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4 City, Oklahoma, 73102, appearing for the plaintiff.  
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8 Denver, Colorado, 80294, appearing for the plaintiff.  
9 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,  
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10 NEUREITER, and JANE TIGAR, Attorneys at Law, 1120  
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11 Street, Suite 1308, Denver, Colorado, 80203, appearing  
for

12 Defendant Nichols.

13 \* \* \* \* \*

14 PROCEEDINGS

15 (Reconvened at 1:35 p.m.)

16 THE COURT: You wished to approach, Counsel?

17 (At the bench:)

18 (Bench Conference 72B1 is not herein transcribed by  
court

19 order. It is transcribed as a separate sealed  
transcript.)

20

21

22

23

24

25

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1 (In open court:)

2 (Jury in at 1:36 p.m.)

3 THE COURT: Mr. Dexter, if you'll resume the  
stand.

4 (Frederick Dexter was recalled to the stand.)

5 THE COURT: Mr. Mackey, if you'll continue.

6 MR. MACKEY: Your Honor, if I can begin by  
reporting

7 to the Court it's agreed among counsel to admit certain  
8 exhibits, and I can make those a matter of record now.

9 THE COURT: Please.

10 MR. MACKEY: Government's Exhibit 578, which  
can be  
11 described as activity records for a Tri-Mart pay phone  
in  
12 November of 1994. Exhibit 579, which is the related  
subscriber  
13 record for that same pay phone.

14 Government Exhibit 1725, which is the long  
distance  
15 phone bill records for Marion, Kansas, the residence of  
Terry  
16 Nichols, for the period ending August 13, 1994.

17 Exhibit 1726, same description, except the  
billing  
18 period is that ending September 13, 1994.

19 Government Exhibit 574, the same information  
except  
20 it's the billing period ending October 11, 1994.

21 In addition, we'd move to admit Government  
Exhibit  
22 1718. 1718. It's a long distance phone bill record  
for  
23 William McVeigh's residence in Lockport, New York, for  
the  
24 period ending October 25, 1994.

25 Government Exhibit 1724 -- 1724 -- is the long

1 distance phone bills for the residence of Michael  
Fortier for 2 the period ending September 5, 1994.

3 Government Exhibit 1994. 1994 are the  
business 4 records -- toll records specifically of Quartron,  
5 Q-U-A-R-T-R-O-N, for the time period April, 1995.

6 Government Exhibit 1720 are toll records from  
the 7 Catlin's, C-A-T-L-I-N'S, IGA, in Herington, Kansas, for  
the 8 month of April, 1995.

9 And Government Exhibit 575 is the toll records  
for the 10 Hutchinson Raceway for the month of September, 1994.

11 In addition, there are a series of Yellow  
Pages from 12 telephone books that are agreed to be admitted. They  
are 13 respectively for the record --

14 THE COURT: Let's stop right there. I get  
lost if we 15 go so far.

16 MR. MACKEY: All right.

17 THE COURT: These telephone records are  
agreed, are 18 they?

the 19 MR. TIGAR: Yes, your Honor. We stipulated to  
20 admissions of all of those telephone records.

And 21 THE COURT: All right. And they are received.  
22 the jury will understand that this is a submission or  
an 23 agreement to the submission of these records without  
the need 24 for a foundation witness for each of them.

25 Now, your next --

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1 MR. MACKEY: Yes, your Honor.

2 THE COURT: -- area.

Yellow 3 MR. MACKEY: The next grouping is a series of  
4 Pages excerpts from various phone books. Exhibit 527  
is a 5 Yellow Pages listing for chemical suppliers for  
Wichita, 6 Kansas, effective the fall of 1994.

7 THE COURT: So it's the Wichita, Kansas, phone  
book?

8 MR. MACKEY: Yes, your Honor.

9 THE COURT: For 1994.

10 MR. MACKEY: Yes.

the 11 MR. TIGAR: These are just single pages from  
12 telephone book.

13 THE COURT: Yes. I understand.

14 MR. TIGAR: We're consenting to this.

15 THE COURT: All right. 527 is received.

Just a 16 MR. MACKEY: 529 is from the same phone book.  
Pages 17 different page. It covers racetracks. The Yellow  
18 listing in Wichita for racetracks.

19 THE COURT: That's agreed, is it?

20 MR. TIGAR: Yes, your Honor.

same time 21 MR. MACKEY: Exhibit 530, same phone book,  
22 period, Yellow Pages listings for demolition  
contractors.

23 MR. TIGAR: That's agreed, your Honor.

24 THE COURT: All right.

also for 25 MR. MACKEY: 531 is Yellow Pages for Wichita,

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1 fall of 1994, for barrel suppliers.

2 MR. TIGAR: Yes, your Honor.

3 THE COURT: Agreed? Thank you.

4 MR. MACKEY: 532 is a different phone book

from Kansas

5 City. Yellow Pages listings again for barrel suppliers  
for the 6 fall of 1994.

7 THE COURT: What was that number?

8 MR. MACKEY: 532.

9 THE COURT: 532. Agreed?

10 MR. TIGAR: Yes, your Honor.

11 THE COURT: All right.

12 MR. MACKEY: 533, your Honor, is the Yellow  
Pages

13 listing from the Junction City, Kansas telephone book  
for 1995,

14 specifically the spring of 1995, that listing for truck  
15 rentals.

16 MR. TIGAR: That's agreed, your Honor.

17 THE COURT: All right.

18 MR. MACKEY: And finally, your Honor,  
Government

19 Exhibit 581. 581. It's the Yellow Pages listing from

20 Hutchinson, Kansas, for the fall of 1994, again a  
listing for

21 racetracks.

22 MR. TIGAR: It's agreed, your Honor.

23 THE COURT: All right. And these exhibits are  
24 received by agreement.

25 MR. MACKEY: Thank you, your Honor.



1 THE COURT: And thank you to counsel and to  
2 Mr. Nichols to facilitate the submission of this  
material.

3 You may continue then.

4 MR. MACKEY: Thank you, your Honor.

5 DIRECT EXAMINATION CONTINUED

6 BY MR. MACKEY:

7 Q. Mr. Dexter, let me return our attention now to a  
number of

8 phone calls from the many that you've talked about  
earlier this

9 morning and ask if you had occasion to assist in  
creating and

10 verifying a chronological summary of certain phone  
calls

11 designated by me from among Government Exhibit 553 and  
the many

12 other exhibits that you've identified in the course of  
your

13 testimony.

14 A. Yes, I did.

15 Q. Would you take a look, please, at Government  
Exhibit 1888,

16 1888.

17 A. Yes, sir.

18 Q. Is that before you? And is that the exhibit that  
I've

19 described?

20 A. Yes, it is.

21 Q. Is it an accurate and verified listing of certain  
phone  
that  
22 calls that have -- that are a part of other exhibits  
23 you've identified?

24 A. Yes, they are.

25 MR. MACKEY: Your Honor, I would move to admit

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Frederick Dexter - Direct

1 Government Exhibit 1888.

2 MR. TIGAR: May I inquire, your Honor?

3 THE COURT: You may, yes.

4 VOIR DIRE EXAMINATION

5 BY MR. TIGAR:

6 Q. Hello again, Mr. Dexter. 1888 is -- does it  
contain  
7 anything that is not already contained in items that  
have been  
8 received in evidence?

9 A. Everything in here has been received, yes.

10 MR. TIGAR: No objection for demonstrative  
purposes.

11 THE COURT: I take it that is the purpose.

12 MR. MACKEY: Well, it's not, your Honor,

because it's

13 about 16 pages long.

14 THE COURT: Well, but I mean, it's already --  
it's

15 duplicating some other --

16 MR. MACKEY: So to that end, I understand.

17 THE COURT: So it is simply pulling out a  
portion of

18 another exhibit for purposes of certain testimony.

19 MR. MACKEY: Yes, your Honor, for future  
witnesses.

20 THE COURT: All right.

21 MR. TIGAR: That's why our consent is limited  
to

22 demonstrative purposes, your Honor.

23 MR. MACKEY: Understood.

24 THE COURT: 1888 is received then with that  
limitation

25 on its use.

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Frederick Dexter - Direct

1 DIRECT EXAMINATION CONTINUED

2 BY MR. MACKEY:

3 Q. Mr. Dexter, before coming to court, did you assist  
in the

4 preparation of other illustrative charts that would  
show what,

5 if any, comparison there were between phone calls that  
you  
6 found in the Bridges card and listings in the Yellow  
Pages that  
7 have been admitted into evidence?

8 A. Yes, I did.

9 Q. And are those comparisons the results of your  
comparisons  
10 set forth in Government's Exhibits 567, 570, 571, 2081,  
2082,  
11 2083, and 2084?

12 A. Yes, they are.

13 Q. And do they accurately depict results of your  
comparisons?

14 A. Yes, they do.

15 MR. MACKEY: Your Honor, I'd move to admit  
each of  
16 those exhibits solely for demonstrative purposes.

17 MR. TIGAR: No objection to that, your Honor.

18 THE COURT: All right. They are received for  
that  
19 purpose and may be displayed in the testimony.

20 MR. MACKEY: Thank you. Your Honor, these  
particular  
21 exhibits are in chart form. If I could ask permission  
of the  
22 Court to have Agent Tongate display them one at a time.

23 THE COURT: All right.

24 MR. MACKEY: We'll begin with Exhibit 2081.  
Your

detail 25 Honor, may I inquire as to whether the jury can see the

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Frederick Dexter - Direct

1 of this particular chart?

2 THE COURT: Can you all see this chart?  
People on

3 that end can't, so we'll have to move it up some.

4 MR. MACKEY: Mr. Tongate, could you pull it  
forward?

5 Members of the jury to the far left here need to see.

6 BY MR. MACKEY:

7 Q. Mr. Dexter, with the --

8 THE COURT: You'll have to move it over here  
farther.

9 Temporarily obscure the jury's view of the Court.

10 MR. MACKEY: Your Honor, would it be possible  
for

11 Mr. Dexter to step down and explain to the jury what's  
on the

12 chart?

13 MR. TIGAR: May I move to a vantage that I can  
see the

14 testimony? Where would your Honor prefer that I stand  
for this

15 purpose? Over here, I know.

16 THE COURT: Well, wherever is convenient.

17 MR. RYAN: He can sit in my chair, your Honor.

18 appreciate that.

THE COURT: All right, Mr. Ryan. We

19 Can you see it there all right, Mr. Tigar?

20 MR. TIGAR: Yes, your Honor. Thank you.

21 THE COURT: Okay.

22 MR. MACKEY: Thank you, your Honor.

23 BY MR. MACKEY:

24 Q. Mr. Dexter, start, please, by telling the jury  
what's on

25 the left-hand side of Exhibit 28 -- 2081.

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Frederick Dexter - Direct

1 A. On the left-hand side are calls that are taken  
directly out

2 of the Bridges summary.

3 Q. And on the right-hand side?

4 A. On the far right is a page from the Yellow Pages  
with a

5 dotted line around it that show the enlargement which  
has been

6 blown up so that you can read it and I can read it.

7 Q. In the center of that exhibit, is there an  
enlargement then

8 of the listing in the Yellow Pages in the Wichita phone  
book

9 for chemical companies?

10 A. Yes, there is.

in that 11 Q. And I note that there are a number of phone numbers

12 column that are highlighted.

13 A. That's correct.

14 Q. And why is that?

15 A. What we were doing was a comparison from that one  
16 summary that

17 matched, multiple ones on that Yell -- that particular  
Yellow

18 Page.

19 Q. Did you find that someone using the Bridges card  
called one

20 or more of the chemical companies listed in the Yellow  
Pages in

21 September of 1994?

22 A. Yes, I did.

23 Q. Let's start then for the entries on September 26,  
1994.

24 What did you find?

25 A. What I found was that there were two different  
phone --

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Frederick Dexter - Direct

1 from two different phones, one the HRK Resale Shop pay  
phone

2 called Mid-America Chemical, Inc., in Oklahoma City,  
(405)

3 232-6331. That was called three times, and that  
appears over  
4 here under Mid-America Chemical, Inc., in the Yellow  
Pages.  
5 Also on that day, called from Kahn's Amoco pay  
phone  
6 in LincolnvilIe, Kansas, to the same Mid-America  
Chemical  
7 Company, same number there.  
8 Q. For clarification of the record, Mr. Dexter, the  
Bridges  
9 summary that you prepared and has been admitted into  
evidence,  
10 it shows the actual time of each of those calls and the  
11 duration?  
12 A. Yes, it does.  
13 Q. And for lack of space, I guess, that information is  
not  
14 shown, is it, on this particular exhibit?  
15 A. No, it is not.  
16 Q. But the fact of the phone calls from each of the  
two pay  
17 phones to those chemical companies is reflected  
accurately?  
18 A. That is correct.  
19 Q. Tell us, then, what took place on September 27,  
1994,  
20 according to the activity of the Bridges card.  
21 A. From -- on 9-27-94, there were numerous calls made  
to



22 places that are listed under the chemicals. The calls  
were all  
23 placed from the Coastal Mart pay phone in Marion,  
Kansas, (316)  
24 382-8652. One of them -- you can see the first one was  
placed  
25 to Vulcan Chemicals, which appears on the Yellow Pages  
right

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Frederick Dexter - Direct

1 there. The Phone No. 524-4211. There were multiple  
calls to  
2 Barton Solvents, Inc., 555-2305. One, two, three  
particular  
3 calls that were placed, and that is there in the ads.  
4 There was a call to Mid-Con Plastics in Derby,  
Kansas.  
5 That phone number -- where did I -- right there.  
788-2334.  
6 And you can see that's right here in the chart.  
Distributor to  
7 Industry in Wichita, 263-9511. Right there. And this  
one was  
8 from Barton Solvents and then Harcros Chemicals, Inc.,  
263-1244  
9 is right there. So there was one, two, three, four,  
five --  
10 six different chemical companies were called from --  
that were  
11 listed in that page of Yellow Pages.

12 Q. On September 27, that day's activity, there was a  
phone  
13 call to Harcros Chemicals as listed in Wichita, Kansas;  
is that  
14 right?

15 A. That's correct.

16 Q. And then immediately below that last entry for the  
Wichita  
17 side of business, is there another number for Harcros  
Chemicals  
18 in a different city?

19 A. Yes, there is. There's calls to Kansas City,  
Kansas, (913)  
20 321-3131, and there was three calls placed to that  
particular  
21 number on the 27th.

22 Q. And the series of phone calls to the Kansas City  
company  
23 started after the end of the last phone call to the one  
in  
24 Wichita?

25 A. Yes, it did.

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Frederick Dexter - Direct

1 Q. And was that same Kansas City number then called on  
2 September 28, 1994?

3 A. Yes, it was. One time from City Hall pay phone in  
Marion,

Kansas 4 Kansas, 382-8630, called the same Harcros Chemicals in  
5 City, Kansas.

Exhibit 6 Q. Mr. Dexter, let's take that one down and put up  
7 567, please.

occasion 8 In Exhibit 567, did you attempt to find any  
9 where the Daryl Bridges card was used to call a  
racetrack 10 number listed in the Wichita Yellow Pages?

11 A. Yes, I did.

12 Q. And did you find such occasion?

Marion, 13 A. Yes, on 9-28-94, from the City Hall pay phone in

one being 14 Kansas, 382-8630, two such calls were made, the first

listed 15 to Eighty One Speedway, Phone No. 755-1781, which was

Yellow 16 under that category of racetracks from that telephone

17 Page; and another one to Wichita International Raceway,

Pages. 18 522-9100, which appears at the bottom of those Yellow

Wichita 19 Q. And again, the highlighted numbers appear in the

20 Yellow Pages under "racetrack"?

21 A. That's correct.

in the 22 Q. Did you find other phone calls to racetracks listed

23 Bridges record from other phone books?

24 A. I believe they came from Exhibit 1888.

2084. 25 Q. All right. Let me turn your attention to Exhibit

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Frederick Dexter - Direct

1 MR. MACKEY: Agent Tongate?

2 BY MR. MACKEY:

3 Q. What does this exhibit show?

4 A. This exhibit shows on 9-29-94 that two phone calls  
were

5 placed from the subscriber record of Terry Nichols,  
382-3535,

6 to Hutchinson Raceway, 662-2213, both -- both calls to  
the same

7 place. And that appeared under "racetracks" in the  
Hutchinson

8 Yellow Pages.

9 Q. And were these two phone calls made with the aid of  
the

10 Bridges calling card?

11 A. They were not.

12 Q. How were they made?

13 A. They were made from the -- by examining the  
telephone bill

14 from the Terry Nichols subscriber -- the phone bills  
that

15 subscribed to Terry Nichols.

16 Q. You found at least two occasions on the long  
distance  
17 telephone bills of Mr. Nichols those two phone calls?

18 A. That's correct.

19 Q. Let's turn now to Exhibit 2082.

20 Describe to the jury what's shown there,  
please.

21 A. On 9-29-94, we have a call from 382-3535,  
subscriber Terry

22 Nichols. The first call was to Heavy Demolition (316)  
23 943-9334, which was listed in the Yellow Pages right  
there from

24 this portion. And the second call to Cornejo, C-O-R-N-  
E-J-O, &

25 Sons, Inc., Phone No. 522-5100, which had a block ad on  
that

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Frederick Dexter - Direct

1 same page in the Yellow Pages.

2 Q. All right. Mr. Dexter, as you describe the chart,  
if you

3 can be mindful of the jurors immediately behind you, as  
well,

4 so they can see.

5 A. I'm sorry.

6 Q. Thanks. Let's turn our attention now to Exhibit  
2083.

7 Tell us what that shows, please.

8 A. This shows that there was -- from the Denny's pay  
phone in  
9 Wichita, Kansas, Phone No. 684-9041, that there were  
multiple  
10 calls. The first call that day was to Liberty Lobby in  
11 Washington, D.C. Then immediately behind that, there  
were  
12 calls to SDS, Inc., at 321-6570. The last one on the  
Yellow  
13 Pages. There was one, two, three, four immediately  
after that  
14 to Coffeyville Recon, 251-1520, which is the top one.  
And then  
15 there was one to Grelf Brothers Corporation from a  
different  
16 phone from Komer Mart pay phone in Benton, Kansas,  
Phone No.  
17 778-1473.

18 Q. And are the highlighted numbers all numbers listed  
under  
19 "barrels and drums" in the Wichita Yellow Pages in the  
fall of  
20 1994?

21 A. Yes, they are.

22 Q. And each of the calls that are reflected on the  
left-hand  
23 side, were they made with the aid of the Bridges  
calling card?

24 A. Yes, they were.

25 Q. And the first several were placed from a pay phone  
in

Frederick Dexter - Direct

1 Wichita?

2 A. That's correct.

3 Q. Let's turn your attention now to 570. Did your  
examination

4 find yet other phone calls on the Bridges card to  
companies

5 listed under "barrel" listings in the Yellow Pages?

6 A. Yes, they did.

7 Q. What is depicted on 570?

8 A. On 10-24-94, from the Denny's pay phone in Topeka,  
Kansas,

9 272-9726, there were numerous calls made. The first  
one to

10 Packaging West, Inc., 241-1717. It appears in the  
Yellow Pages

11 there. The next one was to Container Recycling, Inc.,  
in

12 Kansas City, 281-5770, which had a block ad right  
there. And

13 the last one that's highlighted is to Scott Barrel  
Company,

14 342-2290, which is right there. And each one of those  
lines

15 you can see come from a different portion of the Yellow  
Pages,

16 all under "barrels and drums."

17 Q. Take a look at the Yellow Pages and find the  
listing for A1

18 Barrel Company at 6035 Kansas Avenue.

19 A. It's right there on the insert of the Yellow Pages.

20 Q. And is that No. 299-3995?

21 A. Yes, it is.

22 Q. Was that number dialed on that day from that same  
pay

23 phone?

24 A. Yes, it was, with the area code of 816 in front of  
it.

25 Q. Do you know whether that was the correct area code  
in the

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Frederick Dexter - Direct

1 fall of 1994?

2 A. It was not the area code for A1 Barrel Company in  
Kansas.

3 Q. And is that the reason that it's labeled "misdial"?

4 A. Yes. The subscriber record was requested for that  
phone,

5 and the reason it's a misdial is the phone company told  
us for

6 816-299 there is no such exchange that they handle so  
somebody

7 had to have dialed the number wrong because the area  
code and

8 exchange are not available through that telephone  
company.

9 Q. And the final chart, Mr. Dexter, is 571. Tell us,



please,

10 what's shown there.

11 A. This is the Yellow Page from Junction City with the

12 highlight over the expanded value here in the middle;  
and you

13 see that on 4-14-95, there were two calls from the J &  
K Bus

14 Depot pay phone. The one that is highlighted in the --  
on the

15 left-hand side is (913) 238-8534, which is in the  
Yellow Pages

16 listed under -- under the Ryder Truck Rental One Way,  
Inc.

17 Q. And was that the number for Elliott's Body Shop's  
Ryder

18 rental business in the spring of 1995?

19 A. Yes, it was.

20 Q. And that phone call -- excuse me. That phone  
number was

21 called with the aid of the Bridges card, according to  
your

22 analysis?

23 A. Yes, it was.

24 Q. That's all I have for those exhibits, Mr. Dexter.  
Thank

25 you.

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Frederick Dexter - Direct

1 Mr. Dexter, did you assist, as well, in the  
2 preparation of certain additional illustrative charts  
that have  
3 been marked for identification as Exhibits 1955A, B, C,  
D, E,  
4 1955J, K, L and M and 1955-0?

5 A. Yes, I did.

6 MR. MACKEY: Your Honor, we'd move to display  
these  
7 exhibits again for demonstrative purposes only.

8 MR. TIGAR: No objection, your Honor.

9 THE COURT: These are 1955A through 0?

10 MR. MACKEY: No, your Honor. A, B, C, D, E,  
J, K, L,  
11 M, and 0.

12 THE COURT: Okay.

13 BY MR. MACKEY:

14 Q. If we can show the exhibit now at this time,  
Government  
15 Exhibit 1955A. And can you describe based on your  
experience

16 and reconstructing the activity on the Daryl Bridges  
phone card  
17 what took place on September 24, 1994, as depicted in  
this  
18 exhibit.

19 A. On September 24, 1994, from one particular phone in  
Marion,  
20 Kansas, there were three phone calls to Brooklyn  
Delicatessen

21 in Harrisonburg, Virginia, and there was one call  
placed to the

22 Greg M. Pfaff residence also from that same phone.

23 Q. And on the chart, there's one arrowhead that's a  
slightly

24 different color. What does that represent?

25 A. The blue arrows indicate that the call was  
answered. The

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Frederick Dexter - Direct

1 gray arrow indicates that there was a -- there is a  
zero

2 duration and the call was not answered.

3 Q. Let's turn now to the 1955B. And describe what is  
shown

4 here, please.

5 A. What this tells me is that there were three calls  
placed

6 from Marion, Kansas, to Mid-America Chemical, Inc., in  
Oklahoma

7 City. The first two calls were not answered. The  
third call

8 was answered. There was one call placed from  
Lincolnvilleville to

9 Mid-America Chemical, Inc., on the same day, and that  
call was

10 answered.

11 Q. Let's turn to 1955C. Describe what's shown here.

12 A. From one phone in Marion, Kansas, there were three

calls to

13 Barton Solvents, Inc., in Valley Center. The first two  
calls  
14 were unanswered. The third call was answered. There  
was one  
15 call to Harcros Chemicals, Inc., in Wichita. There was  
one  
16 call to Distributor to Industry, Inc., that was  
answered that's  
17 in Wichita. There was one call to Vulcan Chemicals  
that was  
18 not answered. There was one call to Mid-Con Plastics,  
Inc., in  
19 Derby that was answered. And there were three calls to  
Harcros  
20 Chemical, Inc., in Kansas City; and all three of those  
calls  
21 were answered.

22 Q. And in 1955D?  
23 A. This tells me that in -- there was two different  
phones  
24 used in Marion, Kansas. The -- there's one call from  
one of  
25 the phones to Rosewood Signs in Tonawanda, New York.

All of

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Frederick Dexter - Direct

1 the rest of the calls came from the second phone.  
There was  
2 one call to Eighty One Speedway in Valley Center.

There was

3 one call to Wichita International Raceway in Wichita.  
There

4 was one call to Ebersol Hobby and RC Raceway in  
Wichita. There

5 was one call to Harcros Chemical, Inc., in Kansas City.  
There

6 was one call to Miles, Inc., Industrial Chemicals in  
7 Pittsburgh. And there were two calls to Olin Corp.  
Diversified

8 Chemicals in Stamford, and those two calls were not  
answered.

9 Q. And all of those calls took place on September 28,  
1994?

10 A. That's correct.

11 Q. And all of them were placed on the Daryl Bridges  
calling

12 card?

13 A. That's correct.

14 Q. Mr. Dexter, how many total calls were made on the  
Bridges

15 card to chemical companies between September 26 and  
16 September 28?

17 A. There was -- 18 phone calls were made.

18 Q. And how many of those 18 phone calls originated  
from

19 Marion, Kansas?

20 A. There were 17 that originated from Marion, Kansas.

21 Q. Let's turn our attention now to 1955E. Describe  
what's

22 shown there, please.  
23 A. There were two phone calls from a particular --  
there's  
24 only one phone that all these calls originated from in  
Marion,  
25 Kansas. Two calls to Hutchinson Raceway in Hutchinson.  
There

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Frederick Dexter - Direct

1 was one call to Heavy Demolition in Wichita that was  
not  
2 answered. One call to Cornejo and Sons, Inc., in  
Wichita that  
3 was answered. One call to Rosewood Signs, Tonawanda,  
New York,  
4 that was answered.

5 Q. And those calls took place on September 29, 1994?

6 A. That's correct.

7 Q. On the Bridges card?

8 A. No. I believe the two calls to Hutchinson Raceway  
were not  
9 made on the --

10 Q. With that exception?

11 A. Right. With that exception, the other three were  
on the  
12 Bridges card.

13 Q. 1955J. What date is reflected here?

14 A. October 17, 1994. From two different phones in

Herington,

15 Kansas. One phone was used to call Lana and Leonard  
Padilla's  
16 residence in Las Vegas. The other phone was used to  
call  
17 Coogle Trucking, Inc., in Otterbein, Indiana.

18 Q. And 1955K, what date's activities is shown here,  
please?

19 A. October 18, 1994.

20 Q. And what is shown in the way of the activity?

21 A. First, there was a -- a call for information to  
Kansas.

22 All these come from one phone in Council Grove that  
called for

23 information to Kansas. Then there was a call to Full  
Service

24 Beverage Company in Hutchinson. There was a call to  
Coca-Cola

25 Bottling Company, one call. That was also answered.

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Frederick Dexter - Direct

1 Pepsi-Cola Bottling Company, one call answered.  
Collingwood

2 Grain, Inc., one call answered. One call to Purina  
Mills,

3 Inc., in Wichita that was not answered. And one call  
to Equity

4 Standard Numismatics - K.C. That call was, in fact,  
answered.

5 Q. And it was the last call to Equity Standard that  
day on the

6 Bridges card?

7 A. Yes, it was.

8 Q. And was that to a coin shop in Wichita, Kansas?

9 A. Yes.

10 Q. Let's turn our attention now to 1955L. And where  
were the

11 phone calls made from on October 19, 1994, as shown in  
this

12 chart?

13 A. There were two different origination points. Calls  
were

14 made on October 19, 1994, one call from Benton to Grelf

15 Brothers Corp. in Winfield.

16 Then there were numerous calls made from  
Wichita. One

17 call to SDS, Inc., in El Dorado. One call to Liberty  
Lobby,

18 Washington, D.C. Both of those -- all three of those  
calls

19 that I've previously mentioned were answered. And then  
there

20 were four calls from that Wichita phone to Coffeyville  
Recon in

21 Coffeyville. The first three not answered. The fourth  
call

22 was answered.

23 Q. 1955M. Does this reflect activity for October 20?

24 A. Yes, it does.



25 Q. And what's shown?

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Frederick Dexter - Direct

City. A 1 A. The call originated in -- first call, Junction  
And 2 call was made to Coogle Trucking in Otterbein, Indiana.  
3 then the second, there was a balance check done against  
the 4 card in Pauls Valley.

5 Q. In the fall of 1994, Mr. Dexter, how many total  
phone calls 6 were made to Coogle Trucking in Indiana?

7 A. There were three calls placed to them.

8 Q. And when was the last such phone call?

9 A. The last call was made on 10-20 -- October 20 at  
around 10 10:00. 10:01, I believe it was, that morning.

11 Q. In the a.m.?

12 A. Correct.

13 Q. And the balance check that is shown here at Pauls  
Valley, 14 Oklahoma, what time of day did that call take place?

15 A. That call took place a little bit after 9:00 in the  
16 evening.

17 Q. Some 11 hours' difference?

18 A. Correct.

24, 1994? 19 Q. One final chart, 1955-0. And is this for October

20 A. Yes, it is.

21 Q. Can you tell the jury what we see here.

22 A. From one phone in Topeka, Kansas, there were four  
calls

23 made. One was a misdial. One call went to Container

24 Recycling, Inc., was answered. One call to Scott  
Barrel

25 Company. It was answered. And those two were in  
Kansas City,

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Frederick Dexter - Direct

1 Kansas. And then there was one call to Packaging West,  
Inc.,

2 in Kansas City, Missouri, and that call was also  
answered.

3 Q. Mr. Dexter, based on your review of the Bridges  
card, how

4 many total phone calls were made to companies listed  
under

5 "barrels" in the fall of 1994?

6 A. Calls that were listed under the Yellow Pages that  
we

7 previously looked at, there were nine such calls that  
went to

8 phone numbers listed under "barrels."

9 Q. And how many such calls were made after the date of  
this

10 chart, October 24, 1994?

11 A. There were none after that date.

12 Q. Mr. Dexter, I need your help on just a few more  
exhibits  
13 and then I'll conclude.

14 In your analysis of the Bridges card, did you  
find  
15 multiple occasions where pay phones were used to  
generate --  
16 that is, to place -- phone calls?

17 A. Yes, I did.

18 Q. And how about the other end, who actually received  
them?

19 A. Yes, I did.

20 Q. And how many occasions did you find where Bridges  
phone  
21 calls were made to a pay phone?

22 A. I found that that was limited to a two-day period.

23 Q. And what two days were those?

24 A. It was November 6 and November 7, 1994.

25 Q. Do you recall what day of the week November 6 and  
7, '94,

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Frederick Dexter - Direct

1 fell on?

2 A. I believe it was Sunday and Monday. I can't swear  
to that.

3 Q. And were those phone calls between any two  
particular  
4 states?  
5 A. Yes, they were.  
6 Q. What states were those?  
7 A. Those phone calls were placed between Kansas and  
New York.  
8 Q. The state of New York?  
9 A. The state of New York.  
10 Q. How many different pay phones were used during that  
two-day  
11 time period?  
12 A. Counting the from -- the "from" pay phones and the  
"to" pay  
13 phones, there was a total of five different pay phones  
used.  
14 Q. Mr. Dexter, did you assist in preparing  
Government's  
15 Exhibits 2067 and 2068 to illustrate your testimony on  
this  
16 point?  
17 A. Yes, I did.  
18 MR. MACKEY: Your Honor, I would move to admit  
for  
19 demonstrative purposes Exhibit 2067 and 2068.  
20 MR. TIGAR: No objection, your Honor.  
21 THE COURT: They are received for that  
purpose.  
22 BY MR. MACKEY:

jury, 23 Q. Start, please, with Exhibit 2067. And tell the  
24 please, Mr. Dexter, what's set forth on Exhibit 2067.  
25 A. What we did was demonstrate in a chronological  
order the

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Frederick Dexter - Direct

and New 1 calls between the two states, Kansas being on the left  
2 York being on the right. The chronology works from top  
to 3 bottom for the calls between those two states.

4 Q. And at what time of day did the first phone call on  
5 November 6 from Kansas to New York take place?

6 A. Excuse me. 10:48 a.m., a call was placed from -- I  
may not 7 pronounce this. Kede Bo Video pay phone in Junction  
City for 8 18 seconds to William McVeigh's residence in Pendleton,  
New 9 York.

10 Q. And was that call from Junction City to Bill  
McVeigh's 11 residence on the Bridges card?

12 A. Yes, it was.

13 Q. Was that same card used later the same day to place  
14 additional calls to the Bill McVeigh residence?

15 A. Yes, it was.

16 Q. Describe that from the exhibit, please.

17 A. Later in the day, at 12:54, about two hours after  
the first  
18 call, call on the card from Waters True Value pay phone  
in  
19 Junction City to William McVeigh's residence. That  
call lasted  
20 1 minute, 1 second. And then two-and-a-half hours  
later or so,  
21 at 3:36 p.m., there was another call to William  
McVeigh's  
22 residence for 1 minute and 9 seconds.

23 Q. And again, those two phone calls from the Waters  
True Value  
24 pay phone were made with the Daryl Bridges card?  
25 A. Yes, they were.

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Frederick Dexter - Direct

1 Q. And approximately four hours later, what phone  
activity did  
2 you discover?  
3 A. That there was a phone call placed from the  
Convenient Mart  
4 pay phone in Pendleton, New York, back to the Waters  
True Value  
5 pay phone in Junction City. That took place at 7:41  
p.m. That  
6 call went unanswered.

in 7 Q. And how was the phone call from the Convenient Mart  
8 Pendleton, New York, placed?  
9 A. Using the Bridges -- Daryl Bridges card.  
generated 10 Q. And that's the same Daryl Bridges card that had  
side of 11 the pay phones (sic) that are shown on the left-hand  
12 that exhibit?  
13 A. That's correct.  
call 14 Q. Your chart on Exhibit 2067 indicates the last phone  
15 from New York to Kansas was not answered; correct?  
16 A. That's correct.  
next 17 Q. Was that same pay phone in Junction City called the  
18 morning, according to your analysis?  
19 A. Yes, it was.  
And if 20 Q. Let me direct your attention now to Exhibit 2068.  
21 you could walk through for the benefit of the jury the  
22 chronology of calls on November 7, 1994, as shown in  
this 23 exhibit.  
24 A. The first call on that day between the state of  
Kansas and 25 the state of New York was placed from Edward McVeigh's

Frederick Dexter - Direct

I'm  
place at  
residence

1 residence in Lockport, New York, to the True Value --  
2 sorry -- the Waters True Value pay phone. That took  
3 8:23 a.m., and that call went unanswered.

4 Q. And how was the call from Mr. Edward McVeigh's  
5 made?

6 A. Using the Daryl Bridges card.

again  
7 Q. Was the pay phone at Waters True Value called yet  
8 that morning?

in  
That  
unanswered.

9 A. Yes, it was. It was called from -- Fay's pay phone  
10 Lockport, New York, called Waters True Value pay phone.  
11 was at 8:46 that morning, and that call was also

is shown  
12 Q. What was the next phone activity that you found as  
13 in this exhibit?

Mini Mart  
evening

14 A. That there was a -- a balance check done from the  
15 pay phone in Kansas. And that was -- took place that

do that  
16 at 5:59 p.m., and it was recorded it took 16 seconds to  
17 balance check.

on  
18 Q. Was the William McVeigh residence called yet again



19 November 7?  
20 A. Yes. This is a -- was called on the 7th from the  
Travelers  
21 Motel in Manhattan, Kansas, five minutes after the  
balance  
22 check was done. That call took place at 6:04, and it  
lasted 1  
23 minute and 14 seconds.  
24 Q. Mr. Dexter, do you have any personal knowledge as  
to the  
25 names of any of the guests that were registered at the

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Frederick Dexter - Direct

1 Travelers Motel in Manhattan, Kansas, on November 7?  
2 A. I do not.  
3 Q. According to your analysis of phone records, did  
you see  
4 additional phone-call activity that same day from the  
5 Convenient Mart?  
6 A. Yes, I did. 8 minutes after the call from the  
Travelers,  
7 there were numerous calls placed in succession from the  
8 Convenient Mart pay phone in Pendleton to the Mini Mart  
pay  
9 phone in Manhattan. The same one that had done the  
balance  
10 check at 5:59 right above that. It's a different  
block, but

11 it's the same phone. The first phone call was done at  
12 6:12 p.m., and it lasted 6 seconds. The second call  
was one  
13 minute later at 6:13. It was unanswered. Third call  
was at  
14 6:16, and that call was unanswered. The next call at  
6:18, and  
15 that was unanswered. Then 3 minutes later at 6:21,  
between the  
16 same two pay phones, and that call was answered with a  
duration  
17 of 13 seconds. 2 minutes later, another call from the  
18 Pendleton to the Manhattan phone at 6:23, unanswered.  
The last  
19 one from the Convenient Mart at 6:28 was also  
unanswered.

20 Q. And was there additional phone activity yet that  
same  
21 evening?

22 A. Yes. About an hour later, at 7:22, a call was  
placed from  
23 the Travelers Motel in Manhattan, Kansas, same phone as  
the  
24 block above that -- two blocks up from Manhattan Motel,  
Kansas,  
25 a call that originated at 6:04. This call on the  
bottom

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Frederick Dexter - Direct

seconds; 1 originated at 7:22 p.m., and it lasted 6 minutes and 9

in 2 and the call was placed to William McVeigh's residence

that. 3 Pendleton, the same phone number of two blocks up above

you find 4 Q. Mr. Dexter, how many calls or attempted calls did

and New 5 on the Bridges card between the two states of Kansas

6 York on the days of November 6 and 7?

believe. 7 A. There were 15 calls between the two states, I

between 8 Q. And how many calls on the Bridges card did you find

at 9 those two states after the completion of the phone call

10 7:22, lasting 6-some-odd minutes?

after 11 A. I did not find any calls between the two states

12 November 7, '94.

chart 13 Q. Finally, Mr. Dexter, did you assist in preparing a

April of 14 that would illustrate what activity you found during

15 1995? Phone activity, that is.

16 A. Yes, I did.

17 Q. And is that set forth in Exhibit 2044?

18 A. Yes, it is.

19 MR. MACKEY: Your Honor, I would move for

20 demonstrative purposes admission of 2044.

21 MR. TIGAR: No objection, your Honor.

22 THE COURT: All right. Received. May be  
used.

23 BY MR. MACKEY:

24 Q. Tell us, Mr. Dexter, what is -- what information,  
phone

25 information is set forth on this exhibit.

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Frederick Dexter - Direct

1 A. Starting on 4-11, I found two calls on 4-11 from  
the

2 Imperial Motel in Kingman, Arizona, to the phone  
registered by

3 the phone company to Terry Nichols' residence. First  
call was

4 at 2:49 p.m. for a duration of 3 seconds. 2 minutes  
later,

5 another call was placed at 2:51 p.m. That call also  
lasted 3

6 seconds and went to the Terry Nichols residence.  
According --

7 Q. Mr. Dexter, do you have any personal knowledge as  
to the

8 names of the guests who were registered at the Imperial  
Motel

9 on Tuesday, April 11, 1995?

10 A. I do not.

11 Q. After the two phone calls from the Imperial to the

12 residence of Terry Nichols, what activity did you next  
13 discover?

14 A. On that same day, on 4-11, there was a phone call  
on the

15 Daryl Bridges card from Manhattan, Kansas, placed from  
the Food

16 for Less pay phone that went to Michael Fortier's  
residence in

17 Kingman, Arizona. That call was placed at 3:36 p.m.,  
and it

18 lasted 1 minute and 1 second.

19 Q. You found a total of three phone calls then on  
April 11,

20 1995, between the states of Arizona and Kansas as shown  
on this

21 exhibit?

22 A. That's correct.

23 Q. And were each of those three phone calls made with  
the

24 Daryl Bridges phone card?

25 A. Yes, they were.

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Frederick Dexter - Direct

1 Q. On Friday, April 14, 1995, what Bridges activity is  
shown

2 on this exhibit?

3 A. On April 14, we had a call at 9:51 a.m. from the J  
& K Bus

seconds, 4 Depot in Junction City, Kansas, for a duration of 54  
second 5 placed to Terry Nichols' residence in Herington and a  
Ryder 6 call at 9:53 for 7 minutes and 36 seconds, placed to  
7 Truck Rental in Junction City, Kansas.

offered 8 Q. And are those the same two phone calls that you  
9 earlier testimony about generating from the J & K Bus  
Depot?

10 A. Yes, they are.

Daryl 11 Q. On the next day, Saturday, April 15, was there any  
12 Bridges phone activity?

13 A. There was a call placed from the Dreamland Motel in  
14 Junction City, Kansas, at 9:36 a.m., to Terry Nichols'  
15 residence. That call was unanswered.

activity did 16 Q. And on the next day, Sunday, April 16, what  
17 you find?

Amoco pay 18 A. On the 16th, there was a call placed from Tim's  
19 phone in Herington, Kansas, at 3:80 p.m. -- that's the  
that 20 afternoon -- a duration of 3 minutes and 2 seconds, and  
21 call was placed to Terry Nichols' residence in  
Herington,  
22 Kansas.

Bridges call 23 Q. And on the next day, did you find yet another

24 to the residence of Mr. Terry Nichols?

Dreamland 25 A. Yes. On 4-17, there was a call placed from the

8171

Frederick Dexter - Direct

57 1 Motel, Junction City, Kansas, at 9:25 a.m. that lasted

phone two 2 seconds. For the chart purposes, that was the same

3 blocks above it from Saturday at 4:15.

Dreamland 4 Q. Do you know who was registered, if anyone, at the

through the 5 Motel on Friday, Saturday, or Sunday of April, 14th

6 17th of 1995?

7 A. I do not.

that was 8 Q. But the phone call on Monday, April 17, at 9:25,

9 made with the Daryl Bridges card; correct?

10 A. 9:25 a.m.?

11 Q. Yes.

12 A. On 4-17, that's correct.

used 13 Q. And later that same day, was the Daryl Bridges card

14 again?

15 A. Yes, it was.

16 Q. From where?

there at 17 A. It was used at the Kansas City Airport pay phone  
18 10:35 p.m. for 52 seconds, and a call was placed to the  
19 Dreamland Motel in Junction City, Kansas.

City 20 Q. And shortly after that phone call from the Kansas  
used one 21 Airport to the Dreamland, was the Daryl Bridges card  
22 final time?

Kansas 23 A. Yes, it was. At 10:46, a call was placed from the  
Las 24 City Airport pay phone to Lana and Leonard Padilla in  
25 Vegas, Nevada. It was for 3 minutes and 5 seconds.

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Frederick Dexter - Direct

Bridges 1 Q. Mr. Dexter, based on your research of the Daryl  
Daryl 2 accounts, what was the last customer call made with the  
3 Bridges card?

Bridges 4 A. The last call -- customer call made on the Daryl  
5 card was from Kansas City Airport on 4-17 at 10:46 p.m.

6 Q. What was the next-to-last?

Kansas 7 A. The next-to-last was 11 minutes earlier from the  
8 City Airport pay phone to the Dreamland Motel.



9 Q. And were those two phone calls made from the same  
pay phone

10 at the airport?

11 A. Yes, they were.

12 Q. Finally, Mr. Dexter, did you search through all of  
the

13 available records for any evidence that the Daryl  
Bridges card

14 was used to place a phone call from Junction City to  
the

15 residence of Terry Nichols on April 18?

16 A. Yes, I -- I investigated that through all of the  
WCT

17 records.

18 Q. And what did you find?

19 A. I found that there were -- there was no call,  
according to

20 the WCT records, placed against the Daryl Bridges card  
to Terry

21 Nichols' residence on the 18th.

22 Q. Did you search all Spotlight customers for anyone  
who would

23 have used a card, a Spotlight card on Tuesday, April  
18, 1995?

24 A. Yes, I did. I checked all of the records to see if  
there

25 was a call placed by any Spotlight customer to Terry  
Nichols'

Frederick Dexter - Direct

1 residence on the 18th, and there was not.

2 Q. Did you find any call to Terry Nichols' residence  
on  
3 Tuesday, April 18, between the times of midnight and  
noon of  
4 that day?

5 A. Not on any -- not by any Spotlight customer.

6 MR. MACKEY: That's all I have, your Honor.  
Thank  
7 you.

8 THE COURT: Mr. Tigar.

9 CROSS-EXAMINATION

10 BY MR. TIGAR:

11 Q. Good afternoon again, sir.

12 A. Good afternoon.

13 Q. I'd like to ask you first about some of the ways in  
which  
14 you assembled the records, and then I would like to go  
into  
15 asking you about particular telephone calls.

16 Is it correct, sir, that there were a number  
of  
17 telephone calls that were made by users of the  
Spotlight call  
18 (sic) that did not generate an OPUS record or billing  
record?

19 A. To my knowledge, there were two calls made on the  
card that

20 did not generate an OPUS record.

21 Q. Now, showing you what's been received here for  
22 demonstrative purposes as Government's 559, one call  
that did  
is  
23 not generate a billing record -- that is because this  
24 blank -- was a call from the J & K Bus Depot to the  
Ryder Truck  
25 Rental; correct?

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Frederick Dexter - Cross

1 A. That's correct.

2 Q. And in your research, did you determine how many  
calls were  
3 made by holders of the Spotlight card for which no  
billing  
4 record was obtained by the Spotlight provider?

5 A. On that day or --

6 Q. No. All together.

7 A. I do not have a total, no.

8 Q. Do you think that it was more than 10,000?

9 A. No.

10 Q. How many do you think it was? Do you have any  
idea?

11 A. I just didn't total it. We ran it for every day  
and

12 printed those out of the ones. So I never sat down and  
totaled

13       them up. On any given day, there was three to six  
calls that

14       were lost due to the OPUS.

15       Q. And it's your testimony that that was all there  
were, three

16       to six a day?

17       A. That's based on our analysis. That's what we  
found.

18       Q. Now, you told us that there are -- this document  
that you

19       presented, Exhibit 553, was finished in April of 1997;  
is that

20       right?

21       A. It was prior to -- yes.

22       Q. About April? Now, in fact, sir, that was the third  
or

23       fourth version of the document that you had done; is  
that

24       right?

25       A. That was the final. Everything before that were  
draft

8175

Frederick Dexter - Cross

1       versions as we continued to work; correct.

2       Q. And after you did some of the draft versions, you  
were kind

3       enough to meet with representatives of the defense to  
discuss

4 errors and problems; is that right?

5 A. We met with them to discuss where we were in that  
analysis;

6 correct.

7 Q. And did you find that with respect to many of the  
earlier

8 drafts, you had the wrong city?

9 A. I'm sorry. The wrong --

10 Q. The wrong city for the call, the origination of the  
call?

11 A. I -- I'm sure there were some, yes.

12 Q. In other words, did you find that there were  
occasions when

13 you had listed something as having originated in  
Chandler,

14 Arizona, when, in fact, it originated in Kingman,  
Arizona?

15 A. I don't know specifically, but that would not  
surprise me,

16 yes.

17 Q. Did you find that there were some telephone calls  
that you

18 had listed to Naneth Jaraive in the Philippines that  
belonged

19 instead to Star Gladh Lumber Company in the  
Philippines?

20 A. I don't recall that, but it could have been  
changed. I

21 don't recall that on the printout.

22 Q. Not being critical, but this was a process that  
took a long

Is that 23 time and there were a number of things to be checked.

24 fair to say?

When 25 A. Right. And there was a difference in the analysis.

8176

Frederick Dexter - Cross

OPUS 1 we received the OPUS records, every one of those, the

to. That 2 record had the city and state that the call was made

originally -- 3 was part of each one of the OPUS records. That

state. 4 what was loaded into the computer was that city and

cities and 5 Then once we got the subscriber records back, those

location 6 states were changed to reflect exactly what the -- the

it 7 based on the subscriber record; so if OPUS told us that

was 8 was -- I'm trying to remember your example -- that it

subscriber 9 Chandler, but when we got the subscriber that the

what the 10 data said it was Kingman, then we changed it to match

them 11 subscriber said. So it wasn't changed based on both of

from 12 being subscriber records. It was based on what we got

13 OPUS originally.

14 Q. And each time that you received additional records,  
you  
15 would look back at your program and attempt to make a  
fix so  
16 that you could account for the new information you were  
17 getting; is that right?

18 A. We never got more records. All of them came on the  
disk,  
19 when we received the three disks at the same time that  
we were  
20 doing the matching. And we continued to evaluate them  
and  
21 verify them, and we couldn't do them all at once, so  
that  
22 verification was done in steps, yes.

23 Q. And did you have to write about 66 different  
computer  
24 programs to take account of the information you were  
getting?

25 A. We wrote 66 programs to do the matching and all the

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Frederick Dexter - Cross

1 validation. The matching was really done with about --  
less  
2 than a dozen of the programs. All the rest of them  
were done  
3 to do printouts for me to do verification or to do  
electronic

4 verification.

5 Q. And you mentioned one instance in which you were  
puzzled by

6 the absence of an OPUS record and you went and had a  
meeting

7 with the people in California. Do you remember talking  
about

8 that?

9 A. I was in California once in June of '95.

10 Q. And when you were in California, did you talk to  
Mr. Kane

11 and his colleagues about why it was that some of the  
calls had

12 not been debited to a Daryl Bridges or to a Spotlight  
card,

13 even though it was clear the card calls had been made?

14 A. Yes. They explained that process to us.

15 Q. So a part of what you've shown us in this chart  
depends on

16 having learned from human beings where there are gaps  
in the

17 computer records; correct?

18 A. Yeah. I mean, they told us that when we went out  
there.

19 They had identified that Ryder record. We didn't.  
They had

20 identified that call prior to us going there.

21 Q. Now, from your research, were you able to tell how  
many of

22 the 685 calls were destined for the Philippines?



23 A. Of the 685?

24 Q. Yes, sir.

25 A. Yes. There was 117 calls that were attempted to  
call the

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Frederick Dexter - Cross

1 Philippines.

2 Q. And when you say "attempted," not all of those  
calls went

3 through; correct?

4 A. The only thing I can tell is whether they were  
answered or

5 unanswered. I can't tell if it didn't go through or it  
rang

6 and nobody answered. I can't tell from the records.

7 Q. Now, when you were doing your records, did you  
attempt to

8 account for the time at which calls took place on a  
consistent

9 basis?

10 A. You mean as far as the matching to match on time in  
one

11 file against the other?

12 Q. No, sir. When you were attempting to determine the

13 duration of calls, I should say, did you attempt to do  
that on

14 a consistent basis?

15 A. The duration was taken straight from the OPUS

record.

16 Q. Now, I want to show you what's been received for  
17 demonstrative purposes as Government Exhibit 1942.  
Now, is the  
18 time accounting on this summary exhibit on a consistent  
basis?

19 A. All of those times come from the Sprint/United.

20 Q. Well, how long was the call to the Ryder truck  
rental in  
21 talk time?

22 A. Talk time, according to this right here, is 7  
minutes and  
23 34 seconds.

24 Q. How long was the call made to the Nichols residence  
in talk  
25 time?

8179

Frederick Dexter - Cross

1 A. One minute and 42 seconds.

2 I'm sorry. I don't have the talk time on the  
Nichols  
3 record.

4 Q. So this record doesn't -- uses total time from the  
time the  
5 phone was picked up for the one call and actual talk  
time for  
6 the second call. Is that fair to say?

7 A. What the total time for the second call is is also

there by

8 adding the 28 seconds to the 7 minutes and 34 seconds,  
yes.

Nichols 9 Q. But what is missing is the actual talk time of the  
10 call; correct?

11 A. Correct.

would 12 Q. So to know the actual talk time for that call, we

your 13 have to actually look at the records; correct? Look at

that 14 summary, 553, Exhibit 553, because that's accurate; is

15 right?

record, 16 A. I would look at the -- I would look at the OPUS

I'm 17 which is what they were billed for talk time and the --

both -- 18 sorry -- and the 3910, because they are -- they are

right. 19 they were both the same time, if my recollection is

look at 20 Q. Well, putting this back up, of course, you couldn't

could you, 21 the OPUS record for the second of those two calls,

22 because there is no OPUS record for that second call?

23 A. There is no OPUS record, no.

correct? 24 Q. So you'd have to look at something else for that;

25 A. The 3910 in the WCT file.

8180

Frederick Dexter - Cross

me  
1 Q. I wonder if -- in looking at this if you could help  
2 explain. I'm putting up here what's been received for  
3 that's demonstrative purposes as 2085. The time in the 3911,  
4 the total time that the phone was off the hook; is that  
right?

5 The initiating phone?

6 A. No.

7 Q. What is that?

8 A. If you took it off the hook and didn't dial the 800  
number  
9 for 30 seconds, then you wouldn't have that.

10 Q. Okay.

11 A. So that is when the call is actually received at  
WCT switch  
12 is what that is.

13 Q. All right.

14 A. And the ending time at the switch is what that  
stands for.

15 Q. And how -- what is the reason for the disparity of  
two  
16 seconds between the duration in the OPUS record and the  
17 duration in the 3910, just so we can understand that?

18 A. Okay. In the 3910, they captured records in tick  
time, so

19 the finest increment that you would ever get would be  
at the  
20 three-second level. So when you're capturing it in  
ticks, then  
21 you obviously have three, six, nine, etc. The OPUS  
time  
22 actually captured time -- the duration is the actual  
seconds.  
23 So they would be within three seconds of each other  
based on  
24 how they were actually recorded in the record.  
25 Q. Now, you testified on direct examination that there  
were

8181

Frederick Dexter - Cross

1 some inconsistencies in the timekeeping among the local  
phone  
2 companies, the various computers at WCT, and other --  
other  
3 clocks; is that correct?  
4 A. That's correct.  
5 Q. And you decided to use a single reference point;  
correct?  
6 A. We used the point where every record had to go is  
what I  
7 used.  
8 Q. And that was the record point that timed things in  
ticks;  
9 correct?

10 A. That's correct.

11 Q. Now, it timed in ticks from midnight onward every  
day;

12 correct?

13 A. That's correct.

14 Q. Now, did -- is it your experience that midnight  
time

15 setting was always strictly accurate?

16 A. You mean, when the clock in the switch hit  
midnight, it

17 would set it back to zero?

18 Q. Yes. I understand it would set it back to zero,  
but did

19 you look to see if that clock is accurate in terms of  
the

20 National Bureau of Standards or some standard time?

21 A. I did not.

22 Q. So that is it fair to say that your summary has  
times that

23 are precise because they are in minutes and seconds but  
that

24 they may not be accurate?

25 A. The only thing I can say is they are standardized  
to one

8182

Frederick Dexter - Cross

1 clock. But what they are off, the variance that they  
are off

that. 2 against the national clock, I'm not -- I don't know

to be 3 Q. But the point is that that variation is not going

or two; 4 very much, not -- you wouldn't think more than a minute

5 correct?

6 A. I would assume that, yes.

your 7 Q. All right. And in assuming it, when we look at

are 8 summary, 553, the relative times for all of the calls

9 exact; right?

10 A. Relative to the --

11 Q. To one another?

12 A. Yes.

are two 13 Q. That is to say, if your summary shows that there

indeed, the 14 calls an hour and a half apart, we can know that,

15 hour and a half apart is exact?

16 A. I believe so.

use any 17 Q. Okay. Now, in assembling the information, did you

18 information from FBI 302's?

19 A. I did not.

based on 20 Q. So you don't have any information in this summary

21 the FBI interviews of witnesses?

22 A. I do not.  
23 Q. You do not have any information in here based on  
the  
24 statements obtained by any source from people who  
either made  
25 telephone calls or answered telephone calls; is that  
right?

8183

Frederick Dexter - Cross

1 A. I do not have anything in there.  
2 Q. You don't have any information in here based on the  
weather  
3 in each of the places where the calls were made;  
correct?

4 A. No.  
5 Q. Okay. Now, did you -- in order to validate or to  
verify,  
6 rather, the names of the various pay phones that were  
used,  
7 what procedure did you use?

8 A. The subpoenas were issued to the local phone  
companies and  
9 came back, and there were a team of people that helped  
me as  
10 far as looking at those. They looked at them. It's my  
11 understanding it's what the owner of the pay phone or  
the phone  
12 company designates from the position of the phone on  
who owns



13 it.

-- J & K  
14 Q. For instance, the J & K Bus Depot phone company or  
15 Bus Depot pay phone: Is that a pay phone that is  
listed to  
16 J & K, or is that information obtained from some other  
source?  
17 A. As far as I know, it's list -- that's where it's  
listed, or  
18 it would be the address. If it was Columbia Phone  
Company, and  
19 they listed the address at that, then that may have  
been  
20 included as the subscriber for clarification as to  
where it  
21 was.  
22 Q. Did you have access to photographs taken by the  
Federal  
23 Bureau of Investigation of each of the pay phones that  
are  
24 involved in this case?  
25 A. I had no access to any photographs.

8184

Frederick Dexter - Cross

1 Q. You've not seen any of that?  
2 A. No.  
3 Q. Do you know whether or not such photographs were  
taken?  
4 A. I believe they were, but I've not seen it.

5 Q. All right. Did you direct any agents of the FBI to  
go out  
6 and interview people in people's homes to see what  
person might  
7 have talked on a particular telephone call?

8 A. No, I did not.

9 Q. And you weren't a part -- if any such thing  
happened, you  
10 weren't a part of it; correct?

11 A. That's correct.

12 Q. Now, sir, I would like, if you would, please, to  
put  
13 Exhibit 553 in front of you, if you could pull it out.  
Do you  
14 have it there, sir?

15 A. Yes.

16 Q. All right. Now, first, would you turn to November  
7, 1994.

17 I'm going to put up here what's been received for  
demonstrative

18 purposes as Government's Exhibit 2068. Now, will you  
please

19 take a look at November 7 and tell us where Waters True  
Value  
20 pay phone is.

21 A. From the chart, it says it's in Junction City.

22 Q. Yes. But would you take a look, please, at page 71  
of  
23 Exhibit 553 and tell us where it is.

24 A. It says here that it's in Manhattan, Kansas.

25 Q. All right. Now, if we have a dispute between --  
here. I'm

8185

Frederick Dexter - Cross

1 going to put this on top. This is page 71 of 553. We  
can see

2 Waters True Value pay phone, Manhattan, Kansas;  
correct?

3 A. Yes.

4 Q. Now, which of these two Government exhibits should  
we take

5 as reflecting the correct location of the Waters  
Hardware pay

6 phone?

7 A. I wouldn't know without looking at the subscriber  
record.

8 Q. Okay. Well, 553, which is the thing that's in,  
what,

9 typewriter type, that comes directly out of your  
computer;

10 correct?

11 A. That's correct.

12 Q. All right. And it reflects the -- your own  
research;

13 right?

14 A. Yes.

15 Q. Now, 2068: You didn't make that, did you?

16 A. Partly -- not partly. I directed it, yes. The --

but I

17 didn't sit there and key it into the -- to the  
document, no.

18 Q. Does the fact that your original -- that your  
document,

19 553, is the one that says Manhattan, does that suggest  
that

20 that's more likely to be accurate?

21 A. I can't respond to that.

22 Q. Okay. Now, sir, would you turn, please, to the  
page for

23 September 24, 1994. That's page 40 of Government  
Exhibit 553.

24 I know this is -- this may be hard to read, so I'd like  
to go

25 through some things with you on it. Now, the first  
call that

8186

Frederick Dexter - Cross

1 day that's on here -- well, is made -- it says,  
"Nichols,

2 Terry"; correct?

3 A. Yes.

4 Q. Is that right? And then all that means is that  
there was

5 a -- it was made from a telephone subscribed to by Mr.  
Nichols

6 in Marion, Kansas; correct?

7 A. Yes.

right? 8 Q. And that's made to a William McVeigh; is that  
9 A. Correct.  
10 Q. Then the next call is to a Greg Pfaff; correct? In  
11 Harrisonburg?  
12 A. Yes.  
13 Q. Then the next call -- what time is that call to  
Greg Pfaff?  
14 A. 11:59 a.m.  
15 Q. Just before noon; correct?  
16 A. Correct.  
17 Q. Now, there's no telephone activity again until  
1:38, is  
18 there?  
19 A. No -- yes. You're right.  
20 Q. That's right. Okay. And again, you don't know  
what the  
21 weather was on this day; right?  
22 A. No.  
23 Q. So I won't ask you any more. You don't know the  
weather  
24 for any of the days?  
25 A. No, I don't.

8187

Frederick Dexter - Cross

1 Q. Okay. Now, at 1:38, somebody using that phone

calls the

2 Brooklyn Delicatessen; correct?

3 A. Yes.

4 Q. Now, do you know who owns the Brooklyn  
Delicatessen?

5 A. I believe it's the man above that, but I can't  
swear to

6 that.

7 Q. Okay. Greg Pfaff. That's based on your research.  
That's

8 what you think, but --

9 A. I just heard that. It was not my research.

10 Q. I understand that. And again, sir, if we wanted to  
know

11 the answer to that, we could ask Mr. Pfaff; right?

12 A. Yes.

13 Q. Okay. Then, the next call, again -- now, that call  
is only

14 18 seconds; correct?

15 A. Yes.

16 Q. The one -- I'm going to move that over. The first  
one?

17 A. Yes.

18 Q. I'm going to move it back. Let's see here. The  
next call

19 is a -- an uncompleted call at 1:40; correct?

20 A. Yes.

21 Q. And that's again to Brooklyn Delicatessen; right?

22 A. Yes.

again to 23 Q. And then there's one for 5 minutes and 28 seconds  
seconds; 24 the Brooklyn Delicatessen; and that's at 1:41 and 36  
25 correct?

8188

Frederick Dexter - Cross

1 A. That's correct.  
2 Q. Now, do you know of any other calls that were made  
from 3 Mr. Nichols' home phone that day based just on your  
memory?

4 A. From my memory, no, I don't -- I don't know of any.

5 Q. Okay. Now, what day of the week is September 24?

6 A. I'd have to look at one of the other charts.

7 MR. TIGAR: May I approach, your Honor, just  
to show 8 him a calendar?

9 THE COURT: You may, yes.

10 THE WITNESS: Get my glasses. I'm sorry.

11 BY MR. TIGAR:

12 Q. Please.

13 A. September 24. Saturday.

14 Q. Saturday. Okay. Does my showing you the pocket  
calendar

15 refresh your recollection, sir, that it was a Saturday?

16 A. Yes.

17 Q. Okay. Now, then, sir, would you turn to the calls  
for --

18 excuse me -- there are no calls listed in the -- in  
your

19 summary for Sunday, the 25th; is that correct?

20 A. That's correct.

21 Q. Now, based on your recollection of your research,  
do you

22 know if there were calls made, long distance calls,  
from the

23 Nichols' home phone on Sunday, the 25th?

24 A. I don't -- I don't recall.

25 Q. Would you please turn to page 41 which is -- that's  
a --

8189

Frederick Dexter - Cross

1 for September 26; is that correct, sir?

2 A. Yes.

3 Q. Okay. Now, September the 26th is a Monday;  
correct?

4 A. Yes.

5 Q. I'm going to zoom in here and look at the calls.  
Now I'm

6 zooming in on the originating telephones; correct?

7 Now, we have HRK Resale Shop for three calls;  
right?

8 A. Yes.



9 Q. And those are made at 10:43, 10:45, and 10:48,  
roughly; is

10 that right? In the morning?

11 A. Yes.

12 Q. Now, do you know where the HRK Resale Shop is?

13 A. Just by reading, it says Marion, Kansas.

14 Q. Marion, Kansas. Now, the last of the calls for  
that day on

15 this page is from something called Kahns Amoco in  
Lincolnville,

16 Kansas; correct?

17 A. Correct.

18 Q. And that's at 3:30 and 27 seconds in the afternoon;  
right?

19 A. Correct.

20 Q. And these are the calls -- one, two, three, four --  
three

21 in the morning before 11 and one in the afternoon after  
3:30 --

22 to Mid-America Chemical; correct?

23 A. Correct.

24 Q. Now, do you remember, sir, from your research  
whether or

25 not there were calls from Mr. Nichols' home that were  
long

8190

Frederick Dexter - Cross

1 distance calls not made with the Daryl Bridges card  
that day?

2 A. Without looking, I don't remember.

3 Q. All right. Now, sir, would you please turn to page  
42,

4 September 27. That was a Tuesday; correct?

5 A. Correct.

6 Q. Once again, sir, we have this same format with all  
the

7 information; right?

8 A. Right.

9 Q. Now, as we look, all the calls that day are made  
from

10 Marion, Kansas; correct?

11 I'm I've got the first page of the calls, and now

12 going to put the second page of the calls, just so we  
can see.

13 They are all made from Marion; right?

14 A. Right.

15 Q. And looking at page 42, the first day -- page 1 of  
the two

16 pages for that day, we can see that all of the calls  
are made

17 from the same pay phone; is that right?

18 A. That's correct.

19 Q. And they're made starting at just shy of 2 minutes  
before

20 1 p.m.; correct?

21 A. Yes.

22 Q. Is that the first one?  
23 A. Yes.  
24 Q. And the last one is made at 1:21 p.m.; correct?  
25 A. Correct.

8191

Frederick Dexter - Cross

1 Q. And these are calls to a -- predominantly to  
various  
2 chemical companies; right?  
3 A. That's correct.  
4 Q. Now, the one exception here is this Dorothy  
Claussen call;  
5 correct? That's not a chemical company, is it?  
6 A. I don't know what she sells. I don't -- I don't  
know  
7 anything about her.  
8 Q. Okay. Would you look -- let's see if we can get a  
clue,  
9 here. Would you look at the call immediately above it.  
And  
10 does it look like somebody was either trying to call  
11 Ms. Claussen and got the Vulcan Chemicals by mistake or  
was  
12 trying to call Vulcan Chemicals and got Ms. Claussen by  
13 mistake? Because the numbers are the same but the area  
codes  
14 are different.

15 A. It would seem logical.

16 Q. Again, that's an inference we would have to make.  
We'd

17 have to call the witnesses and see exactly; correct?

18 A. Yes.

19 Q. But there's no question that those two subscriber  
numbers

20 are identical, but they just have different area codes?

21 A. The exchange and the number are identical, yes.

22 Q. Now, sir, would you turn to September 28. And  
that's going

23 to be pages 44 and 45. Zoom out here. Again, this is  
this

24 same format -- correct -- that we're seeing here?

25 A. Yes.

8192

Frederick Dexter - Cross

1 Q. And throughout your 553, we can look and see that  
we're

2 going to find the call number, the start time, the call  
length,

3 and then the "from" and "to"; correct?

4 A. Yes.

5 Q. And that's going to be the same on every page?

6 A. I think so, yeah.

7 Q. Okay. And when we say "length of call," we mean  
the actual

8 connect time; correct?

9 A. That is the -- the length of call is the duration  
according

10 to the OPUS record.

11 Q. Yeah. But according to -- and the best you can do  
with all

12 your computers and all these records that you've  
summarized for

13 us is that means it's from the time that somebody  
answered the

14 receiving phone to the time the receiving phone was  
hung up;

15 correct?

16 A. Yes.

17 Q. Within maybe 3 seconds?

18 A. Yes.

19 Q. Because a tick is 3 seconds and they could be  
rounded up or

20 down, however they do it?

21 A. OPUS did not round up or down. They kept actual  
seconds.

22 Q. Okay. So those are actual seconds?

23 A. Yes.

24 Q. So when we see these calls, if we see a zero, that  
means

25 not answered; right?

Frederick Dexter - Cross

1 A. That's correct.

2 Q. And if we see a minute and 25 seconds, that doesn't  
mean

3 that somebody's phone rang for that time but wasn't  
answered?

4 A. That's correct.

5 Q. Okay. Now, let's look at, then, the 28th; and we  
see here

6 that these calls are made from the City Hall pay phone  
in

7 Marion, Kansas; correct? And there's one, two, three,  
four,

8 five -- six of them made on page 44; is that correct?

9 A. Correct.

10 Q. And then if we look at page 45, we'll see two more;  
11 correct?

12 A. Yes.

13 Q. Now, then, the next call is made from the Nichols  
14 residence; right?

15 A. Yes.

16 Q. And that's made to something called Rosewood Signs  
in

17 Tonawanda, New York; right?

18 A. Yes.

19 Q. Now, who owns -- do you know who is the owner of  
Rosewood

20 Signs in Tonawanda, New York?

21 A. No, I do not.

22 Q. Do you know where Tonawanda, New York, is?  
23 A. Yes, I do.  
24 Q. That's near Buffalo, isn't it, or -- is that right?  
25 A. I believe it's east of Buffalo.

8194

Frederick Dexter - Cross

the 1 Q. East of Buffalo. But somewhere up there near -- in  
2 Buffalo area, would you say?  
3 A. Yeah. The only reason I know that is I went to  
school in 4 New York and had to take New York geography. I've  
never been 5 there.  
6 Q. All right.  
7 A. Okay.  
8 Q. We'll accept that.  
9 A. Okay.  
10 Q. But when you testified earlier, you identified a  
map that 11 had Tonawanda, New York, on it; right?  
12 A. That's correct. That's correct.  
13 Q. So at least you had to know it for that purpose;  
right? 14 A. Yes.  
15 Q. Okay. And then we see some calls that are later in

the

16 day, and those are Directory Assistance for Michigan  
and a

17 Spotlight balance -- right -- there for the Nichols  
residence?

18 Those last three calls, the 28th, on page 45?

19 A. On 45; correct.

20 Q. Okay. Now, would you turn to -- Oh, I'm sorry. I  
left out

21 a page for September 28, didn't I?

22 A. Yes.

23 Q. Okay. I'm sorry. We have three more calls that  
day, and

24 one's to Michigan Information; correct?

25 A. Correct.

8195

Frederick Dexter - Cross

1 Q. One's to Spotlight Account Balance; right?

2 A. Yes.

3 Q. And one's to some outfit in Cass City, Michigan,  
the Huron

4 Industrial Supply; correct?

5 A. That's correct.

6 Q. Now, the Huron Industrial Supply: That's not any  
part of

7 the Yellow Pages that you identified for us earlier, is  
it?



8 A. No, it's not.

front of 9 Q. Now, on September 29 -- do you have Exhibit 574 in

Do you 10 you, sir? I've -- I know we've been looking at 553.

11 have 574?

12 A. In the book.

13 Q. Could you look for me, please.

14 Do you have it now, sir?

15 A. Yes.

you look 16 Q. All right. Now, would you follow with me -- would

to the 17 at page 5, sir, Call No. 11. Can you find a call there

18 Hutchinson Raceway Park?

19 A. I'm looking in 574 for that?

20 Q. Yes. 574.

I -- 21 A. The quality of this is terrible, but -- to where am

22 what number am I looking for, sir?

23 Q. You're looking for Call No. 11.

24 A. Okay.

there at 25 Q. Now, do you know what -- do you know -- see a call

8196

Frederick Dexter - Cross

1 11:24 a.m.?

2 A. Yes.

3 Q. Okay. That lasts for 2 minutes?

4 A. Yes.

5 Q. And do you know that that's a call to the  
Hutchinson

6 Raceway Park?

7 A. I'd have to look at that number, but I could  
confirm that,

8 if that's what you want me to do. I don't know right  
off the

9 top of my head if that's Hutchinson Raceway.

10 Q. All right. Well, earlier, you identified it. I'm  
not

11 going to go back over the records. The point is that  
is a call

12 of 2 minutes and it's at 11:24 a.m.; correct?

13 A. Yes.

14 Q. Now, do you see a call on page 15 of Exhibit 574?  
And I'm

15 going to ask you to look for Call No. 27 at 12:11 p.m.

16 A. I see that.

17 Q. And is that a call -- will you read out, please,  
what

18 number that call is made to.

19 A. (716) 692-1435.

20 Q. And it lasts for 2 minutes?

21 A. Correct.

22 Q. And based on our having already looked at page 45  
of

correct? 23 Exhibit 553, we can see that that is Rosewood Signs;

24 A. I believe --

25 Q. Go ahead. Take your time.

8197

Frederick Dexter - Cross

1 A. Yes.

on 2 Q. Now, there is no record -- is there -- of any calls

that right? 3 September 30 on the Daryl Bridges phone records; is

4 A. No.

here 5 Q. Let us look at October 1 -- excuse me -- 1994. And

the 6 are some calls. And I just want to go down and look at

called that 7 identities of the called parties. The first party

8 day was True Value Hardware; correct?

9 A. Correct.

10 Q. In Kingman, Arizona?

11 A. Yes.

was 12 Q. All right. Then the second party called that day

13 Michael Fortier; correct?

14 A. Yes.

15 Q. And that call lasted for 9 minutes and 48 seconds,

didn't

16 it?

17 A. Yes.

18 Q. The third call that day was the Brooklyn  
Delicatessen;

19 correct?

20 A. Yes.

21 Q. Now, if you look at these two calls, the first --  
the one

22 that is made to Michael Fortier starts at 2:08 and 21  
seconds;

23 correct?

24 A. Correct.

25 Q. And that goes almost 10 minutes; right?

8198

Frederick Dexter - Cross

1 A. Yes.

2 Q. And the second one starts at 2 minutes -- 2 hours,  
20

3 minutes and 6 seconds; correct?

4 A. Yeah. 2 -- 2:20 in the afternoon, yes.

5 Q. And that's to Brooklyn Delicatessen; right?

6 A. Yes.

7 Q. Now, the -- based on the amount of time that it  
takes to --

8 let me start that. These two calls in a row from this  
same

9 Amoco pay phone are not reorigination calls, are they?

10 A. I can't tell by looking at this chart. I would  
have to

11 look in my research to determine that.

12 Q. Okay. No -- Does it appear that these calls were  
made one

13 right after another, if we allow time for the person  
who made

14 the first call to then punch in whatever else they need  
to

15 punch in to make the second one?

16 A. I -- I have no way of knowing that.

17 Q. Well, you did calculate, did you not, the average  
time that

18 it would take a person to punch in a certain number of  
digits

19 in a Touch-Tone phone?

20 A. I didn't run time tests on that, no.

21 Q. I understand, but when you were looking to see who  
it was

22 that -- or what telephone it was that had called the  
Ryder

23 truck rental place in Junction City, one of the things  
that

24 helped you to figure that out was a calculation of how  
long it

25 takes to punch in a certain number of digits; correct?

Frederick Dexter - Cross

number 1 A. No. I never did calculations to punch in a certain

2 of digits.

how long 3 Q. Did Mr. Kane share with you his observation as to

4 it takes to punch in a certain number of digits?

5 A. No, he did not.

6 Q. You never discussed that with him?

7 A. No.

having 8 Q. Now, sir, do you recall in your direct examination

of 9 been shown some telephone records for the 6th and 7th

10 November, 1994?

11 A. Yes.

Exhibit 12 Q. Would you turn, please, to page 68 of Government's

the ELMO. 13 553 in evidence. I'm going to place that up here on

record? 14 And am I showing you page 68, the November 5, 1994

15 A. November 5, 1994, yes.

there -- 16 Q. All right. Now, I'd like to first zoom in. And

on the 17 there are only two calls made on the Daryl Bridges card

18 5th; is that correct, sir?

19 A. Yes.

20 Q. All right. And they are both made from the same VP

Gas

21 Station pay phone in Kent, Ohio; is that right?

22 A. Correct.

was

23 Q. Okay. Now, you don't know from your research who

24 calling on that phone; right?

25 A. No.

8200

Frederick Dexter - Cross

that

1 Q. The person? But it is clear that Kent, Ohio --

2 number -- is a 216 area code; correct?

3 A. Yes.

12

4 Q. Now, the first such call lasted for 11 minutes and

5 seconds; correct?

6 A. Correct.

Kingman,

7 Q. And it was made to Michael Fortier's residence in

8 Arizona, wasn't it?

9 A. Yes.

10 Q. And then the second call that date was to check the

11 Spotlight account balance; right?

12 A. Yes.

almost

13 Q. And that was made from the same phone, we'd say

14 immediately after the first one; correct?

15 A. Yes.

16 Q. That is, if we did the arithmetic and added 11  
minutes and

17 12 seconds to 8:09 and 18 seconds, we'd come up  
somewhere close

18 to 8:21 and 42 seconds; correct?

19 A. Correct.

20 Q. Now, sir, would you please turn to page 78.

21 MR. TIGAR: Your Honor, there's not too much  
more of

22 this, but if your Honor -- whenever you want to take a  
break.

23 THE COURT: I was about to ask you when is a  
24 convenient break time.

25 MR. TIGAR: Well, this is pretty mind-numbing,  
your

8201

Frederick Dexter - Cross

1 Honor. I don't have very much more; but if we could  
take it  
2 now, perhaps it would refresh all of us.

3 THE COURT: All right. We will take a recess.  
You

4 can step down, Mr. Dexter.

5 And we'll take our usual 20-minute afternoon  
6 refresher. Hopefully, it's refreshing to you. And of  
course,



all  
or  
all other  
open  
anything

7 again, please continue to follow the cautions given at  
8 recesses, avoiding discussion of testimony in the case  
9 anything about the case and among yourselves and with  
10 persons, remembering that your obligation is to keep an  
11 mind yourself until you've heard it all and to avoid  
12 that may be outside of our evidence.

13 So we'll excuse you now for 20 minutes.

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

15 THE COURT: We'll recess.

16 (Recess at 3:11 p.m.)

17 (Reconvened at 3:31 p.m.)

18 THE COURT: Be seated, please.

19 MR. TIGAR: Your Honor, may we approach,  
please.

20 THE COURT: You may, yes.

21 (At the bench:)

22 (Bench Conference 72B2 is not herein transcribed by  
court  
23 order. It is transcribed as a separate sealed  
transcript.)

24

25

Frederick Dexter - Cross

1 (In open court:)

2 (Jury in at 3:34 p.m.)

3 THE COURT: Please resume the stand, Mr.  
Dexter.

4 And, Mr. Tigar, your questions.

5 CROSS-EXAMINATION CONTINUED

6 BY MR. TIGAR:

7 Q. Okay?

8 A. Sure.

9 Q. The Daryl Bridges calls or any Spotlight calls cost  
the

10 same whether the call was made from a home phone or a  
pay phone

11 or a business phone; correct?

12 A. As long as it's a domestic call and a non-  
information call,

13 because they cost more.

14 Q. All domestic, non-information calls cost the same.

15 Correct?

16 A. Correct.

17 Q. Now, I want to turn back briefly again to November  
5, 1994.

18 Okay? Now, that's page 68.

19 Now, we were looking at this 216 area code.  
Are there

20 any telephone calls to a 216 Ohio area code prior to  
these two

21 calls that you can remember?  
22 A. I don't recall any. I didn't research that.  
23 Q. Now, sir, I'd like to turn your attention, please,  
to page  
24 78 of your Exhibit 553, which I'm displaying here in  
its  
25 entirety. That is the page for November 22 of 1994.  
Correct?

8207

Frederick Dexter - Cross

1 A. Yes, it is.  
2 Q. And on that day, we see four calls. Correct?  
3 A. Correct.  
4 Q. Now, the first is made from Pendleton, New York.  
Correct?  
5 A. Yes.  
6 Q. And the second, third and fourth are made from an  
airport  
7 pay phone, Los Angeles, California. Correct?  
8 A. Yes.  
9 Q. And when that says "airport pay phone," that is a  
10 telephone, a pay phone located at the Los Angeles  
International  
11 Airport in Los Angeles, California; correct?  
12 A. That's my belief, yes.  
13 Q. And these calls are -- two of them are to -- there  
we go --

14 Spotlight account balance and one is to the Padilla  
residence

15 in Las Vegas; correct?

16 A. From the airport, that's correct.

17 Q. Now, sir, I want to look at some of the calls  
between

18 November 23 and January 16 -- November 23, 1994, and

19 January 16, 1995. Do you, based on your personal  
knowledge,

20 know where Mr. Nichols was during that period of time?

21 A. I know that -- I don't know if those are the dates,  
but I

22 knew that he was out of the country somewhere in that

23 neighborhood.

24 Q. In the Philippines somewhere in that neighborhood.

25 Now, would you look, sir, at the calls for

8208

Frederick Dexter - Cross

1 November 29. That would be pages 80 and 81. Again,  
I'll first

2 show page 80 here to show this same format. Then I'll  
zoom in.

3 The first -- there were 10 calls made on that  
day;

4 correct, sir?

5 A. Yes.

6 Q. And the first one that day was made and connected

to True

7 Value Hardware in Kingman, Arizona. Correct?

8 A. Yes.

9 Q. Now, do you know who was employed at True Value  
Hardware on

10 November 29, 1994?

11 A. No, I do not.

12 Q. Then we see a number of calls to Kevin and Jolynn  
Nicholas

13 and to Nicholas Rentals. Is that correct?

14 A. Yes.

15 Q. And all but one of the remaining calls -- that is  
to say,

16 eight calls -- made that day are made either to the  
Nicholases

17 or to something called Nicholas Rentals. Correct?

18 A. That would be the last call; correct.

19 Q. And the last call that day is made from the  
residence of

20 William McVeigh, and it's made to someplace called J.A.  
Rhoney

21 and Sons in Overland Park; correct?

22 A. Yes.

23 Q. Do you know what business J.A. Rhoney and Sons is  
in?

24 A. No, I do not.

25 Q. Now, on November 30 -- I'm going to show you page  
82, again

## Frederick Dexter - Cross

1 zooming out. We'll come in. Just two calls on that  
date;

2 correct, sir?

3 A. Yes.

4 Q. Both from Pendleton, New York?

5 A. Yes.

6 Q. Yes? And the first one to J.A. Rhoney and Sons is  
not

7 completed, is it?

8 A. That's correct.

9 Q. The second one, 28 seconds in duration, is to  
Nicholas

10 Rentals; again. Yes, sir?

11 A. Correct.

12 Q. Do you know what business Mr. Kevin Nicholas is in?

13 A. No, I do not.

14 Q. Now, turning our attention to page 83, the next  
page,

15 that's for December 13, 1994. Correct?

16 A. Yes.

17 Q. That day, two calls are made, one from  
Lincolnville,

18 Kansas, and one from Logan, New Mexico; right?

19 A. Yes.

20 Q. Do you know how far apart Lincolnville and Logan  
are?

21 A. No, I do not.  
22 Q. But the first call is to True Value Hardware;  
correct?  
23 A. Yes.  
24 Q. And the second to the residence of someone named  
Michael  
25 Fortier; right?

8210

Frederick Dexter - Cross

1 A. Correct.  
2 Q. And both calls, we can see here, are completed and  
we know  
3 we can find the time. Right?  
4 A. Correct.  
5 Q. Now, the next day, which is December 14, we have --  
it's on  
6 page 84 of your record. Correct?  
7 A. Correct.  
8 Q. Again showing a full page.  
9 Now, we can zoom in and we see that those  
calls are  
10 both made from someplace called the Mohave Inn.  
Correct?  
11 A. Correct.  
12 Q. And they're both made to someone named Dave  
Paulsen; right?  
13 A. Correct.

it? 14 Q. Now, neither of these two calls is completed, is

15 A. That's correct.

16 Q. Do you know what business Mr. Dave Paulsen is in?

17 A. No, I do not.

18 Q. In your research, did you find any call made with  
the Daryl

19 Bridges card to Mr. Dave Paulsen or to any business  
having the

20 name Paulsen in it that was 49 minutes in duration?

21 A. No, I did not.

22 Q. Are you aware of any FBI record that shows a call  
or that

23 reflects a call to Dave Paulsen or to a business having  
the

24 name Paulsen in it that is 49 minutes in duration?

25 A. Yes, I am.

8211

Frederick Dexter - Cross

1 Q. Again, going to put up a piece of page -- the  
December 15.

2 Here's another call from the Mohave Inn, also to Dave  
Paulsen.

3 Correct?

4 A. Correct.

5 Q. But again, that call was not completed, was it?

6 A. Correct.



made in  
Bridges  
name  
counts for  
that  
the thing.  
You  
there  
right?  
placed

7 Q. Have you looked at how many telephone calls were  
8 December and January of 1994 and '95, using the Daryl  
9 card, to either Dave Paulsen or any business having the  
10 Paulsen in it?  
11 A. I don't know the time period. We did things on  
12 records, and I don't know the time period. But I know  
13 there were over 30 calls to him in the whole span of  
14 Q. Okay.  
15 A. But I don't know the time frame specifically.  
16 Q. Now, the last call we looked at was December 15.  
17 remember that, sir?  
18 A. Yes.  
19 Q. All right. Now, I want to put up the next -- now,  
20 are no calls on the 16th. Correct?  
21 A. Correct.  
22 Q. So the next call we have is December 17. Is that  
23 A. Yes.  
24 Q. Now, there are two calls that day, and they're both  
25 from Mattoon, Illinois. Correct?

Frederick Dexter - Cross

1 A. Yes.

2 Q. And one is to Dave Paulsen and the other for the  
account

3 balance. Right?

4 A. Correct.

5 Q. And this time, there is 35 seconds of talk with  
this --

6 with the Dave Paulsen telephone number; correct?

7 A. Correct.

8 Q. And once again, we don't know who answered the  
phone there;

9 right?

10 A. Correct.

11 Q. Now, looking at December 18 -- that's the next day  
for

12 which we have some records -- is that page 87?

13 A. Correct.

14 Q. Now, on that day, is there more than one page of  
Spotlight

15 telephone calls?

16 A. Yes, there is.

17 Q. The first page I put up here is page 87 and the  
second is

18 page 88. Correct?

19 A. Correct.

20 Q. And that's all the calls; right?

21 A. Correct.

22 Q. There are 11 calls made on the card on that date;  
correct?

23 A. That's correct.

24 Q. Now, looking first at page 87, we see a series of  
calls

25 made from pay phones, one from a motel, U.S. Grant  
Motel, and

8213

Frederick Dexter - Cross

1 then a series of calls made from pay phones in  
Illinois.

2 Correct?

3 A. That's correct.

4 Q. And looking over at who got these calls, we see  
that the

5 numbers dialed were Dave Paulsen, Dave Paulsen, Lana  
and

6 Leonard Padilla, Dave Paulsen, Dave Paulsen, Paulsen's  
Military

7 Supply; correct?

8 A. Correct.

9 Q. And the calls to Dave Paulsen were not answered --  
is that

10 right -- the ones we're looking at now? Do you see  
that?

11 A. The three on that page.

12 Q. The zero, the zero and the zero. Is that right?

13 A. Yes.

14 Q. All right. But we see one here for 48 seconds, and  
that

15 was to Paulsen's Military Supply, and that was  
answered.

16 Correct?

17 A. Correct.

18 Q. Then on the next page for December 18, we have some  
more

19 calls. We have two more to Dave Paulsen; correct?

20 A. Yes.

21 Q. And neither one of those is answered. Right?

22 A. Correct.

23 Q. Then we have Kevin and Jolynn Nicholas, and that's  
not

24 answered, either. Correct?

25 A. Correct.

8214

Frederick Dexter - Cross

1 Q. And then we have Nicholas Rentals, and that is  
answered for

2 a minute and 25 seconds; right?

3 A. Correct.

4 Q. And then we have a 2-minute-and-59-second call to  
Michael

5 Fortier. Correct?

6 A. Correct.

7 Q. Now, the other thing about this -- when we look  
down here

8 on December 18, we can see that the -- that these calls  
come --

9 the first one from Illinois, the second from Indiana,  
and the

10 last three from Michigan. Correct?

11 A. Correct.

12 Q. Now, The Spotlight credit card could not be used,  
could it,

13 to make telephone calls from outside the United States?

14 A. That's my understanding.

15 Q. Or at the very least, there are no telephone calls  
on these

16 records from outside the United States, on the ones --  
553?

17 A. Correct.

18 Q. Sir, I won't show you -- if we were just to leaf  
through

19 the rest of December, we would see on these pages a  
number of

20 calls in which whoever had The Spotlight card was  
dialing the

21 number of Dave Paulsen. Correct?

22 A. That's correct.

23 Q. Now, sir, I'd like you to turn, if you would,  
please, to

24 January 17 of 1995. And on that day, how many pages of  
calls

25 do we have? Is it 105 through 109?

8215

Frederick Dexter - Cross

1 A. That's correct.

2 Q. Now, on that day, looking first at page 105, the  
very first

3 call that's made is made at 00:17:18. Now, is that  
12:17 a.m.

4 in the morning?

5 A. That's correct.

6 Q. And then that's to check The Spotlight account  
balance.

7 Correct?

8 A. Yes.

9 Q. Then beginning at 7 in the morning, 7:00 and 39  
seconds,

10 from the phone subscribed by Lana and Leonard Padilla,  
we see a

11 dialing to Malaluan, Ernesto, in Cebu, the Philippines.

12 Correct?

13 A. Yeah. I tried to point out one thing there. We're  
reading

14 the left column, and I want to point out the call was  
actually

15 made -- because that's the normalization. The time the  
call

16 was actually made in Vegas was 5:00:39.

17 Q. Now, when we look down the start time on these

calls,

18 they're all normalized or all made consistent to  
Central Time.

19 Is that correct?

20 A. The left-hand column; correct.

21 Q. The left-hand column. Now, are they all made  
consistent in

22 your Exhibit 553 to Central Standard Time, or do you  
change it

23 to Daylight Time during the portions of the year during  
which

24 Daylight Savings Time is observed in the places that do  
observe

25 it?

8216

Frederick Dexter - Cross

1 A. Yes. Yes, it is both CDT and CST.

2 Q. And when we see one of these records for a call  
from

3 Kingman, Arizona -- Does Arizona observe Daylight  
Savings Time?

4 A. No, they do not.

5 Q. So when we see a call from Kingman, Arizona, during  
the

6 portion of the year in which Daylight Savings Time is  
observed,

7 we should make a mental adjustment to remember that  
Arizona

8 does not observe Daylight Savings Time; right?

Standard Time 9 A. Well, on the middle column, it says Mountain  
10 always for anything that comes from Kingman, and that  
is 11 adjusted to the time -- the start time. So they're  
adjusted 12 irregardless (sic) if it's Kingman or whatever to be  
whatever 13 time it is in the Central Time at that time.

"call placed 14 Q. So in the fourth column over, where we see the  
the place 15 from," we will always find the correct time zone for  
16 where the call originated. Is that right?

17 A. That's correct.

7 a.m. 18 Q. So that when we talked about the one we just did at  
someone 19 Central, that means it was 5 a.m. in Las Vegas and  
20 called or dialed Cebu. Correct?

21 A. That's correct.

a 22 Q. Now, for the next several pages of this, do we find  
and for 23 number of efforts by someone to dial the Philippines  
24 some reason or other they're just not getting through?

25 A. That's correct.



Frederick Dexter – Cross

one more  
to page  
1 Q. Now, sir, have you looked at -- I want to show you  
2 page and then ask a question. Would you turn, please,  
3 167 and 168.

about the  
card  
4 Now, you talked with Mr. Kane, did you not,  
5 way in which a person who was having trouble with their  
6 could get help in completing telephone calls?

7 A. That's correct.

center in  
card users  
8 Q. And is it your understanding that there was a  
9 Santa Barbara and another center in San Diego where  
10 could call and get that kind of help?

11 A. And in addition, Washington, D.C. There was three  
12 locations.

and we  
from is  
13 Q. Three. All right. This is our February 28 call,  
14 see here as the first call of the day the call placed  
15 West Coast Telecomp. Correct?

16 A. Correct.

17 Q. And the call placed to is Ernesto Malaluan in Cebu.

18 A. Correct.

made by  
19 Q. Now, is it your understanding that this effort was  
20 the Customer Help Center to try to assist someone to

complete a

21 call?

22 A. That's correct.

not

23 Q. So that when we see this West Coast Telecomp, we're

24 seeing a Spotlight cardholder in Santa Barbara, are we?

25 A. No.

8218

Frederick Dexter - Cross

Spotlight

1 Q. Now, is there some way we can tell where The

West Coast

2 cardholder is at the time that that person contacts

number?

3 Telecomp and asks for some help in getting hold of this

available to me.

4 A. Not from the WCT records that I have. Not

things

5 Q. Is there -- I know that you looked at a lot more

there any

6 than the WCT records, and I want to make sure. Is

could

7 record that you have that went into your summary that

8 provide us that information?

had a

9 A. I would have to look at that exhibit to see if we

right off

10 verification on Call 580 and Call 582. I don't know

11 the top of my head.

12 Q. There might be, or there might not be. Correct?  
13 A. That's correct.  
14 Q. So this could be a case in which we would have to  
use other  
15 evidence beyond what you were looking at to make sure  
where  
16 that person was when they made the call. Correct?  
17 A. When they called the help center; that's correct.  
18 Q. But what we should do if we see this West Coast  
Telecomp,  
19 Santa Barbara, or we see a San Diego or we see a  
Washington,  
20 D.C. -- we should always know that that's the Customer  
Help  
21 Center that's doing it; correct?  
22 A. If it's those numbers there, that's correct.  
23 Q. Because you -- of all of the 600-some calls that  
you have,  
24 do you recall any of them in which the actual  
cardholder of the  
25 Daryl Bridges card initiated a telephone call from  
Santa

8219

Frederick Dexter - Cross

1 Barbara, San Diego, or Washington, D.C.?  
2 A. Not to my knowledge, no.  
3 Q. You were shown in direct examination a number of  
records

4 concerning telephone calls made in April of 1995.  
Correct?

5 A. Correct.

6 Q. If we wanted to see who called whom using what  
telephone  
7 called what telephone during the February and March in  
using  
8 the Daryl Bridges card, we could look at these pages of  
your  
9 summary just as you and I have been doing for the last  
however  
10 many minutes it's been and use this same process to  
track those  
11 calls; correct?

12 A. That's correct.

13 Q. And you're satisfied, sir, as you sit there today,  
that you  
14 got -- that is to say, you have recorded here every  
call that  
15 was made using the Daryl Bridges card with perhaps one  
or two  
16 or three exceptions. Right?

17 A. There is four exceptions that are not included  
there.  
18 There were two partial calls on the 28th of February  
that  
19 weren't digits long enough to determine what the area  
code or  
20 country code was. There was one call on February 9  
that was a  
21 balance check, and for a one-hour period, WCD -- WCT  
did not

24th of 22 collect 3911's. And then there was a test call on the  
included 23 April that was included. So those four calls are not  
24 in the summary.  
we know, 25 Q. I understand. But what I was asking you, sir, is

8220

Frederick Dexter - Cross

the J & K 1 for example -- excuse me. We know that the call from  
picked 2 Bus Depot to the Ryder Rental was not a call that OPUS  
3 up. Right?  
4 A. That's correct.  
percent 5 Q. And as you sit there today, you can't be a hundred  
didn't get 6 sure that there aren't a couple of other calls that  
7 picked up in the same fashion.  
That's 8 A. I know of one for sure that did not get picked up.  
9 correct.  
exception, 10 Q. So -- and that's what I'm saying. With that  
11 this is complete. Right?  
12 A. That's correct.  
13 Q. And so far as you're aware, every significant call

is

14 reflected in your Exhibit 553; right?

15 A. Every call is, whether it's significant or  
insignificant.

16 There was no differentiation.

17 MR. TIGAR: I have no further questions.  
Thank you.

18 THE COURT: Do you have some redirect?

19 MR. MACKEY: Just a few, your Honor. Thank  
you.

20 REDIRECT EXAMINATION

21 BY MR. MACKEY:

22 Q. Mr. Dexter, you were asked earlier about a 49-  
second phone

23 call for Paulsen's that conflicted with other FBI  
material that

24 said 49 minutes. Can you explain that?

25 A. Yes.

8221

Frederick Dexter - Redirect

1 MR. TIGAR: Excuse me, your Honor. I object  
to the

2 explanation. I think it goes outside his personal  
knowledge

3 and outside the study he did.

4 THE COURT: Well --

5 MR. MACKEY: I can ask again --

ask about 6 THE COURT: You can ask -- Are you going to  
7 the source of the information?

8 MR. MACKEY: Yes.

9 BY MR. MACKEY:

10 Q. Go ahead.

11 A. The day of which it was recorded -- I shouldn't say  
the

12 day. When we looked at the OPUS records, there was a  
call for

13 49 seconds at that date and time, etc. All the calls  
that came

14 in from OPUS on that particular day were loaded into  
the system

15 in April 22-23 time frame, and they were being manually  
loaded,

16 etc. And what appears to me -- and I say "appear"  
because I

17 studied the printouts from the end of April that we  
still had;

18 I studied them from May -- that somebody keyed into the  
field

19 that was called "minutes" 49 instead of keying it into  
the

20 field called "seconds," is what it appeared. It was  
corrected

21 on a printout that I have on May 4. It was corrected  
to 49

22 seconds by then. I don't know what day it was  
corrected, but

23 it was corrected by May 4.

24 Q. Any summary that you provided to the defense in

this case

25 has correctly listed that phone call as being a 49-  
second

8222

Frederick Dexter - Redirect

1 duration. Is that correct?

2 A. Anything I provided to them; that's correct.

3 Q. In the way of your work product?

4 A. Yes.

5 Q. All right. You were asked about some phone calls  
in

6 November of 1994. Do you recall those?

7 A. Yes.

8 MR. MACKEY: Your Honor, at this time I'd like  
to

9 publish Stipulation No. 23 regarding those matters.

10 THE COURT: All right. I'll have to get it.

11 The -- do we have 202 and 243?

12 MR. MACKEY: Yes, your Honor.

13 THE COURT: Oh. All right.

14 Well, it's agreed, then, that the two  
photographs

15 marked as Government's Exhibits Nos. 202 and 243 show a  
pay

16 telephone located at the Tri-Month -- Tri-Mart Chevron,  
3595

17 East Andy Devine Avenue, Highway 66, Kingman, Arizona.



In

18 November, 1994, the number assigned to this pay  
telephone was

19 (520) 757-9154.

20 That's agreed?

21 MR. TIGAR: Yes, your Honor.

22 THE COURT: All right.

23 MR. MACKEY: Your Honor, we'd move to admit  
those two

24 photographs and ask permission to publish.

25 THE COURT: You may do so. They're received  
by the

8223

Frederick Dexter - Redirect

1 stipulation.

2 BY MR. MACKEY:

3 Q. Mr. Dexter, you told the jury already you have no  
personal

4 knowledge about where pay phones or other sites of  
telephones

5 were in connection with the Bridges card; is that  
correct?

6 A. That's correct.

7 Q. All right. Let me just borrow a little bit of your  
time to

8 show these to the jury nonetheless.

9 Now I'm displaying Government's Exhibit 243.  
You do

on the 10 see, do you not, what appears to be a public pay phone

11 left-hand portion of that exhibit?

12 A. Yes, I do.

13 Q. And you heard his Honor read into the record the  
phone

14 number that was subscribed to that pay phone in  
November of

15 1994?

16 A. Yes, I did.

17 Q. Have you looked at Government's Exhibit 579  
concerning the

18 activity on that pay phone for the month of November,  
1979

19 (sic)?

20 A. Yes. I believe 579 is subscriber data.

21 Q. 578?

22 A. 578.

23 MR. MACKEY: If I may approach?

24 BY MR. MACKEY:

25 Q. Does Government's Exhibit 578 show the activity on  
that pay

8224

Frederick Dexter - Redirect

1 phone, the one depicted in the photographs, during the  
month of

2 November of 1994?

3 A. Yes, it does.

4 Q. And, Mr. Dexter, based on that record and your  
review of  
5 it, did you find any telephone call from that pay phone  
to  
6 either the states of Ohio or New York for that same  
time  
7 period?

8 A. Yes, I did. In November, there was one call on the  
14th of  
9 November to New York.

10 Q. All right. And do you recognize the number that's  
shown in  
11 that exhibit?

12 A. Yes, I do.

13 Q. As being?

14 A. It's subscribed as Ed McVeigh, Edward McVeigh.

15 Q. And that is in the state of New York?

16 A. That's correct.

17 Q. Other than the phone call on November 14 from that  
pay  
18 phone to the residence of Ed McVeigh, did you find any  
other  
19 use of that pay phone to the states of Ohio or New  
York?

20 A. I did not.

21 MR. MACKEY: Your Honor, also pursuant to  
stipulation,  
22 I'd report to the Court and the jury that the parties  
have

Lynn 23 agreed that on November 22, 1994, the defendant, Terry  
Philippines 24 Nichols, traveled from Las Vegas, Nevada, to the  
25 and that on January 16, 1995, the defendant, Terry Lynn

8225

Frederick Dexter – Redirect

Philippines. 1 Nichols, returned to Las Vegas, Nevada, from the

2 THE COURT: Is that agreed?

3 MR. TIGAR: Yes, your Honor, that's agreed.

4 THE COURT: Then we accept those facts as  
true,

5 members of the jury.

6 BY MR. MACKEY:

7 Q. We'll return our attention, then, to November 22.  
Do you

8 see that clearly enough, Mr. Dexter? It's on page 78  
of your

9 Exhibit 553.

10 A. Okay.

11 Q. Directing your attention to the first line in your  
summary

12 for November 22, did you find evidence of use of the  
Bridges

13 card on that date calling Las Vegas, Nevada?

14 A. Yes, I did.

15 Q. From the state of New York?

16 A. Yes.

17 Q. And then later the same day with the same Daryl  
Bridges

18 card, was the Padilla residence called again?

19 A. Yes, it was.

20 Q. This time from a pay phone in L.A.?

21 A. That's correct.

22 Q. And this is the same day that Mr. Nichols left the  
country?

23 A. Yes.

24 Q. Per the stipulation?

25 A. Yes.

8226

Frederick Dexter – Redirect

1 Q. All right. Mr. Dexter, on January 16, 1995, same  
day of

2 Mr. Nichols' return to the United States, did you find  
use of

3 the Bridges card?

4 A. Can I look? This is awful blurry. Can I look up  
that

5 exhibit?

6 Yes, I did.

7 Q. On January 16, 1995, how was the Bridges card used?

8 A. There was a call from Vassar, Michigan. Kevin and

9 Jolynn -- Jolynn Nichols (sic) were the subscriber of  
where the  
10 call was placed from, to Lana Padilla. Call was at  
8:40 in the  
11 morning. 40:54 a.m.

12 Q. Did you find that phone call to make connection for  
about 1  
13 minute and 48 seconds?

14 A. That's correct.

15 Q. On the next day, Tuesday, January 17, 1995, was the  
Bridges  
16 card used again to call again to the Padilla residence?

17 A. Yes, it was.

18 Q. And from where and for how long?

19 A. It's from the same phone, Kevin, Jolynn Nichols --  
20 Nicholas, from Vassar, Michigan, for 6 minutes and 30  
seconds.

21 Q. And later that same morning, within minutes, was  
there a  
22 return phone call to Michigan?

23 A. Yes. It's about 24 minutes. Somewheres around  
there --

24 return from the Padilla residence back to Kevin  
Nicholas'  
25 residence.

8227

Frederick Dexter - Redirect

1 Q. Finally, on January 18, 1995, did you find evidence

of the

2 use of the Bridges phone card?

3 A. On the 18th, I found a call from Lana and Leonard  
Padilla's

4 residence to again Kevin Nicholas' residence. That's  
at 11:30

5 in the morning; and then about an hour later, a call  
from

6 Nicholas Rentals back to Lana Padilla's residence --  
Lana and

7 Leonard Padilla.

8 Q. Did you find then based on your summary that in the  
course

9 of those three days, January 16, 17 and 18, there were  
a total

10 of five known calls between those two locations?

11 A. That's correct.

12 Q. Finally, Mr. Dexter, let me return your attention  
to

13 questions you were asked about the two phone calls from  
the

14 J & K Bus Depot on Friday, April 14. Do you recall  
those

15 questions?

16 A. Right.

17 Q. And did you gather records from every possible  
source to

18 learn as much as possible about those phone calls?

19 A. Yes, I did.

20 Q. And as you sit there now based on your review of  
those

there  
day?  
to the

21 materials and all those records, are you certain that  
22 were two phone calls from the J & K Bus Depot on that  
23 A. Yes, I am.  
24 Q. And are you certain that the first phone call went  
25 residence of Terry Nichols?

8228

Frederick Dexter – Redirect

1 A. Yes, I am.  
2 Q. And are you certain that it was answered?  
3 A. Yes.  
4 MR. MACKEY: I have nothing else.  
5 THE COURT: Mr. Tigar, any recross?  
6 RECROSS-EXAMINATION  
7 BY MR. TIGAR:  
8 Q. Do you know whether the flight from Las Vegas to  
the  
9 Philippines makes a stop in Los Angeles?  
10 A. No, I do not.  
11 Q. I want to ask you now, then, about this 49 minutes  
vs. the  
12 49 seconds. Have you seen an FBI 302 of an FBI  
interview with  
13 Mr. Paulsen?



14 A. Yes, I have.

15 Q. And are you aware that what the FBI agents -- and I  
don't  
16 want to get into it because that's -- we could call the  
FBI  
17 agent who made that 302 as a witness, could we not?

18 A. I assume so.

19 Q. Yes. You were not present when that FBI agent  
talked to  
20 Mr. Paulsen, were you?

21 A. No, I was not.

22 Q. But do you know that the FBI agent and Mr. Paulsen  
had a  
23 conversation about the length of the telephone call  
made to  
24 Mr. Paulsen?

25 A. I did not read the whole interview. What I read  
was trying

8229

Frederick Dexter - Recross

1 to determine the accuracy of my summary; so I read the  
2 paragraph that said he was -- he was questioned  
regarding the  
3 49-minute phone call. Yes, I did see that.

4 Q. Now, again -- once again, they're the people that  
had the  
5 conversation. I'm not asking about that. But you are  
aware

6 that that FBI 302 does exist; correct?

7 A. That's correct.

8 Q. And you are aware of the identities of the  
interviewing

9 agents; correct?

10 A. I don't remember them.

11 Q. But --

12 A. They were on there, yes.

13 Q. You don't have any question they really are FBI  
agents?

14 A. Yes.

15 MR. TIGAR: Thank you very much. Nothing  
further.

16 MR. MACKEY: Nothing else, your Honor.

17 THE COURT: Are you excusing him?

18 MR. MACKEY: Yes, your Honor.

19 THE COURT: Is that agreed to excuse the  
witness?

20 MR. TIGAR: I'm sorry. Yes, your Honor.

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

22 excused.

23 Next, please.

24 MR. MACKEY: United States would call Michael  
Fortier.

25 THE COURT: Come in, please.

1 THE COURTROOM DEPUTY: Raise your right hand,  
please.

2 (Michael Fortier affirmed.)

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

4 Would you state your full name for the record  
and

5 spell your last name.

6 THE WITNESS: My name is Michael Joseph  
Fortier. It's

7 spelled F-0-R-T-I-E-R.

8 THE COURTROOM DEPUTY: Thank you.

9 THE COURT: Mr. Mearns.

10 MR. MEARNS: Thank you, your Honor.

11 DIRECT EXAMINATION

12 BY MR. MEARNS:

13 Q. Mr. Fortier, how old are you?

14 A. I'm 28 years old.

15 Q. And where were you born?

16 A. I was born in Maine.

17 Q. How long did you live in Maine?

18 A. I lived in Maine till I was eight years old.

19 Q. Where did you move after you left Maine?

20 A. My family and I moved to Kingman, Arizona.

21 Q. Where is Kingman, Arizona, in terms of the  
geography of

22 Arizona?  
23 A. It's in the northwest corner.  
24 Q. Towards California, in that direction of the state?  
25 A. Yeah. It's just south of Las Vegas.

8231

Michael Fortier - Direct

1 Q. And where do you presently live?  
2 A. I'm in federal custody right now.  
3 Q. How long have you been in federal custody?  
4 A. Since August of 1995.  
5 Q. So a little over two years?  
6 A. Yes.  
7 Q. Are you married?  
8 A. Yes, I am.  
9 Q. What is your wife's name?  
10 A. Her name is Lori.  
11 Q. And how long -- how long have you and Lori been  
married?  
12 A. For three years.  
13 Q. How long have you known her?  
14 A. For ten years.  
15 Q. Do you and Lori have any children?  
16 A. Yes, we do.  
17 Q. How many children do you have?

- 18 A. We have two.
- 19 Q. Are they boys or girls?
- 20 A. I have a boy and a little girl.
- 21 Q. How old is your daughter?
- 22 A. She's four years old.
- 23 Q. And how old is your son?
- 24 A. He's 21 months.
- 25 Q. Did you graduate from high school?

8232

Michael Fortier – Direct

- 1 A. Yes, I did.
- 2 Q. Where did you go to high school?
- 3 A. At Kingman High.
- 4 Q. And when did you graduate from Kingman High?
- 5 A. In 1987.
- 6 Q. Did you attend any college after high school?
- 7 A. Not directly after high school, but I have attended
- 8 college.
- 9 Q. How much college education do you have?
- 10 A. About four semesters.
- 11 Q. Where -- where did you go to college?
- 12 A. Mohave Community College.
- 13 Q. Where is that school located?
- 14 A. In Kingman.

15 Q. You told us a moment ago you didn't go directly  
from high school to college. What did you do in between high  
16 school and college?  
17

18 A. I went into the Army.

19 Q. Now, you're testifying this afternoon pursuant to  
an agreement with the Government; is that correct?  
20

21 A. Yes.

22 Q. Is that agreement an oral agreement, or a written  
23 agreement?

24 A. It is a written agreement.

25 Q. Were you represented by an attorney when you  
entered into

8233

Michael Fortier - Direct

1 that agreement with the Government?

2 A. Yes.

3 Q. What are your obligations under this written  
agreement?

4 A. My obligations are that I -- and I did -- plead  
guilty to

5 four felony counts and that I would cooperate in any  
and all

6 trials or any proceedings that were asked of me.

7 Q. You told us that you were required to plead guilty

under

8 this agreement to four felonies?

9 A. Yes.

10 Q. What were those four felony charges?

stolen

11 A. They were conspiracy -- conspiring to transport

felony and

12 weapons, transporting stolen weapons, misprison of a

13 lying to the FBI.

14 Q. What is misprison of a felony?

15 A. Knowing that a crime has taken place and concealing

16 evidence in that crime.

about --

17 Q. Were all four of those charges that you just spoke

18 were those charges contained in an indictment?

19 A. Yes.

20 Q. When was that indictment filed against you?

21 A. In August of '95.

22 Q. And where was it filed?

23 A. In Oklahoma City.

that

24 Q. And have you pled guilty to those four charges in

25 indictment?

8234

Michael Fortier - Direct

1 A. Yes, sir.

2 Q. When did you plead guilty to those charges?

3 A. In August of 1995.

4 Q. Was that in Oklahoma City as well?

5 A. Yes.

6 Q. Were any counts in the indictment dismissed against  
you?

7 A. No, sir.

8 Q. Were you ever charged with participating or  
conspiring in

9 the bombing in Oklahoma City?

10 A. No, sir.

11 Q. What is the maximum penalty that you face pursuant  
to your

12 guilty plea to those four charges?

13 A. 23 years in prison.

14 Q. Now, you told us a moment ago that you're also  
obligated

15 under this agreement to cooperate with the Government.  
Is that

16 correct?

17 A. Yes.

18 Q. Does that cooperation include being willing to be  
19 interviewed?

20 A. Yes.

21 Q. And have you been interviewed pursuant to that  
cooperation

22 agreement?

23 A. Yes.



24 Q. Once, or more than once?

25 A. More than once.

8235

Michael Fortier - Direct

1 Q. Would it be fair to say that you've been  
interviewed quite

2 frequently?

3 A. Yes.

4 Q. Would it also be fair to say that you've been  
interviewed

5 quite extensively?

6 A. Absolutely.

7 Q. With respect to your cooperation, were you also  
obligated

8 to testify in any proceeding if called upon by the  
Government

9 to do so?

10 A. Yes.

11 Q. And have you testified prior to today -- have you  
testified

12 pursuant to that cooperation agreement?

13 A. Yes, I have.

14 Q. How many times?

15 A. Twice.

16 Q. When was the first time?

17 A. Before the grand jury in Oklahoma City.

18 Q. And when was that?

19 A. In 1995.

20 MR. TIGAR: I object to identifying a second  
21 proceeding, your Honor.

22 THE COURT: Well, the objection is overruled.

23 BY MR. MEARNS:

24 Q. When was the second time that you testified?

25 A. Just last spring in Timothy McVeigh's trial.

8236

Michael Fortier - Direct

1 Q. What is your understanding of the Government's  
obligations

2 under this written agreement?

3 A. That they will bring no further charges against me.

4 Q. And when you say there -- when you say "they,"  
you're

5 referring to the United States Government?

6 A. Yes. And also the government of the State of  
Oklahoma.

7 Q. So the Oklahoma state authorities are also bound by  
this

8 written agreement?

9 A. Yes, sir.

10 Q. When you say "no further charges," you mean no  
further

11 charges beyond the four that you've pled guilty to?

12 A. Yes.

with  
13 Q. Is the Government obligated to do anything else  
14 respect to your cooperation?

15 A. No, sir.

respect to  
16 Q. Is there a provision in your plea agreement with  
17 the Government filing a motion on your behalf at your  
18 sentencing?

19 MR. TIGAR: Your Honor, I object to the oral  
20 recitation. The plea agreement is a document that  
speaks for  
21 itself.

22 THE COURT: It seems to me we should go to the  
plea  
23 agreement, rather than a summary of it.

24 MR. MEARNS: May I approach the witness, your  
Honor?

25 THE COURT: You may.

8237

Michael Fortier – Direct

1 BY MR. MEARNS:

Government's  
2 Q. Mr. Fortier, you've had placed before you  
3 Exhibit 193. If you could take it out of the plastic,  
please.

4 Do you recognize that document?

5 A. Yes, sir.

6 Q. What is that document?

7 A. This is the plea agreement.

8 Q. This is the plea agreement that you're testifying  
to  
9 pursuant -- you're testifying today pursuant to this  
agreement?

10 A. Yes.

11 MR. MEARNS: We'd offer Government's Exhibit  
193.

12 MR. TIGAR: No objection, your Honor.

13 THE COURT: 193 is received.

14 BY MR. MEARNS:

15 Q. Mr. Fortier, does this agreement have a provision  
whereby  
16 the Government will file a motion with the Court at  
your  
17 sentencing?

18 THE COURT: Just cite to the section of the  
agreement,  
19 and it can be read into the record, I assume.

20 MR. TIGAR: Yes, your Honor. That's our  
objection.

21 THE COURT: All right. As I understand it,  
this is  
22 actually a certified copy of a document on file in the  
United  
23 States District Court in Western District of Oklahoma  
in a  
24 criminal proceeding in which he is the defendant.

25 MR. MEARNS: That's correct, your Honor.

8238

Michael Fortier – Direct

1 THE COURT: All right.

2 BY MR. MEARNS:

3 Q. Mr. Fortier, if you would turn to paragraph 6 on  
page 5.

4 Is that the provision that covers what the Government  
will do  
5 for you in exchange for your cooperation?

6 A. Yes, sir.

7 Q. Has anyone from the Government other than what is  
contained  
8 in this written agreement -- has anyone from the  
Government

9 promised you any particular sentence?

10 A. No, sir.

11 Q. And as you sit here today, do you know what your  
sentence

12 will be?

13 A. No, I do not.

14 Q. Who will determine your sentence?

15 A. The judge that sentences me.

16 Q. Do you know a man named Timothy McVeigh?

17 A. Yes.

18 Q. When did you first meet Mr. McVeigh?

in 1988. 19 A. I first met him when I first went into the service

20 Q. And where did you meet him?

21 A. Fort Benning, Georgia.

22 Q. And you were in the Army at that time?

23 A. Yes, sir.

time? 24 Q. And was Mr. McVeigh in the service as well at that

25 A. Yes.

8239

Michael Fortier - Direct

1 Q. Were you there in Fort Benning for basic training?

2 A. Yes.

3 Q. How long were you in Fort Benning?

4 A. Three months.

5 Q. Until approximately when?

6 A. Until September.

7 Q. Of 1988?

8 A. Yes, sir.

when you 9 Q. During that time, during that three-month period

friends? 10 were in basic training, did you and Mr. McVeigh become

11 A. No, sir.

12 Q. How would you characterize your relationship with

13 Mr. McVeigh at that time?

14 A. He was in the same platoon as I, and I would see  
him in the

15 platoon; but I never associated with him.

16 Q. After basic training -- that is, after September of  
1988 --

17 where were you stationed?

18 A. Fort Riley, Kansas.

19 Q. Do you know what cities are near Fort Riley,  
Kansas?

20 A. Yes.

21 Q. Could you tell what cities are near there.

22 A. Junction City is right outside of Fort Riley, and  
nearby

23 also is Manhattan.

24 Q. How long were you stationed in Fort Riley?

25 A. For three years.

8240

Michael Fortier - Direct

1 Q. Until when?

2 A. May of 1991.

3 Q. It was at that point you were discharged?

4 A. Yes.

5 Q. When you were transferred from Fort Benning to Fort  
Riley,

6 was Mr. McVeigh transferred with you at that time?

7 A. Yes, he was.

8 Q. And were you in the same company at that time?

9 A. Yes.

10 Q. How many people are in a company?

11 A. Roughly 100.

12 Q. And how many people are in a squad?

13 A. I believe there are eight per squad.

14 Q. Was Mr. McVeigh in the same squad?

15 A. Yes.

16 Q. That you were in?

17 A. Yes.

18 Q. While you were in Fort Riley -- that is, up until  
May of

19 '91 -- did you become friends with Mr. McVeigh at that  
time?

20 A. Yes, I did.

21 Q. While you were at Fort Riley, did Mr. McVeigh share  
any

22 literature with you?

23 A. Yes.

24 Q. What?

25 A. He shared with me a book called The Turner Diaries.

8241

Michael Fortier - Direct

1 Q. Did he tell you to do anything with the book?



read 2 A. Yes. He brought it to me and told me that I should

3 this.

4 Q. And did you?

5 A. Yes, I did.

6 Q. What was that book about?

America. 7 A. It was about white supremacy and a revolution in

that you 8 Q. Did Mr. McVeigh continue to be in the same platoon

9 were in when you were in Fort Riley?

10 A. Yes.

11 Q. And who was your platoon leader in Fort Riley?

12 A. A gentleman named Sergeant Brown.

when you 13 Q. And who was your platoon leader in Fort Benning

14 were in basic training?

15 A. Terry Nichols.

Fort Riley 16 Q. Was Mr. Nichols transferred from Fort Benning to

17 when you were transferred?

18 A. Yes, sir.

Nichols 19 Q. During the time that you were stationed with Mr.

friends 20 either in Fort Benning or Fort Riley, did you become

21 with him?

22 A. No, sir.

23 Q. How would you characterize your relationship with

24 Mr. Nichols when you were together in the service?

25 A. Acquaintances.

8242

Michael Fortier – Direct

and 1 Q. Did you have an opportunity to observe Mr. McVeigh

2 Mr. Nichols when they were stationed together?

3 A. Only in basic training.

4 Q. How would you characterize their relationship at  
that time?

5 A. They were friends.

6 MR. TIGAR: Excuse me, your Honor. Lack of  
personal

7 knowledge. Foundation.

8 THE COURT: Sustained. The answer as  
"friends" is

9 stricken.

10 BY MR. MEARNS:

11 Q. If Mr. Nichols were in the courtroom -- that is,  
the

12 Mr. Nichols you met in the service -- would you be able  
to

13 identify him?

14 A. Yes, I would.

15 Q. Would you please do so.

16 A. He's the gentleman sitting in the middle wearing a

17 turtleneck shirt.

18 MR. TIGAR: The identification is conceded,  
your

19 Honor.

20 THE COURT: All right. Thank you.

21 BY MR. MEARNS:

22 Q. When were you discharged from the Army?

23 A. In May of 1991.

24 Q. What kind of a discharge did you receive?

25 A. I received an honorable discharge.

8243

Michael Fortier - Direct

1 Q. What did you do after you were discharged?

2 A. I traveled back to Kingman.

3 Q. What did you do in Kingman?

4 A. That's when I started working and also going to  
school.

5 Q. Where were you working at that time?

6 A. At a place called H & H Printers.

7 Q. How long did you work at that printing company?

8 A. For about 6 months.

9 Q. What did you do in terms of employment after that?

10 A. I found employment with the Department of Energy.

11 Q. And when was that?

12 A. In the summer of 1992.

13 Q. How long did you work for the Department of Energy?

14 A. Two months.

15 Q. What did you --

16 MR. TIGAR: Your Honor, I'm having trouble  
hearing the

17 ends of Mr. Fortier's sentences as he is speaking.

18 THE COURT: All right.

19 MR. TIGAR: I would appreciate it --

20 THE COURT: Would you please keep your voice  
up.

21 THE WITNESS: Yes, sir.

22 THE COURT: Thank you.

23 BY MR. MEARNS:

24 Q. Tell us again how long you worked for the  
Department of

25 Energy.

8244

Michael Fortier - Direct

1 A. I worked for them for two months.

2 Q. And what did you do after that?

3 A. Then I went back to school for a semester, and then  
I found

4 employment at Kingman True Value.

5 Q. When was that? When did you start working at  
Kingman True

6 Value?

7 A. At the beginning of 1993.

8 Q. And what kind of a business was Kingman True Value?

9 A. It's a hardware store, plus they have a lumberyard.

10 Q. During this period of time prior to when you  
started

11 working at the hardware store, were you going to school  
as

12 well?

13 A. Yes.

14 Q. And this is the Mohave Community College that you  
spoke

15 about a few minutes ago?

16 A. Yes.

17 Q. How long did you continue to work at Kingman True  
Value?

18 A. Until December of 1994.

19 Q. And during that period of time, up until December  
of 1994,

20 did you remain friends with Tim McVeigh?

21 A. Yes, I did.

22 Q. Up -- during that period of time, did he ever visit  
you in

23 Kingman, Arizona?

24 A. Yes.

25 Q. When was the first time that Mr. McVeigh visited  
you in

Michael Fortier - Direct

1 Kingman, Arizona, after you were discharged from the  
Army?

2 A. First time that I can recall is in April of 1993.

3 Q. Do you recall the tragedy that occurred at the  
Branch

4 Davidian complex in Waco, Texas?

5 A. Yes.

6 Q. When in relation to that incident did Mr. McVeigh  
visit you

7 for the first time in Kingman?

8 A. It would be just a few days after that -- it ended.

9 Q. When Mr. McVeigh visited you, did he have any items  
with

10 him that related to the incident at Waco?

11 A. He had a hat with him.

12 Q. Describe that hat.

13 A. It was a black hat. In yellow letters it said  
"ATF" across

14 the front, and it also had holes in it that -- they  
were

15 supposed to represent bullet holes.

16 Q. Were they suppose -- were they actual, real bullet  
holes?

17 A. I don't think so.

18 Q. During that visit when Mr. McVeigh was in Kingman,  
did you

19 discuss the incident at Waco with him?

20 A. Yes.

Waco?  
21 Q. What was the substance of your discussions about  
or not  
22 A. We mostly discussed if the Government acted legally  
23 in Waco.  
24 Q. Did you have an opinion at that time?  
25 A. Yes.

8246

Michael Fortier - Direct

1 Q. What was your opinion at that time?  
2 A. That at the very least they committed manslaughter  
and that  
3 they had started the fire themselves.  
4 Q. Did Mr. McVeigh express an opinion to you?  
5 A. Yes.  
6 Q. What was Mr. McVeigh's opinion that he expressed to  
you?  
7 A. He thought that they had murdered those people in  
Waco.  
8 Q. In April of 1993, when Mr. McVeigh was in Kingman,  
where  
9 did he stay?  
10 A. He stayed at my house.  
11 Q. Was Mr. McVeigh working at that time?  
12 A. Yes.  
13 Q. What was he doing?

14 A. He told me he was running the gun show circuits.  
15 Q. What does that mean?  
16 A. It means he was following the gun shows from city  
to city  
17 selling items.  
18 Q. How long in the spring of 1993 -- how long was Mr.  
McVeigh  
19 in Kingman, Arizona?  
20 A. He was there on and off from April until about  
midsummer.  
21 Q. Did you see Mr. McVeigh at all during the summer of  
1993 in  
22 Kingman?  
23 A. Yes.  
24 Q. What kinds of places? Where did you see him in  
Kingman  
25 during the summer of 1993?

8247

Michael Fortier - Direct

1 A. Mostly at my house, but I occasionally went to the  
trailer  
2 that he was renting.  
3 Q. And where was that?  
4 A. It's located on old Route 66. It's west of  
Kingman.  
5 Q. How long did Mr. McVeigh remain in the Kingman area  
after  
6 the summer of '93?



7 A. Not long. He left in the fall of 1993.

1993, did 8 Q. During this period of time, the spring, summer of

to the 9 you see Mr. McVeigh with any other items that related

10 incident at Waco, Texas?

11 A. Yes. He brought over to my house a videotape

called "Waco, 12 The Big Lie."

13 Q. Did you watch that videotape?

14 A. Yes.

15 Q. Did you watch it alone?

16 A. No. I watched it with Tim.

17 Q. What was the tape about?

18 A. It had live footage of the Waco incident, and it

was mostly 19 antigovernment. It was saying that the government

started the 20 fire on purpose.

21 Q. After viewing the tape with Mr. McVeigh, did you

discuss 22 the contents of the tape with him?

23 A. Yes.

24 Q. During 1993, did you ever see Mr. Nichols?

25 A. Yes.

Michael Fortier – Direct

1 Q. Where did you see Mr. Nichols in 1993?

2 A. In Kingman.

3 Q. And when was that?

4 A. It was in the fall of 1993.

5 Q. Where in Kingman did you see him?

6 A. Well, I met him at a Wal-Mart, and then we went to  
my  
7 house.

8 Q. How was it that you came to meet Mr. Nichols at a  
Wal-Mart?

9 A. I received a phone call from Tim McVeigh, and he  
told me

10 that Terry was moving to Las Vegas and Tim had told  
Terry that

11 if he wanted to, he could stop at my house as just for  
like a  
12 rest stop on his way to Vegas.

13 And so one afternoon, I received a call from  
Terry

14 saying that -- telling me where he was at Wal-Mart and  
I drove

15 to Wal-Mart and found him and then led him back to my  
house.

16 Q. What happened when you got back to your house?

17 A. He stayed at my house for about half hour to an  
hour. We

18 just had conversation.

19 Q. Was Mr. Nichols alone?

20 A. No, he wasn't.

21 Q. Who was with him?  
22 A. His wife was with him and their daughter.  
23 Q. Do you recall his wife's name?  
24 A. Yes.  
25 Q. What is her name?

8249

Michael Fortier – Direct

1 A. Her name is Marife.  
2 Q. And how old was Mr. Nichols' child?  
3 A. Just a baby. A little baby.  
4 Q. Did you see what kind of vehicle that Mr. Nichols  
was  
5 driving that day?  
6 A. Yes.  
7 Q. What kind of vehicle was it?  
8 A. It was a blue truck with a large camper.  
9 Q. When you say a truck, what kind of vehicle are you  
10 referring to? Like a large truck?  
11 A. Yeah. A full-size truck. I'm not sure if it was  
Ford or  
12 Chevy.  
13 Q. Like a pickup truck?  
14 A. Yes.  
15 Q. Describe what -- you said it was pulling something  
else?

16 A. No. It wasn't pulling anything, but it had a  
camper on the

17 back of it.

18 Q. What kind of a camper? Describe it.

19 A. It's one of those big campers that you can sleep in  
and

20 live in; and they've got a sink in it, and it hangs  
over the

21 top of the truck.

22 Q. Where were you living at that time?

23 A. I was living on McVicker.

24 Q. What was your address?

25 A. 3035 McVicker.

8250

Michael Fortier - Direct

1 Q. And that's in Kingman, Arizona?

2 A. Yes.

3 Q. How long had you been living there?

4 A. Just under a year.

5 Q. Were you living with anyone at that time?

6 A. Yes.

7 Q. Who was that?

8 A. My wife and my daughter.

9 Q. And was Lori present when Mr. Nichols and his wife  
came to

10 your house -- to your house on McVicker?

11 A. Yes, she was.

12 Q. And how long did they stay?

13 A. No more than an hour.

14 Q. Was that the first time that you had seen Mr.  
Nichols since

15 you were discharged from the Army?

16 A. Yes.

17 Q. And how long was the visit?

18 A. It was for no more than an hour.

19 Q. What did you discuss during that visit?

20 A. Mostly Lori and Marife talked -- spoke about the  
babies. I

21 did speak with Mr. Nichols. He told me he was moving  
to Las

22 Vegas and he was going to try to find employment as a  
carpenter

23 there. And we spoke about that for a bit.

24 Q. Turning now to 1994, did you see Mr. McVeigh in  
1994?

25 A. Yes.

8251

Michael Fortier - Direct

1 Q. When was the first time that you saw Mr. McVeigh in  
1994?

2 A. It was very early in 1994. I believe it was right  
around

3 February.

4 Q. And where was it?

5 A. It was in Kingman.

6 Q. Where were you working at that time in February of  
'94?

7 A. I was still working for Kingman True Value.

8 Q. When you saw Mr. McVeigh in Kingman in February of  
'94,

9 where was he working?

10 A. I got him a job at Kingman True Value.

11 Q. Tell us how that came about.

12 A. Well, one day, I was working and I received a phone  
call

13 from Tim. He told me he was on the Nichols farm in  
Michigan

14 and he wasn't happy. And I told -- and I told him that  
if he

15 wanted to come back to Arizona, I could probably get  
him a job

16 working for True Value; and so he did.

17 Q. So you helped him get a job at the same hardware  
store?

18 A. Yes.

19 Q. What was your position at that time?

20 A. I was working as a bookkeeper.

21 Q. And what job did Mr. McVeigh get?

22 A. He was working as a laborer in the yard.

23 Q. Where did Mr. McVeigh live when he initially  
arrived in

24 Kingman in February of '94?

25 A. For a very short time, he lived at my house.

8252

Michael Fortier - Direct

1 Q. How long is that? You said a short time. How long  
are you

2 talking about?

3 A. I don't believe it was more than a week.

4 Q. Where did he go after that?

5 A. He moved to a house out in Golden Valley.

6 Q. Where is Golden Valley in relation to Kingman?

7 A. Golden Valley is about 5 miles west of Kingman.

8 Q. In February of '94, was Mr. McVeigh then living  
alone in

9 Golden Valley?

10 A. No.

11 Q. Who was he living with?

12 A. Tim told me that Mr. Nichols had lived with him for  
about

13 two weeks.

14 Q. Did you ever go to this home in Golden Valley?

15 A. Yes.

16 Q. How many times?

17 A. Oh, many times.

18 Q. Did you ever go there for dinner?

19 A. Yes.

20 Q. Tell us what happened that night.

21 A. I don't remember much about it. It was when Tim  
first

22 moved into Golden Valley. I went over there for dinner  
and

23 Terry Nichols was there. And we had dinner together.

24 Q. Was anyone else present besides Mr. McVeigh and

25 Mr. Nichols?

8253

Michael Fortier - Direct

1 A. No.

2 Q. Was Mr. Nichols' wife present?

3 A. No, she wasn't.

4 Q. Did you see Mr. Nichols' pickup truck when you went  
out

5 there that night?

6 A. Yes, I did.

7 Q. Describe what the pickup truck looked like that  
night.

8 A. It looked the same minus the camper.

9 Q. Was there anything covering the bed of the pickup  
truck at

10 that time?

11 A. Nothing at all.

12 Q. Did you have any conversation with Mr. Nichols that  
night?



13 A. Yes.

14 Q. What was the substance of your conversation?

15 A. The only thing I can remember talking about was  
nutrition.

16 He was telling me about the type of bread he has to eat  
or

17 likes to eat.

18 Q. How long were you out there that night?

19 A. I'm not sure.

20 Q. On the other times that you went to the home in  
Golden

21 Valley, was Mr. Nichols present?

22 A. No. That's the only time I ever seen him out  
there.

23 Q. Was that the only other time you saw him during  
that period

24 of time in 1994?

25 A. Yes.

8254

Michael Fortier - Direct

1 Q. During this period of time, did you see Mr. McVeigh  
at the

2 hardware store, the Kingman True Value Hardware store?

3 A. Yes.

4 Q. How often would you see Mr. McVeigh at the hardware  
store?

5 A. A few times a week.

with 6 Q. During this period of time, did you ever socialize

7 Mr. McVeigh?

8 A. Yes.

this 9 Q. How often did you socialize with Mr. McVeigh during

10 time?

speaking 11 THE COURT: I'm not clear what time you're

12 about.

13 BY MR. MEARNS:

McVeigh at 14 Q. In early 1994, how frequently did you see Mr.

15 the Kingman True Value?

16 A. A few times a week.

with 17 Q. And during early 1994, how much did you socialize

18 Mr. McVeigh?

socialized with 19 A. About four times a month. I seen him -- I

20 him on the weekends.

area? 21 Q. How long did Mr. McVeigh remain in the Kingman

22 A. He remained until early August of 1994.

time from 23 Q. Were you there -- were you in Kingman the entire

24 the spring through the summer of 1994?

a 25 A. No. I had -- I took a vacation or actually, it was

Michael Fortier - Direct

1 honeymoon in the summer of 1994.

2 Q. When did you get married?

3 A. July 25.

4 Q. And how long was your honeymoon?

5 A. For a week.

6 Q. Was that the only week that you were outside of the  
Kingman

7 area during the spring and summer of '94?

8 A. Yes.

9 Q. Where did you get married?

10 A. I got married in Las Vegas.

11 Q. Was Mr. McVeigh present at your wedding?

12 A. Yes, he was.

13 Q. During the summer of 1994, did you have any  
discussions

14 with Mr. McVeigh about politics?

15 A. Yes.

16 Q. How frequently did you and Mr. McVeigh in the  
summer of

17 1994, spring and summer of 1994 -- how often did the  
two of you

18 discuss politics?

19 A. All the time.

20 Q. Were these discussions brief?

21 A. Some of them were. Some of them were not.

22 Q. When they were not brief, how long were they?

23 A. That's very hard for me to estimate.

24 Q. During any of these discussions, did you talk about  
the  
25 United Nations?

8256

Michael Fortier – Direct

1 A. Yes.

2 Q. How frequently did you and Mr. McVeigh discuss the  
United  
3 Nations?

4 A. That was mostly what we talked about. When you  
said  
5 political issues, that's what I was referring to  
myself.

6 Q. And what were the kind of topics -- were you  
talking or  
7 discussing in terms of the United Nations?

8 A. Their supposed plan to form a world government and  
9 subvert -- subvert the United States Constitution.

10 Q. Was there a term or a phrase that you and Mr.  
McVeigh used  
11 to describe that issue?

12 A. Just the New World Order.

13 Q. During the spring or summer of 1994, did you or Mr.  
McVeigh

14 ever take any actions related to your concerns about  
the United

15 Nations or the New World Order?

16 A. Yes.

17 Q. What did you do?

18 A. We snuck onto a National Guard armory base and was  
looking

19 at the trucks that were in the backyard.

20 Q. Did you steal anything that night?

21 A. Yes.

22 Q. What did you take?

23 A. We each took a set of pioneer tools.

24 Q. What do you mean by pioneer tools?

25 A. Pioneer tools are an axe, a pick, and a shovel.

8257

Michael Fortier – Direct

1 Q. And how many of those tools did you take?

2 A. Six all together.

3 Q. Two sets?

4 A. Yes.

5 Q. What happened with those six tools?

6 A. We brought them back to Tim's house and Tim kept  
them for a

7 few days, and he painted them. They were green and we  
painted

8 them sand.

9 Q. And then what happened with them?

10 A. And then I took mine home and they sat in my shed  
until

11 after the bombing. And we turned them over to -- my  
wife

12 turned them over, actually, to the authorities.

13 Q. That is, after your cooperation?

14 A. Yes, sir.

15 Q. During the spring and summer of 1994, did you  
subscribe to

16 any political literature?

17 A. Yes.

18 Q. What kind of political literature did you subscribe  
to?

19 A. Newspapers and pamphlets, monthly pamphlets.

20 Q. Did you subscribe to the Patriot Report?

21 A. Yes.

22 Q. How is it that you came to subscribe to the Patriot  
Report?

23 A. Tim showed me his subscription, and I read it. And  
it was

24 interesting to me, so I got a subscription.

25 Q. When -- when, approximately, did you get your  
subscription

1 to the Patriot Report?

2 A. I'm not sure exactly when I first started it. I  
believe it

3 was the summer of '94.

4 Q. What is the political perspective or slant of the  
Patriot

5 Report?

6 A. It deals with the New World Order.

7 Q. Have you ever heard of The Spotlight, another  
publication

8 called The Spotlight?

9 A. Yes. I also received that one.

10 Q. You subscribed to that magazine?

11 A. It's -- yes. It's a newspaper.

12 Q. When did you get your subscription to The  
Spotlight?

13 A. Around that same time.

14 Q. How is it that you came to learn about The  
Spotlight?

15 A. Again, Tim showed me a copy of one.

16 Q. Does The Spotlight have any political perspective  
or slant?

17 A. Yes.

18 Q. What is it?

19 A. The New World Order, and they lean heavy towards  
the IRS.

20 Q. In the spring or summer of 1994, did you and Mr.  
McVeigh

21 have any interest in forming any organization related  
to your

22 political views?

23 A. Yes. We thought over forming a militia.

24 Q. Did you take any steps to do that?

25 A. Yes, we did.

8259

Michael Fortier - Direct

1 Q. Did you actually follow through and form a militia?

2 A. No.

3 Q. Do you recall any plans that you had for July 4 of  
1994?

4 A. Yes.

5 Q. What were your plans?

6 A. Tim and myself were going to pass out a leaflet at  
the 4th  
7 of July fireworks that was going to be held in Kingman.

8 Q. When you say "a leaflet," what are you referring  
to?

9 A. Just a single piece of paper full of quotes from  
our  
10 founding fathers and other information containing --  
concerning

11 Waco.

12 Q. And did you and Mr. McVeigh, in fact, distribute  
that  
13 leaflet on July 4 of 1994?

14 A. No, sir.



15 Q. What happened?

16 A. Tim was called -- was called back to Buffalo,  
something

17 that had to do with his grandfather. And so he left,  
and I had

18 no interest of doing that by myself.

19 Q. During the spring or summer of 1994, did you have  
any

20 experience with explosives?

21 A. Yes.

22 Q. What happened?

23 A. One afternoon, Lori, my wife, myself, and Tim went  
into the

24 desert; and Tim brought a pipe bomb with him and we set  
it off.

25 Q. During 1994, both the spring and summer of '94, did  
you

8260

Michael Fortier - Direct

1 spend a lot of time with Mr. McVeigh?

2 A. Yes.

3 Q. Did you spend a lot of time talking with him?

4 A. Yes.

5 Q. Socializing with him?

6 A. Yes.

7 Q. Did he live with you during any time in 1994?

8 A. Yes. In July of 1994.

9 Q. During the spring and summer of '94, did you  
observe any  
10 change in Mr. McVeigh's demeanor?  
11 A. Yes, I did.  
12 Q. What did you observe?  
13 A. He became defensive; and from things he said, I got  
the  
14 understanding that he was thinking that the New World  
Order may  
15 target him personally.  
16 Q. Did you see him do anything?  
17 A. Yes.  
18 Q. What did you -- what did you actually see?  
19 A. He had set (sic) weapons in each corner of his  
house,  
20 loaded rifles; and in his backyard, he was collecting  
wood from  
21 True Value and stacking it in what he was calling a  
"bullet  
22 berm." And he told me in case the feds ever surrounded  
his  
23 house like they did at Waco, that berm was going to  
protect  
24 him.  
25 Q. You told us a few minutes ago that you got married  
on

8261

Michael Fortier - Direct

1 July 25; is that right?

2 A. Yes, I did.

3 Q. And you were away for how long?

4 A. Excuse me?

5 Q. You were away on your honeymoon for how long?

6 A. For one week.

7 Q. And then did you return to Kingman?

8 A. Yes.

9 Q. Where was Mr. McVeigh living when you and your wife  
were on  
10 your honeymoon?

11 A. I believe he was staying at my house.

12 Q. Was he there when you returned?

13 A. Yes.

14 Q. How long did Mr. McVeigh stay in your house after  
you and  
15 your wife returned from your honeymoon?

16 A. For a short time. I believe no more than a week.

17 Q. Do you recall your next contact of any sort from

18 Mr. McVeigh after he left your house?

19 A. Yes.

20 Q. What was the contact?

21 A. I received a letter from Tim.

22 Q. When did you receive a letter?

23 A. It would have been -- it was probably in August or  
very

24 early September.

25 Q. And what -- did you read the letter?

8262

Michael Fortier - Direct

1 A. Yes, I did.

2 Q. And did you recognize Mr. McVeigh's handwriting?

3 A. Yes.

4 Q. What did the letter say?

5 MR. TIGAR: Excuse me, your Honor. Unless  
there is an

6 accounting for what happened to the document, we object  
to the

7 recitation.

8 THE COURT: Yes. You'll have to lay a  
foundation for

9 secondary evidence.

10 BY MR. MEARNS:

11 Q. Did you read the letter, Mr. Fortier?

12 A. Yes, I did.

13 Q. After you read the letter, what did you do with the  
piece

14 of paper?

15 A. I threw it away.

16 Q. Where did you throw it away?

17 A. In my trash can.

18 Q. Have you ever seen the letter since you threw it

away in

19 your trash can?

20 A. No.

the

21 MR. MEARNS: With that, your Honor, may I ask

22 witness what the letter said?

23 THE COURT: You can ask, and we'll see if  
there is an

24 objection.

25 MR. TIGAR: We object to the secondary  
evidence,

8263

Michael Fortier - Direct

1 because the speaker has caused the letter to be  
destroyed.

2 THE COURT: Objection is overruled.

3 BY MR. MEARNS:

4 Q. Mr. Fortier, you read the letter?

5 A. Yes, I did.

6 Q. What did the letter say?

7 A. The letter said that -- Tim was asking me if I  
wanted to

8 help him and Terry in taking some type of action.

9 Q. In the letter, did Mr. McVeigh describe what kind  
of

10 action?

11 A. I believe it said they were going to take a

positive

12 offensive action.

13 Q. And did the letter identify Terry by a last name?

14 A. No, it did not.

15 Q. At that time, did you know anybody by the name of  
Terry?

16 A. No, not at that time.

17 Excuse me. That's not true. My boss at work  
-- his

18 name was Terry.

19 Q. During -- at that period of time, did Mr. McVeigh  
speak

20 with you about anybody by the name -- with the first  
name of

21 Terry?

22 A. Yes, he had.

23 Q. Who was that?

24 A. He was referring to Terry Nichols.

25 Q. What else did the letter say?

8264

Michael Fortier - Direct

1 MR. TIGAR: Your Honor, I object -- could we  
have a

2 time --

3 THE COURT: Yes, we ought to have a time.  
And, you

4 know, this is awfully vague.

5 BY MR. MEARNS:

6 Q. During 1994, did you have conversations with Mr.  
McVeigh  
7 about a man named Terry -- a man with a first name  
Terry?

8 A. Yes.

9 Q. Had you ever seen Mr. McVeigh with a man with a  
first name  
10 Terry in 1994?

11 A. Yes.

12 Q. How many different men with the first name Terry  
did you  
13 see with Mr. McVeigh in 1994?

14 A. Only one.

15 Q. And who was that?

16 A. That was Terry Nichols.

17 Q. What else did the letter say?

18 A. Tim told me if I wanted to be a part of this that I  
would  
19 have to keep it a secret from my wife.

20 Q. Did you do that?

21 A. No.

22 Q. What did you tell your wife?

23 A. Well, I showed her the letter, let her read the  
letter.

24 Q. Did you respond to the letter in any fashion?

25 A. Yes.

Michael Fortier - Direct

1 Q. How did you respond to the letter?

2 A. I wrote him a letter.

3 Q. What did you say -- what did you say in your  
letter?

4 A. I told him I was curious about what he was talking  
about

5 but that I wouldn't keep it a secret from Lori.

6 Q. After you sent that letter to Mr. McVeigh, did you  
have any

7 further contact with him in 1994?

8 A. Yes.

9 Q. When was the next time that you had contact with  
10 Mr. McVeigh in 1994?

11 A. Shortly thereafter.

12 Q. What -- where did you have contact with him?

13 A. In Kingman.

14 Q. How was that?

15 A. He just showed up at my house.

16 Q. What happened when Mr. McVeigh showed up at your  
house?

17 THE COURT: Well, we don't have a time for  
this.

18 BY MR. MEARNS:

19 Q. When you say "shortly thereafter," Mr. Fortier,  
what do you



20 mean?

'94 and 21 A. It would have taken (sic) place between August of  
22 October 31 of 1994.

23 Q. Can you estimate for us in terms of days or weeks  
how long 24 after you received the letter from Mr. McVeigh that he  
came to 25 Kingman?

8266

Michael Fortier - Direct

1 A. My estimation would be about two weeks or less.

2 Q. What happened when Mr. McVeigh came by your house?

3 A. He just -- he dropped by and we spoke about what he  
meant 4 in the letter.

5 Q. Where did you have that conversation?

6 A. In my front yard.

7 Q. Where in your front yard?

8 A. On the side of the front yard leaning against my  
fence.

9 Q. Who initiated that conversation?

10 A. I don't recall.

11 Q. Tell us what Mr. McVeigh said.

12 A. He told me that what he meant in the letter by  
"taking

13 action" was that they -- they were planning on bombing

a

14 building.

15 Q. Did he say who the "they" was?

16 A. No. He was using the word "we." He didn't say  
17 specifically.

18 Q. Did he say what type of building?

19 A. I don't recall.

20 Q. Did Mr. McVeigh ask you to participate in any way?

21 A. Yes. That's what he was doing.

22 Q. In substance, what did he ask you?

23 A. He -- he just asked me if I wanted to be a part of  
it.

24 Q. And what did you say in response?

25 A. I said no.

8267

Michael Fortier - Direct

1 Q. Did you condition your "no" on anything?

2 A. Yes. I said I would never do anything like that  
unless  
3 there was a UN tank in my front yard.

4 Q. How long was this conversation with Mr. McVeigh in  
your  
5 front yard?

6 A. I could only estimate.

7 Q. Estimate for us.

8 A. 15 minutes or less.

9 Q. What happened after this conversation was over?

10 A. I don't recall.

during  
11 Q. Was anyone else present with you and Mr. McVeigh  
12 this conversation?

13 A. No.

ever have  
14 Q. After this conversation with Mr. McVeigh, did you  
15 occasion to look for a storage locker?

16 A. Yes.

17 Q. When?

18 A. Shortly thereafter.

estimate when  
19 Q. Could you give -- again, could you give us an  
had an  
20 in relation to the conversation in your front yard you  
21 occasion to look for a storage locker?

22 A. Within a couple weeks.

locker?  
23 Q. How was it that you came to look for a storage

to do  
24 A. I received a call from Tim McVeigh, and he asked me

25 so.

8268

Michael Fortier - Direct

1 Q. Do you recall what day of the week it was that you

received

2 the call?

3 A. Yes. It was a Saturday.

4 Q. Where were you when you received the call?

5 A. I was at home.

6 Q. Did Mr. McVeigh say where he was calling from?

7 A. Not specifically.

8 Q. Did Mr. McVeigh ask you to do anything else in  
terms of

9 finding a storage locker?

10 A. He put conditions on getting a storage locker.

11 Q. What conditions did he say?

12 A. He wanted me to find one outside of the Kingman  
area. He

13 wanted me to use a fake name, and he also wanted me to  
pay in

14 cash.

15 Q. How long was this conversation with Mr. McVeigh?

16 A. It was a short conversation.

17 Q. During this conversation, did Mr. McVeigh tell you  
when you

18 could expect to see him again?

19 A. Yes. He said he would be in Kingman in a couple  
days.

20 Q. After receiving this call, did you, in fact, go  
look for a

21 storage locker?

22 A. Yes.

a 23 Q. When in relation to the call did you go to look for  
24 storage locker?  
25 A. The next day.

8269

Michael Fortier - Direct

1 Q. So what day of the week was that?  
2 A. That was a Sunday.  
3 Q. Where did you go?  
4 A. I went out to Golden Valley, and then I went on the  
other  
5 side of Kingman to a couple little cities. I believe  
their  
6 names are Hackberry and Valentine.  
7 Q. Did you go alone that day?  
8 A. No, I went with my wife.  
9 Q. What did you find when you got to Golden Valley?  
10 A. I found a storage unit; and when I went inside to  
rent one,  
11 the lady told me that they were full.  
12 Q. And then you went to the other side of Kingman?  
13 A. Yes.  
14 Q. What did you find when you got to the other side of  
15 Kingman?  
16 A. Nothing.  
17 Q. What do you mean "nothing"?

18 A. There were no storage units in those cities.  
19 Q. So were you able to locate a storage unit that day?  
20 A. No.  
21 Q. When in relation to the time that you went to look  
for the  
22 storage locker, that Sunday -- when, in fact, did you  
see  
23 Mr. McVeigh again?  
24 A. A few days thereafter.  
25 Q. Where did you see him?

8270

Michael Fortier - Direct

1 A. I seen him at my house in Kingman.  
2 Q. And what time of the day did you see him?  
3 A. I believe it was right around sundown.  
4 Q. And about what time would you place that, when you  
say  
5 sundown?  
6 A. Between -- around 6.  
7 Q. Was anyone with Mr. McVeigh at that time?  
8 A. No.  
9 Q. Did you have a conversation with Mr. McVeigh about  
the  
10 storage locker?  
11 A. Yes.

12 Q. What did you say?

13 A. When he came into my house, I told him, "Sorry, I  
couldn't

14 find you one."

15 And he said, "Don't worry about it. We  
already got

16 one."

17 Q. Do you recall your next contact with Mr. McVeigh?

18 A. Yes.

19 Q. When -- when was your next contact with Mr.  
McVeigh?

20 A. It may have been that evening, but it also could  
have been

21 the next evening or even the next after that.

22 Q. And how was it that you came to see or speak to Mr.  
McVeigh

23 on that occasion?

24 A. He knocked on my door.

25 Q. And what happened?

8271

Michael Fortier - Direct

1 A. He asked me to throw some shoes on and to come with  
him.

2 He had something to show me.

3 Q. And did you do that?

4 A. Yes.

5 Q. Tell us what happened.

6 A. I threw some shoes on and a jacket, and I went  
outside.

7 And then I noticed that Terry Nichols was with Tim.

8 He, Terry Nichols, had his truck there. And I  
got

9 into Tim's car, and we followed Terry over to some  
storage

10 sheds that were over near my house.

11 Q. Slow down just a minute. Did you see -- you said  
you got

12 into Mr. McVeigh's car?

13 A. Yes.

14 Q. What kind of car was he driving that night?

15 A. A Chevy Spectrum.

16 Q. Was Mr. -- was Mr. Nichols riding with you and Mr.  
McVeigh

17 in the Chevy Spectrum?

18 A. No.

19 Q. What kind of vehicle was he in?

20 A. He was in his truck.

21 Q. Was the bed of the pickup truck open at that time?

22 A. No, sir.

23 Q. What was covering the bed of the pickup truck?

24 A. A shell camper.

25 Q. Describe the shell camper.



Michael Fortier - Direct

is flush 1 A. It's the type of camper that is just a shell that  
2 with the top of the cab of the truck.

3 Q. What color was it?

4 A. I believe it was white.

5 Q. And did that shell camper have any windows in it?

6 A. I believe it did.

7 Q. Where did you go that night?

8 A. To some storage units that are near my house.

9 Q. And you got there in Mr. McVeigh -- in Mr.  
McVeigh's car?

10 A. Yes, sir, I did.

11 Q. Tell us about driving out there.

12 A. We just followed Terry to the storage units.

Nichols' 13 Q. That is, Mr. McVeigh's truck -- excuse me -- Mr.

14 truck was ahead of the car that you went riding with  
15 Mr. McVeigh?

16 A. Yes.

house? 17 Q. Where was the storage facility in relation to your

18 A. 2 or 3 miles away.

19 Q. What happened when you got there?

and we 20 A. Well, Tim and I pulled in and parked behind Terry;

Tim 21 got out, and we got into one of the storage units. And

22 showed me some explosives.  
23 Q. When you say you got into a storage unit, what do  
you mean?  
24 A. Well, I'll not sure who actually opened the locks.  
It was  
25 either Tim or Terry. I'm not sure. But they just got  
the

8273

Michael Fortier - Direct

1 locks off the door, slid the door open; and Tim went  
inside and  
2 pulled out a box from underneath a blanket and showed  
me some  
3 explosives.  
4 Q. What did you actually see?  
5 A. I seen the yellow diamond that's on the side of the  
box.  
6 Q. How large was the box?  
7 A. 18 inches by 4 inches high -- no -- It would be  
probably  
8 8 inches high by maybe 12 inches deep.  
9 Q. Where was Mr. McVeigh when he was showing you this  
box?  
10 A. He was towards the back of the storage unit, and he  
was  
11 kneeling down.  
12 Q. How -- was there a light inside the storage unit?  
13 A. Yes. He had a flashlight with him. When he set

the

14 flashlight down, it shone -- it was shining right on  
that

15 diamond.

16 Q. Where were you standing when you were looking at  
the box?

17 A. I was outside the unit and to the side of the door,  
and I

18 was peeking into the door.

19 Q. And where was Mr. Nichols when you were looking at  
the --

20 when you were looking at the box?

21 A. He was moving from inside the storage unit and to  
his truck

22 and back and forth. He was loading stuff into his  
truck.

23 Q. Was Mr. Nichols ever inside the storage unit when  
you were

24 looking at the yellow diamond on the box?

25 A. Yes.

8274

Michael Fortier - Direct

1 Q. How large was the inside of the storage unit?

2 A. I believe it's 5 or 6 feet by about 10 feet.

3 Q. What else was Mr. Nichols doing while you were  
looking at

4 this box?

5 A. That's all I remember him doing, was loading stuff

from the

6 storage unit into his truck. One thing in particular  
was I had  
7 to get out of the way because he had a spare tire in  
his hand.

8 Q. Did you see anything else inside the storage unit  
that  
9 evening?

10 A. Yes. There was like a lot of junk lining the  
walls.

11 Q. Did you see any other boxes besides the one that  
12 Mr. McVeigh showed you?

13 A. There appeared to be some underneath a blanket.

14 Q. What do you mean "there appeared to be"?

15 A. Well, when Tim went into there, he lifted a blanket  
in  
16 there and reached underneath the blanket and pulled a  
box down;

17 and it appeared to come off a stack of other boxes.

18 Q. Did Mr. McVeigh show you anything else inside the  
storage  
19 unit that night?

20 A. No, sir.

21 THE COURT: I think we'll recess at this  
point.

22 You may step down now, Mr. Fortier.

23 THE WITNESS: Yes, sir.

24 THE COURT: We'll continue with your testimony  
25 tomorrow.

8275

1                   Members of the jury, as is our customary  
practice, it  
2                   being now the usual 5:00 quitting time, so to speak,  
for the  
3                   day, we will honor that and recess now until 8:45  
tomorrow  
4                   morning.

5                   And, of course, you must follow the caution  
during  
6                   this recess and all recesses of withholding judgment in  
your  
7                   own minds, keeping your mind open, remembering that we  
have a  
8                   ways to go and you will hear a lot more and also  
avoiding  
9                   anything in any newspapers, magazines, radio,  
television, or  
10                  whatever that could relate to the trial or the issues  
on trial  
11                  and affect your decision in the case, knowing as you  
all do  
12                  that you must decide according to the law and the  
evidence  
13                  presented to you in the course of the trial.

14                  Also, I've been told that the sun has been  
shining all  
15                  afternoon; so apparently your trip home will be a  
little easier

16 than your trip here today. So I know you don't get to  
see out,  
17 so I want to give you these updates on the weather out  
there.

18 So with that, members of the jury, you're  
excused now  
19 till 8:45 tomorrow morning.

20 (Jury out at 5:01 p.m.)

21 THE COURT: May I have counsel, please.

22 (At the bench:)

23 (Bench Conference 72B3 is not herein transcribed by  
court  
24 order. It is transcribed as a separate sealed  
transcript.)

25

8282

1 (In open court:)

2 THE COURT: All right. We'll recess. 8:45.

3 (Recess at 5:06 p.m.)

4 \* \* \* \* \*

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11 Direct Examination Continued by Mr. Mackey

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12 Cross-examination by Mr. Tigar

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13 Cross-examination Continued by Mr. Tigar

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14 Redirect Examination by Mr. Mackey

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15 Recross-examination by Mr. Tigar

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16 Michael Fortier

17 Direct Examination by Mr. Mearns

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18 PLAINTIFF'S EXHIBITS

19 Exhibit Offered Received Refused Reserved  
Withdrawn

20 193 8237 8237

21 202 8222 8222

22 243 8222 8222

23 527 8142 8142

24 529 8142 8142

25 530 8142 8142

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1 PLAINTIFF'S EXHIBITS (continued)

Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved
	3	531	8142	8143		
	4	532	8143	8143		
	5	533	8143	8143		
	6	567	8146	8146		
	7	570-571	8146	8146		
	8	574	8140	8141		
	9	575	8140	8141		
	10	578-579	8140	8141		
	11	581	8143	8143		
	12	1718	8140	8141		
	13	1720	8140	8141		
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	15	1725-1726	8140	8141		
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	20	1994	8140	8141		
	21	2044	8168	8168		
	22	2067-2068	8163	8163		
	23	2081-2084	8146	8146		
	24			* * * * *		
	25					



1

REPORTERS' CERTIFICATE

transcript from

2

We certify that the foregoing is a correct

Dated

3

the record of proceedings in the above-entitled matter.

4

at Denver, Colorado, this 12th day of November, 1997.

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Paul Zuckerman

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Carpenter

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Bonnie

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