





13 PROCEEDINGS

14 (In open court at 8:45 a.m.)

15 THE COURT: Please be seated.

16 Good morning.

17 ALL: Good morning.

18 THE COURT: Ready to resume?

19 MR. MACKEY: Yes, your Honor.

20 THE COURT: Okay.

21 (Jury in at 8:46 a.m.)

22 THE COURT: Members of the jury, good morning.

23 JURY: Good morning.

24 THE COURT: You'll recall that when we  
recessed

25 yesterday, we were hearing testimony from Mr. Thomas  
Manning by

9751

1 videotape. We'll continue with that.

2 Mr. Ryan.

3 MR. RYAN: Thank you, your Honor.

4 (Videotape deposition of Thomas Ralph Manning  
resumed.)

5 MR. RYAN: It's very difficult to read this  
document.

6 It's a carbon copy. May I be permitted to read the --  
what's

7 stated here?

8 THE COURT: It's been redesignated?

9 MR. RYAN: It has been redesignated from  
Manning 13 to

10 Government's Exhibit 273M.

11 THE COURT: 273?

12 MR. RYAN: M.

13 THE COURT: M? All right. Any objection to  
--

14 MR. WOODS: No, your Honor.

15 THE COURT: -- reading it?

16 Go ahead.

17 MR. RYAN: It says, "Tim McVeigh, 43616 Van  
Dyke." It

18 appears to say "Becker, Michigan, 48426." Firestone  
store that

19 we've been speaking of. Time in is 9:00 a.m.

20 THE COURT: All right.

21 (Videotape deposition of Thomas Ralph Manning  
resumed.)

22 MR. RYAN: Manning Exhibit 14 has been  
remarked, your

23 Honor, as Exhibit 273N.

24 Manning Exhibit 15 has been remarked as  
Exhibit 273-0.

25 THE COURT: If you're playing them, they  
haven't been

we'll see 1 admitted. Why don't you tell me what they are, and  
2 if there is any objection.

3 MR. RYAN: Manning 14, 15, 16, 17, which are  
4 Government's Exhibit 273N through 273Q.

5 THE COURT: Any objection?

6 MR. WOODS: No objection, your Honor.

7 THE COURT: They're received, and you may  
display it.

8 MR. RYAN: Again, this is Government's Exhibit  
273N.  
9 273-0, 273P, 273Q.

10 (Videotape deposition of Thomas Ralph Manning  
resumed.)

11 MR. RYAN: It's been remarked as Government  
Exhibit  
12 273T. I move its admission.

13 MR. WOODS: No objection.

14 THE COURT: Received, may be shown.

15 MR. RYAN: Front page. The back page.

16 (Videotape deposition of Thomas Ralph Manning  
resumed.)

17 MR. RYAN: Government's Exhibit 18 in the  
Manning  
18 deposition's been remarked as Exhibit 273R. The  
Government  
19 moves its admission.

20 MR. WOODS: No objection.

21 THE COURT: Received. May be shown.

22 (Videotape deposition of Thomas Ralph Manning  
resumed.)

23 MR. RYAN: Manning Exhibit No. 10 has been  
remarked as

24 Government's Exhibit 273J, and we offer it at this  
time.

25 MR. WOODS: No objection.

9753

1 THE COURT: Received. May be shown.

2 (Videotape deposition of Thomas Ralph Manning  
resumed.)

3 MR. RYAN: Your Honor, at this time the  
Government

4 would offer what is marked as Manning Exhibit No. 19,  
which has

5 been remarked as Government's Exhibit 273S.

6 MR. WOODS: No objection.

7 THE COURT: 273S received; may be shown.

8 MR. WOODS: I'm not sure that was the right  
exhibit,

9 your Honor.

10 MR. RYAN: It's Exhibit No. 19 in the Manning  
11 deposition, page 51.

12 MR. WOODS: Well, it didn't have anything to  
do with

13 Nichols' repair. I thought that was what you were on.

14 MR. RYAN: It's -- the colloquy of counsel has  
been

15 deleted. That's why it seems out of place.

16 THE COURT: I understand. I believe the point  
17 Mr. Woods is making is so that the jury will  
understand, the

18 exhibit does not relate to what Mr. Manning was saying  
at the  
19 time of the interruption.

20 MR. RYAN: That is true, your Honor.

21 MR. WOODS: Thank you, your Honor.

22 (Videotape deposition of Thomas Ralph Manning  
resumed.)

23 THE COURT: All right. That concludes the  
testimony

24 of Mr. Manning. I think we'll take the recess at this  
point,

25 members of the jury. Once more, I advise you that  
insofar as

9754

1 it can be done, you should consider his testimony in  
the same

2 fashion as other -- as the testimony of witnesses who  
come in

3 here and testify in the courtroom. Also, just to make  
it clear

4 to you, there was a voice that came in there several  
times, and  
5 I don't think it was clear what the voice said, but  
then  
6 Mr. Manning repeated; and that was the court reporter  
who was  
7 taking it because what is done at these depositions is  
that in  
8 addition to its being on tape, there's a court reporter  
present  
9 who takes it down. So that's who that voice was, so  
that you  
10 don't get confused, and some court reporters are faster  
and  
11 better than others.

12 We will recess at this time for our usual 20-  
minute  
13 break during which, of course, you will continue to  
follow the  
14 cautions given at all recesses of keeping open minds,  
avoiding  
15 discussion of witnesses, or anything that goes on in  
the trial  
16 until you've heard it all and avoiding anything outside  
of our  
17 evidence.

18 You're excused now, 20 minutes.

19 (Jury out at 10:10 a.m.)

20 THE COURT: Will counsel approach.

21 (At the bench:)

22 (Bench Conference 83B1 is not herein transcribed by  
court



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

24

25

9760

1 (In open court:)

2 THE COURT: We will recess, 20 minutes.

3 (Recess at 10:15 a.m.)

4 (Reconvened at 10:35 a.m.)

5 THE COURT: Be seated, please.

6 (Jury in at 10:35 a.m.)

7 THE COURT: Next witness, please.

8 MR. MACKEY: Your Honor, if I might make a  
record --

9 THE COURT: Oh, yes. You have some exhibits.

10 MR. MACKEY: -- as to certain exhibits.

11 THE COURT: All right.

12 MR. MACKEY: Your Honor, for the record, the  
original

13 videotape deposition of Mr. Manning is marked  
Government's

14 Exhibit 273. 273. It consists of two disks (sic), and  
that's

15 the original unedited version.

16 THE COURT: All right. Well, of course, this

won't go

17 to the jury. This is just to complete the record.

18 MR. MACKEY: Yes, your Honor. Mr. Woods and I  
have

19 promised not to play it again.

20 THE COURT: All right.

21 MR. MACKEY: 273A, Judge, is the written  
transcript of

22 that video deposition in its entirety.

23 THE COURT: All right.

24 MR. MACKEY: And 273AA is the videotape  
deposition

25 displayed to the jury edited as to this case only.

9761

1 THE COURT: All right. And is there a  
transcript of

2 that?

3 MR. MACKEY: It is a portion of 273A.

4 THE COURT: Well, do we have edited what was  
played at

5 this trial?

6 MR. MACKEY: Not in transcript form. I  
certainly can

7 prepare one.

8 THE COURT: I think we should so that the  
record is

9 complete.

10 MR. TIGAR: Yes, your Honor. And Counsel can  
arrange

11 that.

12 THE COURT: Arrange that, yes. And this  
really,

13 members of the jury, has nothing to do with you. This  
is a

14 part of making the record because we didn't have the  
court

15 reporter take that down as it was being played.

16 Okay.

17 MR. MACKEY: Next, your Honor, I'd like to  
move into

18 admission without further testimony certain motel  
records

19 relating to Timothy McVeigh.

20 MR. TIGAR: May I stand beside Counsel, your  
Honor,

21 with his permission?

22 THE COURT: Sure. That will help.

23 MR. TIGAR: And we'll get this . . .

24 MR. MACKEY: First, your Honor, for the  
record, I move

25 to admit Government's Exhibit 260 and 261, being  
registration

1 cards from the Imperial Motel in Kingman, Arizona.

2 MR. TIGAR: No objection, your Honor.

3 THE COURT: All right. They are received.

4 MR. MACKEY: May I show those to the jury,  
please.

5 THE COURT: Yes.

6 MR. MACKEY: And, your Honor, for the record,  
may I

7 describe or read into the record the general nature of  
the

8 information shown?

9 THE COURT: Yes. Is this 260?

10 MR. MACKEY: We're displaying at this time

11 Government's Exhibit 260. 260.

12 THE COURT: All right.

13 MR. MACKEY: And it shows a registration of  
Mr. Tim

14 McVeigh for the time period of March 31, 1995, through  
April 7,

15 1995.

16 It's the agreement of the parties that the  
handwriting

17 that appears in the registration portion, including the  
street,

18 city, and make of car, was authored by Mr. Timothy  
James

19 McVeigh.

20 THE COURT: That's agreed, Mr. Tigar?

21 MR. TIGAR: Yes, your Honor.

22 THE COURT: All right.

23 MR. MACKEY: If I could show now, your Honor,  
please,  
24 Government's Exhibit 261. And for the record, this  
document,  
25 your Honor, is the registration card again to the  
Imperial

9763

1 Motel in the name of -- for the guest Tim McVeigh for  
the time  
2 period April 7, 1995, with out date of April 12, 1995.

3 THE COURT: All right.

4 MR. MACKEY: As to the Imperial Motel, we'd  
also move  
5 to admit two photographs of that motel, Government's  
Exhibits  
6 262 and 263.

7 MR. TIGAR: No objection, your Honor.

8 THE COURT: They're received without  
objection, may be  
9 displayed.

10 MR. MACKEY: For the record, we're displaying  
now to  
11 the jury a photograph of the Imperial Motel in Kingman,  
12 Arizona. This exhibit is 262. Shows the entrance and  
the  
13 sign.

14 And for the record, Exhibit 263 is now being  
shown, a 15 frontal view of the Imperial Motel in Kingman, Arizona.

16 THE COURT: Very well.

17 MR. MACKEY: Next, your Honor, I'd like to  
offer into 18 evidence certain records from the Dreamland Motel in  
Junction 19 City, Kansas. First Government's Exhibit 294.

20 MR. TIGAR: No objection, your Honor.

21 THE COURT: All right. 294 is received, may  
be shown.

22 MR. MACKEY: Your Honor, we're displaying to  
the jury

23 at this time Government's Exhibit 294, registration  
card for

24 Tim McVeigh at the Dreamland Motel. This exhibit  
reflects the

25 check-in date of April 14, 1995, with an out date of  
April 18,

9764

1 stays of the 14th, 15th, 16th and 17th. It's the  
agreement of

2 the parties that the handwriting that appears in the  
upper

3 portion listing the name, the address, the car license,  
the

4 make of the car, and the reference to pets was authored  
by

5 Timothy James McVeigh.

6 THE COURT: That is the agreement?

7 MR. TIGAR: Yes, your Honor.

8 THE COURT: Very well.

9 MR. MACKEY: Your Honor, at this time we'd  
move to  
10 admit Government's Exhibit 295, that being the records  
from the  
11 Dreamland Motel of telephone calls generated from their  
motel  
12 rooms including Room 25 during the time period of Mr.  
McVeigh's  
13 stay.

14 MR. TIGAR: No objection, your Honor.

15 THE COURT: 295 is received, may be shown.

16 MR. MACKEY: Your Honor, it's a computer  
listing and  
17 not easily displayed, so I'll pass on that.

18 THE COURT: Okay.

19 MR. MACKEY: I do have two photographs of the  
20 Dreamland, your Honor, that are marked respectively  
Exhibits  
21 283 and 287 I'd like to offer.

22 MR. TIGAR: No objection, your Honor.

23 THE COURT: 283 and 287 received by agreement,  
may be  
24 displayed.

25 MR. MACKEY: The jury is now seeing  
Government's

frontage 1 Exhibit 287, which is a view from the ground-level  
2 road of the Dreamland Motel in Junction City, Kansas.

of that 3 Exhibit 283 now being shown is an aerial view  
4 same motel, the Dreamland Motel, in Junction City,  
Kansas.

5 At this time we'd call Richard Wahl.

agreements 6 THE COURT: Okay. And you understand these  
7 we accept as being factually correct; and of course,  
when it's 8 agreed for a particular exhibit that we don't need a  
witness to 9 explain it to us, we accept it for what it is.

10 THE COURTROOM DEPUTY: Raise your right hand,  
please.

11 (Richard Wahl affirmed.)

12 THE COURTROOM DEPUTY: Have a seat, please.

13 Would you state your full name for the record  
and 14 spell your last name.

15 THE WITNESS: Richard Norman Wahl, W-A-H-L.

16 THE COURTROOM DEPUTY: Thank you.

17 THE COURT: Mr. Mearns.



18 MR. MEARNS: Thank you, your Honor.

19 DIRECT EXAMINATION

20 BY MR. MEARNS:

21 Q. Good morning, Mr. Wahl.

22 A. Good morning.

23 Q. How are you employed?

24 A. I'm in the U.S. Army.

25 Q. How long have you been in the Army?

9766

Richard Wahl - Direct

1 A. Since 1983.

2 Q. And where are you presently stationed?

3 A. At Fort Stewart, Georgia.

4 Q. What is your present rank or title?

5 A. Warrant Officer 1. I'm a unit maintenance  
technician.

6 Q. How long have you been assigned in Fort Stewart?

7 A. I've been at Fort Stewart since June of 1986.

8 Q. What are your responsibilities? What do you do as  
a  
9 warrant officer?

10 A. My current job, I'm responsible for ensuring all of  
the UM  
11 maintenance is done on our wheel vehicle fleet and  
generators.

12 Q. By "wheel vehicle fleet," do you mean trucks and

cars and

13 things like that?

14 A. Yes.

15 Q. How long since you've been in the military -- how  
long have

16 you been responsible for motor vehicle maintenance?

17 A. My whole career.

18 Q. Were you ever assigned to Fort Riley in Junction  
City,

19 Kansas?

20 A. Yes, I was.

21 Q. When did you report -- first report to Fort Riley?

22 A. In September of '94.

23 Q. Were you assigned to Fort Riley in April of 1995?

24 A. Yes, I was.

25 Q. How long did you remain assigned to Fort Riley?

9767

Richard Wahl - Direct

1 A. Until December of '95.

2 Q. What was your assignment when you were at Fort  
Riley?

3 A. I was a company motor sergeant.

4 Q. Are you presently married, Mr. Wahl?

5 A. Yes, I am.

6 Q. How long have you been married?

7 A. For about 18 months.

8 Q. Were you ever married previously?

9 A. Yes, I was.

10 Q. When were you first married?

11 A. In 1974.

12 Q. And that first marriage ended in a divorce?

13 A. Yes, it did.

14 Q. When were you divorced from your first wife?

15 A. In July of '95.

16 Q. Do you have any children as a result of your first  
17 marriage?

18 A. Yes, I do. I have two sons.

19 Q. And what are your sons' names and ages?

20 A. Jeremy who is 22 and Benjamin who is 13.

21 Q. Does either of your sons, Jeremy or Benjamin, live  
with  
22 you?

23 A. No, they do not.

24 Q. Who do they live with?

25 A. My oldest son lives in Washington state, and my  
youngest

9768

Richard Wahl – Direct

1 son lives with my former spouse in Georgia.

2 Q. In 1995, how often did you get to see your younger

son,

3 Ben?

4 A. Every four months or so, whenever he had a break  
from

5 school.

6 Q. I want to direct your attention now to April of  
1995, if I

7 may. Where was your son Ben living at that time?

8 A. He was living in Detroit, Michigan.

9 Q. And in April of 1995, did there come a time when  
your son

10 Ben came to visit you in Kansas?

11 A. Yes, he did, when he had spring break.

12 Q. And approximately when was that?

13 A. Easter and the week after Easter.

14 Q. How long did he stay with you?

15 A. The whole week that he was out of school.

16 Q. During that week that your son was with you, did  
you ever

17 go fishing with him?

18 A. Yes, I did.

19 Q. Where did you go fishing?

20 A. To Geary State Lake.

21 Q. Where is Geary State Lake?

22 A. It's about 10 or 12 miles south of Junction City,  
Kansas.

23 Q. Prior to when you went fishing in April of 1995  
with your

24 son, had you ever been to Geary Lake before?

25 A. No, I hadn't. I had only been by it.

9769

Richard Wahl - Direct

1 Q. When had you gone by Geary Lake?

usually

2 A. It was on the route I used to go to work, and I

3 went by it three or four times a week.

4 Q. Where were you living at that time in April of '95?

5 A. In White City, Kansas.

Riley?

6 Q. And where is White City located in relation to Fort

7 A. It's about 20, 25 miles south of Fort Riley.

evidence as

8 Q. What I'd like to do now is show you what is in

as a map

9 Government's Exhibit 2045. And do you recognize that

10 of central Kansas?

11 A. Yes, I do.

--

12 Q. You've got a light pen there that if you touch to

could

13 actually to the screen underneath your desk -- if you

map

14 indicate with the light pen approximately where on this

15 Fort Riley is.

16 A. Fort Riley is in this general area.

17 Q. I don't see your mark.

18 A. Is it working? There it goes.

19 Right there.

20 Q. Okay. Essentially north of Manhattan -- excuse me  
-- west

21 of Manhattan and north of Junction City?

22 A. Correct.

23 Q. Could you indicate approximately where on this map  
White

24 City would be?

25 A. Right in there.

9770

Richard Wahl - Direct

1 Q. And could you show us how you would normally drive  
from

2 your home in White City to Fort Riley.

3 And that's Geary Lake, that blue dot off just  
to the

4 west of Route 77. Is that correct?

5 A. Correct.

6 Q. And about how often would you drive by Geary Lake  
on your

7 way to Fort Riley?

8 A. Three or four times a week.

9 Q. How many different times did you go fishing with  
your son

10 Ben in April of 1995?

11 A. On three different occasions.

12 Q. And did you go on all three of those occasions --  
did you

13 go to Geary State Lake?

14 A. Yes, I did.

15 Q. When was the first time that you went fishing?

16 A. On Easter Sunday.

17 Q. About what time did you go?

18 A. We went out there about 8 in the morning.

19 Q. And where did you fish when you were at Geary Lake  
that

20 day?

21 A. At the end of the lower entrance to the park in a  
little

22 lagoon right there.

23 Q. Did you have a boat with you on that occasion?

24 A. No, I did not.

25 Q. So how did you fish?

9771

Richard Wahl - Direct

1 A. From the shore.

2 Q. How long did you stay there on Easter Sunday, April  
16?

3 A. We stayed there until about 2 in the afternoon.

4 Q. When you were there during the time that you were  
there,

5 did you see any other people or vehicles?

6 A. Yes, I did.

7 Q. Who or what did you see?

8 A. Just people there enjoying the park on a Sunday  
afternoon,

9 and I also saw an individual from the Department of  
Natural  
10 Resources.

11 Q. Who are you referring to?

12 A. I don't really -- I don't really know the person's  
name. I

13 just know that he was doing a survey of the people that  
were

14 fishing in the lake for the Department of Natural  
Resources,

15 and I spoke to him for a few minutes about fishing.

16 Q. So you spoke to him?

17 A. Yes.

18 Q. Do you recall how old he was?

19 A. No, I do not. I would say early 20's.

20 Q. What time did you arrive at the lake on Sunday?

21 A. On or about 8:00 in the morning, I believe.

22 Q. And tell us again what time you left.

23 A. At about 2 in the afternoon.

24 Q. When was the second time that you went fishing at  
Geary

25 Lake?



Richard Wahl – Direct

- 1 A. The following day, on Monday.
- 2 Q. What time did you get to Geary Lake on Monday,  
April 17?
- 3 A. A little after 5 in the evening.
- 4 Q. And where did you fish on that occasion?
- 5 A. On that day, we took and went fishing in the center  
of the
- 6 lake.
- 7 Q. How did you get out to the center of the lake?
- 8 A. I had rented a boat earlier in the day.
- 9 Q. Where did you rent the boat?
- 10 A. At the Fort Riley MWR facility.
- 11 Q. What is an MWR?
- 12 A. It's the Morale, Welfare, and Recreation facility.
- 13 Q. What kind of a boat did you rent there?
- 14 A. About 14-foot boat with an electric trawling motor.
- 15 Q. I'd like you to look in that folder that you have  
there and
- 16 look for Government's Exhibit 1981. Do you have that  
in front
- 17 of you?
- 18 A. Yes, I do.
- 19 Q. Do you recognize that document?
- 20 A. Yes, I do.

21 Q. What is it?

22 A. It is the rental receipt from where I rented the  
boat.

23 Q. And do you recognize it because it has your  
handwriting on

24 it?

25 A. It has my handwriting, my signature.

9773

Richard Wahl – Direct

1 MR. MEARNS: Your Honor, we would offer  
Government's

2 Exhibit 1981.

3 MR. TIGAR: No objection your Honor.

4 THE COURT: 1981 is received.

5 MR. MEARNS: With the Court's permission, I'd  
like to

6 publish that.

7 THE COURT: All right.

8 BY MR. MEARNS:

9 Q. Mr. Wahl, if you could click your pen and clear  
those red

10 marks.

11 And up at the top, could you tell us what we  
see at

12 the top of this form.

13 A. My name, my address, my rank, where I worked at, my  
phone

14 number.

focus in 15 Q. Okay. And a little bit below that, if we could

there in 16 the middle of the document -- that's your signature

17 the middle?

18 A. My signature and the date.

19 Q. And what is that date?

20 A. 17 of April.

boat? 21 Q. And what time does it indicate that you rented the

22 A. At 1700.

23 Q. And what would that be in non-military time?

24 A. 5:00.

How did 25 Q. How did you get the boat that you rented that day?

9774

Richard Wahl - Direct

1 you get it to the lake?

out 2 A. I have a trailer hitch on my car, and I pulled it

3 there.

Geary Lake? 4 Q. And where did you take the boat when you got to

5 A. To the boat launch that we had seen on Sunday.

6 Q. Was that near where you were fishing on Sunday?

7 A. Yes, in the general area.

Monday, 8 Q. How long did you and your son fish on April 17 --  
9 April 17?  
10 A. Up until about 8:15, 8:20.  
11 Q. And what time did you arrive at the lake?  
12 A. A little after 5. As soon as we rented the boat,  
we went  
13 out there.  
14 Q. So you were there sometime a little after 5 to  
about 8:15,  
15 8:20?  
16 A. Yes.  
17 Q. Where did you go after you left Geary Lake?  
18 A. After we left Geary Lake, we went back to Junction  
City to  
19 go to the Wal-Mart store there in town.  
20 Q. And what did do you at that Wal-Mart?  
21 A. Earlier we had seen a fishing -- depth-finder/fish-  
finder,  
22 and we went back to purchase it.  
23 Q. Why did you do that?  
24 A. We figured we could use all the help we could get  
fishing.  
25 Q. I take it you hadn't been too successful on Sunday  
or

9775

Richard Wahl - Direct

1 Monday.

2 A. No, we had not.

3 Q. What did you do the next morning, April 18?

4 A. We were going to get up and go out fishing earlier  
since we

5 bought the fish-finder; but the night before,  
thunderstorms had

6 rolled through and was lightning and thundering and  
raining all

7 night, so we slept in a little bit and went out -- were  
going

8 to still go fishing later on in the day.

9 Q. What time had you planned to go fishing with your  
son on

10 Tuesday, April 18?

11 A. We planned to go out there at first light, but we  
ended up

12 not going out there till about 9:00 in the morning.

13 Q. Tell us what the weather was like when you woke up  
on

14 Tuesday, April 18?

15 A. The temperature had dropped from the previous day.  
It was

16 45, 50 degrees outside. The wind was blowing real  
hard; plus

17 with the storms that went through the night before, I  
didn't

18 think fishing would be very beneficial at all that day.

19 Q. Was it still raining when you woke up?

20 A. No, it wasn't. It was still overcast a little bit

but

21 wasn't raining.

22 Q. What time did you -- but you, in fact, went to  
Geary Lake.

23 You didn't go right away, but you in fact went there  
that

24 morning?

25 A. Yes, we did.

9776

Richard Wahl - Direct

1 Q. What time did you get to Geary Lake that morning,  
April 18?

2 A. We left and we got there about 9 in the morning.

3 Q. And where did you enter the lake?

4 A. We entered the lake at the southern entrance off of  
Highway

5 77.

6 Q. Describe what that entrance looks like.

7 A. Highway 77 is a north/south highway, so we turned  
left off

8 of it and were heading west down a gravel road; and as  
soon as

9 you pull in there, they have a sign that says the name  
of the

10 park and the regulations and all. And I turned to the  
right,

11 just following the road; and as I got about 2- or 300  
meters

I saw -- 12 into the park through a clearing of trees, that's when  
13 first observed a Ryder truck parked in there.  
14 Q. Tell us what you saw.  
15 A. As I cleared the trees where we were fishing at on  
Sunday,  
16 there was a Ryder truck parked down in there; and I  
slowed down  
17 and came to a stop because I was very apprehensive of  
going  
18 down it any more for the safety of myself and my son.  
19 Q. You say you were apprehensive. What were you  
concerned  
20 about?  
21 A. The truck shouldn't have been there. It should  
have been  
22 somebody in a car or pickup, somebody fishing, not a  
Ryder  
23 truck.  
24 Q. What color was that Ryder truck?  
25 A. It was the yellow color that comes on Ryder trucks.

9777

Richard Wahl - Direct

1 Q. At that point, could you tell how large it was?  
2 A. No, I couldn't. I was just visually looking at the  
Ryder  
3 truck and wondering why it was there.  
4 Q. When you first saw the Ryder truck, what did you

do?

5 A. I slowed down and came to a stop to look, see, if  
there was  
6 a place to turn around in case it got ugly.

7 Q. How long did you stop there?

8 A. Momentarily. It could have been a minute.

9 Q. What did you do?

10 MR. TIGAR: Your Honor, I object to any  
further  
11 discussion of the witness' feelings about the  
situation.

12 THE COURT: Yes. You should be just talking  
about  
13 what you saw and heard and smelled or any of those  
things  
14 through your senses, not your mental processes.

15 THE WITNESS: Yes, your Honor.

16 THE COURT: Proceed.

17 MR. MEARNS: Yes, your Honor.

18 BY MR. MEARNS:

19 Q. What did you do next, Mr. Wahl?

20 A. We continued on down the road, and there is a  
cement bridge

21 or dam. I again slowed down before I crossed the  
bridge to

22 turn around if I needed to. Everything looked the  
same.

23 Nothing had changed, so I continued on and pulled down  
to where

24 there is a cul-de-sac at the boat ramp and parked in



the center

25 of it in preparation to launch the boat.

9778

Richard Wahl - Direct

1 Q. As you were driving from the location where you

first

2 stopped to the location -- that second location, did

you

3 continue to look at the Ryder truck?

4 A. Continually because I was concerned --

5 THE COURT: No, please. The question is what

you did.

6 You've answered that you looked at it, but not what you

7 thought.

8 BY MR. MEARNS:

9 Q. What else did you observe at that time about the

Ryder

10 truck?

11 A. I'm confused on the question.

12 Q. Did you note -- as you came -- when you stopped at

the

13 second location where you say -- did you park at that

second

14 location?

15 A. The second location being at the boat ramp?

16 Q. Right.

17 A. Yes, I did park there.

18 Q. Did you after you parked -- did you continue to  
look at the

19 Ryder truck?

20 A. Yes, I did.

21 Q. Did you notice anything more about the Ryder truck  
that you

22 hadn't observed when you stopped at the first place?

23 A. When I stopped at the boat launch getting ready, I  
sat in

24 the car for a moment looking at the Ryder truck and  
observed

25 that the left side of the truck had a bulge on it of  
some sort.

9779

Richard Wahl - Direct

1 Q. At that time, which direction was the truck facing  
in

2 relation to the way you were driving?

3 A. I was looking at the very front of the trucks --  
they were

4 off to my left.

5 Q. You said "trucks." What are you referring to?

6 A. There were two trucks there.

7 Q. Tell us about the other truck that you saw there.

8 A. The other truck was a late-model General Motors  
product,

9 Chevrolet or GMC. It was dark blue or brown in color.  
It was

it with 10 an early 80's model because it had square headlights on  
11 parking lights below that. Above the cab I could see a  
little 12 bit of white sticking up from the back that I couldn't  
make out 13 what it was.

colored 14 Q. Which direction was this pickup truck, the dark-  
15 pickup truck, facing?

truck. 16 A. It was parked the exact same direction as the Ryder

relation 17 Q. So which direction were those two trucks facing in  
18 to the highway, Route 77?

19 A. They were facing towards the east.

20 Q. So does that mean -- back towards the highway?

21 A. Back towards Highway 77.

the Ryder 22 Q. Where was the pickup truck parked in relation to  
23 truck?

left and 24 A. From the view I had, the Ryder truck was on the

was 25 the pickup truck was on the right, or the Ryder truck

9780

Richard Wahl - Direct

1 closest to the water and the pickup was closer to the

hill that

2 was next to the area.

in

3 Q. And where -- how close was the Ryder truck parked

4 relation to the water?

the

5 A. It was on the edge of the road. I'm not sure of

6 distance.

next to

7 Q. When did you first notice the pickup truck parked

8 the Ryder truck?

seen it

9 A. When I had come to a full stop parking there, I had

10 as I was pulling in but didn't pay it any attention.

any

11 Q. When you parked there by the boat ramp, did you see

12 people near either of the trucks?

13 A. No, I did not.

14 Q. What did you do next?

ahead and

15 A. Because the temperature was cold outside, we went

equipment in

16 started putting on some warmer clothes, loaded our

17 the boat and proceeded to launch the boat.

18 Q. And you launched the boat there at the boat ramp?

19 A. At the boat ramp, yes.

20 Q. What did you do next?

there at the

21 A. With my son holding the rope for the boat down

same 22 dock, I went and parked the car back up in about the

23 location that we were in before we launched it.

24 Q. What happened next?

sure that 25 A. I observed the trucks for one last time to make

9781

Richard Wahl - Direct

to the 1 there was nothing strange going on and went back down

to go 2 boat launch to where my son was waiting and proceeded

3 fishing.

4 Q. Did you observe anything -- any activity around the  
5 truck -- the trucks at that time?

6 A. No, I did not.

7 Q. And so you proceeded to go fishing?

8 A. Correct.

9 Q. Tell us about that.

strong, 20 10 A. Like I said earlier, the wind was blowing real

it was 11 or 30 miles an hour; and when I got down to the boat,

dock 12 pushed up onto the dock partially, so we got it off the

cleared 13 and proceeded to push it offshore. And as soon as we

14 the dock, the wind took over and just started blowing

us

15 towards the shore.

16 Q. Which direction did the wind blow you?

us back

17 A. The wind was blowing towards Highway 77, so it blew

18 towards the entrance of the park.

19 Q. So it blew you back towards the east?

20 A. Yes.

north or

21 Q. Did it blow you in either direction in terms of

22 south?

23 A. No, it was just basically towards the east.

24 Q. Did you have a motor in the boat?

25 A. I had an electric trawling motor.

9782

Richard Wahl – Direct

with that

1 Q. And were you making any headway against the wind

2 motor?

3 A. It wouldn't even hold its own.

4 Q. So what did you do next?

the best

5 A. We just let the wind take its toll and looked for

the other

6 possible place to crash the boat onto the shore onto

7 side.

8 Q. And did the boat in fact get pushed up on the  
shore?

9 A. Yes, it did.

10 Q. So what did you do?

11 A. At that point, we were concerned about how we were  
going to

12 get the boat back to the boat launch, the shore  
condition being

13 all soggy around the edge of the lake. And we tried to  
use the

14 paddle to push the boat away from the shore and the --  
to push

15 the boat back around the cove we were in to get back  
towards

16 the boat launch. We made it about 20 or 30 feet, and  
it wasn't

17 working; so my son got out and pulled the rope along  
the shore

18 while I used the motor. And eventually, I even had to  
get out

19 of the boat and push it with the paddle.

20 Q. Were you able to get the boat back around to the  
dock and

21 the boat launch?

22 A. Yes, we were. We finally got back around to the  
boat

23 launch, where I tied the boat up. My son wasn't ready  
to go

24 home, so we put the fish-finder on the dock and he  
continued to

25 fish from the dock.

Richard Wahl - Direct

1 Q. About how long was it from when you launched the  
boat and  
2 tried to go fishing to when you were able to pull the  
boat back  
3 around to the boat launch?  
4 A. It was around an hour's time.  
5 Q. What did do you after you got the boat back to the  
boat  
6 launch and the dock?  
7 A. I put the fish-finder on the dock, and Ben fished  
there for  
8 a short while. And with no luck.  
9 Q. When you were out on the lake or pulling the boat  
around,  
10 did you at all look over where the two trucks were  
parked?  
11 A. No, I did not.  
12 Q. When you -- when you got back to the -- got the  
boat back  
13 to the boat launch, did you look at all at the two  
trucks?  
14 A. I glanced over, didn't see anything, and just felt  
-- rest  
15 assured to go ahead and fish.  
16 Q. How long did you and your son fish then from the  
boat dock?  
17 A. We were there about half hour or so, with no  
results.



18 Q. Meaning you didn't catch anything?  
19 A. Didn't catch anything.  
20 Q. So what did you do next?  
21 A. I convinced Ben that we weren't going to catch  
anything and  
22 went up to the car and backed it down to load the boat  
up.  
23 Q. And did you do that?  
24 A. Yes, I did.  
25 Q. Prior to doing that, did you look back at the Ryder  
truck?

9784

Richard Wahl - Direct

1 A. Yes, I did.  
2 Q. Did you notice anything different about the  
appearance of  
3 the Ryder truck at that time?  
4 A. When I looked at the Ryder truck now, the left side  
of it,  
5 the bulge was gone. The side of the truck was  
perfectly  
6 smooth.  
7 Q. Now, when you say "the left side," are you  
referring to the  
8 side of the cargo box?  
9 A. Correct, of the passenger side of the cargo box.  
10 Q. And the bulge that you had seen previously was

gone?

11 A. Was gone.

12 Q. What did you do conclude then?

13 A. I didn't conclude anything. I thought maybe it was  
a

14 shadow or something. I had seen side doors on  
commercial

15 delivery trucks but never on a Ryder truck before.

16 Q. Was the pickup truck still parked in the vicinity  
of the

17 Ryder truck?

18 A. It was in the vicinity, but it looked like it had  
been

19 moved.

20 Q. What do you mean?

21 A. When I -- the original picture I saw of them when I  
arrived

22 in the morning, they were lined up with the cabs lined  
up. Now

23 the pickup truck was backed up so that the back of it  
would be

24 lined up with the back of the Ryder truck.

25 Q. About what distance had the pickup truck been moved  
back?

9785

Richard Wahl - Direct

1 A. 5 or 10 feet.

2 Q. What did you do next?

back up 3 A. After we got the boat back on the trailer, I pulled  
down the 4 there to a similar position and went ahead and tied  
5 boat and secured our equipment and got ready to leave.

6 Q. What did you do?

my 7 A. We went ahead and went on back to the house because  
birthday 8 son's birthday was in May and I bought him an early  
9 present since he wasn't going to be at the house then.

10 Q. What time did you leave Geary Lake that day, April  
18?

11 A. It was about noon.

12 Q. Where were the two trucks when you left?

13 A. In that second position that I described.

April 18, 14 Q. During the time that you were at Geary Lake on  
15 did you ever see anyone in or around those two trucks?

16 A. No, I did not.

into your 17 Q. What I'd like you to do now, Mr. Wahl, is to look  
B, and 18 folder again and look for Government's Exhibits 1982A,

19 C.

20 Do you recognize those?

21 A. Yes, I do.

22 Q. What are they?

23 A. They're aerial photographs of Geary Lake.

Lake 24 Q. And do they fairly and accurately show what Geary  
25 looked like in April of 1995?

9786

Richard Wahl - Direct

1 A. Yes, they do.

B, and 2 MR. MEARNS: Your Honor, we would offer 1982A,

3 C.

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

5 THE COURT: You may.

6 VOIR DIRE EXAMINATION

7 BY MR. TIGAR:

one of 8 Q. Good morning, sir. My name is Michael Tigar. I'm  
9 the lawyers appointed to help Terry Nichols.

vegetation 10 I just want to be clear. There is a lot of

11 shown on these photographs. Is that correct, sir?

12 A. Yes, there is.

13 Q. And is -- was -- is that evergreen vegetation?

14 A. No, it's not.

18th of 15 Q. Were the trees leafed out to this extent on the  
16 April of '95?

17 A. No, they were not.

18 Q. Okay. So that -- so if we were to look at these  
pictures,  
19 we should imagine that these trees were -- what, they  
were bare  
20 at the time?

21 A. Correct.

22 Q. In other words -- and I'm referring to all this  
along the  
23 rim of the lake here. Those are deciduous trees;  
correct?

24 A. I'm not an expert on what kind of trees are at the  
lake.

25 Q. They're -- well, they're kind of trees that the  
leaves fall

9787

Richard Wahl - Voir Dire

1 off in the fall and come back in the spring?

2 A. Correct.

3 MR. TIGAR: With that understanding, your  
Honor, we

4 have no objection to the admission of these  
photographs.

5 THE COURT: All right. They're received with  
that

6 understanding.

7 DIRECT EXAMINATION CONTINUED

8 BY MR. MEARNS:

9 Q. Mr. Wahl, we're looking first at Government's

Exhibit

10 1982A. And do you see Route 77, the highway, on that

11 photograph?

12 A. Yes, I do.

13 Q. Could you use with your light pen -- show us where  
that

14 highway is.

15 It's essentially that road running from the  
left light

16 up to the right?

17 A. Correct. That's Highway 77.

18 Q. And which direction is the road going as you go to  
the

19 right?

20 A. It's going north towards Junction City.

21 Q. Do you see the road or the gravel road that you  
took to get

22 into Geary Lake?

23 A. Yes, I do.

24 Q. To go fishing?

25 A. Yes, I do.

9788

Richard Wahl - Direct

1 Q. If you would clear that first mark and show the  
entrance to

2 the roadway that you took into Geary Lake.

us with 3 And how does it continue? If you could show  
4 your pen.

5 Okay. And if you could clear your pen.

6 MR. MEARNS: Now if we could have 1982B,  
please.

7 BY MR. MEARNS:

8 Q. And is the road, Route 77 now, a little bit closer  
but  
9 still running north to the right there?

10 A. Yes, it is.

11 Q. Could you put an X where you went fishing on Easter  
Sunday,  
12 when you didn't have the boat.

13 Okay. And if you could clear that and show us  
where  
14 you -- did you launch the boat from the same place both  
on the  
15 evening of Monday, April 17, and the morning of April  
18?

16 A. Yes, I did.

17 Q. Could you show us where you launched the boat on  
those two  
18 occasions.

19 And if you could clear that X.

20 Just to the left of where you wrote that X, we  
see  
21 something sticking out into the water. What is that?

22 A. It's a -- an earth dam that they built so that you  
can fish

23 off of it.

24 Q. And can you show us on that 1982B where it was that  
you saw

25 the two trucks parked on the morning of April 18?

9789

Richard Wahl - Direct

1 MR. TIGAR: Your Honor, may we have one of  
those magic

2 pictures of that X, please.

3 THE COURT: We'll sure try it.

4 MR. TIGAR: Thank you.

5 BY MR. MEARNS:

6 Q. And where was it -- where on the roadway were you  
when you

7 first saw the Ryder truck parked in that location?

8 A. Right when I came through that clearing, or those  
trees.

9 Q. And that's where you first stopped?

10 A. That's where I first slowed down and stopped, yes.

11 THE COURT: That mark got made while the  
process was

12 going.

13 THE COURTROOM DEPUTY: No, that's all right.

14 THE COURT: All right.

15 MR. MEARNS: Did you want that mark as well,

16 Mr. Tigar?



you. 17 MR. TIGAR: No, just that first one. Thank

18 THE COURT: All right.

19 MR. MEARNS: Now if we could have 1982C,  
please.

20 THE COURT: Let's try to finish this --  
whatever this  
21 process is called.

22 MR. MEARNS: Okay.

23 THE COURT: Is that adequate for your  
purposes?

24 MR. TIGAR: Your Honor, the magic didn't quite  
work,  
25 but we have another way to do the same thing. I can do  
it on

9790

Richard Wahl - Direct

1 cross.

2 THE COURT: We can take a copy of the exhibit  
and he  
3 can mark it.

4 MR. TIGAR: I'll just do that at cross, your  
Honor,  
5 the old-fashioned way.

6 THE COURT: Yeah. That's better.

7 Next.

8 MR. MEARNS: If I may have 1982C.

9 BY MR. MEARNS:

10 Q. And if you would clear the light pen, Mr. Wahl.

11 Do you see on that photograph the location  
where you

12 saw the two trucks parked?

13 A. Yes, I do.

14 Q. Could you see an X where you saw those two trucks  
parked?

15 Does that roadway, that entrance roadway, dead-end at  
that

16 location?

17 A. There is a trail that goes off of there. If you  
had a

18 sheep or a goat or something, you could go up it, but  
that's

19 the end of where a normal car could go.

20 Q. And could you show us on that photograph where it  
was you

21 parked and launched the boat?

22 Could you estimate for us what the distance is  
between

23 those two locations?

24 A. 2- to 300 meters.

25 Q. Now, Mr. Wahl, I'd like you to look into your  
folder for

9791

Richard Wahl - Direct

1 Government's Exhibits 1984A and B. Do you have those?

2 A. 1984?

3 Q. 1984A and B?

4 A. Yes, I do.

5 Q. And what are those?

6 A. These are pictures of Geary Lake from the position  
where I  
7 first saw the Ryder truck and from where I launched the  
boat  
8 at.

9 Q. And does this fairly and accurately depict the  
condition of  
10 the lake in April of 1995 when you were there?

11 A. Yes, it does.

12 MR. MEARNS: We'd offer '84A and B.

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

14 THE COURT: You may.

15 VOIR DIRE EXAMINATION

16 BY MR. TIGAR:

17 Q. Hello again, sir.

18 When you say "fairly and accurately," in these  
19 pictures there are no leaves on the trees. Correct?

20 A. Correct.

21 Q. So that is the condition in which you saw the area  
at that  
22 time; is that right?

23 A. I couldn't say it would be exactly because of --  
there

24 could have been other trees that the park service cut

down.

25 Q. I understand, but in terms of -- I'm not asking you  
to

9792

Richard Wahl - Voir Dire

1 remember tree for tree, but in terms of the no leaves  
being on

2 the branches, that's what you recall?

3 A. That's correct.

4 Q. Correct?

5 A. That's correct.

6 Q. And then this scruffy vegetation here: It looked  
like

7 that; right?

8 A. Correct.

9 Q. It was not like a full lawn that would have come on  
later

10 in the spring?

11 A. No, it was not.

12 MR. TIGAR: No objection, your Honor.

13 THE COURT: All right. 1984A and B received.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. MEARNS:

16 Q. Again, if you could clear your marks there.

17 This photograph shows the relationship between  
two

18 observation points?

19 A. This photograph is from where I was launching the  
boat from

20 to where I observed the Ryder trucks (sic) at.

21 Q. And where was the Ryder truck and the pickup truck  
parked

22 in this photograph.

23 A. In that general vicinity.

24 Q. You told us that you initially saw a bulge on the  
side of

25 the Ryder truck?

9793

Richard Wahl - Direct

1 A. Correct.

2 Q. Was that on the cab portion of the truck, or the  
cargo

3 portion of the truck?

4 A. It was on the cargo portion.

5 Q. When you saw it smooth, what area of the truck were  
you

6 referring to on that occasion?

7 A. On the carg -- left cargo side, passenger's side.

8 MR. MEARNS: Now, if we could have 1984B,  
please.

9 BY MR. MEARNS:

10 Q. And what do we see in that photograph, Mr. Wahl?

11 A. This is taken after you come through the first

clearing of

12 trees at the entrance of the park looking all the way  
across.

13 Q. And this essentially shows what you saw on the  
first time

14 that you saw the Ryder truck?

15 A. Correct.

16 Q. Do we see the boat launch in this photograph?

17 A. Yes, I do.

18 Q. Could you put an X by the boat launch.

19 And then if you in this photograph could put  
an X

20 where you saw the two trucks parked that day.

21 Thank you, Mr. Wahl.

22 When you were fishing at Geary Lake on Sunday,  
the

23 16th, or Monday, the 17th, did you see a Ryder truck at  
Geary

24 Lake?

25 A. No, I did not.

9794

Richard Wahl - Direct

1 Q. Had you ever seen a Ryder truck at Geary Lake prior  
to

2 Tuesday, April 18?

3 A. No, I did not.

4 MR. MEARNS: I have no further questions, your

Honor.

5 THE COURT: Mr. Tigar?

6 MR. TIGAR: With the Court's permission, I'm  
going to  
7 take a copy of Government's Exhibit 1982C, and I'm  
going to  
8 mark it D1654 and hand it to the witness, your Honor,  
to make  
9 the marks on it.

10 THE COURT: Yes. Fine. So we'll receive  
D1654.

11 CROSS-EXAMINATION

12 BY MR. TIGAR:

13 Q. And, sir, I'm going to hand you this marker pen;  
and would  
14 you put an R on there where you saw the Ryder truck and  
a --  
15 now, your son's name is Ben? Put a B where you and Ben  
were  
16 launching your boat.

17 THE COURT: Show that to Mr. Mearns, please.

18 MR. TIGAR: Yes. Of course.

19 MR. MEARNS: Thank you.

20 THE COURT: All right.

21 BY MR. TIGAR:

22 Q. Put this up on the display. This is now D1654,  
which has  
23 been received. I've gone out -- now I'm going to zoom  
in here.

24 You put an R where the Ryder truck was and a B

where

25 you and Ben were launching. Correct?

9795

Richard Wahl - Cross

1 A. Correct.

2 Q. And this little earthworks that we can see jutting  
out

3 there: That's where you can go stand out and fish if  
you want;

4 correct?

5 A. That's correct.

6 Q. Okay. Now, you got there at -- let's see. What  
day of the

7 week was that? A Tuesday?

8 A. Tuesday.

9 Q. Tuesday morning. And you say the night before it  
had been

10 storming; right?

11 A. Correct.

12 Q. And so you got to the lake about 9:00; correct?

13 A. Correct.

14 Q. And you noticed the Ryder truck as you pulled in.  
Correct?

15 A. That's correct.

16 Q. Now, this highway that we see here -- excuse me.  
Let me

17 put that back up -- on Defendant's D1654 -- this is the



highway

18 that I'm running my finger along; correct?

19 A. That's correct.

20 Q. That's Highway 77?

21 A. That's Highway 77.

Junction

22 Q. And that runs, does it not, between Herington and

23 City; correct?

24 A. It does.

in the

25 Q. Now, do you take that highway when you go to work

9796

Richard Wahl - Cross

1 morning?

2 A. Three or four times a week.

of

3 Q. Three or four times -- so that is a regular route

duties;

4 passage for you as you're going back and forth to your

5 is that correct?

6 A. That's correct.

there,

7 Q. What time do you usually go to work in the morning

8 sir?

9 A. Usually before dark, before the sun comes up in the

home that

10 morning. I have to be at work 6:30; and when I get

11 time of year, it could be up to 8, 9:00 at night.

12 Q. So you work long days?

13 A. Usually.

14 Q. And so that you would not have had the opportunity  
to see

15 things over in the Geary State Park at the time you  
would pass

16 in the morning; correct?

17 A. During the wintertime when it was dark out, no.

18 Q. Now, you originally were interviewed by the FBI --  
is that

19 correct -- sometime in April of 1995?

20 A. That's true.

21 Q. Now, how was it that you made contact with the FBI?

22 A. I called the 1-800 number that was on the  
television screen

23 after the bombing took place.

24 Q. Did you ever notice during April or May of 1995 a  
roadblock

25 set up on Highway 77?

9797

Richard Wahl - Cross

1 A. No, I did not.

2 Q. Now, you -- on this day, then, you got to the park  
-- and

3 refresh me again. About 9:00, you say?

4 A. About 9:00.

5 Q. And you left about noon?

6 A. Correct.

7 Q. And throughout that whole time so far as you were  
aware,

8 that Ryder truck was there; right?

9 A. Correct.

10 Q. And there is no question in your mind that that was  
a Ryder

11 truck; is that fair to say?

12 A. That's true.

13 Q. And that's because it's a big, yellow truck and it  
says

14 "Ryder" on it. Correct?

15 A. Correct.

16 Q. Had you ever rented a Ryder truck before?

17 A. I had.

18 Q. So there is another reason you're familiar; right?

19 A. Correct.

20 Q. Now, the -- the pickup truck that -- that you saw  
-- excuse

21 me -- the Ryder truck was definitely a Ford; correct?

22 A. Correct.

23 Q. And it was definitely bigger than the panel-type  
truck that

24 Ryder also rents; correct?

25 A. Correct.

1 Q. This was a big one like you'd use to move your  
household

2 goods; correct?

3 A. Yeah, correct.

4 Q. And you said that you saw something that you  
thought of as

5 a bulge on the side. Correct?

6 A. Correct.

7 Q. And then later on, it wasn't there. Right?

8 A. That's correct.

9 Q. So would that be consistent with a door on the side  
that

10 had been opened for a part of the time and hooked back  
and then

11 closed at a later time?

12 A. I believe it would, yes.

13 Q. Okay. Now, you also said that -- or you didn't.  
Did this

14 Ryder truck have an overhang over the cab, or, you  
know, one of

15 those things that's sometimes called a "grandma's  
attic" that

16 goes up and over the cab?

17 A. It didn't have that, but it just looked strange. I

18 couldn't -- it was like the bulge on the side. I  
didn't

19 understand what I was seeing.

20 Q. Okay.

21 A. In that one area.

22 Q. But you're very sure that's a Ryder truck; correct?

23 A. Absolutely.

24 Q. All right. Now, it's also true, isn't it, that you  
didn't

25 see any people; right?

9799

Richard Wahl - Cross

1 A. That's true.

2 Q. Nobody in any of those vehicles, nobody inside and  
so on;

3 right?

4 A. Correct.

5 Q. Now, you also said that you saw a pickup truck;  
correct?

6 A. Correct.

7 Q. And here today, you said that pickup was a blue or  
a brown,

8 dark color. Correct?

9 A. Correct.

10 Q. And do you remember that it had some tones of both?

11 A. Correct.

12 Q. So what you saw was something that was a blue or a  
brown,

13 dark colors, you couldn't tell which. Correct?

14 A. Correct.

15 Q. And you just knew that it had some tones of both?

16 A. Correct.

17 Q. And you could also see a white line way across the  
top like

18 a camper on the back or something like that; correct?

19 A. Correct.

20 Q. But it was just a white line that you could see  
from the

21 front but you couldn't see what that was; correct?

22 A. Correct.

23 Q. Did you think -- Was what you saw consistent with  
this

24 being a Blazer-type vehicle?

25 A. From the front view of the truck that I saw, it was  
a

9800

Richard Wahl - Cross

1 Blazer or a pickup with a camper shell on the back.

2 Q. When you say a Blazer-type vehicle, you mean  
something that

3 resembles a pickup truck because it's on the -- You're  
a

4 motor-pool person.

5 A. Right.

6 Q. So you tell me what a Blazer is.

7 A. A Blazer is basically just a pickup that has a  
8 factory-built-on camper shell on the back.

9 Q. Okay. Now, this is a state park; correct?

10 A. I believe it is.

11 Q. And -- but this is the first time you had ever been  
there  
12 was when you went with Ben to do the fishing; correct?

13 A. Correct.

14 Q. Do you know whether or not Route 77 is a well-  
traveled  
15 route?

16 A. It's a U.S. highway. It's always in good repair.  
They  
17 plow it for the snow, so I would assume it would be.

18 Q. And at any rate, it's -- the highway that you use  
for your  
19 commute to work on the days when you go from your -- or  
did go  
20 from your home in White City, Kansas, up to Fort Riley?

21 A. It was one of the routes I took.

22 Q. Now, you returned your boat at -- according to the  
23 contract, at 1700 hours, which would be 5 p.m.;  
correct?

24 A. Correct.

25 Q. Before you returned the boat, you went to your  
home; right?

Richard Wahl – Cross

1 A. Correct.

2 Q. Now, what route did you take to get from your home  
back to

3 Fort Riley to return the boat?

4 A. There is a road -- I believe it's called the Skiddy  
Road.

5 It's a small town called Skiddy, and it's just a back  
country

6 road that we took going back to Junction City.

7 Q. And Skiddy is spelled S-K-I-D-D-Y?

8 A. I believe so.

9 Q. Taking the Skiddy Road back, did you go past the  
entrance

10 to the Geary Lake State Park?

11 A. No, you never go on Highway 77 at all.

12 Q. And from -- when you take the Skiddy Road and  
you're headed

13 up towards the Fort Riley/Junction City area, are you  
in a

14 position to observe anything about Geary Lake?

15 A. No, you are not.

16 Q. Okay. So when you left the park at noon that day,  
that's

17 the last time that you ever had a chance to see Geary  
Lake that

18 day; correct?

19 A. No, that's not correct.

20 Q. Oh, it's not correct. Well, then you tell me:



When is the

21 next time you saw Geary Lake on the 18th?

22 A. When we came home that night, we drove by it.

23 Q. Okay. So if we can look at the rental contract --  
and that

24 is in evidence as Government's 1981 -- you see the  
turn-in time

25 is 1700; correct?

9802

Richard Wahl - Cross

1 A. Correct.

2 Q. And whoever made that out, J. W., that checked you  
in --

3 that's accurate, isn't it?

4 A. That's accurate, yes.

5 Q. Now, we're in April, so it's Daylight Savings Time.

6 Correct?

7 A. Correct.

8 Q. When you came back by Geary Lake that night, what  
time was

9 it?

10 A. I'm not sure of the time. I just know it was dark  
out,

11 because after we had turned the boat in, we had went to  
see a

12 movie in town at the local movie theater and when it  
got out at

13 9 or 9:30, it was already dark.

there 14 Q. So when you came back that night, did you look over

15 to see if that truck was still there?

the truck 16 A. I would say I looked over there but not to see if

looked 17 was there. Every time I drive by Geary Lake, I always

18 over there.

19 Q. It's pretty, isn't it?

20 A. It is.

21 Q. But when you looked over there, do you remember

seeing the 22 Ryder truck at that hour of the night, when you came

back after 23 you and Ben had gone to the movie?

there 24 A. I just looked out at the street light that was out

25 illuminating the lake. That's all.

9803

Richard Wahl - Cross

1 Q. But you didn't see it?

2 A. I didn't look for it.

that, 3 Q. I understand you didn't look for it and I'll get to

4 but you didn't see it; correct?

5 A. Correct.

6 Q. And the situation was that even if you had looked  
for it,  
7 the lighting was such that you might or might not have  
seen it.

8 Is that fair to say?

9 A. You wouldn't have seen it.

10 Q. Pardon me?

11 A. You wouldn't see it.

12 MR. TIGAR: One would not have.

13 Thank you very much, sir. I have no further  
14 questions.

15 MR. MEARNS: Very briefly, your Honor.

16 Your Honor, may I approach the witness?

17 THE COURT: Yes.

18 REDIRECT EXAMINATION

19 BY MR. MEARNS:

20 Q. Mr. Wahl, I want to show you what's now been  
introduced  
21 into evidence as Defendant's Exhibit 1654 that you put  
the  
22 markings, the B and the R on. Could I also ask you to  
put  
23 where -- with a P -- put where you saw the pickup truck  
in  
24 relation to those markings that you've put there.

25 THE COURT: Do you have any objection to  
marking on

## Richard Wahl - Redirect

1 the same exhibit?

2 MR. TIGAR: I'd prefer not, your Honor. He's  
doing it

3 with the same pen.

4 THE COURT: Well, we can take another copy of  
it.

5 MR. TIGAR: Or a different color.

6 No objection if it's a different color, your  
Honor;

7 just so we know who made what mark.

8 MR. MEARNS: Let's see if the black will show  
up.

9 THE COURT: Probably won't on a picture.

10 Here's a yellow grease pen.

11 MR. MEARNS: Thank you, your Honor.

12 BY MR. MEARNS:

13 Q. With the yellow pen, would you put a P for where  
you saw

14 the pickup truck.

15 Did that show up, Mr. Wahl?

16 A. It showed up; but because of where the R is, I  
can't put

17 the P in the exact location, so it's right next to it.

18 Q. Okay.

19 THE COURT: You want to show that to Mr.  
Tigar,

20 please.

21 MR. MEARNS: I'm sorry.

22 BY MR. MEARNS:

23 Q. Now, your P, there, Mr. Wahl, is a little bit in  
the grass.

24 Is that where the pickup was?

25 MR. TIGAR: Excuse me, your Honor. Misstates  
the

9805

Richard Wahl - Redirect

1 testimony. He says a pickup or a Blazer.

2 MR. MEARNS: Excuse me.

3 BY MR. MEARNS:

4 Q. The other vehicle that was with the Ryder. You've  
put the

5 P there in the grass. Was it parked in the grass?

6 A. No, it wasn't. It was on the road.

7 Q. And so your P is a little bit off to the left  
because of

8 just the size of the letters that you wrote?

9 A. Correct.

10 Q. Were you -- when you were in the location where the  
B is,

11 were you looking directly on to the front of those  
vehicles?

12 A. The whole time, yes.

13 Q. And were you able to see the entire -- the whole  
other

14 vehicle that was next to the Ryder?  
15 A. No, I was not.  
16 Q. How much of the rear behind the cab were you able  
to see of  
17 the other vehicle?  
18 A. Only thing I saw of it past the cab was the white  
above the  
19 cab.  
20 Q. And where was that white that you saw in relation  
to the  
21 height of the cab?  
22 A. Of the other vehicle?  
23 Q. Yes.  
24 A. It was just right on the very top of it, like a  
halo.  
25 Q. About how much of that white were you able to see?

9806

Richard Wahl - Redirect

1 A. It wasn't across the entire width of the cab.  
2 Q. And how far back behind the cab?  
3 A. I couldn't tell distance. It was just above the  
cab.  
4 Q. You were asked questions about the -- that vehicle  
and  
5 whether it had blue tones and brown tones. Do you  
recall those  
6 questions?

7 A. Yes, I do.

1996? 8 Q. Did you ever go back out to Geary Lake after -- in

9 A. Yes, I did.

day? 10 Q. Did you -- were there any vehicles out there that

11 A. I don't understand the question.

-- 12 Q. When you went to Geary Lake on (sic) April of 1996

13 A. Okay.

the ones 14 Q. -- were there vehicles there that were similar to

15 that you saw in April of 1995?

16 A. Yes, there were.

your 17 MR. TIGAR: I object to the relevance of this,

18 Honor.

19 THE COURT: Well, it's a little late for the

20 objection.

21 Following up on that?

22 MR. MEARNS: Yes, I am, your Honor.

23 THE COURT: The objection to relevance is

sustained.

24 BY MR. MEARNS:

25 Q. You were asked by Mr. Tigar when you first

contacted anyone

Richard Wahl – Redirect

1 in law enforcement.

2 A. Yes, I was.

3 Q. Do you recall when that was?

4 A. On Saturday morning after the Oklahoma bombing.

5 Q. When you say was it -- which Saturday after the  
bombing?

6 A. The first Saturday.

7 Q. What time did you call the FBI?

8 A. Between midnight and 4 in the morning.

9 Q. Prior to calling the FBI on that occasion, had you  
heard

10 anything about observations of a Ryder truck at Geary  
Lake?

11 A. No, I had not.

12 MR. MEARNS: I have no further questions, your  
Honor.

13 THE COURT: Mr. Tigar?

14 MR. TIGAR: Thank you, your Honor.

15 RE-CROSS-EXAMINATION

16 BY MR. TIGAR:

17 Q. Sir, when you were first interviewed by the FBI,  
you

18 described the truck as a Chevrolet, possibly a GMC. Do  
you

19 remember that?

20 A. I do.

21 Q. And now, Chevys and GMCs are the same?



22 A. Right.

23 Q. The same body style; correct?

24 A. Correct.

25 Q. Now, were you looking at this truck head-on? Is  
that

9808

Richard Wahl - Recross

1 right?

2 A. Correct.

3 Q. Now, the difference -- isn't it a fact the only  
difference

4 between a Chevy and a GMC in that 1980-model range in  
the

5 pickups is what's on the grille and then some of the  
little

6 trim details?

7 A. Correct.

8 Q. And what's on the grille of a GMC?

9 A. It says, "GMC."

10 Q. And what's on the grille of the Chevy?

11 A. It says, "Chevrolet."

12 Q. Well, it's a Chevy logo, isn't it?

13 A. Correct.

14 Q. The modified cross like we see on the television.

15 And just -- one thing: You were there on the  
17th; is

16 that right?

17 A. The 17th being Monday.

Monday? 18 Q. The Monday? Were you there at the lake on the

19 A. Yes.

20 Q. What time did you get there that day?

21 A. At 5:00, or right after that.

day; 22 Q. And that's the first time you had been there that

23 correct?

24 A. Correct.

25 MR. TIGAR: Thank you very much. No further

9809

1 questions.

excused. 2 MR. MEARNS: No further questions. He may be

3 THE COURT: Agree to excuse?

4 MR. TIGAR: Yes, your Honor.

excused. 5 THE COURT: You may step down. You're

6 Next, please.

Nelson. 7 MR. MACKEY: Your Honor, we call Mr. Robert

please. 8 THE COURTROOM DEPUTY: Raise your right hand,

9 (Robert Nelson affirmed.)

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

11 Would you state your full name for the record  
and  
12 spell your last name.

13 THE WITNESS: Robert L. Nelson, N-E-L-S-O-N.

14 THE COURTROOM DEPUTY: Thank you.

15 THE COURT: Mr. Mearns.

16 MR. MEARNS: Thank you, your Honor.

17 DIRECT EXAMINATION

18 BY MR. MEARNS:

19 Q. Mr. Nelson, where do you live?

20 A. White City, Kansas.

21 Q. How long have you lived in White City?

22 A. All my life.

23 Q. Where is it?

24 A. It's about 18 miles southeast of Junction City.

25 Q. And are you married?

9810

Robert Nelson - Direct

1 A. Yes.

2 Q. Do you have any children?

3 A. Two girls.

4 Q. And what do your girls do? How old are they?

5 A. One is a CPA, and the other one is a secretary.

6 Q. Where do you work, Mr. Nelson?

7 A. I'm self-employed.

8 Q. And what do you do?

9 A. I work on cars, body work.

10 Q. And where -- where do you work on cars? Where is  
your  
11 shop?

12 A. At my home.

13 Q. How long have you operated your own body shop?

14 A. A year and a half.

15 Q. Where did you work prior to that?

16 A. Elliott's Body Shop.

17 Q. Where is Elliott's Body Shop?

18 A. In Junction City.

19 Q. What kind of work did you do there?

20 A. Same thing.

21 Q. How long have you been working on cars?

22 A. 23 years, 24.

23 Q. And so how long did you work at Elliott's?

24 A. 13 years.

25 Q. From when to when?

1 A. Oh, first part of the 80's to '96. March of '96.  
2 Q. What hours did you work at Elliott's in April of  
1995?

3 A. 8 to 5.

4 Q. I want to show you what is in evidence as  
Government's

5 Exhibit 2045. Do you recognize that as a map of  
central

6 Kansas?

7 A. Yes.

8 Q. You've got a light pen up there on your desk. If  
you could

9 show us approximately where you lived in White City in  
April of

10 1995.

11 A. Oh, about there. Shaking so bad, you can't tell.

12 Q. Okay. Relax a little bit.

13 A. Two handed.

14 I hit the spot pretty close.

15 Q. And where was Elliott's located in relation to  
White City

16 there that we see on the map?

17 A. Straight up 77 to the north.

18 Q. Was Elliott's located on the east side or the west  
side of

19 Junction City?

20 A. Southwest side.

21 Q. And in April of 1995, how would you get to work?  
What

22 route would you take?

23 A. Normally down 77 highway.

24 Q. See if you can relax a moment, take that pen and  
see if you

25 can show us the route that you took.

9812

Robert Nelson - Direct

1 A. I doubt if I can.

2 About right over there -- see, there. Right  
at

3 Junction City. Because there is a little -- there is a  
road

4 that we call "Skiddy." It's a little town, and it's  
about

5 6 miles east of the state lake.

6 Q. Is it south -- is it south of that line that you  
just drew?

7 A. Way south. About 10 miles.

8 Q. When you take that road west from White City west,  
do you

9 hit Route 77?

10 A. Yes.

11 Q. Where do you intersect Route 77 in relation to  
Geary Lake,

12 north or south of the lake?

13 A. South of the lake about a half mile.

14 Q. What would you do when you got to Route 77?

15 A. Turn right and go north.  
16 Q. Would you pass by Geary Lake?  
17 A. Yes, within a half a mile.  
18 Q. In April of 1995 did you always take this route  
from your  
19 home to work at Elliott's?  
20 A. Most of the time; not all of the time.  
21 Q. When you say most the time, what do you mean?  
22 A. Three-fourths of the time.  
23 Q. What route did you take on the other occasions?  
24 A. Straight north of my house, we call the "Creek  
Road" that  
Junction 25 goes up by -- well, you come in on the east side of

9813

Robert Nelson - Direct

1 City, is what you do.  
2 Q. When you took the route that you took most of the  
time over  
3 to Route 77, you passed by Geary Lake?  
4 A. Yes.  
5 Q. And Geary Lake is on the west side of Route 77?  
6 A. Yes.  
7 Q. So as you were driving to work, it would be off to  
your  
8 left side?

9 A. Yes.

10 Q. Were you familiar with the lake back in April of  
1995?

11 A. Yes.

12 Q. Did you ever go fishing at that lake?

13 A. A couple of times.

14 Q. I want to direct your attention now to Tuesday,  
April 18,  
15 1995. Do you recall that day?

16 A. Yes.

17 Q. And do you recall driving to work that morning?

18 A. Yes.

19 Q. Why do you recall driving to work that morning?

20 A. Because I went by the lake and seen a yellow truck  
down  
21 there.

22 Q. What time did you leave your home that morning?

23 A. Quarter after 7 to 20 after 7.

24 Q. Was that the normal time you left?

25 A. Yes.

9814

Robert Nelson - Direct

1 Q. And what route did you take to work that morning?

2 A. The one -- the 77.

3 Q. And so you passed by Geary Lake?



4 A. Yes.

5 Q. What time did you pass by Geary Lake that morning,  
6 April 18?

7 A. Between 7:30 and 20 minutes till 8.

8 Q. What did you see as you drove past Geary Lake that  
morning?

9 A. A yellow Ryder truck.

10 Q. Describe, if you can, any other features of the  
truck that  
11 you saw.

12 A. Just that it was yellow and the front was straight  
up and  
13 down.

14 Q. What do you mean by straight up and down?

15 A. Didn't have an overhang, you know, going onto the  
roof.

16 Q. None of the cargo compartment was over the roof of  
the cab?

17 A. No.

18 Q. Was it a large truck or a small truck?

19 A. Large.

20 Q. And where was it parked?

21 A. On the furthest little boat ramp back as you could  
see.

22 Q. Was it parked on any of the roadways that connected  
or  
23 entered into Geary Lake?

24 A. Yeah. That's what it is. You go in the entrance  
of Geary

boat or 25 Lake and it just winds around in. It was the very last

9815

Robert Nelson - Direct

1 picnic area, whatever you want to call it.

that 2 Q. Did you see any other vehicles in the vicinity of

3 Ryder truck?

4 A. Yes.

5 Q. What did you see?

into it, 6 A. A dark-colored vehicle parked back -- backed back

7 back to back.

8 Q. What kind of a vehicle?

9 A. Just a pickup truck.

do you 10 Q. And when you say it was parked back to back, what

11 mean?

12 A. Their beds were back to back.

13 Q. Which direction was the Ryder truck facing?

14 A. Facing towards the highway going east.

Ryder truck 15 Q. So which side of the truck -- which side of the

16 were you looking at?

17 A. The cab.

18 Q. And which direction was the pickup truck facing?

19 A. West.  
20 Q. And you said that the -- was the pickup truck  
parked  
21 directly behind the Ryder truck?  
22 A. I don't remember being directly behind it. I think  
it was  
23 just a bit to the north of it.  
24 Q. And you were looking at the back of the pickup  
truck?  
25 A. Correct.

9816

Robert Nelson - Direct

1 Q. Was the bed of the pickup truck open?  
2 A. I don't remember.  
3 Q. Did you see any people in the vicinity of those two  
trucks?  
4 A. No.  
5 Q. What did you do after you saw them?  
6 A. Well, there was a little entrance to right up above  
where  
7 the trucks was at; and I drove in there and just drove  
in just  
8 a little ways, but I couldn't see nothing, so I just  
turned  
9 around went out and went to work.  
10 Q. Why did you drive into that other roadway?  
11 A. Curiosity.

12 Q. You were able when you drove into that roadway --  
you were

13 able to see the two trucks?

14 A. No.

15 Q. Why not?

16 A. I didn't go in that far. I just went in just a  
short ways,

17 like maybe 50 to 100 feet, and couldn't see nothing  
because of

18 the trees and the hills; so I just turned around and  
left.

19 Q. How long were you off of the highway, Route 77?

20 A. Just a couple minutes at the very most.

21 Q. And what time did you get to work?

22 A. Probably 5 minutes to 8, because that's about when  
I always

23 get there.

24 Q. I'm sorry?

25 A. That's about the time I always get there, about 5  
minutes

9817

Robert Nelson - Direct

1 to 8. I'm always early.

2 Q. Let me show you what is in evidence as Government's  
Exhibit

3 1982A.

4 If you could click your pen to clear your line

that

5 you drew.

6 Do you see Route 77 in that photograph?

7 A. Yes.

8 Q. Where do you see it in the photograph?

9 A. Right there. You've got to click this thing?

10 Q. If you touch it right to the screen.

11 A. Okay.

12 Q. You made a mark there. What is that road that we  
see just

13 to the right of where you made that mark?

14 A. That's the entrance to the state lake.

15 Q. And where was that entrance in relation to where  
you saw

16 the two trucks on the morning of April 18?

17 A. Southwest of where I pointed is where I was at. I  
mean

18 southeast. Excuse me.

19 Q. You were southeast of where they were?

20 A. Uh-huh.

21 Q. Let me show you 1982B.

22 Can you show us the -- the roadway that you  
first pass

23 as you're driving north there. Could you just put an X  
at the

24 entrance to that.

25 And in this photograph, do you see the roadway  
where

Robert Nelson – Direct

1 you turned off to try to get a better look at the two  
trucks?

2 A. Uh-huh.

3 Q. Where is that?

4 A. You have to push this to do this?

5 Q. You just have to touch it to the screen, Mr.  
Nelson. There

6 you go.

7 About how far did you drive in that roadway  
that day?

8 A. Just to that little curve there, that first curve.  
Do you

9 want me to mark that?

10 Q. I'm sorry.

11 A. Do you want me to mark that?

12 Q. No, that's okay.

13 MR. MEARNS: And now if I could have 1982C,  
please.

14 BY MR. MEARNS:

15 Q. If you could clear the pen.

16 Could you indicate with the pen where you saw  
the two

17 trucks that you saw that morning.

18 A. Right there. Well, it's in that -- let me click  
that off.

19 Right there. It's in the grove. I was  
shaking so  
20 bad, I can't hit the spot.  
21 Q. Were they parked on the grass, or on the dirt  
roadway?  
22 A. On the dirt roadway.  
23 Q. And which side -- you said that the pickup truck  
was  
24 slightly to the north of Ryder truck?  
25 A. Correct.

9819

Robert Nelson - Direct

1 Q. Which would that be? Which way would that be as we  
look at  
2 this picture?  
3 A. Be the north from --  
4 Q. Would that to be to the left, to the right?  
5 A. To the right.  
6 Q. Can you continue beyond that spot on that lower  
roadway?  
7 A. No.  
8 Q. Why not?  
9 A. Dead end.  
10 Q. Up to the left there: That is the upper roadway  
that you  
11 turned in?  
12 A. Yes.

13 Q. Is there any elevation difference between those two  
14 roadways?

15 A. Yes, quite a bit.

16 Q. What do you mean?

17 A. Well, a hill, I couldn't tell you how many feet,  
but I'd

18 say 40, 50 feet maybe high.

19 Q. Would you describe it as a gentle incline or a  
steep

20 incline?

21 A. Some of it is straight up and down.

22 Q. On the morning that you drove by and saw the two  
trucks

23 there, about how long did you have an opportunity to  
see those

24 two vehicles?

25 A. Maybe 10 seconds.

9820

Robert Nelson - Direct

1 Q. In the days prior to April 18, 1995, did you  
regularly

2 drive by Geary Lake on your way to work?

3 A. Yes.

4 Q. Did you ever see a Ryder truck parked in this area  
of Geary

5 Lake on any of those occasions?



6 A. On this part of it?

7 Q. Yes.

8 A. No.

9 Q. When were you first interviewed by anyone in the  
FBI about

10 what you saw at Geary Lake on April 18?

11 A. Probably 10 days after the bombing.

12 Q. Do you recall what day of the week it was?

13 A. I believe it was on a Friday.

14 Q. Was it the first Friday after the bombing?

15 A. No, the following Friday.

16 MR. MEARNS: I have no further questions, your  
Honor.

17 THE COURT: Mr. Tigar?

18 CROSS-EXAMINATION

19 BY MR. TIGAR:

20 Q. Good morning, Mr. Nelson. My name is Michael  
Tigar. I'm

21 one of the lawyers appointed by the court to help Terry  
22 Nichols.

23 Now, you were shown this picture, which is  
24 Government's Exhibit 1982A, and I just want to make  
sure: This

25 shows all these trees are leafed out. Right?

1 A. Right.

not  
2 Q. Now, on that day of April 18, 1995, the trees were  
3 leafed out. Correct?

4 A. No, they weren't.

view  
5 Q. And that's how -- that's the reason you could get a  
6 from the highway. Correct?

7 A. That's right.

had seen  
8 Q. And then there had been another occasion when you  
9 a yellow Ryder truck up there at Geary Lake; right?

10 A. Yes.

11 Q. And it was in a somewhat different location?

12 A. Yes.

13 Q. But you could still see it from the highway?

14 A. No, you can't.

How was  
15 Q. No. That other time when you saw the Ryder truck:  
16 it that you came to see it?

other  
17 A. You have to go down to the dam entrance to see the  
18 truck I seen.

correct?  
19 Q. All right. And that was way back in '94. Is that  
20 A. Let's see. Yes.

21 Q. Fall of '94?

22 A. Yeah. But he asked me -- he asked me if I had ever

seen

23 one in that location, and I hadn't.

I just 24 Q. I understand. I'm not arguing with you about it.

25 wanted to be sure.

9822

Robert Nelson – Cross

1 A. Yeah.

correct? 2 Q. Now, you work for Eldon Elliott's Body Shop;

3 A. Used to.

4 Q. Used to. Until what -- about how many months ago?

5 A. March of -- year and a half ago possibly.

Elliott, he 6 Q. All the time that you worked up there with Mr.

7 rented those Ryder trucks; correct?

8 A. Yes, he did.

truck 9 Q. So there is no mistake in your mind what a Ryder

10 looks like; right?

11 A. Yeah, I know what they look like, yes.

Ryder 12 Q. And the one you saw there on April 18 was a 20-foot

13 truck; correct?

14 A. I didn't say 20-foot. It was a bigger truck.

with you, 15 Q. It was a bigger truck. I'm not trying to argue

it have 16 sir; I'm just asking you your best recollection. Did  
17 one of those parts that goes up over the cab?  
18 A. No, it did not.  
19 Q. Now, what do you call those in the business?  
20 A. I think they call them overhangs, but I wouldn't  
swear to  
21 it.  
22 Q. Okay.  
23 A. Because see, I worked as a body shop (sic). I  
didn't --  
24 Q. But it didn't have one of those?  
25 A. No.

9823

Robert Nelson - Cross

to 1 Q. Now, up there at Elliott's Body Shop, in addition  
correct? 2 Mr. Elliott, there is a Vicki Beemer that works there;  
3 A. Yes.  
4 Q. And she works in the office?  
5 A. Yes.  
that 6 Q. And you remember -- you talked to her about seeing  
7 Ryder truck; correct?  
8 A. Yes.

9 Q. Shortly after it happened; right?

10 A. Yes.

11 Q. And did you also work alongside a fellow named Tom  
12 Kessinger up there?

13 A. Yes, I did.

14 Q. And of course, Mr. Eldon Elliott -- he owns the  
business;  
15 correct?

16 A. Yes.

17 Q. How was it that the FBI contacted you about 10 days  
after  
18 the bombing in Oklahoma City?

19 A. Because I told the Ryder people that interviewed us  
about  
20 seeing this truck out there, and I was standing right  
alongside  
21 of them, seeing what they was writing. And they wasn't  
writing  
22 down anything I told them, so I figured it wasn't  
important.

23 So I told Vicki Beemer this, and she kept  
hounding me

24 that I better tell somebody. I didn't think it was no  
big deal

25 because nobody else had wrote it down.

9824

Robert Nelson - Cross

1 So finally, I told Stuart -- Stuart is all I

know him

2 by. That's why --

3 Q. That's the FB --

4 A. That's the FBI agent.

all this

5 Q. The FBI man. So you first started talking about

after the

6 when all the Ryder truck people were up there shortly

happened

7 bombing trying to get the contract and figure out what

8 and so on; right?

see what

9 A. No, I talked to the Ryder people when they come to

10 we knew.

11 Q. Oh.

Ryder

12 A. Or something like that. I don't know what the

Ryder.

13 people -- it was just a whole bunch of people from

office;

14 Q. More people than you had ever seen in that little

15 right?

16 A. Yeah.

17 Q. Yeah.

talked

18 A. They took us apart, separately, and interviewed us,

19 to us.

the Ryder

20 Q. Okay. Now, you said that you saw in addition to

21 truck a dark-colored truck facing west and they were

back to

22 back; correct?

23 A. Yes.

24 Q. And now as you go along that highway there, the  
Ryder truck

25 would be pointed with its grille towards you; correct?

9825

Robert Nelson – Cross

1 A. Yes.

2 Q. And the other truck would be pointed with its --  
with its

3 back towards you. Is that about --

4 A. Yes.

5 Q. Now, in addition to that, did you get a side view  
of the

6 pickup truck?

7 A. Just an instant. Just for a -- just for a short  
time.

8 Q. Now, you're sure it was a pickup truck; correct?

9 A. The one behind the Ryder truck?

10 Q. Yes, sir.

11 A. Yes.

12 Q. Now, what kind of vehicle do you drive?

13 A. I drive a '85 Chevy short-bed.

14 Q. A pickup truck?

15 A. Yes.

16 Q. That is the vehicle of choice in farm country?  
17 A. Pretty much.  
18 Q. And when you noticed this truck, you remembered it  
was a  
19 dark color that could have been black, it could have  
been a  
20 dark blue or a dark green, you just didn't know; right?  
21 A. Yes.  
22 Q. And that's your recollection today. Could be  
black, blue  
23 or green; right?  
24 A. Yes -- well, dark color.  
25 Q. Dark color. And also, you also couldn't tell the  
make of

9826

Robert Nelson - Cross

1 it. Correct?  
2 A. No.  
3 Q. It could have been -- just as a guess -- it could  
have been  
4 a Ford or Chevrolet, but you really don't know. Is  
that fair  
5 to say?  
6 A. That's right.  
7 Q. And in addition to that, sir, you don't remember  
whether  
8 they had any kind of a topper or camper shell on it;



right?

9 A. I don't remember.

10 Q. All right. Now, you do -- you drive by that lake,  
you say,

11 when you were working at Elliott's, pretty much every  
day;

12 correct?

13 A. Yeah. I'd say three-fourths of the time I do when  
I worked

14 there.

15 Q. What's the speed limit along that highway there?

16 A. At that time, it was 55 mile (sic) an hour.

17 Q. And folks generally observed it, or --

18 A. Not everybody. I did. I drove slower than that.

19 Q. Well, I wasn't arguing with you.

20 A. Yeah.

21 Q. But your -- the point is that it's pretty easy if  
the

22 leaves are off the trees and it's daylight to see a  
truck

23 there; right?

24 A. Yes.

25 Q. And so from your opportunity to see, there is no  
question

9827

Robert Nelson - Cross

1 in your mind that that's a Ryder truck; correct?

2 A. Yes.

3 Q. And about how many seconds would you say that you  
had the

4 opportunity to observe the truck as you're driving by?

5 A. Maybe 10 seconds at the very, very most.

6 Q. All right. Now, I want to put this back up here  
again,

7 this Government's Exhibit 1982A. And did you get one  
glimpse,

8 or two glimpses of the trucks as you went north there,  
sir?

9 A. Two.

10 Q. And could you point out -- I'm going to run my hand  
along

11 here. Is the first glimpse you'd get from kind of  
south of the

12 entrance to the lake?

13 A. Just a little north of your finger there.

14 Q. Just a little north of where you'd go; right?

15 A. Uh-huh.

16 Q. And where my finger is moving in here: That's the  
entrance

17 you go into the lake; correct?

18 A. Correct.

19 Q. That is, if you want to go fishing in there, is  
there some

20 kind of sign that says, "Welcome to Geary Lake," and so  
on?

21 A. I think there is right there where your finger is  
there,

22 yes.  
23 Q. So just north of there, then you can get a view off  
up in  
24 this direction here; correct? Up in a northerly  
direction.  
25 And then as you're driving, your Chevy short-  
bed.

9828

Robert Nelson - Cross

1 A. Right there is where --  
2 Q. You're up a little further off the ground than a  
Mazda;  
3 right?  
4 A. I think I am, yes.  
5 Q. You got a pretty good view, so you come along here  
and then  
6 you can then see kind of a glimpse back?  
7 A. No, you went too far.  
8 Q. I went too far?  
9 A. Right there. Right in there.  
10 Q. Right here?  
11 A. Yeah.  
12 Q. So that would be where you got the second view;  
right?  
13 A. Yes.  
14 Q. As you were looking at that pickup truck, you  
couldn't tell

15 if it was a half-ton or three-quarter-ton; correct?

16 A. No, not at that distance.

17 MR. TIGAR: Thank you very much, sir. I have  
no  
18 further questions.

19 MR. MEARNS: Very briefly.

20 THE COURT: All right.

21 REDIRECT EXAMINATION

22 BY MR. MEARNS:

23 Q. Do you recall the name of the person from Ryder who  
you  
24 first told about what you had seen at Geary Lake?

25 A. All I remember is her first name was Lana.

9829

Robert Nelson - Redirect

1 Q. Do you recall when that was in relation to the  
explosion in

2 Oklahoma City?

3 A. The day after the bombing. I believe it was the  
day after.

4 Q. And then you -- I think you told us that you first  
spoke to  
5 the FBI the following Friday?

6 A. Yes.

7 Q. Prior to when you spoke to the FBI or when you  
spoke to

sightings 8 Lana, had you heard anything in the news media about

9 of a Ryder truck at Geary Lake?

10 A. No.

11 MR. MEARNS: Thank you.

12 MR. TIGAR: Just --

13 THE COURT: All right.

14 RE CROSS-EXAMINATION

15 BY MR. TIGAR:

16 Q. Lana: That's not Lana Padilla, is it, that you  
talked to?

17 A. No.

18 Q. That's somebody from Ryder truck?

19 A. No, this is -- this is an attorney. Ryder -- one  
of

20 Ryder's attorneys.

21 MR. TIGAR: All right. Thank you very much.  
No

22 further questions.

23 MR. MEARNS: No further questions. He may be  
excused?

24 THE COURT: All right.

25 You may step down.

9830

1 I take it you're excusing this witness.

2 MR. MEARNS: Yes, sir.

3 MR. TIGAR: Yes, your Honor.

4 Thank you, Mr. Nelson.

5 THE COURT: Breathe deeply and step down.

6 Members of the jury, we'll take our recess at  
this

7 time, it being almost noon, before we start another  
witness;

8 so, of course, during this time, please continue to  
follow the

9 cautions that I always give you at recesses -- and  
you're tired

10 of hearing me say it, but you know it's important and  
that's

11 why I say it. And also, the rules tell me I have to  
repeat it

12 for the record. So be careful, avoid discussion of  
anything

13 about the case and among yourselves and with all other  
persons,

14 and avoid anything outside the evidence which could in  
any way

15 influence your decision.

16 We'll recess till about 1:28.

17 (Jury out at 11:58 a.m.)

18 THE COURT: All right. Recess.

19 (Recess at 11:59 a.m.)

20 \* \* \* \* \*

21

22

23  
24  
25

9831

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PLAINTIFF'S EXHIBITS

Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	21 260-261	9761	9762		
	22 261	9762	9763		
	23 262-263	9763	9763		
	24 273M		9751		
	25 273N-273Q		9752		

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PLAINTIFF'S EXHIBITS (continued)

Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	3 273T	9752	9752		
	4 273R	9752	9752		
	5 273J	9752	9753		
	6 273S	9753	9753		
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8	287	9764	9764
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10	295	9764	9764
11	1981	9773	9773
12	1982A-1982C	9786	9787
13	1984A-1984B	9791	9792

14 DEFENDANT'S EXHIBITS

15	Exhibit	Offered	Received	Refused	Reserved
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Withdrawn

16	D1654	9794	9794
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18 REPORTERS' CERTIFICATE

19 We certify that the foregoing is a correct transcript from

20 the record of proceedings in the above-entitled matter.  
Dated

21 at Denver, Colorado, this 20th day of November, 1997.

22

23

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Paul Zuckerman

24

25

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Kara Spitler