

13 PROCEEDINGS

14 (Reconvened at 11:02 a.m.)

15 THE COURT: Be seated, please.

16 Ready? Okay.

17 (Jury in at 11:02 a.m.)

18 THE COURT: Next, please.

19 MR. MACKEY: Thank you, your Honor. We would
call

20 Mr. Tim Chambers.

21 THE COURTROOM DEPUTY: Would you raise your
right

22 hand, please.

23 (Timothy Chambers affirmed.)

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

25 Would you state your full name for the record
and

8689

1 spell your last name.

2 THE WITNESS: Timothy Wayne Chambers, C-H-A-M-
B-E-R-S.

3 THE COURTROOM DEPUTY: Thank you.

4 MR. GOELMAN: Thank you, your Honor.

5 DIRECT EXAMINATION

6 BY MR. GOELMAN:

7 Q. Mr. Chambers, where do you live?
8 A. Outside of San Antonio, Texas.
9 Q. How long have you lived outside of San Antonio,
Texas?
10 A. About two-and-a-half years.
11 Q. Do you have a family, sir?
12 A. Yes, I do.
13 Q. How many kids do you have?
14 A. Two.
15 Q. How old are they?
16 A. Got a little girl that's six and a half. I got a
little
17 boy that's about five months old.
18 Q. What do you do for work?
19 A. I haul racing fuels and chemicals for VP Racing
Fuels.
20 Q. What kind of company is VP Racing Fuels?
21 A. We manufacture racing gas, racing oils for the
racing
22 industry.
23 Q. How long have you worked for VP?
24 A. It would be about four years now.
25 Q. Where does VP sell its racing fuels?

8690

Timothy Chambers – Direct

1 A. Where do they sell it? We sell it at the

racetracks. I

2 make fuel deliveries. We have fuel distributors and
such that

3 we deliver to.

4 Q. Does VP sell its fuels at races all over the
country?

5 A. Yes.

6 Q. Does VP have any offices besides San Antonio?

7 A. Yes.

8 Q. Is there one in Manhattan, Kansas?

9 A. That's correct.

10 Q. Where is VP based out of?

11 A. It's based out of Elmhendorf, Texas.

12 Q. Is that the San Antonio office?

13 A. Yes, it is.

14 Q. You said that you deliver fuels for VP. Is that
correct?

15 A. Yes, I do.

16 Q. You do that at races?

17 A. Yes.

18 Q. How do you deliver fuels at races?

19 A. There are some national events that I work, which
would be

20 for instance like NHRA drag racing.

21 Q. NHRA drag racing?

22 A. Yes.

23 Q. What does NHRA stand for?

24 A. National Hot Rod Association.

25 Q. When you deliver fuels to NHRA races, how do you
get the

8691

Timothy Chambers - Direct

1 fuels to the racetrack?

2 A. It's in a race truck. It's an 18-wheeler.

3 Q. What exactly is a race truck?

4 A. It's a big tractor-trailer that's set up with the
right

5 equipment on it to stay at a race and work a race.

6 Q. Once you get the fuel to the race and the race
truck, do

7 you take the fuel out and set up a little shop?

8 A. Yes. Yes, we do.

9 Q. Do you sell the fuel right out of the race truck?

10 A. That's correct.

11 Q. Can you describe how you set up your 18-wheeler
once you

12 get to a race in order to sell fuel?

13 A. Once we get to the race, we have to have our
credentials to

14 get in. There is usually a guy that spots the trailers
where

15 we'll drive in, follow him wherever they want us to set
them up

16 at. Once we get done with that, put the ground strap
on, open

17 up the side doors, put the steps on the side of the
truck, put
18 the sign boards up, open up the back doors. I've got a
19 four-wheeler, a dolly, that I put down when I work out
the back
20 side, and I hook up the fuel pumps.

21 Q. And then you just sell fuel right out of that
truck?

22 A. Yes.

23 Q. I want you to take a look at Government's Exhibit
2094. It
24 should be coming up on your screen below you.

25 Do you recognize what that picture depicts?

8692

Timothy Chambers - Direct

1 A. Yes.

2 Q. What is that?

3 A. That's VP -- one of their race trailers.

4 Q. Is there also a race trailer from another company
right
5 there?

6 A. Yes, there is.

7 Q. That is a fair and accurate depiction of what the
race
8 truck looks like once it's set up at a race?

9 A. Yes.

2094. 10 MR. GOELMAN: Your Honor, I move to admit

11 MR. WOODS: No objection, your Honor.

12 THE COURT: All right. 2094 is received, may
be 13 shown.

14 BY MR. GOELMAN:

15 Q. Now, which one of these two trailers is yours,
16 Mr. Chambers?

17 A. The first one, the VP Racing Fuels trailer.

18 Q. Can you describe where you sell fuels out of the VP
Racing 19 trailer?

20 A. I sell it -- usually sell gallons like 5 gallons,
whatever 21 gallons may be, out of the side door.

22 Q. Mr. Chambers, I think there is a light pen up there
to your 23 left. If you could take that and just draw -- you have
to go 24 underneath the window and draw directly on the screen.

25 A. To where I sell it at?

8693

Timothy Chambers - Direct

1 Q. Yes.

2 A. Okay. Right here and right here. That will be for
3 gallonage.

fuel? 4 Q. Okay. And is there another place where you sell

door. 5 A. Yes. That would be back here on the side of the

there. 6 It's actually right here where my liftgate is at, right

7 Q. So the white trailer -- that's the VP trailer?

8 A. Yes.

it is? 9 Q. Do you recognize whose trailer the red one next to

10 A. That's Steve LeSeur's trailer.

11 Q. What company does Steve LeSeur work for?

12 A. That's Worldwide Racing.

13 Q. What kind of company is Worldwide Racing?

almost 14 A. They're a company like ours. They have racing gas,

gas 15 the same thing that we have, but we have more grades of

16 than what they have. It's the same thing.

17 Q. Do they also sell at NHRA races?

18 A. Yes.

Worldwide 19 Q. And are there any other companies in addition to

20 and VP that sell at those races?

Coogle 21 A. There is one more, which is Larry Coogle. That's

22 Industries.

23 Q. Coogle Industries?

24 A. Yes. He does and I think us.

25 Q. Does it also go by Coogle Trucking sometimes?

8694

Timothy Chambers - Direct

1 A. Yes. Some of his trucks say that on there.

Rod

2 Q. What are NHRA races? You said it was National Hot

smaller races?

3 Association? Are those the bigger races, or the

4 A. No, those are the bigger races. Yes.

5 Q. And what kind of cars race at NHRA races?

nitro.

6 A. They are like top fuel and funny car, which run on

and it

7 Then you have your alcohol class and then pro stock,

8 just goes down. It's just a variety of classes.

9 Q. What types of fuel do you sell at NHRA races?

For

10 A. I sell -- for the big cars, I sell nitromethane.

I sell

11 alcohol cars, I sell methanol. For the other classes,

which

12 anything from C23 that we have all the way down to C12,

13 is a racing gasoline.

how

14 Q. If someone were to approach your trailer at a race,

15 would they know what types of fuel you sell?

16 A. We have brochures on it plus --

17 Q. Do you also have a sign up?
18 A. Yeah, the signs are there; but for the people that
don't
19 know what to use, I mean this being racing gas, we try
to help
20 them out with the brochures that we have.

21 Q. I'm going to show you another picture. It's
Government's
22 2096. Tell me if you recognize that as a closer shot
of the
23 side of your trailer.

24 A. Yes.
25 Q. Is that a fair and accurate depiction of the way it
looks?

8695

Timothy Chambers - Direct

1 A. Yes.
2 MR. GOELMAN: Move to admit Government 2096,
your
3 Honor.
4 MR. WOODS: No objection.
5 THE COURT: Received. May be shown.

6 BY MR. GOELMAN:
7 Q. Now, can you describe what the jury is seeing in
this
8 picture, Mr. Chambers?

9 A. This is basically if you would walk up to my
trailer, you

That's -- 10 would see the drums of fuel that are in the side.
out the 11 when we have our pumps hooked up, we distribute that
12 side.

our 13 On the right here would be -- that's basically
the 14 price list of the different types of fuels we have from
15 lowest octane all the way down to nitromethane. On the
16 left-hand side is a box product.

you 17 Q. I want to focus in on one of the price lists. Do

18 recognize the bottom of the right-hand sign?

19 A. Yes.

20 Q. Now, what's the most expensive fuel you sell?

21 A. On my truck would be the nitromethane.

22 Q. What types of cars use nitromethane?

probably 23 A. Just it would be the top fuel and funny car and

24 A-fuel dragsters. They use it also.

25 Q. What's a funny car?

8696

Timothy Chambers - Direct

a body 1 A. A funny car is a 500-cubic-inch motor. So they got

2 on it. It's basically a replica body of like what you

drive on

3 the street now, your newer cars.

4 Q. Looks like a normal car?

a body

5 A. Say a Dodge Daytona, something like that. It's got

6 like that. It's a 125-inch wheelbase car.

7 Q. What does it have inside?

8 A. Inside is nothing but a nitro-burning motor and

9 transmission and driver's area.

the funny

10 Q. How fast do the cars, the top-fuel dragsters, and

11 cars -- how fast do they go?

was 315

12 A. Funny cars, the fastest I've seen was in Houston

mile per

13 mile an hour. Dallas, I believe, top fuel went 321

14 hour.

of cars

15 Q. And how -- how does the horsepower of these types

16 compare with, say, NASCAR race cars?

a

17 A. Of NASCAR, about 700 horsepower total on a V8. For

a

18 top-fuel motor, that's probably 700 -- one cylinder of

a

19 top-fuel motor would equal or exceed the horsepower on

20 NASCAR.

21 Q. And how many cylinders do the top-fuel motors have?

22 A. Eight of them.

23 Q. Eight?
24 A. Eight, yeah.
25 Q. So those cars are much more powerful than the
NASCAR cars?

8697

Timothy Chambers - Direct

1 A. Oh, yes. By all means.
2 Q. Do you know what the list price of a 55-gallon
barrel of
3 nitromethane was in the fall of 1994?
4 A. Probably be about 1195, 1200, that area.
5 Q. About \$1,200?
6 A. Yeah, around 1200.
7 Q. You were driving a race truck for VP back in the
fall of
8 1994?
9 A. Yes.
10 Q. And are you familiar with an NHRA race held every
year at
11 the Motorplex in Ennis, Texas?
12 A. Yes.
13 Q. What kind of cars race at that race?
14 A. That's a national event. Be your top fuel and on
down.
15 Q. And since it's a national event with those kinds of
cars,
16 does VP sell nitromethane at that race?

17 A. Yes.

18 Q. Where about in Texas is Ennis and the Motorplex?

19 A. Probably be about I'd say from Fort Worth/Dallas
area about

20 30 miles or so. It's off Interstate 35 and Highway
287.

21 Q. Mr. Chambers, in October of 1994, did you sell
racing fuels

22 for VP at the race in Ennis, Texas?

23 A. Yes.

24 Q. Do you remember when that was that year?

25 A. It was about the third -- third weekend of October.

8698

Timothy Chambers - Direct

1 Q. Are those races held over weekends?

2 A. Over the weekends, they are, yes.

3 Q. And how many days are the races?

4 A. Sometimes it's Wednesday through Sunday, and then
sometimes

5 it's only Thursday through Sunday.

6 Q. Okay. What happens -- what's the schedule for the
races?

7 I mean what happens on Wednesday as opposed to Sunday?

8 A. Wednesday is setup day for us and anybody else that
comes

9 in there as well as the pro teams. It's like a setup
day for

10 them.
11 Thursdays would be -- Your lower-class cars
race on
12 Thursdays and do your tech; and then, of course, your
pro guys
13 do their tech also on Thursday, and they begin racing
Friday.

14 Q. Are Fridays heats?

15 A. Yes. It's qualifying sessions.

16 Q. When are the finals?

17 A. Finals would be on a Sunday.

18 Q. Let's turn to the day Friday, October 21, 1994,
19 Mr. Chambers. Were you selling at the Ennis, Texas
race on
20 that day?

21 A. Yes.

22 Q. And was there anyone else from VP Racing working
with you
23 then?

24 A. Brad Horton.

25 Q. Now, you said that VP -- Coogle Industries and
Worldwide

8699

Timothy Chambers - Direct

1 are your competitors?

2 A. Those are the only two.

3 Q. Those are the only other ones?

4 A. Yes.

5 Q. Have you ever seen another company selling
nitromethane at

6 an NHR race?

7 A. No, none.

8 Q. Was that also true back in 1994 that those were
your two

9 competitors?

10 A. Yes.

11 Q. Were both Coogle Trucking and Worldwide Racing at
the race

12 in Ennis in October of 1994?

13 A. Yes, they were there.

14 Q. Were they both there on Friday, October 21?

15 A. Larry Coogle's truck was there first, because his
driver

16 took the rental car home. Then I pulled in and I was
there,

17 and then Steve LeSeur wasn't there yet on Friday.

18 Q. Do you remember about what time Steve LeSeur showed
up?

19 A. Probably -- maybe in late morning or around noon,
in that

20 area.

21 Q. What were you doing when Mr. LeSeur arrived?

22 A. I was just sitting on the back of the truck on the
23 liftgate.

24 Q. Did you see what happened when Mr. LeSeur pulled

his race

25 truck in?

8700

Timothy Chambers - Direct

1 A. Yes.

2 Q. What happened?

3 A. I seen him approaching and when he went to make a
4 driveway right-hand turn, there was a -- there is only one

5 entrance that you can make a right-hand turn into to
6 get to

7 where we're parked, and there is a barrow ditch; and
8 the back

9 of his trailer went off in the barrow ditch and got
10 stuck.

11 Q. Did you run over to help him at that time, Mr.
12 Chambers?

13 A. Wasn't nothing I could do.

14 Q. What did you do?

15 A. Just sat there.

16 Q. Watched him?

17 A. Yeah.

18 Q. What did you see?

19 A. Just his trailer stick and kind of leaning to the
20 side, so

21 I was more concerned with it flipping over the rest of
22 the way

17 than, you know, trying to help him.

18 Q. Did you see someone approach him?

19 A. Somebody walked up to him, yes.

20 Q. What happened then?

21 A. They just -- I guess they had a conversation for a
short

22 period of time, and that was it. Steve kind of shook
his head

23 and threw his hands up in the air. So I guessed he was
upset

24 because the truck was stuck.

25 Q. Was he in any position to be selling fuel at that
point?

8701

Timothy Chambers - Direct

1 A. No, not at that point.

2 Q. Why is that?

3 A. It was leaning over too far. It wouldn't be good.

4 Q. Did you see where this person who approached Mr.
LeSeur

5 went after talking to him?

6 A. He came towards the back of my trailer after he
talked with

7 him.

8 Q. And did you have any conversation with this person?

9 A. He just asked for nitromethane.

10 Q. What was your response?

Brad. 11 A. I sent him on the back of the truck to talk to
12 That's Brad's area.
13 Q. Brad is the salesman?
14 A. Yeah. He's --
15 Q. And do you know if Brad sold this man the
nitromethane that
16 he was looking for?
17 A. How much?
18 Q. Do you know if he did sell him nitromethane that
day?
19 A. I'm sure he did, yeah.
20 Q. How much nitromethane did this man purchase from VP
Racing?
21 A. It would be three drums.
22 Q. Three drums?
23 A. Yes.
24 Q. Nitromethane comes in drums?
25 A. Yes.

8702

Timothy Chambers - Direct

1 Q. Can you describe the drums that this man purchased?
2 A. With ours, it's just a big blue drum, says "VP
Racing
3 Fuels" on the side, has some of our companies -- up on
top for

4 nitromethane. It's got an MSDS sheet on there that
gives you
5 the breakdown what the -- in case you get it on your
hands,
6 eyeballs, whatever. And it's got a label. It's
probably a
7 little bit taller than a garbage can and about a foot
and
8 8 inches or so, 9 inches, across from left to right.

9 Q. How many gallons of liquid do these drums hold?

10 A. It's in poundage, so that would be about 51 1/2.

11 Q. 51 1/2 gallons?

12 A. Yeah.

13 Q. Is that how much of liquid actually would be in
there?

14 A. That we put in there.

15 Q. How much could it hold? What's the capacity?

16 A. The capacity would be -- even if it's a 54-gallon
drum, I
17 guess if you filled it to the top, you could hold 58
gallons in
18 it, 57 gallons.

19 Q. When the customer bought nitromethane, these drums
and
20 nitromethane, did he take them right then?

21 A. No.

22 Q. How many drums of nitromethane did he purchase?

23 A. Three.

24 Q. So he couldn't very well just carry them away?

25 A. No.

8703

Timothy Chambers - Direct

1 Q. Did the customer have a vehicle that you saw at
this point?

2 A. No. I didn't see anything at that point.

3 Q. Are members of the public allowed to, as the people
selling

4 racing fuels do, just drive in, drive their vehicles
into the

5 pit area?

6 A. Well, they can; but I mean they have to have a pass
to come

7 in.

8 Q. What kind of pass?

9 A. It says "service" on it; says, "service pass."

10 Q. Can members of the public just purchase service
passes at

11 the gate?

12 A. No. You can't do that.

13 Q. Does VP have a way to assist customers who want to
bring

14 their vehicles in to pick up fuel?

15 A. Yes.

16 Q. What do you do?

17 A. I -- we have a service pass that goes on our
vehicle, our

going to 18 personal vehicle that we bring in; so if somebody is
give them 19 come and pick something up drum-wise, then I'll just
it to 20 the pass off our windshield to put on, you know, give
bring it 21 them, but -- and then they put it on their vehicle and
service 22 in.
23 Q. Did either you or Mr. Horton give this customer a
24 pass?
25 A. Brad did.

8704

Timothy Chambers - Direct

for the 1 Q. Did you see the man give Brad anything in exchange
2 service pass?
know, if 3 A. They exchanged some money, because we don't -- you
one. 4 that service pass disappears, we got to get another
to Brad? 5 Q. Were you able to see how much money this man gave
6 A. No.
7 Q. What happened after that?
8 A. After that, he just jumped off the truck; and he
exited off 9 to the left, and I proceeded to look up and see how

many drums

10 I need to get out where they was at, uncover them, pull
them

11 out.

12 Q. And did you do that then?

13 A. I got one of them ready.

14 Q. How do you get it ready?

15 A. I just get the -- back then I didn't have a dolly,
so I

16 just pick it up and just kind of roll it off to the
side and

17 put it on the liftgate.

18 Q. When you say "pick it up," I mean do you actually
lift the

19 barrel of nitromethane off the ground?

20 A. No.

21 Q. What do you mean?

22 A. It's up against the wall. I just put one hand on
the other

23 side of the drum and then just pull it towards me.

24 Q. And then that's the way you'll maneuver it to the
back of

25 the truck?

8705

Timothy Chambers - Direct

1 A. I put it at a balance point. That's what I call
the

-- I 2 balance point to where you can roll it with two hands

3 mean, just a balance point, just roll it to the back.

liftgate 4 Q. And the back of your truck: That's where your

5 is?

6 A. Yes.

7 Q. What kind of liftgate do you have on your trailer?

hydraulic 8 A. It's got electric motor powered by -- it's got

9 fluid in it.

10 Q. Do you see this customer again after he left with

the 11 service pass?

12 A. Later. I saw him later on.

13 Q. About how long was he gone?

14 A. 45 minutes to an hour or so, in that area.

15 Q. 45 minutes to an hour?

16 A. Yeah.

17 Q. I want to show you what's been marked for

identification 18 Government 2091 and tell me if you recognize this.

19 A. That's -- that's the racetrack there in Ennis.

20 Q. Mr. Chambers, could you hit the side of your pen to

clear 21 those marks, please.

22 A. Sure.

23 Q. Thank you.

24 Is this a fair and accurate depiction of the
way the
25 Motorplex in Ennis, Texas, looks from the air?

8706

Timothy Chambers - Direct

1 A. Yes.

2 MR. GOELMAN: Move to admit Government 2094,
your

3 Honor -- I mean 2091.

4 MR. WOODS: No objection.

5 THE COURT: Received. May be shown.

6 MR. GOELMAN: Thank you, your Honor.

7 BY MR. GOELMAN:

8 Q. Okay, Mr. Chambers, looking at this exhibit, can
you please

9 describe where the actual racetrack is. Could you mark
that.

10 A. Yeah. The actual racetrack is where all the black
is at.

11 Q. Okay. Where is the starting line?

12 A. Be that area right across there.

13 The starting line is about right there.

14 Q. Where is the finish line?

15 A. Be 1320 feet -- would be right there.

16 Q. Is there a place that you can see on this picture
where

17 race fans will sit and watch a race?

18 A. Yes.
19 Q. Where is that?
20 A. They can watch it here, they can watch it here.
And this
21 at the end is the 1320-Mile-an-Hour Club.
22 Q. That's where the rich fans sit?
23 A. Well, the ones that get a special ticket.
24 Q. What's that big road that's in -- the big road
running from
25 the lower left to the upper right side of the picture?

8707

Timothy Chambers - Direct

1 A. Are you talking about right here?
2 Q. Yeah, the two-lane road.
3 A. This right here is 287. This right here is your
4 entranceway, which would go right to here, to there, to
get
5 into the pit and stop right there.
6 Q. Where in the pit area would the Coogle and VP race
trucks
7 be?
8 A. We're always to the back at this race, so -- we'll
be in
9 this area right here.
10 Q. I want to show you another picture. Could you
click and

11 remove those marks, please.

2092. 12 I'm going to show you Government's Exhibit

13 A. Okay.

14 Q. Is that just a closer-up shot of the same area?

15 A. Yeah.

your 16 MR. GOELMAN: Move to admit Government 2092,

17 Honor.

18 MR. WOODS: No objection.

19 THE COURT: Received. Display.

20 MR. GOELMAN: Thank you, your Honor.

21 BY MR. GOELMAN:

start line 22 Q. Now, could you again for the jury show where the

23 is and the finish line on the racetrack?

24 A. Okay. This right here. Be about right there.

25 And they start right here.

8708

Timothy Chambers - Direct

1 Here's the finish.

to show 2 Q. Where do you come in the race and where do you have

3 your service pass to get in the pit area?

that was 4 A. I -- well, when I come in -- 287 is right here, so

5 the road that I showed you on the earlier picture.

6 Q. Right.

7 A. And I would come in this area right here, going
about right

8 there. There is a little booth right there.

9 Q. What do you have to do to get past the booth?

10 A. That's where you show your credentials, would be
like your

11 race ticket; and then you have to have like a service
pass to

12 get beyond that point there.

13 Q. Okay. Once you get beyond that point, where do you
go in

14 order to reach the race trucks?

15 A. To get to my truck -- or our truck would be right
through

16 here. And then this is where it turns, and then you
can either

17 make a right right there, or usually we go in right
here.

18 Q. Okay.

19 A. Make a right-hand turn there.

20 Q. Is that where Mr. LeSeur had his little accident?

21 A. Yeah. He got stuck about right -- right over
there.

22 Q. Okay. Where does the members of the public at the
race --

23 where can they park?

24 A. Public parking would be right here. I know you can
park at

25 this area.

8709

Timothy Chambers - Direct

1 Q. Uh-huh.

2 A. I've seen them there. And then, of course, right
here,
3 right here, and this area here. Yeah. That's where
you park
4 because this is -- this is the pass area, also, right
here.

5 This would be for gold-key parking.

6 Q. And, Mr. Chambers, in addition to the three barrels
of
7 nitromethane that you sold to that customer on October
21,
8 1994, have you sold to other members of the public who
walk in
9 the race and then need to borrow a service pass to go
back out?

10 A. Have I sold like anything to them?

11 Q. Yeah. Have you seen that happen before?

12 A. Yeah. I mean I sold different drums of stuff to
other
13 people where they need a service pass and walked in.

14 Q. And how long are they usually gone after you give
them the
15 service pass to go get their vehicle?

16 A. Usually they're only gone like at most maybe 15, 20

17 minutes. It doesn't take them very long.

18 Q. But the customer who bought three barrels of
nitromethane

19 on October 21 -- he was gone from between 45 minutes to
an

20 hour?

21 A. I would say that's a pretty good guess. Yes.
Quite a

22 while.

23 Q. What was your reaction when he didn't come back for
all

24 that time?

25 A. That he just bought an expensive service pass.

8710

Timothy Chambers - Direct

1 Q. Did he eventually come back?

2 A. Yes.

3 Q. And was he in a vehicle when he came back?

4 A. Yes.

5 Q. What kind of vehicle?

6 A. I don't know. It was a pickup truck. I do know
that.

7 Q. You know it was a pickup truck?

8 A. Yes.

9 Q. Can you describe the pickup truck that the customer
was

10 driving when he came back?

wasn't 11 A. I couldn't tell the make or model of it, just it
12 shiny. Had a camper shell on it.
13 Q. Wasn't shiny and had a camper shell?
14 A. Correct.
the 15 Q. Besides not being shiny, do you remember what color
16 pickup was?
17 A. No.
do you 18 Q. And when you say that it had a camper shell, what
19 mean by that?
camper 20 A. If -- it was like a faded white, a white-colored
camper shell. 21 shell where the cab was flush with the top of the
22 It wasn't like an overhead camper.
even? 23 Q. The cab of the truck and the camper shell were
24 A. Yeah, they were flush.
25 Q. Have you said what color the camper shell was?

8711

Timothy Chambers - Direct

1 A. It was like a faded white. It was white.
2 Q. Do you remember the model of the pickup truck?
3 A. No.

4 Q. Do you remember any other features except for the
fact that
5 it wasn't shiny and that it had a faded-white camper
shell?
6 A. No. I just remember the camper shell.
7 Q. Okay. When you say that it wasn't shiny, what do
you mean
8 by that?
9 A. Like new. You know, brand-new or --
10 Q. It didn't appear to be a new car?
11 A. Truck.
12 Q. New truck. What happened when the customer
returned in
13 this pickup truck?
14 A. I had already had a drum of nitromethane on the
tailgate of
15 the truck to get ready for this person that purchased
it, and
16 they -- the way we were set up, Stevie was still stuck
in the
17 barrow ditch, so he couldn't back directly, you know,
to my
18 trailer. It had to be from left to right at an angle.
So he
19 proceeded to back up right there, and that's where I
was going
20 to load the nitromethane at.
21 Q. Okay. Can you describe the process of actually
loading the
22 nitromethane in?
23 A. With the tailgate down and the camper shell down,

back

and I 24 glass open, just backs up; and I let the liftgate down,
25 pushed the drum myself onto the bed of the truck.

8712

Timothy Chambers - Direct

1 Q. You can do that yourself?
2 A. Yes.
3 Q. Do you have to lift it up in the air at any point
to get it
4 from the liftgate into the pickup?
5 A. No. It's too heavy. You have to -- the way that I
do it
6 is I put a -- my hands on the side and just kind of
push it
7 and, you know, trying to roll it a little bit, so to
say. Once
8 you get it on there, the bed, it will go smooth.
9 Q. And you can do it maneuvering the drum like that --
you can
10 do it by yourself?
11 A. Yes, I can.
12 Q. Did you have any conversation with the customer as
you were
13 loading the three drums of nitromethane into the truck?
14 A. On and off. I was just trying to get that done
first, but
15 I did jump out; and all I asked him is what he had

planned on

16 buddies get doing with it. And he said that him and a bunch of

17 purchase together every year at this particular race and they

18 nitromethane.

19 Q. Did he say what these buddies did?

20 they A. He said about -- telling me about Harley bikes that

21 have in Oklahoma City.

22 Q. He said this group was in Oklahoma City?

23 A. Yes.

24 transaction? Q. Did you get a look at this man during this

25 A. Going back and forth, I did.

8713

Timothy Chambers - Direct

1 Q. What did he look like?

2 medium build A. Probably I'd say about 5' 11" or so. He had a

3 Cheekbones to him, like a blond -- sandy blond-colored hair.

4 you kind of stuck out a little bit, you know, out this way,

5 like a know. They were stuck out; and then his nose wasn't

6 real long nose. It was like at an angle -- angle nose.

7 Q. Do you remember anything about his eyes?

8 A. Kind of close together. I don't know eye color or
9 anything. Just kind of close.

10 Q. Did this man's face remind you of anything or
anyone?

11 A. I mean to me, being from Texas, I kind of just
figured he

12 looked kind of like a possum, so --

13 Q. Do you remember what this man was wearing?

14 A. Probably blue jeans, T-shirt top. That was --

15 Q. Would you take a look at Terry Nichols, the
defendant

16 sitting over there?

17 A. Uh-huh.

18 Q. Was that the man who purchased three drums of
nitromethane

19 from you on October 21?

20 A. No.

21 Q. Was the customer older, or younger than Mr.
Nichols?

22 A. Younger. Younger than him.

23 Q. I want to show you Government's Exhibit 143 not yet
in

24 evidence. It should be up on your screen now, Mr.
Chambers.

25 A. Yes.

1 Q. Do you recognize this?

2 A. Yes.

3 Q. What is it?

4 A. That's a cash receipt.

5 Q. And is that a cash receipt from VP Racing Fuels?

6 A. Yes.

any of
7 Q. Is that a receipt that you make every time you sell
8 your fuel?

9 A. Yes.

ordinary
10 Q. Is it a record that VP makes and keeps in its
11 course of business?

12 A. Yes.

Government
13 MR. GOELMAN: Your Honor, I move to admit

14 143.

15 MR. WOODS: No objection.

16 THE COURT: 143 is received.

17 BY MR. GOELMAN:

receipt
18 Q. Mr. Chambers, I'd like to go down the items on this
19 and have you explain what each of them means.

20 A. Okay.

21 Q. I think we can figure out the date.

there. Do
22 As far as the location, it says "Dallas"

23 you know what race that is?
24 A. We put "Dallas" on that. We always have, but I
mean that's
25 the Ennis, Texas race.

8715

Timothy Chambers - Direct

1 Q. That's the race at the Motorplex?
2 A. Yes.
3 Q. And can you tell what type of transaction, how the
customer
4 paid for it?
5 A. That would be cash. We either write "cash" or
write
6 "check" on it, depending on what you have. We don't
take
7 credit cards.
8 Q. Do most of your customers who might buy
nitromethane pay
9 for it in cash?
10 A. No.
11 Q. How do they pay it?
12 A. I bill them -- or we bill them. Our company does.
13 Q. They have an account?
14 A. Yes.
15 Q. And you also accept checks; is that right?
16 A. Yes.

were a 17 Q. What would be different about this receipt if it
18 check, if the customer paid by check?
19 A. On the top line up here I would have, say, your
name and 20 then where you live at with your address, wherever
you're from;
21 and then right here I usually put their driver's
license
22 number. If it's a check, say, below 500, you know,
like a new
23 batch of checks, then I'll get their Social Security
number and
24 put it on there, if it's that way.
25 Q. And if someone pays in cash, would you ask for any
of this

8716

Timothy Chambers - Direct

1 identifying information from the customer?
2 A. No.
3 Q. Can you tell from this how much each drum of
nitromethane
4 cost?
5 A. It would be 925 is the price. It's right here.
6 Q. So for a total of 2775?
7 A. Correct.
8 Q. And the customer paid for that in cash?
9 A. Yes.

10 Q. Is 925 -- is that the price that you would
generally quote

11 for a customer for a barrel of nitromethane?

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

13 Q. You said earlier that list price was around 1200?

14 A. 1200.

15 Q. Do you know any reason why this customer would have
been

16 able to purchase three drums for under \$3,000?

17 A. Well, the more you buy, the lower it goes on the
price.

18 Q. Okay. What's written on the last -- second-to-last
line in

19 the center column there?

20 A. In this area right here?

21 Q. The last two lines.

22 A. Excuse me?

23 Q. The last two lines on the receipt there.

24 A. This here?

25 Q. Yeah.

8717

Timothy Chambers - Direct

1 A. This indicates -- let me see. It would be "one,"
and this

2 here is a price of what they call a siphon pump.

3 Q. Does that say whether that siphon pump is new or

used?

4 A. This right here says -- it says "used" on it right there.

5 Q. What is a siphon pump?

6 A. That's a -- it's just like -- has a plastic tube on it, and

7 it's got a little round cylinder like a red cylinder on top;

8 and you put it down the drum. It screws into where the bung

9 came out of of the drum. You screw it in there and you tighten

10 up the top clockwise and put about three or four pumps on it

11 and it will flow out, the chemical, whatever you're wanting to

12 use it for.

13 Q. So it's a way of getting the fuel out of the barrel?

14 A. Yeah. Yeah, that's -- that's the easy way.

15 Q. Is this receipt from that cash transaction that you were

16 telling us about where the man bought three drums of

17 nitromethane?

18 A. Yes.

19 Q. How do you know it's from the same transaction?

20 A. This right here. I mean it just indicates the three drums

21 of nitromethane.

22 Q. Did you make any other sales of three drums of nitromethane

23 at that race in Ennis?

24 A. No.

25 Q. Have you ever sold three barrels of nitromethane
like you

8718

Timothy Chambers - Direct

1 did to that customer?

2 A. No.

3 Q. Why is that?

4 A. I never have. It just doesn't happen. Most of our
stuff

5 is billed out. It's not on a cash basis, you know, for
three

6 drums like that.

7 Q. Who are -- who are the majority of your customers,
8 especially the ones who buy nitromethane?

9 A. That would be my top-fuel people, Don Prudholm, Bob
Vander

10 Griff, Jr., people like that.

11 Q. Have you ever seen anyone from a group of
motorcyclists in

12 Oklahoma City buy fuel at an NHRA race before?

13 A. No.

14 Q. Do you through your work in the industry know a lot
of the

15 people who come to the races?

16 A. Yes.

17 Q. Do regular motorcycles, street Harley bikes -- do
they use

18 nitromethane?

19 A. Not to my knowledge, they don't. With gasoline,
you can

20 only run 3 percent nitromethane.

21 Q. In your years in and around the racing industry,
have you

22 ever heard of someone buying this amount of
nitromethane with a

23 cash purchase?

24 A. No.

25 Q. I want to show you Government's Exhibit 1888, a
couple

8719

Timothy Chambers - Direct

1 pages from 1888. This is already in evidence for
demonstrative

2 purposes, I believe.

3 Now, the name of your company is VP Racing.
Is that

4 right, Mr. Chambers?

5 A. That's correct.

6 Q. And one of your many competitors is -- the name of
that

7 company is Coogle Trucking?

8 A. That's correct.

Kingman, 9 Q. Okay. Do you see there are a couple calls from
Do you 10 Arizona, to Lana Padilla on Thursday, October 6, 1994?
11 see that, the top entry?
12 A. Yes.
"called 13 Q. Now, right below that, do you recognize any of the
14 to" subscribers on Friday, October 7, 1994?
out of 15 A. The first one there would be the VP Racing Fuels
Coogle 16 Manhattan, Kansas; and then, of course, you have Larry
17 in Otterbein, Indiana.
is based 18 Q. Is that where Coogle Trucking or Coogle Industries
19 out of?
based out 20 A. Yeah, that's his home there. That's where he's
21 of.
Monday, 22 Q. I want you to go to the bottom entry, which is
Herington, 23 October 17, 1994. And there is two calls from
24 Kansas, on that date. Do you see that?
25 A. Yes, I do.

8720

Timothy Chambers - Direct

1 Q. Where is the first one to?
2 A. It goes to Larry Coogle again in Otterbein,
Indiana.
3 Q. Where is the second one?
4 A. Goes to the Padilla, Lana and Leonard.
5 Q. I want to show you page 8 from the same exhibit
now. Could
6 you direct your attention down at the bottom to where
the
7 entries for Thursday, October 20, 1994, are?
8 A. Yes.
9 Q. And where is the first phone call that day made
from?
10 A. It's made from Junction City, Kansas, to Larry
Coogle.
11 Q. Is that the same Coogle Trucking that is one of
your
12 competitors?
13 A. Yes.
14 Q. What time was that call made according to this
chart?
15 A. According to the chart, it says start time is
10:01.
16 Q. A.m. or p.m.?
17 A. A.m.
18 Q. How long did it last for?
19 A. I would assume that's a minute and 24 seconds.
20 Q. Do you see the second entry there?
21 A. Yes, I do.

22 Q. Where is that call made from?
23 A. From Pauls Valley, Oklahoma.
24 Q. The Amish Inn Motel in Pauls Valley?
25 A. Yes.

8721

Timothy Chambers – Direct

made? 1 Q. And can you tell me what time of day that call was

2 A. That was at 9:03 p.m.

3 Q. So about 11 hours after the previous call?

4 A. Yeah. I would say so.

through 5 Q. Mr. Chambers, before coming to court, did you look

last call 6 the entire Government's Exhibit 1888 to see when the

was made? 7 to one of the three companies that sells nitromethane

8 A. Yes.

9 Q. And when was that final call?

10 A. It was on the 20th of October of '94.

11 Q. The call to Coogle racing is the last one?

12 A. Yes.

13 Q. And the date that you sold the nitromethane to that
14 individual was again, Mr. Chambers?

15 A. The 21st.

16 Q. The next day?

17 A. Yes.

18 Q. Through your experience hauling racing fuels around
the

19 country, have you become pretty familiar with some of
the roads

20 in the Southwest?

21 A. Yes.

22 Q. And have you driven the route between Oklahoma City
and

23 Dallas?

24 A. Yes, I have.

25 Q. About how many times have you driven that route?

8722

Timothy Chambers - Direct

1 A. Maybe 15 or 20 or so. About 15 or 20 times.

2 MR. GOELMAN: Your Honor, may I have
Government's

3 Exhibit 2049 placed back up on the easel?

4 THE COURT: Yes.

5 MR. GOELMAN: Your Honor, may Mr. Chambers
step down

6 and use a pointer to display different parts of the
map?

7 THE COURT: Yes.

8 BY MR. GOELMAN:

9 Q. Mr. Chambers, can you please find Junction City on

that map

10 where the call to Coogle Trucking was made on the
morning of

11 October 20.

12 A. Yes. Junction City is up here.

13 Q. And could you please find Oklahoma City on that
map.

14 A. Oklahoma City is here.

15 Q. And can you please find Pauls Valley, Oklahoma,
where the

16 call that evening was made.

17 A. That would be down here.

18 Q. And finally, can you point out where on that map
the

19 Motorplex in Ennis, Texas, is located?

20 A. Where it's at?

21 Q. Yeah.

22 A. Well, it shows here 45 and you have 35, so it would
be --

23 it would be 287 that runs across here. And then the
Motorplex

24 is off on the left-hand side if you were coming from
35.

25 Q. Are you familiar with Pauls Valley, Mr. Chambers?

8723

Timothy Chambers - Direct

1 A. Some. I've been through there.

2 Q. Have you ever been to the Amish Inn in Pauls
Valley?

3 A. No.

4 Q. Have you ever driven from Pauls Valley to Dallas?

5 A. Yes. On my way back from Oklahoma City, I have.

6 Q. Do you know approximately how many miles it is from
Pauls

7 Valley, Oklahoma, to the Motorplex in Ennis, Texas?

8 A. Probably about 170 miles.

9 Q. So driving at a normal rate of speed, not funny car
or

10 top-fuel dragster, how long would it take you to get
from Pauls

11 Valley to the Motorplex in Ennis, Texas?

12 A. Normal car, I'd say probably about three hours to
13 three-and-a-half hours.

14 Q. And you said that you saw this customer about noon
on the

15 21st?

16 A. Around noon, I would say, on the 21st.

17 Q. If you left Pauls Valley about 9 in the morning,
could you

18 be at the Motorplex in Ennis, Texas, about noon?

19 A. I would think so.

20 Q. You can take your seat again, Mr. Chambers.

21 MR. GOELMAN: Take that down, please.

22 BY MR. GOELMAN:

23 Q. Now, you mentioned that this customer bought three

24 51-1/2-gallon drums of nitromethane. Is that correct?

25 A. Roughly three 51 1/2 gallons.

8724

Timothy Chambers - Direct

1 Q. You described it as being blue and a little bit
taller than

2 a trash barrel; is that right?

3 A. Our drums are, yes.

4 Q. Why don't you take a look at Government's Exhibit
2097. Do

5 you see that?

6 A. Yes.

7 Q. And also 2098. Can you see that?

8 A. Yes, I do.

9 Q. And do you recognize the pictures -- what the items
are

10 that are displayed in those pictures?

11 A. Yes.

12 Q. What are they?

13 A. That shows a drum of nitromethane.

14 Q. Both of those pictures?

15 A. Yes.

16 Q. And is that what a drum of VP nitromethane looks
like?

17 A. Yes.

18 MR. GOELMAN: Move to admit Government 2097

and 2098,

19 your Honor.

20 MR. WOODS: No objection.

21 THE COURT: They're received.

22 MR. GOELMAN: I'd like to display 2097 first.

23 BY MR. GOELMAN:

24 Q. Are the nitromethane drums that VP Racing sells
clearly

25 labeled?

8725

Timothy Chambers - Direct

1 A. Yes, they are.

2 Q. Does it say "nitromethane" anywhere on the side of
the

3 drum?

4 A. No. Not on our VP drums, it won't.

5 Q. I want to show you a picture of the top of the
drum.

6 And is that top of the drum clearly labeled

7 "nitromethane"?

8 A. Yes.

9 Q. Can you please circle where it says "nitromethane"
with

10 your pen.

11 A. Right here.

12 Q. So, Mr. Chambers, is it fair to say that if you can

read

13 and you see these drums, you know what's in them?

14 A. Yes.

15 Q. Will you please describe the top of the barrel that
we're

16 looking at, in particular the -- what looks to be like
a thin

17 lip or rim around the edge.

18 A. This right here?

19 Q. Yeah.

20 A. Is just -- all this is is just an outer edge of
drum when

21 they build them, and it's about right -- it's probably
maybe a

22 quarter-inch wide on the top.

23 Q. What about on the bottom?

24 A. Bottom will be the same way. It's just -- it's
just

25 there -- it's flat. It's just a flat surface on top.

8726

Timothy Chambers - Direct

1 Q. The bottom of the barrels are constructed the same
way as

2 the top are?

3 A. As the top except for the bungs, yes.

4 Q. What are these barrels made out of?

5 A. Probably about 18-gauge steel.

6 Q. Mr. Chambers, does VP have a warehouse in San
Antonio where

7 you store some of your fuels?

8 A. Yes.

9 Q. What kind of floor does that warehouse have?

10 A. Our new facility has concrete floor.

11 Q. Have you noticed in the time that you've worked at
VP

12 Racing whether these barrels -- full barrels of
nitromethane

13 tend to leave any marks on a concrete floor?

14 A. They'll leave a ring. A ring shape.

15 Q. Tell me what you mean by a ring.

16 A. Oh, just a -- it's where the drum sits on anything,
it will

17 leave a ring. That would be the little edge that it's
on.

18 MR. GOELMAN: Your Honor, may I have Agent
Tongate

19 display Government's Exhibit 2054 that's already been
admitted?

20 THE COURT: Yes.

21 BY MR. GOELMAN:

22 Q. Mr. Chambers, if you could turn around, please, and
look at

23 what is depicted in Government 2054. Do you see marks
on the

24 floor in that picture?

25 A. Yes.

Timothy Chambers - Direct

1 Q. Do they look familiar to you?

2 A. They look like a ring that a drum makes.

3 Q. A drum of nitromethane?

4 A. Excuse me?

5 Q. A drum of nitromethane?

6 A. Could be.

7 Q. What part of the drum would make those marks?

8 A. It would be the bottom part of the drum.

9 Q. Would that be the lip or the rim that you --

10 A. Yeah, the flat part that I was talking about.

11 Q. Do you have any personal knowledge as to where this
picture
12 was taken?

13 A. No.

14 Q. Thank you.

15 Mr. Chambers, you mentioned that you loaded
the drums
16 of nitromethane into the customer's pickup off your
liftgate?

17 A. Yes.

18 Q. And you're describing how you did that by keeping
it
19 balanced. Is that right?

20 A. Well, no. I mean I balanced it off the trailer to

the

21 liftgate; and then when I loaded it, I just like slid
it in

22 there.

23 Q. At any point in the transaction, did you actually
have to

24 pick it up?

25 A. I can't do that.

8728

Timothy Chambers - Direct

1 Q. How much does nitromethane weigh compared to, say,
normal

2 gasoline? Which weighs more?

3 A. Nitromethane weighs more.

4 Q. Do you know how much a 55-gallon drum of
nitromethane

5 weighs?

6 A. 543.

7 Q. 543 pounds?

8 A. Pounds.

9 Q. Does that include the drum itself?

10 A. Yes.

11 Q. Now, when you loaded the three drums of
nitromethane into

12 the customer's pickup truck on October 21, 1994, did
you have

13 to roll them up any kind of incline?

on his 14 A. No. Just -- my liftgate is flat; so when I put it
in 15 truck, it just went on his tailgate and just slid them
16 there, pushed them all the way to the front.
seen 17 Q. In your years in the racing industry, have you ever
roll it 18 men put a barrel of nitromethane on a dolly and have to
19 up an incline?
yes. 20 A. I've seen it done. I mean in the race trailers,
21 Q. Can one man do that?
22 A. I couldn't.
23 Q. Could you do it with two men?
24 A. Yes.
25 MR. GOELMAN: Court's indulgence.

8729

Timothy Chambers - Cross

1 I have nothing further, your Honor.

2 THE COURT: Mr. Woods?

3 MR. WOODS: Thank you, your Honor.

4 CROSS-EXAMINATION

5 BY MR. WOODS:

6 Q. Good Mr. Morning, Mr. Chambers.

7 A. Hi.

was 8 Q. My name is Ron Woods. I'm one of the lawyers that

9 appointed to represent Terry Nichols.

10 Nichols was There is no question in your mind Terry

11 not the person that you sold items to on that day; is
that

12 correct?

13 A. That's correct.

14 Q. You've been with VP for four years?

15 A. Yes, sir, I have.

16 Q. You go to the races every weekend?

17 A. Not every weekend, I don't.

18 Q. Approximately out of 52 weekends a year, how many
do you go

19 to?

20 A. This year on national-event status, I went to NHRA,
I

21 believe I did 14 of them; but I also do other stuff,
so . . .

22 I do airplane races in Reno, jet-ski world
finals and

23 such.

24 Q. How many customers have you dealt with since
October of

25 '94?

Timothy Chambers – Cross

1 A. That would be just probably hundreds.

2 Q. Pardon me?

3 A. Hundreds.

4 Q. Okay. Now, when was the first time that the
Government

5 ever talked to you about this transaction?

6 A. It would -- the first time that they talked to me
would be

7 before the first trial began.

8 Q. Was it March of '97?

9 A. I don't know the exact date.

10 Q. Was it this year?

11 A. Excuse me?

12 Q. Was it this year?

13 A. Yes.

14 Q. And was it in Houston when the Government came to
see you

15 for the first time?

16 A. Yes, sir, they did.

17 Q. Were you covering a race there?

18 A. Yes, I was.

19 Q. What race?

20 A. That was just for the Baytown -- it's in Baytown,
Texas.

21 Q. And that's a suburb of Houston?

22 A. Yes, sir, it is.

23 Q. Is that March 20?

24 A. I don't know the exact date on it.

25 Q. Do you recall Agent Hersley over here being the
person --

8731

Timothy Chambers - Cross

1 one of the persons who talked to you that first day?

2 A. He was one of the ones that came to Houston, yes.

3 Q. And do you recall a prosecutor by the name of Scott
4 Mendeloff?

5 A. Yes, sir.

6 Q. Okay. And they showed you a photo lineup, did they
not, an

7 exhibit with eight photographs in it?

8 A. Not at Houston, they did not.

9 Q. They waited till you got up to Denver to do that?

10 A. That was in Denver.

11 Q. And did they show you an exhibit that had eight
photographs

12 in it?

13 A. I saw eight -- some photographs, yes.

14 Q. Okay.

15 A. It was all on one piece of paper, one page.

16 Q. Yes, sir. Were you able to identify anybody at
that time?

17 A. No, I did not.

18 Q. Okay. Now, in that two-and-a-half years from
October, '94,
19 to March, '97, had you contacted the Government for
them to
20 come talk to you?
21 A. No, sir, I didn't.
22 Q. Okay.
23 A. I never did contact them.
24 Q. Do you know how they were contacted?
25 A. The only way that I know that they were contacted
was with

8732

Timothy Chambers - Cross

1 Brad Horton.
2 Q. Okay. Brad Horton was the person who conversed
with the
3 person who bought the three barrels; is that correct?
4 A. He was the one that sold it to him, yes.
5 Q. And he's the one that arrived at the price?
6 A. That's his job, yes, sir.
7 Q. And he is the one that gave the parking pass in
exchange
8 for some cash. Is that correct?
9 A. That's -- that's correct.
10 Q. Okay. Approximately how long did Mr. Horton deal
with the

11 person?

12 A. I would probably say -- probably 15 minutes.

13 Q. Okay. And he was the one who was looking for the
pass to

14 come back so that he could get the pass back and
exchange the

15 money. Is that correct?

16 A. Well, Brad had wrote up everything, so he was -- he
was

17 waiting for the pass as well as I was, because I had
other

18 customers that needed to pick up gas, too; so without
that, I

19 couldn't do anything -- or we couldn't do anything.

20 Q. Yes, sir. Is Mr. Horton here to testify?

21 A. Mr. Horton is not here.

22 Q. He didn't come up with you? He's not in the
witness room?

23 A. No, sir.

24 Q. Okay.

25 A. I came out of a drag race out of Pomona,
California, here.

8733

Timothy Chambers - Cross

San Antone 1 Q. You live in Elmendorf, or do you live in another

2 suburb?

3 A. I live outside of San Antonio.

4 Q. Any particular city?

5 A. Seguin.

6 Q. Seguin?

7 A. Yes, sir. It's off Interstate 10.

8 Q. Yes, sir. And where does Brad Horton live?

9 A. Brad Horton is from San Antone.

10 Q. And does he usually travel to the races with you?

11 A. Brad does not travel. Brad flies, I drive.

12 Q. Okay. But he attends the races with you?

13 A. Some of them, he does, yes.

14 Q. Now, was Brad Horton the one that came to you to
discuss
15 this transaction for the first time?

16 A. Brad did, yes.

17 Q. Okay. Now, do you recall telling the FBI that Brad
Horton
18 thinks that the pickup was --

19 MR. GOELMAN: Objection, your Honor.

20 BY MR. WOODS:

21 Q. -- a brown Ford?

22 THE COURT: Well, let him ask the question.

23 BY MR. WOODS:

24 Q. Do you recall in your interviews with the FBI that
you told

25 the FBI that Brad Horton thinks that the car was a
brown Ford?

Timothy Chambers - Cross

1 THE COURT: Objection sustained.

2 BY MR. WOODS:

3 Q. Did you and Mr. Horton discuss the transaction and
the
4 automobile and the individuals before the Government
was
5 contacted?

6 A. I don't -- I don't know when Brad contacted them.
I didn't
7 contact them, so I don't know when --

8 Q. I understand that.

9 A. -- when that would have happened.

10 Q. I understand that, but did you and Brad Horton
discuss the
11 transaction and the vehicle involved before the
Government was
12 contacted?

13 A. I don't know.

14 Q. All right. Let me back up one.

15 A. I talked to Brad -- now, I don't know if Brad
contacted the
16 persons about this. I have no idea if he did that
before he
17 came and talked to me, or if it was after. I don't
know.

18 Q. I understand. Did you and Brad Horton discuss the

19 transaction?

20 A. I did talk to Brad on the loading dock about it,
yes.

21 Q. And was that before you talked to the Government?

22 A. That was before I knew that Brad had contacted the
FBI.

23 Q. Okay. And did you and Brad discuss the automobile
24 involved?

25 A. Brad had mentioned something, yes.

8735

Timothy Chambers - Cross

1 Q. What did he mention to you?

2 MR. GOELMAN: Objection.

3 THE COURT: Sustained.

4 BY MR. WOODS:

5 Q. Did you discuss the individual?

6 A. No.

7 Q. Okay. Do you recall a discussion concerning the
color of
8 the license plate?

9 A. No.

10 Q. Okay. Do you recall telling the Government about
this
11 discussion?

12 A. The discussion that Brad and I had?

13 Q. Yes, sir, concerning the description of the

automobile and

14 the license plate.

15 A. I mentioned something that Brad had said, yes.

16 Q. Okay. And do you know who Wade Gray is?

17 A. Yes, sir, I do.

18 Q. And who is he?

19 A. He works for VP Racing Fuels.

20 Q. And what does he do?

21 A. That, I do not know.

22 Q. Okay.

23 A. I mean -- I don't see him enough to know what he
does. I

24 know he's in the lab enough, and that's all.

25 Q. Do you know whether or not he was the one that
contacted

8736

Timothy Chambers - Cross

1 the Government for the first time in March of '97?

2 A. I -- I really don't know. I don't know.

3 Q. Okay. When you were shown the photos of the
barrels --

4 that is, a standard metal 55-gallon barrel, or is it a
more

5 narrow one?

6 A. The one that was on the screen here?

7 Q. Yes, sir.

8 A. That's a standard 54 drum.

9 Q. 54?

10 A. Yes.

11 Q. Okay. Is that the -- if you just go somewhere to
buy metal
12 drums, is that the same size that you buy somewhere
else, or is
13 it a special one made for you?

14 A. It would be like -- no, it's a standard size,
because you
15 have your 54, then you drop down to 30; and they don't
make an
16 in-between size. That's just a standard-size metal
drum.

17 Q. Okay. And you all sell at half drum sizes, too,
which is,
18 what, 29 did you say?

19 A. 30.

20 Q. 30?

21 A. I have a 30-gallon, and then my next one would be a
22 15-gallon, and then a 5-gallon and then a 1 gallon; but
23 1 gallons are square.

24 Q. But the one shown on the photograph is a standard
-- you're
25 calling it 54-gallon?

1 A. Yes, sir.

2 Q. Is there a 55-gallon metal barrel, too, to your
knowledge?

3 A. Not that I know of. We've always gone by that it's
a 54

4 drum.

5 Q. Okay.

6 A. You have to understand that you leave about an inch
and a

7 half or so away from the top for expansion --

8 Q. Yes, sir.

9 A. -- anytime that you fill it up say with gasoline,
so that's

10 why we classify it as a 54 drum.

11 Q. Okay. Now, you were asked some questions about
some phone

12 calls off of Government's Exhibit No. 1888. I want to
show

13 that page to you again.

14 You were asked questions about the phone call
on

15 Friday, October 7, '94, the phone call to VP Racing
Fuel in

16 Manhattan, and that's where Glynn Tipton has his
office.

17 A. Yes, sir.

18 Q. Okay. And do you know who Michael Fortier is?

19 A. No, sir.

20 Q. Does the -- do the records reflect that the calls
to VP

to by 21 Racing and Coogle Trucking come from a phone subscribed
22 Michael Fortier?
23 A. I see that on here, yes.
talked 24 Q. Okay. Had you talked to Glynn Tipton before you
25 with the Government in March of '97?

8738

Timothy Chambers - Cross

What 1 A. I had never met Glynn.
2 Q. So I take it you had not talked to him personally.
3 about over the telephone?
phone. If 4 A. I had not even talked to him. I'm not on the
5 I'm on the phone, it's in the race truck. I'm on the
road.
6 Q. So you and Glynn Tipton have had no discussions
about this 7 transaction?
8 A. When it all began, I didn't know who Glynn was. I
have met 9 Glynn since.
10 Q. Is that in the witness room?
11 A. Excuse me?
12 Q. Where did you meet Mr. Tipton?
13 A. Jay Farnsworth out of Terre Haute, Indiana,

couldn't cover

14 the first drag race in Topeka, so I took my race truck
there.

15 That's where I met Glynn. He came out to help me on
the

16 trailer.

17 Q. Have you met him since?

18 A. No. I just seen him the other day, yes. That was
it.

19 Q. Here in Denver?

20 A. Yes, sir.

21 Q. Okay. And your description of the automobile is
that it

22 was faded out, did not have a shiny appearance to it.
Is that

23 correct?

24 A. It wasn't shiny.

25 MR. WOODS: Okay. Thank you, sir.

8739

Timothy Chambers - Redirect

1 THE WITNESS: Yes, sir.

2 THE COURT: Anything else?

3 MR. GOELMAN: Briefly, your Honor.

4 REDIRECT EXAMINATION

5 BY MR. GOELMAN:

6 Q. Mr. Chambers, does your headquarters at VP know
where your

7 racing truck is set up each weekend that there is a
race?

8 A. The races I'm at, they'll know exactly where I'm
at.

9 Q. And could a person call your headquarters or
headquarters

10 of one of your competitors to find out where the race
was that

11 weekend?

12 A. Yes, sir, they can.

13 Q. And what fuels were being sold?

14 A. Well, I mean they'll be able to find out if the
truck is

15 going to be there. Say if you had a rain-out or
something, all

16 you got to do is call VP or any of the other fuel guys.

17 They'll tell you where we're at.

18 Q. Mr. Woods asked you some questions about Brad
Horton and

19 where he was during the transaction.

20 A. Yes, sir.

21 Q. Who loaded the nitromethane drums onto the pickup
truck

22 with the white camper shell?

23 A. I loaded the drums.

24 MR. GOELMAN: Nothing further.

25 MR. WOODS: Nothing further, your Honor.

1 THE COURT: Witness excused, I take it?

2 MR. GOELMAN: Yes, your Honor.

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

4 Next witness.

5 MR. MACKEY: Yes, your Honor. We re-call Mary
6 Jasnowski.

7 THE COURT: All right.

8 Would you please again resume the stand under
your

9 oath earlier taken.

10 (Mary Jasnowski was re-called.)

11 THE COURT: Ms. Wilkinson.

12 MS. WILKINSON: Thank you, your Honor.

13 DIRECT EXAMINATION

14 BY MS. WILKINSON:

15 Q. Good morning, Ms. Jasnowski.

16 A. Good morning.

17 Q. You were here once before and talked to the jury?

18 A. Yes, I was.

19 Q. If you could just remind them what your
responsibilities

20 were during the search of Mr. Nichols' house?

21 A. I was the team leader of the search team that
conducted the

and 23d 22 search of Mr. Nichols' residence on the 21st -- or 22d
23 of April, 1995.
24 Q. You supervised the search; is that right?
25 A. Yes, I did.

8741

Mary Jasnowski - Direct

yourself? 1 Q. And you actually participated in the search
2 A. Yes, I did.
3 Q. Did you search the -- Mr. Nichols' garage with
other 4 agents?
5 A. Yes, I did.
6 Q. And do you recall finding or noting some items that
you 7 found there on a diagram that you made?
8 A. Yes.
9 Q. Let me show you Government's Exhibit 2086, which I
think is 10 a diagram you made.
11 A. Yes, it is. It's made from my sketch from that
night.
12 Q. Is this the diagram that depicts the garage?
13 A. Yes.
14 Q. Now, I think you said earlier during your first
testimony

right? 15 that there were two portions of the garage. Is that

16 A. Yes, that's correct.

17 Q. Remind the jury what they're looking at right here,
please.

18 A. This is the north part of the auto garage, and then
there

19 is a storage or the south part of the garage.

20 Q. All right. And here on the south storage garage
area, you

21 have something marked "drums" there. Is that right?

22 A. Yes.

23 Q. What did you find there?

24 A. There were four 55-gallon plastic barrels or drums,
as we

25 called them, in this drawing.

8742

Mary Jasnowski - Direct

1 Q. Did you examine those plastic drums?

2 A. Yes.

3 Q. I take it you're not a plastic expert?

4 A. No, I'm not.

5 Q. So you can't tell us about what type of plastic
they were,

6 can you?

7 A. No, I cannot.

8 Q. Did you cause a photograph to be taken of the drums

as you

9 found them?

10 A. Yes.

11 Q. All right. Let me show you Government's Exhibit
1816A.

12 Whoops, wrong photo. Hold on one second.

13 How about 1776, Photo 4?

14 A. Yes.

15 Q. Do you recognize that?

16 A. Yes, I do.

17 Q. What does that show?

18 A. These are the barrels in the situation -- in the
condition

19 that we found them that night.

20 MS. WILKINSON: Your Honor, may I have --
well, 1776,

21 No. 4, is already in, so can I display it to the jury?

22 THE COURT: If it is, yes.

23 MS. WILKINSON: Thank you. It is.

24 BY MS. WILKINSON:

25 Q. Now, Ms. Jasnowski, on your diagram you had four
circles

8743

Mary Jasnowski - Direct

1 that looked like they were all next to each other?

2 A. Yes.

3 Q. This photograph shows two barrels and two on top of
them?

4 A. Well, we couldn't really -- I'm not that good a
drawer to
5 show that they were stacked. So we wanted to show that
they
6 were stacked, and that's why we separated them that
way.

7 Q. So this photo shows us what you saw when you walked
into
8 Mr. Nichols' garage; is that right?

9 A. Yes.

10 Q. Now, let's start -- if you can take your light pen.
Let's
11 start on the bottom left-hand corner there.

12 A. Yes.

13 Q. Did you look at that drum? Just put an X on there
so the
14 jury -- that's the right hand, isn't it?

15 A. I'm sorry.

16 Q. We can start there. That's all right. Just start
there.

17 Did you look inside that barrel?

18 A. Yes, I did.

19 Q. Did you find any trash in that barrel?

20 A. No, I did not.

21 Q. Did you find any guns in that barrel?

22 A. No, I did not.

23 Q. Did you find anything in that barrel?

24 A. Yes, I did.

25 Q. What did you find?

8744

Mary Jasnowski - Direct

1 A. I found a cardboard box containing a lot of washers
and
2 screws and bolts and some safe-deposit keys from a
bank.

3 Q. Did you look at those safe-deposit box keys?

4 A. Yes, I did.

5 Q. Were they by themselves, or were they in some other
6 container?

7 A. They were in a small -- safe-deposit key wrappers,
bank
8 wrappers, envelopes.

9 Q. Was each key in a different wrapper?

10 A. Yes, they were.

11 Q. How many keys did you find?

12 A. Two.

13 Q. Was there any way to tell by looking at those keys
and the
14 wrapper whether they belonged to Mr. Nichols or someone
else?

15 A. No.

16 Q. Now, why don't you now go over to the left bottom
barrel.

17 A. Okay.
18 Q. Did you look in that barrel?
19 A. Yes, I did.
20 Q. Did you find any trash?
21 A. No.
22 Q. Did you find any guns?
23 A. No.
24 Q. Did you find anything in there?
25 A. No, I don't recall.

8745

Mary Jasnowski - Direct

1 Q. Go up to the next one right above it.
2 A. Yes.
3 Q. You searched that one?
4 A. Yes.
5 Q. Did you search the one to the right?
6 A. Yes.
7 Q. In either of those two top barrels, did you find
any trash?
8 A. No.
9 Q. Did you find any guns?
10 A. No.
11 Q. Did you find anything in those two barrels?
12 A. Not that I recall.

you

13 Q. During your search of Mr. Nichols' residence, did

14 actually go outside and look around his property?

15 A. Yes, I did.

16 Q. Did you find his trash cans?

17 A. Yes, I did.

18 Q. Did you look in those?

19 A. Yes, I did.

20 Q. Was there trash in those trash cans?

21 A. Yes, there was trash in those garbage cans.

22 MS. WILKINSON: Your Honor, may I hand up some

23 exhibits?

24 THE COURT: Yes.

25 BY MS. WILKINSON:

8746

Mary Jasnowski - Direct

and look

1 Q. I want you to take a look, Ms. Jasnowski, in there

2 for Government's Exhibit 1871.

3 A. Sorry.

4 Q. That's all right. Take your time.

5 A. Yes.

6 Q. Do you see that?

7 A. Yes, I do.

8 Q. Will you take it out of the plastic.

9 Do you recognize that?

10 A. Yes, I do. It's the -- one of the safe-deposit
keys that I
11 found in one of the barrels.

12 Q. What did you do with it after you found it?

13 A. I placed it with its -- the other key into a
packaging and
14 maintained it with the rest of the evidence that we
seized that
15 night.

16 Q. Do you have the packaging that you used, up there
in front
17 of you?

18 A. Yes, it's here.

19 Q. Did you mark that packaging?

20 A. Yes. I see my initials on it.

21 MS. WILKINSON: Your Honor, we offer
Government's

22 Exhibit 1871.

23 MR. TIGAR: Subject to the earlier discussion,
your

24 Honor, no objection.

25 THE COURT: All right. 1871 is received.

8747

Mary Jasnowski - Direct

1 BY MS. WILKINSON:

2 Q. You can take that out, Ms. Jasnowski, the actual
exhibit.

3 And can you take the envelope and key out, please.

4 A. Yes.

5 Q. All right. Hold up the envelope, would you, and
show the

6 jury the key.

7 And when you found it, tell them how it was
packaged.

8 A. The key was inside this envelope.

9 Q. And is there any marking on that envelope?

10 A. There is printed writing on it, and there is some
--

11 something done by hand in ink, 347; and then at the
bottom, it

12 says "3-x-10," 3-by-10.

13 Q. What does the printed writing say?

14 A. Obviously it is a bank name, First Union. And then
it says

15 "For your extra key. Keep in a safe place."

16 Q. It doesn't tell you where First Union is located,
does it,

17 on that envelope?

18 A. No, it does not.

19 Q. So you didn't know where that safe-deposit key
went, which

20 box it was, which bank it was to; is that right?

21 A. No, I didn't know that.

22 Q. You told us you found another key in an envelope;
is that

23 right?
24 A. Yes.
25 Q. Can you look and find Government's Exhibit 1873.

8748

Mary Jasnowski – Direct

1 A. 1873?
2 Q. Yes, ma'am.
3 A. Yes.
4 Q. Do you recognize that?
5 A. Yes.
6 Q. What is it?
7 A. It's the other key that I found that night.
8 Q. Did you put that in the same packaging that you've
just
9 told the jury about earlier?
10 A. Yes, I did.
11 MS. WILKINSON: Your Honor, we offer
Government's
12 Exhibit 1873.
13 MR. TIGAR: Subject to our discussion, no
objection,
14 your Honor.
15 THE COURT: 1873 received.
16 BY MS. WILKINSON:
17 Q. You can take that out, Ms. Jasnowski.

18 Is the key in the envelope now?

19 A. Yes, it is.

20 Q. Is that how you found it?

21 A. Yes.

22 Q. Could you take a look at the envelope?

23 A. Yes.

24 Q. Does it have any writing on it?

25 A. It has on the back -- someone has printed in ink
"M," the

8749

Mary Jasnowski - Direct

1 initial "M."

2 Q. You didn't know who "M" indicated, did you?

3 A. No.

4 Q. What else is on there?

5 A. It has the name of the bank, and again, the
warning: "Keep

6 one safe-deposit key in this envelope."

7 Q. Could you read the name of the bank, please.

8 A. It's at Arkansas Bank and Trust Company, Hot
Springs,

9 Arkansas.

10 Q. Now, during this search and during this
investigation, you

11 were in Herington, Kansas; is that right?

12 A. That's correct.

13 Q. And to your knowledge, is there any bank by that
name, the

14 Arkansas Bank, in Herington, Kansas?

15 A. I'm not aware of any bank by that name.

16 MS. WILKINSON: Your Honor, may we have her
step down

17 to identify additional exhibits?

18 THE COURT: All right.

19 BY MS. WILKINSON:

20 Q. Ms. Jasnowski, you identified some barrels in that
21 photograph. Is that right?

22 A. Yes.

23 Q. Did you bring some to court that you seized from
24 Mr. Nichols' house?

25 A. Yes.

8750

Mary Jasnowski – Direct

1 Q. And did you review those prior to coming to court
today?

2 A. Yes, I did.

3 Q. If you could look under here and find the
Government's

4 exhibit number.

5 A. Yes.

6 Q. That's Government's Exhibit 2040. Is that right?

7 A. That's correct.

Nichols' 8 Q. Is that one of the barrels that you found in Mr.

9 house?

10 A. Yes, it is.

Government's 11 Q. And take a look at this one. Do you recognize

12 Exhibit 190?

13 A. Yes, I do.

14 Q. And this is a tag that you recognize?

15 A. Yes, it is.

16 Q. Now, this barrel, Government's Exhibit 190: Has it
been

17 altered in some way since you saw it?

18 A. Yes, it has. There is something that's been cut
out of the

19 side, and both of the barrels have obviously been
subject to

20 some sort of process, because there is a black dust or
film on

21 them.

Government's 22 Q. Other than the cut out of Barrel 190 and

23 Exhibit 2040, are these barrels in the same condition
that --

24 as they were when you found them?

25 A. Yes.

Mary Jasnowski - Direct

1
Government's

MS. WILKINSON: Your Honor, we offer

2 Exhibit 190 and 240 -- 2040. Excuse me.

3
objection,

MR. TIGAR: Subject to our discussion, no

4 your Honor.

5
and

THE COURT: All right. They're received, 2040

6 190.

7 BY MS. WILKINSON:

8
this

Q. Ms. Jasnowski, can you take a look at the label on

9 barrel?

10 A. Yes.

11 Q. I'll turn it around for the jury.

12
up here,

Can you tell them -- it's a little scratched

13 but can you tell them what it says?

14 A. It basically says STER-BAC.

15 Q. Do you know who manufacturers a STER-BAC barrel?

16
Minnesota,

A. I have to read it. It looks like "St. Paul,

17 Klenzade Ecolab, Incorporated."

18
do you?

Q. But you don't know who makes this plastic for them,

19 A. No, I do not.

20 Q. And does this barrel, Government 190, have a

similar label?

21 A. Yes, it's the same.

22 Q. During your search of Mr. Nichols' house, Agent
Jasnowski,

23 did you find any pistols?

24 A. Yes, we did.

25 Q. Did you cause a photograph to be taken of that
pistol where

8752

Mary Jasnowski - Direct

1 you found it in place?

2 A. Yes, I did.

3 Q. Let me show you Government's Exhibit 1816A and see
if you

4 recognize it.

5 Do you recognize that photo?

6 A. Yes, I do.

7 Q. Where was this photo taken in Mr. Nichols' house?

8 A. This photo was taken in the closet that was in the
living

9 room but outside of bed -- the second bedroom.

10 Q. And does this fairly and accurately depict what you
saw

11 that day?

12 A. Yes, it does.

13 MS. WILKINSON: Government offers 1816A, your
Honor.

no 14 MR. TIGAR: Subject to our earlier discussion,

15 objection.

16 THE COURT: 1816A is received. May be shown.

17 BY MS. WILKINSON:

at 18 Q. Agent Jasnowski, tell the jury what they're looking

19 here.

shelf of 20 A. This is the gun lying -- I think on the bottom

closet. 21 that -- the -- well, one of the bottom shelves of the

22 It's enclosed in a little cloth bag.

it? 23 Q. Was that pistol in that cloth bag when you found

24 A. Yes.

25 Q. Did you seize the cloth bag?

8753

Mary Jasnowski - Direct

1 A. No, we did not.

2 Q. Did you seize the pistol?

3 A. Yes, we did.

at 4 Q. Can you look to your file folder up there and look

5 Government's Exhibit 1816?

6 A. Yes.

7 Q. Do you recognize that?

8 A. Yes, I do.

9 Q. How do you recognize it?

10 A. I recognize it by sight, and I also see the
packaging has
11 my initials on it.

12 MS. WILKINSON: Your Honor, that's been -- I
don't
13 know the right word for it -- It's been cleared and it
won't
14 fire.

15 THE COURT: It's been cleared?

16 MS. WILKINSON: Yes.

17 THE COURT: All right.

18 MS. WILKINSON: Thank you. We offer 1816.

19 MR. TIGAR: Subject to our earlier objection,
no
20 objection.

21 THE COURT: 1816 is received.

22 BY MS. WILKINSON:

23 Q. Ms. Jasnowski, take it out of the bag. Don't aim
it at the
24 jury. Thank you. Just show them what it looks like,
please.

25 That's the gun that you found that's depicted
in this

Mary Jasnowski – Direct

1 picture or was depicted in the picture they were just
seeing?

2 A. Yes.

3 Q. Okay. You can put it away. During your search,
4 Ms. Jasnowski, you didn't take every single thing that
was in

5 Mr. Nichols' house?

6 A. No, we did not.

7 Q. But you did see a lot of the things that were in
his house?

8 A. Yes.

9 Q. And I think you told us earlier that you took
photos at the

10 beginning of the search; is that right?

11 A. Yes.

12 Q. And you also took photos at the end?

13 A. Yes.

14 Q. Let me show you Government's Exhibit 1768 and see
if you

15 recognize that.

16 Did you cause a photo to be taken of some of
the

17 materials that were on Mr. Nichols' dining room table?

18 A. Yes.

19 Q. Does Government's Exhibit 1768 show you some of
those items

20 that you left behind on Mr. Nichols' table after the
search was

21 completed?

22 A. Yes.

23 MS. WILKINSON: Your Honor, we offer
Government's

24 Exhibit 1768.

25 MR. TIGAR: Subject to our discussion, no
objection.

8755

Mary Jasnowski - Direct

1 THE COURT: 1768 is received.

2 BY MS. WILKINSON:

3 Q. Ms. Jasnowski, this shows some papers and a book --
I don't

4 know how you would describe that top item. How would
you

5 describe it?

6 A. File-of-Facts, Weekly Minder, something like that.

7 Q. Let me zoom in on these and show you a closer view.
Do you

8 see newspapers depicted on this photograph?

9 A. Yes, I do.

10 Q. How many?

11 A. I see three newspapers, and the top thing looks
some type

12 of magazine or gazette of some sort.

13 Q. Let's go back to 1768, the big photo. Show the
jury with

kind of 14 your pen what you're talking about that looks like some

15 magazine or periodical.

16 A. This item here. Looks like some sort of
periodical.

17 Q. Underneath that you saw three newspapers?

18 A. Yes. There is one, two, three.

Nichols' 19 Q. Did you ever see any Wall Street Journal in Mr.

20 house?

21 A. No, I did not.

you also 22 Q. Now, as part of your photographs of the home, did

23 take photographs of Mr. Nichols' yard?

24 A. Yes.

Nichols' 25 Q. And did you take a photograph of the front of Mr.

8756

Mary Jasnowski - Direct

1 house which shows his yard?

2 A. Yes.

3 Q. All right. Or caused someone to take it?

4 A. Caused it to be taken, yes.

Do you 5 Q. Look at Government's Exhibit 2070, Photograph C.

6 recognize that?

7 A. Yes.

8 Q. And does that fairly and accurately depict what you
saw in
9 front of Mr. Nichols' house on the day you did the
search?

10 A. Yes.

11 MS. WILKINSON: Your Honor, we offer 2070,
Photograph

12 C.

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

14 THE COURT: You may, yes.

15 VOIR DIRE EXAMINATION

16 BY MR. TIGAR:

17 Q. Hello again, Agent Jasnowski.

18 A. Hello.

19 Q. This photograph has been shown to you. How many
pictures
20 did you all take of Mr. Nichols' yard?

21 A. I'm not exactly certain how many pictures there
were of the
22 yard.

23 Q. More than one certainly?

24 A. Yes.

25 Q. More than a dozen?

8757

Mary Jasnowski - Voir Dire

1 A. Possibly not that many.

2 Q. Half a dozen?

3 A. Perhaps, yes.

4 MR. TIGAR: Your Honor, we would ask that all
the
5 pictures of Mr. Nichols' yard be introduced if one is
to be.

6 MS. WILKINSON: Your Honor, we have two others
7 available here. I can put those in. I don't know
about the
8 other ones that Mr. Tigar is referring to, but I have A
and B.
9 I'd be happy to introduce those as well.

10 MR. TIGAR: I'll consent at the time we
present all
11 the pictures. My objection is Rule 106.

12 THE COURT: Well, they can come in one at a
time. The
13 objection is overruled.

14 MS. WILKINSON: May we display it to the jury,
your
15 Honor?

16 THE COURT: Yes.

17 DIRECT EXAMINATION CONTINUED

18 BY MS. WILKINSON:

19 Q. Ms. Jasnowski, this is Government's Exhibit 2070.

20 A. Yes.

21 Q. No. C. Tell the jury what they're looking at and
from what
22 vantage point this picture was taken.

left is 23 A. Right. This is looking at the front yard. To the
in front 24 the front of the house and to the right is a sidewalk
the 25 of the house. This is looking from the direction of

8758

Mary Jasnowski - Direct

1 driveway.
Nichols' 2 Q. And describe to us what you noticed about Mr.
3 front lawn when you looked at it.
4 A. Well, there is a lot of brown-out, brown area, and
5 dandelions and clumps of grass.
smooth, 6 Q. Would it be fair to say he didn't have a nice,
7 green lawn?
8 MR. TIGAR: Objection, your Honor.
9 THE COURT: Sustained.
10 BY MS. WILKINSON:
of 11 Q. Did you tell -- or when you were doing the search
12 Mr. Nichols' house, did you find any ammonium nitrate?
13 A. Yes.
14 Q. And did you find any ammonium nitrate outside of
his house?
15 A. On the front steps, yes.

cans. Is 16 Q. You told us that you searched Mr. Nichols' trash

17 that right?

18 A. That's correct.

trash 19 Q. And did you cause a photograph to be taken of those

20 cans?

21 A. Yes, I did.

Exhibit 1778, 22 Q. It's been previously admitted as Government's

23 Photograph 8. Could you please take a look at it.

24 A. Yes.

25 Q. And tell the jury what they're seeing.

8759

Mary Jasnowski - Direct

1 A. These are the garbage as we found it outside of

behind 2 Mr. Nichols' residence. This is right on the alleyway

3 his house, behind the garage.

4 Q. And you looked through those garbage cans?

5 A. Yes.

6 Q. Why did you do that?

7 A. For any possible evidence they could contain.

Government's 8 Q. Can you take a look in your file folder at

9 Exhibit 352.

10 A. Yes.

11 Q. Do you recognize that?

12 A. Yes, I do.

13 Q. How do you recognize it?

14 A. Well, I recognize it by sight and also because of
the

15 packaging that was with it.

16 Q. Where did you find Government's Exhibit 352?

17 A. I found it inside the garbage can on the right in
this

18 picture, not the trash bag but the garbage can.

19 Q. Did you seize it?

20 A. Yes, I did.

21 Q. Why did you seize it?

22 A. Well, I seized it because it looked to me to be a
map.

23 MS. WILKINSON: Government offers 352, your
Honor.

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

25 THE COURT: You may.

8760

Mary Jasnowski – Voir Dire

1 VOIR DIRE EXAMINATION

2 BY MR. TIGAR:

3 Q. Agent Jasnowski, was this piece of paper in another
bag, or

4 was it just in the trash?

5 A. It was just in the trash.

6 Q. And these trash cans: Are they on the Nichols
property?

7 A. Yes, they are.

8 Q. How far are they from the public alleyway?

9 A. Oh, maybe 3 feet, 4 feet.

10 Q. Is this the sort of a thing that any person could
drop into

11 the trash can?

12 A. It wouldn't be convenient, if you were standing in
the

13 alleyway, to put it in.

14 Q. Are they accessible to anybody?

15 A. I would imagine.

16 Q. Is there a vacant lot behind the Nichols residence?

17 A. Yes, there is.

18 Q. In fact, it's vacant all the way from the Nichols
residence

19 over to the gasoline station over on the next corner,
isn't it?

20 A. If you say so. I wasn't sure how far it went.

21 Q. Did you stand at the back of the house and look
over to the

22 gasoline station on the next corner?

23 A. I don't recall there being a gas station there, but
I did

24 stand in that area.

25 Q. You don't remember whether it is or not?

8761

Mary Jasnowski – Voir Dire

1 A. Whether there was a gas station there, no.

2 Q. As you sit there today, do you have any way of
knowing

3 what -- who put that in the trash can?

4 A. No, I have no way of knowing.

5 Q. And did your subsequent investigation reveal any
6 fingerprints on the document?

7 MS. WILKINSON: Objection, your Honor.

8 THE COURT: Sustained.

9 MR. TIGAR: Your Honor, we object to it on the
grounds

10 of lack of relevance. It's not shown to be connected
to the

11 events in the case.

12 THE COURT: Be received on the basis of its
being in

13 the can. Obviously, we don't know who put it there.

14 352 is received.

15 MS. WILKINSON: Let me display that for the
jury, your

16 Honor.

17 DIRECT EXAMINATION CONTINUED

18 BY MS. WILKINSON:

at. 19 Q. Agent Jasnowski, tell the jury what they're looking

20 A. Well, they're looking at a map. There are some
21 rectangular-shaped drawings, some straight lines, some
numbers 22 on it.

23 MR. TIGAR: Your Honor, may I object to the
24 characterization of it as a map? It is what it is.

25 THE COURT: Yes. The word "map" is stricken.

8762

Mary Jasnowski - Direct

1 Disregard it.

2 BY MS. WILKINSON:

the 3 Q. Just tell the jury what they're actually seeing on
4 piece of paper.

5 A. Well, there are lines and figures and numbers.

these 6 Q. Okay. And what type of piece of paper is this that
7 lines and drawings were on?

the 8 A. It was on a -- it's -- you can't really see it from
9 original, but it was like a notebook-type paper.

10 Q. Did it have lines on the paper?

11 A. Yes, it did.

12 Q. And that's --

no. 13 A. But those aren't the lines that you can see here,
find on a 14 Q. The lines you're talking about are lines that you
15 regular piece of notebook paper?
16 A. Right. Ruled paper.
on by 17 Q. Here you're talking about lines that seem to be put
that? 18 some kind of either pencil or marker or something like
pencil. 19 A. Yeah. It looked clear to me to be a pen, not a
20 Q. And did you look at it when you seized it?
21 A. Yes, I did.
you find 22 Q. Now, during your search of Mr. Nichols' house, did
23 any coins?
24 A. Yes, we did.
25 Q. What type of coins did you find?

8763

Mary Jasnowski - Direct

different 1 A. We found numerous silver and gold coins of
coins, 2 varieties. We found Canadian Maple Leafs; U.S. Liberty
3 gold coins; South African Krugerrands.
them 4 Q. On most of the coins were there any identifiers on

5 that could tell you who owned those coins?

6 A. No.

7 Q. Now, you've told us that at the end of the search,
you had

8 someone take a series of photographs to show the
property as

9 you left it. Is that right?

10 A. Yes. That's correct.

11 Q. Let me show you Government's Exhibit 1776A. Did
you have a

12 photograph taken of the garage?

13 A. Yes.

14 Q. Or inside the garage?

15 A. Yes.

16 Q. Does this depict what you saw before you left?

17 A. It's not on my screen.

18 Q. Oh, I'm sorry.

19 A. Yes.

20 MS. WILKINSON: Your Honor, we'd offer
Government's

21 Exhibit 1776A.

22 MR. TIGAR: Your Honor, I think that is a
picture

23 that's virtually the same as one that's already in
evidence.

24 MS. WILKINSON: It's not, your Honor. It's as
they

25 were leaving.

8764

Mary Jasnowski – Direct

1 THE COURT: Yes. My understanding is two
different
2 times, a photograph was taken. It may be the same
scene.

3 MR. TIGAR: Subject to our earlier discussion,
no
4 objection, your Honor.

5 THE COURT: All right. 1776A is received.

6 BY MS. WILKINSON:

7 Q. Now, Ms. Jasnowski, right in front of the
photograph is a

8 series of ammo cans. Is that right?

9 A. That's correct.

10 Q. And did you notice anything on top of those ammo
cans?

11 A. Yes. There appears to be a cigar box on them.

12 Q. Could you circle that with your pen, please.

13 A. Certainly.

14 Whoops. Sorry.

15 Q. Could you just indicate for the record the colors
of that
16 box?

17 A. Red and white.

18 Q. Did you and your fellow agents leave that box
behind?

19 A. Yes, we did.

your 20 MS. WILKINSON: I have no further questions,
21 Honor.
22 THE COURT: Mr. Tigar.
sorry. 23 MS. WILKINSON: Oh, I do, your Honor. I'm
24 THE COURT: All right.
25 MS. WILKINSON: I apologize.

8765

Mary Jasnowski - Direct

1 BY MS. WILKINSON:
2 Q. Ms. Jasnowski, there were a series of other
photographs
3 that you introduced during your first testimony about
the
4 furniture that showed the furniture in Mr. Nichols'
house, the
5 dining room, the living and the bedrooms. Do you
recall those?
6 A. Yes.
7 Q. And you took exit photos, I take it, of that same
8 furniture?
9 A. Yes, we did.
10 Q. Was there any other furniture in Mr. Nichols' house
that
11 wasn't captured on the photographs that you're aware
of?

12 A. Not that I can remember, no.

13 Q. So that's all the furniture that he had in his
house?

14 A. Yes.

15 MS. WILKINSON: I have no further questions,
your

16 Honor.

17 THE COURT: Mr. Tigar.

18 MR. TIGAR: May I stand here for a moment,
your Honor?

19 THE COURT: Yes, you may.

20 CROSS-EXAMINATION

21 BY MR. TIGAR:

22 Q. Agent, we're looking at --

23 MR. TIGAR: This fell out, your Honor.

24 MS. WILKINSON: Thank you.

25 MR. TIGAR: I'll return it.

8766

Mary Jasnowski - Cross

1 Thank you.

2 BY MR. TIGAR:

3 Q. We're looking at Government's Exhibit -- do you
recall

4 which number?

5 A. I think that's 2040.

6 Q. 2040. Now, when you looked at the barrels in the

Nichols

7 home, did you make any note for evidentiary purposes of
this --

8 these markings on the bottom?

9 A. No.

10 Q. And under your supervision, did anyone make a
rubbing of

11 these barrels?

12 A. Not at that night, no.

13 Q. Are you aware that a rubbing was made?

14 A. That's the first time I've heard it.

15 Q. You did not specifically -- did you know that Agent
Cadigan

16 did a rubbing of the barrels?

17 A. This is the first I've heard of it.

18 MS. WILKINSON: Your Honor, could we make it
clear

19 that she doesn't have any personal knowledge.

20 THE COURT: She just said so.

21 BY MR. TIGAR:

22 Q. Now, will you look, please, at the bottom of the
barrel --

23 if I may bring it up to you.

24 THE COURT: If you can handle it, yes.

25 MR. TIGAR: Well, one man can, your Honor.

Mary Jasnowski – Cross

1 BY MR. TIGAR:

2 Q. And do you see the marking there that identifies
what
3 that's made of?

4 A. If that's the "HDPE."

5 Q. Yes. And then above it, there is a number?

6 A. "2."

7 Q. And is there a recycling symbol there?

8 A. Is that a recycling? It could be. I'm not
familiar with
9 recycling symbols.

10 Q. Have you in the course of your daily duties ever
looked at
11 the bottom of a container to see what kind of plastic
it is,
12 whether it's HDP or what?

13 A. No, I never have.

14 Q. Do you recycle?

15 A. Do I?

16 Q. Yes.

17 A. No, I don't.

18 Q. Okay.

19 A. I lived in Chicago. We didn't recycle there.

20 Q. So you don't know what other uses HDP has. Right?

21 A. No, I have no idea.

22 Q. Now -- and I gather that this stuff that I now have
on me

23 is fingerprint powder; right?

24 A. I would imagine so, yes.

25 Q. That is, the pictures we saw of these barrels, they
were in

8768

Mary Jasnowski - Cross

Right? 1 what could be described as a pristine white condition.

2 A. Yes, they were. Yes.

3 Q. All right. And that's the agents who took charge
of the
4 barrels, then, cautioned them to be examined in some
way.

5 Right?

6 A. Yes.

7 Q. Now, STER-BAC is called a "quaternary ammonium
sanitizer."

8 Correct?

9 A. If that's what it says.

10 Q. And you have no idea what these barrels were used
for in

11 their first incarnation; is that correct?

12 A. No, that's correct.

13 Q. Now, you said that a number of these barrels, three
of

14 them, I guess, were empty. Is that right?

15 A. Yes.

16 Q. And in the fourth was a cardboard box; correct?

17 A. Yes, that's correct.

18 Q. Did you take the items out of that box and --
yourself?

19 A. Yes, I did.

20 Q. And were you wearing gloves?

21 A. Yes, I was.

22 Q. And did you secure them in a fashion that they
could then

23 be examined for fingerprints?

24 A. The items that were in the box?

25 Q. Yes.

8769

Mary Jasnowski - Cross

1 A. No, I did not. Not the ones that we didn't seize.

2 Q. No, no. I'm talking about the items that you've
reported

3 to us today, the envelope, the key, the tag, and so on?

4 A. Oh, yes. Yes, I did.

5 Q. So they were protected in a way that they could be
searched

6 for fingerprints; correct?

7 A. Yes, they were.

8 Q. Now, just to be sure, you said you found a pistol.
Is that

9 right?

10 A. Yes.

11 Q. And you found some other guns, too; right?

12 A. Yes.

13 Q. And we've already established that you did not have
with

14 you any diagram of the house that had been drawn by
15 Mr. Nichols; correct?

16 A. That's correct.

17 Q. And we've also established that you did not have
with you

18 the consent form he had signed for the search; correct?

19 A. That's correct.

20 Q. Now, that exit photograph that you identified last
that I

21 wondered if it was the same one: That was pretty well
lit.

22 What time did you all leave that day?

23 A. It was about 4 a.m. on Sunday morning.

24 Q. So was that done with flash photography?

25 A. Yes, but there were also lights in that garage.

8770

Mary Jasnowski - Cross

1 Q. All right. And what time was that photograph
taken, the

2 exit photograph?

3 A. Approximately 4 a.m.

4 Q. You noticed a cigar box in the exit photograph,
1717A, that

5 you referred to.

6 A. Yes.

7 Q. Did you take a look at the contents of that box on
the --

8 at the time of the original search?

9 A. I personally did not, but I imagine that someone on
the

10 team did.

11 Q. Well, when you say you imagine --

12 A. Well, because it's moved from the original
photograph, so

13 it's obvious that was at least moved during the search.

14 Q. All right. So what you know is that somebody moved
it;

15 correct?

16 A. Yes.

17 Q. All right. Can you tell us of your personal
knowledge --

18 A. No.

19 Q. -- that it was looked at?

20 A. No, I can't.

21 Q. Okay. And do you know whether -- did any other
agent tell

22 you whether or not they had looked inside it during
that search

23 of the evening of the 22d and early morning of the 23d?

24 A. No, I've never discussed that with anyone.

25 THE COURT: I believe there was a reference to
that as

8771

Mary Jasnowski - Cross

1 1717A, but it's 1776A. Correct?

2 MR. TIGAR: Yes. Excuse me, your Honor.
Thank you

3 for correcting me.

4 BY MR. TIGAR:

5 Q. Now, you said in your direct testimony that you saw
6 ammonium nitrate on the front steps of Mr. Nichols'
house;

7 correct?

8 A. Yes.

9 Q. How did you know it was ammonium nitrate?

10 A. Well, I noticed that there were white prills, and I
was

11 told that they were ammonium nitrate prills by the --
another

12 person on our team.

13 Q. When did that person tell you that?

14 A. That night.

15 Q. And did that person say where they had gotten the
16 information?

17 A. Well, he recognized it. I guess he's had
experience with

18 them.

19 Q. Who told you?

20 A. Supervisory Special Agent Stephen Burmeister.

21 Q. Mr. Burmeister.

22 A. Yes.

23 Q. Now, did Mr. Burmeister -- strike that.

24 Did anyone tell you that Mr. Nichols had
described for

25 the FBI agents what he had put on the yard?

8772

Mary Jasnowski - Cross

1 A. I heard that. I don't know when I heard that story
or

2 that -- that relation of facts.

3 Q. All right. Well, by "story," you don't mean to
demean it?

4 A. No, exactly right.

5 Q. So at some point, somebody relayed the information
that

6 Mr. Nichols had said that he had ammonium nitrate in
his house

7 and he put it on his yard; correct?

8 A. At some time, yes.

9 Q. Is that the only fact that was relayed to you based
on the

10 nine-and-a-half hours that Mr. Nichols had spent with
the

11 agents?
12 A. No. I believe we were told about some cash as
well.
13 Q. All right. Other than those two items, is that the
only
14 fact that the agent -- that was relayed to you as you
prepared
15 to go search that house on the 22d?
16 A. As coming from Mr. Nichols.
17 Q. Yes, as coming from Mr. Nichols.
18 A. I believe that's the only thing, yes.
19 Q. And we've established that you had a supervisory
role with
20 respect to this team; correct?
21 A. Yes, I did.
22 MR. TIGAR: Thank you very much, Agent
Jasnowski.
23 I have nothing further, your Honor.
24 THE COURT: All right. Ms. Wilkinson.
25 REDIRECT EXAMINATION

8773

Mary Jasnowski - Redirect

1 BY MS. WILKINSON:
2 Q. Agent Jasnowski, you were just asked about what you
were
3 told by the agents before you began the search about
what

4 Mr. Nichols had said. Were you also told that
neighbors had

5 been interviewed about Mr. Nichols' putting ammonium
nitrate on

6 his yard?

7 A. I don't recall when I was told that, no.

8 Q. You don't know whether that was before the search
or after?

9 A. It could have been before, it could have been
after.

10 Q. And when you got to the search location, Mr.
Nichols'

11 house, had his entire house, including the trash cans
that you

12 showed us, the garage, been sealed off from public
access?

13 A. Yes, it had.

14 Q. Do you know when that occurred?

15 A. I -- I don't know when. I would be speculating.

16 Q. Did you see police tape in the area?

17 A. Yes.

18 Q. Did that include the trash cans and that area?

19 A. Yes.

20 Q. Were there guards around the house?

21 A. Yes.

22 Q. And they were there before you conducted the
search?

23 A. Yes.

24 MS. WILKINSON: No further questions.

8774

Mary Jasnowski - Recross

1 BY MR. TIGAR:

2 Q. Forgive me if I've asked you this before: Was
Scott
3 Crabtree one of agents in the search team?

4 A. No, he was not.

5 Q. Did you see him at any time before you did the
search on
6 that day?

7 A. I don't believe I did.

8 MR. TIGAR: Thank you very much. No further
9 questions.

10 THE COURT: All right.

11 MS. WILKINSON: She's dismissed, your Honor.
Well,
12 you know what? Let's hold her for re-call just in
case.

13 THE COURT: I'm not going to hold her.
14 You may be returning.

15 THE WITNESS: Thank you.

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

17 THE COURT: You may step down.

18 Next, please.

19 MR. MACKEY: We would re-call William Kim

West.

20 THE COURT: All right. If you'll return to
the stand

21 under the oath earlier taken.

22 Ms. Wilkinson.

23 MS. WILKINSON: Thank you, your Honor.

24 (William West was re-called.)

25 DIRECT EXAMINATION

8775

William West - Direct

1 BY MS. WILKINSON:

2 Q. Agent West, when you were here last time, you told
the jury

3 about some documents that you found in Mr. Nichols'
house; is

4 that right?

5 A. That's correct.

6 Q. Which room did you find those documents?

7 A. The room we termed "the storage room."

8 Q. Where was that storage room located in the house?

9 A. South of the kitchen next to the driveway.

10 Q. During that search, did you find and seize other
items in

11 that same room?

12 A. Yes, we did.

13 Q. Let me show you the diagram Government's Exhibit

2086,

you see 14 which has been previously entered into evidence. Do

15 that?

16 Hold on. It will be with you in a minute.

17 A. Okay. I see it.

hand 18 Q. And does it indicate down there at the bottom left-

19 corner the storage room that you've just mentioned?

20 A. Yes, it does.

21 Q. Did you find firearms in Mr. Nichols' storage room?

22 A. Yes, I did.

find 23 Q. In how many locations in the storage room did you

24 firearms?

also in 25 A. Two main locations, and then we found some handguns

8776

William West - Direct

1 a third location in the storage room.

and 2 Q. Okay. So when you distinguish between firearms and
3 handguns, are you distinguishing between long rifles

4 handguns?

5 A. That's correct.

the two 6 Q. Now, can you take your pen and mark for the jury

7 areas where you found the long rifles?

8 A. That's supposed to be in the corner.

9 Q. For the record, can you just indicate where that is
in the
10 storage room?

11 A. Yeah. That's the southeast corner of the storage
room.

12 Q. Do you recall how many long rifles you found in
that area?

13 A. We found seven in that area.

14 Q. Were they in cases, or were they out in the open?

15 A. They were in cases, and they were also wrapped in
blankets.

16 Q. And where is the other location in which you found
--

17 MR. WOODS: Your Honor, may it please the
Court, we

18 would like the photo taken of each of those locations
where the
19 weapons were found.

20 THE COURT: I don't understand what you're
asking.

21 MR. WOODS: Through the machine, when he makes
a mark

22 in there and shows the location of the weapon, we would
like a

23 still photograph before he erases it and goes on to the
next

24 location.

25 MS. WILKINSON: I have no objection to that.

William West - Direct

1 THE COURT: I don't remember the name of the
process,
2 either, Mr. Woods.

3 MR. WOODS: I apologize.

4 THE COURT: I understand what you're saying
now.

5 MS. WILKINSON: That's no problem. We'll wait
for a
6 moment and let it print out.

7 THE COURT: Right. Assuming it works.

8 MS. WILKINSON: Can we move on to the next
one?

9 THE COURTROOM DEPUTY: Yes, I hope.

10 BY MS. WILKINSON:

11 Q. Mr. West, show us the second location where you
found
12 firearms, or the long rifles.

13 A. In a closet on the southwest side of the room. It
would be
14 here.

15 Q. And do you recall how many firearms you found in
that area?

16 A. Nine firearms.

17 Q. Now, let me show you Government's Exhibit --

18 THE COURT: Wait a minute. We want to take a
copy of

19 that.

20 THE COURTROOM DEPUTY: It's got another one?

21 THE COURT: Yes. There is another mark.

22 MR. WOODS: Your Honor, if she wants to get
all the

23 marks on there and then we take one photo, that's fine.
I just

24 didn't want them to erase them before.

25 THE COURT: No, I understand. I thought you
were

8778

William West - Direct

1 moving to another exhibit.

2 MS. WILKINSON: I was, your Honor. I was
moving to a

3 photograph, so this is the right time.

4 MR. WOODS: Thank you.

5 MS. WILKINSON: May I move on?

6 THE COURTROOM DEPUTY: No, because I'm
processing that

7 first one.

8 MS. WILKINSON: Okay.

9 I can elicit some further testimony, your
Honor, while

10 we wait.

11 THE COURT: All right.

12 BY MS. WILKINSON:
13 Q. Could you tell the jury, Mr. West, the procedure
you used
14 when you found the firearms and how you seized them?
What did
15 you do?
16 A. Well, again, we were wearing gloves to preserve the
17 evidence. We would get a weapon, clear it, make sure
it didn't
18 have ammunition in the chamber. I filled out an
evidence tag
19 which described -- briefly described the weapon, just
what we
20 could read from it, put down the serial number of the
weapon.
21 We had a photographer photograph the weapon with the
evidence
22 tag, and then we logged it in the evidence recovery
log.
23 Q. Did you date and initial each of those tags that
you just
24 described?
25 A. Each of them were initialed. Some of them had
dates on it,

8779

William West - Direct

1 but the evidence log, of course, had the date, also.
2 Q. So the evidence log was the master list you used to
take --

house; 3 make a record of what you were taking from Mr. Nichols'

4 is that right?

5 A. That's correct.

taken of 6 Q. Now, have you reviewed some photographs that were

took 7 the house and showing the firearms before you actually

8 them into custody?

9 A. Yes, I have.

with the 10 MS. WILKINSON: Your Honor, may we proceed

11 next exhibit?

the 12 THE COURTROOM DEPUTY: What is happening is

to pick 13 markings are too far down on the picture to -- for me

14 up.

here. I 15 THE COURT: Well, we're having a malfunction

another print 16 think we can accomplish the same thing by having

17 of it made and the markings put on it.

18 MR. WOODS: Yes, your Honor.

19 THE COURT: Is that agreeable?

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

21 MS. WILKINSON: We can do that at the break.

22 THE COURT: Yes. That's what I'm suggesting.

23 MS. WILKINSON: Thank you, your Honor.

24 THE COURT: Go on. Move on.

25 BY MS. WILKINSON:

8780

William West - Direct

No. 6. 1 Q. Let's look at Government's Exhibit 1773, Photograph

2 Do you recognize that?

3 A. Yes, I do.

4 Q. What does that show?

5 A. Those are -- that's a picture of the corner where
we took

6 the weapons that are enwrapped in those blankets.
They're also

7 in gun cases.

8 Q. Now, take your pen, would you please, and first
mark that

9 blanket there on the left-hand corner. Put an X on it.

10 Now, using that as a point of relation, can
you tell

11 the jury where the firearms' cases are that they can
see.

12 Leave it on there.

13 There you go. Just don't press that button on
the

14 side and the mark will stay.

15 A. Just hit this -- is this what you want? This is a
gun case

16 here.

gun 17 Q. Yes. Just draw a line so the jury knows where the

18 cases are.

19 A. There is one. There is one. There is one.

20 And, of course, you can't see all of them.

21 Q. Because they're underneath the blankets?

22 A. That's correct.

Just 23 MR. WOODS: All right. Your Honor, excuse me.

these, just 24 for clarification, I wasn't asking for a photo of

25 that diagram.

8781

William West - Direct

request in 1 THE COURT: Yes. I think we've got your

2 mind.

3 BY MS. WILKINSON:

review the 4 Q. Before coming to court today, Mr. West, did you

the other 5 firearms that you seized from this location and from

6 locations that you described?

7 A. Yes, I did.

8 Q. And could you identify those firearms for the jury?

9 A. Yes, I can.

witness 10 MS. WILKINSON: Okay. Your Honor, may the

11 step down? The firearms are here on the table.

Woods, 12 THE COURT: And if you want to move over, Mr.

13 you may do so.

14 MR. WOODS: Yes. Thank you.

need to 15 MS. WILKINSON: Would you take this off? We

16 move that.

17 BY MS. WILKINSON:

that 18 Q. Okay, Agent West. You said you found seven guns in

19 location. Did we bring some of those into court today?

20 A. Yes, we did.

Do you 21 Q. I'm going to show you Government's Exhibit 1790.

22 recognize that firearm?

23 Do you recognize this firearm?

24 A. Yes, I do.

recognize it? 25 Q. Can you examine it and tell the jury how you

8782

William West - Direct

pulled 1 A. I recognize it. This is one of the guns that we

the 2 from the blankets. I also filled out this -- this is

3 evidence card. This is my handwriting.

4 The W.K.W. is my initials, William K. West.

5 Q. Did you indicate on there what type of firearm it
was?

6 A. Carl bolt-action rifle.

7 Q. Where did you get that information from?

8 A. It's written on the barrel.

9 Q. So you're not a firearms expert. You just took
information

10 from the --

11 A. That's correct.

12 Q. -- rifle and put it down on the tag?

13 A. Right. One of the agents would read it out. I
would write

14 it down and also the serial number on the side, and the
serial

15 number is on the card.

16 MS. WILKINSON: Your Honor, we'd offer
Government's

17 Exhibit 1790.

18 MR. WOODS: No objection.

19 THE COURT: Received.

20 BY MS. WILKINSON:

21 Q. Agent West, do you see a red marking on there, a
red dot?

22 A. Yes, I do.

23 Q. What does that show?

24 A. It says 450.

25 Q. Now, why don't you take Government's Exhibit 1784.
Do you

8783

William West - Direct

1 recognize that firearm?

2 A. Yes, I do. This is another rifle that was taken
from the
3 blankets.

4 Q. All right. How do you recognize it?

5 A. Again, this evidence tag is in my handwriting. My
6 initials, W.K.W., are on the tag. The serial number is
also on
7 the tag and also on the weapon.

8 Q. What type of weapon did you mark it down on the
label?

9 A. Okay. Description was Ruger ranch rifle, caliber .
223.

10 MS. WILKINSON: Your Honor, Government offers
1784.

11 MR. WOODS: May I take the witness on short
voir dire?

12 VOIR DIRE EXAMINATION

13 BY MR. WOODS:

14 Q. These red stickers were on the weapons when you
found them?

15 A. On the weapons that they're on now, yes.

16 Q. And the white description underneath as to the
caliber?

17 A. I do not recall those descriptions in the white.

18 THE COURT: I'm not sure. Did the reporter

get the

19 answer reported?

20 THE REPORTER: Yes, your Honor.

21 THE COURT: All right, thank you.

22 BY MR. WOODS:

23 Q. The red stickers indicating \$450 was on this weapon

when

24 you first found it in the house?

25 A. That's correct.

8784

William West - Voir Dire

1 MS. WILKINSON: Your Honor, could we refer to

the

2 right exhibit? We were trying to introduce this

exhibit, and I

3 think Mr. Woods is referring to 1790 instead of the one

we were

4 trying to move into evidence.

5 MR. WOODS: For clarification, your Honor,

before all

6 of them come in that he's going to identify here.

7 BY MR. WOODS:

8 Q. Do they have a number of red stickers on them, sir?

9 A. Of the weapons here that we're introducing, I

believe four

10 of them have red stickers on them.

11 MR. WOODS: Thank you, your Honor.

12 No objection, then.

13 THE COURT: All right. It's received.

14 DIRECT EXAMINATION CONTINUED

15 BY MS. WILKINSON:

16 Q. Agent West, so you don't block these jurors' view,
why

17 don't you stand on that side and I'll stand on this
side and

18 we'll hand them back and forth. Thank you.

19 I'm going to hand you 1792.

20 Do you recognize that?

21 A. Yes, I do.

22 Q. How do you recognize that?

23 A. This again is one of the weapons that we took from
the

24 blankets. Again, I filled out this evidence tag that
says

25 Winchester Model 94, .30-30 caliber, Lone Star
Commemorative;

8785

William West - Direct

evidence 1 and again the serial number from the gun is on the

2 tag, and these are my initials.

your 3 MS. WILKINSON: Government offers 792 (sic),

4 Honor.

5 MR. WOODS: No objection.

6 THE COURT: Received.

7 BY MS. WILKINSON:

could you 8 Q. When you looked at these firearms, Agent West,

9 tell who owned these firearms?

10 A. No, I couldn't.

11 Q. Let me show you 1802. Do you recognize that rifle?

from 12 A. Yes, I do. This again is one of the rifles we took

handwriting 13 the blankets. Again, it has the evidence tag in my

number and 14 and says Marlin .30-30 Winchester and has the serial

15 my initials on it.

Honor. 16 MS. WILKINSON: Government offers 1802, your

17 MR. WOODS: No objection.

18 THE COURT: Received.

19 BY MS. WILKINSON:

Exhibit 20 Q. The next weapon I'm showing you is Government's

21 1782. Was that found within the blankets?

22 A. No.

23 Q. Where was that found?

24 A. In the storage area.

25 Q. The same storage room you were discussing?

8786

William West - Direct

1 A. Yes, in the same storage room.

2 Q. How many long rifles did you find in that area?

3 A. We found nine rifles in the closet area.

4 Q. Okay. How do you recognize this one?

5 A. This also has a tag that's in my handwriting, says
Ruger
the

6 Model 10/22 carbine, .22 long-rifle caliber. It's got
the
7 serial number, and we described it "collapsible
shoulder stock"

8 and my initials.

9 MS. WILKINSON: Okay. Government offers 1782,
your

10 Honor.

11 MR. WOODS: No objection.

12 THE COURT: Received.

13 BY MS. WILKINSON:

14 Q. Did you also find a gas gun in that area?

15 A. Yes, I did.

16 Q. All right. Let me show you Government's Exhibit
1800. Do

17 you recognize that?

18 A. Yes, I do.

19 Q. What is it?

20 A. Again, it has an evidence tag in my handwriting.

21 Description is a Lake Erie Chemical Company 37-
millimeter gas

22 gun. Has the serial number on it and my initials.

23 Q. Do you have any idea what gas guns are used for,
Agent

24 West?

25 A. To shoot tear gas.

8787

William West - Direct

1 Q. Let me show you Government's Exhibit 1794. Do you
know

2 where you found this gun?

3 A. Yes, I do.

4 Q. Where did you find it?

5 A. This also came from the closet area in the storage
room.

6 Q. How do you recognize it?

7 A. Again, the evidence tag in my handwriting, Ruger
Model

8 10/22 carbine, .22 long-rifle caliber. It's got the
serial

9 number, my initials.

10 MS. WILKINSON: Government offers 1794.

11 MR. WOODS: No objection.

12 THE COURT: Received.

13 BY MS. WILKINSON:

14 Q. I'm going to show you 1833. Take a look at that.
Do you

15 know where you found that --

16 A. Yes, I do.

17 Q. -- firearm? Where?

18 A. This also came from the closet area in the storage
room.

19 Q. And how do you recognize it?

20 A. Again, this has an evidence tag on it in my
handwriting.

21 Description is E.A. Company, Model J-15, .223 caliber.
It's

22 got the serial number. It's got the description "Tasco
scope."

23 This was found with six 30-round magazines and two 20-
round

24 magazines. This is written with my initials.

25 MS. WILKINSON: Your Honor, we offer 1793
(sic).

8788

William West - Direct

1 MR. WOODS: No objection.

2 THE COURT: Received.

3 BY MS. WILKINSON:

4 Q. On the other side there on the stock, is there a
yellow

5 tag?

6 A. Yes.

7 Q. What does it say?

8 A. It says "975."

9 Q. Okay. Let me hand you Government's Exhibit 1798.

10 A. This one is the next one.

11 Q. All right. Thank you. I'm sorry.

12 Show you Government's Exhibit 1812. Do you
recognize

13 that?

14 A. Yes, I do. This is -- also came from the closet
area in

15 the storage room.

16 Q. And how do you recognize it?

17 A. It's got my tag on it. It says Springfield Armory,
M1, .30

18 caliber, has the serial number and my initials.

19 MS. WILKINSON: Government offers 1812.

20 MR. WOODS: No objection.

21 THE COURT: Received.

22 BY MS. WILKINSON:

23 Q. Take a look at this again, 1812. Do you see any
price

24 sticker or red sticker with a number on it?

25 A. No, I don't.

William West - Direct

1 Q. Okay. And did you examine these guns before you
came to
2 court today to determine which ones had the red
stickers or
3 yellow stickers?

4 A. Yes, I did. Yes, I did.

5 Q. Would you take your seat, please.

6 You told us that the firearms you've
identified so far
7 were found in two areas of the storage room?

8 A. That's correct.

9 Q. Let me show you Government's Exhibit 1773, Photo 5.
Is
10 that also a photograph of the storage room?

11 A. Yes, it is.

12 Q. Tell the jury what they're looking at.

13 A. That is the picture of the closet area where we
found the
14 nine rifles.

15 Q. Can you mark for the jury where the rifles are as
you found
16 them.

17 How were they positioned, for the record,
please.

18 A. They're against each other standing up on the -- I
guess
19 the butts of the rifles are on the ground.

20 Q. Okay. Let me zoom in on this photograph for a
second, if I

21 can.

22 Do you see that box up there? Kind of a
little bit

23 foggy as we zoom in. See the box right there that's
upside

24 down?

25 A. Yes, I do.

8790

William West - Direct

1 Q. Was that box when you were doing the search of Mr.
Nichols'

2 house -- was it there as it's depicted in the
photograph?

3 A. It's just like it's depicted, yes.

4 Q. Can you read at all, even though it's upside down,
what

5 that box says?

6 A. No, I can't.

7 Q. Okay. Now, did you find long rifles anywhere else
in

8 Mr. Nichols' home?

9 A. I found long rifles also in the garage area of Mr.
Nichols'

10 home.

11 Q. Where in the garage did you find them?

12 A. They were up on the -- I guess the north side of

the

13 garage. They were over the bathroom.

14 Q. And is there a photograph --

15 A. Between the bathroom and roof of the garage.

them

16 Q. Is there a photograph that depicts where you found
17 before you seized them?

18 A. Yes, there is.

19 Q. Let me show you Government's Exhibit 2086. Do you
20 recognize this photograph -- oops. Wrong. I'm sorry.

that?

21 Government's Exhibit 1777. Do you recognize

22 A. Yes, I do.

23 Q. What does that show?

you see

24 A. That shows part of the garage, and you see the --

were.

25 the roof -- the roof of the bathroom where the guns

8791

William West - Direct

please.

1 Q. Show with your pen where you're talking about,

rifles.

2 Now, tell the jury where you found the long

the roof

3 A. Well, we found the long rifles grouped together on

the --

4 of the bathroom that was built into the garage between

garage 5 between the roof of the bathroom and the roof of the

6 under some other items.

first 7 Q. I take it, then, you couldn't see them when you

8 looked in this area; is that right?

9 A. That's correct.

firearms and 10 Q. Did you cause a photograph to be taken of the

area 11 their cases when you did remove some of items from this

12 you just described?

13 A. Yes, we did.

14 Q. Let me show you Government's Exhibit 1777B. Do you
15 recognize that photograph?

were on 16 A. Yes, I do. That's a picture of the rifles as they

articles. 17 top of the bathroom ceiling after we removed the

that's in 18 MS. WILKINSON: Your Honor, I don't believe

19 evidence, but we'd move for the admission, 1777B.

20 MR. WOODS: No objection, your Honor.

21 THE COURT: It's received.

22 BY MS. WILKINSON:

in this 23 Q. Using your pen, show the jury what they're seeing

24 photograph and describe it for them.

25 A. Well, I'll just circle the -- it's not circling --

but

8792

William West - Direct

on top 1 these are the guns all together, nine rifles that were

2 of the garage -- on top of the bathroom ceiling.

3 Q. Those are all gun cases?

4 A. That's correct.

5 Q. Now, you said you found nine rifles in that area?

6 A. Nine rifles over the bathroom; correct.

stickers or the 7 Q. Did any of those nine rifles have the price

8 red or yellow stickers with numbers on them?

9 A. No, they didn't.

firearms. 10 Q. Would you step down so you could identify those

little 11 MS. WILKINSON: Your Honor, to make this a

lay the 12 quicker, perhaps Mr. Woods would agree that they could

them to 13 foundation for all nine firearms, move them in and show

14 the jury.

15 MR. WOODS: Whatever is most convenient.

16 THE COURT: All right.

17 MS. WILKINSON: Thank you.

18 BY MS. WILKINSON:

19 Q. Now, on these firearms that you're going to show
the jury,
20 did you follow the same procedures in terms of tagging
them and
21 putting your initials on as you described earlier?
22 A. Yes, I did.
23 Q. And do you recognize all these firearms?
24 A. Yes, I do.
25 MS. WILKINSON: Okay. Government's Exhibit
1798 we'd

8793

William West - Direct

1 move for admission, your Honor.
2 MR. WOODS: No objection.
3 THE COURT: Received.
4 BY MS. WILKINSON:
5 Q. Tell the jury what type of firearm is this.
6 A. It's an Inland M1 carbine. It's .30 caliber.
7 Q. This was in a case when you found it?
8 A. That's correct.
9 Q. Okay.
10 MS. WILKINSON: Your Honor, we'd move for the
11 admission of 1806.
12 MR. WOODS: No objection.
13 THE COURT: Received.

14 BY MS. WILKINSON:

15 Q. What type of firearm is that?

16 A. It's a Mossberg shotgun. It says Mossberg pump
shotgun,

17 Model 500AB, 12-gauge with pistol grip.

18 Q. So it's a pistol grip shotgun?

19 A. Correct.

20 MS. WILKINSON: Your Honor, we'd move for the
21 admission of 1780.

22 MR. WOODS: No objection.

23 THE COURT: Received.

24 BY MS. WILKINSON:

25 Q. Tell the jury what type of firearm that is, Mr.
West.

8794

William West - Direct

1 A. It's a Ruger Mini-14, .223 caliber, stainless
steel.

2 Q. Did it have this flash hider on it when you found
it?

3 A. Yes, it did.

4 Q. You can put that down.

5 MS. WILKINSON: Your Honor, we'd offer 1814.

6 MR. WOODS: No objection.

7 THE COURT: Received.

8 BY MS. WILKINSON:

9 Q. Tell the jury what type of rifle that is.

10 A. It's a Ruger Mini-14, .223, stainless steel.

11 Q. And was that flash hider on it when you found it?

12 A. Yes, it was.

13 MS. WILKINSON: We'd offer 1786, your Honor.

14 MR. WOODS: No objection.

15 THE COURT: Received.

16 BY MS. WILKINSON:

17 Q. Tell the jury what type of firearm that is, Mr.
West.

18 A. This is a Remington Model 700, .30-06 caliber.

19 Q. Was this carved -- hand-carved sling -- or the
sling that's

20 on it, on it when you found it in Mr. Nichols' house?

21 A. Yes, it was.

22 MS. WILKINSON: Your Honor, we'd move for the
23 admission of Government's Exhibit 1796.

24 MR. WOODS: No objection.

25 THE COURT: Received.

8795

William West - Direct

1 BY MS. WILKINSON:

2 Q. Mr. West, what type of rifle is that?

3 A. It's a Winchester Model 1200 Defender, 12-gauge

shotgun.

4 Q. Can you hand me the next one there.

5 Thanks. Hold on to it for a second.

6 MS. WILKINSON: Your Honor, we'd move for the
7 admission of 1804.

8 MR. WOODS: No objection.

9 THE COURT: Received.

10 BY MS. WILKINSON:

11 Q. Was this also in that overhead storage area that
you

12 described for the jury?

13 A. Yes, it was.

14 Q. What type of firearm is it?

15 A. Ruger 14, .223 caliber with a collapsible stock.

16 Q. It was in that condition when you found it, meaning
it had

17 the collapsible stock and the pistol grip?

18 A. Yes, ma'am.

19 Q. Can you read off next one, just read the Government
exhibit

20 number.

21 A. Exhibit No. 1810.

22 MS. WILKINSON: Your Honor, we'd move for the
23 admission of 1810.

24 MR. WOODS: No objection.

25 THE COURT: Received.

William West - Direct

1 BY MS. WILKINSON:

2 Q. What type of rifle is that, Mr. West?

Tasco

3 A. It's a Remington Model 700, .308 caliber, with a
4 scope.

5 Q. And the final weapon you found?

6 A. No. 1788.

7 MS. WILKINSON: Government offers 1788.

8 MR. WOODS: No objection.

9 THE COURT: Received.

10 BY MS. WILKINSON:

11 Q. What type of weapon is 1788, Mr. West?

12 A. Iver Johnson, .30 caliber, M1 carbine.

13 Q. Put it down and take your seat.

house,

14 Mr. West, during your search of Mr. Nichols'
15 did you also find ammunition?

16 A. Yes, we did.

please.

17 MS. WILKINSON: Would you hand that to me,

18 BY MS. WILKINSON:

Exhibit

19 Q. I'm showing you what's been marked Government's
20 1863. Did you see this in Mr. Nichols' house?

21 A. Yes, I did.

22 Q. Where was it?

23 A. They have -- he had storage cabinets in the storage
room of
cabinet.

24 his house. This was in the upper left-hand storage
25 Q. Okay. So if we went back to your diagram of the
first

8797

William West - Direct

1 floor, Government's Exhibit 2086, could you show the
jury
2 approximately where that -- that ammo can was stored
and
3 describe it for the record?

4 A. These are storage -- doors to storage cabinets, I
guess.

5 It's not a very good drawing; but on the upper left
one, which
6 would be this one -- opened up and there was a
compartment

7 where you could store things.

8 Q. That's where you found that exhibit?

9 A. That's correct.

10 Q. Government's Exhibit 1863? Do you recognize that?

11 A. Yes, I do.

12 Q. Could you open it up and look inside, please.

13 Do you see there are sub markings, 1863A, B,

C, and D?

14 A. Yes, I do. This is 1863A, 1863C, and 8 -- 1863D.

15 Q. 1863 -- is A, B, C and D all up there, or are you
missing

16 one?

17 A. Here's 1863B.

18 Q. Okay. Was all that ammunition in that ammunition
can when

19 you found it in Mr. Nichols' house?

20 A. Yes, it was, although this was not in this
condition.

21 Q. Which exhibit are you referring to?

22 A. 1863B.

23 Q. So you didn't pull that bullet apart, did you?

24 A. No, ma'am.

25 Q. But other than that, was this all in the same
condition as

8798

William West - Direct

1 when you found it?

2 A. Yes, ma'am.

3 Q. Do you recognize the ammunition can?

4 A. Yes, I do.

5 Q. How do you recognize it?

6 A. I put this evidence tape on it, and I have my
initials on

7 the evidence tape.

1863, 8 MS. WILKINSON: Your Honor, Government offers

9 1863A, B, C and D.

10 MR. WOODS: No objection.

11 THE COURT: They are received.

12 BY MS. WILKINSON:

13 Q. Agent West, can you tell the jury what type of
ammunition

14 that is that you found in there that's in the plastic
bags.

15 Look at 1863A, B, C and D.

16 A. Okay. 1863A is .30-06 ammunition rifle -- for a .
30-06

17 ammunition (sic).

18 Q. Are the other -- the other ammunition: Is it the
same

19 type?

20 A. No. 1863C is not marked.

21 Q. Okay. Is it marked -- is there a stamp on that
bag?

22 A. On the bag, it says "L C 308," and .308 is a
caliber of

23 rifle that we -- one of which was in the group.

24 Q. You can put that back into the ammunition can,
please.

25 I just have two more questions for you, Agent
West.

William West - Direct

1 Did you find other guns in Mr. Nichols' house
that you 2 haven't introduced today?

3 A. Yes, I did.

4 Q. And I showed you, I think, on the computer -- and I
want to 5 try it on the ELMO -- that photograph, Government's
Exhibit

6 1773, No. 5, which shows the firearms and the cardboard
box 7 that's upside down. Do you see that?

8 A. Yes, I do.

9 Q. And does that photograph help you at all? Can you
read 10 that box?

11 A. It's type -- the upper word is "tripod."

12 MS. WILKINSON: We have no further questions,
your 13 Honor.

14 THE COURT: Well, we're at 1:00, so I assume
you're 15 going to have some questions, Mr. Woods.

16 MR. WOODS: Several, your Honor.

17 THE COURT: All right. Well, we'll have you
back on 18 Monday, Agent West. You can step down.

19 And, members of the jury, we hope to have you
back on

20 Monday as well. And we'll excuse you from now until
then; and
21 like I said last week, you know, it's going to seem
like a
22 short time to you, as I guess it probably did, but it
always
23 seems like a long time to me because I always worry
about
24 jurors during recesses, not that I don't trust you but
just for
25 the possibility that something might come to your
attention.

8800

1 And of course, as I told you before, I think,
if it
2 should happen that you inadvertently come across
something that
3 may relate to the case or in some fashion relate to the
4 witnesses or anything in connection with the trial, I
ask of
5 you that you simply write a note to me about that
without
6 discussing it or sharing it with other jurors, not that
I
7 anticipate that it would happen, but I just want to
make sure
8 that you know the rules here so that in case it does
occur, you
9 know what to do about it.

avoid 10 And again, please be cautious and careful to
11 anything as you read, see, or hear anything on radio,
12 television, newspapers, magazines, books, or whatever,
to stay
13 away from things that could possibly in any way relate
to the
14 subject matter of this trial and improperly influence
your
15 opinion; and of course, keep open minds and avoid
discussion of
16 the case with all other persons, including jurors.

17 And we'll expect to resume at 8:45 on Monday
morning.

18 You're excused until then. We hope you have a pleasant
19 weekend.

20 (Jury out at 1:02 p.m.)

21 THE COURT: Is there an agreement that these
physical
22 exhibits can be kept in the custody of the Government?

23 MR. WOODS: Sure, your Honor. I'm sure you
don't want
24 them here.

25 THE COURT: No. I have a hearing here this
afternoon.

8801

1 I don't want to arm the advocates.

your
2 MS. WILKINSON: We'll take custody of them,
3 Honor, and keep them throughout the trial.

4 MR. TIGAR: Rambo litigation tactics, your
Honor.

5 With the Government's consent, we're offering
for
6 demonstrative purposes only transcripts of the tape
excerpts
7 that were played yesterday, and I'll read off the
numbers.

8 THE COURT: You mentioned that. Go ahead.

9 MR. TIGAR: D411A, D412A, D413A, D416A, D417A,
D418A,
10 D419A, D420A, D421A, D426A, D429A, D433A, D443A, D444A,
D445A,
11 D450A, D459A, D460A, D461A, D462A.

12 May I inquire of Mr. Zuckerman whether I read
those
13 slowly enough for him?

14 THE REPORTER: Yes, sir.

15 THE COURT: And they're being received but not
to be
16 sent to the jury.

17 MR. TIGAR: That's correct, your Honor. Just
for
18 demonstrative purposes.

19 MR. MACKEY: That's our understanding.

20 MR. TIGAR: In addition, your Honor, we move
the

21 admission of D566, which is the video excerpt we played
22 yesterday that did not heretofore have an exhibit
number.

23 MR. MACKEY: No objection.

24 THE COURT: It's also received then.

25 MR. TIGAR: We thank your Honor.

8802

in 1 THE COURT: Okay. We'll -- the trial will be
2 recess, then, till Monday morning, 8:45.

3 Court is in recess till 3:00.

4 (Recess at 1:05 p.m.)

5 * * * * *

6 INDEX

Page 7 Item

8 WITNESSES

9 Timothy Chambers

10 Direct Examination by Mr. Goelman
8689

11 Cross-examination by Mr. Woods
8729

12 Redirect Examination by Mr. Goelman
8739

13 Mary Jasnowski

14 Direct Examination by Ms. Wilkinson

8740

8756 15 Voir Dire Examination by Mr. Tigar

8757 16 Direct Examination Continued by Ms. Wilkinson

8760 17 Voir Dire Examination by Mr. Tigar

8761 18 Direct Examination Continued by Ms. Wilkinson

8765 19 Cross-examination by Mr. Tigar

8773 20 Redirect Examination by Ms. Wilkinson

8774 21 Recross-examination by Mr. Tigar

22 William West

8775 23 Direct Examination by Ms. Wilkinson

8783 24 Voir Dire Examination by Mr. Woods

8784 25 Direct Examination Continued by Ms. Wilkinson

8803

		PLAINTIFF'S EXHIBITS			
Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	1				
	2				
	3	143	8714	8714	
	4	190	8751	8751	

5	352	8759	8761
6	792 (sic)	8785	8785
7	1768	8754	8755
8	1776A	8763	8764
9	1777B	8791	8791
10	1780	8793	8793
11	1782	8786	8786
12	1784	8783	8784
13	1786	8794	8794
14	1788	8796	8796
15	1790	8782	8782
16	1793 (sic)	8787	8788
17	1794	8787	8787
18	1796	8794	8794
19	1798	8792	8793
20	1802	8785	8785
21	1804	8795	8795
22	1806	8793	8793
23	1810	8795	8795
24	1812	8788	8788
25	1814	8794	8794

8804

Withdrawn	2	Exhibit	Offered	Received	Refused	Reserved
	3	1816A	8752	8752		
	4	1816	8753	8753		
	5	1863	8798	8798		
	6	1863A-D	8798	8798		
	7	1871	8746	8746		
	8	1873	8748	8748		
	9	2040	8751	8751		
	10	2070C	8756	8757		
	11	2091	8706	8706		
	12	2092	8707	8707		
	13	2094	8692	8692		
	14	2096	8695	8695		
	15	2097-2098	8724	8724		

DEFENDANT'S EXHIBITS

Withdrawn	17	Exhibit	Offered	Received	Refused	Reserved
	18	D411A-D413A	8801	8801		
	19	D416A-D421A	8801	8801		
	20	D426A	8801	8801		
	21	D429A	8801	8801		
	22	D433A	8801	8801		
	23	D443A-D445A	8801	8801		
	24	D450A	8801	8801		
	25	D459A-D462A	8801	8801		

1 DEFENDANT'S EXHIBITS (continued)

Withdrawn

2 Exhibit Offered Received Refused Reserved

3 D566 8801 8801

4 * * * * *

5 REPORTER'S CERTIFICATE

transcript from

6 I certify that the foregoing is a correct

Dated

7 the record of proceedings in the above-entitled matter.

8 at Denver, Colorado, this 14th day of November, 1997.

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Paul Zuckerman

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