



21  
22  
23  
24  
Transcription  
Street,  
629-9285

Proceeding Recorded by Mechanical Stenography,  
Produced via Computer by Paul Zuckerman, 1929 Stout  
P.O. Box 3563, Denver, Colorado, 80294, (303)

10672

1 APPEARANCES  
2 PATRICK RYAN, United States Attorney for the  
Western  
3 District of Oklahoma, 210 West Park Avenue, Suite 400,  
Oklahoma  
4 City, Oklahoma, 73102, appearing for the plaintiff.  
5 LARRY MACKEY, BETH WILKINSON, GEOFFREY MEARNES,  
JAMIE  
6 ORENSTEIN, and AITAN GOELMAN, Special Attorneys to the  
U.S.  
7 Attorney General, 1961 Stout Street, Suite 1200,  
Denver,  
8 Colorado, 80294, appearing for the plaintiff.  
9 MICHAEL TIGAR, RONALD WOODS, and JANE TIGAR,  
Attorneys  
10 at Law, 1120 Lincoln Street, Suite 1308, Denver,  
Colorado,  
11 80203, appearing for Defendant Nichols.  
12 \* \* \* \* \*

13

PROCEEDINGS

14

(In open court at 1:30 p.m.)

15

THE COURT: Please be seated.

16

(Jury in at 1:30 p.m.)

17

THE COURT: Please resume the stand.

18

(Patrick Daly was recalled to the stand.)

19

THE COURT: Ms. Wilkinson, you may continue.

20

MS. WILKINSON: Thank you, your Honor.

21

DIRECT EXAMINATION CONTINUED

22

BY MS. WILKINSON:

23 about how

Q. Agent Daly, before the break, you were telling us

24 is that

you and your team started your search of Grid Area 1;

25

right?

10673

Patrick Daly - Direct

1

A. That's correct.

2

Q. You began that search on what day?

3

A. On Thursday, April 20th.

4 your team

5

Q. Now, before you began the search, did you brief

6

members on what you wanted them to do?

7 collect the

8

A. Yes, I briefed them on the process of how to

7 evidence, record it, package it. If we were going to  
8 photograph it, I assigned a photographer to do that.  
If we  
9 were going to do a sketch of the area that we were  
searching, I  
10 assigned a sketch artist to sketch that area and to  
locate  
11 items that we recovered on that sketch.  
12 Q. Now, did you personally recover all items seized by  
your  
13 team?  
14 A. I did not personally recover all items seized.  
15 Q. What was your procedure for reviewing items that  
were  
16 seized by other members of your team?  
17 A. I asked them to show me the items before we put  
them on the  
18 log and recorded them as items of evidence. And I made  
sure  
19 that they were given item numbers, and I initialed and  
-- and  
20 dated the item.  
21 Q. How many people were on your team on average?  
22 A. I would say on average, around 25 people.  
23 Q. How many days did you work together as Team 1?  
24 A. We started that -- the first day of the evidence  
25 collection, on April 20th, and continued until the  
crime scene

Patrick Daly - Direct

1 was finished.

2 Q. Do you recall when that was?

3 A. I think it was the 1st or 2d day of May.

4 Q. Now, you said there were five teams total who  
searched the

5 grid area?

6 A. Initially, there were about five or six.  
Eventually, as we

7 got more personnel into the Oklahoma City area, we  
assigned

8 more teams and started doing evidence collection around  
the

9 clock.

10 Q. Do you recall how many personnel were involved with  
11 searching the entire crime scene?

12 A. Approximately 250 FBI, other federal agency  
personnel,

13 local, state and county agency personnel.

14 Q. Were all of them in the downtown Oklahoma City  
area?

15 A. No. There was a -- a portion of -- of  
approximately 80 to

16 85 people, law enforcement personnel assigned to an  
off-site

17 area.

18 Q. What was the purpose of the off-site area?

19 A. They received truckloads of -- of debris from the  
crater

20 area in front of the Murrah Federal Building and in the  
21 immediate area of the federal building, and their  
purpose or  
22 their job was to sift through that debris using screens  
to see  
23 if they could find any components of bomb.  
24 Q. Did you participate in that sifting site?  
25 A. I did not.

10675

Patrick Daly - Direct

You  
1 Q. Now, let's turn to what you did at the crime scene.  
2 told us you were working on April 20th with your team?  
3 A. Yes.

on that  
4 Q. And did you see -- seize several pieces of debris  
5 day?  
6 A. Yes.

witness to  
7 MS. WILKINSON: Your Honor, may I ask the  
8 step down so he can identify evidence and use the  
model?

9 THE COURT: All right.

10 BY MS. WILKINSON:

Government's  
11 Q. Agent Daly, I want to start with this exhibit,  
12 Exhibit 713. Do you recognize that?

13 A. Yes, I do.

14 Q. How do you recognize it?

I had  
15 A. I recognize it by its distinctive shape; and also,  
collected it.  
16 marked that with my initials and the date that we

17 Q. Do you recall when Government's Exhibit 713 was  
seized?

18 A. This was seized the first day of the -- we began  
the search

19 on Thursday, April 20th.

20 Q. Where was it seized?

21 A. It was seized on N.W. 5th, approximately in the  
middle of

22 the 400 block of N.W. 5th.

23 MS. WILKINSON: Government offers 713, your  
Honor.

24 MR. TIGAR: No objection.

25 THE COURT: 713 is received.

10676

Patrick Daly - Direct

1 BY MS. WILKINSON:

2 Q. Now, before you point out on the model where you  
found it,

3 can you tell the jury what 713 is?

4 A. 713 appears to be a -- a gear, most probably from a  
truck.

5 Q. And do you know how heavy that gear is, Agent Daly?

6 A. It's very heavy. It's over 100 pounds. It took  
more than

7 just myself to lift it into the pickup truck we had.

8 Q. All right. Can you show us on the model here and  
indicate

9 for the jury and for the record where you found  
Government's

10 Exhibit 713, the gear.

11 A. Again, this street in front of the Murrah Federal  
Building

12 is N.W. 5th. And going west, I found this gear on the  
400

13 block of N.W. 5th, approximately two and a half blocks  
from the

14 Murrah Federal Building. It was resting against a  
fence. It

15 actually knocked down a portion of a chain-link fence  
to the

16 east of Fred's Auto Body Shop.

17 Q. Now, right here on this model, is there a yellow  
dot

18 marking where you found Government's Exhibit 713?

19 A. Yes, there is.

20 Q. And how far did you say that is from the site of  
the

21 crater?

22 A. It's about 600 yards or about two and a half city  
blocks.

23 Q. Show you a little smaller piece of evidence,  
Government's

24 Exhibit 720. Do you recognize that?

25 A. Yes, I do.

10677

Patrick Daly – Direct

1 Q. How do you recognize it?

2 A. Again, I recognize it by its distinct shape. I  
recall that

3 there were what appeared to be a letter and numbers on  
it, and

4 I also initialed the exterior of the bag of this piece  
of

5 evidence.

6 Q. Do you recall what day you found Government's  
Exhibit 720?

7 A. This -- I found it the next day, on Friday, the  
21st of

8 April, and it was found in an alley behind the Regency  
9 apartment complex on the -- on the 300 block of N.W.  
5th.

10 MS. WILKINSON: Government offers 720.

11 MR. TIGAR: No objection.

12 THE COURT: Received 720.

13 BY MS. WILKINSON:

14 Q. Now, you said -- why don't you turn and face the  
jury. See

15 if you can show them. You saw some numbering or  
markings on

16 this.

17 A. Yes, there was -- although the piece of metal is  
twisted,  
18 there were some numbers or letters stamped into this  
piece of  
19 metal that I noticed.

20 Q. Where did you find Government's Exhibit 720?

21 A. It was found in the alley at the rear of the  
Regency  
22 apartment building between 5th and 6th Streets.

23 Q. Can you point that out here on the model, please.

24 A. Right here between the Regency apartments -- and  
there was  
25 a garage that was severely damaged by the blast, and I  
found

10678

Patrick Daly - Direct

1 this in the alley.

2 Q. And is there a yellow dot in this alley right  
behind the

3 Regency Towers indicating where you found Government's  
Exhibit  
4 720?

5 A. Yes, there is.

6 Q. Now, Agent Daly, I want you to look at 722. Do you  
7 recognize that?

8 A. Yes, I do.

9 Q. How do you recognize Government's Exhibit 722?

Excuse me.

10 A. Again, by its distinct shape. It's a -- a wheel  
from an  
11 automobile, or I believe it's from a truck. And its  
distinct  
12 shape. And also my initials and the date that I  
recovered it  
13 on April 23d is written on it.

14 Q. Do you recall where you found Government's Exhibit  
722?

15 A. That was recovered adjacent to the Journal Record  
Building  
16 off of Robinson Street between 5th and 6th Streets.

17 MS. WILKINSON: We offer or move for the  
admission of  
18 722, your Honor.

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

20 THE COURT: You may.

21 MR. TIGAR: Shall I just do it from here so we  
don't  
22 disturb the --

23 THE COURT: Whichever is more convenient.

24 VOIR DIRE EXAMINATION

25 BY MR. TIGAR:

10679

Patrick Daly - Voir Dire

1 Q. Hello, Agent. My name is Michael Tigar. I'm one  
of the

2 lawyers helping out Terry Nichols. We've never met.

3 A. No, we haven't.

4 Q. Okay. This wheel that you found here was, of  
course, in

5 this terrible shape when you saw it; right?

6 A. That's correct.

7 Q. Did it have a tire on it?

8 A. No, it did not.

9 Q. Did -- were any portions of the -- were there any  
portions

10 of rubber or tire that were adhering to it at the time  
that you

11 first found it?

12 A. I don't recall seeing any. What I recall is what  
we see

13 here today.

14 Q. Right. And your protocol -- that is, the way you  
would do

15 it -- if there were any portions of a tire that adhered  
to

16 this, you would have dealt with those in a way that  
they would

17 be preserved; correct? You would have kept a record of  
it?

18 A. That's correct.

19 Q. And you don't recall having made a record of any  
tire being

20 a part of this?

21 A. No.

correct? 22 Q. So this is the whole thing as you found it;

23 A. As what I recall, yes.

24 MR. TIGAR: No objection, your Honor.

25 THE COURT: 722 is received.

10680

Patrick Daly - Direct

1 DIRECT EXAMINATION CONTINUED

2 BY MS. WILKINSON:

3 Q. Okay. Agent Daly, can you lift this one?

4 A. Yes, I can.

5 Q. Turn it on end and show it to the jury.

can you 6 And can you tell us exactly where you found --

7 hold it up just a little bit.

8 All right. And you said you found it in this  
9 condition?

10 A. That's correct.

11 Q. On what date?

crime 12 A. I first saw it on April 19th when I went to the

the 13 scene. It was laying in a sidewalk area in front of

evidence until 14 Journal Record Building. I didn't recover it as

15 Sunday, the 23d.

on 16 Q. Now, can you show the jury where you first saw it  
17 April 19th?  
Murrah 18 A. Here's the Journal Record Building, and here's the  
19 Federal Building. I found it approximately a few feet  
off the 20 street --

21 MR. TIGAR: Can I move across, your Honor?

22 THE COURT: Yes.

23 MR. TIGAR: Thank you.

24 THE WITNESS: I found it a few feet into the  
sidewalk  
25 area just west of Robinson Street between 5th and 6th.

10681

Patrick Daly - Direct

1 BY MS. WILKINSON:

2 Q. Was that where you recovered it?

3 A. Yes.

4 Q. Were there any -- why don't you take your seat.

5 Were there any markings around that wheel rim  
when you  
6 found it?

7 A. There was a circle that was -- pink circle that was  
painted  
8 around the wheel rim.

9 Q. What was the purpose of that?

10 MR. TIGAR: If you know.

11 MS. WILKINSON: If you know.

12 THE COURT: Yes.

13 THE WITNESS: The first night of the -- the  
bombing on

14 the 19th, we had people from the different law  
enforcement

15 agencies there, and someone -- and I don't know who --  
or a

16 group of people -- painted pink circles around items of  
-- such

17 as this tire rim that they felt could be significant  
pieces of

18 evidence.

19 BY MS. WILKINSON:

20 Q. Now, during your search of the crime-scene area,  
did you go

21 into the Regency Tower building?

22 A. Yes. The team and myself searched the whole  
building to

23 include the apartments within, the roof area and the

24 surrounding structures, the pool area on Saturday, the  
22d.

25 Q. Did you find any metal debris inside the Regency  
Tower?

10682

Patrick Daly - Direct

1 A. Yes, I did.

2 Q. What did you find?

3 A. I found in Apartment 807 what appeared to be the --  
part of

4 a rear lock assembly off a cargo door of a truck.

5 Q. I'm handing you Government's 654. Do you recognize  
that?

6 A. Yes, I do.

7 Q. How do you recognize that?

8 A. I recognize it by its distinctive shape; and also,  
I had

9 initialed the exterior packaging of this item.

10 Q. Where did you find Government's Exhibit 654?

11 A. Exhibit 654 was found embedded into a door frame at  
an

12 entrance doorway of Apartment 807 in the Regency  
apartments.

13 Q. So it was inside the apartment?

14 A. Inside the apartment of -- on the eighth floor.

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

16 Exhibit 654.

17 MR. TIGAR: No objection, your Honor.

18 THE COURT: Received.

19 BY MS. WILKINSON:

20 Q. Now, when you found this item, were there pictures  
taken of

21 it, in place?

22 A. Yes, I had my photographer take pictures of it as  
it was

23 embedded into the doorway.

24 Q. And before coming to court today, did you review

25 Government's Exhibit 656, 657, and 658, which show  
Government's

10683

Patrick Daly - Direct

1 Exhibit 654 in place?

2 A. Yes, I did.

3 MS. WILKINSON: Your Honor, we'd offer 656,  
657, and

4 658.

5 MR. TIGAR: May I just take a look at those,  
your

6 Honor?

7 MS. WILKINSON: Sure.

8 THE COURT: Yes.

9 MR. TIGAR: Thank you.

10 No objection, your Honor.

11 THE COURT: They are received. May be  
displayed.

12 MS. WILKINSON: May I display them, your  
Honor?

13 THE COURT: Yes.

14 BY MS. WILKINSON:

15 Q. Agent Daly, I'm going to show you 656. Do you  
recognize

16 that?

17 A. May I stand?

18 Q. Please.

19 THE COURT: Yes.

20 THE WITNESS: Yes, I do.

21 BY MS. WILKINSON:

22 Q. And if you could tell the jury what they are seeing  
here in

23 Government's Exhibit 656.

24 A. This is a doorway in Apartment 807, and this item  
here is

25 the item I just identified as being embedded into the  
door

10684

Patrick Daly - Direct

1 frame.

2 Q. When you found that item embedded, what did you do?

3 A. Initially, we took this photograph; and then we  
extracted

4 it from the door frame, and we took two more  
photographs of it.

5 Q. Okay. Let's look at the next one, if we could.  
This is

6 Government's Exhibit 658. Is that right?

7 A. That's correct.

8 Q. What does that show?

9 A. Again, that represents or shows this piece as it

was laying

10 on the floor, and we added a -- a ruler or scale so  
that we

11 could get a sense of the dimensions of it from the  
photograph.

12 Q. And this final photograph, Government's Exhibit  
657, what

13 does that show? You tell me. This way?

14 A. This way.

15 Q. Okay. What are we looking at in 657?

16 A. This is a picture of Exhibit 654, a photograph that  
was

17 taken, again while it was embedded into the door frame.  
And

18 again, we added a ruler to determine from the  
photograph the

19 proportional size of this item.

20 Q. Now, let's take a look at Government's Exhibit 654.  
Is

21 there some markings or some type of damage to 654?

22 A. Yes. There's cratering and pitting on the metal.

23 Q. And can you see any of that in Government's Exhibit  
657?

24 A. Yes. I can. Right here.

25 Q. You can take your seat.

10685

Patrick Daly - Direct

1 Agent Daly, at some point in the crime scene,

was

2 Agent Charles Gonzales a member of your search team?

of

3 A. Yes, I believe he was a -- he was from the Bureau

us

4 Alcohol, Tobacco, and Firearms; and I believe he joined

5 either the first day or one of the first few days.

you?

6 Q. And did he recover evidence that he turned in to

7 A. Yes, he did.

right now,

8 Q. And we're going to ask you no further questions

us about

9 but when you're called back, will you be able to tell

in to

10 the evidence that Agent Gonzales collected and turned

11 you?

12 A. Yes, I can.

questions at

13 MS. WILKINSON: Thank you. No further

14 this time, your Honor.

15 THE COURT: All right. Mr. Tigar.

16 CROSS-EXAMINATION

17 BY MR. TIGAR:

group --

18 Q. Hello again, Agent. I wanted first to show you a

1662,

19 excuse me -- of photographs that I have numbered D1661,

and

20 1663, 1664, 1665, and 1667 and ask you if they fairly

Murrah 21 accurately reflect the parking lot across from the  
22 Building during the time you were conducting your  
23 investigation.

I'd ask 24 MS. WILKINSON: Your Honor, just to assist,  
25 for a date for foundational purposes for when these  
were.

10686

Patrick Daly - Cross

1 THE COURT: Well, the question was "during the  
2 investigation."

3 MR. TIGAR: During the investigation, yes.

4 THE COURT: I take it that means during the  
period of 5 search.

6 MR. TIGAR: Yes, your Honor, during the time  
he was 7 there, between the 19th -- 19th of April and the 2d of  
May.

8 THE COURT: All right.

9 THE WITNESS: Counselor, I would say that it  
10 represents the parking lot, not necessarily the first  
day or 11 few days, but as the investigation and the crime scene  
12 processing progressed.

13 BY MR. TIGAR:

were 14 Q. That is, you -- you can't tell exactly when these  
and 15 taken, but it was during the time that you were there  
16 walking past the parking lot; correct?

17 A. Well, I recall the parking lot having the  
devastation done  
18 to vehicles there, evidence that the vehicles received  
blast  
19 wave. The surrounding building structures, roofs torn  
off,  
20 windows blown in, walls torn apart. And also the  
construction  
21 vehicles were present during the processing of the  
crime scene,  
22 the cranes to lift up the heavy slabs as well as  
construction  
23 workers and law enforcement rescue personnel.

24 MR. TIGAR: We offer them, your Honor.

25 MS. WILKINSON: Your Honor, I'd like to voir  
dire on

10687

Patrick Daly - Cross

1 this exhibit.

2 THE COURT: You may.

3 MS. WILKINSON: Can you leave those up there,  
4 Mr. Tigar, so he may --

5 MR. TIGAR: Sure.

6 MS. WILKINSON: Thank you.

7 VOIR DIRE EXAMINATION

8 BY MS. WILKINSON:

9 Q. Agent Daly, was it part of your responsibilities on  
Team 1  
10 to actually examine the parking lot?

11 A. No. We didn't do any evidence collection within  
the  
12 parking lot.

13 Q. So you cannot say whether these photographs that  
begin with

14 161 -- if you could, can you say whether that  
photograph fairly

15 and accurately depicts the damage that was done to that  
portion  
16 of the parking lot?

17 A. No. I can't.

18 THE COURT: I think it's 1661.

19 MS. WILKINSON: I'm sorry. 1661.

20 BY MS. WILKINSON:

21 Q. Do you see that vehicle right there in the front  
and center  
22 of that photograph?

23 A. Yes, I do.

24 Q. Do you know whether that vehicle was in that  
position in

25 the parking lot at any time during the investigation?

Patrick Daly - Voir Dire

1 A. No, I don't.

2 Q. Okay. Let's turn to 16 -- I mean 1662, please. Do  
you see  
3 that box there on the left-hand corner?

4 A. Yes.

5 Q. And can you say whether that box was there during  
the crime  
6 scene when you were walking past the parking lot?

7 A. No, I cannot.

8 Q. Can you say that this photograph fairly and  
accurately  
9 depicts the parking lot as you saw it?

10 A. In general, from a general -- just passing by, but  
not in  
11 particular.

12 Q. Can you say that this is an accurate depiction of  
the cars  
13 and the state of the damage of the vehicles at the time  
you saw  
14 them?

15 A. No, I can't.

16 Q. Now, turn to 1 -- 1663, please. I believe this has  
some  
17 buildings in the background; is that right?

18 A. That's correct.

19 Q. You recognize those?

20 A. Yes, I do.

21 Q. Now, in -- in front, there is some damage to  
vehicles. Do  
22 you see that?  
23 A. Yes, I do.  
24 Q. And there's a person looking at those vehicles?  
25 A. Yes.

10689

Patrick Daly - Voir Dire

1 Q. Can you say that those vehicles were in that  
position when  
2 you walked by the parking lot during the crime-scene  
3 investigation?  
4 A. Those particular vehicles, I -- I can't say.  
5 Q. And 1664. Do you have any idea when 1664 was  
taken, at  
6 what time during the investigation?  
7 A. No, I -- I do not.  
8 Q. And do you see those boxes there in front?  
9 A. Yes.  
10 Q. Do you know whether those boxes were there at the  
edge of  
11 the parking lot when you walked by it?  
12 A. No. I cannot say that they were there.  
13 Q. Now, 1665 is an aerial photograph, is it not?  
14 A. Yes, it is.

lot was 15 Q. And do you know or can you say whether the parking  
during the 16 in this position or the cars were in these positions  
17 investigation?

18 A. No, I cannot.

of 19 Q. Are you aware that Agent Sachtleben was in charge  
20 investigating the parking lot?

21 A. Yes.

22 Q. And do you know whether at certain times during the  
23 investigation, he moved vehicles from the parking lot?

vehicles 24 A. Yes, I saw -- as I was passing by, I would see  
25 being moved out of the parking lot.

10690

Patrick Daly - Voir Dire

the 1 Q. And do you know whether 1665 -- at what point in  
vehicles in 2 investigation 1665 was taken showing some of the  
3 the parking lot?

4 A. No, I do not.

5 Q. Would that also be true for 1666?

taken. 6 A. That's correct. I couldn't say what date this was

vehicles had 7 Q. And what about 1667? Do you know whether any

8 been moved from the parking lot when 1667 was taken?

9 A. I could not be sure.

10 MS. WILKINSON: Your Honor, we'll object to  
all of  
11 these exhibits.

12 THE COURT: Well, what's the purpose of the  
offer,  
13 Mr. Tigar? Maybe that --

14 MR. TIGAR: They are pictures, your Honor --  
they are

15 pictures of the parking lot furnished to us by the  
United

16 States of America in the discovery process. I simply  
wanted to

17 establish the devastation. Not in any particular time,  
but

18 just what -- what is there.

19 THE COURT: So it's for purposes of the  
general

20 appearance of it.

21 MR. TIGAR: Yes, your Honor, the general  
appearance.

22 THE COURT: Without the details that were  
referred to

23 in voir dire.

24 MR. TIGAR: That's right, your Honor.

25 MS. WILKINSON: Your Honor, if I could just  
say one

Patrick Daly - Voir Dire

1 thing, Agent Sachtleben will be here this afternoon,  
and he is 2 the man that investigated the parking lot. We just ask  
that 3 they wait until he can --

4 MR. TIGAR: Your Honor --

5 MS. WILKINSON: -- address those photos.

6 MR. TIGAR: Your Honor, I'm not an immediate  
7 gratification person. If the agent will be here later  
in the 8 afternoon, I'll be happy to have them come in at that  
time.

9 THE COURT: All right. We'll reserve then.

10 MS. WILKINSON: Thank you.

11 MR. TIGAR: Thank you.

12 CROSS-EXAMINATION CONTINUED

13 BY MR. TIGAR:

14 Q. Agent, you got there on the evening of the 19th; is  
that 15 correct?

16 A. Yes, sir.

17 Q. And did you -- at that time, did you go directly to  
the 18 site?

19 A. I went to a motel, checked in, dropped my luggage,  
went -- 20 then went to the temporary command post, and from the

temporary

21 command post, went to the site.

One is

22 Q. Now, you've described for us several locales here.

Where

23 that you just talked about the temporary command post.

24 was that?

three

25 A. I don't recall the street offhand. It was about

10692

Patrick Daly - Cross

1 blocks from the site of the blast.

of --

2 Q. Showing you, sir, what's been received -- or a copy

photograph of --

3 as Government's Exhibit 728, this is an aerial

4 are you able to pick out any details from this aerial

5 photograph of where that command post was?

on the

6 Would it assist you if we put the big one up

7 easel? I'm just trying to find out where things are.

it was

8 A. I don't believe it's on this photograph. I thought

9 further to the east.

pointing,

10 Q. Now, this photograph shows, where my finger is

11 the bombed-out Murrah Building; is that correct?

12 A. Yes.

of the 13 Q. And then this is -- is this north? The upper part

14 photograph is north?

15 A. That would be north, sir.

correct? 16 Q. All right. And so east is over this way; is that

17 A. Yes, sir.

post is 18 Q. All right. And your testimony is that the command

19 located off here, off the east edge; correct?

it was 20 A. Yes. I -- I believe it's off this because I know

photograph. 21 further than just the two blocks shown in this

where the 22 Q. Now, that command post, was that the command post

23 daily briefings were held?

Then we 24 A. That was the initial location for daily briefings.

YMCA. 25 moved the daily briefings in closer to the bombed-out

10693

Patrick Daly - Cross

location was 1 Q. I see. Can you find on here where the other

Building. 2 for the daily briefings. This would be the Murrah

3 Catty-corner across is the YMCA; correct?

4 A. That's correct.

5 Q. And directly across is that parking lot that we've  
been

6 fussing about; right?

7 A. Yes, sir.

8 Q. All right. And where was the -- the command post?

9 A. Well, we did -- the command post, again, is still  
off of

10 this photograph.

11 Q. I see. But just closer than the first one?

12 A. You asked me where we did daily briefings.

13 Q. Yes.

14 A. And we did daily briefings eventually in the YMCA,  
which

15 was catty-corner to the --

16 Q. I see it.

17 A. -- Murrah Building.

18 Q. Now, that first evening, were you -- were you aware  
that

19 people that you had been colleagues with on previous  
explosion

20 scenes would be present?

21 A. Yes.

22 Q. You were aware that Mr. David Williams would be  
with you

23 whose name you mentioned on direct examination?

24 A. That's correct.

25 Q. And you knew that Mr. Rick Hahn would be with you;  
is that

10694

Patrick Daly - Cross

1 correct?

2 A. Yes.

3 Q. It's another name you mentioned on direct  
examination?

4 A. Right.

5 Q. And what -- did you have an understanding when you  
arrived

6 as to who would be in charge of the crime scene?

7 A. At that time, I did not have an understanding upon  
my

8 arrival because I was not in direct communication with  
them.

9 Q. I see. When is the first time in April that you  
met with

10 Mr. Williams, Agent Williams?

11 A. The next morning, the 20th.

12 Q. And is that also true of your meeting with Mr.  
Hahn? The

13 next morning?

14 A. Yes.

15 Q. All right. Did you meet with any supervisory FBI  
personnel

16 when you went to the site on the evening of the 19th,  
the FBI

17 supervisory personnel?

18 A. There were FBI supervisory personnel in the command  
post  
19 from the Oklahoma City division. I don't recall their  
names  
20 right now. There were also -- there was also an FBI  
21 supervisory personnel, Wallace Higgins, whom I had  
worked with  
22 in previous bombing crime scenes.  
23 Q. Now -- and which bombing crime scenes had you  
worked with  
24 Mr. Higgins?  
25 A. At the Trade Center bombing in New York in 1993.

10695

Patrick Daly - Cross

1 Q. You were assigned to the Trade Center case; is that  
2 correct?  
3 A. I was one of the search team leaders in the Trade  
Center  
4 case, yes.  
5 Q. And you testified that you, as a part of that  
experience,  
6 helped to develop procedures for use in post-blast  
crime-scene  
7 investigation?  
8 A. I would say refined procedures that I used  
personally in  
9 post-blast crime scenes.  
10 Q. And did -- you said on direct examination, did you

not, it

11 was helpful to you to know that Mr. Williams and Mr.  
Hahn would

12 be leading this effort; is that right?

13 A. I don't think I said that. I think it was helpful  
to

14 myself to know that there were other experienced agents  
who had

15 previously been at, say, the World Trade Center that  
were a

16 part of this search effort.

17 Q. And was it -- was Agent Williams one of the people  
whose

18 presence you regarded as helpful to you?

19 A. Eventually, when I knew he was there, yes.

20 Q. Uh-huh. And that was -- you knew he was there as  
of the

21 next morning; correct?

22 A. That's correct.

23 Q. Now, you also mentioned that you had participated  
in the

24 investigation of the bombing of the DAS building in  
Colombia;

25 is that correct?

10696

Patrick Daly - Cross

1 A. I observed the investigation. The investigation  
itself was

2 done by the DAS personnel.

Colombian 3 Q. I understand. And the DAS personnel, that's the  
4 governmental people; is that correct?

5 A. But equivalent to, say, the FBI.

Agent Hahn? 6 Q. And in that observation role, did you work with  
7 A. Agent Hahn was there and -- but he wasn't involved  
directly 8 in that investigation, as well. That was done by the  
DAS 9 personnel.

10 Q. In addition to the World Trade Center -- in the  
World Trade 11 Center case, did you work with Agent Hahn?

12 A. Approximately 15 years ago, he and I worked on the  
Chicago 13 FALN terrorist case.

14 Q. So that's -- you met Mr. Hartzler there?

15 A. That's correct.

16 Q. All right. Now -- now, could you answer my  
question. Did 17 you work with Agent Hahn on the World Trade Center  
case? 18 A. Yes.

19 Q. All right. And did Mr. Williams work with you in  
the 20 Colombia case?

21 A. No, he was not there.

22 Q. All right. And did you work on the Avianca case?

23 A. Yes, I participated in that.

24 Q. And did you work with Agent Hahn in the Avianca  
case?

25 A. Yes.

10697

Patrick Daly – Cross

1 Q. And was your experience with Agent Hahn in the  
Avianca case

2 one of the things that you thought -- that led you to  
believe

3 it would be helpful that he be there in Oklahoma City?

4 A. I knew he was able to organize well a major crime-  
scene

5 search.

6 Q. My question is, was your work together on the  
Avianca case

7 one of the things that led you to believe it would be  
helpful

8 that he would be there in the Oklahoma City case?

9 A. Yes. He's very organized; and again, I felt he was  
10 beneficial.

11 Q. Now, you've testified about the command post and  
about

12 these briefings. In addition to that, those locations,  
there

13 was an evidence warehouse, was there not, sir?

14 A. Yes, there was.

had 15 Q. And was that a large, open building that the FBI  
16 obtained for purposes of storing the evidence?  
obtained 17 A. I'm not sure exactly when the FBI in Oklahoma City  
18 it, but it was used for our evidence.  
19 Q. And did you meet Mr. Elliott there?  
20 A. Yes, I did.  
charge 21 Q. All right. And did Mr. Jim Elliott appear to be in  
22 of that building?  
Jeffery 23 A. I believe that he and -- and Jeff -- Special Agent  
24 Hayes were in charge of that.  
which you 25 Q. Now, did that building have a number of rooms in

10698

Patrick Daly - Cross

1 would keep the evidence?  
every day 2 A. I believe it had rooms. I turned the evidence in  
I was 3 to Agent Hayes; and what happened inside the building,  
4 not involved in.  
through a 5 Q. How did you turn the evidence in? Did you go  
6 big, open door, or little door, or what?  
7 A. Normally, Agent Hayes came on site to wherever we

were,

8 either on the street collecting the evidence or at the  
Murrah

9 Building, and had a truck that we loaded what we  
collected into

10 that truck.

11 Q. What kind of truck was that?

12 A. It was a Ryder rental truck.

13 Q. Did -- did you have any role in off-loading the  
evidence

14 from the Ryder rental truck into that storage facility?

15 A. On a few occasions, yes, because of the size of the  
16 evidence.

17 Q. And did any of those occasions relate to the items  
that

18 you've identified today?

19 A. I don't believe so, no.

20 Q. Did any of those occasions relate to items that  
were

21 metallic items that you thought might have been part of  
the

22 Ryder truck?

23 A. Yes.

24 Q. All right. And did you observe how evidence was  
stored in

25 that facility?

Patrick Daly – Cross

pieces  
dropped at  
involved in

1 A. When I off-loaded the few times, the -- the -- say,  
2 of large frame from the truck, they were carried and  
3 the entrance to the building itself, so I was not  
4 the subsequent storage of that evidence.

was in

5 Q. You didn't see how the evidence was organized that  
6 the warehouse; is that fair to say?

7 A. I was not involved, yes, in organizing it.

Recovery Team

8 Q. Now, you testified that you had an Evidence  
9 kit with you; is that correct, sir?

clothing

10 A. A kit in that -- it included tools, protective  
11 and -- and packaging materials for the evidence.

of the

12 Q. Now, on the 20th, when you -- on -- was the morning  
13 20th -- was that the first briefing you attended?

were

14 A. The night of the 19th, myself and a few agents that  
15 there at the time met and decided that we would meet on

the

16 morning of the 20th. The first major informal briefing  
was

17 that morning.

18 Q. And that was held at the command post?

19 A. Yes.

20 Q. And who chaired that meeting?

possibly 21 A. I believe it was Agents Williams and Hahn and

-- of 22 representatives -- and I can't recall this specifically

23 the local field office, Oklahoma City field office.

as you 24 Q. And Agent Hahn had what role in the investigation,

25 understood it? How did he identify himself?

10700

Patrick Daly - Cross

Williams as 1 A. I believe he and -- he was assisting with Agent

that 2 far as the coordination of the crime scene, making sure

teams. 3 the teams were assigned specific areas, the search

perform 4 Making sure that there were enough personnel on site to

5 the crime-scene search.

6 Q. And what was Agent Williams' responsibility?

field office 7 A. I believe the -- the similar coordination of the  
8 crime-scene search and also liaison with the local

this 9 special agent in charge to provide updates as to how

10 search was progressing.

their 11 Q. What did you understand to be the difference in

12 roles, if any?

13 A. I think overall, I understood that Agent Williams  
was in  
14 charge; and Agent Hahn, as I said, was assisting him.

15 Q. Now, that first briefing took place what, about  
7:30 in the  
16 morning?

17 A. It was early. I can't give you an exact time, but  
I think  
18 it was early.

19 Q. And there was a schedule established at that time,  
was  
20 there not, about when there were to be morning  
briefings and  
21 evening meetings; correct?

22 A. There was a -- a schedule. I don't think we gave  
times,  
23 but we put in a morning briefing and then an end-of-  
shift  
24 briefing where the search team leaders such as myself  
would --  
25 would indicate -- meet together and indicate to the  
other

10701

Patrick Daly - Cross

1 people coordinating the search what was found  
basically, what  
2 we needed, any plans that we had for the next day. And  
also,

We had 3 as the search progressed, we had more than one shift.

the next 4 24-hour shifts so we would brief the team leaders from

that they 5 shift coming on where we left off, what was found, so

6 would have an idea of how the search was progressing.

beginning on 7 Q. Now, during the time that you were searching,

8 the 20th -- that's when you began, isn't it, actually

9 searching?

10 A. Yes, it was.

11 Q. Were you wearing your coveralls?

but 12 A. I was wearing -- at first -- I put coveralls on,

and 13 initially, I think I was wearing just pants and shirt

14 jacket.

you 15 Q. Okay. When did you first put the coveralls on that

16 brought?

17 A. I think as I got colder during the day.

second 18 Q. All right. And did you -- what did you wear the

19 day? Same coveralls?

the same 20 A. I had several with me. I don't know if they were

21 or not.

did you 22 Q. And how about the boots? How many pairs of boots

23 have?

24 A. I had two pairs of boots with me.

25 Q. And you wore those on and off during the different  
days?

10702

Patrick Daly - Cross

1 A. Primarily one pair.

2 Q. Uh-huh. And what steps did you take to clean those  
boots  
3 at the end of each workday?

4 A. Well, since the -- the crime scene, as I described,  
was  
5 spread out for a mile and a half in one direction --

6 Q. What steps did you take to clean the boots at the  
end of  
7 each workday?

8 A. Well, normally, if I was fearful that I had had any  
9 exposure to blood or human remains, I would use the  
bleach and

10 the water solution that the firemen had at the  
decontamination

11 stations; and also, I would use a hose just to -- to  
clean my

12 boots so that I wouldn't track, you know, the debris,  
mud, and

13 dirt from the scene into vehicles or -- or back to the  
hotel.

14 Q. Washed them off with a hose from time to time, and

15 sometimes you sprayed them with chlorine; correct?

16 A. That's correct.

17 Q. Do you remember any particular occasions on which  
you did  
18 those things?

19 A. When I was working inside the federal building,  
itself,  
20 where there were multiple casualties, I would, at the  
end of  
21 the day, go up to the firemen decontamination stations.

22 Q. What day did you first do searches in the federal  
building,  
23 sir?

24 A. I believe Monday, the 24th.

25 Q. All right. And so that would have been the first  
day on

10703

Patrick Daly - Cross

1 which you used any chlorine solution; is that correct?

2 A. I may have used it just to wash my boots from the  
firemen's  
3 decontamination station previous to that.

4 Q. Now, in addition to deciding -- having these search  
teams,  
5 there was a perimeter set up, wasn't there?

6 A. Yes, there was.

7 Q. All right. And that's very important at bombing

scenes --

8 correct -- to have a perimeter?

9 A. At any crime scene, it is.

10 Q. Bombing scenes, it's important, also; correct?

11 A. Correct.

12 Q. All right. Now, you testified that there were  
grids;

13 right?

14 A. Yes, sir.

15 Q. And is it the case that there was a centerline  
established

16 or a center point established about where the actual  
seat of

17 the explosion was?

18 A. The -- the actual seat of the explosion was fairly  
evident

19 as to being the crater.

20 Q. Yes, sir. My question is was that the center point  
from

21 which you established the grid system?

22 A. I don't believe it was. I believe it was the  
intersection

23 of Harvey and N.W. 5th.

24 Q. All right. Placing up here what's been received as

25 Government 940, a map, there's N.W. 5th. I know it's  
hard to

Patrick Daly – Cross

1 see. And there's Harvey. So that would be the  
intersection

2 that is down towards the Regency Tower from the Murrah  
Building

3 and where the Water Resources Board is right on the  
corner; is

4 that correct?

5 A. That's correct.

6 Q. All right. And that -- that was your center point;  
right?

7 A. Yes.

8 Q. And from that, you drew two intersecting  
perpendicular

9 lines; right? Or not?

10 A. Yes.

11 Q. And those four areas that were described by those  
lines

12 were the four grid areas; is that right?

13 A. I believe there was also -- going towards the east,  
we

14 divided up two -- two more grid areas, as well.

15 Q. So you had -- now, one of those additional grid  
areas was

16 the Murrah Building itself; correct?

17 A. That's correct.

18 Q. And what was the other grid area?

19 A. I can't say for sure what the other one was.

20 Q. Was it the parking lot?

21 A. I -- it may have been. I can't say for sure.

22 Q. You don't remember now?

23 A. I don't recall.

24 Q. Now, you testified that --

Honor? 25 MR. TIGAR: May I have just a moment, your

10705

Patrick Daly - Cross

1 THE COURT: Yes.

2 BY MR. TIGAR:

3 Q. Now, who made the assignment that you were to  
search the

4 grid area that was assigned to you?

5 A. I believe it was Agent Williams and Agent Hahn.

6 Q. And they assigned you to Grid Area 1; is that  
right?

7 A. Yes.

8 Q. All right. And that was the northwest quadrant;  
correct?

9 A. That's correct.

10 Q. And it's -- for that reason that you were the  
person who

11 was recovering items that were -- put 940 back on --  
the

12 northwest quadrant would be towards the Regency Tower  
up

13 towards this corner of this map; correct?

14 A. Correct.

15 Q. All right. Now, the Journal Record Building is not  
part of

16 Grid 1, is it?

17 A. That's correct.

18 Q. All right. And what was it that brought you from  
Grid 1 to

19 the Journal Record area?

20 A. Well, my team had completed Grid 1 by the end of  
the 22d,

21 beginning of the 23d. And we were tasked with -- with

22 assisting in recovery of evidence in other locations  
that

23 hadn't been searched yet.

24 Q. Now, as you walked back and forth, doing your  
searches --

25 all right -- where was the police line limit beyond  
which no

10706

Patrick Daly - Cross

1 civilian personnel were permitted to go?

2 A. That varied as the -- as the crime scene  
progressed. As

3 the exterior areas were searched, then the interior  
perimeter

4 was brought closer in towards the Murrah Building.

5 Q. Did you ever search the crater?

6 A. I did not.

the 7 Q. Did you -- did -- do you know if anybody searched  
8 crater?

to that 9 A. I know that the debris from the crater was shipped  
through 10 off-site I previously described where it was sifted  
11 screening.

filled 12 Q. When -- did there come a time when the crater was  
13 in?

14 A. Yes.

15 Q. When was that?

investigation, 16 A. That was towards the latter stages of the  
17 the search. I can't recall the specific date.

18 Q. You don't remember the date?

19 A. I don't recall the specific date.

day 20 Q. Now, in these -- were you having -- were you on the  
21 shift?

evening; 22 A. Day shift, and sometimes our day shift took into  
23 and occasionally, I worked nights, as well.

every 24 Q. Did -- did you show up at these morning briefings  
25 morning at 7:30?

10707

Patrick Daly - Cross

recall if 1 A. I showed up to every morning briefing. I don't  
2 they were always exactly at 7:30.

3 Q. But approximately 7:30?

4 A. Early morning.

5 Q. You were at every briefing; right?

6 A. Yes.

7 Q. And those were conducted by Special Agents Hahn and  
8 Williams; correct?

they 9 A. Hahn and Williams; or Hahn, or Williams. Or if  
10 weren't available, some other representative from the  
command 11 post.

12 Q. And did you show up at the evening meetings every  
evening?

13 A. Yes, unless I was occupied with something else.  
Then I 14 sent a member of my team to represent me.

15 Q. And sometimes those evening meetings were held at  
what,  
16 generally held about -- excuse me. These evening meetings were

17 about 5, 5:30; is that correct, sir?

18 A. Generally, I'd say around 5, 5:30, 6.

19 Q. In that -- in that neighborhood?

20 A. In that area.

21 Q. Now, in addition to your reporting at these  
meetings on  
22 what it was you were finding, these meetings were also  
23 opportunities for Agents Hahn and Williams to tell you  
what you  
24 should be looking for; correct?  
25 A. Certainly.

10708

Patrick Daly - Cross

1 Q. And they told you to look for Ryder truck parts,  
did they  
2 not?  
3 A. Yes, I believe so.  
4 Q. They told you to look for bomb components; correct?  
5 A. Well, that's implicit in the post-blast crime  
scene. You  
6 look for bomb components.  
7 Q. I understand it's implicit, sir. I'm asking you  
whether  
8 they asked you to look for bomb components.  
9 A. I don't specifically recall them asking me to look  
for bomb  
10 components. I think they assumed I would look for bomb  
11 components.  
12 Q. Did -- did there come a time when Agent Williams  
expressed  
13 a view as to what this device was made of --

14 MS. WILKINSON: Objection, your Honor.

15 THE COURT: Overruled.

16 BY MR. TIGAR:

17 Q. -- at one of these meetings?

18 A. I can't specifically recall if Agent Williams did  
that.

19 Q. Did there come a time when anybody who was  
directing these

20 meetings -- Agent Williams, or Hahn, or anybody --  
expressed an

21 opinion as to what this device was made of?

22 MS. WILKINSON: Objection, your Honor, just to

23 opinion.

24 THE COURT: Overruled.

25 THE WITNESS: I can't recall anyone making a  
specific

10709

Patrick Daly - Cross

1 opinion statement.

2 BY MR. TIGAR:

3 Q. Well, whether it was specific or general, sir, did  
somebody

4 express a view as to what this device was made of?

5 A. Not to my knowledge, because as far as I know, we  
were in

6 the midst of collecting the evidence at the time.

meetings  
of May,  
Hahn  
made

7 Q. So is it your statement, sir, that at none of the  
8 that you attended from the 20th of April through the 2d  
9 that neither Special Agent Williams nor Special Agent  
10 expressed any opinion whatever as to what this bomb was

specific

11 of? Is that your testimony?  
12 A. I don't recall if Agent Williams or Hahn made any  
13 statements.

of the  
possible  
recall if

14 Q. I didn't ask you specifics, sir.  
15 A. Well, or statements as far as what the construction  
16 device was. I don't recall that. I recall as far as  
17 explosive, ammonium nitrate explosive; but I don't  
18 Agent Hahn or Williams made that statement.

meeting  
nitrate

19 Q. Okay. Now, do you remember that somebody in a  
20 talked about the possibility that this was an ammonium  
21 device? Is that your testimony?

remember who

22 A. Possible ammonium nitrate device, yes.  
23 Q. All right. And as you sit there today, do you  
24 it was that expressed such an opinion?

25 A. No.

10710

Patrick Daly - Cross

1 Q. You're sure it wasn't Agent Williams?

2 A. I -- I'm not sure if it was Agent Williams.

3 Q. Do you remember discussing the velocity of -- the  
potential  
4 velocity of detonation of whatever device it had been?

5 A. No.

6 Q. When you recovered the door latch that you have  
7 identified --

8 MR. TIGAR: Excuse me, your Honor.

9 BY MR. TIGAR:

10 Q. -- 654 --

11 A. It's right over here.

12 Q. You have it here. Oh, good. May I -- I'm sorry.  
Hold  
13 that up.

14 You told the jury that you noticed pitting and  
15 cratering; correct?

16 A. Correct.

17 Q. Now, did you notice pitting and cratering at the  
time you  
18 recovered it?

19 A. Yes.

20 Q. Did you report the pitting and cratering to Agents  
Hahn and

21 Williams at your meeting?  
22 A. I don't recall it -- my reporting that, but I may  
have. I  
23 don't recall.  
24 Q. Now, you worked with Agent Hahn in the Avianca  
case, didn't  
25 you, sir?

10711

Patrick Daly - Cross

1 A. Yes.  
2 Q. And you know that the presence or absence of  
pitting and  
3 cratering in bomb-scene res -- or bomb-scene evidence  
is  
4 important; isn't that right?  
5 A. It's important, yes.  
6 Q. And you knew from your experience in the Avianca  
case that  
7 the existence or nonexistence of pitting and cratering  
in  
8 bomb-scene recovered items can be controversial?  
9 A. I'm not sure I understand that question.  
10 Q. You knew from your experience in that case that  
different  
11 people can have different opinions about the meaning of  
pitting  
12 and cratering; isn't that right?  
13 A. My participation in that case was collection of --

of items

14 of evidence, and that was limited.

15 Q. My question is simply, sir, did you become aware as  
a

16 result of your experience in the Avianca case that the  
17 existence or nonexistence of pitting and cratering is a  
matter

18 of -- of controversy?

19 A. I'm -- I wasn't aware of that.

20 Q. Okay. And when you noticed that there was pitting  
and

21 cratering on that device, did that have any meaning to  
you as

22 an experienced bomb-scene crime technician?

23 A. Yes.

24 Q. And it had meaning to you, sir, because pitting and  
25 cratering on the witness material -- is that what we  
call that?

10712

Patrick Daly - Cross

1 "Witness material," sir?

2 A. I would call it a door-lock assembly.

3 Q. I understand you call it a door-lock assembly. In  
-- the

4 bomb-scene crime expert that you are, would you call  
that

5 "witness material"?

6 A. I've never used that term.

7 Q. All right. Is it material that helps us to see  
what the  
8 device might have consisted of?

9 A. This material helps me to -- indicates to me that  
this was  
10 in very close proximity to an explosive blast.

11 Q. And in your experience as a crime-scene bomb  
expert, does  
12 the presence of pitting and cratering as distinct from  
some  
13 other kind of marking tell you something about the  
velocity of  
14 detonation of the explosive device?

15 A. It -- it can, yes. It can indicate that.

16 Q. And in fact, sir, pitting and cratering is  
consistent with  
17 a velocity of detonation in a range over 16,000 feet  
per  
18 second; correct?

19 MS. WILKINSON: Objection, your Honor.

20 THE COURT: What's the objection?

21 MS. WILKINSON: I think it's beyond his area  
of  
22 expertise.

23 THE COURT: Well, you put in all of his  
background.

24 The objection is overruled.

25 THE WITNESS: I would not know the exact  
velocity of

10713

Patrick Daly – Cross

1 detonation.

2 BY MR. TIGAR:

3 Q. Well, you worked crime scenes where you recovered  
metallic  
4 items that contained pitting and cratering; correct?

5 A. Correct.

6 Q. You worked the Avianca case; right?

7 A. Yes.

8 Q. And in the Avianca case, you had metal items that  
had  
9 pitting and cratering; correct?

10 A. Correct.

11 Q. And in that case, were you a party to making any  
12 conclusions as to the velocity of detonation of the  
device?

13 A. No.

14 Q. Did you have discussions with other agents at that  
time in  
15 which you learned about how to interpret the pitting  
and

16 cratering in an attempt to determine the velocity of  
detonation  
17 of the device?

18 A. No. Not to determine velocity of detonation, no.

19 Q. All right. And did you have discussions at that

time with

20 other agents about how you might use pitting and  
cratering to

21 determine of what the device was composed, what it was  
made of?

22 A. Yes. Other than possible residue or unexploded  
explosive

23 in -- in those pitting -- or in those craters, I  
wouldn't know

24 how else to determine the explosive used.

25 Q. Are you telling us, sir, that -- that in your  
experience,

10714

Patrick Daly - Cross

1 you don't know how pitting and cratering correlates to  
what an

2 explosive device is made of? Is that your testimony?

3 A. No. You -- I answered as far as the velocity of

4 detonation. I couldn't tell you exactly what velocity  
of

5 detonation of an explosive would produce --

6 Q. I understand.

7 A. -- an effect as this.

8 Q. You said "exactly"; correct, sir?

9 Does pitting and cratering help to establish a  
range

10 of velocity of detonation?

11 A. I believe it could.

based on 12 Q. Well, would -- and does that belief -- is that  
13 your training as a bomb-scene crime -- bomb crime-scene  
14 analyst?

post-blast 15 A. It's based on my observations that most -- both  
16 scenes and also bombing crime-scene schools.

17 MR. TIGAR: Excuse me, your Honor.

18 THE COURT: Please just answer the question.

that was 19 MR. TIGAR: I knocked off the cup of water  
20 left on the tray here. I don't want to set off an  
alarm.

21 THE COURT: Or short-circuit the equipment.

22 MR. TIGAR: Yes, your Honor.

23 THE COURT: Go ahead.

but I'll 24 MR. TIGAR: Thank you. I didn't hear that,  
25 tell you, that's --

10715

Patrick Daly - Cross

of water 1 Now I know why Ms. Wilkinson puts those cups  
2 there, your Honor.

3 Now, I apologize.

4 THE COURT: Want to repeat the question?

5 MR. TIGAR: Yes, your Honor.

6 BY MR. TIGAR:

7 Q. In your training, do you know whether or not  
pitting and

8 cratering on a material close to an explosive  
correlates to

9 velocity of detonation?

10 A. Yes, it does, in that -- it would be indicative of  
it being

11 a high explosive as opposed to a low explosive; low  
explosive

12 being, say, a powder mixture, gunpowder or something  
similar.

13 Q. Okay. And what range of velocity of detonation is  
14 consistent with pitting and cratering of the witness  
material?

15 A. In general, a high explosive is greater than, say,  
16 3500 feet per second. As far as a specific range, I'm  
not

17 aware of any testing to make it any specific, say,  
5,000 feet

18 per second, 20,000 feet per second.

19 Q. Is it your testimony that an explosive with a  
velocity of

20 detonation of 3500 feet per second can cause pitting  
and

21 cratering like that?

22 A. In general, a definition of a high explosive is any  
23 explosive greater than 3500 feet per second. Pitting  
and

24 cratering is indicative of a high explosive. I'm not

aware if,

4,000 25 say, an explosive that has a velocity of detonation of

10716

Patrick Daly - Cross

I'm not 1 feet per second could produce pitting and cratering.

2 aware of --

3 Q. Were you a testifying agent in the Avianca case?

4 A. No.

Avianca 5 Q. All right. Do you -- did you study the work in the

cratering that 6 case on the relationship between the pitting and

the 7 was observed and the alleged velocity of detonation of

8 device?

9 A. No.

someone 10 Q. Now, you said that there was some discussion or

be -- 11 mentioned -- you don't remember who -- that this might

12 might have been an ammonium nitrate device; right?

13 A. That's correct.

scene, did 14 Q. Now, from your observation as an expert on the

thrusting 15 you find that the device was of a heaving, bursting,

16 character?  
17 A. It certainly was heaving and bursting, because it  
heaved  
18 the floors in the Murrah Building and collapsed the  
floors of  
19 the Murrah Building. It also was heaving in that it  
thrust  
20 pieces of metal, as you see displayed before you, two  
and a  
21 half blocks, 100 yards, 300 yards, up into an eighth  
floor of  
22 an apartment building over a block away.  
23 Q. Agent, is the word "heaving-type explosive" a word  
of art  
24 for people who are like you, experienced crime scene  
bomb  
25 analysts?

10717

Patrick Daly – Cross

1 A. I'm not exactly sure what you determine as a word  
of art.  
2 Q. Is the word -- have you ever heard before coming to  
court  
3 today the words "heaving-type explosive"?  
4 A. Yes.  
5 Q. And where is the first time that you heard the  
words  
6 "heaving-type explosive"?  
7 A. I would think -- or I believe back in my initial

training

8 at Redstone Arsenal in 1985.

9 Q. And heaving -- what would you -- would you tell us  
-- and

10 is it your opinion based on your observation that what  
you were

11 seeing there -- let me back up.

12 There was a lot of devastation, wasn't there,  
sir?

13 A. Yes, there was.

14 Q. All right. Now, let's talk about -- was the  
devastation

15 that you saw consistent with what you understood to be  
a

16 heaving-type explosive?

17 A. Yes, it was.

18 Q. All right. And in your discussions that you had at  
19 these --

20 MR. TIGAR: Your Honor, I think we -- I think  
-- I

21 think I've done it, Judge. It's all right. I don't --  
I don't

22 really need this podium. But I'll just --

23 THE COURTROOM DEPUTY: It's the water.

24 MR. TIGAR: Yes. Thank you.

25 BY MR. TIGAR:

Patrick Daly – Cross

1 Q. Agent, as you can tell, I don't know anything about  
this,  
2 so I have to rely on you.

3 Will you tell the jury, please, what is a  
heaving-type  
4 explosive? What are examples of it? Ammonium nitrate  
and fuel  
5 oil; correct?

6 A. From what I would understand, it's a lower-velocity  
7 explosive. Primarily, if I put it in terms that we can  
8 understand, if I own a quarry and I'm going to blast  
rock out  
9 of the quarry, I'm not going to use a high-velocity  
explosive,  
10 military explosive, for example, because I want to  
control the  
11 size of the rocks. I don't want powder.

12 Q. Right.

13 A. So I'm going to use a lesser velocity explosive,  
which  
14 would be a heaving or pushing explosive. That way, if  
I use,  
15 say, ammonium nitrate in the quarry or some other type  
of  
16 commercial explosive, even commercial dynamite that is  
a lesser  
17 velocity of detonation, I'll have management --  
manageable  
18 material. But if I'm a military person and I'm using  
military

19 explosives, I want to destroy. So if I put a charge  
against a  
20 tank or an armored personnel carrier, I want to make  
sure that  
21 that vehicle is destroyed. So I'm going to use a  
22 high-velocity-of-detonation explosive, which will  
produce  
23 smaller pieces and greater devastation.  
24 Q. Now, just -- so the ammonium nitrate and fuel oil  
are  
25 heaving type explosives; correct?

10719

Patrick Daly - Cross

1 A. They are lesser velocity.  
2 Q. Yes. Lesser velocity. And how about a urea  
nitrate  
3 explosive?  
4 A. I don't know the exact velocity of detonation, but  
it would  
5 be similar --  
6 Q. Yes.  
7 A. -- I would say, to ammonium nitrate.  
8 Q. In fact, urea nitrate was what -- was thought to be  
9 involved in the World Trade Center case; is that right?  
10 A. I believe so, yes.  
11 Q. And you knew that because -- did you know that by  
12 discussing it with Agent Williams?

13 A. I know it was discussed. I don't know if I  
personally  
14 discussed it with Agent Williams or heard it from some  
other  
15 agent on the scene.

16 Q. All right. So that was something that was talked  
about as  
17 part of your experience in the World Trade Center  
bombing  
18 scene; is that correct, sir?

19 A. That's correct.

20 Q. And are you aware of what conclusion Agent Williams  
21 eventually reached about whether or not that device was  
a urea  
22 nitrate device in the World Trade Center?

23 MS. WILKINSON: Objection.

24 THE COURT: Sustained.

25 BY MR. TIGAR:

10720

Patrick Daly – Cross

1 Q. Now, sir, in addition to ammonium nitrate and fuel  
oil and  
2 urea nitrate, there are other examples of these  
heaving-type  
3 explosives; correct, sir?

4 A. Correct.

5 Q. There are water gel explosives?

6 A. Yes.

7 Q. There are ammonium based dynamites?

8 A. Yes.

9 Q. And a variety of others; correct?

10 A. That's correct.

11 Q. Now, during the time that you were in Oklahoma City  
from

12 the -- the 20th of April through the 2nd of May, did  
you have a

13 discussion with Special Agent Hahn about what this  
device might

14 have been made of?

15 A. I don't recall if I did or did not.

16 Q. May I just ask you again: Do you recall having a

17 discussion with Agent Williams about it?

18 A. You know, specifically with whom I had a  
discussion, I

19 can't say if it was Hahn, Williams, or some other  
agent.

20 Q. All right. Did you have a working hypothesis as to  
what

21 the device was made of for purposes of your search?

22 A. Yes.

23 Q. Do you remember talking about what the device might  
have

24 been made of with officials of the ATF?

25 A. Yes.

exhibited 1 Q. Did you ever see a mockup made by ATF agents and  
2 in the vicinity of the Murrah Building?

3 A. I saw what they said was a mockup of it, yes.

4 Q. All right. And did -- and was that in a truck?

5 A. It was in a Ryder truck, I believe.

6 Q. Did you look in the truck?

less, I 7 A. I went to the truck and then I decided that more or  
into 8 knew what a Ryder truck looked like, and so I didn't go  
9 the truck.

10 Q. Did you look into the truck, sir?

11 A. I didn't stop and look at the truck.

12 Q. Did you see any barrels inside the truck?

13 A. I don't recall seeing any barrels.

the scene 14 Q. Did you have a discussion with the ATF agents at  
15 as to why they had brought the truck?

think 16 A. I don't think I -- any ATF agents at the scene -- I  
17 an ATF agent or two on my team.

18 Q. Oh, you talked -- you talked to them about it?

on my 19 A. I believe I -- they -- either they or someone else  
20 team told me there was a mockup of the device.

briefing 21 Q. And did you discuss this mockup at any of these  
22 sessions that you had in the morning or the afternoon?  
23 A. I don't recall if the mockup was discussed, no.  
to bring 24 Q. Did you discuss whether or not it was a good idea  
25 such a thing to a crime scene at any of the briefing  
sessions?

10722

Patrick Daly - Cross

search 1 A. Well, from what I can recall, it wasn't within the  
the crime 2 perimeter that we were conducting, so it was outside  
3 scene.

it was a 4 Q. Did you have any discussions as to whether or not  
5 good idea to have brought the thing to the vicinity?

with a 6 A. Well, I think it was for those who weren't familiar  
to see 7 Ryder truck. It might have been a good idea for them  
8 the different parts as we were recovering parts.

purpose in 9 Q. What -- Is it your understanding that the ATF's  
looked 10 bringing it was just to show people what a Ryder truck  
11 like?

12 A. I'm not sure what their purpose was.

13 Q. Okay. Now, is it planned, sir, that you're going  
to return

14 here to talk about having found other items beyond what  
you've

15 testified to today?

16 A. Yes.

17 Q. All right. And those would be plastic items?

18 A. Yes.

19 Q. All right. Well, then I won't ask those because  
they are

20 not within the scope.

21 Now, you testified that you were there for all  
these

22 days from the 20th to the 2nd; is that right, sir?

23 A. Even beyond the 2nd, I believe.

24 Q. Okay. And were -- did you participate during that  
time in

25 sifting the debris?

10723

Patrick Daly - Cross

1 A. No. That was done at a -- offsite.

2 Q. Did you supervise in collecting material that was  
to be

3 sifted, the debris?

4 A. No.

5 Q. Now, did you ever conduct any searches in that

parking lot

6 area?

7 A. The parking lot across from the Murrah Building?

8 Q. Yes, sir.

9 A. No.

10 Q. You searched right around the corner from it;  
correct, sir?

11 A. Around the corner and to the buildings in the rear  
of the

12 YMCA and going down east on 6th Street.

13 Q. Now, you testified, sir, that you recovered 654,  
the door

14 latch that you have on the table there, and you took a  
picture

15 of it in place; is that correct?

16 A. Embedded into the wall.

17 Q. Yes, sir. And you took a picture of it in place  
with the

18 ruler next to it; correct?

19 A. Right.

20 Q. And you took a picture of it removed and then on  
the floor

21 directly in front; correct?

22 A. In the same room.

23 Q. In the same room; correct?

24 A. Right.

25 Q. And that is of course -- excuse me. That is  
correct crime

Patrick Daly - Cross

1 scene procedure, is it not, sir?

2 A. It's -- it's correct procedure, sure.

3 Q. It is a way to -- to verify exactly where that was  
found;

4 correct?

5 A. It's a way to verify where it's found, yes.

6 Q. And you instructed your agents to photograph items  
before

7 they were picked up; is that right?

8 A. I instructed them to photograph them and to log  
them in;

9 and naturally, it would be best to photograph them  
before they

10 are picked up where they are located.

11 Q. Were you given instructions about that at these  
meetings?

12 A. I don't recall any instructions as to photography.

13 Q. Was -- was that your instruction to your people as  
to what

14 you would -- as to how that procedure was to take  
place?

15 A. That's correct.

16 Q. Now, in your training as an evidence recovery  
technician,

17 do you get instruction as to the order in which you are  
to

18 recover items of evidence; that is to say, the order of

things

19 you're supposed to do when you're recovering an item of  
20 evidence?

21 A. Yes.

22 Q. And is -- of course, the first thing you have to do  
is see  
23 it; right?

24 A. Exactly.

25 Q. And then the second thing you have to do is to  
recognize it

10725

Patrick Daly - Cross

1 is something you're interested in; correct?

2 A. That's correct.

3 Q. And if you decided you're going to photograph it,  
is that  
4 the next thing you do?

5 A. That; or if you're going to measure it, exactly,  
you might

6 measure it first.

7 Q. All right.

8 A. Either way.

9 Q. So the measuring and the photographing are next;  
right?

10 A. Correct.

11 Q. Now, do you also have a procedure that says that  
you should

12 mark on a sketch map or plan where you found something?  
13 A. If you're doing sketches, you would either mark it  
exactly  
14 or approximately on the sketch where you found it.  
15 Q. Okay. And in your kit that you had on this day,  
were your  
16 team members handed forms that were generated by the  
FBI on  
17 which they could mark the precise location in which  
items of  
18 evidence were found?  
19 A. We had sketch forms where they -- if they were  
sketching  
20 the location where the item was found, they can mark  
the  
21 location. I did not require them to measure so that  
they would  
22 have it precisely. They could do it approximately.  
23 Q. Okay. So -- but in your team, when you were  
directing it,  
24 you asked that a record be kept before the item was  
moved so  
25 that there would be some contemporaneous notation of

10726

Patrick Daly - Cross

1 approximately where it was found; is that correct?  
2 A. Either we kept it as part of the regular evidence  
3 collection log, or in some areas in some occasions we

either

4 photographed the item or sketched the location of the  
item; so

5 in addition to the evidence collection log, we would  
also note

6 on the sketch or on the photo log where it was found.

7 Q. And in addition to that, you would have the  
photographer

8 keep a record of what frame number was being used to  
photograph

9 items that were being photographed; is that right?

10 A. Yes. Either the photographer, or I believe I  
assigned

11 another agent to actually do the photographic log  
sometimes.

12 That person would copy down the frame number to  
correspond with

13 the item.

14 Q. Now, in addition to the briefings that you had from  
Agents

15 Hahn and Williams, did you ever have a briefing from a  
man

16 named Hank Gibbons?

17 A. I may have. I don't know who Mr. Gibbons is.

18 Q. You don't recall ever having met him?

19 A. No.

20 Q. Did you ever have a briefing from -- by an agent  
named

21 Thurman?

22 A. I know Agent Thurman. I don't recall any briefings  
from

23 him.

special 24 Q. Okay. The -- can you recall any briefings from any  
morning 25 agents at these sessions that you've told us about, the

10727

Patrick Daly - Cross

Special 1 and evening, other than Special Agent Williams and  
2 Agent Hahn?

but if 3 A. I know there may have been other agents involved;  
4 they were from Oklahoma City, I really didn't know  
them.

makeup of 5 Q. And do you recall any discussion of a possible  
6 this explosive device other than ammonium nitrate?

7 A. I also recall possibly looking -- or being aware of  
the 8 possibility of the ammonium nitrate might have been in  
plastic 9 barrels.

later; is 10 Q. Now, that -- you're going to talk about plastic  
11 that correct, sir?

12 A. That's correct.

13 Q. All right. So I'm not going to ask you any  
questions about

you not 14 any plastic or containers now. I'll wait. I'm asking  
was made 15 about containers. I'm asking you about what a device  
meetings 16 of. Did anybody ever express a view in any of these  
17 other than about ammonium nitrate and fuel oil?

in a 18 A. No. There was a view that the bomb was contained  
19 Ryder truck.

Ryder 20 Q. I understand about containers, sir. I'm not -- the  
was a 21 truck. All right. Then an opinion was expressed it  
22 Ryder truck?

23 A. Yes.

composition 24 Q. Now I'm asking you about what -- the chemical  
anything 25 of it. Did anybody express any opinion about it being

10728

Patrick Daly - Cross

1 other than ammonium nitrate fuel oil, ANFO?

recall. 2 A. I recall ammonium nitrate and fuel oil. I don't

3 Q. You don't recall any other thing being said?

determined. 4 A. I don't recall any other explosive being

5 Q. Being what?

6 A. Being determined or said.

7 Q. Being determined or said.

8 MR. TIGAR: I have nothing further at this  
time, your

9 Honor, on the understanding that the witness is going  
to be  
10 returning later.

11 THE COURT: That was. Maybe we'll take just a  
moment

12 to try to wipe up this --

13 MR. TIGAR: I apologize, your Honor.

14 THE COURT: And see if the --

15 MS. WILKINSON: Maybe I could just ask my two  
16 questions --

17 MR. TIGAR: I promise the Court not to touch  
it.

18 THE COURT: Let's just hold on for a minute.

19 MS. WILKINSON: Can I just stand here and ask  
my  
20 questions, your Honor?

21 THE COURT: Well, I'd like to wait. The jury  
can

22 stand and stretch for a moment while we see if we can  
make a  
23 field expedient repair here.

24 It just goes in one direction.

25 MS. WILKINSON: It only goes down, your Honor.

1 THE COURTROOM DEPUTY: Let it dry.

2 MS. WILKINSON: All right.

3 THE COURT: All right. Please proceed.

4 MS. WILKINSON: Thank you.

5 REDIRECT EXAMINATION

6 BY MS. WILKINSON:

7 Q. Can you tell us, Mr. Daily, approximately how much  
debris  
8 was collected from the crime scene during the  
investigation.

9 A. I'd say about 7,000 or more pounds.

10 Q. Now, was there a photograph taken of every piece of  
debris  
11 that was collected before it was turned in to Evidence  
Control?

12 A. No.

13 Q. And on your team, did you take a picture of every  
piece of  
14 evidence that was taken into your custody?

15 A. No. I instructed them only pieces that I thought  
were  
16 significant or that they thought were significant, that  
we  
17 would photograph.

18 MS. WILKINSON: I have no other questions,  
your

19 Honor.

20 THE COURT: Does that lead to any recross?

21 MR. TIGAR: Yes, your Honor.

22 RE-CROSS-EXAMINATION

23 BY MR. TIGAR:

24 Q. In this recovery process, sir, were -- right from  
the

25 start, were you putting FBI labels on these things?

10730

Patrick Daly - Recross

1 A. We didn't -- or my team from the start, we didn't  
have FBI

2 labels. We would write on the packaging material; or  
we had, I

3 think, at the beginning some twist-tie cardboard, plain  
4 cardboard labels that we could write an item number and  
a date

5 and a location and the initials of the person, myself  
or some

6 of the other team members who seized the item.

7 Q. Now, was there some controversy between the ATF and  
FBI

8 about the labeling?

9 A. No.

10 Q. None that you observed?

11 A. None that I ever observed.

12 Q. All right. The labeling, was that then procedure  
that was

13 established that first morning by Agents Hahn and  
Williams and  
14 that's what you followed?  
15 A. And I'm not sure if they were the only ones  
establishing  
16 the procedures, but that first procedure was what we  
followed.  
17 MR. TIGAR: Thank you, very much, sir.  
18 MS. WILKINSON: He's dismissed for now, but  
will be  
19 re-called.  
20 THE COURT: Yes. He's going to be called  
back. You  
21 may step down.  
22 And we'll call for the next witness.  
23 THE WITNESS: Thank you.  
24 MR. MACKEY: That will be Mr. Bruce Lind.  
25 THE COURT: All right.

10731

1 (Bruce Lind affirmed.)  
2 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
3 Would you state your full name for the record  
and  
4 spell your last name.  
5 THE WITNESS: Bruce Alfred Lind. L-I-N-D.

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Mr. Tigar, is there a problem?

8 MR. TIGAR: Now, your Honor, I just wanted to  
retrieve  
wanted to  
9 the exhibits that were given. I wasn't objecting. I  
10 make sure the table was clear.

11 THE COURT: Mr. Mackey.

12 DIRECT EXAMINATION

13 BY MR. MACKEY:

14 Q. Mr. Lind, good afternoon. I'm over here. It's a  
big  
15 courtroom with a lot of people in it.

16 I'm going to have some questions, and then  
perhaps  
17 defense counsel will; but let me start by asking you:  
Are you  
18 representing the Federal Highway Administration here in  
your  
19 appearance this afternoon?

20 A. Yes, I am.

21 Q. Let's tell the jury a little bit about yourself,  
please.

22 How old are you?

23 A. I'm 56.

24 Q. And where do you live currently?

25 A. I currently live in Lincoln, Nebraska.

Bruce Lind - Direct

1 Q. And how long have you been in Nebraska?

2 A. About five months.

3 Q. Are you married?

4 A. Yes, I am.

5 Q. And how long?

6 A. 32 years.

7 Q. Have children?

8 A. Yes. Three.

9 Q. Tell us your educational background.

10 A. I received a bachelor of science degree from  
Carroll

11 College in Waukesha, Wisconsin, and a bachelor of civil

12 engineering from Marquette University College of  
Engineering.

13 Q. Are those joint degrees?

14 A. Yes.

15 Q. And in what year were they awarded?

16 A. 1964.

17 Q. And shortly after graduating from college, Mr.  
Lind, did

18 you go to work for the United States?

19 A. Yes, I did. I went to work for the then Bureau of  
Public

20 Roads.

21 Q. And has that agency since changed names?

22 A. Yes. To the Federal Highway Administration.  
23 Q. Have you worked for anybody else in your employment  
career?  
24 A. Not since I graduated from college.  
25 Q. How many total years then have you worked for what  
is now

10733

Bruce Lind - Direct

1 known as the Federal Highway Administration?  
2 A. The Federal Highway Administration itself for 30  
years.  
3 Q. Could you give the jury, Mr. Lind, an overview of  
the  
4 mission or the services provided by that agency.  
5 A. Okay. The Federal Highway Administration is  
responsible  
6 for administering, as the name implies, the federal aid  
to  
7 highway program. Taxes are collected on gasoline,  
diesel fuel,  
8 and so on. And those funds are reallocated to the  
states for  
9 the purposes of design and construction of highways and  
the  
10 reconstruction of highways. As an example, the  
interstate  
11 system is probably the best known.  
12 Federal Highways, the office that I'm  
responsible for,

the 13 is the federal aid division. And we're responsible for  
that 14 general oversight of the use of those funds, assuring  
meet 15 regulations, laws are complied with; that the projects  
16 design standards, and so on.

17 MR. MACKEY: It's drying out, Judge.

on the 18 THE COURT: Yeah. Mr. Lind, we'll let you in  
there and 19 inside here. We spilled some water at the lectern  
shorted out 20 it's an -- it operates electrically and apparently  
21 for a time. Maybe we need your expertise.

22 THE WITNESS: I'm not an electrical engineer.

23 THE COURT: Oh, all right.

stand, 24 MR. MACKEY: He should step down from the  
25 Judge.

10734

Bruce Lind - Direct

noise, 1 THE COURT: Well anyway, if you hear a strange  
2 that's what is happening.

3 THE WITNESS: Okay.

4 BY MR. MACKEY:

your way 5 Q. Thanks, Mr. Lind. Over the years, have you worked  
6 through various positions with the Federal Highway  
7 Administration?

three-year 8 A. Yes, I have. I started out in -- in 1964 in the  
including 9 highway engineer training program, was in states  
South 10 Oregon, Oklahoma, Washington, D.C., Virginia, Utah, and  
11 Dakota.

about six 12 Upon graduation, we went to Alaska. Spent  
seven 13 or seven years there. Moved to Louisiana. Spent about  
Went back 14 years there. Went to New Mexico. Four years there.  
then 15 to Washington, D.C., and spent three years there, and  
there, 16 transferred to Oklahoma; and I was three -- eight years  
17 until this April, when I moved to Lincoln, Nebraska.

the 18 Q. And are you the administrator or the top person for  
19 state of Nebraska?

Nebraska 20 A. Yes. I'm the division administrator now in the  
in the 21 Division. I was the assistant division administrator  
22 Oklahoma Division.

in 23 Q. Mr. Lind, were you then in that position as No. 2

24 Oklahoma in April of 1995?

25 A. Yes. I was. In addition to that, I was also  
serving as

10735

Bruce Lind - Direct

1 the acting division administrator because our previous  
2 administrator had been transferred and the new  
administrator  
3 had not moved into the office yet.

4 Q. So in April of '95, were you carrying out the  
5 responsibilities of both the first and second in  
charge?

6 A. Yes.

7 Q. And generally speaking, what was the nature of  
those dual  
8 duties for you in April of '95?

9 A. I carried, as assistant division administrator, two  
titles:

10 the assistant and also engineering coordinator. And  
those

11 duties consisted of being the chief engineer for the  
office and

12 also a chief of staff. And I supervised all but myself  
and my  
13 immediate supervisor in the office.

14 Q. And in April of '95, where was the Federal Highway  
15 Administration officed? Where was it located?

454 of 16 A. We were located in Oklahoma City. We were in Room  
17 the Alfred P. Murrah Federal Building.  
18 Q. And at that time, what was the size of your staff?  
19 A. I believe we had 25 folks total.  
20 Q. Let me turn your attention, if I can now, Mr. Lind,  
to the  
21 day of April 19, 1995, and that morning.  
22 A. Okay.  
23 Q. Would you tell the members of the jury  
approximately what  
24 time of day you arrived?  
25 A. I arrived shortly before 7:00 in the morning.

10736

Bruce Lind - Direct

you did 1 Q. Would you describe to the members of the jury what  
2 in the course of the next two hours.  
3 A. After getting some coffee, I went into my office  
and turned  
4 on my computer, checked my calendar on the computer,  
looked  
5 over some paperwork left over from the day before; and  
then  
6 some guests came in and we chatted, waiting for a 9:00  
meeting.  
7 Q. Were you hosting a meeting, a business meeting that  
8 morning?

highway 9 A. Yes. We were hosting a -- what's called a "forest  
division 10 meeting." It's an annual meeting that's held at the  
11 office.

12 Q. And how many different visitors showed up that  
morning to 13 participate in that meeting?

14 A. There were two gentlemen from the Forest Service, a  
lady 15 from our eastern office of direct construction, and a  
gentleman 16 from the Oklahoma Department of Transportation.

17 Q. In the course of that morning, Mr. Lind, and prior  
to the 18 start of your meeting, did you have an opportunity to  
see, 19 observe, or engage in any conversation with any other  
fellow 20 employees of yours?

21 A. Yes. Let's see. My secretary, Kathy Quinn -- I  
know I saw 22 her. I believe I ran into Jim Carver, our right-of-way  
23 officer; Johnny Wade, our planning and research  
engineer; Larry 24 Jones, our computer specialist, and I believe Michelle  
Reeder. 25 I think I saw her in the course of the morning.

Bruce Lind - Direct

1 Q. What time again was the meeting to begin?

2 A. 9:00.

3 Q. And did you, in fact, begin that meeting?

4 A. Yes.

5 Q. Where?

6 A. In my office.

7 Q. Could you describe for the members of the jury  
where your

8 office was located.

9 A. It's in roughly the southeastern corner of the  
building. I

10 was just one office to the west of the most-corner  
office.

11 Q. So if I were in your office looking out the  
windows, would

12 I see the Federal Courthouse south of the plaza?

13 A. Yes, you would.

14 Q. And do you recall approximately what time the  
meeting, in

15 fact, started?

16 A. It was very close to 9:00, because I can remember

17 remarking, "Well, it's 9:00, it's ready -- time we get

18 started."

19 Q. And other than the visitors that you've referenced,  
were

20 there any other fellow employees from the Federal  
Highway

21 Administration in that meeting?

22 A. Yes. Gary Rimrodt, our financial manager, was also  
in the  
23 meeting.

24 Q. And shortly after 9:00, Mr. Lind, what happened?

25 A. Well, we had just started. Peggy De Weese, the  
lady from

10738

Bruce Lind - Direct

1 Eastern Direct Federal, was going over with us the  
minutes of

2 our previous meeting. And then there was an explosion.

3 Q. And I'd like for you now, Mr. Lind, to describe to  
the jury

4 what you experienced.

5 A. My first recollection or recollections where I was  
-- I

6 found myself on the floor. I was lying on my right  
side. And

7 at the same time, I heard a metallic -- very loud  
metallic

8 bang. And I discovered my feet were pinned under my --  
my

9 desk. I had a Systems Furniture desk, and it fell off  
the

10 pedestal and landed on my feet. There was a lot of  
commotion.

11 A couple of the people in my office, you know: What --  
what's

12 happening? What's going on? Is everybody okay? And  
then they  
13 started dusting themselves off; and I said that I was  
okay, but  
14 my feet were trapped.

15 Q. Mr. Lind, were the -- excuse me. Were you trapped  
in such  
16 a fashion that you could free yourself?

17 A. Not readily, no. A couple of the -- the men in the  
office  
18 with me made an attempt to lift the -- the desk off my  
feet but  
19 were unsuccessful. And then the building started to  
come down.

20 So they got under and with everybody else except me --  
under a  
21 small conference table that I had in my office.

22 Q. This was a number of people that you've described  
all in  
23 your office --

24 A. Yes.

25 Q. -- shortly after the blast?

10739

Bruce Lind - Direct

1 A. Uh-huh.

2 Q. And you're laying on the floor, trapped underneath,  
or at  
3 least your feet trapped underneath your desk?

4 A. Yes.

5 Q. What was it that everyone heard that led them to  
seek cover

6 under the conference table?

7 A. Well, you could hear a collapsing, the building was

8 vibrating and -- and the floors were beginning to  
collapse.

9 Q. As an engineer, were you particularly attuned to  
what you

10 were hearing?

11 A. I understood what was happening.

12 Q. What did you understand?

13 A. Well, the -- the building was -- was falling down.  
And it

14 was starting, it appeared to be, from the bottom. And  
it

15 would -- it seemed like a floor would fall and then it  
would

16 maybe hesitate a few seconds and then another one and  
another

17 one as it -- it worked its way up. Sometimes it felt  
like

18 maybe a few seconds of a pause, but just almost a  
steady rain

19 of debris coming down outside my office.

20 Q. This was all that you're learning and hearing as  
you're

21 laying trapped underneath your desk?

22 A. Yes.

23 Q. After the debris came to subside and it grew quiet,

desk? 24 Mr. Lind, were you able to get out from underneath your

off my 25 A. Yes. We were able to clear enough of the debris

10740

Bruce Lind - Direct

1 desk that we were able to find the edges; and two of  
them

2 lifted it just enough so I could pull my feet out. And  
then I

3 was able to stand up.

4 Q. And all the persons who had been inside your office  
that

5 morning at the time of the explosion, were they alive?

6 A. Yes. Yes. All were.

7 Q. And what did the group of you do then after you  
were freed

8 from your desk?

9 A. A couple went over and helped Kathy Quinn, my  
secretary,

10 out from under some debris at her desk, which was just  
outside

11 my office. And then we all congregated in the division

12 administrator's office, which was the corner-most  
office. And

13 Jim Erickson, who was to be the new division  
administrator,

14 had -- just happened to be in the office on a house-  
hunting

15 trip that day and had just come in prior to the  
beginning of  
16 the meeting. And he was in there, as well. So the  
eight of us  
17 congregated in the southern half of that office and let  
people  
18 down below know that we were there and asked for help.  
19 Q. Mr. Erickson's office was immediately east of  
yours?  
20 A. Yes.  
21 Q. In that direction? It would be in the extreme  
southeast  
22 corner of the building?  
23 A. That's right.  
24 Q. Were you able to walk out of your office and head  
in the  
25 direction of the stairwell?

10741

Bruce Lind - Direct

1 A. No.  
2 Q. Why not?  
3 A. There was a big gaping hole between my office and  
the  
4 stairwell.  
5 Q. While you were laying on the floor -- earlier, Mr.  
Lind, I  
6 meant to ask -- was there anything you could see from  
that

had never 7 position that on any other day before April 19th, you  
8 been able to see?

I could 9 A. I saw the sky. I was laying on my right side, but  
10 crane my neck over to my left and look out and see blue  
sky.

and the 11 Q. In the course of that morning, Mr. Lind, were you  
12 other members in your group eventually rescued from  
that 13 location?

and put 14 A. Yes. They were able to secure an extension ladder  
15 it up to the windows, and we were able to slip out over  
the 16 ledge and then down on the -- down the ladder.

17 Q. And you're on the fourth floor; is that correct?

18 A. That's correct.

Was it on 19 Q. And this ladder that you gained -- escaped from:  
20 the back of a firetruck?

21 A. No. No. It -- I understand that it had been  
secured from 22 an Oklahoma Gas and Electric Company truck that  
happened to be

23 in the area. It was a two-section.

24 Q. Freestanding extension ladder?

25 A. Yes.

10742

Bruce Lind - Direct

1 Q. Did you take any steps to anchor the ladder at the  
top  
2 where you all were located?

3 A. Yes. The lad -- the ladder itself was standing  
almost  
4 vertically. And there were a couple good-sized men  
down at the

5 bottom. And we had pulled down the drapes from the  
window in  
6 my office as well as some from the division  
administrator's

7 office. And we tied the top of the ladder off onto one  
of the  
8 posts between the windows so that it wouldn't tip  
backwards.

9 Q. And did fire personnel come up to the floor and  
assist you  
10 and the others in your escape?

11 A. Yes. There was an off-duty fireman. He was the  
first one  
12 up. And he came up and he mainly assisted Kathy Quinn.  
She  
13 had gotten hit in the head and was bleeding, and she  
had also  
14 taken a pretty good hit to her hip.

15 Q. Approximately how long, Mr. Lind, were you trapped  
inside  
16 the building from the time of the explosion until your  
escape?

minutes. 17 A. I would say probably on the order of 30 to 45  
18 Q. And after you made it to ground level, did you  
contact 19 emergency personnel and eventually make it home safely  
that 20 day?  
21 A. Yes. After we got down, the first order of  
business was to 22 make sure that Kathy was being taken care of. And she  
-- they 23 had kind of a triage station on the south end of the  
building. 24 And we confirmed that she had been taken care of and  
was taken 25 to St. Anthony's Hospital.

10743

Bruce Lind - Direct

1 And then during that period, I also walked to  
the 2 south side of the building and I found Jim Carver, who  
had also 3 been in, but in the other end of the office. And I  
didn't see 4 anybody else that I knew from our office.  
5 So let's see. Charlie Younger ultimately  
walked back 6 to the highway department offices. Gary Rimrodt walked  
over to 7 the IRS building where his wife was working, and I

guess he

8 went home. And I took Bev Allen and Ed Tarver from the  
Forest  
9 Service and Peggy De Weese from our office and Jim  
Erickson,  
10 and we went over to the county jail. And then I walked  
over to  
11 a bail bondsman's office and called my wife, and she  
picked us  
12 took  
13 up there. And we dropped Jim off at his motel and we  
everybody else to my home.

14 Q. Mr. Lind, before you made it down the ladder, while  
you  
15 were still up on the fourth floor, did you take a  
moment to  
16 observe how much of the former offices of the Federal  
Highway  
17 Administration were no longer there?

18 A. I looked out towards the -- it would be the  
northwest and  
19 north, yes.

20 Q. What would you describe?  
21 A. Well, there wasn't very much left. There was this  
big hole  
22 that cut all the way through nearly to the south wall,  
and it  
23 stretched all the way over to where Motor Carriers was.  
And of  
24 course, it went all the way to the south wall. Oh,  
excuse me.  
25 To the north wall.

10744

Bruce Lind - Direct

1 Q. Mr. Lind, on April 19, 1995, how many of the 25  
staffers or  
2 people on the payroll were, in fact, present inside the  
office  
3 at the time of the explosion?

4 A. There were 16.

5 Q. And, Mr. Lind, how many of those 16 people died?

6 A. 11.

7 Q. Mr. Lind, take a look, please -- I'm going to ask  
to be  
8 displayed Government Exhibit 952D, the floor plan  
previously  
9 admitted into evidence for the fourth floor of the  
Alfred P.  
10 Murrah Building.

11 A. Okay.

12 Q. And orient the jury. Is the --

13 MR. MACKEY: Kathi, if we can show the jury,  
please.

14 THE COURTROOM DEPUTY: I'm sorry.

15 MR. MACKEY: Thank you.

16 BY MR. MACKEY:

17 Q. To orient the jury, is your floor space that in  
yellow?

18 A. Yes, it is. That, and the Office of Motor Carrier

Safety.

19 Q. And let me take just a moment to ask you to explain  
to the  
Motor  
20 jury what the difference is between those two offices,  
21 Carrier Safety and the other facility.  
Office  
22 A. We share offices and some responsibilities with the  
Federal  
23 of Motor Carrier Safety. They are also a part of the  
the  
24 Highway Administration. Their thrust is more towards  
Also  
25 trucking industry. High -- trucking safety and so on.

10745

Bruce Lind - Direct

1 truck size and weight.  
reach  
2 Q. Mr. Lind, with the pen that's attached to a wire,  
which  
3 down below your desktop and mark an X in the office in  
4 the meeting was taking place that morning.  
the  
5 Do you want to try again? You can just press  
box,  
6 button and -- for the record, we're marking an X in the  
correct?  
7 the upper second one from the upper left; is that  
8 A. Yeah. Yes.

9 Q. Where was Mr. Erickson?

10 A. Okay. He would have been over in here.

11 Q. And what room was it that the group of you  
eventually

12 escaped through the window?

13 A. In that room right in here.

14 Q. Mr. Erickson's?

15 A. Yes.

16 Q. You mentioned earlier that a Mr. Carver survived  
the blast,

17 or you saw him present that day; is that correct?

18 A. Yes.

19 Q. Was he among those who was killed?

20 A. No. Mr. Carver was -- I saw him on the street on  
the south

21 side on Forest Street after the bombing.

22 Q. Could you put an X where his office was located on

23 April 19.

24 Can I ask you now -- can I ask you, Mr. Lind,  
with the

25 pen, draw the approximate scheme of the hole that had  
emerged

10746

Bruce Lind - Direct

1 inside the building that morning.

2 A. Okay. Something on that order.

of the 3 Q. All right. So essentially, the entire north wall  
and the 4 fourth floor that housed Motor Carrier Safety personnel  
5 remaining personnel of the Federal Highway?  
6 A. That's correct.

between 7 Q. And extending as far south as the office that fell  
8 Mr. Carver's and yours?  
9 A. Yes.

the -- 10 Q. And who was in the office, that third office?  
11 A. The office immediately to the left of Mr. Carver is  
12 Johnny Wade's office.

13 Q. Did a Jerry Kirk survive the blast that morning?  
14 A. Yes, he did.

the 15 Q. And do you know where Mr. Kirk was at the time of  
16 blast?  
17 A. Yes. He was over in the men's room.

18 Q. Where was his office or his work station?  
19 A. Somewhere in this neighborhood.

20 Q. Did a Michael Herron survive --  
21 A. Yes.

22 Q. -- the explosion?  
23 A. Yes.

24 Q. And why so?  
25 A. Because he was on annual leave that day.

10747

Bruce Lind - Direct

1 Q. Would you mark an X for Mr. Herron's office had he  
been at

2 work that day.

3 A. Right there. The second office from the left.

4 Q. You mentioned earlier that one of your staffers,

5 Mr. Rimrodt -- is that how we pronounce it?

6 A. That's correct, Rimrodt.

7 Q. -- was present in the meeting at your invitation  
taking

8 place on the south side of the building?

9 A. That's correct. Yes.

10 Q. Put an X where his office was normally.

11 To your knowledge, Mr. Lind, were all the  
persons

12 inside the line that you have drawn and who were  
present on the

13 morning of April 19 -- were they killed in the  
explosion?

14 A. Yes. At least either during the explosion or --  
except for

15 John Youngblood, and he died subsequent to the --

16 Q. As a result of injuries he sustained in the  
explosion?

17 A. Yes.

18 Q. Mr. Lind, prior to coming to court, did I ask you

to

before 19 examine a large chart, the same thing that's shown here

individuals 20 you, and affix to the chart name plates of those

of their 21 who were employed by Federal Highway and the position

22 offices on that morning?

23 A. Yes.

admission 24 MR. MACKEY: Your Honor, we'd offer into

25 Government Exhibit 952D and postpone displaying it.

10748

Bruce Lind - Direct

1 THE COURT: All right.

yes. 2 MR. TIGAR: Subject to the earlier discussion,

received and 3 THE COURT: Yes. Same position. It's

4 may be displayed later.

5 BY MR. MACKEY:

Exhibit 6 Q. Finally, Mr. Lind, I'd like to show you Government

photographs of 7 1113. That, you've seen before, a number of

8 those persons killed that morning?

9 A. I believe so. Uh-huh.

10 MR. MACKEY: Your Honor, I'd move to admit

Exhibit

11 1113.

you help

12 THE COURT: All right. Agent Tongate, will

13 us?

14 Is this 1113?

15 MR. MACKEY: Yes, your Honor. 1113.

the

16 THE COURT: All right. We'll receive it with

17 same --

Honor.

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

19 THE COURT: -- same continuing position.

20 BY MR. MACKEY:

rise

21 Q. With the Court's permission, Mr. Lind, could you

the

22 enough to go over and point to each photograph and tell

photograph

23 jury, please, the name of the person shown in each

morning

24 and the position they held with Federal Highway on the

25 of the bombing.

10749

Bruce Lind - Direct

safety

1 A. This is Lucio Aleman. He was our traffic and

2 engineer.

3 Mark Bolte was our environmental coordinator.  
4 Mike Carrillo was the officer in charge of the  
Office  
5 of Motor Carriers.

6 Larry Jones was our computer specialist.  
7 J. K. Martin was an area engineer.  
8 Jerry Parker was an area engineer.  
9 Michelle Reeder was one of our secretaries.

10 Rick Tomlin was a safety specialist with  
Office of  
11 Motor Carrier Safety.

12 Johnny Wade was our planning and research  
engineer.

13 Ronota Woodbridge was our pavement and  
materials  
14 engineer.

15 And John Youngblood was a safety specialist  
with the  
16 Office of Motor Carriers.

17 Q. Thank you, Mr. Lind. You can retake your seat.

18 Mr. Lind, of the 11 individuals who died that  
morning  
19 from your agency, how many were engineers like  
yourself?

20 A. Okay. I want to say there were six.

21 Q. And do you know the age range that was represented  
by those  
22 who died?

23 A. I think Mark was about the youngest, and I think he

was on

24 the order of late 20's. And the oldest, I believe, was  
John  
25 Youngblood, and he was, I think, about 50, 52,  
somewhere in

10750

Bruce Lind - Direct

1 that range.  
2 Q. And if you were to add up all the total years of  
service to  
3 the Federal Highway Administration for each of those 11  
4 individuals, how much service did the agency lose that  
morning?  
5 A. Probably on the order of 60 or 70 years.

6 MR. MACKEY: Thanks, Mr. Lind. That's all I  
have.

7 THE COURT: All right. Mr. Tigar, do you have  
8 questions?

9 MR. TIGAR: Very briefly, your Honor.

10 THE COURT: Very well.

11 CROSS-EXAMINATION

12 BY MR. TIGAR:

13 Q. Good afternoon, sir. Hi. My name is Michael  
Tigar. I'm

14 one of the lawyers appointed to help Terry Nichols.

15 I wanted to put up here what's been received  
in

16 evidence -- I wonder if you could click the pen that  
you have  
17 there, just click the side. If we could get rid of the  
red  
18 marks there. I don't know if that -- keep -- keep  
clicking. I  
19 think they will all disappear.

20 Thank you very much, sir. I'm putting up here  
the map  
21 that's been received as Government's Exhibit 940 of the  
22 downtown area there -- which you recognize that, sir?

23 A. Yes, I do.

24 Q. Now, when you managed to -- when you got that  
ladder, you

25 would have come out on this side of the building that's

10751

Bruce Lind - Cross

1 indicated here that we call, what, the southeast --

2 A. Yes.

3 Q. -- side there?

4 A. That's correct.

5 Q. All right. And then you could walk -- you walked  
through

6 the plaza and made your way, you said, to a bail  
bondsmen's

7 office?

8 A. Well, first, I went over to what would have been  
the east

9 side of the building where Kathy was.

10 Q. Over here on --

11 A. On North Robinson.

12 Q. -- North Robinson?

13 A. And checked on her. And then went over on Forest  
Street

14 and found Jim, and then went back and collected the  
rest of the

15 people. And yes, we went to a bail bondsman's office.

16 Q. So you -- you did, you went out to check on -- on  
your

17 colleague; right?

18 A. Yes.

19 Q. And then on 4th Street, just across, that's in  
front of

20 this federal courthouse, here?

21 A. Yes.

22 Q. Below the south of the Murrah Building?

23 A. That's correct.

24 Q. Now, by the time that -- that you were checking on  
your

25 colleagues and -- and assembling people so that you  
could be

10752

Bruce Lind - Cross

1 helpful to them, a number of vehicles had begun to  
arrive to --

2 to help in this situation; is that correct?

3 A. Yes.

4 Q. And the -- and is it fair to say that not just the  
fire

5 department, but a whole lot of other vehicles responded  
to this

6 scene to be helpful?

7 A. Yes.

8 Q. And that included the -- the folks that helped you  
down.

9 They were from OGE?

10 A. OG&E. Yes. There was at least one truck. I don't

11 remember seeing the OG&E truck.

12 Q. I see. And the ladder that you were able to get  
down, was

13 that an OGE ladder?

14 A. That's what I understand.

15 Q. And that's from Oklahoma Gas and Electric; right?

16 A. That's correct.

17 Q. And did you see some other cars, people showing up  
there to

18 help with the triage and to help people get to the kind  
of care

19 that they needed?

20 A. Except for ambulances and emergency-type vehicles,  
I don't

21 remember specifically other vehicles.

22 Q. Okay. About how far away was the bail bondsman's  
office

23 that you went to, if you can remember?  
24 A. Oh, I would say -- well, it was over at the county  
jail's  
25 office, so I would say on the order of perhaps a half a  
mile.

10753

1 MR. TIGAR: About half a mile.  
2 Thank you very much, sir. I have nothing  
further.  
3 Thank you, your Honor.  
4 THE COURT: Mr. Mackey?  
5 MR. MACKEY: No. The witness may be excused.  
6 THE COURT: Agreed?  
7 MR. TIGAR: Of course, your Honor.  
8 THE COURT: You may step down. You're  
excused.  
9 We'll take our afternoon recess at this point  
and so,  
10 members of the jury, we'll take our usual rest stop  
here with,  
11 of course, the cautions always given. You get tired of  
hearing  
12 it, but you know that I must remind you as you must  
obey the  
13 caution of avoiding discussion of the case or anything  
about it  
14 among yourselves and with all other persons and

continue to

15 avoid anything outside of the evidence that could  
influence

16 your decision.

17 You're excused now for 20 minutes.

18 (Jury out at 3:16 p.m.)

19 THE COURT: All right. We'll recess. 20  
minutes.

20 (Recess at 3:17 p.m.)

21 (Reconvened at 3:36 p.m.)

22 THE COURT: Be seated, please.

23 (Jury in at 3:37 p.m.)

24 THE COURT: All right. Next, please.

25 MR. MACKEY: Thank you, Judge. FBI Agent Greg  
Carl.

10754

1 THE COURT: All right.

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

3 (Gregory Carl affirmed.)

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

5 Would you state your full name for the record  
and

6 spell your last name.

7 THE WITNESS: Gregory Carl, spelled C-A-R-L.

8 THE COURT: Mr. Mearns.

9 DIRECT EXAMINATION

10 BY MR. MEARNS:

11 Q. How are you employed, sir?

12 A. I'm employed as a special agent with the Federal  
Bureau of

13 Investigation.

14 Q. How long have you been an FBI agent?

15 A. Since 1990.

16 Q. Where were you assigned in April, 1995?

17 A. I was assigned to the Miami division of the FBI.

18 Q. Did there come a time on April 19, 1995, when you  
were

19 directed to report to Oklahoma City to assist in the

20 investigation of the crime scene?

21 A. Yes, there was.

22 Q. And did you report to Oklahoma City on that same  
day,

23 April 19?

24 A. Yes, I did.

25 Q. You understand that you're here to testify about  
your

10755

Gregory Carl - Direct

1 recovery of one set of specific items; is that correct?

2 A. That's correct.

1995. 3 Q. I want to direct your attention, then, to April 23,

4 Do you recall that you were participating in the  
investigation

5 of the crime scene on that day?

6 A. Yes, I was.

7 Q. What was your assignment on that day, April 23?

8 A. On April 23, I was assigned to assist Team 2 in  
collection

9 of evidence in Grid 2.

10 Q. And where was that grid located?

11 A. That was at the Journal Records Building.

12 Q. Where was that building located in relation to the  
Murrah

13 Building?

14 A. Without a map, that would be directly, I guess, to  
the rear

15 of the building.

16 Q. And what was -- where specifically was your  
assignment?

17 A. I was searching the rooftop of the Journal Records  
18 Building.

19 Q. Did you locate and collect any evidence on the  
rooftop of

20 the Journal Records Building that day?

21 A. Yes, I did.

22 Q. What did you find?

23 A. I found numerous pieces of plastic and other metal

24 fragments, things of that nature.

collect 25 Q. With respect to the plastic that you found, did you

10756

Gregory Carl - Direct

1 and seize those items?

2 A. Yes, I did.

have, 3 Q. I'd like you to look inside that envelope that you

What is 4 which has been marked as Government's Exhibit 785.

5 that Government's Exhibit 785?

23. 6 A. This is the pieces of plastic I collected on April

which the 7 Q. And that plastic is contained in an envelope on

8 Government exhibit sticker is?

that I 9 A. The Government exhibit sticker is on the container

10 collected.

that 11 Q. With respect to that envelope, how do you recognize

that same 12 envelope as the envelope in which you put the plastic

13 day, April 23?

picked up 14 A. I recognize my writing where I described where I

15 the evidence as well as my initials and date and the

item

16 number on the package right here.

17 Q. And the item number is what?

18 A. Item No. 14.

19 Q. Item No. 14 of 1B92?

20 A. That would be correct.

in that

21 Q. What did you do with the plastic that's contained

Record

22 envelope when you located it on top of the Journal

23 Building?

the

24 A. I sealed them and turned them over at the end of

25 afternoon to the Evidence Control Center.

10757

Gregory Carl - Direct

that

1 Q. When you say you sealed them, did you seal it in

2 envelope that you have before you right now?

3 A. Yes, I did.

4 Q. That's the envelope that has your writing on it?

5 A. That's correct.

envelope.

6 Q. Describe the plastic that's contained within that

7 A. Can I open the bag?

looking

8 Q. No, don't open the bag. Just describe it by

9 through it.

10 A. I have several pieces of charred-looking plastic  
with

11 jagged edges, fragmented pieces of plastic.

12 Q. And in what area on top of the Journal Record  
Building did

13 you locate those items?

14 A. It would be the lower roof of the Journal Records  
Building.

15 Q. In what kind of an area, how large of an area?

16 A. The area would have been based upon the dimensions  
of that

17 lower roof -- we collected the evidence by a line  
search. We

18 fanned out and searched the entire rooftop of that  
building, of

19 the lower roof building; and we collected like items in  
this

20 same bag. So it would be approximately -- guessing --  
30 feet

21 by 80 feet.

22 MR. MEARNS: With the Court's permission, may  
Agent

23 Carl step down and approach the model?

24 THE COURT: Yes.

25 BY MR. MEARNS:

1 Q. Agent Carl, are you familiar with this model,  
Exhibit 642?

2 A. I am not.

3 Q. Have you had an opportunity to look at this model  
before

4 coming to court?

5 A. No, I have not.

6 Q. Could you locate on the model where you located the  
items

7 contained in Government's Exhibit 785?

8 A. It would be on the lower portion here of the  
Journal

9 Records Building.

10 Q. And the Journal Record Building is this building  
that's

11 located just to the south of N.W. 6th Street?

12 A. Yes, it is.

13 Q. Directly to the north of the Murrah Building?

14 A. That's right.

15 Q. When you say "on the lower part of the Journal  
Record

16 Building," you're referring to the part of the building  
that's

17 on the west side of the total Journal Record Building?

18 A. Yes, sir.

19 Q. And approximately in the center of that roof?

20 A. They were spread out throughout the top of this --  
the roof

21 of this building. The majority of them were on this

portion of

22 the rooftop.

23 Q. By "this portion," you're referring to the southwest side?

24 A. The southwest portion, correct.

25 MR. MEARNS: Thank you, Agent Carl.

10759

Gregory Carl - Direct

1 No further questions, your Honor.

2 THE COURT: Cross-examination.

3 CROSS-EXAMINATION

4 BY MR. TIGAR:

5 Q. Hello, Agent Carl.

6 A. Hello. How are you?

7 Q. Fine, thank you. How are you, sir?

8 A. Pretty good.

9 Q. All right. My name is Michael Tigar. I'm one of the

10 lawyers appointed to help out Terry Nichols.

11 And just -- you were a part of a search team that was

12 in Grid 2. Is that right?

13 A. That is correct.

14 Q. And Grid 2 is the second grid, counting in a clockwise

15 direction, of the four geographic grids that were

established;

16 is that right?

17 A. That's right.

18 Q. And then there was an additional grid for the  
building

19 itself and one for the parking lot. Is that your  
20 understanding?

21 A. That is correct.

22 Q. And now in this -- this particular time, you were  
searching

23 in Grid 2, Zone L. Right?

24 A. That is right.

25 Q. And what was Zone L?

10760

Gregory Carl - Cross

1 A. That would be the Journal Records Building.

2 Q. So you gave -- if I can step over here. You can  
see from

3 there, can't you?

4 A. Uh-huh.

5 Q. Okay. The Journal Record Building is this one  
right

6 here -- correct -- that I'm pointing to, or is it this  
one

7 here?

8 A. It's my --

9 Q. This whole thing?

10 A. It's my understanding the entire thing.

11 Q. This whole thing is the Journal Record Building,  
and that

12 was called Zone L. Is that correct?

13 A. Yes.

14 Q. Okay. Now, who gave you the assignment to do the  
search on

15 the rooftop?

16 A. Well, I was assisting Team 2. The overall  
coordination

17 would have been Rick Hahn.

18 Q. Rick Hahn?

19 A. That's correct.

20 Q. Had you been in a meeting where Mr. Hahn had  
discussed

21 looking for plastic?

22 A. At one time I was, but I don't know at which point  
in the

23 investigation that meeting took place.

24 Q. Okay. Was it -- you recovered this item, the item  
that

25 you're looking at there, on the 23d; correct?

10761

Gregory Carl - Cross

1 A. That's right.

2 Q. And on that same day, you also recovered

miscellaneous

3 plastic fragments, metal fragments, among other things.

4 Correct?

5 A. Yes.

6 Q. Is that right?

7 A. That's right.

8 Q. I'm sorry. You have to say "yes" so the court  
reporter can

9 get it.

10 A. That's right.

11 Q. And was the meeting that you had with Mr. -- at  
which

12 Mr. Hahn said, "Look for plastic," before your recovery  
of this

13 item on the roof of the Journal Record Building?

14 A. I don't know.

15 Q. Now, was the meeting at which Mr. Hahn said, "Look  
for

16 plastic": Was that one of these morning or evening  
sessions

17 that was held somewhere near the crime scene?

18 A. That would be correct.

19 Q. Now, the particular one at which -- was there more  
than one

20 meeting at which Mr. Hahn discussed plastic, or just  
one?

21 A. I don't recall if there were more than one, or not.

22 Q. And was Mr. Hahn the only supervisory agent at  
these

23 meetings who was discussing plastic?

24 A. No. Special Agent Dave Williams would have also  
been  
25 present.

10762

Gregory Carl – Cross

1 Q. Now, Special Agent Dave Williams and Special Agent  
Rick  
2 Hahn were the people who were in charge of the overall  
crime  
3 scene; is that correct?

4 A. The special agent in charge of the Oklahoma City  
office  
5 would have been overall in charge of the crime scene.

6 Williams was working -- coordinating the crime scene at  
the  
7 behest of the special agent in charge.

8 Q. So was it your understanding that Special Agent  
Williams  
9 and Special Agent Hahn were coordinating the crime  
scene?

10 A. Yes.

11 Q. And how many of these briefings did you attend, or  
12 meetings, where Special Agent Hahn and Special Agent  
Williams  
13 were in charge?

14 A. At all meetings that I attended, they were in  
charge of

15 them.

16 Q. You arrived at -- the first such meeting was the  
morning of

17 the 20th; is that right?

18 A. I arrived on the 19th.

19 Q. I understand, but was the first such meeting at  
which they

20 presided the morning of the 20th?

21 A. Yes.

22 Q. All right. And these meetings lasted -- were held  
twice a

23 day until sometime in May; is that your remembrance?

24 A. That is right.

25 Q. Now, at these meetings, was there some discussion  
that a --

10763

Gregory Carl - Cross

1 of a theory that the device was contained in a plastic  
2 container?

3 A. The discussion that there was probably some sort of  
a

4 container, plastic, metal, otherwise; but yes, there  
was

5 discussion that there would be a container that would  
probably

6 have contained this device.

7 Q. Now, was there a discussion of any particular color

of

8 plastic?

9 A. There may have been discussions of white- and blue-  
colored

10 plastic, but I couldn't say for certain, sir.

11 Q. Now, isn't it a fact, sir, that at one of the  
meetings that

12 was held before the 23d of April, Agent Hahn or Agent  
Williams

13 talked about blue plastic?

14 A. I don't know the dates.

15 Q. Isn't it a fact, sir, that -- then, that at one of  
the

16 meetings that you had, Agent Hahn or Agent Williams  
talked

17 about blue plastic?

18 A. That would be fair to say.

19 Q. Now, were you present at a time when the ATF  
brought a

20 Ryder truck to the area near the Murrah Building?

21 A. I saw that.

22 Q. Did you see inside the truck?

23 A. I continued to walk past it.

24 Q. Did you see inside the truck?

25 A. I saw inside but not very closely.

10764

Gregory Carl - Cross

1 Q. Did you see some white barrels with blue lids  
inside the

2 truck?

3 A. Yes, I did.

4 Q. And did you have any conversation with the ATF  
agents about

5 the white barrels with the blue lids in the truck?

6 A. I didn't speak to the ATF agents. I went back to  
our

7 command post and discussed it with my superiors.

8 Q. And did you discuss with your superiors the  
advisability of

9 having such a thing near the crime scene?

10 A. I asked how -- how come they were inside the --  
where they

11 were.

12 Q. Where were they?

13 A. Well, they were a significant distance away from  
the crime

14 scene when they were near the YMCA building.

15 Q. Now, the YMCA building is this white building  
catty-corner

16 from the Murrah Building. Correct?

17 A. Correct.

18 Q. Where did you observe this ATF truck with the  
building --

19 with the barrels in it?

20 A. Which way is north?

21 Q. Today, or on the map?

22 A. On the map.

23 Q. All right. On the map, it's pointed directly  
towards the

24 back of the courtroom, I believe.

25 A. It would be the northeast corner of the back of the  
YMCA

10765

Gregory Carl – Cross

1 building.

2 Q. So we would refer to something -- can you see from  
where

3 you are, sir?

4 A. Pretty good.

5 Q. It's this grayish -- this parking lot here that's  
on the

6 other side of the YMCA building?

7 A. That's my recollection.

8 Q. All right. And your question to your superiors  
was, "Why

9 are they there"; correct?

10 A. That's right.

11 Q. And to which superior did you communicate that  
concern?

12 A. I believe that was Agent Hahn.

13 Q. And?

14 A. Agent Hahn.

15 Q. All right. And did he direct -- do you know if he  
directed

16 that anything be done as a result of this?

17 MR. MEARNS: Objection to the scope.

18 THE COURT: Overruled.

19 BY MR. TIGAR:

20 Q. Do you know whether he directed anything be done as  
a

21 result of this?

22 A. I do not.

23 Q. Did he express an opinion about what you were  
telling him?

24 MR. MEARNS: Objection.

25 THE COURT: Overruled.

10766

Gregory Carl - Cross

1 THE WITNESS: He was unaware that they were  
there.

2 BY MR. TIGAR:

3 Q. Did he express an opinion about the wisdom of that  
thing

4 being in that proximity to the crime scene?

5 A. Not to me.

6 Q. Did you hear him express one to someone else?

7 A. No, I didn't.

8 Q. Now, how many days did you work there, sir?

I 9 A. I left near the first -- near the beginning of May.

10 don't know the exact date that I left.

exhibit 11 Q. And are the fragments, part of which are in the

12 before you, the only plastic that you recovered?

13 A. No, sir, it is not.

get up 14 Q. And up on that roof where you were -- how did you

15 there?

16 A. The stairway inside the building.

17 Q. And you just went out on the roof?

18 A. That's correct.

19 Q. Is it fair to say that the roof was a mess?

20 A. No.

21 Q. What did it look like?

Records 22 A. The one staircase on the rear side of the Journal

were 23 Building was collapsed, and some of the concrete blocks

24 broken away from its foundation. The upward  
ventilation system

was 25 was sucked back towards the Murrah Building, and there

10767

Gregory Carl - Cross

1 general -- there were some pieces of metal and  
fragmentation

2 that was scattered across the rooftop.

3 Q. Pieces of metal that evidently didn't belong there;  
4 correct?

5 A. That is right.

6 Q. You say that the ventilation was sucked back toward  
the

7 Murrah Building?

8 A. Uh-huh.

9 Q. Have you had experience in bomb crime-scene  
investigation

10 before April 19?

11 A. Yes, I have.

12 Q. So you know what the -- what's the second wave  
called? I

13 mean there is the initial blast wave that goes in an  
outer

14 direction, and then there is a -- that vacuum has to be  
filled

15 in. What's that second phase called?

16 A. It's referred to as a negative-pressure phase.

17 Q. The negative-pressure phase. Was it your  
impression, then,

18 that whatever had deformed that air -- that air-  
conditioning

19 unit was the negative-pressure phase? Is that what  
that looked

20 like?

21 A. That's correct.

22 Q. You say you saw a bunch of pieces of metal up

there. What

23 kind of pieces of metal did you see?

24 A. I didn't analyze them. Just metal fragments.

25 Q. Now, were they fragments only, or were there also  
some

10768

Gregory Carl - Cross

1 strips?

2 A. I don't recall collecting any strips.

3 Q. Well, did you see anything that looked like the  
trim strips

4 off vehicles?

5 A. I believe there may have been a few.

6 Q. All right. And by "trim strips off vehicles," I'm  
7 referring to the strips that are put alongside the  
doors of

8 passenger vehicles or vans that are attached by those  
plastic

9 doohickeys that the manufacturers put on. Is that what  
you're

10 talking about also?

11 A. I -- I don't recall exactly if those were strips  
that I saw

12 up there. I don't recall collecting any of them  
myself, but

13 there may have been some on that rooftop.

14 Q. You saw some things that resembled that. Is that  
fair to

15 say? And you can't be sure what they are. Right?

16 A. Right.

17 Q. But they didn't look like the sorts of things that  
were

18 there to begin with; right?

19 A. That's right.

20 Q. Didn't look like an architectural or construction  
detail of

21 the roof; correct?

22 A. That's right.

23 Q. Now, from the roof, did you also look down at the  
scene

24 around?

25 A. Yes, I did.

10769

Gregory Carl - Cross

1 Q. Did you look south?

2 A. I did.

3 Q. Now, as you looked south -- this is on the 23d?

4 A. Uh-huh.

5 Q. You saw this parking lot. Correct?

6 A. I did.

7 Q. And you see this tree there? That was there;  
right? Can

8 you see the tree?

9 A. I cannot.

10 MR. TIGAR: Can he come down, your Honor?

11 THE COURT: Yes, he may. Yes.

12 THE WITNESS: Okay.

13 BY MR. TIGAR:

14 Q. You see the tree?

15 A. Uh-huh.

16 MR. TIGAR: May the agent approach?

17 THE COURT: Yes.

18 You may approach the model. Sure.

19 MR. TIGAR: All right.

20 BY MR. TIGAR:

21 Q. If you could stand back here next to me, then we  
don't

22 block anybody's view.

23 This is the parking lot area; correct?

24 A. That's right.

25 Q. And there were on the 23d -- were there still  
vehicles in

10770

Gregory Carl - Cross

1 this parking lot?

2 A. There were a few vehicles, yes, sir.

3 Q. Okay. You can go back up.

4 From -- what else did you see in that parking

lot?

5 A. I saw other agents processing the vehicles in that  
parking

6 lot.

7 Q. Now, did some of those vehicles appear to have  
exploded?

8 A. Did some of them appear to have exploded?

9 Q. Yes. Well, some of the vehicles you saw looked  
like they

10 had been in a car crash; right?

11 A. They looked like they had received a tremendous  
force, yes.

12 Q. Yes. That is to say they were crumpled and bent  
and glass

13 broken out. Correct?

14 A. That's right.

15 Q. Weren't there other vehicles that looked as though  
they

16 caught on fire?

17 A. Yes.

18 Q. And were some of those vehicles that had caught on  
fire

19 upside down?

20 A. I don't recall their orientation. I believe there  
were

21 some upside down, though.

22 Q. And have you ever investigated a scene -- crime  
scene prior

23 to this time in April of 1995 in which you have seen  
vehicles

24 that have burned?

25 A. Yes, I have.

10771

Gregory Carl - Cross

1 Q. And did these vehicles appear to be ones in which  
flame had

2 engulfed the gas tank and the gas tank exploded and the  
-- and

3 the gas tank exploded?

4 A. To be honest with you, I was doing other duties,  
and I

5 didn't really look at these vehicles too closely.

6 Q. Okay. You did not look closely?

7 A. No, I did not.

8 Q. Let's go back to the top of the roof then.

9 In addition to the metal parts, you also --  
were you

10 the agent that made out the evidence log?

11 A. No, I was not.

12 Q. Which agent was that?

13 A. If you could show me, I would let you know.

14 Q. Sure. If it would refresh your recollection --

15 MR. TIGAR: I'm showing him the evidence  
recovery

16 log -- I'm sorry -- Mr. Mearns, just to refresh his

17 recollection.

18 MR. MEARNS: Thank you.

19 BY MR. TIGAR:

20 Q. I'm going to show you, just to refresh your  
recollection,

21 not in evidence what I believe to be this evidence  
recovery

22 log. Does that refresh your recollection as to the  
agent that

23 made it?

24 A. Yes, it does.

25 Q. And did that agent do all the writing on here?

10772

Gregory Carl – Cross

1 A. Yes, he did.

2 Q. Now, I see here that there are a number of agents  
listed.

3 Were all of you on top of the roof?

4 A. Yes.

5 Q. Okay. And you said that it was a line search;  
correct?

6 A. Uh-huh.

7 Q. Now, what's a line search?

8 A. A line search is basically where you line up side  
by side.

9 Q. Like this?

10 A. Arm to arm.

11 Q. Arm to arm, like a line dance with no music.

Correct?

12 A. I would assume that would be correct.

13 Q. And what you're trying to do is you're trying to  
cover all

14 of this area and search; correct?

15 A. That's right.

16 Q. Okay. Now, as you were searching, did you notice  
pieces of

17 automobiles, such as pieces of tires?

18 A. I believe there were some pieces of tires on the  
roof as

19 well.

20 Q. Did you see miscellaneous auto parts, bulbs, wire  
21 harnesses, and so on?

22 A. I believe so.

23 Q. Let me show you this. I'm not showing you  
something you

24 did, but you see where it says, "Lou Ann Sandstrom"?

25 A. Uh-huh.

10773

Gregory Carl - Cross

1 Q. Did you see that item or items like that up there?

2 A. Yes, I did.

3 Q. Okay. And the "yes, I did" refers to bulbs and  
wire

4 harnesses; correct?

5 A. Correct.

6 Q. You also said that these other plastic fragments --  
did you

7 see black plastic up there?

8 A. I picked up lots of pieces of plastic. I don't  
recall the

9 colors of every piece I picked up.

10 Q. How many pieces of plastic do you think you saw up  
there?

11 A. Numerous pieces. I mean, it wasn't overwhelming.

12 Q. Right. On direct examination you said "numerous,"  
and what

13 I'm trying to get at is what you mean by "numerous."

14 A. 25, 50.

15 Q. Okay. Somewhere 25 to 50. Now -- and do you  
remember

16 seeing plastic of other colors than white?

17 A. I think there may have been, yes.

18 Q. That's your best memory?

19 A. Yes.

20 Q. Okay. And can you remember as you sit there today  
what the

21 other color pieces of plastic were?

22 A. I cannot.

23 Q. All right. Did anyone ever ask you to look for  
pieces of

24 plastic other than white and blue?

25 A. No one asked me to look for any particular colors,  
no.

10774

Gregory Carl - Cross

any 1 Q. All right. Well, no one ever asked you to look for

2 particular colors. Correct?

3 A. That's correct.

the 4 Q. You heard "blue plastic" mentioned at sometime in

5 meetings. Correct?

6 A. Uh-huh.

the 7 Q. You heard "white plastic" mentioned at sometime in

8 meetings; correct?

9 A. Yes.

discussed in 10 Q. Did you ever hear any other color of plastic

11 the meetings other than white and blue?

12 A. Not to my recollection.

and 13 Q. And did you ever hear anyone other than Agent Hahn

14 Agent Williams discussing the white and blue plastic?

15 A. No, I did not.

questions. 16 MR. TIGAR: Thank you, sir. No further

17 THE COURT: Mr. Mearns, you have some?

be 18 MR. MEARNs: No questions, your Honor. He may

19 excused.  
20 THE COURT: Agree to excuse the witness?  
21 MR. TIGAR: May I have just a moment, your  
Honor?  
22 THE COURT: Yes.  
23 MR. TIGAR: Thank you, your Honor. Nothing  
further.  
24 He may be excused, yes.  
25 THE COURT: You may step down. You're  
excused.

10775

1 Next, please.  
2 MR. MACKEY: ATF Agent Charles Gonzales.  
3 THE COURT: All right.  
4 THE COURTROOM DEPUTY: Raise your right hand,  
please.  
5 (Charles Gonzales affirmed.)  
6 THE COURTROOM DEPUTY: Would you have a seat,  
please.  
7 Would you state your full name for the record  
and  
8 spell your last name.  
9 THE WITNESS: Charles Richard Gonzales, last  
name  
10 spelled G-O-N-Z-A-L-E-S.  
11 THE COURTROOM DEPUTY: Thank you.

12 THE COURT: Proceed.

13 DIRECT EXAMINATION

14 BY MR. MEARNS:

15 Q. Mr. Gonzales, how are you employed?

16 A. I'm employed as a special agent with the Bureau of  
Alcohol,  
17 Tobacco, and Firearms.

18 Q. How long have you been an ATF agent?

19 A. Over 26 years.

20 Q. Where were you assigned in April of 1995?

21 A. In Phoenix, Arizona.

22 Q. Now, on April 19, 1995, were you assigned to assist  
in  
23 the -- assigned to assist in the investigation of the  
crime

24 scene in Oklahoma City?

25 A. Yes.

10776

Charles Gonzales - Direct

1 Q. When did you arrive in Oklahoma City?

2 A. Approximately the midafternoon of April 19.

3 Q. I want to direct your attention now to April 25,  
1995.

4 Were you still assisting at that time in the  
investigation of

5 the crime scene in Oklahoma City?

6 A. Yes, sir.

7 Q. Where were you searching on April 25, 1995?

8 A. On top of the roof west of the main portion of the  
Murrah  
9 Building. This was called the roof of the parking  
garage, and  
10 it was approximately a two-story level of building at  
that  
11 point.

12 Q. When you were searching on the roof of that area of  
the  
13 Murrah Building on April 25, did you locate and recover  
any  
14 plastic items?

15 A. Yes, sir.

16 Q. Where did you locate those items, and what did you  
do with  
17 them?

18 A. On top of the roof, I gathered the items which were  
19 plastic, pieces of plastic, and I placed them in a  
large  
20 plastic bag, a clear bag.

21 Q. What I'd like you to do is -- sitting in front of  
you is a  
22 can that's been marked Government's Exhibit 786D. If  
you could  
23 open that, please.

24 And inside that can, if you could locate  
Government's

25 Exhibit 786, 786B, and 786C. And beginning first with  
Exhibit

10777

Charles Gonzales - Direct

1 786 and 786B, can you identify those items for us,  
please.

2 A. Yes, sir, I can. These are pieces of plastic that  
I picked  
3 up on top of that roof on April 25.

4 Q. And when you say the "pieces of the plastic" -- are  
the  
5 items contained within 786 and 786B?

6 A. Yes, sir.

7 Q. And how do you recognize those as the plastic that  
you  
8 recovered on April 25?

9 A. Exhibit No. 786 is a piece that I remember as being  
unique,  
10 and it appeared to have what appeared to me as  
threading on it.

11 Q. Okay. Turning then to the items in 786B, how do  
you  
12 recognize those specific items of plastic as the ones  
that you  
13 recovered?

14 A. There is a piece of plastic in 786B that looks a  
little bit  
15 different from the other pieces I collected. It's not  
-- it  
16 doesn't appear to be the same type of plastic, but I  
placed it

17 in this bag with all the other pieces that I collected.

18 Q. Now, when you say you placed it in the bag, are you  
19 referring to Government's Exhibit 786C?

20 A. Yes, sir.

21 Q. How do you recognize that as the original bag into  
which

22 you put the plastic that you found on April 25?

23 A. The printing on here with the black ink marker is  
what I

24 printed on this bag.

25 Q. And what did you write on that bag, 786C?

10778

Charles Gonzales - Direct

Murrah 1 A. "Item: Plastic debris. Location: Alfred P.

west 2 Federal Building, west rooftop of parking garage and

ATF, 3 plaza. Found by Special Agent Charles R. Gonzales,

4 Phoenix. Time: April 25, 1995, 1435 hours."

5 Q. And after you put the plastic that you recovered on  
the

6 roof of the Murrah Building into that plastic bag,  
786C, what

7 did you do with it?

8 A. I turned this over to the custody of FBI Special  
Agent

9 Patrick Daly.

10 Q. And who was he in relation to you on that day?

11 A. He was my team leader.

12 Q. And the plastic that you recovered and put into  
786C: Did

13 you recover it simply because it was white plastic?

14 A. No, sir. I collected it because it was there.  
That was --

15 this plastic was essentially all that was on top of  
that roof.

16 Q. So if there were blue plastic items in similar  
shapes or

17 appearance, you would have collected that as well?

18 A. Yes, sir.

19 MR. MEARNS: Your Honor, may the agent step  
down and

20 approach the model?

21 THE COURT: Yes.

22 BY MR. MEARNS:

23 Q. Agent Gonzales, if you would step down and indicate  
in

24 relation to the model, Government's Exhibit 642, where  
it is --

25 describe where it is that you located those plastic  
items.

10779

Charles Gonzales - Direct

1 A. The plastic items were located above this sticker

that says

2 "Murrah west side." And it's towards the front of the  
roof

3 near the street, which would have been N.W. 5th.

4 Q. So it's located on that roof closer to the street  
N.W. 5th?

5 A. Yes, sir.

6 Q. And the building that you're referring to is a two-  
story

7 structure located just to the west of the main Murrah  
Federal

8 Building?

9 A. That's correct.

10 MR. MEARNS: No further questions, your Honor.

11 THE COURT: Mr. Tigar?

12 CROSS-EXAMINATION

13 BY MR. TIGAR:

14 Q. Good afternoon, sir.

15 A. Good afternoon.

16 Q. My name is Michael Tigar. I'm one of the lawyers  
appointed

17 to help out Terry Nichols.

18 When did you arrive -- you said you arrived in  
19 Oklahoma City -- excuse me -- on the 19th?

20 A. Yes, sir.

21 Q. And then where did you receive -- or when did you  
receive

22 your assignment about what role you were to have in  
this search

23 effort?

24 A. Early the next morning.

25 Q. Was that at a meeting presided over by Special  
Agents Hahn

10780

Charles Gonzales - Cross

1 and Williams?

2 A. I'm not sure. I don't recall the name of the  
special

3 agents, sir. It was a group of agents, all the agents  
who were

4 assigned to the scene to do the investigation.

5 Q. And that -- but that was where you received your

6 assignment. Is that right?

7 A. Yes, sir.

8 Q. Now, the -- when you did -- were doing your first  
searches,

9 did you use the same search-labeling technique as you  
used in

10 the later searches?

11 A. I didn't label anything, sir.

12 Q. Did you use the same labeling technique for your  
recovery

13 envelopes and so on that you used later on?

14 A. No, sir, because I didn't recover any -- I  
recovered

15 some -- some items, but I did not use the -- I didn't

do the

16 labeling.

17 Q. Now, let me understand the procedure. You would  
recover an

18 item -- correct -- and then it would go to Special  
Agent Daly,

19 the team leader?

20 A. Yes.

21 Q. How did that work? Tell me how it worked. I'm not  
22 understanding.

23 A. Well, initially we were assigned to conduct the  
scene

24 search in the city blocks northwest of the Murrah  
Building.

25 Q. That was Grid 1. Correct?

10781

Charles Gonzales - Cross

1 A. Yes, sir.

2 Q. All right.

3 A. And whatever items we picked up in a certain  
quadrant of a

4 certain block, we would turn over to the FBI special  
agent who

5 was in charge of those number of -- particular agents  
assigned

6 to that area.

7 Q. Okay. And they would do the labeling; right?

8 A. Yes, sir.

today,  
9 Q. Now, for the search that you're telling us about  
10 that was conducted on what date, sir?  
11 A. April 25, 1995.  
12 Q. Okay. The 25th. So that would be on a Tuesday?  
13 A. I don't know what day of the week it was.  
14 Q. Okay. If the 19th -- well, it's six days after the  
15 bombing; correct?  
16 A. Yes, sir.  
17 Q. Now, did you have a photographer with you that day  
as a  
18 part of the search team?  
19 A. Which day, sir?  
20 Q. On the 25th.  
21 A. Do you mean on the roof?  
22 Q. Yes, sir.  
23 A. No, sir.  
24 Q. Now, on the roof -- by "the roof," you're referring  
to this  
25 here?

10782

Charles Gonzales - Cross

1 A. Yes, sir, towards the street.  
2 Q. Towards the street on the west side. Correct?

3 A. Yes, sir.

4 Q. Now, before the 25th, had you been attending the  
briefing

5 meetings that were held in the mornings?

6 A. Yes, sir.

7 Q. Did you attend all of them?

8 A. I attended a briefing meeting each morning.

9 Q. And did you then attend a meeting in the afternoon  
at which

10 people would discuss what they had done during the day?

11 A. I don't recall doing that.

12 Q. At the briefing meetings in the morning, anytime  
prior to

13 the 25th, was there some discussion of plastic?

14 A. Not that I recall.

15 Q. Now, you told us that the -- the plastic that you  
found

16 there was white. Is that correct?

17 A. Yes, sir. It's white and it's other colors, also.

18 Q. All right. And you found what other -- what other  
colors

19 are there in there?

20 A. Well, some of this plastic is -- appears to be  
charred

21 black and gray.

22 Q. All right. Is there some blue plastic in there?

23 A. No, sir.

24 Q. Did you find some blue plastic that day?

25 A. I don't recall if I did or not.

10783

Charles Gonzales - Cross

1 Q. Okay. I'm going to show you -- a computer printout  
that's  
2 been provided to us, sir. And just -- you see your  
name there?

3 A. Yes.

4 Q. Does that refresh your recollection that you found  
blue  
5 plastic?

6 A. Yes, sir. It says there was deformed blue, black,  
and  
7 white plastic.

8 Q. With that, does that refresh your recollection that  
you  
9 found blue and black and white plastic? Correct?

10 A. Yes, sir.

11 Q. And some of the plastic you found was charred? Is  
that  
12 right?

13 A. Yes, sir.

14 Q. And some of the plastic was not; correct?

15 A. Correct.

16 MR. TIGAR: No further questions. Thank you.

17 THE COURT: Anything else?

18 MR. MEARNS: I don't, your Honor. He may be

excused.

19 THE COURT: Agreed?

20 MR. TIGAR: Yes, your Honor.

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

22 Next, please.

23 MR. MACKEY: Your Honor, we'd re-call Mr. Daly  
for the

24 limited purposes of Mr. Gonzales' testimony.

25 THE COURT: All right.

10784

1 MS. WILKINSON: You can leave all that up  
there.

2 THE COURT: Leave it.

3 If you'll resume the stand again, Agent Daly.

4 (Patrick Daly was re-called.)

5 DIRECT EXAMINATION

6 BY MS. WILKINSON:

7 Q. Welcome back, Agent Daly.

8 A. Thank you.

9 Q. In front of you, do you see Government's Exhibit  
786D?

10 A. Yes.

11 Q. And do you recognize Government's Exhibit 786D?

12 A. Yes, I do.

1995? 13 Q. Were you working at the crime scene on April 25,

14 A. Yes, I was.

Agent 15 Q. And do you recall receiving some evidence from

16 Gonzales?

17 A. Yes, I did.

18 Q. What type of evidence did you receive from him?

19 A. Pieces of plastic, shredded plastic.

plastic? 20 Q. Do you recall how he was carrying those pieces of

21 A. They were packaged in a clear plastic bag.

22 Q. Do you see that before you?

23 A. Yes, I do.

24 Q. Is that Government's Exhibit 786C?

25 A. Yes, it is.

10785

Patrick Daly - Direct

1 Q. How do you recognize that bag?

initials 2 A. I recognize it by the writing on it to include my

3 and date.

Government's 4 MS. WILKINSON: Your Honor, we'd offer

5 Exhibit 786C, the plastic bag.

6 MR. TIGAR: May I look at that, your Honor?

7 THE COURT: Yes.

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

9 THE COURT: You may.

10 VOIR DIRE EXAMINATION

11 BY MR. TIGAR:

12 Q. Agent, who put the 1B-142 sticker on there?

13 A. I'm not sure who did that. I believe it was done  
at our  
14 Evidence Control Center. I didn't do it.

15 Q. And the Evidence Control Center is the one in  
Oklahoma  
16 City?

17 A. That's correct.

18 Q. But other than that -- okay -- is the bag in the  
same  
19 condition?

20 A. Except it doesn't have its contents obviously.

21 Q. I understand. But I'm talking the bag itself, not  
the  
22 contents. Other than that sticker, is the bag in the  
same  
23 condition on (sic) which you received it from Special  
Agent  
24 Gonzales on the 25th?

25 A. Yes, except for the Government exhibit tag that's  
been

Patrick Daly – Voir Dire

1 placed on there.

2 Q. Except for those two things?

3 MR. TIGAR: No objection to the bag, your  
Honor.

4 THE COURT: 786C received.

5 MR. TIGAR: 786D, I believe, your Honor.

6 MS. WILKINSON: No, it's C.

7 MR. TIGAR: C? Excuse me. Thank you, your  
Honor.

8 DIRECT EXAMINATION CONTINUED

9 BY MS. WILKINSON:

10 Q. Agent Daly, I believe Agent Gonzales already told  
the jury  
11 what he wrote on there, on Exhibit 786C. Did you see  
that on  
12 the bag when he handed it to you?

13 A. Yes.

14 Q. Does that tell you the location of where he  
recovered the  
15 plastic fragments?

16 A. Yes, it does.

17 Q. And what did you do? You marked the bag with your  
18 initials; is that right?

19 A. My initials and the date. And I also assigned it  
an item  
20 number, Item No. 1.

21 Q. Once you marked that bag, what did you do with it?

can 22 A. I repackaged it in the plastic bag into this metal  
23 here.  
24 Q. Is that Government's Exhibit 786D?  
25 A. Yes.

10787

Patrick Daly – Direct

1 Q. How do you recognize that can?  
2 A. I recognize it because my initials and the date are  
written 3 on the lip.  
4 Q. What date is on top by your initials?  
5 A. 4-25-95.  
6 Q. All right. Now, look at the side of the can there.  
Is 7 there an FBI evidence sticker there?  
8 A. Yes.  
9 Q. Is there a date marked there?  
10 A. 4-23-95.  
11 Q. Is that date incorrect?  
12 A. Yes.  
13 Q. Now, did you mark that on that can at that time?  
14 A. I did not.  
15 Q. And you didn't assign it the 1B number. Is that  
correct?

16 A. That's correct.

17 Q. Once you had the plastic in 786D, the clear bag,  
and you  
18 put it into that can, what did you do?

19 A. That and other evidence recovered that day was  
eventually  
20 turned over at the end of the shift to the Evidence  
Control  
21 Center.

22 Q. Did you seal the can before you turned it in?

23 A. Yes. It was sealed. The lid was placed on top of  
the can.

24 MS. WILKINSON: Your Honor, we would offer  
25 Government's Exhibit 786D, the can.

10788

Patrick Daly - Direct

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

2 THE COURT: Certainly.

3 VOIR DIRE EXAMINATION

4 BY MR. TIGAR:

5 Q. Sir, 786D, the lid, has a lot of initials on it.  
Correct?

6 A. I believe so.

7 Q. And how many of those initials were on it when you  
last saw  
8 it?

9 A. I believe just my own when I packaged it.

10 Q. And is it fair to say, sir, that there are three  
additional

11 sets of initials that have been attached here?

12 A. Yes.

13 Q. And did you -- was this FBI evidence tag on it at  
the time

14 that you surrendered it?

15 A. No.

16 Q. And these initials here: Those weren't on it,  
either, were

17 they?

18 A. No, they weren't.

19 MR. TIGAR: We object to it, your Honor.

20 THE COURT: I'll have to have more foundation.

21 MR. TIGAR: Object at this time, your Honor;  
that is,

22 I'm sure these other witnesses will be here.

23 DIRECT EXAMINATION CONTINUED

24 BY MS. WILKINSON:

25 Q. Agent Daly, when you put your initials on the top  
of

10789

Patrick Daly - Direct

1 Government's Exhibit 786D, did you seal the can?

2 A. Yes. Yes, I did.

3 Q. And did you turn it in to the Evidence Control

Center in

4 Oklahoma City?

5 A. Yes, I did.

6 Q. And did you understand, or do you know whether they  
7 assigned 1B numbers to the evidence?

8 A. The Evidence Control Center assigned the 1B  
numbers.

9 Q. And do they mark it on the outside of the  
containers that

10 you gave it to them -- that you give them?

11 A. Yes.

12 Q. And, Agent Daly, there is a Q number marked on the  
side of

13 this can. You didn't put that there, did you?

14 A. No, I did not.

15 Q. Is it your understanding that -- or do you not have  
16 personal knowledge of whether the laboratory puts Q  
numbers on

17 items when they come into the laboratory for analysis?

18 A. Yes. The FBI Laboratory assigns the Q numbers.

19 MS. WILKINSON: We have no further questions,  
your

20 Honor.

21 THE COURT: All right. Mr. Tigar.

22 CROSS-EXAMINATION

23 BY MR. TIGAR:

24 Q. Hello again, sir.

25 The -- when you were last here, we were

talking about

10790

Patrick Daly – Cross

1 plastic barrels. Do you recall that?

2 A. Yes.

3 Q. Now I want to ask you, did you -- did you ever see  
the --

4 we talked about that ATF truck. Is that right?

5 A. Yes, we did.

6 Q. And you said you had not seen inside it. Correct?

7 A. Not in the inside.

8 Q. Did you talk to Agent Carl about that, about the  
truck?

9 A. I don't recall if I talked to Agent Carl. He  
wasn't on my

10 team.

11 Q. Did you talk to Agent Hahn about the truck?

12 MS. WILKINSON: Your Honor, excuse me. I'm  
going to

13 object. I think this is beyond the scope of this  
issue.

14 THE COURT: Sustained.

15 BY MR. TIGAR:

16 Q. Now, prior to the 25th of April, had you had a  
discussion

17 with Agent Hahn or Agent Williams about plastic?

18 A. I recall having a discussion about plastic, but I

don't

19 recall with whom, if it was Agent Hahn or Agent  
Williams.

20 Q. At one of these briefing sessions we're talking  
about, did

21 someone -- did you hear someone express the opinion  
before the

22 25th of April that the container or containers, in  
which parts

23 of this device had been, were plastic?

24 A. I recall that the container -- about plastic  
barrels or

25 containers, but I don't recall when that was expressed.

10791

Patrick Daly - Cross

1 Q. Did you instruct your team to look for plastic?

2 A. I instructed the team to look for the evidence  
relating to

3 proximity to the blast, of which this would have been  
part of

4 that evidence.

5 Q. As team members collected evidence or collected  
things,

6 they would bring them to you; correct?

7 A. That's correct.

8 Q. And you were free to make a decision as to whether  
to keep

9 it or not to keep it. Right?

10 A. Yes.

and  
11 Q. And there were times when you said "don't keep it"  
12 times when you said "do keep it"; correct?

13 A. Correct.

with  
14 Q. And you had that discretion on the 25th of April  
15 respect to these pieces; correct?

16 A. Yes.

discussions you  
17 Q. All right. Now, was there anything in the  
18 had had, the briefings you had had in the mornings or  
the  
19 afternoon meetings that led you to make a decision to  
keep the  
20 pieces of plastic that Agent Gonzales brought to you?

again, I  
21 A. I know I had been told about plastic barrels; but  
22 don't recall if that was before or after the 25th.

anything  
23 Q. Well, that's what I'm asking you, sir. Was there  
24 that had happened to you before the 25th that led you  
to make a  
25 decision to keep these pieces of plastic, as opposed to  
saying,

10792

Patrick Daly – Cross

1 "Toss them away"?

2 A. These pieces here show to me evidence of close  
proximity to

3 high heat source, possibly an explosion.

4 Q. And was that the sole basis on which you decided to  
keep

5 them?

6 A. I know that is the basis why I kept them. I don't  
recall

7 if it was related to having been told about plastic  
barrels or

8 not.

9 Q. Now, did you know from your briefings or had it  
come up in

10 your briefings that there had been a number of cars  
that had

11 exploded?

12 A. Yes. Not exploded. Had explosive damage.

13 Q. Did it come up in your briefings that car gas tanks  
had

14 gone up or exploded?

15 A. I don't recall anything mentioned about gas tanks.

16 Q. All right. Did you observe burnt-out automobiles  
in that

17 parking lot prior to the 25th of April?

18 A. Yes. I observed vehicles that had suffered burn  
damage.

19 Q. And from your experience in evaluating crime  
scenes, did

20 you make a conclusion as to how those vehicles had  
gotten in

21 that burnt-out condition?

22 A. From their proximity to the explosion and the  
crater at the  
23 federal building, I would say that they were burned as  
a result  
24 of the explosion.

25 Q. Did you have an opinion as to whether the gasoline  
in the

10793

Patrick Daly - Cross

1 gasoline tanks had burned also?

2 A. I really wouldn't know without looking -- to the  
exact  
3 vehicle and looking at the tank.

4 Q. Did you look --

5 A. No.

6 Q. -- at any of the vehicles? That wasn't part of  
your job;  
7 correct?

8 A. It wasn't part of the scene that we processed.

9 Q. Now, did you have any discussions prior to the 25th  
10 about -- in your evening or morning sessions about blue  
11 plastic?

12 A. I recall white plastic barrels, but I don't recall  
blue  
13 offhand.

14 Q. Is it your testimony, sir, that you do not remember  
either

15 Agent Hahn or Agent Williams saying anything at all  
before the

16 25th about blue plastic being involved in some  
important way in

17 the events of April 19?

18 A. I recall plastic, and I recall white; but I don't  
recall

19 blue.

20 MR. TIGAR: No further questions, your Honor.

21 MS. WILKINSON: Just briefly, your Honor.

22 THE COURT: All right.

23 REDIRECT EXAMINATION

24 BY MS. WILKINSON:

25 Q. Agent Daly, do you see the packages of plastic in  
front of

10794

Patrick Daly - Redirect

1 you?

2 A. Yes.

3 Q. What are the two Government exhibit numbers there?

4 A. Government's Exhibit 786B and 786.

5 Q. Were 786 and 786B inside the can that you sealed on  
6 April 25, 1995?

7 A. Yes.

8 MS. WILKINSON: No further questions, your  
Honor.

9

EXAMINATION

10 BY THE COURT:

11 Q. May I ask in what manner did you seal the can,  
786D?

12 A. Seal the can?

13 Q. Yes. When you say "sealed," what do you mean?

14 A. Covered the lid -- put the lid on top of the can  
with the  
15 contents inside, pressed it down so it was sealed, put  
my  
16 initials over it.

17 Q. So when you say "sealed," you just mean you closed  
the lid?

18 A. That's correct, and covered it.

19 MS. WILKINSON: Can I ask one other question?

20 THE COURT: Yes.

21 REDIRECT EXAMINATION

22 BY MS. WILKINSON:

23 Q. Agent Daly, I'm going to hand you back up  
Government's

24 Exhibit 786D. Can you show the jury how you closed  
this can,  
25 please.

10795

Patrick Daly - Redirect

1 A. After the contents were placed in, I pushed the lid  
on top

2 of the can, and then I had some tools with me, a  
hammer,  
3 pounded it down so that it would seal.  
4 Q. If someone were to turn that can over after you  
sealed it,  
5 would they have -- would the contents have fallen out?  
6 A. No. It was sealed to keep the contents inside.  
7 Q. Does this metal lid fit down into the can?  
8 A. Yes, it does.  
9 Q. And would you need -- if you had closed it -- did  
you close  
10 it all the way?  
11 A. Yes.  
12 Q. And seal it down? Would you have needed some tool  
to take  
13 this lid off of the can?  
14 A. Most commonly, a screwdriver would take it off.  
15 MR. TIGAR: Excuse me. I couldn't hear the  
answer.  
16 THE WITNESS: Most commonly, a screwdriver  
could be  
17 used to take the lid off.  
18 BY MS. WILKINSON:  
19 Q. Did you close it all the way down?  
20 A. It was closed all the way down, yes.  
21 Q. And did you do that?  
22 A. Yes.  
23 MS. WILKINSON: No further questions, your

Honor.

24 MR. TIGAR: May I just ask about that?

25 THE COURT: Yes.

10796

1 MR. TIGAR: May I approach?

2 THE COURT: Yes.

3 RECROSS-EXAMINATION

4 BY MR. TIGAR:

5 Q. At the time that you gave the can over, did it have  
these

6 indentations and marks around the inner edge?

7 A. I don't recall if they did -- if the can had those  
8 indentations or not.

9 Q. And do you see the dents here in the lip here that  
I'm  
10 pointing to? Do you see those little dents there?

11 A. I see three small ones right here.

12 Q. Yes. Do you know if it had those or not?

13 A. That, I can't recall if it did or not.

14 Q. For the record, this is a -- like a paint can we  
get at the  
15 hardware store; right?

16 A. Yes.

17 Q. Except it doesn't have the bail or wire bail handle  
that

18 you would get at the hardware store; correct? That's  
what this

19 is?

20 A. Yes. Uh-huh.

21 MR. TIGAR: Nothing further, your Honor.

22 MS. WILKINSON: No other questions. The  
witness is

23 now excused.

24 THE COURT: You're excusing the witness?

25 MR. TIGAR: Yes, your Honor.

10797

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

2 THE WITNESS: Thank you, your Honor.

3 THE COURT: Next, please.

4 MR. MACKEY: We'll re-call Mr. Brett Mills.

5 THE COURT: All right.

6 Mr. Mills, you're subject to the oath taken  
earlier.

7 Resume the stand.

8 (Brett Mills was re-called.)

9 DIRECT EXAMINATION

10 BY MS. WILKINSON:

11 Q. Mr. Mills, when you were here before, did you tell  
the jury

12 that you worked in the Explosives Unit as a lab  
technician back

13 in April of 1995?

14 A. Yes, ma'am.

15 Q. And what were your responsibilities in connection  
with this

16 case?

17 A. When the evidence would come in, I would log it in,  
assign

18 an identifier number that we use in the lab, and parcel  
it out

19 to other examiners.

20 Q. Now, were you working in the lab on April 26  
through

21 April 28?

22 A. Yes, ma'am.

23 Q. All right. And when you take evidence in, do you  
-- before

24 you examine it, do you determine whether the package is  
sealed

25 or unsealed?

10798

Brett Mills - Direct

1 A. Yes, ma'am.

2 Q. Do you see the envelope in front of you?

3 A. This accordion?

4 Q. Yes.

5 A. Yes, ma'am.

6 Q. And can you take the exhibit out of there.

7 A. Just this one?

8 Q. Both of them, please.

9 Do you see Government's Exhibit 785?

10 A. Yes, ma'am.

11 Q. And is there another item in there?

12 A. 785A and 785B.

13 Q. B. Let's start with Government's Exhibit 785. Do  
you

14 recognize that bag?

15 A. Yes, ma'am.

16 Q. Did you receive that bag?

17 A. Yes, ma'am.

18 Q. When did you receive it?

19 A. April 26, 1995.

20 Q. Was it open, or closed when you received it?

21 A. It was closed.

22 Q. Okay. How do you recognize it?

23 A. It has my writing on it.

24 Q. Now, when you received it, what did you do with it?

25 A. I looked at the items to get a visual description  
of them

Brett Mills – Direct

Then I 1 because I was creating my worksheet at the same time.  
number on 2 put our laboratory number and then our Q identifier  
3 it.

4 Q. What Q identifier did you place on it?

5 A. Q116.

6 Q. Did you open the bag at that time?

7 A. No, ma'am.

8 Q. And why didn't you open the bag?

analysis or 9 A. With plastic bags, when we're doing residue

not open 10 residue analysis is supposed to be conducted, we did

11 any of the things we can see the item itself.

that? 12 Q. And do you see the other 785 exhibits -- 785A, is

13 A. A and B, yes.

14 Q. And are there Q numbers marked on both of those?

15 A. Yes, ma'am.

16 Q. Do they have the same Q marking?

17 A. Yes, ma'am.

18 Q. What is that?

is 19 A. "From Q116." One is marked 116A, and the other one

20 marked Q116.

bag 21 Q. Now, is there one of those items -- you can put the

22 down you have in your hand. Is there one of those  
items that

23 you don't recognize in the 785 series?

24 A. This one right here.

25 Q. What number is that? 785 what?

10800

Brett Mills - Direct

1 A. 785A.

2 Q. And can you tell us what it looks like?

3 A. It's a -- almost like a powdered-up plastic.

4 Q. And you didn't do that to that plastic; is that  
correct?

5 A. No, ma'am.

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

7 Exhibit 785 and 785B but not 785A.

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

9 THE COURT: All right.

10 MR. TIGAR: May I approach?

11 THE COURT: Yes, certainly.

12 VOIR DIRE EXAMINATION

13 BY MR. TIGAR:

14 Q. Hello, Mr. Mills.

15 A. Hello.

16 Q. Could you show me what these are, here, you're

looking at.

17 785?

18 A. This one is 785.

19 Q. Okay.

20 A. 785A and 785B.

21 Q. All right. Now, I'm holding up 785B. Does that  
have your

22 initials on it?

23 A. No, sir.

24 Q. Okay. And 785 -- just 785: Does that have your  
initials

25 on it?

10801

Brett Mills - Voir Dire

1 A. Not my initials, no, sir.

2 Q. Does it have your writing on it?

3 A. Yes, sir.

4 Q. Now, where -- can you help me here? Where is your  
writing

5 on this? 785.

6 A. Right here. This 50426Q116DW.

7 Q. Now, 50426?

8 A. 018.

9 Q. 018. And then it says Q116DW.

10 A. Yes.

of "BM"? 11 Q. Right? Now, why did you put "DW" on there instead

to put 12 A. Those are Mr. Williams' initials, and I'm supposed

case. 13 his initials after each Q number when I check in a

this case? 14 Q. Now, Mr. Williams was the principal examiner in

15 A. Yes, sir.

yours 16 Q. And did he instruct you to put his initials and not

17 on items as you logged them into the laboratory?

the bag. 18 A. No, sir. He just told me to put his initials on

19 Our policy -- my initials never went on a bag.

20 Q. All right. Now, on the -- you got these into your  
21 laboratory when, sir?

22 A. April 26.

23 Q. And where was Mr. Williams on the 26th of April?

24 A. He was in, I believe, Oklahoma.

supposed 25 Q. And had he left behind instructions that you were

10802

Brett Mills - Voir Dire

initials on 1 to -- well, how did it come to be that you put his

2 things?

3 A. During my training procedure in the Explosives

Unit, when I

4 was being trained, they explained how we would write  
the lab

5 number, the symbol "S," "YR," Q number, and then "DW"  
for Dave

6 Williams.

7 Q. Now, you say "YR."

8 A. Yes.

9 Q. Now, whose initials are "YR"?

10 A. The "YR" are symbols that are assigned by the  
laboratory to

11 an examiner for internal functions. "YR" would be  
Williams.

12 Another examiner would have other initials.

13 Q. So this -- and did you write "YR" on this one?

14 A. Yes, sir. It should be right after the end of the  
lab

15 number.

16 Q. Okay. So we have "YR," and that's -- that is a  
code for

17 David Williams; correct?

18 A. Yes, sir.

19 Q. And then you also put "DW," which is David  
Williams' actual

20 initials. Correct?

21 A. Yes, sir.

22 Q. And what is the purpose in terms of keeping track  
of

23 things, if you know, of putting somebody else's  
initials other

the 24 than yours on these specimens as you check them into  
25 laboratory?

10803

Brett Mills - Voir Dire

wrote up 1 A. That was just the way that I was told to when I  
his 2 Mr. Williams' bag -- all that information, I was to put  
3 initials, "DW," on there.

-- when 4 Q. Now, of these three bags that we have here, which  
one 5 you got the -- when you got the material, was it all in  
6 bag?

so. 7 A. I'd have to see the bag; but yes, sir, I believe

8 Q. Okay.

9 A. Yes, sir. It was all in this one bag here.

Exhibit 10 Q. So it was all in the bag that's marked Government's  
11 785. Correct?

12 A. Yes, sir.

include 13 Q. And that's the one that you wrote the numbers that

14 "YR" and "DW." Correct?

15 A. That's correct.

16 Q. And at the time you wrote that, was all the other  
17 information on here except the Government's exhibits  
tag on the  
18 bag? That is, has anything been added?  
19 A. This has probably been added. These initials and  
these  
20 initials. This information here was already on there.  
I don't  
21 know about these initials here.  
22 Q. So the -- you don't know about "MAK"?  
23 A. No, sir.  
24 Q. You don't know about "RH"?  
25 A. No, sir.

10804

Brett Mills - Voir Dire

1 Q. You don't know about "RM," or is that a "PM,"  
whatever the  
2 green ink is?  
3 A. Those were probably examiners in the lab.  
4 Q. So is it your testimony, sir, that someone handled  
this bag  
5 after you put the bag marked 785 -- after you did?  
6 A. I didn't mark this bag 785.  
7 Q. I understand you didn't mark it, but did someone  
handle  
8 this bag after you put that information on you told us  
about?

9 A. Yes, sir.

10 Q. All right. And at the time you got the bag, were  
these  
11 little items that are in 785B in there also? These  
little --  
12 whatever they are.

13 A. No, sir, I don't remember these.

14 Q. You don't remember those at all?

15 A. No, sir.

16 Q. And with respect to 785A, you don't even know what  
that is?  
17 A. No.

18 Q. Of your own knowledge? Okay.

19 MR. TIGAR: We object to the admission.

20 MS. WILKINSON: Your Honor, we'll withdraw  
785B and  
21 just offer 785, if I could ask a few questions more.

22 THE COURT: All right.

23 DIRECT EXAMINATION CONTINUED

24 BY MS. WILKINSON:

25 Q. Agent Mills, take a look at 785. That is the  
original

10805

Brett Mills - Direct

1 plastic bag that you received?  
2 A. Yes, ma'am.

on there; 3 Q. And you wrote down the -- you wrote some markings

4 is that right?

5 A. Yes, ma'am.

same 6 Q. And is the plastic that's contained in there in the

7 condition as when you received it on April 26, 1995?

8 A. No, ma'am.

9 Q. What's the difference?

10 A. It seems some of the pieces have been cut.

same 11 Q. Okay. And other than that, are those pieces in the

12 condition as when you had them?

13 A. Yes, ma'am.

testing? 14 Q. And are you aware that this plastic was sent for

15 A. Yes, ma'am.

identify 16 Q. And other than those -- and you said you could not

17 the pulverized --

18 A. No, ma'am.

19 Q. -- exhibit -- is that correct -- or plastic?

20 A. No.

do you 21 Q. And other than the changes that you've described,

22 recognize Government's Exhibit 785?

23 A. Yes.

785. 24 MS. WILKINSON: Your Honor, we'd offer just

10806

Brett Mills - Voir Dire

1 BY MR. TIGAR:

2 Q. Isn't it true, sir, that neither the contents of  
the bag  
3 nor the bag are in the same condition in which they  
left your  
4 hands when you last saw them?

5 A. When it left me, no, sir.

6 Q. They're not in the same condition, are they?

7 A. No.

8 Q. The plastic is different. Right? The stuff  
inside?

9 A. Yes, sir.

10 Q. And the bag is different. Right?

11 A. Yes, sir.

12 MR. TIGAR: We object to it, your Honor.

13 THE COURT: Sustained.

14 DIRECT EXAMINATION CONTINUED

15 BY MS. WILKINSON:

16 Q. Just to make the record, Mr. Mills, on Government's  
Exhibit  
17 785, the plastic bag we've been talking about, are you  
aware  
18 that other people have inspected the outside of that

bag after

19 you took it into the FBI Laboratory?

20 A. Yes, ma'am.

21 MR. TIGAR: If he knows, your Honor.

22 BY MS. WILKINSON:

23 Q. You know that?

24 A. Yes, ma'am.

25 Q. And is it the policy of the FBI for persons to  
initial the

10807

Brett Mills - Direct

1 bag if they do any kind of inspection?

2 A. Yes, ma'am.

3 Q. And do you see Mr. Buechele's initials on there?

4 THE COURT: Well, the bag is not in the same  
5 condition. The contents are not in the same condition.  
It's  
6 objectionable.

7 MS. WILKINSON: Yes, your Honor.

8 BY MS. WILKINSON:

9 Q. Did you send the contents of Government's Exhibit  
785 to  
10 Mr. Buechele?

11 A. Yes, ma'am.

12 Q. Now, can you also look at the Government's exhibit  
in front

786C, 13 of you, Government's Exhibit 786D and 786 -- start with

14 the can.

15 A. The can.

16 Q. Do you recognize that?

17 A. Yes, ma'am.

18 Q. And did you receive that in -- back in the FBI  
Laboratory?

19 A. Yes, ma'am.

20 Q. When did you receive it?

21 A. April 26, 1995.

22 Q. Was the top sealed when you received it?

23 A. Yes, ma'am.

24 Q. And how did you open it?

25 A. I had to pry open the lid; and I looked inside,  
pulled out

10808

Brett Mills - Direct

1 the bag to get a description of the items, and then I  
put it

2 back in and put our Q identifier on it.

3 Q. Is your handwriting on Government's Exhibit 786C,  
the can?

4 A. 786D?

5 Q. D. I'm sorry. Yes.

6 A. Yes, ma'am.

7 Q. What portion is your handwriting?  
8 A. The laboratory number, the Q number, and then the  
initials  
9 "DW."  
10 Q. And again, when you received that, was Mr. Williams  
still  
11 out at the crime scene?  
12 A. Yes, ma'am.  
13 Q. Now, after you were able to open the can, what did  
you find  
14 inside of it?  
15 A. I found this -- this bag here, 786C.  
16 Q. Yes.  
17 A. With these plastic items inside of it.  
18 Q. And is there a Q number marked on the smaller bag  
in your  
19 hand?  
20 A. This one here, 786B?  
21 Q. Yes.  
22 A. Yes, ma'am.  
23 Q. Does that have the same Q number as the can in  
front of  
24 you?  
25 A. Yes, ma'am.

10809

Brett Mills - Direct

1 Q. What is that Q number?

2 A. Q112.

3 Q. And what is the purpose of marking the Q number on  
that bag

4 similar to the Q number on the can?

5 A. Because these items are Q112, even though -- I  
mean, they

6 were inside the can itself, and it's the items that I  
described

7 in the can as Q112.

8 Q. And did you send those plastic fragments in your  
hand on

9 for testing?

10 A. Yes, ma'am.

11 Q. And when you did that, did you send them with the  
can?

12 A. Yes, ma'am.

13 Q. And did you send them on to Agent Buechele?

14 A. Yes, ma'am.

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

16 Honor.

17 THE COURT: Cross-examination.

18 MR. TIGAR: May I stand next to the witness to  
ask

19 just a couple of questions about the can?

20 THE COURT: Yes.

21 CROSS-EXAMINATION

22 BY MR. TIGAR:

23 Q. Can you just -- at the time that this can left your  
24 control, were the initials "SGB," "RGB," whatever that  
is,  
25 "RM" -- were they on there?

10810

Brett Mills - Cross

1 A. These three?

2 Q. Yes.

3 A. No, sir.

4 Q. Okay. Were these initials here, the "POD," "4-25"?

5 A. Yes.

6 Q. And this is another instance in which you wrote the  
"YR"

7 and the "DW"?

8 A. Correct.

9 Q. And what does the "RH" stand for?

10 A. That's somebody's initials.

11 Q. Were those on there at the time?

12 A. I don't remember them, no, sir.

13 MR. TIGAR: Thank you. No further questions,  
your

14 Honor.

15 THE COURT: Anything else of this witness?

16 MS. WILKINSON: No. He needs to be called  
back for

17 another exam.

We'll see 18 THE COURT: All right. You may step down.

19 you later.

20 THE WITNESS: Thank you.

not sure 21 MR. MACKEY: Your Honor, our next witness I'm

22 is on alert. So can I use some of this time to publish  
23 additional stipulations?

24 THE COURT: Yes.

publish 25 MR. MACKEY: Your Honor, we'd ask the Court to

10811

1 Factual Stipulation No. 5.

2 THE COURT: With 2046 -- relating to 2046?

3 MR. MACKEY: Yes, your Honor.

members of 4 THE COURT: All right. It has been agreed,

a 5 the jury, that Government's Exhibit 2046 is a record of

6 customer application at the Blockbuster Video in  
Junction City,

7 Kansas, in the name of Timothy McVeigh and dated August  
15,

8 1994.

9 MR. MACKEY: Your Honor, if I could display

this to

10 the jury.

11 THE COURT: It's received, then, pursuant to  
this

12 stipulation.

13 MR. TIGAR: Yes, your Honor.

14 THE COURT: All right. You may publish it.

15 MR. MACKEY: Your Honor, I'm displaying at  
this time

16 Government's Exhibit 2046, which bears in the upper  
left-hand

17 corner a printed name "Tim McVeigh," and ask the Court  
to note

18 the parties' stipulation: All the handwriting that  
appears on

19 this exhibit was authored by Tim McVeigh.

20 MR. TIGAR: May I publish additional portions  
at this

21 time, your Honor?

22 THE COURT: Yes. But what has been announced  
is

23 agreed to?

24 MR. TIGAR: Yes, that has been agreed to, your  
Honor.

25 THE COURT: All right.

10812

1 MR. TIGAR: May I publish additional portions

at this

2 time?

3 THE COURT: Yes.

4 MR. TIGAR: I'm going to read off some more.

5 MR. MACKEY: I'm starting with the name, Mr.  
Tigar.

6 MR. TIGAR: I'm sorry, your Honor. I thought  
he was

7 only going to do that, but he tells us he's going to do  
the

8 rest.

9 THE COURT: The whole agreement. Let's have  
the whole

10 agreement.

11 MR. TIGAR: Thank you.

12 MR. MACKEY: I'm not done.

13 For the record, appearing in the box in the  
upper

14 left-hand corner of this exhibit is the name --

15 MR. WOODS: Your Honor, excuse me. The TV is  
not

16 facing the jury. We would like to disclose that to the  
jury.

17 THE COURT: Thank you.

18 MR. MACKEY: Thank you, Mr. Woods.

19 THE COURT: Move it around.

20 Do you want to start over? It's a little  
confusing

21 now where we are, so go ahead with Exhibit 2046.

22 MR. MACKEY: Which is the document entitled,  
23 "Membership Application," preprinted form, Blockbuster  
Video.  
24 I'll read into the record customer information in the  
box that  
25 appears in the upper left-hand corner of that exhibit.  
The

10813

1 name is "McVeigh, Timothy J." The address is "P.O. Box  
2153."  
2 The next line is line 4. The entry is "Ft. Riley,  
Kansas."  
3 The Zip provided, "66422." The home number provided is  
"(913)  
4 239-4846."  
5 Immediately to the right on the upper right-  
hand  
6 portion of this same document under line 7 for  
identification  
7 appears the initials "KS" and then a series of numbers  
8 "J9YST1." Below that on line 8, Social Security No.  
9 "912-34-1968."  
10 Below that on line 8 (sic) appears the entry  
"U.S.  
11 Army/" and "C.CO 516th" Maintenance or "Maint."  
12 Line 10 appears the numbers "(913)," end  
parentheses,  
13 "239-4981."

14 In the section marked No. 11, there is  
handwritten  
15 entries on line 14. Following the word "(Type)" is the  
16 handwritten words "Military I.D." Next to that is the  
number  
17 "8125476." Next to that after the title "(Expiration  
Date)"  
18 appears the numbers "11 APR 95."  
19 Below that, a series of initials appear to be  
"TJM."  
20 I'll read into the record now the entries in  
the box  
21 entitled, "ADDITIONAL FAMILY MEMBERS." Line 15 is  
entered the  
22 word "None."  
23 "NUMBER . . . CARDS REQUESTED" on line 18 is  
"1"; and  
24 on the far right-hand corner of that same box under the  
title  
25 "Parent Signature" is some scribbling that I would  
describe as

10814

1 illegible.  
2 The very bottom of Exhibit 246 (sic) is a  
signature of  
3 Timothy James McVeigh as agreed to by the parties.  
Next to  
4 that the date entered, "AUG 94."

of this 5 That's all that I would publish at this time

6 exhibit, Mr. Tigar.

wonder if I 7 MR. TIGAR: Yes, your Honor. That's -- I

there 8 could just show the top, because the TV was moved over

9 afterwards.

application, 10 That's the Blockbuster Video membership

your 11 and the stipulation relates that this is -- I'm sorry,

Video this 12 Honor. Does the stipulation say which Blockbuster

13 is?

14 MR. MACKEY: Junction City.

15 THE COURT: Yes, it does say "Junction City."

your 16 MR. TIGAR: Junction City, Kansas. Thank you,

17 Honor.

display, or 18 MR. MACKEY: I have additional exhibits to

19 if we've had notice to the witness, we can proceed to

20 testimony.

21 THE COURT: We have the witness. All right.

call 22 MR. MACKEY: Your Honor, at this time we'll

23 Mr. Ron Buechele.

raise your 24 THE COURT: If you'll just stand there and

25 right hand.

10815

1 THE COURTROOM DEPUTY: Raise your right hand.

2 (Richard Buechele affirmed.)

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

4 Would you state your full name for the record  
and

5 spell your last name.

6 THE WITNESS: My name is Richard Buechele.  
The last

7 name is spelled B, like in boy, U-E-C-H-E-L-E.

8 THE COURTROOM DEPUTY: Thank you.

9 DIRECT EXAMINATION

10 BY MS. WILKINSON:

11 Q. Mr. Buechele, do you work for the FBI?

12 A. Yes, ma'am, I do.

13 Q. Where are you currently assigned?

14 A. I'm currently assigned to the Pittsburgh field  
division in

15 Pittsburgh, Pennsylvania.

16 Q. In April of 1995, were you assigned to the FBI  
Laboratory?

17 A. Yes, I was.

18 Q. Just briefly tell us what your duties were there.

19 A. My duties in the FBI Laboratory, specifically I was  
20 assigned to the materials analysis units. My duties  
was the  
21 examination of evidence that included paints, tapes,  
adhesives,  
22 cosmetics, and plastics.

23 Q. And were you asked during the investigation of the  
Oklahoma  
24 City bombing to examine some plastic fragments found at  
the  
25 crime scene?

10816

Richard Buechele - Direct

1 A. Yes, I was.

2 Q. Do you see some exhibits before you?

3 A. Yes, I do.

4 Q. Do you see those items? Do you recognize some of  
those  
5 items?

6 Why don't we start with the one that's in your  
hand.

7 Can you read the Government exhibit sticker?

8 A. Exhibit No. 786B, I recognize. It's a Ziploc bag,  
and it  
9 bears my initials.

10 Q. Now, that Ziploc bag: Did you write the Q number  
on it?

11 A. No, I did not.

12 Q. Okay. And you initialed that bag?

13 A. Yes, I did. My initials are faintly present right  
here in

14 the upper left corner.

15 Q. And did you receive -- do you recall when you  
received that

16 plastic?

17 A. I received that May 11 of 1995.

18 Q. And did you remove some of the plastic for testing?

19 A. Yes, I did.

20 Q. What did you do to it?

21 A. The plastic in that bag, I examined under a  
microscope; and

22 pieces that I thought were worthy of further  
examination, I

23 removed and placed in a separate Ziploc bag.

24 Q. Do you see that before you?

25 A. Yes, I do.

10817

Richard Buechele - Direct

1 Q. What Government exhibit number is that?

2 A. This is Government's Exhibit No. 786.

3 Q. 786. Okay. And what did you do with the items in  
786?

4 A. I examined them further than just microscopic  
examination.

type of 5 I used an instrument in the laboratory to tell me what  
6 plastic it was.  
7 Q. Does that -- does that instrument have limited  
8 capabilities?  
9 A. Yes, it does.  
10 Q. And did you perform the test?  
11 A. Yes, I did.  
into 12 Q. And after the test, did you place that plastic back  
13 the bag?  
14 A. Yes, I did.  
chemical 15 Q. By performing that test, did you change the  
16 composition of the plastic in any way?  
17 A. No, ma'am.  
plastic 18 Q. Now, at any time did you cut off portions of the  
was it? 19 fragments in Government's Exhibits 786 or 786B -- or A,  
20 I'm sorry.  
picked up: 21 Excuse me, I'm sorry. The first bag you  
22 What is the Government's --  
23 A. 786B.  
either 24 Q. 786B. Did you cut off portions of the plastic in  
25 786B or 786?

10818

Richard Buechele - Direct

1 A. In 786, I would have sliced a small fragment of  
that  
2 plastic off, approximate size of a fingernail clipping  
for my  
3 examination.

4 Q. And that's the only way you altered those pieces of  
5 plastic. Is that right?

6 A. Yes. That's correct.

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

8 Exhibits 786 and 786B.

9 MR. TIGAR: May I approach, your Honor?

10 THE COURT: Yes.

11 VOIR DIRE EXAMINATION

12 BY MR. TIGAR:

13 Q. This is 786 and this is 786B?

14 A. Yes, sir, that's correct.

15 Q. Thank you. Mr. Buechele -- am I pronouncing that  
16 correctly?

17 A. Yes, sir, you are.

18 Q. My name is Michael Tigar. I'm one of the lawyers  
appointed  
19 to help Terry Nichols.

20 What is your -- what was your title in the FBI

as of

21 April and May of 1995?

22 A. During that time period, I was a special agent in  
the FBI

23 Laboratory.

24 Q. And you -- a special agent who was assigned to the  
25 laboratory. Is that right?

10819

Richard Buechele - Voir Dire

1 A. Yes, sir, that's correct.

2 Q. And you have told us that you performed certain  
tests; is

3 that right?

4 A. That's correct.

5 Q. Now, 7 -- is 786, which is a Ziploc bag -- correct?

6 A. Yes, sir, that's correct.

7 Q. And it arrived when you first saw this piece of  
plastic or

8 something like it -- it arrived in a Ziploc bag.  
Correct?

9 A. That is not correct.

10 Q. That is not correct. Well, what -- what did it  
arrive in?

11 A. Exhibit 786 was in the bag with Exhibit 786B. I  
examined

12 everything which is in your left hand and removed  
Exhibit 786

13 and placed it in that second bag.

14 Q. I see. And when you placed it in the second bag,  
did you

15 make some writing on it?

16 A. Yes, sir, I did.

17 Q. Okay. And can you tell me from here what writing  
you put

18 on it?

19 A. No, sir, I can't.

20 MR. TIGAR: May I approach?

21 THE COURT: Yes.

22 BY MR. TIGAR:

23 Q. Can you tell me, please, what writing is yours on  
here.

24 THE COURT: Which exhibit are you --

25 MR. TIGAR: 786, your Honor.

10820

Richard Buechele - Voir Dire

1 THE COURT: Thank you.

2 THE WITNESS: The writing which I would have  
placed on

3 Exhibit 786 would be my initials up here, the initial  
"F/"

4 indicating that this is from Q112.

5 BY MR. TIGAR:

6 Q. Right.

7 A. I also wrote on here that this is --

8 Q. Hold it. It's not in evidence yet. That's why I'm  
9 stopping you. You wrote on here a potential  
conclusion. Is

10 that correct? A possible something; right?

11 A. That is correct.

12 Q. And is that the -- and did you write the "1B142,"  
etc.?

13 A. No, sir, I did not.

14 Q. And did you put this piece of paper inside with the  
Q

15 number and the typewritten information?

16 A. No, sir, I did not.

17 Q. Did you prepare that?

18 A. No, sir, I did not.

19 Q. And you didn't put any of this "MAK," "RCB" and the  
blue

20 writing that says "YR" on it?

21 A. The blue writing is not mine. The "RCB" again is  
my

22 initials.

23 Q. Is the "MAK" yours?

24 A. No, sir.

25 Q. Now, the blue writing: Was that on the bag at the  
time it

10821

Richard Buechele - Voir Dire

1 left your custody?  
2 A. No, sir, it was not.  
3 Q. And do you know what the initials "YR" stand for?  
Correct?  
4 A. I believe I do, yes, sir.  
5 Q. Whose are those?  
6 A. I believe those are the symbols for an examiner in  
the  
7 laboratory.  
8 Q. And his name is?  
9 A. David Williams.  
10 Q. The -- now, is this piece of plastic that's inside  
this  
11 bag, 786, in the same condition as when it left your  
custody?  
12 A. Yes, sir, it certainly appears to be.  
13 MR. TIGAR: Your Honor, we have no objection  
to the  
14 admission of the contents, the piece of plastic. The  
bag with  
15 the writing, we object to.  
16 MS. WILKINSON: We have no problem with that,  
your  
17 Honor. We just want the contents in.  
18 THE COURT: That's what I assumed, since it's  
the  
19 relevant evidence.  
20 MS. WILKINSON: We don't care about the bag.  
21 THE COURT: Well, are the contents marked in

some

22 fashion?

mark

23 MS. WILKINSON: No. It's almost impossible to

bag. We

24 the contents. What we'll do is get a clean plastic

get a

25 obviously needed this for the chain of custody. We'll

10822

Richard Buechele - Voir Dire

okay

1 clean plastic bag, put another sticker on it, if that's

witnesses

2 with Counsel and the Court. The problem is for the

3 to recognize it, we need the bag.

4 THE COURT: We can keep it in there for now.

question of

5 MR. TIGAR: Yes, your Honor. There is a

itself is

6 what goes to the jury. We want to make sure the bag

bag.

7 preserved, because I intend to cross-examine about the

receiving is

8 THE COURT: I understand. So what we're

9 the content of Exhibit 786.

of

10 MS. WILKINSON: We also offer the contents now

on here

11 786B, although I don't believe there are any markings

12 that aren't Mr. Buechele's.

13 MR. TIGAR: I haven't examined about that yet,  
your

14 Honor.

15 THE COURT: Go ahead.

16 MR. TIGAR: I may consent when I'm done.

17 BY MR. TIGAR:

18 Q. Agent Buechele, you probably weren't ready for all  
this,

19 were you?

20 A. I was ready for whatever testimony was needed, sir.

21 Q. Okay. Well, good.

22 You put -- this is a bunch of plastic -- right  
-- in

23 786B?

24 A. Yes, sir, that's correct.

25 Q. Okay. And you put it in this Ziploc bag?

10823

Richard Buechele - Voir Dire

1 A. Again, no, sir, that's not correct. That is the  
condition

2 I received it.

3 Q. I see. You initialed the Ziploc bag?

4 A. That's correct.

5 Q. And other than the Government evidence sticker on  
it, has

6 this changed any since it left your hands that you can  
see?

7 A. No, sir, it does not appear to have.

8 Q. Okay. And this -- and is -- did you take any  
clippings

9 from this -- any of the plastic in here?

10 A. I don't believe I did, no, sir.

11 Q. The clipping -- the fingernail-size clipping:  
That's from

12 the piece of plastic we said already would come in  
evidence?

13 A. That's correct.

14 MR. TIGAR: We have no objection, your Honor,  
to 786B,

15 nor to its bag.

16 THE COURT: All right. 786B is received.

17 MS. WILKINSON: We're making progress, your  
Honor.

18 THE COURT: Well, it's 5:00.

19 MS. WILKINSON: Oh, shoot.

20 THE COURT: You can step down for now. We'll  
have you

21 back tomorrow.

22 Members of the jury, just so that you  
understand what

23 we're doing here, it's not just lawyers quibbling.  
What is

24 involved here is what is called the "chain of custody."  
And

25 the effort is to determine whether what is being  
offered in

10824

different 1 evidence is in the same condition as it was at a  
of the 2 time; so it's not, you know -- it's an important part  
you to 3 rules of evidence that we're going through, and I want  
4 understand that. We're not playing a little game here,  
5 although it may seem that way sometimes. But these are  
is my 6 important rules; and that is a part of what I told you  
receive in 7 function in the case, to make sure that what you  
rules. 8 here and consider as evidence is consistent with the

work from 9 Now, of course, the only thing that you can  
10 in making your decision in the case is the evidence,  
and that's 11 why I always caution you, as I do now again at this  
recess, to 12 keep open minds, to not discuss anything about the  
case, and to 13 continue to be in a position by avoiding anything  
outside of 14 our evidence, to be able under your oath to decide  
according to 15 the evidence and the law to be given to you.

the 16 So with that, we'll excuse you till 8:45 in  
17 morning and hope you have a pleasant evening.

18 (Jury out at 5:00 p.m.)

minutes, 19 THE COURT: May I have counsel for a few  
20 please.

21 (At the bench:)

court 22 (Bench Conference 91B1 is not herein transcribed by

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

24

25

10832

1 (In open court:)

here, the 2 THE COURT: All right. The bench conference

be 3 side bar, was with respect to scheduling and what would

Counsel 4 expected by way of the evidence tomorrow and Friday.

8:45 in 5 have been helpful; and we anticipate going forward at

6 the morning, so we'll recess till then.

7 (Recess at 5:08 p.m.)

8

INDEX

Page	9	Item
	10	WITNESSES
	11	Patrick Daly
10672	12	Direct Examination Continued by Ms. Wilkinson
10678	13	Voir Dire Examination by Mr. Tigar
10680	14	Direct Examination Continued by Ms. Wilkinson
10685	15	Cross-examination by Mr. Tigar
10687	16	Voir Dire Examination by Ms. Wilkinson
10691	17	Cross-examination Continued by Mr. Tigar
10729	18	Redirect Examination by Ms. Wilkinson
10729	19	Recross-examination by Mr. Tigar
	20	Bruce Lind
10731	21	Direct Examination by Mr. Mackey
10750	22	Cross-examination by Mr. Tigar
	23	Gregory Carl
10754	24	Direct Examination by Mr. Mearns
10759	25	Cross-examination by Mr. Tigar

10833

1 Charles Gonzales

10775

2 Direct Examination by Mr. Mearns

10779

3 Cross-examination by Mr. Tigar

4 Patrick Daly

10784

5 Direct Examination by Ms. Wilkinson

10785

6 Voir Dire Examination by Mr. Tigar

10786

7 Direct Examination Continued by Ms. Wilkinson

10788

8 Voir Dire Examination by Mr. Tigar

10788

9 Direct Examination Continued by Ms. Wilkinson

10789

10 Cross-examination by Mr. Tigar

10793

11 Redirect Examination by Ms. Wilkinson

10794

12 Examination by The Court

10794

13 Redirect Examination by Ms. Wilkinson

10796

14 Recross-examination by Mr. Tigar

15 Brett Mills

10797

16 Direct Examination by Ms. Wilkinson

10800 17 Voir Dire Examination by Mr. Tigar

10804 18 Direct Examination Continued by Ms. Wilkinson

10806 19 Voir Dire Examination by Mr. Tigar

10806 20 Direct Examination Continued by Ms. Wilkinson

10809 21 Cross-examination by Mr. Tigar

22 Richard Buechele

10815 23 Direct Examination by Ms. Wilkinson

10818 24 Voir Dire Examination by Mr. Tigar

25 \* \* \* \* \*

10834

		PLAINTIFF'S EXHIBITS			
Withdrawn	Exhibit	Offered	Received	Refused	Reserved
	1				
	2				
	3	654	10682	10682	
	4	656-653	10683	10683	
	5	713	10675	10675	
	6	720	10677	10677	
	7	722	10678	10679	
	8	785	10800		
	9	785B	10800		

10804

10	785	10804		
11	785	10805		10806
12	786C	10785	10786	
13	786D	10787		
14	786	10818		
15	786B	10818		
16	786 (contents)		10822	
17	786B	10822	10823	
18	952D	10747	10748	
19	1113	10748	10748	
20	2046		10811	

DEFENDANT'S EXHIBITS

22	Exhibit	Offered	Received	Refused	Reserved
23	D1661-D1665	10686			
24	D1667	10686			
25			* * * * *		

10835

REPORTERS' CERTIFICATE

transcript from

Dated

1

2 We certify that the foregoing is a correct

3 the record of proceedings in the above-entitled matter.

4 at Denver, Colorado, this 25th day of November, 1997.

5

6

---

Paul Zuckerman

7

8

---

Bonnie

Carpenter

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25