anything about him or listened to anything about him,  
so, you

25 know, I have no -- no judgment have I performed in my  
mind at

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1 all yet. And I think I could -- could rationally look  
at the

2 stuff fresh.

3 Q. Well, now, you do -- I'm talking about the sources  
of news,

4 how you found out about things. You get that -- you

have the

5 TV on in the morning and then at other times during the  
day?

6 Is that right?

7 A. Uh-huh.

8 Q. But the remote is always handy?

9 A. If I'm in the family room.

10 Q. Right.

11 A. Yeah.

12 Q. And is there any other source that you have for  
information

13 about current events?

14 A. Other than the paper, no.

15 Q. And you do read --

16 A. Well, there is people at school, you know.

17 Q. Right.

18 A. But I -- I don't eat lunch at school. I go home,  
and

19 that's usually when most of the talking happens. And  
I'm not

20 there.

21 Q. And -- but you do read the paper?

22 A. Uh-huh.

23 Q. You have a somewhat low opinion of paper  
journalism, I

24 gather.

25 A. Well, basically, it's advertisement.

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1 Q. Yes. There is that. I'm just trying to find where  
you  
2 wrote here to ask you a little bit about it. You said  
that you  
3 think the media will print anything, basically.

4 A. Well, that basically comes from the Simpson trial.  
I think  
5 that really turned me off, the Simpson trial. It just  
-- there  
6 was just too much. It was just overblown, and I've  
only  
7 listened to -- we were in California at the time, and I  
only  
8 listened to, oh, maybe an hour of it while I was there;  
and  
9 that night the news came on and I thought that's not  
even the  
10 same thing they talked about in the courtroom. You  
know, it  
11 was not even worth listening to. And I think I did the  
same  
12 thing with the McVeigh: It's not even worth listening  
to.

13 Q. Well, what did you think of the performance of the  
defense  
14 lawyers in the Simpson case?

15 A. I didn't really listen to it all that much. I  
thought it  
16 was -- I thought it was a Hollywood play, performance

is

17 basically -- the whole thing was a Hollywood  
performance.

18 Q. By everybody?

19 A. By everybody.

20 Q. Well, I mean, you come into the court; and here we  
are.

21 We're appointed to represent Terry Nichols. Do you  
have any

22 views about lawyers that represent someone who is  
presumed

23 innocent that would affect your service, you think?

24 A. No. As long as you handled yourself correctly.

25 Q. Well, there is a referee to see that I do.

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1 A. I know.

2 Q. I notice you said you've read something by John  
Grisham.

3 A. Yes.

4 Q. And you said that in books you think of the plot  
more than

5 the title, but do you have any views about how he  
portrays

6 lawyers?

7 A. Well, I don't think he thinks too highly of  
lawyers. It

8 kind of comes across that there is an awful lot of

under-the-

9 table stuff that goes on. He was -- the second book --  
the

10 first book, I thought he did -- it was all details:

How many

11 fronds were on a fern and stuff like that; but he just  
doesn't

12 like -- even though he's a lawyer himself, I don't  
think he

13 likes lawyers.

14 Q. Which -- did you read the Runaway Jury? Was that  
the one

15 about the tobacco case?

16 A. No, I didn't read --

17 Q. Which one?

18 A. I read The Client; and was there one The Pelican  
Papers?

19 Q. Yeah, The Pelican Brief, that one that had the law  
student?

20 A. And there was one other one. There was just three  
of them

21 that I read.

22 Q. Well, how did that make you think about lawyers?  
Do you

23 think we do things under the table?

24 A. I didn't fixate on the lawyers. It's just a story.

25 Q. Well, from your knowledge of the news -- you're  
pretty well

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capital  
Do you  
named  
20 years  
for his  
someone  
about  
Simpson.

1 informed, I thought, about major cases in Colorado,  
2 cases in which the state has sought the death penalty.  
3 try to keep track of big cases that are going on?  
4 A. (Juror shakes head.)  
5 Q. Do you remember, for example, the case of a man  
6 Cameron Bishop who was charged with blowing things up  
7 ago?  
8 A. Was that the one where he got the insurance policy  
9 wife or mother-in-law or something?  
10 Q. No.  
11 You remember a letter-bomb case involving  
12 named Martinez, Francisco Martinez?  
13 A. No.  
14 Q. Well, you do remember the McVeigh verdict, hearing  
15 it.  
16 A. Uh-huh.  
17 Q. What did you think when you heard that?  
18 A. Not much.  
19 Q. Do you think he deserved it?  
20 A. I didn't try -- it's like the same thing with  
I

trial or 21 had no decision one way or the other on the Simpson  
and so I 22 McVeigh because I wasn't there to hear what they said,  
-- 23 haven't made a judgment on either one of them. I don't  
24 Q. You did think that fella Davis deserved it?  
25 A. Yes.

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you've 1 Q. And can you think of any other death verdicts that  
it? 2 heard about in which you thought that somebody deserved  
3 A. Chuck E. Cheese.  
4 Q. The Dunlap?  
5 A. Yeah. That was his name, yeah.  
that 6 Q. And, now, was there anything about the McVeigh case  
one way 7 made it one of those where you wouldn't have an opinion  
other 8 or the other, whereas in these earlier cases or these  
9 cases you'd say yes, that was the correct one?  
that's what's 10 A. I think it's from the Simpson trial. I think  
the 11 changed. I might have paid more paid attention before

12 Simpson trial; and then since the Simpson trial, it  
just turned  
13 me off so much with all the garbage on television and  
all the  
14 stuff they were saying. I think that's what turned --  
you  
15 know, kind of turned me off to listening to it.

16 Q. When do you remember coming to the decision that  
Mr. Davis  
17 deserved the death penalty?

18 A. The horrendous things that he did to her.

19 Q. Right. You remember thinking that's the right  
thing to do?

20 When can you remember last -- or first coming to that  
decision?

21 A. I had totally forgotten all about him until he came  
in the

22 news again, so I can't remember back --

23 Q. Right. Well, as you know -- well, let me ask you:  
If you

24 found a person -- if you're on a jury and you found a  
person

25 guilty of deliberately being involved in deaths of a  
number of

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1 children, would it be fair to say you think the death  
penalty

2 is the appropriate sentence for that?

3 A. Yes.

4 Q. And I noted that when you were talking to the  
prosecutor,  
5 you said it would be hard sometimes to follow the law  
as stated  
6 by the Judge. What did you -- do you remember that, or  
maybe I  
7 misheard?

8 A. I'm not following --

9 Q. Follow the Judge's instructions about the death  
penalty?  
10 A. No, it was divorcing -- it was -- I can't remember  
-- I  
11 remember kind of about it, but I can't remember what he  
said.

12 Q. We can go on to something else. I noted that you  
said that  
13 one thing you had seen about this case is that -- this  
is page  
14 36. Summarize what you heard -- seen, heard or read.  
15 You said, "May or may not have death penalty  
for  
16 Nichols." Could you explain that to me, what you  
meant?

17 A. I didn't know whether or not Judge Matsch had  
decided,  
18 whether there was going to be a death penalty on it,  
because I  
19 think you were talking about having the death penalty  
or  
20 something like that. Didn't know whether there was  
going to be

21 a death penalty.

22 Q. Whether that was going to be that issue in the  
case?

23 A. Yes.

24 Q. I see. And so you -- you managed -- you were  
following in

25 the paper the debate over whether or not the  
prosecution was

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1 going to be able to seek the death penalty.

2 A. I wasn't following along. I just had overheard.

3 Q. You knew it?

4 A. I just had heard -- knew that the death penalty  
might be

5 part of it, but I -- at that time, we were not supposed  
to pay

6 attention to any of that stuff, so I wasn't.

7 Q. I see. This was after you got the summons?

8 A. Right.

9 Q. And you just heard it and went on to something  
else?

10 A. Yeah.

11 Q. What's the first thing you can remember hearing  
about the

12 Oklahoma City situation, or seeing?

13 A. Well, just, you know, came home from work and it  
was on

14 television, and they were showing, you know, rescues  
and all of

15 that.

16 Q. And you do remember seeing the arrest of Timothy  
McVeigh?

17 A. Uh-huh.

18 Q. With the orange jumpsuit?

19 A. Portrayal, yeah.

20 Q. Right. And when is the first time you can remember  
seeing

21 or hearing about Terry Nichols?

22 A. I don't remember. I just remember him walking with  
the

23 flak jacket on and --

24 Q. Right, the chains, and so on?

25 A. So I don't -- that's about all I remember.

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1 Q. So at some point, you saw that?

2 A. Uh-huh.

3 Q. And what other -- what facts -- facts, we shouldn't  
say

4 facts. What things do you remember that the media said  
about

5 him?

6 A. Well, like I put in here that he was married and  
had a son;

7 and I think they interrogated his brother. About all.

8 Q. One of the things that the Judge had mentioned in  
-- out in

9 Jefferson County and again today is about this  
presumption of

10 innocence. What would you think if you were sitting in  
a

11 criminal case trying the case and the defendant decided  
not to

12 take the stand in his own defense?

13 A. Cheated.

14 Q. Pardon?

15 A. Cheated.

16 Q. Cheated?

17 A. Cheated. You always like to hear the other side  
from their

18 own voice.

19 Q. And you think, then, that's something you would  
have to

20 consider in your deliberations?

21 A. No. He's already said that we can't consider that,  
so no.

22 But it was just a personal thing. It would be a  
personal

23 thing. You'd feel, geez, I wish he would have said  
something.

24 Q. Can you think of reasons why an innocent person  
wouldn't

25 take the stand in their own defense?

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1 A. Well, it's so easy to get tricked -- tripped up and  
say  
2 things that you don't want to say or you say wrong or  
could be  
3 construed wrong. It's like the way I feel right now,  
you know.

4 Q. I'm sorry.

5 A. You know.

6 Q. That's my fault. I'm not supposed to make you feel  
that  
7 way.

8 A. You're not doing that. It's just a natural  
inclination.

9 Q. It is the situation. Yeah. Okay. Well, that's --  
we've  
10 been through that one. How about -- can you -- as you  
sit  
11 there today, can you look at Terry Nichols -- could you  
look at  
12 Terry Nichols and say, Terry Nichols, I can give you a  
fair  
13 trial?

14 A. Yes.

15 Q. In your -- your -- one of your answers to questions  
under  
16 that, in the case of interracial marriage, "It's hard  
on the  
17 kids." Now, has that been based on your observation

teaching

18 children?

19 A. Well, I worked -- students -- or I tutored a  
mulatto boy

20 this summer, and the mother is very conscious that he  
is a

21 mulatto, and she would -- he was having trouble in  
school with

22 the reading, and so she wanted -- she says, "He's a  
mulatto, he

23 is stigmatized already, I don't want him, you know, to  
be

24 stigmatized anymore because of a lack of reading," and  
maybe

25 that would be -- go against the race thing; and I also  
have two

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1 albino grandchildren that, you know, they face an awful  
lot of

2 problems because of that. So maybe I'm a little more  
conscious

3 of it. I think they do suffer more. You know,  
children can be

4 cruel.

5 Q. Certainly can. Do you blame the parents for that,  
though,

6 the parents' decision? The reason I ask -- this is not

7 abstract. Mr. Nichols has two children of an  
interracial

8 marriage. Would that affect your judgment in this  
case?

9 A. No.

10 Q. Do you have any feelings about that?

11 A. No.

12 Q. One of the things you said about -- in your  
answers, and

13 I'm looking here at Question 126 and 127. And I'll  
give you

14 the page number here in a minute.

15 That's on page 29.

16 It said, "How well do you think the Government  
plays

17 that role?"

18 "With computers, our life is now an open book  
to

19 them."

20 How do you feel about that?

21 A. Well, invaded, actually. I do think that, you  
know, our

22 life is an open book. It's not -- not that we could go  
and

23 open that book, but, you know, they know a lot about us  
we

24 don't know they know.

25 Q. And then on Question 127, I just wondered -- it  
said, "Do

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1 you think the Federal Government interferes with and is  
too  
2 intrusive in your daily life?"

3 And you put -- you circled 1 down toward "Not  
at all."

4 A. Not that I know of. It's a paradox, I know. But I  
5 personally don't know of them invading me, but I do  
think they  
6 do know more than I want them to know about me.

7 Q. The "paradox" was the word. I thought between  
those two  
8 answers there must be, you know, some interesting  
notion about  
9 your attitude.

10 A. No, I just -- I'm unaware, blissfully unaware.

11 Q. And you said at Question 133 that -- page 31 --  
that the  
12 President said that the people responsible be  
prosecuted to the  
13 full extent of the law.

14 Do you remember that, what, shortly after the  
--

15 A. Yes.

16 Q. -- the bombing?

17 And did you see Attorney General Reno also say  
18 something about it?

19 A. Yes. I think at that time they thought it was a  
foreign

20 country.

21 Q. Right. Did -- now did the fact that the President  
said

22 that -- would that have any influence on you?

23 A. No. I just thought that they were going to go out  
and beat

24 the bushes.

25 Q. All right. And you'd be prepared to say that Mr.  
Nichols

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1 is still presumed innocent, starts with a clean slate,

2 regardless of what President Clinton said?

3 A. Yes.

4 Q. The others can't see your facial expression. I  
gather you

5 didn't vote for him?

6 A. I voted for him, actually. I did vote for him.

7 Q. I misread the other question, then. But regardless  
of the

8 fact you voted for him, it wouldn't make a difference.

9 A. No.

10 Q. And then one last: Question 122, page 27, I  
thought a very

11 interesting answer, and I'd just like to ask you about  
it.

12 A. 27?

can be a 13 Q. Yes, page 27: "Feel some take this to mean they  
14 law unto themselves."  
15 A. Which one was that one?  
16 Q. That's 122. I'm sorry.  
ones 17 A. I was basically thinking about the militia, or the  
like 18 that don't think they have to pay income tax and stuff  
19 that; that they can just be a law unto themselves.  
with 20 Q. Now, if a witness in the case or a person involved  
a tax 21 this case in any way were proven to be someone who was  
way or to 22 protester, would that cause you to doubt them in some  
mind? 23 have a -- have them start with a -- a deficit in your  
the 24 A. No. When you get up there, you're supposed to tell  
25 truth.

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case and 1 Q. Right. If somebody took the witness stand in a  
believe 2 said, Well, here I am, I am a tax protester, I do not  
I've been 3 in paying income tax, I've sent letters to the IRS,

judge 4 to two militia meetings, would that person -- would you

said, I'm an 5 their -- them as less believable than somebody who

6 FBI agent, I've been an FBI agent for 20 years?

-- no. 7 A. No. Depends on -- I don't think so, no. I don't

said that 8 Q. Would you resent their opinion, this person who

9 that's what they thought?

was 10 A. No. If he came into my house and demanded that I

11 supposed to do this, that's totally different.

12 Q. So they're entitled to their opinions?

13 A. Don't force it on me.

14 Q. Don't force it on you.

15 A. Yes.

that, 16 Q. All right, fine. And you think even if they think

17 that they're entitled to their own opinions?

18 A. Exactly.

19 Q. As long as they express them peaceably?

20 A. Exactly.

law 21 Q. Last question: Your husband works with a lot of

22 enforcement?

23 A. Pardon me?

at the 24 Q. Your husband works with some law enforcement people

25 corrections facility?

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1 A. He works at Adams County Corrections, yeah.

2 Q. And you and your husband talk about a lot of  
issues, and so

3 on, at home. I'm not talking about this case, but you  
do. If,

4 after you heard all the evidence, you decided, you  
know, there

5 is a reasonable doubt here, would you have any problem  
in

6 voting that reasonable doubt and, if 11 other people  
did, going

7 home to your husband and saying, Dear, I just acquitted

8 somebody because that's what I felt?

9 A. I'd have no problem with that whatsoever.

10 MR. TIGAR: Thank you.

11 THE COURT: Well, your time with us on this  
occasion

12 is over and we'll excuse you now; but I want you to go  
away

13 from here now just as when I excused you from the  
Jefferson

14 County Fairgrounds' auditorium, with the understanding  
that you

15 may very well be on this jury and have the  
responsibility to

16 make these decisions that we have been talking about

here and

17 do it with an open mind, and so forth.

18                   Therefore, you must continue to avoid  
publicity that

19 may relate in any way to the issues in this case,  
continue to

20 avoid discussion of the case with anybody. In a real  
sense,

21 stay where you are now in terms of what you know or  
don't know

22 about the case and your views with respect to these  
issues that

23 have been discussed with you.

24                   I'd like to be able to tell you, well, we'll  
let you

25 know at a given date; but I'm sure you understand that  
I cannot

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1 do that and that we will be talking with a number of  
other

2 people and therefore you'll have to be patient with us  
and bear

3 with us until we let you know.

4                   But go forward now assuming that you'll be  
back in

5 here in this room hearing this trial.

6                   Thank you very much. You're excused.

7                   Next is 280.

8 Good morning. If you will raise your right  
hand there

9 and take the oath from the clerk, please.

10 (Juror No. 280 affirmed.)

11 THE COURTROOM DEPUTY: Thank you.

12 THE COURT: Please be seated there and make  
yourself

13 comfortable in that chair.

14 VOIR DIRE EXAMINATION

15 BY THE COURT:

16 Q. We apologize for keeping you waiting so long, but  
then, you

17 know, we can't schedule these things without -- on any

18 particular timetable. Like so many things, it all  
depends.

19 You recall taking an oath like that earlier  
this

20 month, when you were out at the Jefferson County  
Fairgrounds

21 with other persons.

22 A. Yes.

23 Q. And you and they were persons who were given  
summonses for

24 jury service, possible jury service in the trial of the  
United

25 States against Timothy -- or excuse me -- against Terry  
Lynn

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1 Nichols.

2 A. Yes.

3 Q. And that you answered a questionnaire with that  
summons,

4 sent it in. Then we told you to come to the  
fairgrounds, and

5 you came out there and answered yet another  
questionnaire, this

6 one a long one.

7 A. Yes.

8 Q. And you have it right there with you now.

9 A. Yes.

10 Q. And at the time, I met with you and the other  
members of

11 the jury panel and also introduced to you lawyers and

12 Mr. Nichols.

13 A. Yes.

14 Q. And some of these people are here now and  
additional ones

15 as well. All the ones you met are here and others.

16 Here at this first table are the Government's  
lawyers:

17 Mr. Lawrence Mackey. You met him before. Ms. Beth  
Wilkinson.

18 You haven't before met Mr. Patrick Ryan. And Mr. James

19 Orenstein.

20 You did before meet Mr. Michael Tigar and Mr.  
Ronald

Nichols. 21 Woods, attorneys for Terry Nichols. And here's Mr.

told you 22 And you will recall, too, that at that time I

indictment 23 about the background of the case, how there is an

Lynn 24 that charged Timothy James McVeigh along with Terry

to bomb a 25 Nichols and other persons not named with a conspiracy

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1 building in Oklahoma City, Oklahoma; that also in the  
2 indictment were other charges in connection with the  
carrying

3 out of such a plan, including the murders of eight law  
4 enforcement agents. Told you about that.

5 A. Yes.

6 Q. And I also told you that these two men both named  
in the

7 indictment had to be considered separately and that  
separate

8 trials had been ordered and that Timothy McVeigh's  
trial has

9 already been held with a guilty verdict and a death  
sentence

10 resulting and that that can't be considered now in  
connection

11 with the trial that we're choosing the jury for and

will soon

12 start; that is, the trial of evidence as it relates to

13 Mr. Nichols. You recall all that?

14 A. Yes.

15 Q. Okay. Well, you know, I have to say some of these  
things

16 so the record shows it, rather than questioning you  
that you

17 don't remember from a couple weeks ago; but that's the  
reason.

18 Now, we then asked you to complete this  
questionnaire

19 and you did it. And you've got it in front of you now.  
And

20 then when you left the building, I told you and others  
that you

21 must not talk about the questions or anything about the  
case

22 and you had to be careful in watching television,  
listening to

23 the radio, reading newspapers and so forth, to stay  
away from

24 anything that could affect your views and your  
impartiality in

25 the case.

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1 We know that isn't easily done, because there  
is a lot

2 out there, and people talk about cases that are in  
court, and

3 so forth.

4 So let me ask you now whether you've been able  
to do

5 that, or whether you have come across something about  
the case

6 since you were -- since you completed the  
questionnaire.

7 A. I have been able to do it.

8 Q. All right. And was it your practice before  
regularly to

9 watch a certain television news or listen to a certain  
radio

10 program about news at a certain time?

11 A. If I watched the news, you know, it was mainly just  
to have

12 the TV on or stereo, but it was nothing that I  
literally

13 flicked through the channels to look for.

14 Q. Yes. Did you hear anything?

15 A. Not really, no.

16 Q. I mean, about this case.

17 A. No.

18 Q. Well, what I was asking you is, was it your regular  
daily

19 routine? You know, some people watch a 5:00 news  
program or a

20 10:00 or 7 a.m. or something, just as a part of their  
daily

21 routine.

22 A. Usually, if I do, it's to catch the weather.

23 Q. Okay.

24 A. You know, because I have other channels that I do  
watch.

25 Q. All right. And in connection with your friends or  
your

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1 work, have you had any discussion with people about  
your role

2 as possibly being on the jury?

3 A. I work through my home, and I did have to let the  
agency

4 that I work for --

5 Q. -- know about it?

6 A. Yes.

7 Q. And did you have a conversation, then, with that  
person

8 about, well, what this would mean to your work?

9 A. Yes. They had basically asked me, you know, how it  
would

10 interfere.

11 Q. Yeah. And you, of course, know that I can't tell  
you -- we

12 can't tell you -- how long the trial is going to take.  
We

13 can't even tell you how long the jury selection is  
going to

14 take.

15 A. Right.

16 Q. Because these are things that are subject to human  
17 variables and therefore uncertainty. What was the  
discussion

18 that you had about how long it would take and what it  
would  
19 mean to your work?

20 A. Well, the agency, you know, had told me that I  
would have

21 to make arrangements, which I did, through a family  
member.

22 Q. Now, the agency -- are we talking about the care of  
23 developmentally disabled --

24 A. Yes.

25 Q. -- adults?

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1 A. Yes.

2 Q. And have you a young man in your home?

3 A. Yes, residing in my home.

4 Q. And that's pursuant to or as a result of your work  
with the  
5 agency?

6 A. My employment.

7 Q. So you get paid to take care of him?

8 A. Yes.

another  
9 Q. And if you got on this jury, would he be moved to  
10 home, or what would happen?

11 A. He will be going to a family member's --

12 Q. His family?

13 A. -- home. Yes.

you've  
14 Q. Aid of the developmentally disabled is something  
15 been doing for a long time?

16 A. For a long time.

of  
17 Q. And have you worked in like a residential community  
18 those persons?

apartment  
19 A. Yes. I've worked in group homes and in an  
20 setting.

21 Q. Where they were --

22 A. Where they were residing.

they  
23 Q. Where they were independently living, or as much as  
24 could?

25 A. Right.

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1 Q. When did you begin that type of work and why?

another 2 A. In 1984. It was after a divorce, and I moved to  
3 county.  
kind of 4 Q. And, you know, it takes a lot, I think, to do that  
5 work, because those people are not so easy to work with  
6 sometimes.  
7 A. Not really.  
8 Q. You don't find it that way?  
9 A. No.  
10 Q. Okay.  
11 A. It's a job I enjoy.  
12 Q. Yeah. And are you -- is it always with adults?  
13 A. I've worked with children.  
disabled 14 Q. How long ago did you work with developmentally  
15 children?  
with them. 16 A. Let's see. That was in '84 or '85 that I worked  
17 Q. Okay. And then since that, it's been with adults?  
18 A. Adults, yes.  
I 19 Q. And with a number of different kinds of disability,  
20 trust.  
21 A. Yes.  
22 Q. Some of the more severe --  
23 A. Yes, profound, moderate.

24 Q. Yes. Okay. Now, you come from Illinois.

25 A. Yes.

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ago? 1 Q. La Salle area. And you came to Colorado how long

2 A. In 1976.

3 Q. And been here ever since?

4 A. Yes.

5 Q. And you have also lived in Alamosa?

6 A. Yes.

7 Q. And Grand Junction?

8 A. Yes.

9 Q. And now in Adams County?

10 A. Yes.

11 Q. Apparently with a Denver address, but --

12 A. Yes.

13 Q. -- you live in Adams County?

14 A. Yes.

15 Q. You have had two marriages?

16 A. Yes.

17 Q. Correct?

18 A. Yes.

19 Q. And both with divorce?

20 A. Yes.

21 Q. And your raised children are grown?

22 A. Yes.

23 Q. And on their own now?

24 A. Yes.

25 Q. You refer here that you and one of your husbands  
had a

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1 business?

2 A. Yes.

3 Q. What was the nature of that business?

4 A. It was a backhoe, septic tank, and plumbing  
service. We

5 also had a bar and restaurant. I had an antique shop.

6 Q. Where was that?

7 A. Alamosa.

8 Q. And did the businesses -- did you stop the business  
as a

9 result of the divorce, or was it sort of the other way  
around,

10 the businesses failed and so did the marriages?

11 A. No, the businesses were thriving and I moved out.

12 Q. Well, we're not going to ask you any of those  
details, but

13 did you turn over your interest in the business, then,  
in

14 settlement of the divorce?

15 A. Yes. When I left, it was with two suitcases.

16 Q. Okay. And you left behind what your investment was  
in the  
17 business; is that it?

18 A. Yes.

19 Q. How long ago was that?

20 A. That was in '83, the latter part.

21 Q. Then were you married again after that?

22 A. No.

23 Q. That was the second marriage. And what -- with  
respect to  
24 your first husband -- what kind of work did he do?

25 A. He was a salesman.

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1 Q. And what was he selling? What service or goods?

2 A. Insurance, mostly.

3 Q. Where did you live then?

4 A. Between Illinois and California, Long Beach.

5 Q. Okay. You -- I want to turn to your questionnaire;  
and as  
6 I do so, I want to let you know that you have the  
freedom to  
7 change any of these answers.

8 A. Okay.

9 Q. We know that we asked you a lot of things in a  
hurry and  
10 that upon reflection you may wish to answer somewhat  
11 differently from the way you have. We would understand  
that;  
12 so please understand we're not asking you to be locked  
into  
13 what you wrote. That's why I'm saying you can change  
it --

14 A. Okay.

15 Q. -- as a result of anything that I ask of you or the  
lawyers  
16 asked of you or anything that simply comes to your  
mind.  
17 There are some things in here that we would  
like you  
18 to expand on. One is at page 23. And the question is  
104,  
19 right there at the bottom.

20 A. 104?

21 Q. Question 104 on page 23, yes.

22 A. Okay.

23 Q. And then the following -- the next page, there is  
also a  
24 question and an answer I'd like you to review. Can you  
tell us  
25 what happened there?

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shot  
was said  
meantime,

1 A. Yes. My son was set up by an ex-girlfriend and was  
2 almost within seconds of exiting the car. And yet it  
3 that my son pointed a gun at the officer; and in the

4 I have gotten all the reports, and that is not so.

5 Q. How old was your son?

6 A. 25.

7 Q. Where did this happen?

8 A. In Broomfield.

9 Q. And what injury was sustained?

10 A. He was killed.

11 Q. Killed. And this was how long ago?

12 A. November 13, 1996.

13 Q. Now, is there a lawsuit about that? Have you  
talked with a

14 lawyer about that?

15 A. No.

16 Q. Do you intend to do something about it in terms of  
a

17 lawsuit?

18 A. Nothing is going to bring my son back.

19 Q. But you feel, you know -- there is the emotional  
loss.

20 A. Oh, of course.

21 Q. And obviously I'm not trying to explore that other

than

will 22 what -- you know, I know that that's something that you

23 experience all your life.

24 A. Very true.

police, 25 Q. But in terms of the inappropriate conduct by the

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1 you feel strongly about that, too; right?

forgive. 2 A. I've learned throughout these months, you know, to

3 I had to for myself.

4 Q. You mention a setup.

5 A. Yes.

police 6 Q. Are you speaking about an advance contact with the

7 by this woman?

8 A. Yes.

point, place, 9 Q. That something was going to happen at a given

10 and time?

11 A. Yes.

12 Q. Like what?

coming 13 A. She had said that my son was very suicidal, he was

14 back to kill her, he was on drugs, alcohol; and yet all

tests

15 proved completely negative.

16 Q. So your understanding is that he stepped out of a  
car and

17 the police had guns drawn and shot him?

18 A. Uh-huh. Only one officer.

19 Q. One officer did?

20 A. Yeah.

21 Q. Do you know who it is?

22 A. Yes.

23 Q. We're not going to ask you who it is.

24 Did you make any kind of complaint about that  
to the

25 police officials?

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1 A. No, because it was in July that I thought  
emotionally I was

2 ready to read the reports, and that's when I received  
them.

3 Q. All right. So in the beginning, you had a  
different

4 understanding of what happened, did you?

5 A. Not in my own mind. I always knew that there was  
no gun

6 ever pulled.

7 Q. When you said you saw the reports in July, are you

speaking

8 of this last July, July of 1997?

9 A. '97.

10 Q. And did you get those by asking for them or going

11 through --

12 A. Yes.

you?

13 Q. You just asked for them and the police gave them to

14 A. I didn't get them through the police.

got it.

15 Q. Well, I don't know if I should ask you where you

16 Did you get them through official channels?

17 A. Yes.

at the

18 Q. Okay. Was this a matter that was in the newspaper

19 time?

20 A. Oh, yes.

21 Q. And on television?

22 A. Yes.

23 Q. And did you appear on television on camera?

24 A. No.

25 Q. And say anything?

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1 A. No.

2 Q. So let me just put it this way. I'm trying not to  
put  
3 words in your mouth but sort of help us through this,  
because  
4 this is a difficult thing to ask about and it's a  
difficult  
5 thing for you to talk about. Would it be a fair  
summary to say  
6 you sort of suffered this in silence and that now,  
believing  
7 that your son was innocent of any misconduct, that it  
was an  
8 unjustified killing of him and that now you're  
confirmed in it  
9 because of the things that you saw last July?

10 A. Yes.

11 Q. Okay. Tell us this question -- answer this  
question, which  
12 is something that I'm sure you can anticipate we need  
to know:  
13 Does this incident cause you to have such a distrust of  
police  
14 and law enforcement people generally that it would  
affect your  
15 ability to deal with the issues in a criminal case as a  
juror?

16 A. Absolutely not.

17 Q. So would it be fair to say that you think of this  
as an  
18 incident, tragic as it was, emotionally powerful as it  
has been  
19 on you in its result, but isolated?

20 A. Yes.

but I 21 Q. Okay. Well, I'm sorry to ask you those questions,  
22 know that you understand why we have to ask them.

23 A. Yes.

the 24 Q. You show us here that you apparently regularly read

25 Bible.

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1 A. Yes.

2 Q. Other religious works?

3 A. Yes.

view? 4 Q. You have a bumper sticker expressing a religious

5 A. Yes.

talking 6 Q. And is that as a result of what we've just been  
7 about?

8 A. Most definitely.

the pain 9 Q. Yeah. You turned to religion to help you through  
10 of this experience?

11 A. Well, I've always been a believer, but it just --

12 Q. More intensely so now?

13 A. More so, yeah.

14 Q. Now, you also show here on another page -- and I'm  
looking  
15 for it -- something about an arrest and something  
unjust. You  
16 know what I'm talking about?  
17 A. Is that No. 105?  
18 Q. Well, I've lost my place, I'm sorry to say.  
19 No. No. -- well, I've lost it. Let me just  
ask you  
20 this question: Have you, yourself, ever been arrested  
by the  
21 police?  
22 A. No.  
23 Q. For anything, traffic, or anything else?  
24 A. Traffic.  
25 Q. Pardon me?

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1 A. Traffic.  
2 Q. And what kind -- what kind of a traffic stop?  
3 A. Speeding.  
4 Q. And that was some time ago, was it?  
5 A. Oh, I was still living in Grand Junction at the  
time.  
6 Q. So when was it?  
7 A. That was in the 80's.

8 Q. Early 80's? '84, '85?

9 A. Yeah, '85, '86, somewhere.

10 Q. And what happened in that situation?

11 A. I just paid -- took the ticket and sent in money.

12 Q. And did the arresting officer give you any --  
anything like

13 a sobriety test or anything like that?

14 A. No.

15 Q. Just a straight, ordinary speeding ticket?

16 A. Yes.

17 Q. There is a statement by you here on page 22, and  
the

18 question is No. 100, about your opinion of the criminal  
justice

19 system and how it's working. Do you see that?

20 A. Yes.

21 Q. And you say, "It's not working well at all," and  
then you

22 say, "Need tougher laws." Tell us what you have in  
mind there.

23 A. Oh, with that, if I remember right, thinking about  
the

24 drugs mainly.

25 Q. Do you have --

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1 A. And with the juveniles.

2 Q. What do you suggest the tougher laws ought to be?

3 A. Well, I think they need to be taken case by case

and

4 depending how many times they've been in trouble with  
the law

5 and then laws set basically, you know, on that.

6 Q. Put them in prison, then? Longer prison sentences?

7 A. I don't think prison would be the answer; and

again, it

8 just depends, you know, what their back track record  
has been.

9 Q. Let me clarify my question to ask of you whether

you're

10 talking about tougher laws in terms of punishment, or  
tougher

11 laws in terms of the way trials are conducted. You see  
the

12 difference that I'm asking you about?

13 A. I think in the laws.

14 Q. The laws. Punishment.

15 A. Yes.

16 Q. Let's talk a little about the way trials are  
conducted.

17 You haven't had any experience on a jury?

18 A. No.

19 Q. Or with a trial, have you?

20 A. No.

21 Q. You'll recall that when I met with you and the  
others at

22 Jefferson County, in addition to talking about the  
charges in  
23 the case with respect to Mr. Nichols -- and Mr.  
McVeigh, for  
24 that matter -- I said that separate trials are required  
in this  
25 case and the outcome of the McVeigh trial has no  
bearing on

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1 this case. And you accept that, I take it.  
2 You have to answer out loud --  
3 A. Yes.  
4 Q. -- so we can record your answers.  
5 A. Sorry.  
6 Q. But I also said that Mr. Nichols having pleaded not  
guilty,  
7 that puts in issue everything the Government has said  
about  
8 him. And by "putting at issue," I mean disputing it;  
and that  
9 he, as any other person who is charged with a crime, is  
10 presumed to be innocent of it. And that's the way all  
trials  
11 begin, all criminal trials, with the presumption of  
innocence.  
12 And jurors in trials are routinely and regularly told  
because  
13 the Constitution commands it that they cannot consider

the

14 charge as any evidence; that they can only consider the  
15 evidence that is received in the course of the trial;  
that the  
16 Government bringing the charges has the burden of  
proving them  
17 by bringing in the evidence, the witnesses, and the  
exhibits  
18 and whatever is being relied on and that the burden is  
-- of  
19 proof as we speak of it is that the Government must  
prove the  
20 case by evidence that persuades the jury beyond a  
reasonable  
21 doubt.

22 Now, you've heard of those things before, have  
you?

23 A. Yes, I have.

24 Q. And you agree with those principles?

25 A. I totally agree.

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1 Q. And among other things involved in this procedural  
2 presumption is that no person charged with any crime  
has any  
3 duty to present any evidence. They certainly don't  
have to  
4 prove themselves not guilty. They don't have to  
explain

5 anything; so they don't have to offer witnesses'  
testimony.

6 And certainly no person who is accused is required to  
be a

7 witness in his case himself. And jurors are then told  
that if

8 that occurs at a trial, if a defendant does not testify  
at a

9 trial, the jurors may not even discuss that in  
deliberation.

10 Certainly, they can't hold it against him in any way or  
draw

11 any inference from it. Do you follow me on that?

12 A. I do.

13 Q. And do you accept that?

14 A. Yes.

15 Q. And then what this burden of proof and presumption  
of

16 innocence really means is at the end of the case, when  
the case

17 is given to the jury, if, after discussing the case and  
18 considering all that they have heard and seen, the jury

has a

19 reasonable doubt, they must give that benefit to the  
defendant

20 and find him not guilty. Do you accept that?

21 A. I do.

22 Q. Is there anything about this case and whatever it  
is that

23 you may have heard or read about it that would say to  
you,

24 Well, I think that's right but I can't do it in this  
case with

25 Terry Nichols?

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1 A. I could do that.

2 Q. Now, we also asked you some questions about your  
attitude

3 toward punishment. And I'm looking now to page 28.  
Turn to

4 that page, if you will, please.

5 Go ahead and read your answers to yourself.

6 All right. I just want to ask you a little  
bit about

7 this and these answers. And of course, you understand  
that

8 before you answered these questions, you read the  
preliminary

9 statements there that we have to ask you about  
attitudes

10 towards punishment. Then we have the presumption of  
innocence.

11 And we may never have the issue of punishment, so this  
is

12 simply asking of you what you think about life in  
prison

13 without the possibility of ever being released and  
death as

14 punishment in cases, not this case, but generally. And

that's

15 the spirit in which you've written your answers, I take  
it. Is

16 that true?

17 A. Yes.

18 Q. And have you thought much about the death penalty  
before

19 answering these questions on September 17?

20 A. I've thought about it.

21 Q. And have you thought about it in terms of any cases  
that

22 you heard or read about?

23 A. No. In just general, you know, thinking.

24 Q. And how about in terms of your strong religious  
views?

25 A. That would not have anything to do with it.

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1 Q. So are you separating your religious convictions  
from the

2 question of what courts and juries should do in cases  
in which

3 death has occurred?

4 A. Yes.

5 Q. And are these answers the same today; that is, if I  
asked

6 you the same questions today, would you give us the  
same

7 answers?

other

8 A. Yes, because I do believe that, you know, there is  
9 alternatives.

this

10 Q. Okay. Let me discuss with you a little about how

therefore of

11 could come up in this case and give you the idea

ask you

12 procedurally how this could happen, why we're having to

13 these questions.

of

14 In cases that do not involve the possibility

considers

15 punishment by death, of course, the jury never

tell

16 punishment at all. In fact, in those cases, we judges

should

17 jurors, You may not consider what you think a sentence

the

18 be in this case or what punishment there should be if

you to

19 defendant is convicted of the crime. That's not for

well,

20 decide; and indeed, it isn't, because in those cases --

that's the

21 obviously, if a jury finds the defendant not guilty,

a jury

22 end of it; there is no question of punishment. But if

evidence

23 returns a verdict of guilty, having found that the

24 shows the defendant guilty beyond a reasonable doubt of

the

25 particular crime alleged, then the jury's job is  
finished and

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1 they're discharged and it's up to the judge to decide  
the  
2 sentence.

3 And before any judge can do that, it's  
necessary to  
4 get more information than what was available at the  
trial as  
5 evidence on the question of guilt; and that information  
can  
6 include things more about the circumstances of the  
crime and  
7 also a lot of information about the defendant, things  
about his  
8 background, where and when he was born and raised, what  
his  
9 family relationships were, his -- you know, his  
employment  
10 history, all of those things that cause each of us to  
be unique  
11 and individual human beings.

12 And then there is a hearing and a judge  
decides what  
13 punishment is appropriate for this person and this  
crime, an  
14 individual decision. You understand that?

15 A. Yes.

16 Q. Now, because the death penalty is a different kind  
of  
17 sentence, we in the federal courts say that's for the  
jury to  
18 decide, the punishment. And what the jury has to do is  
make a  
19 choice if a person is convicted of one of the crimes  
for which  
20 death is a possible punishment, the choice being a  
sentence to  
21 life in prison without any possibility of ever being  
released,  
22 a sentence to death, or a sentence to anything less  
than life.

23 And in that situation, it goes back to the court.

24 The life-or-death decision is an issue for the  
jury.

25 You understand that?

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1 A. Yes.

2 Q. Now, the jurors can't consider that question during  
the  
3 trial because, just like any other trial, punishment  
should not  
4 be a factor in deciding whether the evidence proves  
guilt  
5 beyond a reasonable doubt. You go along with me on

that?

6 A. Yes.

7 Q. So, then, if there is a finding of guilty, then we  
have

8 another trial, a second trial. And it's at that trial  
that

9 more information is provided, sort of like when more

10 information is provided to a sentencing judge. And  
that

11 includes more about the circumstances of the offense,  
and it

12 includes much about the defendant, these same things  
that I've

13 mentioned, his life's background and the things that  
make him a

14 unique and individual human being.

15 And in the course of that second trial, the  
Government

16 lawyers present what they believe supports a verdict or  
a

17 sentence of death; and we talk about that as  
aggravating

18 factors, things that suggest that that's the penalty.  
And the

19 defense presents, on the contrary, things that we call

20 mitigating factors, which are things to be considered  
in

21 deciding the that death is not justified for this  
defendant in

22 the case. And the court instructs the jury about that  
they

23 must consider these aggravating and mitigating factors

and

24 think about the case as a whole before making a  
decision. But

25 it's not something that you do by, you know, some sort  
of

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1 mathematical formula or anything.

2 The bottom question is -- and each juror has  
to decide

3 this as an individual matter -- should this defendant  
live or

4 die. And that question is really a moral question, a  
moral

5 judgment to be made by the jury.

6 Do you understand what I'm saying?

7 A. Yes.

8 Q. Are you able to do that --

9 A. Yes.

10 Q. -- if you were to serve on this jury?

11 A. Yes.

12 THE COURT: We have some questions that can be  
asked

13 of you now by the lawyers on both sides, and I'd like  
to go

14 forward with those; so please listen to their questions  
and

15 answer them as you have me.

16 Mr. Ryan.

17 MR. RYAN: Thank you, your Honor.

18 VOIR DIRE EXAMINATION

19 BY MR. RYAN:

20 Q. Good morning. How are you?

21 A. Just fine.

22 Q. My name is Pat Ryan. I'm the United States  
Attorney in

23 Oklahoma City. I'm here with my fellow prosecutors to  
present

24 the evidence in this case against Terry Nichols.

25 I understand you were born in La Salle,  
Illinois?

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1 A. Yes.

2 Q. Is that the northern corner of the state?

3 A. It's about 100 miles west of Chicago, a little  
town.

4 Q. Did you spend most of your childhood, youth in La  
Salle?

5 A. Yes.

6 Q. Let me ask you a few questions about your family.  
I

7 understand you're not married but you have -- you've  
had five

8 children?

9 A. Yes.

10 Q. And as you told his Honor, your youngest child died  
last  
11 year?

12 A. Yes.

13 Q. Would you turn with me to Question No. 10 on page  
3. Do  
14 you see the sex and the age of the children you have  
listed  
15 there?

16 A. Yes.

17 Q. Are those all your children?

18 A. Those are all mine.

19 Q. Are the ages correct?

20 A. Yes -- or wait.

21 Q. I'm not trying to embarrass you. I just wanted to  
bring  
22 this to your attention so I could get it clarified.

23 A. I'm trying to add.

24 Q. Well, what's your oldest child's birth date?

25 A. '58.

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1 Q. What was his birth date?  
2 A. In 1958.

3 Q. Excuse me?

4 THE COURT: 1958 is what you're saying?

5 JUROR: April of '58.

6 BY MR. RYAN:

7 Q. So maybe 39 would be more accurate?

8 A. Yes.

9 Q. And the question asked for you to give some  
information

10 about -- of course, these are all grown children. I'm  
not

11 curious about where they all reside, but could you give  
me the

12 towns where each of your children live?

13 A. Yes. I have one in South Dakota, two here in  
Denver, and

14 one in California.

15 Q. What are their occupations?

16 A. My daughter is in the same type of field I am. I  
have a

17 boy who was a truck driver and back in college, and I  
have one

18 that is on disability due to an accident and another  
one that

19 is -- the oldest that is on Social Security.

20 Q. What is the nature of the disability of your oldest  
son?

21 A. He's an alcoholic.

22 Q. And what about the one that -- you say you also  
have

23 another child.

24 A. Yeah.

25 Q. Another son --

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1 A. Yeah. That lives out of state. He was in a real  
severe

2 car accident, so he is physically --

3 Q. What are the nature of his injuries?

4 A. All the top of his neck, you know, where he's  
almost going

5 to the point of being paralyzed.

6 Q. All right. Now, you've lived in several towns in  
Colorado,

7 as I understood from your questionnaire.

8 A. Yes.

9 Q. What are -- you lived in Alamosa. Is that one of  
the towns

10 you said?

11 A. Yes.

12 Q. Did you also live in Grand Junction?

13 A. Yes.

14 Q. Any other towns in Colorado, other than your  
current

15 location?

16 A. That's it.

17 Q. When did you live in Grand Junction?

18 A. In '83.  
19 Q. And how about Alamosa?  
20 A. That's where we moved to in 1976, and I left there  
in '83.  
21 Q. Never have lived there since?  
22 A. Yeah, I moved back.  
23 Q. When did you move back to Alamosa? In '84?  
24 A. In '89.  
25 Q. '89?

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1 A. And then in '91, I moved up here for employment.  
2 Q. Okay. Thank you.  
3 What is the nature of the disabilities of the  
young  
4 man that lives with you now?  
5 A. He's moderately disabled.  
6 Q. Can he get around on his own?  
7 A. Oh, yes. Yeah.  
8 Q. And is it his family that has agreed to take care  
of him,  
9 or is it a member of your family?  
10 A. He belongs, you know, through an agency that I  
subcontract  
11 the work out of.

12 Q. Yes, ma'am. And who is going to take care of him  
if you're  
13 not -- if you're a juror in this trial?  
14 A. It will be my daughter.  
15 Q. Your daughter?  
16 A. Yes.  
17 Q. Would you be able to continue to receive income  
from your  
18 job?  
19 A. Yes.  
20 Q. Would it go to you, or would it go to your  
daughter?  
21 A. I would pay her X amount of dollars that we have  
already  
22 discussed. That's agreeable to both of us.  
23 Q. I'm sorry. Didn't mean to interrupt you. You've  
discussed  
24 this with your employer and it's satisfactory to them?  
25 A. Yes.

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1 Q. I'd like to turn to the question of Social  
Security. You  
2 indicated in your questionnaire to answer Question No.  
89 that  
3 you have been audited by the Social Security.  
4 A. What page?

5 Q. Question 89. Just a moment and I'll get it for  
you. Page 19 at the bottom of the page.

6

7 What did you have a reference to by answering  
yes to that question?

8

9 A. We were audited.

10 Q. You say "we." Who are you speaking of?

11 A. My second husband and I.

12 Q. And what would be the -- the interest of Social  
Security?

13 A. Oh.

14 Q. Maybe I misread that.

15 A. Including the --

16 Q. Are you talking about tax audit?

17 A. Yes.

18 Q. Okay. I'm sorry. The reason I was a little  
confused is because on the next page, if you turn to page 20, it  
asks you to explain it; and you said, "audited," Social Security  
-- "Soc, Sec."

21

22 A. Okay. I know what that is, and I didn't look on  
that other page.

23

24 Yes. When I was working with the children in  
Grand Junction, I had injured my back and I had, you know,  
received,

25

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1 you know, some Social Security.

2 Q. And so what happened vis-à-vis this audit? What  
was the

3 purpose of the audit?

4 A. There was no audit.

5 Q. What did you mean here when you said --

6 A. I meant by the audit, I guess, from the -- from the  
IRS.

7 Q. All right. You -- on Question 55A, if you would  
turn to

8 that, please, it asks you to identify any -- well, you  
can read

9 it for yourself.

10 You write the word "Bible teaching." Can you  
explain

11 what you mean by that?

12 A. Just by reading the Bible.

13 Q. Your own individual reading of the Bible?

14 A. Oh, yes.

15 Q. That's not the name of a religious group of any  
kind?

16 A. No.

17 Q. Do you go to a church?

18 A. Periodically.

19 Q. Well, what you're speaking here as being very  
active, and

20 you're speaking of your own spiritual reading?

21 A. My own personal.

22 Q. I'm sorry. Thank you.

23 I'd like to talk to you a bit about a worker's

24 compensation suit that you had. Maybe that's what you  
were

25 referring to --

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1 A. Yes.

2 Q. -- out in Grand Junction.

3 A. Yes.

4 Q. What was the nature of your injury?

5 A. That -- a herniated disk.

6 Q. Were you operated on?

7 A. No.

8 Q. Was that a matter that was settled between you and  
the

9 insurance company?

10 A. Yes, yes.

11 Q. All right. If we could -- and I know this is a  
difficult

12 topic for you and I apologize in advance for raising it  
again,

your 13 but I would like to talk about this incident involving

14 son.

15 A. Okay.

were you 16 Q. I'd like to understand that a little better. How

17 notified of his death?

going to 18 A. My daughter had gone over because we knew he was

his 19 be leaving this girl, and she went over to go pick up

that 20 belongings, and she called me on the telephone crying

21 there had been a shooting.

22 Q. All right.

23 A. And that's how I found out about it.

at the 24 Q. And did you talk to the police officer at the time,

25 time at the scene?

393

Juror No. 280 - Voir Dire

know, 1 A. None of them had contacted me. It was mainly, you

the police 2 the information because my daughter had gone down to

3 station.

the police 4 Q. Were there any witnesses besides the girlfriend,

5 officer?

6 A. There were supposed to have been some witnesses  
which  
7 followed up to what the report said, you know, that he  
did not  
8 pull a gun, but for whatever reason, those people were  
not  
9 questioned.

10 Q. So what were you given to believe right away after  
your  
11 son's death?

12 A. Oh, that he pulled a gun on the officer and that's  
why he  
13 was shot.

14 Q. Is this what --

15 A. I had an advocate, you know, from Broomfield tell  
me that;  
16 that, you know, the officer was justified.

17 Q. I'm sorry. I didn't hear the first part of what  
you said.

18 A. I said that an advocate from the Broomfield Police  
19 Department had called me and she had told me that, you  
know,  
20 the officer was justified in shooting him because my  
son had  
21 pointed the gun.

22 Q. And that was pretty much your sole source of  
information  
23 about this --

24 A. That was it.

25 Q. -- until a couple of months ago when you got some

394

Juror No. 280 - Voir Dire

1 paperwork?

2 A. Well, I knew it. I knew my son.

3 Q. Instinctively, you didn't think that was true?

the

4 A. Right, but I had no actual proof of it until I got

5 reports.

6 Q. Did your son carry a gun?

ever

7 A. He never carried a gun that -- you know, that I was

8 aware of.

9 Q. Was a gun found on his possession?

10 A. From -- again, from what I heard --

11 Q. Yes, that's what I mean.

the car

12 A. -- that it was her gun which she always carried in

on, yeah.

13 and it was on -- like inside of his Levis that he had

attorney's

14 Q. Did you ever talk to anyone from the district

15 office about this?

16 A. Yes.

17 Q. And when was that?

of times.

18 A. Oh, I talked to one particular gentleman a couple

19 Q. An assistant district attorney?

20 A. Yes.

21 Q. And why were you speaking with him?

22 A. For the reports.

23 Q. To learn more information?

24 A. Yes.

25 Q. And when you got the report, what did it indicate  
that was

395

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1 a surprise to you?

2 A. It was no surprise because I knew it all along,  
like I

3 said.

4 Q. What did it indicate that was different than what  
the

5 advocate had told you about after the incident?

6 A. That no gun was pointed.

7 Q. Did you ask the district attorney that charges be  
brought

8 up against this police officer?

9 A. No, I never had any further contact with that  
assistant.

10 Q. All right. Have you contacted an attorney about  
this?

11 A. No.

this  
113, you  
recall

12 Q. The reason I'm asking a number of questions about  
13 event is because in one of your answers to Question  
14 indicated that you would believe the testimony of a law  
15 enforcement officer less than other witnesses. Do you  
16 that answer?

17 A. May I look at it?

18 Q. Sure.

19 A. That is in regards going back, you know, to my son.

20 Q. You would not believe that law enforcement officer.

know -- I  
that, you

21 A. It's not that I wouldn't believe any of them, you  
22 don't mean to come off that way on it. It was mainly  
23 know, I did not believe what was told to me personally  
24 regarding my son.

felt

25 Q. Have you had other instances in your life where you

396

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1 that a police officer had not been honest with you?

2 A. No, uh-uh.

we

3 Q. We would anticipate in this case, for example, that  
4 would call a number of law enforcement officers as  
witnesses.

5 And when they get up there on the witness stand, are  
they going

6 to have to do something extra to convince you that  
they're

7 telling the truth?

8 A. No. I'd have to listen to both sides.

9 Q. Would you tend to believe them more than another  
witness, a

10 civilian witness who was testifying?

11 A. Would I believe them less?

12 Q. Yes.

13 A. I --

14 Q. Because that's what your answer to 113 suggests.

15 A. No. Again, like I said, you know, it -- that was  
mainly,

16 you know, because after filling it out about my son,  
you know,

17 and being told that a gun was pulled, well, then I find  
out,

18 no, a gun was not pulled.

19 Q. Do you have the feeling or sense that this is a  
frequent

20 occurrence that law enforcement officers --

21 A. No.

22 Q. -- don't tell the truth?

23 A. I take it instant -- case by case or instance by  
instance.

24 Q. For example, let's talk about the events at Waco,  
Texas. I

25 think you're familiar with that, are you not?

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1 A. I seen some of that, yes.

2 Q. You expressed some views on that here in this  
3 questionnaire. What is your take or sense of what  
happened  
4 there?

5 A. I wasn't that familiar with it. My biggest  
question was,  
6 you know, if it was burned down, where were the fire  
trucks,  
7 you know, to save some of the people? Why did it take  
so long  
8 to get there?

9 But yet I have no idea why not, you know; and  
it was  
10 something that I never dwelt back into.

11 Q. Do you have a suspicion that it was because they  
didn't  
12 really want to put the fire out?

13 A. No. I didn't really form an opinion on it.

14 Q. The -- have you ever seen any videotapes with  
respect to  
15 the events at Waco, Texas?

16 A. Yes, I've seen -- you know, some of that was on TV.

17 Q. Other than TV footage, have you seen like a  
cassette

18 videotape about the events at Waco?

19 A. No.

20 Q. Ever discussed the events of Waco with others?

21 A. We talked, and that's where it came up, you know,  
because a

22 lot of people, you know, including myself -- you know,  
about

23 the fire trucks, so it came up in a conversation.

24 Q. Did you have any other concerns about what happened  
at

25 Waco?

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1 A. No, because I wasn't fully aware of just everything  
that

2 happened.

3 Q. You indicated on Question 128 that you had a  
concern about

4 the constitutionality of the tax laws. What did you --  
could

5 you explain your answer a little bit fuller?

6 A. This is 128?

7 Q. This is at page 30, the top of the page.

8 A. Okay. What about it?

9 Q. Could you explain your answer a little more?

10 A. It goes back with the excessive spending.

11 Q. What are you thinking about when you say that?  
12 A. Oh, like if they study about a fish, why it makes a  
certain  
13 noise. My thing is all I want to know, the noise while  
it's  
14 frying in a frying pan; if it's done.  
15 Q. Okay. Any other examples come to mind of how you  
think  
16 that taxpayer dollars are being wasted?  
17 A. On the fish.  
18 Q. All right. You indicated that you had some  
familiarity  
19 with the term "Posse Comitatus." What do you know  
about that?  
20 A. That's going back to one -- the first town I moved  
to that  
21 there were some people trying to form it and it was  
supposed to  
22 be about taxes, you know. But that's all -- I think as  
fast as  
23 what they were talking about, then we never really  
heard any  
24 more about it.  
25 Q. Did you have a reaction, a personal reaction to  
Posse

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1 Comitatus?  
2 A. Oh, you know, I'll listen to what they have to say,

you

3 know, but I form my own opinion on things.

4 Q. Did you agree or disagree with some of the things  
they had

5 to say?

6 A. I agreed, you know, on what they were talking  
about, you

7 know, with the excessive spending and everything; but  
on a lot

8 of things, no, I totally did not agree with it.

9 Q. Give me an example of one of the things that you  
understood

10 they agreed with that you disagreed with.

11 A. What I disagreed with was where they had mentioned  
if you

12 got picked up for speeding, you know, the different  
steps of

13 how you could fight it. You know, my opinion was if  
the

14 tickets only cost you \$30 and you have to spend all  
this time

15 writing letters and running to courts, you know, time  
is money.

16 I didn't have time for it.

17 MR. RYAN: I want to thank you for answering  
my

18 questions.

19 JUROR: Thank you.

20 THE COURT: Mr. Woods?

21 MR. WOODS: Thank you, your Honor.

22

VOIR DIRE EXAMINATION

23 BY MR. WOODS:

24 Q. Good afternoon.

25 A. Good afternoon.

400

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that's

1 Q. My name is Ron Woods. I'm one of the lawyers

questions

2 appointed to represent Terry Nichols, and most of the

a

3 have been covered with you and I'm only going to cover

4 couple.

5 A. Okay.

was

6 Q. The Judge was trying to find a question here that I

on page

7 able to locate on the questionnaire. If you would look

family ever

8 24, it's 109. Question is, "Has any member of your

of any

9 been arrested or accused of, charged with or convicted

And

10 crime or been the subject of a criminal investigation?"

feel that

11 you checked yes. Then on the next page, 111, "Do you

charged

12 you/they, were justly investigated, arrested, accused,

13 or convicted?" And you checked no.

son? 14 Now, does this relate to the shooting of the

15 A. Yes.

16 Q. Okay. Okay. Thanks.

about 17 I wanted to just ask you a couple questions

indicate that 18 publicity. On page 16, on Question No. 72, you

and I 19 you watch television between four to six hours a day,

person 20 assume that's because you're at home with a disabled

21 that you're taking care of. Is that correct?

it. 22 A. And it's on, but not literally sitting and watching

23 I'll either have that or the stereo going.

Question 24 Q. Sure. And then on page -- the next page, 17,

said, 25 No. 77, "Do you listen to radio talk shows?" And you

401

Juror No. 280 - Voir Dire

1 "Yes, the Christian talk shows."

2 A. Yes.

television?" 3 Q. "How often do you listen to news on radio or

4 No. 78.

5 "Daily."

6 And then 79, "Which is the most important  
sources of  
7 news for you?"  
8 "TV and radio."  
9 And then lastly, Question No. 144, which is on  
page  
10 33, Question 144: "If you've heard or read anything  
about the  
11 Oklahoma City bombing, please indicate where you heard  
or read  
12 about it."  
13 "TV news and conversations."  
14 Can you tell me who you've had conversations  
with  
15 concerning the Oklahoma City bombing case?  
16 A. Okay. I'm going back to the day, because I did not  
really  
17 watch that much coverage except on the day of the jury,  
where  
18 they decided.  
19 Q. You're speaking of the McVeigh verdict?  
20 A. Yes.  
21 Q. What about the day that it happened? As the Judge  
22 explained to you, it happened on April 19, 1995. Did  
you -- do  
23 you have a vision of watching television, what you saw  
on that  
24 day?  
25 A. That day, I had the television going and I was  
getting

## Juror No. 280 - Voir Dire

1 ready for work. And I heard it, you know, while I was  
in my  
2 bedroom getting dressed and had the TV on and then  
3 really hear any more about it until later that night.

4 Q. Right.

5 A. You know, when the other stuff -- because at that  
time, I  
6 was not working in my home. I was working for another  
agency.

7 Q. When did you start working in your home?

8 A. Last October of '96.

9 Q. '96?

10 A. Yes.

11 Q. So you were at home at the time of the McVeigh  
verdict; is

12 that correct?

13 A. Yes.

14 Q. All right. And do you remember what the verdict  
was?

15 A. Yes.

16 Q. And what was it?

17 A. Guilty.

18 Q. And what was the sentence?

19 A. Death.  
20 Q. Okay. Have you had any conversations with anybody  
about  
21 that sentence?  
22 A. There may have been times, you know. I can't  
remember  
23 exactly because it just seems that once that verdict  
was in,  
24 then there really wasn't that much talk around people I  
know.  
25 Q. Does your family come over and visit with you?  
Your

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Juror No. 280 – Voir Dire

1 daughter is going to be taking care of the disabled  
person.  
2 Does she come and visit with you?  
3 A. Oh, yes.  
4 Q. And I assume that you've talked about this case  
with them?  
5 A. Just that, you know, I was, you know, one of the  
ones to  
6 come in for jury selection.  
7 Q. What about back in June, when the verdict came in  
on the  
8 death penalty? Did you talk with your family about  
that?  
9 A. I believe my daughter called.  
10 Q. Okay.

11 A. That day.

12 Q. Was there any consensus of the appropriateness of  
the  
13 penalty?

14 A. No. We never -- you know, we just -- or I told  
her, you  
15 know, that yes, I heard, you know, that the jury had  
come back.

16 Q. All right. Now, during the course of this case,  
have you  
17 heard how many people were killed in the bombing?

18 A. Yes. From -- in fact, I thought it was 150.

19 Q. Okay. And what do you --

20 A. For some reason that --

21 Q. What do you understand how many people have been  
killed?

22 A. What was it? 168?

23 Q. Do you know how many children have been killed?

24 A. No.

25 Q. All right. Did you learn or hear through the media  
as to

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Juror No. 280 - Voir Dire

1 what kind of bomb it allegedly was?

2 A. No, because that, you know -- had no knowledge of  
what they  
3 were, you know, describing. It was a bomb.

of Tim 4 Q. Did you see the television coverage of the arrest

5 McVeigh?

6 A. No.

in 7 Q. Do you have any image at all of Mr. McVeigh being

8 custody?

know, when 9 A. Yes. You know, I didn't see the actual day, you

10 he was arrested.

11 Q. What image do you have of Mr. McVeigh under arrest?

12 A. Just being walked away.

13 Q. Surrounded by a group of people?

14 A. Yes.

where 15 Q. Okay. Through the publicity, did you hear or learn

16 Mr. Nichols was at the time of the bombing?

anything as far 17 A. No. In fact, I haven't heard really hardly

18 as Mr. Nichols.

or not he 19 Q. All right. Have you heard anything about whether

20 is married or has children?

21 A. I think I heard that he's married.

22 Q. As to children, yea or nay?

23 A. That, I have no idea.

he lived 24 Q. Okay. Did you learn through publicity as to where

25 at that time?

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1 A. I don't remember. Kansas.

2 Q. Is there anything in the publicity that you've  
heard to

3 date that's going to influence your decision in this  
case on

4 guilt or innocence?

5 A. No, because I'd have to hear everything.

6 Q. All right. Now, as to the penalty hearing, if we  
get that

7 far, you stated a couple of views here on the death  
penalty

8 that I would like to go over with you on page 28.  
There were

9 four questions there. The first one was, "What is your  
view as

10 to whether the penalty of life in prison without the  
11 possibility of release should ever be imposed as  
punishment for

12 a crime?"

13 And your answer was, "This should not be the  
only

14 alternative. Punishment should fit the crime."

15 Can you expand on that a little bit to let me  
know

16 what you mean by that "punishment should fit the  
crime"?

death 17 A. Well, whether it would mean life imprisonment, the

18 penalty.

"In what 19 Q. And I believe you stated on No. D in cases, in --

20 kind of cases is it appropriate, if ever, to impose the

21 punishment of death," and you stated, "Cases of death,"

22 parentheses, "(premeditated and intentional)." Is that

23 correct?

24 A. Uh-huh.

you ever 25 Q. All right. Now, back to your son's shooting, have

406

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wasn't 1 requested or made any inquiry as to why the policeman

2 charged in that case?

mind, and I 3 A. I've thought about it in -- you know, it in my

do the 4 guess maybe I really don't blame him as much as what I

5 woman involved.

take it 6 Q. All right. Well, back to punishment in general, I

premeditation 7 you're not saying that all murders that involve

the 8 and intention -- intentional murder should be assessed

9 death penalty. Is that correct?

10 A. Right.

11 Q. All right. And that you would look at both sides  
of the  
12 case when assessing punishment, to life in prison  
without  
13 parole and to the death penalty. Is that correct?

14 A. That's correct.

15 MR. WOODS: Thank you very much.

16 THE COURT: Well, we can't tell you now, this  
17 afternoon, whether you're going to be on the jury or  
not. I'm  
18 sure you understand we're going to be talking to a  
number of  
19 people. Selections won't be made yet for a time, and I  
can't  
20 tell you exactly when that time is or will be.

21 But please bear with us. Be patient, and  
please  
22 continue to follow the cautions that you have been  
following in  
23 being careful about that which you see and hear in news  
and  
24 other places and publications about this case or  
anything  
25 connected with it and be careful in conversations so  
that you

hear this 1 can, if called upon, exercise your responsibility to  
and the 2 case fairly and decide it fairly according to the law  
3 evidence as you told us you can do.

can't tell 4 So we'll be back in touch with you, but I  
5 you when.

and we're 6 Thank you for your cooperation this morning;  
7 sorry that we have to ask questions that are painful to  
you, 8 but I'm sure you understand why that is.

9 JUROR: I understand.

10 THE COURT: Okay. You're now excused.

11 JUROR: Thank you.

12 (Juror out at 12:36 p.m.)

for just a 13 THE COURT: May I have counsel at the bench  
14 moment, please.

15 (At the bench:)

court 16 (Bench Conference 3B1 is not herein transcribed by

17 order. It is transcribed as a separate sealed  
transcript.)

18

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21  
22  
23  
24  
25

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1 (In open court:)

10 2 THE COURT: We'll be in recess. Let's make it  
3 minutes to 2.

4 (Recess at 12:38 p.m.)

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16   \* \* \* \* \*

17   REPORTERS' CERTIFICATE

18           We certify that the foregoing is a correct  
transcript from

Dated 19   the record of proceedings in the above-entitled matter.

20   at Denver, Colorado, this 30th day of September, 1997.

21

22

\_\_\_\_\_

Paul Zuckerman

23

24

\_\_\_\_\_

Bonnie

Carpenter

25