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629-9285

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11892

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PROCEEDINGS

(Reconvened at 1:32 p.m.)

THE COURT: Please be seated.

All right.

(Jury in at 1:32 p.m.)

THE COURT: Next witness, please.

MR. WOODS: Yes, your Honor. David D'Albini.

THE COURT: Thank you.

MR. WOODS: Mr. Neureiter will question him.

THE COURT: All right.

THE COURTROOM DEPUTY: Would you raise your

hand, please.

(David D'Albini affirmed.)

right

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THE COURTROOM DEPUTY: Would you have a seat,

Would you state your full name for the record

spell your last name.

THE WITNESS: David Frederick D'Albini. D

A-L-B-I-N-I.

THE COURTROOM DEPUTY: Thank you.

please.

and

apostrophe

7

DIRECT EXAMINATION

8 BY MR. NEUREITER:

We've met

9 Q. Hello, Mr. D'Albini. My name is Reid Neureiter.

10 once before; is that right?

11 A. Yes.

12 Q. Where do you live, Mr. D'Albini?

13 A. Bigfork, Montana.

14 Q. Before Montana, where did you live?

15 A. Junction City, Kansas.

16 Q. Are you presently in the restaurant business?

17 A. Yes.

1995?

18 Q. Were you in the restaurant business in April of

19 A. Yes, I was.

20 Q. Where were you living in April of 1995?

21 A. Junction City, Kansas.

City,

22 Q. Were you the manager of the McDonald's in Junction

23 Kansas?

24 A. Yes, I was.

Junction

25 Q. Did your family own and operate two McDonald's in

11894

David D'Albini - Direct

1 City?

2 A. Yes, they did.

3 Q. What was the location?

4 A. The 6th Street and what we call the I-70  
McDonald's.

5 Q. But you were the manager of the I-70 McDonald's; is  
that

6 right?

7 A. Right.

8 Q. I'm going to show you a picture that has been  
previously

9 admitted into evidence, Defense D1733. You can look  
down on

10 that screen in front of you. Tell me if you recognize  
that.

11 A. Yes, that's the I-70 McDonald's.

12 Q. Is that the McDonald's where you were the general  
manager

13 in April of 1995?

14 A. Yes, I was.

15 Q. Is that McDonald's equipped with some kind of  
security

16 system?

17 A. Yes, it has video monitors.

18 Q. Tell us a little bit about those monitors. How  
many

19 cameras, how many monitors?

20 A. There were seven video cameras placed around the  
store and

21 fed into one video recorder.

a  
22 Q. Was there a camera that would capture the image of  
23 customer leaving the store through the front door?  
24 A. Yes.  
25 Q. Was there a camera that would focus on the front  
counter

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David D'Albini – Direct

1 area?  
2 A. Yes, there was.  
3 Q. I'm going to show you an exhibit, D1734, that has  
not been  
4 previously admitted, ask you if you recognize that?  
5 A. Yes, I do.  
6 Q. And what is that?  
7 A. That's the interior of the McDonald's showing part  
of the  
8 dining room area.  
9 Q. Does that truly and accurately reflect what the  
interior of  
10 the I-70 McDonald's looked like in April of 1995?  
11 A. Yes, it does.  
12 MR. NEUREITER: Move to admit, your Honor.  
13 MR. MACKEY: No objection.  
14 THE COURT: D1734 admitted.  
15 MR. NEUREITER: Move to publish.

16 THE COURT: Yes.

17 BY MR. NEUREITER:

18 Q. Now, does this photograph show some of those video  
cameras  
19 that you were telling us about earlier?

20 A. Yes, there are two of them there.

21 Q. I'm going to put some pins on this exhibit. One's  
a red  
22 one, the one on the left, and one's a black one. Can  
you tell  
23 me what the pin on the left, the red one, is pointing  
toward?

24 A. The red one points towards the back of the dining  
room  
25 area, towards the bathrooms.

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David D'Albini - Direct

1 Q. And is there -- let me zoom in.

2 Is it pointing to a specific thing on that  
zoom-in  
3 there, that pen? Is that pointing to a camera?

4 A. Yes, that's pointing to the camera that goes to the  
back of  
5 the dining room area.

6 Q. And that shows the back dining room area the way it  
appears  
7 on the video monitor?

8 A. Right.

9 Q. And what does that camera capture when it sends the  
image

10 to the video monitor?

11 A. That shows the front counter area, including the  
front door

12 and the drive-through area.

13 Q. Okay. Explain in a little bit more detail for the  
jury,

14 please, how the images are collected and recorded on  
your video

15 monitor through these seven cameras that are located in  
your

16 store.

17 A. Okay. Each camera has -- both turn off for 5  
seconds in

18 its area, and it's preset series so it's always going  
to come

19 back around to the same camera within 35 seconds. A

20 five-second shot, then it goes to the next shot, the  
next

21 camera, and then the next camera and so on.

22 Q. And are the images that are taken -- are they  
smoothly

23 flowing images that are taken on those video machines?

24 A. No, it's a still shot. You get about 12 shots, I  
think,

25 per camera on . . . 12 still shots and then it will  
move to the

David D'Albini – Direct

conserve 1 next one. You get 12 still shots. That enables us to  
2 the film in the recorder.

3 Q. So it's a stop-motion process?

4 A. Right.

see an 5 Q. And that way you can have just one videotape and  
6 entire 24-hour period; is that right?

7 A. Right.

8 Q. Tell us a little bit about the process by which you  
9 maintain these videotapes for security purposes in your  
store.

of the 10 A. We have 31 tapes. Each one's numbered for the day  
11 month. In the morning, the morning manager would come  
in,

12 switch out the tape, and put the corresponding date  
into the 13 machine, start it, and it would go until the next day.

two, 14 Q. So there are 31 tapes. Each one's numbered one,  
15 three, all the way through?

16 A. One through 31.

would be 17 Q. And if it's the 15th day of the month, which tape  
18 in the machine?

19 A. It would be the 15th.

out the 20 Q. Were you involved in doing that process of taking  
21 tape and putting it -- replacing it with the next one?  
22 A. I usually checked the managers periodically to make  
sure 23 they're using the right tapes throughout the month.  
24 Q. All right. Now, were there -- how many monitors --  
in 25 other words, how many video screens were there in the  
store on

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David D'Albini - Direct

by 1 which you could see the images that were being captured  
2 these cameras?  
3 A. Just the one.  
4 Q. Just one?  
5 A. Just one for the inside, yes.  
through 6 Q. Would the image that was being projected cycle  
7 those seven cameras?  
8 A. Right.  
then be 9 Q. Would everything that would appear on that screen  
10 recorded on the tape that was in the security --  
11 A. Yes, it would.  
monitor? 12 Q. Was there a time and date that appeared on that

13 A. Yes. It showed the date of the year -- month, day,  
year --

14 and also showed the time.

15 Q. How do you know that those dates and times were  
accurate?

16 A. I was the one responsible for setting the clock,  
Daylight

17 Savings and back to standard. And also I used that  
basically

18 as my timepiece a lot of times when I was back in the  
office.

19 Q. Now, let's go back to the April of 1995 time  
period.

20 Did there come a time after the bombing in  
Oklahoma

21 City when you were contacted by the FBI?

22 A. Yes.

23 Q. And did they ask you whether your restaurant  
maintained

24 security tapes?

25 A. They either asked or we volunteered the  
information, yeah.

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David D'Albini - Direct

1 Q. And did you provide a number of tapes to the FBI at  
that

2 time?

3 A. We provided about a week's worth.

provided 4 Q. And do you remember what dates those were that you  
5 to them?

22d. I 6 A. Somewhere around the 14th or 15th on into 21st,  
7 couldn't tell exactly what the dates were.

1995? 8 Q. Did you turn over the date -- the tape of April 17,

9 A. Yes, we did.

would you 10 Q. And if you were to play that tape here in court,

11 be able to -- not you -- would a normal person that is  
12 unfamiliar with those tapes be able to understand what  
they

13 were seeing or identify any images if it were played at  
normal  
14 speed?

15 A. At normal speed, probably not, because it would  
move quite  
16 fast.

17 Q. Would it move -- would the images -- would the stop  
motion  
18 be playing so fast that it would appear as if --

19 A. It would look as if everybody was running.

20 Q. Did someone slow that tape down for you of April 17  
and

21 have you reviewed the slowed-down version of the tape?

22 A. Yes.

23 Q. And to your knowledge, were actual photographs  
printed --

day, 24 images printed on sheets of paper from that particular  
25 April 17?

11900

David D'Albini - Direct

1 A. Yes.

I would 2 MR. NEUREITER: If I may approach, your Honor,  
witness two 3 like to show the defendant -- the defendant -- the  
4 exhibits.

5 THE COURT: All right.

6 BY MR. NEUREITER:

first is 7 Q. I've just handed you two sets of photographs. The  
series of 8 labeled Defense Exhibit D1735, and that should be a  
tell me 9 seven photographs. If you could flip through those and  
10 if you recognize those photographs.

before. 11 A. Yeah, they're the same set of photos I had seen

tape 12 Q. And do those photographs come from the surveillance  
13 provided to the FBI by you on April 17, 1995?

14 A. Yes, they do.

15 Q. And how do you know that?

16 A. I've reviewed the tape and also reviewed the same

17 photographs before.

18 Q. And does the time/date stamp that you maintain on  
that

19 videotape --

20 A. Yes, it is.

21 Q. -- appear in those photographs?

22 A. Yes, it is.

23 MR. NEUREITER: Move the admission of D1735.

24 THE COURT: Received, and they're seven  
photos.

25 MR. NEUREITER: There are seven, and they're

11901

David D'Albini - Direct

1 distinguished, your Honor, by the time.

2 THE COURT: Timing.

3 MR. NEUREITER: Yes.

4 THE COURT: Thank you.

5 BY MR. NEUREITER:

6 Q. I'd like you to look at the second set -- it should  
be

7 labeled D1736 -- and tell me if you recognize those.

8 A. Yes.

9 Q. What are those?

10 A. These are the same pictures that I had seen from  
the

11 videotape prior.

12 Q. So are those also photographs taken from that same

13 videotape --

14 A. Right.

15 Q. -- April 17, 1995?

16 A. Yes, they are.

17 Q. And that tape was provided to the FBI, and now  
those images

18 you know came from that videotape?

19 A. Right.

20 Q. And just to clarify, are -- those two sets of  
photographs,

21 do those come from different cameras within your store?

22 A. Yes, they do.

23 MR. NEUREITER: If I could collect those.

24 I would move the admission of the second set,  
1736.

25 MR. MACKEY: No objection.

11902

David D'Albini - Direct

1 THE COURT: D1736 received.

2 BY MR. NEUREITER:

3 Q. Now, Mr. D'Albini, we're just going to go through  
this

4 first set and have you describe what we see. This is  
D1735.

5  
photograph.

This is -- tell us what you see in this

6  
you'll

A. This is our front counter area, customer area. And  
7 see the drive-through through the back.

8 Q. And do you recognize some of the employees in that  
9 photograph?

10 A. Yes, I do.

11  
stamp that

Q. And -- use the pen. Is this the time-and-date  
12 we were talking about earlier?

13 A. Yes, it is.

14  
you make

Q. And although there's a scratch through that, can  
15 out the date?

16 A. 4-17-95.

17 Q. And the time?

18 A. 3:49:01.

19 Q. All right. And what is that?

20  
getting money

A. That's a customer appearing to give money --  
21 out of his wallet.

22  
wearing

Q. And can you say anything about what the customer is  
23 from this image?

24 A. Dark shirt and a light -- light blue jeans.

25 Q. Does it appear that there's sort of a triangle of a

11903

David D'Albini - Direct

1 T-shirt?

2 A. Yes, it looks like he's got a T-shirt underneath  
his neck.

3 Q. Move to the next image.

4 And again, this is the first set, D1735. Can  
you read

5 the time down in the lower right-hand corner?

6 A. 3:49:02.

7 Q. And do you still see the image of that customer up  
there?

8 A. Yes. He's still looking for money.

9 Q. All right. Next image. Can you read the time,  
please.

10 A. Yeah. It's 3:49:03.

11 Q. Is the customer still there?

12 A. Yes.

13 Q. Next image. Time, please.

14 A. 3:49:04.

15 Q. And is the customer still there?

16 A. Yes, he is.

17 Q. And it's a little hard to read. Can you read the  
time on

18 this one?

19 A. 3:49:05.

20 Q. And --

21 A. Customer's still there.

22 Q. If we zoom in a lot, can you tell anything about  
the

23 customer's haircut in that picture? If you can't,  
that's okay.

24 A. Not really. Not in the focus it's in right there.

25 Q. All right. Next image. What is the time, please.

11904

David D'Albini - Direct

1 A. 3:49:06.

2 Q. And do you see the customer's still there?

3 A. Yes, he's still there.

4 Q. And this is the final image of that set. Can you  
make out

5 the time?

6 A. 3:49:07.

7 Q. And is the customer still there?

8 A. Yes.

9 Q. Now, you have reviewed the entire videotape; is  
that

10 correct?

11 A. Yes.

12 Q. Does the customer appear -- that particular  
customer appear

13 in any other images near the front counter?

14 A. No. Not at the front counter.

15 Q. And does it actually show him getting any products  
16 anywhere?

17 A. No.

18 Q. And why is that?

35 19 A. Whatever he purchased was quick enough before the

sat down 20 seconds came back around to that camera, he'd already

21 or left.

22 Q. In other words, the cycling process --

23 A. Right.

24 Q. -- missed some of the things he must have done, not

25 necessarily buying things, but coming in and going out?

11905

David D'Albini - Direct

1 A. Right.

D1736. 2 Q. Okay. Let's switch to the next set. This is  
It's

3 the first image.

4 And can you read the time, please.

5 A. 3:57:06.

6 Q. And how much later than the last set was that?

7 A. It's about 8 minutes.

8 Q. About 8 minutes afterwards?

9 A. Right.

10 Q. And between that first set and this last set, are  
there any

11 other images from that videotape that capture the  
individual

12 with the darker shirt with the white undershirt?

13 A. No.

14 Q. And where is -- based on your knowledge of the  
restaurant,

15 where is the customer coming from?

16 A. That's the back dining room area, right in the back  
corner.

17 Q. Okay. Is there a door back there?

18 A. No, none leading outside.

19 Q. To your knowledge, must the customer have been at a  
table,

20 if he's coming back from that area?

21 A. Yeah.

22 Q. All right. Now look at the next image. Can you  
read the

23 time, please.

24 A. 3:57:06.

25 Q. And does that capture the same -- is that from the  
same

11906

David D'Albini - Direct

1 camera and show the same view?

2 A. Yes, it does.

that

3 Q. And has the customer advanced a couple of feet in

4 photograph?

5 A. Yes, he has.

6 Q. Try and move quickly here. Next image?

7 A. 3:57:07.

8 Q. Same customer?

9 A. Same customer.

10 Q. Anybody else in that picture?

11 A. You can see a gentleman sitting down right in the

corner,

12 eating. Right there, yeah.

13 Q. Okay. Next image.

14 A. It's 3:57:07.

15 Q. And why is it that it's the same time as the

previous one?

16 A. The way that camera's set up, a lot of times it

will

17 capture two images on the beginning of the second, and

on the

18 end of the second it will still show the same time.

19 Q. So the two shots were within one-second time

period?

20 A. Right. Right.

21 Q. And you still see the customer?

22 A. Yes.

23 Q. And what is the time on this?

24 A. 3:57:08.

25 Q. Does the customer appear to you to be doing  
anything in

11907

David D'Albini - Direct

1 this picture?

2 A. He's walking forward and appear to be looking down  
a little  
3 bit.

4 Q. All right. Go to the next image. All right. What  
is the  
5 time on this picture?

6 A. 3:57:08.

7 Q. By the way, how accurate is that time that's set  
there? Do

8 you set it by your own watch, or do you call --

9 A. I usually set it by time and temperature. And it  
could be

10 plus or minus 2 minutes, within that -- within the next  
six

11 months.

12 Q. So it could have been -- by the atomic clock in  
Washington

13 or wherever they set that time and temperature, it  
could have

14 been 3:59, pretty darn close to 4:00?

15 A. Or 3:55, yeah.

16 Q. Okay. And last time on the last image, you said he  
was

17 looking down. What does he appear to be doing in this  
18 photograph?  
19 A. Looks like he's looking at his watch.  
20 Q. Checking out what time it is; right?  
21 A. Yeah.  
22 Q. Right before 4:00, on April the 17th --  
23 A. Yes.  
24 Q. -- he's checking his watch?  
25 A. Right.

11908

David D'Albini - Direct

1 Q. Next image. Zoom out.  
2 All right. Could you read the time there,  
please.  
3 A. 3:57:09.  
4 Q. And the same customer was in that picture?  
5 A. Same customer.  
6 Q. Next image.  
7 A. 3:57:09.  
8 Q. But that's different from the one we just saw?  
9 A. Right.  
10 Q. He appears to have proceeded a little bit further.  
Is  
11 there an exit out in this direction, by the way?  
12 A. You'll have to walk -- he'd have to walk forward a

little

13 bit. Then he's got his choice of going either right or  
left.

14 Q. And that's where the exit of the store is?

15 A. Right.

16 Q. Okay. The next image, could you read that?

17 A. 3:57:10.

18 Q. Can you tell anything about his haircut in this  
picture?

19 A. Yeah, it's a crew cut, looks like.

20 Q. Military style?

21 A. Military style.

22 Q. Next image?

23 A. 3:57:10.

24 Q. And he's advanced a little further?

25 A. Yes.

11909

David D'Albini - Direct

1 Q. The next image?

2 A. 3:57:11.

3 Q. Here's the second-to-last one.

4 A. 3:57:12.

5 Q. Just zoom in.

6 And the last image, if you could read that.

7 A. 3:57:12.

8 Q. And he has -- from the picture, appears to have  
totally  
9 left the screen?  
10 A. Yes.  
11 Q. And you reviewed the entire videotape on that day;  
is that  
12 correct?  
13 A. Yes, I did.  
14 Q. Did you observe any other images that appear to be  
this  
15 customer on that day?  
16 A. No, I didn't.  
17 Q. Did the FBI have you review the videotape for the  
next day  
18 as well?  
19 A. Yes, they did.  
20 Q. Did the customer appear -- this particular customer  
with  
21 the crew cut and these clothes, did he seem to appear  
on that  
22 next videotape?  
23 A. Not that I could see.  
24 MR. NEUREITER: One moment, your Honor.  
25 THE COURT: Yes.

1 MR. NEUREITER: Pass the witness, your Honor.

2 THE COURT: You may inquire, Mr. Mackey.

3 CROSS-EXAMINATION

4 BY MR. MACKEY:

5 Q. Good afternoon, Mr. D'Albini. How are you?

6 A. Fine.

7 Q. On Easter Sunday, April 16, 1995, what were your  
hours of  
8 operation?

9 A. From 6 in the morning to 11 at night.

10 Q. And on the next day, Monday, April 17?

11 A. 6 in the morning till 11 at night.

12 Q. And how about Tuesday, the 18th?

13 A. 6 to 11.

14 Q. All right. And the videotape that you reviewed of  
Monday,  
15 April 17, you told members of the jury that you  
reviewed it  
16 from start to finish?

17 A. Yes.

18 Q. And the only frames that captured the image of the  
person  
19 that we displayed to this jury were the ones we've  
shown here  
20 by way of photograph; is that right?

21 A. Right.

22 Q. By my calculations, the first frame had a time  
stamp of

23 3:49:01 --

24 A. Right.

25 Q. -- that is when that individual first walked in the  
door,

11911

David D'Albini - Cross

1 at least was captured?

2 A. Right.

3 Q. And the last one was 3:57:12?

4 A. Right.

5 Q. As his head left the viewing area. Do you recall  
that?

6 A. Yep.

7 Q. Is that about a little more than 8 minutes, total  
time?

8 A. Yeah, right about there.

9 Q. Based on viewing the video, looking at these  
photographs a

10 number of times, did you see any evidence that that  
single

11 individual was ever with anyone?

12 A. No, didn't appear to be.

13 Q. Never a single shot of him in conversation with  
someone

14 else?

15 A. No.

16 Q. Never a single shot of him eating a meal with

anyone else?

17 A. No.

18 Q. Always by himself?

19 A. Right.

20 Q. Let me hand you at this time what I've marked as  
Government

21 Exhibit 2080.

22 Do you recognize that video as coming from  
your store,

23 representing the security-surveillance-camera footage  
for the

24 next day, Tuesday, April 18, 1995?

25 A. Yes, I do.

11912

David D'Albini - Cross

1 Q. And prior to coming to court, did you view that  
video from

2 start to finish?

3 A. I reviewed it from about 6 in the morning till a  
little

4 after 4.

5 Q. Before doing so, Mr. D'Albini, had you had several  
6 opportunities to look at the set of photographs that  
have been

7 admitted here earlier?

8 A. Yes, I had.

9 Q. And the individual depicted therein. Had you also

seen a

Timothy 10 photograph marked Government Exhibit 318, a picture of

11 McVeigh? And I'll show that to you at this time.

12 I'll hand it to you.

13 A. Okay.

14 Q. Do you have that photograph?

15 A. Yes.

D'Albini, 16 Q. And without the details necessarily so, Mr.

person, 17 you've in fact met Mr. McVeigh or at least seen him in

18 have you not, before today?

19 A. I've seen him in person, yes.

with the 20 Q. Based on the photographs you had, your familiarity

the 21 various photographs you've identified here in court and

McVeigh 22 previous encounter with Mr. McVeigh, did you see Tim

Tuesday, 23 anywhere on the video footage that's reviewed for

24 April 18?

25 A. No, I did not.

11913

David D'Albini – Cross

near 7:30 1 Q. Did you study the segments around the time period

2 in the morning?

3 A. Yes, I did.

4 Q. Did you see any sign of Tim McVeigh in your  
McDonald's

5 restaurant at 7:30 on Tuesday, April 18?

6 A. Not that I could tell, no.

7 Q. Did you study the segments around 2:00 or shortly  
after

8 2 p.m. on that same day, Tuesday, April 18?

9 A. Yes, I did.

10 Q. Did you find any sign that Tim McVeigh was in your  
11 McDonald's on Tuesday afternoon, April 18?

12 A. Not that I could tell.

13 MR. MACKEY: I have nothing else.

14 THE COURT: Any follow-up.

15 MR. NEUREITER: Yes, sir.

16 REDIRECT EXAMINATION

17 BY MR. NEUREITER:

18 Q. Mr. D'Albini, you had explained to us earlier the  
cycling

19 process. And in the photographs that we reviewed  
earlier,

20 there was an 8-minute span between which Mr. McVeigh  
did not

21 appear; is that correct?

22 A. Right.

23 Q. How long does it take, if somebody comes into your  
store,

24 to buy an apple pie?  
25 A. To buy an apple pie, it would probably be less than  
30

11914

David D'Albini - Redirect

1 seconds.  
2 Q. And the cycling process that you talked about  
earlier goes  
3 through 35 -- every camera in 35 seconds goes all the  
way  
4 around?

5 A. Right.

6 Q. Based on the photographs you saw here before,  
7 Mr. McVeigh -- was Mr. McVeigh necessarily in your  
restaurant  
8 during the 7-minute time period when he's first  
captured and  
9 when he's last captured?

10 A. It would appear to be, yeah.

11 Q. But during that 7-minute period, he doesn't appear  
on any  
12 of your video surveillance; correct?

13 A. Right.

14 Q. So somebody could have bought a lot of pies during  
that  
15 7-minute time period without appearing on your  
surveillance

16 equipment?

17 MR. MACKEY: Objection to form.

18 THE COURT: Sustained.

19 BY MR. NEUREITER:

20 Q. Could someone have made a number of purchases at  
your store

21 without appearing -- could someone have made a purchase  
at your

22 store without appearing on your video camera?

23 A. Possibility.

24 MR. NEUREITER: No further questions.

25 MR. MACKEY: None from me.

11915

1 THE COURT: Are you excusing this witness?

2 MR. NEUREITER: Yes, your Honor.

3 THE COURT: Agreed?

4 MR. MACKEY: Yes, your Honor.

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

6 Next witness, please.

7 MR. WOODS: Yes, your Honor. Hilda Sostre.

8 Mr. Thurschwell will question.

9 THE COURT: Thank you.

10 You have a communication problem here with the

11 witness.

12 MR. WOODS: Okay.

13 THE COURTROOM DEPUTY: We have no Miss Sostre.

14 THE COURT: S-O-S-T-R-E it is?

15 THE COURTROOM DEPUTY: Yes.

16 MR. WOODS: We would call the next witness,  
then,

17 Renda Truong, and Mr. Neureiter will question.

18 THE COURT: Yes.

19 MR. WOODS: Apologize to the Court. She was  
here this

20 morning, your Honor.

21 THE COURT: All right. Well, this happens.

22 We'll go back to Miss Sostre.

23 MR. WOODS: It looks like her right there.

24 THE COURT: Okay.

25 THE COURTROOM DEPUTY: Would you raise your  
right

11916

1 hand, please.

2 (Hilda Sostre affirmed.)

3 THE COURTROOM DEPUTY: Have a seat, please.

4 Would you state your full name for the record  
and

5 spell your last name.

6 THE WITNESS: Hilda L. Sostre, S-0-S-T-R-E.

7 THE COURTROOM DEPUTY: Thank you.

8 THE COURT: Mr. Thurschwell.

9 MR. THURSCHELL: Thank you, your Honor.

10 DIRECT EXAMINATION

11 BY MR. THURSCHELL:

12 Q. Mrs. Sostre?

13 A. Yes.

14 Q. How are you?

15 A. Fine.

16 Q. Good. Where do you live, Mrs. Sostre?

17 A. Topeka, Kansas.

18 Q. Are you married?

19 A. Yes.

20 Q. Do you have children?

21 A. Yes.

22 Q. How many?

23 A. Three.

24 Q. Three? And are you working currently?

25 A. I just started working.

11917

Hilda Sostre - Direct

1 Q. Where are you working now?

2 A. I'm working with the school district.

working 3 Q. Let me take you back to April, 1995. Were you

4 then?

5 A. Yes.

6 Q. And where were you working then?

7 A. Dreamland Motel.

8 Q. Sorry?

9 A. Dreamland Motel.

direct 10 Q. Dreamland Motel, okay. Let me be more specific and

Were you 11 your attention to April 17, 1995. Monday, April 17.

12 working on that day?

13 A. Yes, sir.

14 Q. Okay. Do you recall what time you arrived at work?

15 A. In the morning. 8:30. 8 to 8:30.

16 Q. 8 to 8:30?

17 A. Yes, sir.

18 Q. And did you drive?

19 A. Yes, sir.

20 Q. Do you have a usual place to park?

21 A. Yes, sir.

22 Q. You did. Did you park there that day?

23 A. No.

24 Q. And why not?

25 A. Because there was a truck, Ryder.

11918

Hilda Sostre - Direct

1 Q. What kind of truck was it?

2 A. Ryder.

3 Q. A Ryder truck? I'm going to show you what's been  
4 previously admitted as Government Exhibit 283 and ask  
you if

5 you recognize this aerial view.

6 A. This is the Dreamland Motel.

7 Q. Okay. Now, I'm going to zoom in and ask you if you  
would,  
8 take the pen that's on your desk there and underneath  
the desk,  
9 on the screen, if you would mark where the Ryder truck  
was

10 parked that day.

11 A. I have to go under?

12 THE COURT: Yes.

13 BY MR. THURSCHELL:

14 Q. Actually right underneath on the screen, yes.

15 A. Okay. It was parked in here.

16 Q. Okay. Good. All right. And where did you park  
that day?

17 A. Well, most -- well, most -- always when I come to  
work, I

18 park in this area.

19 Q. Okay. And where did you park that day?  
20 A. That day, I had to park in this, in this area.  
21 Q. Okay. Now, using that pen, could you show the jury  
and  
22 trace your steps immediately after you got out of the  
car that  
23 morning, if you recall.  
24 A. When I -- when I get there and I park, I get out of  
the  
25 car, and I saw a man walking --

11919

Hilda Sostre - Direct

1 Q. Well, before we get to the man --  
2 A. Okay.  
3 Q. -- can you just draw -- trace where you went that  
morning,  
4 first, yourself.  
5 A. How do I do that?  
6 Q. Do you recall -- where did you go after you got out  
of your  
7 car?  
8 A. I just get off of my car, and I supposed to go  
through this  
9 door.  
10 Q. Okay. And did you go straight to that door?  
11 A. Yes.  
12 Q. Okay. Now, did you notice anyone else in the

parking lot?

13 A. Yes.

14 Q. All right. And who did you notice?

15 A. It was a man walking.

16 Q. Okay. Now, can you -- about how far away from you  
was he  
17 when you first noticed him?

18 A. 15 to 20 feet.

19 Q. Okay. Can you draw on this -- the photograph again  
-- or  
20 the screen I should say -- about where you saw him when  
you  
21 first noticed him?

22 A. He was walking like this.

23 Q. Okay. Now, can you trace the path that you saw  
this  
24 individual take that morning?

25 A. Okay. When I -- when I get off from the car, I was  
walking

11920

Hilda Sostre - Direct

1 like this, and he was walking. When he get to this  
point, I

2 look at him.

3 Q. Okay.

4 A. And he just continue walking to the truck. And I  
just

5 continue to there, to the room.

6 Q. Did you see him get into the truck?

7 A. I see him close to the door.

8 Q. Close?

9 A. Yeah, when he get into -- getting to the door.

10 Q. Could you see whether he was carrying anything?

11 A. He was carrying nothing. Something in his -- he  
got one of

12 the hand, you know, closed, but nothing like -- nothing  
else.

13 Q. Nothing that you could see?

14 A. No.

15 Q. Now, can you describe, to your best ability, the  
appearance

16 of this person?

17 A. He was medium. Build --

18 Q. Well, let me be more -- I'm sorry, go ahead.

19 A. Build, good build. He got black hair. He got --  
how I say

20 it -- shape nose, you know.

21 Q. Long?

22 A. Yeah, long.

23 Q. Did you notice his skin color?

24 A. It's like -- like my skin.

25 Q. Okay. Is that light, dark? How would you  
characterize it?

11921

Hilda Sostre - Direct

1 A. It is a brown-like.

2 Q. Brown-like?

3 A. Yeah. Yeah. No.

4 Q. Could you tell his ethnicity from where you were  
standing?

5 What nationality --

6 A. Oh, okay. When I look at him, that's why I, Gosh,  
maybe I

7 thought he was Spanish. And I look at him and I  
thought he was

8 coming to town with going out, you know, for Ryder or  
whatever,

9 you know. And I just --

10 Q. He caught your eye?

11 A. Yeah.

12 Q. Were you eventually shown a sketch of a person by  
the FBI?

13 A. Do they show me?

14 Q. Yes.

15 A. Yes, they show me a sketch.

16 Q. Okay. Did you recognize that sketch?

17 A. The first one they show me, I say no, because he  
wasn't.

18 Then the second one, second one or the third time, I  
don't --

19 you know, I don't remember, been so many. But then  
after the

he look 20 first one I say no. Then the second one is when I say  
21 more like the guy I saw.  
22 Q. Okay. So there came a time when the FBI showed you  
a  
23 sketch that resembled the individual that you saw in  
the  
24 parking lot that day?  
25 A. Yeah.

11922

Hilda Sostre - Direct

1 Q. All right. Now, let me go back to what you were  
doing that  
2 day. You said you first went to the laundry room.  
What do you  
3 do in the laundry room?  
4 A. In the laundry room, in the morning I will check if  
there  
5 is clothes to wash, and then I fold whatever I have  
there for  
6 shower, in the dryer. Then I do the dry. And after  
that, then  
7 I call Lea McGown to --  
8 Q. Let me just stop while you were in the laundry  
room. About  
9 how long did you spend in the laundry room that  
morning, if you  
10 recall?  
11 A. That depend how many thing I have to do.

12 Q. Do you recall that day how long you were there?  
13 A. 30 minute. I cannot.  
14 Q. Okay. That's it. You don't remember exactly.  
What did  
15 you do after you left the laundry room?  
the paper  
16 A. After I left the laundry room, then I ask Lea for  
17 to let me know what room I have to clean.  
are you  
18 Q. Let me stop you. When you say you asked Lea, who  
19 referring to?  
20 A. The owner of the Dreamland Motel, Lea McGown.  
still in  
21 Q. And where -- to return to the photograph that's  
22 front of you, where did you go to speak to Mrs. McGown?  
her  
23 A. This is the office. Stay here. Inside. This is  
24 office.  
25 Q. Okay. And is this the front door?

11923

Hilda Sostre - Direct

1 A. This is the front door, yes, sir. And then this is  
inside.  
2 Q. Okay. Now, you said you got a paper from Mrs.  
McGown?  
3 A. Yes, sir.  
4 Q. Now, what is that paper?

5 A. That paper tell me, you know, how many room do I  
have that  
6 day, who stay and who is gone.

7 Q. Okay. How many rooms -- which rooms you need to  
service  
8 that day?

9 A. Hmm?

10 Q. Does it show you which rooms you need to service  
that day?

11 A. Yes, sir.

12 Q. Okay. That day, if you recall -- well, let me --  
before I  
13 ask you that, when you emerged from the laundry room,  
did you  
14 notice whether the Ryder truck was still there?

15 A. No, he was gone.

16 Q. Okay. Now, let me come back. The paper that you  
17 mentioned: Do you recall whether Room 25 was listed on  
the  
18 paper for you to service that day?

19 A. He was listed because somebody in there.

20 Q. Okay. And did you in fact service Room 25?

21 A. I knock at the door.

22 Q. About what time was that?

23 A. Noon.

24 Q. Noon?

25 A. Yes, sir.

11924

Hilda Sostre - Direct

1 Q. Tell me what -- before I ask you that, I'm showing  
you

2 what's been previously admitted as Government Exhibit  
318. And

3 if you click your pen, I think you can get rid of those  
marks.

4 A. No, no, don't worry about that. I can see it.

5 Q. Did you recognize this individual?

6 A. Yes, sir.

7 Q. And who is that person?

8 A. This is Timothy, Timothy.

9 Q. Is it someone you've since come to learn's name was  
Timothy

10 McVeigh?

11 A. Yes.

12 Q. When was the first time you saw this person?

13 A. I saw him in the Room 25.

14 Q. All right. And tell me what happened when you  
knocked on

15 the door.

16 A. When I knock on the door, nobody answer, and I  
figure out

17 nobody was there. And I was ready to go in, put the  
key on the

18 lock to open the door.

19 Q. And then what happened? Go ahead. Then what

happened?

20 A. And I ask him if he need service, he needs towel.

21 He say no, he was okay.

22 And I say, "Okay. Have a good day." And I  
continue

23 walking, and that time he close the door.

24 And he open again and he go toward me and he  
say, "No,

25 I think I need some towel."

11925

Hilda Sostre - Direct

1 And I told him, "For me to be able to give a  
towel,

2 you have to give me the used one."

3 And he say, "Okay," and he go back.

4 Q. And he came out and gave you the used towels and  
you

5 exchanged them for the new ones?

6 A. Yes, sir.

7 Q. Have you ever seen this individual again?

8 A. No. On TV.

9 Q. On TV, but not in person?

10 A. No, no in person.

11 MR. THURSCHELL: That's all I have.

12 THE COURT: All right. Mr. Mackey.

13 CROSS-EXAMINATION

14 BY MR. MACKEY:

15 Q. Miss Sostre, good afternoon. How are you?

16 A. Good afternoon.

17 Q. I have just a few questions of my own.

18 A. Okay.

19 Q. Let me return our attention to Government Exhibit  
283, the

20 aerial photograph of the Dreamland.

21 A. Okay.

22 Q. Miss Sostre, and I listened to your testimony. My  
23 understanding is that on Monday --

24 A. Yes, sir.

25 Q. -- morning, April 17, 1995, you saw what you  
described to

11926

Hilda Sostre - Cross

1 the jury; is that correct?

2 A. Yes, sir. Yes, sir.

3 Q. Can you tell the jury why you remember that day.

4 A. Because -- because that was my first day of  
working.

5 Q. Of the week?

6 A. Yes, sir.

7 Q. Is there any other reason why you remember that day  
as the

8 day you saw a truck parked in your spot.

9 No other reason?

10 A. Because this is my -- where I park in all the time,  
and I  
11 know --

12 Q. I understand.

13 A. -- you know, that I have to . . .

14 Q. Trucks around the Dreamland is a common sight, is  
it not?

15 A. Yes.

16 Q. And you know Mrs. McGown? You've worked for her as  
a maid  
17 for a couple years?

18 A. Yes.

19 Q. If her testimony was that there were large moving  
vans or  
20 trucks around the Dreamland on 20 to 60 occasions every  
year,  
21 do you have any reason to doubt that?

22 A. Well, because I'm working weekdays, you know, maybe  
--

23 Q. Would you have any reason to doubt her estimate?

24 A. No, I not.

25 Q. Let me go back to Government Exhibit 23. On this

11927

Hilda Sostre - Cross

1 particular Monday morning, as you recall, Miss Sostre,

a

2 vehicle was parked in this area?

3 A. Yes, sir.

4 Q. Forcing you to park where -- as this photo shows,  
there is

5 a truck -- correct -- pickup truck?

6 A. Yes.

7 Q. And as you got out of the vehicle, it's your  
testimony your

8 attention was drawn to the right as you were headed to  
the

9 laundry door?

10 A. Uh-huh.

11 Q. And you saw an individual that you've described to  
this

12 jury?

13 A. Yes, sir.

14 Q. Did you stop and look at him?

15 A. No, sir.

16 Q. You continued walking?

17 A. I walk.

18 Q. I take it, then, the two of you had no  
conversation?

19 A. No, sir.

20 Q. Never got any closer than the distance that  
separates the

21 width of that entire office area; correct?

22 A. Yes, sir.

frontal 23 Q. Did he turn in your direction so that you had a  
24 view?  
25 A. I saw the front and I saw him -- his side of his  
face.

11928

Hilda Sostre - Cross

individual 1 Q. Miss McGown -- excuse me. Miss Sostre, did the

2 climb into the truck? Did you see that happen?

3 A. No, I don't see him climb to the truck.

occasion in 4 Q. Miss Sostre, you encountered Tim McVeigh on one

5 person; is that your testimony?

6 A. Yes, sir.

7 Q. And that was that same morning when you discovered,  
8 unbeknownst to you, that he was still in Room 25?

9 A. Yes.

him on 10 Q. Is that correct? I take it, then, you had not seen

11 the previous Friday?

12 A. No, sir.

13 Q. And you didn't work the weekend in between?

14 A. No, sir.

15 Q. So this was the one and only occasion.

saw the 16 I take it as well, Miss Sostre, that you never

ever in 17 individual that you noticed walking towards the truck  
18 the company of Tim McVeigh?  
19 A. No.  
20 Q. Never saw him at Room 25?  
21 A. No.  
22 Q. Even near Room 25?  
23 A. No.  
24 Q. Never in the company of Mr. McVeigh?  
25 A. No.

11929

Hilda Sostre – Cross

1 Q. When you did observe him, my understanding of your  
2 testimony is he was coming from the opposite wing of  
the  
3 Dreamland; is that right?  
4 A. Yes, sir.  
5 Q. Do you know whether the Dreamland houses lots of  
6 construction workers and people who drive trucks?  
7 A. Can you repeat that?  
8 Q. In April of 1995, Miss Sostre, do you remember  
there being  
9 some construction projects going on around the  
Dreamland, road  
10 construction?

11 A. Yes.

12 Q. And did you find it common that there were  
construction

13 workers who stayed at your motel --

14 A. Yes.

15 Q. -- on --

16 A. Yes.

17 Q. -- several days? And those construction workers  
often

18 drove trucks; correct?

19 A. Yes.

20 Q. Miss Sostre, I'm going to show you at this time an  
exhibit

21 that's not been admitted into evidence yet, and I want  
you to

22 look down into your screen to Government Exhibit 1629.  
You see

23 the composite sketch that now appears before you?

24 A. Yes.

25 Q. At any time in April of 1995, did you see that  
individual

11930

Hilda Sostre - Cross

1 or anybody that looks like that individual at the  
Dreamland

2 Motel?

3 A. No, sir.

two  
4 Q. Miss Sostre, when the FBI came out and showed you  
5 composite sketches, do you recall that?  
when,  
6 A. I recall they show the pictures, but I don't recall  
I  
7 you know, it was in the first time or the second time,  
8 cannot; but they show me pictures.  
what you  
9 Q. Miss Sostre, had you talked to Mrs. McGown about  
10 had seen before you talked to the FBI?  
11 A. Nothing at all.  
shown two  
12 Q. Do you recall, Miss Sostre, when you were first  
likeness to  
13 composites, that you recognized one as bearing some  
14 Tim McVeigh?  
15 A. Yes.  
recall  
16 Q. And the second composite, Miss Sostre, do you  
17 telling the FBI, when first shown it -- let me finish.  
18 A. Uh-huh.  
19 Q. -- that you did not recognize that person?  
20 A. I do not recall that.  
21 MR. MACKEY: I have nothing else.  
22 THE COURT: Any follow-up?  
23 MR. THURSCHELL: Briefly, your Honor.  
24 THE COURT: All right.  
25 REDIRECT EXAMINATION

11931

Hilda Sostre - Redirect

1 BY MR. THURSCHELL:

2 Q. Mrs. Sostre, you were asked whether you recall  
construction

3 workers who stayed at the Dreamland Motel in April of  
1995.

4 A. Yes.

5 Q. And you -- your testimony was you do recall them  
driving

6 trucks.

7 A. Yeah.

8 Q. Do you recall any construction workers who drove  
rental

9 Ryder trucks?

10 A. That what I want to say before. No. They use  
truck, but

11 different type of truck.

12 Q. You were asked about FBI sketches that were shown  
to you

13 also; is that correct?

14 A. Uh-huh.

15 Q. And you were -- testified that there were one or  
two that

16 you did not recognize?

17 A. That's what I said.

18 Q. I'm going to show you what's been marked as Defense

Exhibit

19 D780, not yet admitted.

20 Do you recognize this sketch?

21 A. Yes.

22 Q. Was this one of the sketches that was shown?

23 A. That's the one. The one I always say is --

24 MR. THURSCHELL: Okay. Your Honor, we would  
move the  
25 admission of D780.

11932

Hilda Sostre - Redirect

1 MR. MACKEY: No objection.

2 THE COURT: D780 received.

3 MR. THURSCHELL: And ask that it be  
published.

4 THE COURT: Yes.

5 BY MR. THURSCHELL:

6 Q. What was your reaction when you were shown this  
exhibit?

7 A. Well, that's -- I agree that is the one that more  
look like

8 the person I saw walking toward the truck.

9 Q. This sketch looked like the person who you saw?

10 A. Yes.

11 Q. And you told the FBI that?

12 A. Yes.

13 MR. THURSCHELL: No further questions.

14 THE COURT: Mr. Mackey?

15 MR. MACKEY: Just a couple.

16 THE COURT: All right.

17 RE-CROSS-EXAMINATION

18 BY MR. MACKEY:

19 Q. Miss Sostre, when you encountered this man walking  
towards  
20 the truck on Monday, was he wearing a cap?

21 A. I don't recall that.

22 Q. Let me show you what's been previously admitted  
into  
23 evidence as D1731.

24 Do you recall, Miss Sostre, that this was the  
on  
25 composite sketch that was first shown to you by the FBI

11933

Hilda Sostre - Recross

1 April 23, 1995?

2 A. I don't recall. I don't know.

3 Q. You told Mr. Thurschwell earlier that when you saw  
the  
4 composite sketch, it looked more like the guy that you  
had

5 seen? You remember using words to describe that?

6 A. In the photo that he just showed, yes, sir.

being 7 Q. All right. Neither of the sketches, the one that's  
identical 8 shown to you now nor the one with the cap, in fact is  
correct? 9 to your memory of the individual you saw; is that

10 A. The one that you have in your hand.

the person 11 Q. Your testimony is there's no differences between  
12 depicted in D780 and your previous descriptions of the  
13 individual you saw?

14 A. You lost me.

15 THE COURT: That's --

other 16 MR. MACKEY: I'll withdraw the question. No  
17 questions.

Honor. 18 MR. THURSCHELL: No other questions, your  
19 She's excused.

then, by 20 THE COURT: You're excusing this witness,  
21 agreement?

22 MR. MACKEY: Yes, your Honor.

excused. 23 THE COURT: You may step down. You're now

24 Next, please.

Truong, 25 MR. WOODS: At this time, we would call Renda

11934

1 your Honor, and Mr. Neureiter will question her.

2 THE COURT: Thank you.

3 THE COURTROOM DEPUTY: Would you raise your  
right

4 hand, please.

5 (Renda Truong affirmed.)

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

7 Would you state your name for the record and  
spell

8 your last name.

9 THE WITNESS: Renda Truong, T-R-U-O-N-G.

10 THE COURTROOM DEPUTY: Thank you.

11 DIRECT EXAMINATION

12 BY MR. NEUREITER:

13 Q. Hello, Miss Truong. How are you?

14 A. I'm fine. How are you?

15 Q. We met for the first time a couple days ago; is  
that right?

16 A. Yeah.

17 Q. Where do you live?

18 A. In Hawaii.

19 Q. In Hawaii?

20 A. Yeah.

21 Q. Came a long way. How old are you?

22 A. I'm 19.  
23 Q. 19. Did you just graduate from high school last  
year?  
24 A. Yes, sir.  
25 Q. Before Hawaii, where did you live?

11935

Renda Truong – Direct

1 A. In Kansas.  
2 Q. You're going to have to speak up a little more so  
the jury  
3 can hear you. Just lean towards the microphone.  
4 And say where you lived.  
5 A. In Kansas.  
6 Q. Did you live on the base at Fort Riley?  
7 A. Yes.  
8 Q. Why did you do that?  
9 A. 'Cause my mom's in the military.  
10 Q. And is she in the military still today?  
11 A. Yes.  
12 Q. And that's why you moved to Hawaii?  
13 A. Yes.  
14 Q. Do you know Lea McGown?  
15 A. Yes.  
16 Q. How do you know Lea McGown?

17 A. She's my best friend's mom.

18 Q. And what's your best friend's name?

19 A. Kathleen McGown.

20 Q. Do you know the Dreamland Motel?

21 A. Yes.

22 Q. How do you know the Dreamland Motel?

23 A. I used to live there.

1995? 24 Q. Did you live there during the April time period of

25 A. Yes.

11936

Renda Truong – Direct

staying 1 Q. Before you lived at the Dreamland, though, were you

2 with your dad for a while, too?

3 A. Uh-huh.

4 Q. Were you helping him move?

did. 5 A. Yeah, I was -- we were fixing the PCS, my family

6 Q. Let me show you what's been previously admitted as

7 Government Exhibit 287.

8 Do you recognize that?

9 A. Yes, I do.

10 Q. What is that?

11 A. That's the Dreamland Motel.

12 Q. I'll leave that up there for a minute.  
13 I want to take you back to Easter Sunday,  
1995. Do  
14 you remember Easter, 1995?  
15 A. Yes, I do.  
16 Q. Where were you living on Easter Sunday, 1995?  
17 A. I was still living at home with my dad.  
18 Q. Is that with your dad?  
19 A. On the base.  
20 Q. Were you helping him pack?  
21 A. Yeah. Actually I was helping -- I was helping  
clean  
22 quarters.  
23 Q. And then soon thereafter did you move to the  
Dreamland?  
24 A. Uh-huh.  
25 Q. Tell me about Easter, 1995. Did you -- did you get

11937

Renda Truong - Direct

1 together with the McGowns on that day?  
2 A. Yes, I did. We -- I was helping my dad clean, and  
they had  
3 came over and asked me to go out to eat with them for  
Easter  
4 brunch. And they came by my house to pick me up.  
5 Q. And where did you go to brunch; do you remember?

6 A. No, I don't.

7 Q. Was it O'Kelly's? Is there an Irish restaurant  
there in --

8 O'Grady's? The name escapes me, too.

9 A. I'm not sure.

10 Q. But they came to pick you up on Easter Sunday?

11 A. Yes.

12 Q. For brunch. Was Eric with them?

13 A. No, he was not.

14 Q. Is Eric Kathleen's sister -- brother, excuse me?

15 A. Yeah, he is.

16 Q. But you went out with the McGowns, mother and  
daughter; is

17 that right?

18 A. Yes, I did.

19 Q. What did you do after you ate?

20 A. We went back -- we went back to the motel.

21 Q. Did there come a time on that day when you went to  
the

22 motel?

23 A. Yes, there was.

24 Q. And what did you see as you arrived back at the  
motel?

25 A. I seen cars and the Ryder truck.

the  
1 Q. You saw a Ryder truck on Easter Sunday, 1995, at  
2 Dreamland Motel?  
3 A. Yes, I did.  
4 Q. Where was the Ryder truck parked?  
5 A. In front of the sign.  
did you  
6 Q. In front of the sign. And when you say "the sign,"  
7 mean this sign?  
8 A. Yes, I do.  
this  
9 Q. And was it to the left of the sign as indicated on  
10 picture, or was it to the right of the sign?  
11 A. It was parked right in front.  
12 Q. Right on the other side of the sign?  
13 A. In the middle. In the front of the office. It was  
parked  
14 directly in front. In front of the sign.  
15 Q. Okay. Can you describe the Ryder truck at all?  
16 A. It was a big, yellow truck.  
17 Q. Yellow, it was yellow?  
18 A. Yeah.  
trucks  
19 Q. Do you know the difference between Ryder trucks and  
20 that construction workers might drive?  
21 A. Yes, I do.  
22 Q. And what's the difference?

just for 23 A. Ryder truck is for moving, and the work trucks are  
24 working.  
25 Q. Ryder trucks are yellow?

11939

Renda Truong - Direct

1 A. Yeah. The Ryder truck is yellow.  
2 Q. Does it have the big word "Ryder" on the side?  
3 A. Yeah, it does.  
4 Q. And construction trucks don't have the "Ryder" on  
the side,  
5 do they?  
6 A. No, they do not.  
7 Q. Did there come a time when the FBI showed you a  
brochure of  
8 different-size Ryder trucks?  
9 A. Yes. Couple days after the incident had happened.  
10 Q. And were they interested in what kind of Ryder  
truck you  
11 saw on that day, Easter Sunday, 1995?  
12 MR. MACKEY: Objection to the question.  
13 THE COURT: Sustained as to the form.  
14 BY MR. NEUREITER:  
15 Q. They showed you a brochure?  
16 A. Yes, they did.  
17 Q. I'm going to show you something that's not in

evidence yet.

18 It's marked D1737.

19 MR. NEUREITER: Have you seen this?

20 BY MR. NEUREITER:

21 Q. Do you see that on your screen there?

22 A. Yes.

23 Q. Is that the brochure that the FBI showed you?

24 A. Yes, it is.

25 Q. And did they ask you to pick out the specific Ryder  
truck

11940

Renda Truong – Direct

1 on that brochure as the one that you saw on Easter  
Sunday,  
2 1995?

3 A. Yes, they did.

4 MR. NEUREITER: Move to admit D1737, your  
Honor.

5 MR. MACKEY: No objection.

6 THE COURT: Received. D1737 may be shown.

7 BY MR. NEUREITER:

8 Q. There are four Ryder trucks on this brochure;  
right?

9 And we're going to go from the top to the  
bottom. And

10 I'm going to ask you: Was it this one?

11 A. No.

12 Q. Was it this one?

13 A. No.

14 Q. Was it this one?

15 A. Yes.

16 Q. And was it this one?

17 A. No.

Sunday,

18 Q. You're indicating that the truck you saw on Easter

as the

19 1995, at the Dreamland Motel was what's indicated here

20 three-bedroom Ryder truck; is that correct?

21 A. Yes, sir.

the

22 Q. Okay. And do you see that that has a cargo door on

23 side?

24 A. Yes, it does.

25 Q. Does it have an overhang over the cab?

11941

Renda Truong - Direct

1 A. I don't remember.

2 Q. You don't remember?

3 A. No.

4 Q. The one that you saw, you don't remember?

5 A. No.

6 Q. But --

7 A. This one doesn't.

8 Q. This one doesn't?

9 A. No.

10 Q. Is that the one that you picked out for the FBI on  
that  
11 date?

12 A. Yes, this is the one.

13 MR. NEUREITER: One moment, your Honor.

14 THE COURT: Yes.

15 BY MR. NEUREITER:

16 Q. Do you remember what day it was that the FBI talked  
to you?

17 A. No, I don't recall.

18 Q. If I showed you a report of interview that they  
did, do you

19 think that would help you refresh your recollection as  
to what

20 date it was that they talked to you?

21 A. Yes, it would.

22 Q. Okay. And to put your time, on Easter Sunday was  
the 16th,

23 the bombing was the 19th. Let me show you this  
document.

24 A. It was on the 23d?

25 Q. Does that help you refresh your recollection that  
it was

11942

Renda Truong - Direct

1 the 23d that they talked to you?

2 A. You know, I don't really remember. I mean the  
report says

3 23d, but --

4 Q. But you don't remember?

5 A. No.

6 Q. Was it within a week of the bombing?

7 A. Yes, it was.

8 Q. Just a few days after the bombing that they talked  
to you?

9 A. Yes.

10 Q. And your recollection at that time was pretty  
fresh; right?

11 MR. MACKEY: Objection.

12 THE WITNESS: Yes.

13 THE COURT: Sustained as to the objection.

14 BY MR. NEUREITER:

15 Q. Was your recollection when the FBI talked to you in  
1995

16 fresh as to what you had seen on Easter Sunday?

17 MR. MACKEY: Same objection.

18 THE COURT: Sustained.

19 MR. NEUREITER: No further questions.

20 THE COURT: All right. Mr. Mackey.

21 CROSS-EXAMINATION

22 BY MR. MACKEY:

23 Q. Miss Truong, how are you this afternoon?

24 A. I'm fine.

25 Q. How long did it take for you to fly from Hawaii to  
Denver?

11943

Renda Truong - Cross

1 A. A day.

2 Q. And how many total minutes did you see the Ryder  
truck in  
3 front of the Dreamland?

4 A. I don't remember. We were parked there for a  
while.

5 Q. Do you recall what time Easter Sunday you came back  
to the  
6 Dreamland?

7 A. No, sir.

8 Q. Do you remember whether it was morning or  
afternoon?

9 A. It was afternoon. It was in the afternoon.

10 Q. And when you arrived back at the Dreamland, what  
did you  
11 do?

12 A. We were going to pick up Eric to -- before we went  
back to

13 my house. And I had saw the truck, and I had asked  
Miss McGown

14 if -- if someone was moving. And she said she didn't

know.

15 Q. Miss Truong, did you get out of the car?

16 A. No, I did not.

17 Q. How close did the car come to the Ryder truck that  
you saw?

18 A. Very close. We were parked right in front of the  
office.

19 Q. Where were you seated in the car?

20 A. I was on the driver's side in the back seat.

21 Q. And how long did you wait for Eric?

22 A. Not very long. 10, 15 minutes, maybe.

23 Q. Miss Truong, have you ever driven a Ryder truck?

24 A. No, I haven't.

25 Q. Have you ever ridden in one?

11944

Renda Truong – Cross

1 A. Yes, I have.

2 Q. On how many occasions?

3 A. On once.

4 Q. And how many occasions prior to April 16, 1995?

5 A. Like seven, eight months ago, before.

6 Q. Miss Truong, have you ever met Tim McVeigh?

7 A. No, I haven't.

8 Q. I take it your testimony is you never saw him near  
that

9 Ryder truck on Easter Sunday?

10 A. Correct.

11 Q. Do you remember when you were first interviewed by  
the FBI,

12 they showed you two composites?

13 A. Yes.

14 Q. Artist's sketches?

15 A. Yes.

16 Q. You looked at each of those two artist's sketches?

17 A. Yes, I did.

18 Q. Do you remember telling the FBI you didn't  
recognize either

19 one of those as somebody you knew?

20 A. Yes, I remember.

21 MR. MACKEY: Nothing else.

22 THE COURT: Anything else?

23 MR. NEUREITER: Yes, just one.

24 THE COURT: All right.

25 REDIRECT EXAMINATION

11945

Renda Truong - Redirect

1 BY MR. NEUREITER:

2 Q. Miss Truong, were you in school April, 1995?

3 A. I don't remember. You mean the day?

4 Q. Did you have school the day after Easter, April,

1995?

5 A. Oh. Yeah, I did.

6 Q. So you didn't go to lunch with the McGowns on  
Monday, April

7 17, 1995, did you?

8 A. No, I did not.

9 Q. It was Easter Sunday that you were there and you  
saw the

10 Ryder truck; right?

11 A. Uh-huh.

12 MR. NEUREITER: No further questions. And  
thank you

13 very much for coming.

14 THE COURT: Excusing her?

15 MR. NEUREITER: Yes, sir.

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

17 Next, please.

18 MR. WOODS: Yes, your Honor. Herta King, and  
19 Mr. Neureiter will question her.

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

21 (Herta King affirmed.)

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

23 Would you state your full name for the record  
and

24 spell your last name.

25 THE WITNESS: Herta Maria Magdalena King, K-I-

N-G.

11946

1 THE COURTROOM DEPUTY: Thank you.

2 DIRECT EXAMINATION

3 BY MR. NEUREITER:

4 Q. Miss King, how are you?

5 We met for the first time a couple nights ago;  
is that  
6 right?

7 A. Yes.

8 Q. How old are you?

9 A. 57.

10 Q. Where are you from?

11 A. Port Charlotte, Florida.

12 Q. Where did you live in April, 1995?

13 A. In Junction City, Kansas.

14 Q. Do you have children?

15 A. Yes, I have two sons.

16 Q. What are their names?

17 A. David and Edward.

18 Q. Where was David living in April, 1995?

19 A. He lived in the Dreamland Motel.

20 Q. Do you know Lea McGown?

21 A. She's my best friend.

22 Q. Do you and she share a common heritage?

23 A. Yes; we're German.

24 Q. I want you to think -- I'd like to ask you to think  
back to  
something  
25 April of 1995 and the Easter time period. Did you do

11947

Herta King - Direct

1 special for your son on Easter, 1995?

2 A. Yes, I did.

3 Q. What did you do?

4 A. I went to the Dreamland Motel and brought him an  
Easter  
5 basket.

6 Q. Okay. Let me show you a picture which is  
previously

7 admitted, Government Exhibit 287. Can you tell me what  
that  
8 is.

9 A. That's the Dreamland Motel.

10 Q. And do you remember where your son was staying at  
the  
11 Dreamland?

12 A. In room -- excuse me -- Room 25. Right next to the  
office.

13 Q. Was it Room 25 or was it Room 23?

14 A. Oh, 20 -- I think it was 24.

15 Q. 24.

16 A. Right next to the Coke machine.

17 Q. It was in the 20's?

18 A. Yes.

19 Q. And it was close to the office?

20 A. Yes.

21 Q. Okay. So you drove to the Dreamland on Easter  
Sunday?

22 A. Yes.

23 Q. And you're bringing your son a Easter basket?

24 A. Yes, I did.

25 Q. As you arrived in the parking lot, what did you  
notice at

11948

Herta King - Direct

1 the Dreamland on Easter Sunday, 1995?

2 A. I noticed a Ryder truck being parked right next to  
the

3 sign.

4 Q. And why did you notice that Ryder truck?

5 A. Because it was blocking the view to my son's car.

6 Q. And do you remember what your -- your son was  
driving at

7 that time period?

8 A. He was driving an old, green, American car.

9 Q. And you don't recognize American cars, do you?  
10 A. No. I working -- I've been working with foreign  
cars for  
11 24 years. I don't know any American cars. I'm sorry.  
12 Q. But you remember your son was driving an old,  
American car?  
13 A. Yes.  
14 Q. And did you look for it as you approached the  
Dreamland --  
15 A. Yes.  
16 Q. -- in the parking lot that day?  
17 A. Yes, I did.  
18 Q. And you couldn't see it?  
19 A. I couldn't see it.  
20 Q. Why not?  
21 A. Because the view was blocked by the Ryder truck.  
22 Q. Was it a small truck, or a big truck?  
23 A. It was a medium-sized truck.  
24 Q. Medium-sized truck.  
25 Do you know the difference between trucks  
construction

11949

Herta King - Direct

1 workers drive and Ryder trucks?  
2 A. Yes, I do.

3 Q. What's the difference?

4 A. A Ryder truck is much bigger, and it's yellow and  
has

5 "Ryder" --

6 Q. Construction trucks don't have "Ryder" on the side,  
do

7 they?

8 A. No.

9 Q. Have you been shown a brochure that has different  
Ryder

10 trucks on it?

11 A. The only thing I saw is the piece of paper that you  
showed

12 me with Ryder trucks.

13 Q. I'm going to show you previously admitted Exhibit  
1737.

14 And if we count down one, two, three, four, which Ryder  
truck

15 was it that you saw on Easter Sunday, April, 1995?

16 A. To my recollection, it looked like No. 3.

17 Q. No. 3. And that would be this one --

18 A. Yes.

19 Q. -- right here. Can you tell that that has a cargo  
door on

20 the side from this photograph -- or from this brochure?

21 A. I don't remember that. I'm sorry.

22 Q. I'm just -- from this brochure?

23 A. From this brochure it has a door, yes.

24 Q. And zooming in a little closer, is that the one

that can

25 move three bedrooms?

11950

Herta King - Direct

1 A. Yes; that's correct.

2 Q. Okay. Now, Lea McGown is your best friend?

3 A. Yes.

4 Q. And the last two-and-a-half years have been pretty  
5 interesting for Miss McGown; correct?

6 A. Yes.

7 Q. And that's because the FBI has visited the  
Dreamland a lot?

8 MR. ORENSTEIN: Objection, your Honor.

9 THE COURT: Sustained.

10 BY MR. NEUREITER:

11 Q. Have you and Miss McGown had discussions about the  
Ryder  
12 truck?

13 A. After the bombing.

14 Q. Just answer yes or no without telling us what she  
said.

15 A. Yes.

16 Q. You have had discussions about that truck. And did  
you say  
17 to Miss McGown -- what did you say to Miss McGown about  
the

18 truck?

19 MR. ORENSTEIN: Objection.

20 THE COURT: Sustained.

21 BY MR. NEUREITER:

Ryder 22 Q. Did Miss McGown agree with you at one point that a

23 truck was at her hotel on Easter Sunday, 1995?

24 MR. ORENSTEIN: Objection.

25 THE COURT: Overruled.

11951

Herta King - Direct

1 BY MR. NEUREITER:

2 Q. You can answer.

3 A. Yes, she did.

a truck 4 Q. And did she say to you, "It doesn't make sense that

5 was there on Sunday, if McVeigh rented it on Monday"?

6 MR. ORENSTEIN: Objection.

7 THE COURT: Sustained.

8 THE WITNESS: Yes, she did say that.

9 THE COURT: No, sustained the objection.

what Miss 10 MR. NEUREITER: May I ask the witness to say

11 McGown said?

12 THE COURT: Well, yes.

13 BY MR. NEUREITER:

14 Q. What did Miss McGown say to you?

15 MR. ORENSTEIN: I --

16 THE COURT: Objection is overruled.

17 THE WITNESS: May I talk about --

18 BY MR. NEUREITER:

19 Q. Yes, you may.

20 THE COURT: What is your recollection of what  
she said

21 to you? That's the question.

22 THE WITNESS: Mrs. McGown said, "It doesn't  
make sense

23 that Mr. McVeigh rented the truck on Monday morning  
when the

24 truck -- when a Ryder truck was there already on  
Sunday.

25 MR. NEUREITER: Thank you very much.

11952

Herta King - Direct

1 THE COURT: Cross-examination.

2 CROSS-EXAMINATION

3 BY MR. ORENSTEIN:

4 Q. Good afternoon, Miss King.

5 A. Good afternoon.

6 Q. We've met before, of course.

7 A. Yes, we have.

8 Q. Now, you've seen pictures of Mr. McVeigh in the  
time since

9 the bombing; correct?

10 A. Yes, I have.

11 Q. And you know what he looks like?

12 A. Yes.

13 Q. And you've never seen him in person; is that  
correct?

14 A. No, I have not.

15 Q. You've been to the Dreamland many times over the  
years?

16 A. Many times.

17 Q. And you've been friends with Lea McGown for, what,  
20

18 years?

19 A. 20 years.

20 Q. Now, while you were still living in Kansas, would  
it be

21 fair to say that you visited Mrs. McGown weekly at the  
22 Dreamland?

23 A. That's correct.

24 Q. Probably two or three times a week?

25 A. That's correct.

11953

Herta King - Cross

1 Q. And you were there -- excuse me -- you were there

on Good

2 Friday, which was her son's birthday; correct?

3 A. Yes.

4 Q. You didn't see a truck that day; correct?

5 A. I did not, no.

6 Q. Now, Mr. Neureiter asked you about Sunday; correct?

7 A. Yes.

8 Q. When were you there on Sunday?

9 A. I was there about 12:45.

10 Q. And how long were you there?

11 A. For about 15 minutes.

12 Q. And that was to visit your son; correct?

13 A. Yes.

14 Q. And you were on your way to an Easter meal with a  
friend;

15 correct?

16 A. That's correct.

17 Q. So at about 3:00 in the afternoon, you were with  
your

18 friend having your Easter meal; correct?

19 A. That's correct.

20 Q. You weren't at the Dreamland?

21 A. No.

22 Q. And you didn't go back to the Dreamland until  
rather later

23 that night; correct?

24 A. Correct.

correct? 25 Q. And when you came back, there was no Ryder truck;

11954

Herta King - Cross

1 A. I did not see any, no.

2 Q. And -- excuse me.

Motel on 3 When you saw a Ryder truck at the Dreamland

in it; 4 the occasion that you're describing, there was no one

5 correct?

6 A. Correct.

7 Q. No one near it?

8 A. Correct.

9 Q. No one walking to it or from it?

10 A. Correct.

truck. 11 Q. Now, you've previously rented a 20-foot Ryder

12 A. Yes.

you 13 Q. Wasn't as big as the one you rented -- the one that

14 saw?

15 A. No.

recall 16 Q. And I think you told Mr. Neureiter that you don't

17 seeing a side door on the box of that truck?

18 A. I don't recall.

Honor? 19 MR. ORENSTEIN: May I have a moment, your

20 THE COURT: Yes.

21 MR. ORENSTEIN: I have nothing further.

22 THE COURT: Any other questions?

witness 23 MR. NEUREITER: No redirect, your Honor. The

24 is excused.

25 THE COURT: Will you excuse the witness?

11955

1 MR. ORENSTEIN: Yes, your Honor.

excused. 2 THE COURT: You may step down. You're now

Shane 3 MR. WOODS: Yes, your Honor. We would call

4 Boyd. Mr. Thurschwell will question.

right 5 THE COURTROOM DEPUTY: Would you raise your

6 hand, please.

7 (Shane Boyd affirmed.)

please. 8 THE COURTROOM DEPUTY: Would you have a seat,

and 9 Would you state your full name for the record

10 spell your last name.

11 THE WITNESS: Shane W. Boyd, B-0-Y-D.

12 THE COURTROOM DEPUTY: Thank you.

13 THE COURT: Mr. Thurschwell.

14 DIRECT EXAMINATION

15 BY MR. THURSCHELL:

16 Q. Good afternoon, Mr. Boyd.

17 Mr. Boyd, where do you currently reside?

18 A. In Killeen, Texas, at Fort Hood.

19 Q. Are you married?

20 A. Yes.

21 Q. Children?

22 A. Yes.

23 Q. How many?

24 A. Two.

25 Q. And what do you do down there at Fort Hood?

11956

Shane Boyd - Direct

1 A. I'm in the U.S. Army. I'm a sergeant. And --

2 Q. What's your rank?

3 A. Sergeant.

4 Q. Okay. E4, is that --

5 A. E5.

6 Q. E5. Shall we refer to you as "Mister" or  
"Sergeant"?

7 A. It doesn't matter.

8 Q. Well, I'll keep to non-military, then.

9                   Let me take you back to April, 1995. How were  
you

10 employed at that time?

11 A. At the time, I worked for Lockheed Martin  
contractor,

12 working on Apache helicopters.

13 Q. What specifically were you doing on Apache  
helicopters?

14 A. What they call ASAMs, Aviation Safety Accident  
Messages.

15 We would travel around the country and do repairs or

16 modifications to the helicopters themselves.

17 Q. You were a mechanic of some kind?

18 A. Yes.

19 Q. Okay. Now, I want to show you what's been  
previously

20 admitted as Defense Exhibit D1701.

21                   Do you recognize what's depicted in that  
exhibit?

22 A. Yes.

23 Q. What is that?

24 A. The Dreamland Motel.

25 Q. Okay. Did you have occasion to stay at the  
Dreamland Motel

Shane Boyd – Direct

1 in April of 1995?

2 A. Yes. I stayed there for approximately five to six  
weeks.

3 Q. All right. Do you recall the precise dates, or as  
near as

4 you can remember?

5 A. I believe the first week of April through the  
middle of

6 May.

7 Q. Okay. Now, I wanted to zoom in.

8 And if you can, take the pen that's on the  
desktop in

9 front of you and underneath the desk, if you just can  
point on

10 the screen and touch the screen with the pen to the  
room that

11 you were staying in, if you recall.

12 A. I'm pointing at it. Do you see it?

13 Q. Not yet.

14 Okay. All right. Do you recall the room  
number that

15 you were in?

16 A. It was 28.

17 Q. Okay. Now, during the period you stayed there, did  
you

18 ever observe a Ryder truck or trucks?

19 A. Yes.

20 Q. Okay. When was the first time, if you recall, that  
you

21 remember seeing a Ryder truck during your stay there?  
22 A. The Monday previous to . . . I can't give you a  
specific  
23 date as far as the Monday before I had an encounter  
with  
24 Timothy McVeigh.  
25 Q. Okay. We'll come to that.

11958

Shane Boyd - Direct

1 A. Okay.  
2 Q. Let me do it in terms --  
3 A. I do not --  
4 Q. Do you recall the day that the Murrah Building  
bombing  
5 happened?  
6 A. It was on a Wednesday, wasn't it?  
7 Q. That's right. Did you see the truck for the first  
time on  
8 the Monday immediately preceding that?  
9 A. No. The one prior to that.  
10 Q. The one prior to that?  
11 A. Correct.  
12 Q. Okay. All right. And what time of day did you see  
it?  
13 A. Approximately 5:45 to 6:00 in the morning.  
14 Q. And when you -- can you describe it?

a  
back.  
15 A. It had a flatbed trailer on the back of it. It was  
16 three-bedroom-size Ryder with a flatbed trailer on the

small  
17 Q. And can you describe the flatbed trailer? Was it a  
18 one, large one?

would  
bottom.  
19 A. It was about 20, 25 feet in length, something you  
20 carry a car or a tractor on. It was welded with a wood

21 Q. Okay.

22 A. As far as it was steel with a wood bottom.

first saw  
23 Q. All right. Now, where was this truck when you  
24 it? Was it parked, or was it moving?

the  
25 A. It was down at the -- at the east end of the -- of

11959

Shane Boyd - Direct

turn in  
1 motel, as far as it looked like it was attempting a U-  
2 the early morning.

3 Q. So it was in motion when you --

4 A. Correct, uh-huh.

you return  
5 Q. Okay. Did -- when was the -- did you see -- did  
6 to your room later that day?

7 A. Yes, approximately around 3:00.

8 Q. Did you see the truck at that time?

9 A. Excuse me. No.

10 Q. When was the next time you saw a Ryder truck that  
week?

11 A. Tuesday or Wednesday.

12 Q. Tuesday or Wednesday? And what time of day did you  
see it

13 then?

14 A. I'd usually see it in the morning. And in the  
afternoons.

15 Q. Okay. Now, what time of morning are we talking  
about?

16 A. Same time frame, 5:45 to 6:00 in the morning.

17 Q. And is there a reason that you were up and about at  
that

18 hour?

19 A. Well, our work call as at 6:00, and it only took me  
about

20 five minutes to get to the -- to the Army base and on  
the

21 airfield.

22 Q. So you were leaving for work around that time?

23 A. Correct.

24 Q. And what time did you usually, typically return  
home?

25 A. 3:00. Between 3:00 and 3:15.

Shane Boyd - Direct

in the 1 Q. Did you see the truck on any day that afternoon --  
2 afternoon, when you returned?

parked in 3 A. Yes, I'd see it every day. As far as where I  
it. 4 front of my room -- the Ryder truck, I had to go past

5 Q. Okay.

6 If we can show 1701 again.

places, 7 Can you mark on this exhibit where you -- the  
in the 8 plural, that you saw the Ryder truck parked that week  
9 afternoon.

10 A. First it was parked over here.

right 11 THE COURTROOM DEPUTY: Tell him to put the pen  
12 down.

13 BY MR. THURSCHELL:

touch 14 Q. You've got to hold the pen straight up and down and  
15 the screen with it.

16 A. I'm doing that.

17 THE COURTROOM DEPUTY: There it is.

18 THE WITNESS: There we go.

19 BY MR. THURSCHELL:

20 Q. So is that just to the east?

21 A. That's the east side of the sign.  
22 Q. All right.  
23 A. As far as directly behind it.  
24 Q. Did you see it parked anywhere else that week?  
25 A. Yes. On the west side of the -- of the sign, as  
far as it

11961

Shane Boyd - Direct

1 was parked on this piece of grass right here.  
2 Q. Now, I'm referring to it as if it were the  
singular, but  
3 you tell me: Could you determine whether this was the  
same  
4 Ryder truck you would see in the morning as in the  
afternoon?  
5 A. It was the same size. I didn't see a license plate  
or  
6 anything. Like I say, the only thing that  
distinguished it was  
7 a flatbed trailer on the back of it.  
8 Q. When you saw it that week, did it have the flatbed  
trailer?  
9 A. No.  
10 Q. It was just that first time?  
11 A. Uh-huh, on Monday morning.  
12 Q. But was the same-size truck that you saw each time?  
13 A. Yes.

14 Q. Now, when was the last time that you saw the truck?

15 A. I believe it was Sunday morning. Parked in the  
same --

16 same spot.

17 Q. Would that be Sunday, April 16?

18 A. Easter.

19 Q. Easter Sunday, all right. And when you say the  
"same

20 spot," would that be to the east, or to the west?

21 A. It was on the east side of the sign. It was --  
excuse me.

22 I stand corrected. It was on the west side of  
the

23 sign, pointing west, as far as facing west.

24 Q. Okay. Now, Mr. Boyd, I want to show you a  
photograph of

25 someone and ask if you've ever seen them in person  
before.

11962

Shane Boyd - Direct

1 A. Yes.

2 Q. Have you since come to learn the name of this  
person?

3 A. Yes, I have.

4 Q. All right. And what is that?

5 A. Timothy McVeigh.

6 Q. Okay. Now, when did you -- let me ask it this way:

When

7 was the first time you encountered this individual?

8 A. Friday, the week prior to the bombing.

9 Q. Would that be Friday, April 14?

10 A. I believe so. If I could . . . Two days before  
Easter,

11 so . . .

12 Q. And what time of day was it?

13 A. This was right at getting dusk. It was  
approximately 6:30;

14 6:00-to-7:30 time frame.

15 Q. All right. And how did you see him? What were the  
16 circumstances?

17 A. I was outside. Me and my wife were outside having  
a

18 barbecue as far as in front of our room. What we do --  
what

19 I'd do a lot on the road. And I had too much -- too  
much meat

20 on the barbecue pit, so I decided, well, I can't eat  
this all

21 by myself; I better ask somebody if they would like to  
have

22 some. And from the way I am, I just -- the first  
person I saw,

23 I asked them if -- would they like any barbecued  
chicken.

24 Q. And who was that person?

25 A. That was Timothy McVeigh.

11963

Shane Boyd - Direct

1 Q. All right. Now, had -- was he there the whole  
time, from  
2 the time you began barbecuing?

3 A. He had been in his room. Because by the time --  
'cause I'd  
4 been outside for at least 45 minutes to an hour, in and  
out,  
5 getting a beer, whatever. And whenever he came out, he  
was  
6 locking his door and leaving.

7 Q. Okay. So you saw him going in and out. Going in  
and out.  
8 Or come out?

9 A. I saw him leave.

10 Q. Okay. Do you recall the room number that he came  
out of?

11 A. No. Because I was -- I was pointing to the east,  
and I  
12 couldn't see the room number. It was two doors down  
from me.

13 Q. All right. Is that two doors down from the room  
that you  
14 were staying in?

15 A. If I could see a picture again, I could point.

16 Q. Well, let's show you the picture. Showing you  
again --

17 MR. THURSCHELL: The last exhibit was  
Government 318.

18 I'm not sure I identified it.

19 THE COURT: All right.

20 MR. THURSCHELL: This is showing the witness  
again

21 D1701, the west wing of the Dreamland Motel.

22 BY MR. THURSCHELL:

23 Q. Can you try one more time with the pen, and let's  
see if

24 you can point to the room where you were --

25 A. Okay. We were here. We were here.

11964

Shane Boyd - Direct

1 Q. Once more. I think you have to keep it upright, or  
it

2 starts blinking.

3 Okay.

4 A. And the person came out of the room here.

5 Q. Okay. Now, are you certain that those were the  
rooms that

6 you were staying in and that he was staying in?

7 A. I don't know if he was staying there, but I saw him  
come

8 out of that room.

9 Q. Okay. Did you see that individual at any point in  
a

10 vehicle?

11 A. There was a yellow car, Mercury that he got into, a  
12 four-door, yellow Mercury.

13 Q. Okay. And -- but when did you see him get into the  
car?

14 A. When I was -- when I asked him if he wanted any  
barbecue  
15 chicken, he didn't say anything to me, turned around  
and made  
16 sure his door was locked, and then immediately got in  
his car  
17 and left.

18 Q. And left. Okay. Did you ever see him again, in  
person?

19 A. No, I didn't. I did see the car off and on.

20 Q. Okay. During that week?

21 A. During the week, yes, sir.

22 Q. Do you recall the last time, the last day that you  
saw the  
23 car there?

24 A. That was probably Saturday. I believe it was  
Sunday  
25 after . . . after Easter dinner.

11965

Shane Boyd - Direct

1 Q. Okay. Now, I want to direct your attention to late  
2 afternoon of Saturday of that same weekend, around  
3:30. Do  
3 you recall where you were at that time?

back 4 A. Yes, sir. We just -- me and my wife had just come

5 from the mall.

6 Q. Okay.

7 A. And --

wanted 8 Q. Sorry. Did there come a time when you decided you

9 to get a Coca-Cola?

proceeded 10 A. Correct. I -- we got into the room, and then I

I want 11 to just go out, because it was such a nice day -- that

12 to go down and buy a Coke, take a little walk.

13 Q. Where -- where did you go to get the Coke?

the 14 A. On the other side of the office, the east side of

15 office.

to your 16 Q. And is that because there was a Coke machine there,

17 recollection?

located. 18 A. Correct. That's where the Coke machine was

admitted as 19 Q. Okay. Let me show you what's been marked and

20 Government Exhibit 287.

the side 21 And if you could click -- there's a button on

times, I 22 of that pen. If you could click that two or three

23 think you could get rid of those marks.

24 Thank you.

point 25 Now, again using the pen as a pointer, can you

11966

Shane Boyd - Direct

1 to where the Coke machine was, to your best  
recollection, in

2 April of 1995?

3 One more time. We've got the blinking  
problem. Try

4 to keep the pen straight up and down.

5 Okay. And you're pointing to what is the --  
appears

6 to be the east side of the office; is that correct?

7 A. Correct. It was located approximately in the  
corner where

8 the shadow is at the moment.

9 Q. Okay. Now, you left your room to walk down to the  
Coke

10 machine; is that correct?

11 A. Uh-huh.

12 Q. Okay. Tell me what happened. Did you, on that  
trip or the

13 return trip -- did you encounter an individual?

14 A. Yes.

15 Q. All right. Tell me about that. Where did you  
encounter

16 this individual?  
17 A. Where the mark is on the screen is approximately  
where I  
18 met the person at the corner of the building --  
19 Q. Okay.  
20 A. -- as . . .  
21 Q. And were you -- at that point had you bought the  
Coke, or  
22 were you on your way to buy the Coke?  
23 A. I had already bought the Coke. And I was turning  
around to  
24 proceed back to the -- to my room.  
25 Q. Okay. So you were beginning to head back west  
towards your

11967

Shane Boyd - Direct

1 room?  
2 A. Correct.  
3 Q. Which way was this other individual walking?  
4 A. He was walking east.  
5 Q. Okay. Can you describe him?  
6 A. Yes. He was Hispanic. Approximately 5' 6", 180 to  
7 200 pounds, short, short haircut, seemed like he was in  
the  
8 military.  
9 Q. How was he dressed?

facial 10 A. Tan shirt, blue jeans shorts down to the knees. No

11 hair or anything like that. No jewelry or any scars or  
12 anything.

13 Q. Okay. Could you describe his skin tone?

14 A. Olive.

15 Q. Olive?

16 A. Hispanic-looking, olive color.

if he 17 Q. Now, do you know where he came from? Do you know  
18 came out of any of the rooms in the motel?

rooms, 19 A. No, I don't know if he came out of any of the

right, saw 20 because when I came out of my room, I looked to the

building, 21 no one; then I proceeded left, walked around the

around and 22 walked around the office, got the Coke, and turned

23 about ran into him.

your 24 Q. Okay. About how long did it take you to walk from

25 room down to the Coke machine?

11968

Shane Boyd - Direct

1 A. Approximately . . . 10, maybe 20 seconds.

out of the 2 Q. All right. And did you see this individual come

3 office?

4 A. No.

5 Q. Okay. Do you know whether he came out of the  
office, or

6 not?

7 A. No. He did not. I don't -- he did not come out of  
the

8 office.

9 Q. He did not. And how do you know that he didn't  
come out of

10 the office?

11 A. Well, if he -- I don't know if you could have a  
better shot

12 of the office, but there's windows on all three sides.

13 Q. Okay.

14 A. And nine times out of ten, the windows are open  
with the

15 blinds pulled up. That means you can see straight  
through from

16 one side to the other. I couldn't see one -- no one in  
there

17 at the time.

18 Q. All right. So if he had been in there, you would  
have been

19 able to see him?

20 A. Yes. Because I had previously seen people before  
walking

21 that way.

22 Q. Based on your -- based on your looking down west  
when you

23 emerged from your room and not seeing him in the  
office, did  
24 you draw any conclusions about where he had come from?  
25 A. That he came up on me pretty quick and that I know  
he

11969

Shane Boyd - Direct

1 didn't come out of the office, so he must have come out  
of  
2 either the first or second room beside me.  
3 Q. Okay. And those -- and one of those two rooms was  
the room  
4 that you saw Mr. McVeigh come out of; is that correct?  
5 A. Correct.  
6 Q. Okay.

7 MR. THURSCHELL: No further questions.

8 THE COURT: All right.

9 Mr. Orenstein.

10 MR. ORENSTEIN: Make I have a moment, your  
Honor.

11 CROSS-EXAMINATION

12 BY MR. ORENSTEIN:

13 Q. Good afternoon, Mr. Boyd.

14 A. Hi.

15 Q. Now, you were staying at the Dreamland for about a  
month --

16 is that right -- about six weeks, something like that?

17 A. Correct.

18 Q. And you saw a truck there. The first time was  
Monday not

19 before the bombing but a week before; right?

20 A. Correct.

21 Q. So that would be -- if the bombing occurred  
Wednesday, the

22 19th, the Monday before that would be Monday, the 17th;  
and the

23 Monday before that, when you saw the Ryder truck, would  
be

24 Monday, the 10th; correct?

25 A. Correct.

11970

Shane Boyd - Cross

1 Q. And, now, Mr. McVeigh was somebody that you saw at  
the

2 Dreamland; correct?

3 A. Yes.

4 Q. While you were staying there; correct?

5 A. Yes.

6 Q. And you never saw him before that Friday night when  
you had

7 your barbecue; correct?

8 A. No, I did not.

9 Q. Are you aware that he was in Arizona on Monday, the

10th?

10 A. No.

11 Q. Are you aware that he was in Arizona --

12 MR. THURSCHELL: Objection --

13 THE COURT: Sustained.

14 BY MR. ORENSTEIN:

15 Q. And prior -- I'm sorry. After Sunday, you never  
saw that

16 Ryder truck?

17 A. No, I did not.

18 MR. ORENSTEIN: May I have a moment?

19 THE COURT: Yes.

20 MR. ORENSTEIN: I have nothing further.

21 THE COURT: All right.

22 MR. THURSCHELL: No redirect, your Honor.  
The

23 witness is excused.

24 THE COURT: All right. You may step down.  
You're

25 excused.

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1 I think we'll take our afternoon recess at  
this time.

2 Members of the jury, we'll take our usual break here  
for about

3 20 minutes, during which, of course, please avoid  
discussion of  
4 the case or anything about it with other jurors and all  
other  
5 persons; and continue to avoid anything outside the  
evidence  
6 that could affect your judgment in this case, and keep  
open  
7 minds.

8 You're excused now, 20 minutes.

9 (Jury out at 3:05 p.m.)

10 MR. WOODS: Your Honor, just for the Court's  
11 convenience --

12 THE COURT: Yes.

13 MR. WOODS: -- we're changing the order of  
witnesses.

14 Vicki Beemer will be the next witness.

15 THE COURT: Miss Beemer. And will you do Mr.  
Elliott  
16 right after that?

17 MR. WOODS: Yes.

18 THE COURT: Thank you. 20 minutes.

19 (Recess at 3:06 p.m.)

20 (Reconvened at 3:24 p.m.)

21 THE COURT: Be seated, please.

22 (Jury in at 3:24 p.m.)

23 THE COURT: All right. Next witness.

24 MR. WOODS: Yes, your Honor. Vicki Beemer.

25 THE COURT: Ms. Beemer.

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right 1 THE COURTROOM DEPUTY: Would you raise your

2 hand, please.

3 (Vicki Beemer affirmed.)

4 THE COURTROOM DEPUTY: Would you have a seat.

and 5 Would you state your full name for the record  
6 spell your last name.

M-E-R. 7 THE WITNESS: My name is Vicki Beemer, B-E-E-

8 THE COURTROOM DEPUTY: Thank you.

9 THE COURT: Mr. Woods.

10 MR. WOODS: Thank you, your Honor.

11 DIRECT EXAMINATION

12 BY MR. WOODS:

13 Q. Good afternoon, Ms. Beemer.

14 A. Hi.

was 15 Q. My name is Ron Woods. I'm one of the lawyers that  
help Terry 16 appointed by the district judge in Oklahoma City to

17 Nichols in this case.

18 A. Yes, sir.

19 Q. You and I have never met. Is that correct?

20 A. That's correct.

21 Q. I've never been given an opportunity to interview  
you; is

22 that correct?

23 A. That's correct.

24 Q. Are you represented by a lawyer here today?

25 A. Yes, sir, I am.

11973

Vicki Beemer - Direct

1 Q. And who is that?

2 A. John Morris.

3 Q. Is he here in court today?

4 A. I think so, yes.

5 Q. Seated back here behind the Government counsel  
table?

6 A. Yes.

7 Q. Who is Reid Robison?

8 A. He is representing Eldon Elliott.

9 Q. Did he at one time represent you?

10 A. I believe I spoke with Reid during the grand jury,  
the day

11 of the grand jury, in Oklahoma City.

12 Q. Do you recall testifying in this case here in this  
trial

13 before on the 21st day of May, 1997?

14 A. Yes, I do.

15 Q. Do you recall being asked the question concerning  
grand

16 jury -- the question to you was, "Was your lawyer with  
you

17 outside?"

18 And your answer being, "I believe that Reid  
Robison

19 was outside, yes."

20 A. At that time, I don't know that -- I think the law  
firm

21 was -- Ryder had contacted that law firm for us, but --  
and

22 Reid did speak to me; but as far as actually me ever  
asking him

23 to represent me, you know, he was there and he did  
speak to me

24 just briefly. But yes, he was there.

25 Q. Okay. And are you paying the fee for your lawyer,  
or is

11974

Vicki Beemer - Direct

1 Ryder paying the fee?

2 MR. MEARNS: Objection. Relevance.

3 THE COURT: Sustained.

4 BY MR. WOODS:

5 Q. Where do you work, Ms. Beemer?

6 A. I am no longer employed.

7 Q. Okay.

8 A. I used to work at Elliott's Body Shop.

9 Q. What period of time did you work at Elliott's Body Shop?

10 A. I worked at Elliott's Body Shop from October of '94 till

11 October of this -- '97. Or actually, just three weeks ago.

12 Q. Approximately four years?

13 A. Three years.

14 Q. '94 to '97 is three years?

15 A. Three years, yes.

16 Q. You were employed there in April, '95?

17 A. That's right.

18 Q. What were your duties?

19 A. I was more or less the office manager. I answered the

20 telephone, took care of body-shop tickets. We also were a

21 Ryder dealer, and so I did Ryder Truck Rental agreements, also.

22 Q. Okay. Where was Elliott's Body Shop located?

23 A. It's in Junction City, Kansas.

24 Q. Is it downtown in the center, or is it away from town?

25 A. It's on the west edge of Junction City. It is in the city

11975

Vicki Beemer - Direct

1 limits, but it's on the west end.

2 Q. Okay. Now, as office manager -- and you mentioned  
that the

3 body shop also was a -- what, a licensee or a  
franchisee for

4 Ryder? Is that correct?

5 A. We are a Ryder dealer.

6 Q. A dealer. Okay. And did you handle the  
transactions, the

7 paperwork, for the rentals on Ryder trucks?

8 A. Yes, I did.

9 Q. Okay. Can you tell the jury in general the  
transaction

10 procedure that you would go through if a person were to  
call

11 and get a quote and then come in and rent the truck.  
Could you

12 just tell them briefly in general how that process  
works.

13 A. Just briefly, they call in. They ask, you know,  
how much

14 it would cost to take a Ryder truck from one  
destination to

15 another destination. It can also be a local move,  
which is

16 within the Junction City area. We have certain things  
that

17 we -- it's all done by computer. We have to enter  
certain

18 information in the computer. We tell them, you know,  
for what  
19 information they are wanting, where they're going, how  
much it  
20 costs, what day they're going to pick it up, how many  
days they  
21 are given, you know. We offer them coverage for the  
truck; and  
22 at the very end, we can give them a total, including  
tax plus a  
23 deposit to let them know the entire rental cost.  
24 Q. How long is that quote good for, the quote that you  
give  
25 them?

11976

Vicki Beemer - Direct

1 A. The quote is good for 24 hours.  
2 Q. And what has to happen within that 24 hours before  
the  
3 quote is no longer effective?  
4 A. Well, after 24 hours -- they need to come in and  
put a  
5 deposit, an \$80 deposit down on the truck to reserve it  
which  
6 will guaranty them a truck. It also locks the price  
in.  
7 If they don't do it within the 24 hours, if  
the price  
8 should happen to go up, they would have to pay it --

they could

9 still have a truck, but they'd have to pay a higher  
price.

10 Q. Okay. And after they lock the price in, then what  
happens?

11 A. Then we post them -- after they give us the  
deposit, it is

12 then a reservation. We have a board on the wall that  
we put --

13 a calendar board that we put their name, the size of  
truck. On

14 a one-way rental, we circle it because that tells us  
it's a

15 one-way; and then it's there for them to pick up the  
truck.

16 Q. And if the person comes in to pick up the truck,  
what

17 procedure do you go through with the customer?

18 A. When they walk in, the first thing I do is get into  
the --

19 access the computer for their -- the quote that is in  
there or

20 the reservation comes right up as an open agreement,  
and I ask

21 them for their driver's license.

22 Q. What do you do with the driver's license? What  
23 information, if any, do you take from that?

24 A. I take the first name, the last name, driver's  
license

25 number, Social Security number, state, date of birth,

11977

Vicki Beemer - Direct

1 expiration date.

2 Q. And do you type that into some form on the  
computer?

3 A. Yes. It's all -- has a format right there, and you  
just

4 fill in the blanks.

5 Q. After typing that up, what is the next step in the  
process?

6 A. The next step is you will print the contract; that  
is,

7 unless there are some questions or they want to add or  
delete

8 something off of the contract. You print it up. There  
is a

9 safety inspection that has to be done on the truck.

10 Q. And explain that to the jury, if you would.

11 A. It's just merely a sheet that one of us at the body  
shop

12 would go out and do a walk-around on the truck and list  
any

13 damages that are on the truck so that they are not  
responsible

14 for any damages that are on that truck when they rent  
the truck

15 out.

16 Q. Okay. And after the safety inspection is done,  
does the

17 customer initial that?

18 A. The customer initials the safety instructions --  
the safety  
19 inspection sheet and they sign it. And there is also  
the  
20 agreement number of a contract. The rental agreement  
is also  
21 on there.

22 Q. All right. And when do you hand the rental  
agreement to  
23 the customer to be signed, if you do?

24 A. Yes. It is also printed out on the computer.  
After we get  
25 the driver's license information, it's printed. They  
are asked

11978

Vicki Beemer - Direct

1 to initial and to sign it.  
2 And then after all the paperwork is done and  
they have  
3 signed each one, they are given their copies and it is  
put into  
4 a folder and they're ready to go.

5 Q. Do you give them a set of keys, or the keys in the  
truck?

6 A. Normally the keys are in the truck.

7 The trucks at Elliott's Body Shop are kept up  
on a  
8 hill, and they are the brought down for the customer,  
and

9 usually they're just left right there.

Ryder on 10 Q. Do the keys have a key ring with any emblem of  
11 them?

got 12 A. It's just got a Ryder -- it's a yellow tag that's  
13 "Ryder" written on the key chain.

day of 14 Q. Now, did there come a time on April 19 in 1995, the  
of any 15 the bombing -- were you contacted concerning the rental  
location? 16 vehicle that had previously been rented from your

17 A. Yes, I was contacted.

a number 18 Q. Now, one question back to the procedure: Is there  
of the 19 on that contract that will correspond with the number  
20 truck in any manner?

21 A. Yes. Truck number is on the contract.

vehicle 22 Q. Okay. And by "truck number," do you mean the  
23 identification number?

number 24 A. That is the VIN number. This is a regular -- a  
truck. 25 assigned to the truck. It is located on the top of the

11979

Vicki Beemer - Direct

1 Q. All right. Now --

2 A. I think it's also on the hood of the truck. There  
is two

3 different places that that number appears.

4 Q. And the number will also then appear on your  
contract?

5 A. Yes.

6 Q. That you write up with the renter?

7 A. That's right.

8 Q. You remarked to the jury that you were entering  
into a

9 computer -- is that correct -- all the information?

10 A. That's right.

11 Q. Is that computer hooked up to anywhere, or is it  
just a

12 stand-alone within your office?

13 A. No, it's hooked up to Ryder First.

14 Q. Where is Ryder located?

15 A. They've got an office in Miami and also one --  
well, now

16 it's out here in Denver, I guess, and then in Dallas,  
Texas,

17 also. I'm not real sure on what it --

18 Q. In April, '95, do you know where the headquarters  
were at

19 that time?

20 A. I believe it was still out of Miami, because they  
weren't

21 out here in Denver yet.

the 22 Q. Did you receive any inquiry from Denver concerning  
23 rental of an automobile -- of a van?  
that 24 A. I received a phone call approximately 2, 2:15 on  
25 Wednesday afternoon, April 19, inquiring as to a truck

11980

Vicki Beemer - Direct

number 1 number -- whether I had rented that particular truck  
know: 2 out. A lady, didn't identify herself -- just said, you  
files 3 Did you rent out Truck No. such and such? I checked my  
4 and I had.

even know 5 And she -- she just dropped it, and I didn't  
6 who it was.

the 7 Q. Okay. By checking your files, after you fill out  
copy of 8 rental form for the customer, what do you do with your  
9 the printed paper? There is obviously something in the  
10 computer, but do you have a printout also?

cabinet 11 A. Yes. That's what I was checking. I have a filing  
name of 12 that I kept those in. If she would have known the last

the 13 the customer or a number, I could have pulled it up in

14 computer; but without that, I had to go to my file.

15 Q. So you went back and looked through them  
individually to

16 look for that truck number; is that correct?

17 A. That's correct.

18 Q. And you had no name to look for at that time?

19 A. Not at that time. I went by the truck number.

the 20 Q. Did you find a rental contract that corresponded to

21 inquiry that you received from the lady?

22 A. Yes, I did.

that 23 Q. What was the name of the individual that had rented

24 truck?

25 A. It was Rob or Bob Kling.

11981

Vicki Beemer - Direct

1 Q. How do you spell that?

2 A. Kling is K-L-I-N-G.

time of 3 Q. Okay. And did your contract reflect the date and

4 that rental?

5 A. Yes, it did.

6 Q. And what was the date and time?

7 A. On the top of the contract, it had 4 -- the time  
was 4:19,  
8 and the date of the contract was 4-17 of '95.  
9 Q. Now, on the top of it, the date 4-19 --  
10 A. Sir, that was not the date. That was the time on  
the top  
11 of it.  
12 Q. Oh, I'm sorry. Okay. The date was 4-17. It just  
had a  
13 time of --  
14 A. That I accessed the computer.  
15 Q. -- of 4:19. Okay. I see. And you pulled that  
contract  
16 up. Is that correct?  
17 A. Yes.  
18 Q. Or you got the written portion of it?  
19 A. When the phone call came to me and I checked the  
file, I  
20 just told her yes, I had rented it out. And I don't  
remember  
21 for sure whether I gave her the name of which the  
contract was  
22 rented out or not. She just -- that seemed to, you  
know,  
23 answer her question, and then I didn't hear any more  
from her.  
24 Q. Again, for the jury, what time was that on the 19th  
that  
25 you got the call?

11982

Vicki Beemer - Direct

1 A. It was approximately 2:15.

2 Q. In the afternoon?

3 A. Yeah. That's a just estimate is 2:15.

4 Q. Okay. And had you observed on the news or the  
media or the

5 radio, television, that there had been a bombing in  
Oklahoma

6 City that day?

7 A. I had heard it on the radio in the morning, yes.

8 Q. All right. Now, what next happened after 2:15  
concerning

9 that particular contract that you looked at?

10 A. It was around 3 -- 3 to 3:15. And this is an  
estimate.

11 Scott Crabtree from Salina, Kansas, with the FBI called  
and he

12 informed me that that truck number -- there was a  
possibility

13 that that truck was used in the Oklahoma City bombing  
and

14 that -- to ask -- that none of us leave there until he  
got

15 there.

16 Q. Okay. And by "none of us," can you tell the jury  
who

17 worked at Eldon Elliott's at that time.

18 A. I believe there were -- can I name them?

19 Q. Sure.  
20 A. There was Val Elliott, which is Eldon's son. There  
was  
21 Tommy Kessinger, Bob Nelson, Greg Hegamiester, myself  
and Eldon  
22 and Fernando Ramos.  
23 Q. And did you inform any or all of those individuals  
that  
24 they were not to leave?  
25 A. Yes. I told everyone that we could not -- no one  
could

11983

Vicki Beemer - Direct

1 leave until Mr. Crabtree got down there and talked to  
us.  
2 Q. Okay. Now, the rental had occurred two days  
earlier; is  
3 that correct?  
4 A. That's right.  
5 Q. Approximately -- not approximately, but on April  
17, Monday  
6 afternoon, at 4:19 in the afternoon?  
7 A. That's right.  
8 Q. Now, did Mr. Crabtree arrive shortly thereafter?  
9 A. It was probably -- it was somewhere around 4:15 to  
4:30,  
10 because it takes about an hour to drive from Salina to  
Junction

11 City.

12 Q. Okay. And when Mr. Crabtree arrived, did he  
interview you

13 at some point during that afternoon?

14 A. Yes, he did.

15 Q. Were you by yourself and Mr. Crabtree, or were all  
of you

16 together, being interviewed together?

17 A. No, I was by myself.

18 Q. Okay.

19 A. With him.

20 Q. And who else did he interview to your knowledge?

21 A. I know he interviewed Eldon. I would be guessing  
on

22 anybody else. I'm not sure. He may have interviewed  
Tommy. I

23 really don't remember.

24 Q. Now, do you have a recollection, or at that time  
when

25 Mr. Crabtree interviewed you, did you have a  
recollection of

11984

Vicki Beemer - Direct

1 the rental that had occurred two days before with  
Robert Kling?

2 A. I had some recollection, yes.

3 Q. Well, let's start, then, of what your recollection  
was at

4 that time in your interview with Mr. Crabtree.

5                   What did you tell -- well, let's just call on  
your  
6 recollection. Do you recall an individual by the name  
of  
7 Robert Kling coming into your office?

8 A. Yes. I recall that there was an individual by that  
name  
9 that came in to rent the truck.

10 Q. Okay. Now, in the envelope in front of you, there  
is a  
11 group of photographs right in the front, and they are  
-- list  
12 the numbers. It's D765, D766, and D771. Also, D1719,  
1720,

13 '21, '22, '23, '24, and '25. If you would look at  
those  
14 photographs. And without explaining what the scene is,  
do you  
15 recognize the scene that's depicted in those various  
16 photographs?

17 A. Yes, I do.

18 Q. Have you seen that view of the objects depicted in  
those  
19 photographs before?

20 A. Yes, I have.

21 Q. And do those photographs accurately depict the  
scene that's  
22 captured in the photograph?

23 A. Yes, they do.

24 Q. And are those photographs of your office --

25 A. Yes.

11985

Vicki Beemer - Direct

1 Q. -- area?

2 A. Yes, they are.

3 MR. WOODS: Your Honor, we would move into  
evidence

4 again for the record Defendant's D765, 766, 771 and  
1719

5 through 1725.

6 MR. MEARNS: No objection.

7 THE COURT: All right. They're received.

8 MR. WOODS: We would ask to publish the  
photographs.

9 THE COURT: Yes.

10 MR. WOODS: Thank you, Ms. Beemer.

11 THE WITNESS: Do you need this one, too?

12 MR. WOODS: Yeah.

13 BY MR. WOODS:

14 Q. Mrs. Beemer, are all these photos within your  
office

15 showing photos from different views, different vantage  
points?

16 A. Yes.

17 Q. I'm going to put each one up and ask you to explain

to the

And 18 jury what view we're looking at concerning your office.

we're 19 can you give the jury a brief description of what view

20 looking at there, from what vantage point?

to the 21 A. It would be looking from where I sit at my desk out

to the 22 southwest of the building. It's looking straight out

23 southwest.

24 Q. And there is a doorway there; is that correct?

25 A. That's correct.

11986

Vicki Beemer - Direct

to the 1 Q. Is that the door that enters and exits your office

2 outside?

3 A. Yes, it is.

that 4 Q. Is that the only door that goes to the outside from

5 office?

small 6 A. There is a big shop door also, but that's the only

7 door.

correct? 8 Q. The shop door opens up into the shop; is that

9 A. That's right.

10 Q. This is the door that people -- that are customers  
coming

11 in and out of; is that correct?

12 A. This is the door to the office, yes.

13 Q. How many feet is it from the door to the counter  
that's

14 reflected there in front of your desk?

15 A. Probably 3 to 5 feet.

16 THE COURT: What is that number, Mr. Woods?

17 MR. WOODS: I'm sorry, your Honor. It's D765.

18 THE COURT: Thank you.

19 BY MR. WOODS:

20 Q. Ms. Beemer, I'm going to show you now what is  
marked as

21 D766. And can you give the jury an explanation of what  
view

22 we're looking at there?

23 A. Well, that would be the view if I was sitting at my  
desk --

24 it would be off to my right, then, which would be off  
to the

25 north.

11987

Vicki Beemer - Direct

1 Q. And there is chairs?

2 A. And there is chairs sitting there.

3 Q. And there appears to be a window; is that correct?  
4 A. That's right.  
5 Q. And if you keep going to the left, we get to the  
doorway;  
6 is that correct?  
7 A. If you keep going to the left -- right -- you get  
to the  
8 front door.  
9 Q. Now I'm going to show you what's marked as D771;  
and can  
10 you tell the jury what view is depicted there.  
11 A. That's looking from the hallway towards the front  
door, the  
12 hallway being the hallway to the body shop. You're  
standing  
13 and there is a hallway looking towards the front door.  
14 Q. And again, those chairs are where in relation to  
this  
15 photograph?  
16 A. They're to the right of it.  
17 Q. Okay.  
18 A. If you're looking at the front door, there is some  
-- well,  
19 you can see one of the chairs. I believe there is two  
on that  
20 wall; and then on this wall over here that you can't  
see, there  
21 is probably three or four chairs there.  
22 Q. Okay. And D1719: Can you tell the jury what that  
view

23 depicts.

-- as  
24 A. That would be the view you would see as you'd walk  
25 you're walking in from the front door.

11988

Vicki Beemer - Direct

1 Q. From which door?

front door  
2 A. Well, it's -- you're looking catty-corner. The

3 is over on this side, and then to the body shop is off  
on

4 that -- you're looking at it kind of at an angle.

5 Q. Where was your chair?

6 A. My chair is right -- right in the middle there.

And if  
7 Q. Okay. There is a pen up there laying on the desk.

8 you reach under the screen and put the pen on top of  
the

9 screen, sort of holding it vertical, you can mark on  
the

10 screen. If you would, mark where your chair is.

11 A. Right there.

will  
12 Q. Okay. And I'm going to show you D1720. And if you

13 tell the jury what view within your office is depicted  
there.

of the  
14 A. That's the view almost directly straight in front

the 15 window that's in the office there. Well, the window to  
beside 16 southwest. The window that's from the door -- that is  
from 17 the front door, this vending machine is almost straight  
18 the window.

office 19 Q. All right. Approximately what is the size of your  
jury an 20 in feet, length- and widthwise, if you could give the  
21 estimation?

probably 22 A. I really don't know. It's a small office. It's  
be 23 maybe 15 foot wide and 12 or 15 foot long; and that may  
office. 24 completely wrong, too. I don't know. It's a small

that 25 Q. Okay. And D1721: Will you tell the jury what view

11989

Vicki Beemer - Direct

1 depicts.  
the door 2 A. If you look to the right here, there is -- that is  
front of the 3 over there. It's in front of my counter. It's in  
this would 4 counter of my desk. As you walk in the front door,  
5 be what you would see.

6 Q. And there is a chart depicted there. Is that  
correct?

7 A. Yes.

8 Q. And we'll get to that later, but you referred to  
that chart

9 at one time; is that correct?

10 A. That's right.

11 Q. And the door is just right here, the entrance?

12 A. That's right.

13 Q. Okay. And Defense Exhibit 1723: What view is  
depicted

14 there?

15 A. That is the view looking from the hallway of the  
body shop

16 out by my desk out the window to the south.

17 Q. All right. And 1725?

18 A. Well, that's pretty much a view as you walk in the  
door and

19 kind of glance to your left. That's the view you would  
see.

20 Q. All right. Now, these chairs that are along here:  
How

21 many chairs were along there in April, '95, if you  
recall?

22 A. In April of '95 we didn't have like the handtruck  
and the

23 boxes in there, so there was probably at least one more  
chair

24 on that side, so there was probably three there and  
three on

25 the west wall.

11990

Vicki Beemer - Direct

1 Q. Okay.

2 A. So there was probably a total of six chairs out  
there.

3 Q. And when you say you didn't have the handcart, is  
this the

4 handcart you're referring to?

5 A. Yes.

6 Q. And the boxes? They were not there in April, '95?

7 A. That's right.

8 Q. Was there a time when the Government came and took

9 photographs of your office there when you were present?

10 A. Yes, I believe they did that several times. Yes.

11 Q. Okay. Do you know -- were you present when the  
handcart

12 was there and photographs were taken?

13 A. I really don't remember if they took them after  
that was

14 there or not.

15 Q. Okay. And the next-to-the-last one: Does this  
depict the

16 chairs that are along the front wall by the door?

17 A. That's right.

18 Q. And does that show a perspective of where the  
counter is in

19 relation to the door?

20 A. That's right.

21 Q. All right. And then the last photo, 1703: Is this  
a photo

22 of the chart that's along the wall to the left of your  
counter?

23 A. That's right.

24 Q. Is that the chart that you referred to during your  
25 negotiations with Mr. Kling?

11991

Vicki Beemer - Direct

1 A. On the phone, yes.

2 Q. Yes, ma'am?

3 A. Yes.

4 Q. Thank you.

5 Now, let's mention that phone contact that you  
had

6 first. When you reviewed the contract with Mr. Kling,  
you were

7 asked to pull up a certain contract number or truck  
number; is

8 that correct?

9 A. I was asked to pull up his name. You just -- I had  
to put

10 a K in and pulled the whole thing up.

11 Q. When he came in --

12 A. When he came in, uh-huh.

13 Q. I'm speaking now back on April 19, when you were  
asked to

14 find the contract for the truck number.

15 A. Okay. Okay. I'm sorry. You said on the -- on  
what date?

16 Q. On April 19, you got an inquiry from someone who  
asked

17 about a truck number, if you had a rental contract. Is  
that

18 correct?

19 A. That's right.

20 Q. At that time, did you remember when you looked at  
the

21 contract and the forms therein, the reservation form  
and the

22 quote form and all -- did you recall a phone  
conversation that

23 you had with the individual on Friday, April 14?

24 A. Not exactly at that moment, no. It wasn't till I  
reviewed

25 the contract a little more; and probably by the time

11992

Vicki Beemer - Direct

1 Mr. Crabtree got there, I had, you know, done some more  
the time

2 thinking about, you know, what had happened. But at

3 that the first phone call came, I really didn't give it  
another

4 thought.

5 Q. Sure. By the time Mr. Crabtree got there, you  
looked at

6 the contract and refreshed your memory; is that  
correct?

7 A. I looked at it, and I did remember some things that  
stuck

8 out in my mind, yes.

9 Q. Now, tell the jury about the phone conversation  
that you

10 had on Friday, April 14. And was there a form that you  
filled

11 out in regard to that phone call?

12 A. You just -- it's a blank form in there that when  
you have a

13 phone call, you just start filling in the blanks; and  
he gave

14 me his name -- he gave me the information that I asked  
for.

15 Q. Okay. Let me stop you there when you're saying  
"he." Did

16 someone call you in regards to a quote?

17 A. Yes, they did.

18 Q. On Friday, April 14?

19 A. Yes.

20 Q. And do you recall the name that was given at that  
time?

21 A. Yes. It was Rob Kling.

22 Q. Do you recall approximately what time the quote was  
given?

23 A. It was in the morning. It was around 10, 10:30.

24 Q. Okay. And what exactly did he ask for in the phone

25 conversation, if you could, for the jury? Just  
summarize the

11993

Vicki Beemer - Direct

1 best you can recall the phone conversation you had with  
the

2 individual who identified himself as Robert Kling.

3 A. He asked me when we got to the size of the truck --  
he

4 asked me -- he says -- he wanted to know how much it  
would cost

5 to take a 15-foot. And he says, "Well," he says, "how  
many

6 pounds does a 15-foot truck hold?"

7 And that's when I had to get up and go look at  
my

8 chart. And I saw that it was like 32- to 34,000 (sic)  
pounds.

9 I came back and I gave him that information.

10 And he said, "I need a truck that will hold

11 5,000 pounds."

12 I again got up and went around and saw that it  
would

13 take a 20-foot truck, and I conveyed that to him.

14 Q. And was a price -- a bid given? Excuse me. A  
quote given

15 as to the cost for a 20-foot?

16 A. That's right.

17 Q. And what conversation did you have with Mr. Kling  
after you

18 gave him the quote for a 20-foot?

19 A. I would have told him -- I did tell him that the  
quote was

20 good for 24 hours; that we needed a deposit to lock  
this in and

21 that they were only open till approximately 10:00 on  
Saturday

22 so that if he couldn't get in before the end of the day  
on

23 Friday, then he would have had to be there by 10:00 on

24 Saturday.

25 He wanted the truck for the 19 -- or for the  
17th,

11994

Vicki Beemer - Direct

1 which was on Monday, and we needed to get it reserved.

2 Q. Okay. You're not open on Sunday, I take it?

3 A. No, at that time we were not. No.

4 Q. And what hours was the shop open on Saturday, to  
your

5 knowledge?

6 A. 8 to around 10 or 10:30. We just basically was to  
rent out

7 Ryder trucks, however many we had to rent out.

8 Q. And you didn't work on Saturdays, did you?

9 A. I did on occasion, not as a regular basis; but two  
or three  
10 times, I did.

11 Q. Okay. Did you work that Saturday on April 15?

12 A. No, I did not.

13 Q. All right. Is there anything else in that phone  
14 conversation that you can recall you had with Mr. Kling  
15 concerning the quote and the reservation?

16 A. No, I don't believe so.

17 Q. Did he give you an address at that time?

18 A. I don't -- I don't know. On the quote, it would be  
on the  
19 quote, if he gave me one.

20 Q. And if you will, look inside that envelope again,  
and there  
21 is a copy of the quote?

22 A. There is not one listed there; so obviously, he  
didn't give  
23 me one.

24 Q. Okay. What's the D number on that exhibit?

25 A. Are you asking me?

11995

Vicki Beemer - Direct

1 Q. Yes, ma'am.

2 A. 1715.

3 Q. Okay. Now, is that the form that you filled out,  
or a copy

4 of it that you filled out concerning the phone  
conversation and

5 giving the quote to a Robert Kling?

6 A. Yes, it is.

7 MR. WOODS: We would offer into evidence  
D1715.

8 MR. MEARNS: No objection.

9 THE COURT: Received.

10 MR. WOODS: And may I get the --

11 THE COURT: Yes.

12 BY MR. WOODS:

13 Q. Thank you, Ms. Beemer.

14 Now, Ms. Beemer, would you explain to the jury  
what

15 information is put on a quote form when you take a  
reservation

16 over the phone. It's not really a reservation but a  
request,

17 and you gave the quote.

18 A. The first thing we ask would be for the last name,  
and then

19 we ask for the first name.

20 Q. Can you point out for the jury where you put that  
21 information. You might need to click the pen on the  
side,

22 which will remove that prior marking.

23 I think if you hold it straight up and down  
and touch  
24 the screen, it works better.  
25 A. I'm not too good at this.

11996

Vicki Beemer - Direct

1 Q. If you could just point to the area where you put  
the name  
2 in.

3 A. That would be the -- where that top arrow is the  
name.

4 THE COURTROOM DEPUTY: Just touch it to the  
screen and  
5 it should --

6 THE WITNESS: How do I get rid of those?

7 MR. WOODS: Thank you.

8 BY MR. WOODS:

9 Q. Now, the name is -- excuse me. The name is put in  
the top  
10 upper left. Is that correct?

11 A. Well, that's the way it's printed out, yes.

12 Q. All right. And --

13 A. The way it has gotten on the computer, the last  
name is  
14 there first and then the first name and then the  
telephone  
15 number.

that? 16 Q. Now, the telephone number: What phone number is  
Elliott's 17 A. The phone number on this particular paper is the  
18 Body Shop phone number.  
19 Q. Had you asked Mr. Kling for a phone number?  
20 A. Yes, I did.  
21 Q. And did he give you one?  
22 A. He said he didn't have a telephone number.  
there? 23 Q. And why do you put the Elliott's phone number in  
further 24 A. Because at that time, the computer would not go any  
in order 25 without a telephone number, so we had to put something

11997

Vicki Beemer - Direct

1 to continue --  
put a 2 Q. To go to the next blank to fill out, you have to  
3 phone number in there?  
zeros, but 4 A. I have found out since then I could have put all  
something. 5 I didn't know that at that time so I had to do  
6 Q. So the phone number that's there is the body shop?  
7 A. Right.  
8 Q. And what other type of information do you take down

from

9 the customer that you put on that form?

10 A. We ask when they need the truck.

11 Q. And what date did you put on this one?

12 A. That says 4-17-95. And what time. And unless they  
tell us

13 a different time, the time is normally 8:00. But if  
the

14 customer gives us another time, then we put that in.

15 Q. Did he give you that particular time?

16 A. Yes. He gave us that -- gave me that particular  
time.

17 Q. And what time is that?

18 A. 1600 hours, which is 4:00.

19 Q. 4 in the afternoon.

20 A. That's right.

21 Q. Okay.

22 A. And this date due would be the date given. The  
trip going

23 to Omaha was given -- he was given two days, but he did  
ask for

24 two additional days, so he had four days total. So  
that would

25 have been something that would have been obtained from  
him on

11998

Vicki Beemer - Direct

1 the quote.

2 Q. All right. And the city, Omaha: Was that  
information

3 obtained from the customer?

4 A. That's right. He said he needed the truck to go to  
Omaha,

5 Nebraska.

6 Q. And was this a one-way, or a return?

7 A. It was a one-way.

8 Q. Okay. Do you normally do returns at all? People  
go one

9 way and then come back?

10 A. We have, yeah. We can do that. Those are just  
called

11 "long locals"; but he was not going to bring the truck  
back to

12 us.

13 Q. Is the normal practice that you rent your trucks  
one way to

14 a different city and it's turned in at the other city?

15 A. There again, there is nothing really normal. We've  
had

16 them go clear back East to Massachusetts as a long  
local. So

17 locals are normally just the -- in the Junction City  
area,

18 people moving from off base to Junction City or  
Junction City

19 to Fort Riley or whatever. Locals are normally going  
from

20 Junction City to another state or city.

you put 21 Q. Okay. All right. Now, what other information that  
22 on the form came from Mr. Kling?  
that it 23 A. That it was a one-way; that it was going to Omaha;  
24 was going to be picked up on the 17th; that he had 212  
miles.  
that he 25 Now, the 212 miles and the four days was not something

11999

Vicki Beemer - Direct

its own. 1 told me. That was something the computer will do on  
2 Q. The computer figures up the mileage on its own?  
3 A. Uh-huh.  
4 Q. Okay.  
next 5 A. When you put in the destination, that comes on the  
6 screen as so many days and so many miles.  
customer? 7 Q. Okay. And what other information came from the  
8 A. That he needed a handtruck.  
9 Q. And -- excuse me?  
have 10 A. That he did not want insurance because -- I would  
11 asked him that, and he said no.  
take, or 12 Q. Now, is this something that you require people to

13 it's an option that they can pay for?

14 A. It's an option.

15 Q. And Mr. Kling said no, he didn't want the insurance?

16 A. That's right.

17 Q. Now, as to handtruck, explain to the jury, if you will,

18 what -- do you rent the handtrucks in addition to the van?

19 A. Yes. They are not -- the trucks do not come with the

20 handtrucks in it. Those are used for washer, dryer,

21 refrigerator. They're appliance dollies, basically, is what

22 they are.

23 Q. Is there an additional charge for that?

24 A. Yes. There was a charge of \$15.

25 Q. And what other information then came from the customer?

12000

Vicki Beemer - Direct

1 A. That would -- I think that's all, because the rest of it is

2 done in the computer.

3 Q. All right. Now, did you have any further conversation with

4 Mr. Kling on that day, April 14?

5 A. Not that I can recall, no.

15; is 6 Q. Okay. And you didn't work the following day, April

7 that correct?

8 A. No, that's correct.

worked 9 Q. When you came in the morning of April 17 -- you

10 Monday, April the 17th, didn't you?

11 A. That's right.

12 Q. What time do you normally come to work?

13 A. I usually get there around a quarter till 8.

Elliott 14 Q. And did you receive any information either from Mr.

made on 15 or in written form concerning this quote that you had

16 Friday?

desk 17 A. When I got to work, there was a reservation on my

had 18 showing that a Mr. Kling had paid the deposit, actually

board 19 paid the entire rental; and I posted it on our calendar

20 when I got to work.

board? 21 Q. What do you mean by posting it on the calendar

he needed 22 A. I wrote his name, I wrote the size of truck, that

23 a handtruck, and I circled it because it was a one-way.

see and 24 Q. And that's a board that you and the employees can

25 look at?

12001

Vicki Beemer - Direct

1 A. That's right.

2 Q. All right. Now, if you would look in that envelope  
again,  
3 and you will see a reservation form. And that should  
be 1709.

4 That is the number on it?

5 A. That's right.

6 Q. And is that the reservation form that you found in  
your  
7 office on Monday morning?

8 A. Yes, it is.

9 Q. And does it have Robert Kling's name on it?

10 A. Yes, it does.

11 MR. WOODS: Your Honor, we would offer into  
evidence  
12 D1709.

13 MR. MEARNS: No objection.

14 THE COURT: Received.

15 MR. WOODS: If I may publish it . . .

16 THE COURT: Yes.

17 BY MR. WOODS:

18 Q. Now, can you click that pen, Mrs. Beemer, to remove  
those

19 red marks.

20 Now, is this a business record that's kept  
there

21 within your business by people entering the entries in  
there?

22 A. Yes, it is.

23 Q. Okay. And this is a form that you found Monday  
morning?

24 A. That's right.

25 Q. Did you have a conversation with Eldon Elliott  
about it

12002

Vicki Beemer - Direct

1 that morning, or did you just take it and act on it  
based on

2 what you read there?

3 A. I really don't remember if I talked to him, or I  
just saw

4 it on my desk and I knew what to do with it, so . . .

5 Q. Now, on this particular form, what information  
comes from

6 the customer that's entered in there? I assume you've  
done

7 these type of forms on a number of occasions.

8 A. That's right.

9 Q. People that come in and paid you the money; is that  
right?

10 A. That's correct.

put on 11 Q. Would you point out to the jury what information is

12 the form that the -- that the customer gives.

13 A. Eldon would have had to give the number here or the  
14 address, because that was not on the quote, so he would  
have

15 had to get that from the customer.

16 Q. And would you read for the jury what address was  
put on the

17 form?

18 A. It's 420 -- I really can't read it very well. 428  
M-A-P --

19 I'm sorry -- M-A-L-P Drive, Redfield, South Dakota.

20 Q. Okay. And the name is still there; is that  
correct?

21 A. Yes.

22 Q. And is it Bob Kling or Robert Kling?

23 A. On this, it's Bob Kling.

24 Q. Okay. What other information is put on the form  
that comes

25 from the customer?

12003

Vicki Beemer - Direct

1 A. The information on this side of the -- right in  
here for

2 the payments and everything: That was added to the --  
he would

3 have paid the cash. As far as information given to him

or

4 given to Eldon by him, there is no additional  
information that

5 was gotten.

6 Q. Okay. So the only information that the customer  
provided

7 on that date was the address. Is that correct?

8 A. That's true.

9 Q. And does it show a date and time that that form was  
entered

10 into the computer and printed out?

11 A. Not a time. It will have the date up there, which  
is

12 4-15-95.

13 Q. Now, does the customer sign this particular form  
when they

14 pay the money?

15 A. Yes, they do.

16 Q. And what signature is on this form?

17 A. Robert D. Kling.

18 MR. WOODS: Okay. May it please the Court, at  
this

19 time the parties have agreed and stipulated that the  
signature

20 "Robert Kling" is the signature of Timothy McVeigh.

21 MR. MEARNS: That's our agreement, your Honor.

22 THE COURT: All right. That's agreed.

23 BY MR. WOODS:

24 Q. Now, is there anything else on that form, Mrs.

Beemer, that

25 the customer gives or that's unique to that date and  
time?

12004

Vicki Beemer - Direct

1 A. No, sir.

2 Q. Okay. Now, did Mr. Kling come to your business,  
then, on

3 April 17?

4 A. Yes, he did.

5 Q. Okay. And approximately what time was it?

6 A. He walked into the office. It was shortly after  
4:15.

7 Q. Okay. And where were you seated?

8 A. I was seated at my desk.

9 Q. And did Mr. Kling arrive alone, or with someone?

10 A. There was somebody with him.

11 Q. Okay. And who was in the office with you at that  
time when

12 the two of them entered?

13 A. At the time, Tommy Kessinger was in the office.

14 Q. And where was Mr. Kessinger seated -- excuse me.  
Where was

15 he?

16 A. Where was he? He was seated in one of the chairs  
just to

17 the right of me.

18 Q. Okay. And Mr. Kessinger is an employee you  
mentioned  
19 earlier?  
20 A. Yes, he was.  
21 Q. What is his function or occupation?  
22 A. He was our mechanic at that time.  
23 Q. Now, why was he seated next to you?  
24 A. He was taking a late afternoon break. He had  
evidently  
25 been working on something and gotten done later, and he  
was in

12005

Vicki Beemer - Direct

1 there eating popcorn.  
2 Q. Okay. Would you explain to the jury what your  
practice and  
3 procedure there in Eldon Elliott's was as to the  
employees'  
4 taking a break, morning break, afternoon break?  
5 A. The employees all got a 15-minute midmorning break  
and  
6 midafternoon break. It just kind of depended on what,  
you  
7 know -- there wasn't a whistle that blew that told  
everybody  
8 when to go, but it was just whenever, usually 10,  
10:30, 3,  
9 3:30. But, you know, it's not carved in stone. It's

just

10 whenever they got around to it.

11 Q. And Mr. Kessinger was taking a late afternoon  
break?

12 A. Yes.

13 Q. Now, you mentioned that it's 4:15. How are you  
able to

14 recall that time?

15 A. I -- well, No. 1 is because he was supposed to pick  
the

16 truck up at 4:00, and he was late getting in there.

17 Q. Okay. So had you focused on that? It's up on your  
board.

18 You mentioned to the jury that there is a 4:00  
reservation.

19 A. I would have checked that during the course of the  
day or

20 even that morning when I put it on the board to see  
what time.

21 We check that sometimes periodically to make sure, you  
know,

22 what time they're coming in to --

23 Q. Yes, ma'am.

24 A. If they don't show up when they're supposed to or  
when it's

25 in the computer. That's what that phone number is for,  
for us

12006

Vicki Beemer - Direct

going 1 to get a hold of them and make sure that they still are

2 to pick it up.

as to 3 Q. Okay. Was there any other reference point you had

4 your recollection that he came in at 4:15?

said -- 5 A. Other than the date on the agreement form was -- it

6 the time said 4:19, which is when I would have accessed

7 computer.

do? 8 Q. Okay. Now, when the customer walks in, what do you

do when 9 Let's start with Mr. Kling's transaction. What did you

10 Mr. Kling and the other individual walked in?

"I'm 11 A. At some point -- and I don't recall whether he said

you 12 Mr. Kling, I'm here to pick up a truck" or I said "Are

was here 13 Mr. Kling?" It was determined at some point that he

with that, 14 to pick up a truck and that his name was Kling. And

and we 15 I got into the computer and pulled up his paperwork,

16 started right in on his agreement.

name, 17 Q. Now, as soon as you get into the computer with the

18 does the computer print out a time?

19 A. Yes. As soon as I access it, the time that I would

get

20 into it, because if you'll note on there, it has got a  
time

21 that it was accessed and then a time that it was  
actually

22 printed.

23 Q. Okay. And you mentioned the -- the form. If you  
would

24 look in that brochure again, you will find a form.

25 A. Uh-huh.

12007

Vicki Beemer - Direct

1 Q. Which should be 1710. D1710. Is that correct?

2 A. That's right.

3 Q. Do you recognize that as the form that you typed up  
and

4 entered into a rental agreement with Mr. Kling?

5 A. That's correct.

6 MR. WOODS: Your Honor, we would offer into  
evidence

7 Government's Exhibit -- excuse me -- Defense Exhibit  
1710.

8 MR. MEARNS: No objection.

9 THE COURT: D1710 is received.

10 MR. WOODS: Thank you.

11 THE COURT: May be shown.

12 MR. WOODS: Your Honor, just for the record,

there was

13 one photo which depicted the chart, which was 1703,  
which I  
14 showed to the jury that she identified as the chart on  
the  
15 wall. I don't think I mentioned that when I listed the  
series  
16 of photos within her office; so we would offer that  
into  
17 evidence.

18 THE COURT: Did you say D1703?

19 MR. WOODS: Yes, your Honor.

20 MR. MEARNS: We have no objection.

21 THE COURT: All right. It's received.

22 BY MR. WOODS:

23 Q. Now, I'm not sure if the jury can read this, Mrs.  
Beemer;

24 so if you would point out to the jury what information  
you

25 typed into the computer that prints out this rental  
agreement

12008

Vicki Beemer - Direct

1 form.

2 A. In the driver's information here, that would have  
been all

3 the information I would have obtained from his driver's

4 license.

practice 5 Q. Now, you mentioned driver's license. What is your  
6 and procedure there about getting information from the  
7 rental -- the renter?

8 A. When the rental agreement comes up, the first  
screen that  
9 it comes to is the driver's license information; and so  
that's  
10 the first thing we ask for is the driver's license.

11 Q. Okay. And you can't go forward without putting  
something  
12 in that blank; is that correct?

13 A. That's right. That's right.

14 Q. Now, do you recall obtaining a driver's license  
from  
15 Mr. Kling?

16 A. I don't specifically recall him handing it to me,  
but I  
17 know he did.

18 Q. Okay.

19 A. Because I got the information.

20 Q. I take it it's not your practice to just take  
somebody's  
21 verbal representation that they have a driver's license  
and  
22 they give you some figure, some number off the top of  
their  
23 head.

24 A. That's right. We always look at it.

entered 25 Q. Would you tell the jury, then, what information you

12009

Vicki Beemer - Direct

1 into the form from the driver's license.

his date 2 A. I entered his name, the license number, the state,  
number. 3 of birth, and the expiration date and Social Security

4 Q. And what was the date of birth given on there?

well. 5 A. It is 4-19 of '70, I believe. I can't read it very

6 4-19 of 1970.

that you 7 Q. All right. Now, is there any other information

8 enter into the form that comes from the customer?

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

do you 10 Q. After entering that information into the form, what

11 next do?

just 12 A. In this case, since the rental was already paid, we

and 13 print up the form, and it's presented to him to initial

14 sign; and that's all there is to it.

sign? 15 Q. Okay. And did you present this form to him to

16 A. Yes, I did.

17 Q. And did he sign it in your presence?

18 A. Yes, he did.

19 MR. WOODS: Okay. Again, your Honor, it's the  
20 agreement and stipulation of the parties that the  
signature  
21 "Robert Kling" on this form is the signature of Timothy  
22 McVeigh.

23 MR. MEARNS: That's our agreement, your Honor.

24 THE COURT: All right. Accept that.

25 BY MR. WOODS:

12010

Vicki Beemer - Direct

1 Q. Now, is there anything else on that form as to date  
and  
2 time -- well, there is a time that you haven't  
mentioned. Is  
3 there a time put on there at the completion of what you  
do to  
4 the form, Mrs. Beemer?

5 A. I can't read what the time is on the top of there.

6 Q. Okay. Let me see if I can move it down, if it will  
help.  
7 Maybe focus in.

8 Does that help at all?

9 A. I believe it says 4:22. So that time up there  
would have

10 been the time -- the completion time. The time down

over on

11 the -- right in here -- that time right there would be  
the time

12 that I accessed my computer here.

13 Q. So you accessed it at 4:19?

14 A. 4:19, yeah.

15 Q. And then you show a completion time of 4:22?

16 A. That's right.

17 Q. Okay. Now, is there another form that is utilized  
and

18 filled out and signed by the company and the renter --

19 A. Yes, there is.

20 Q. -- in this transaction?

21 A. The safety inspection sheet.

22 Q. All right. And if you would look in the brochure,  
you'll

23 find that. And that should be D1712.

24 A. That's right.

25 Q. And is that the form that is signed by both the  
renter, or

12011

Vicki Beemer - Direct

1 at least signed by the renter or initialed --

2 A. That's right.

3 Q. And is Robert Kling's signature or initial on that?

4 A. Yes, it is.

evidence

5 MR. WOODS: Your Honor, we'd offer into  
6 D1712.

7 MR. MEARNS: No objection.

8 THE COURT: D1712 is received.

9 MR. WOODS: And may I publish?

10 THE COURT: Yes.

11 MR. WOODS: Thank you.

12 BY MR. WOODS:

13 Q. Now, Mrs. Beemer, if you will, explain this form to  
the

14 jury and what is -- what information is put on the form  
by an

15 employees there at Eldon's and what information is put  
on the

16 form by the renter.

17 A. The customer will read these four -- this is four  
safety

18 rules here. They will read those four safety rules,  
and they

19 have to put their initials.

20 And the only thing that -- and then they have  
to sign

21 it down here.

22 Then the marks over here on the truck were  
done by

23 Mr. Elliott. That is indicating all of the damages  
that were

24 on the truck.

25  
agreement

And this -- this right here is the rental

12012

Vicki Beemer - Direct

1 number. Those are my initials and the date.

vehicle

2 Q. Okay. Now, you mentioned that Mr. Elliott did the

3 inspection. Is that correct?

4 A. That's right.

had

5 Q. Now, would you tell the jury how it was that you

6 Mr. Elliott do the vehicle inspection.

or if he

7 A. I don't really recall if I went out and got Eldon

sometimes I

8 happened to be -- I don't recall. I just know that

office

9 do very few of the walk-arounds, because I'm in the

determined he

10 taking care of the other paperwork; so how it was

11 did it -- he may have offered to do it. I really don't

12 remember, but he does most of or a lot of them.

that

13 Q. You can tell by this form that he did that one; is

14 correct?

15 A. Yes. I can tell by the writing. Yes.

office where

16 Q. Do you recall whether or not he came into the

17 individual, to

18 you, Mr. Kessinger were, Mr. Kling and the other  
19 get the form from you?

20 A. He would have had to get it from me in order to do  
21 that,

22 yes. As far as if I remember it, I really don't  
23 remember him

24 doing it, no.

25 Q. You don't remember any conversation that he had  
with

26 Mr. Kling there in your presence?

27 A. Not really, no.

28 Q. Now, do you remember saying anything to Mr. Kling  
as you

12013

Vicki Beemer - Direct

1 were filling out the form, the information that came  
from his

2 driver's license?

3 A. Yes. When I typed his birth date down, his birth  
date

4 would have been 4-19 of '70, this being 4-17, I said,  
"You have

5 a birthday in a couple days."

6 And with that, he turned and faced the other  
7 gentleman, put his elbow up on my counter, and there  
was no

8 other conversation after that.

9 Q. Okay. Do you remember him saying anything to the  
other  
10 individual?

11 A. I don't remember any words. I know there was some  
12 mumbling, but I don't remember what -- I don't know  
what he  
13 said.

14 Q. Okay. Was there any question in your mind that the  
two of  
15 them were together?

16 A. No, there was not.

17 Q. Okay. Now, do you recall whether or not Mr.  
Elliott came  
18 back in and gave the form to you? Is that something  
you keep  
19 in your file?

20 A. Yes. He would have to give me the form so I could  
have  
21 given Mr. Kling his copy; so the form was brought back  
to me  
22 and given to me, and then I would have given Mr. Kling  
his  
23 copies and kept mine.

24 Q. Okay. And did Mr. Kling make that signature in  
your  
25 presence?

12014

Vicki Beemer - Direct

1 A. Yes, he did.

2 agreement and

3 Kling" is

4 the signature or handwriting of Timothy McVeigh.

5 MR. MEARNS: That is our agreement, your  
Honor.

6 THE COURT: All right.

7 BY MR. WOODS:

8 Government

9 can't

10 put a face to him, can you?

11 A. That's right.

12 individual?

13 A. That's right.

14 when he

15 came as to maybe height and weight. Is that right?

16 A. That's right.

17 Q. As to both individuals?

18 -- the

19 wasn't

20 huge or real short, but that was about all.

21 Q. Okay. And it's still your position today that you

can't

22 identify the facial -- you can't identify a person,  
either one

23 of them. Is that correct?

24 A. That's correct.

25 Q. Okay. You see Terry Nichols seated here?

12015

Vicki Beemer - Direct

1 A. Yes, I do.

2 Q. Was he one of the two?

3 A. I really don't know.

4 Q. Okay. Do you think you'd recognize him if he was?

5 A. Probably not.

6 Q. You wouldn't?

7 A. I don't know because I can't put a face to him.

8 Q. Okay. Does he look like the same build at all as  
the  
9 individual?

10 A. From where I was setting, he was standing up above  
me.

11 It's kind of hard to tell with him sitting over there  
and me up  
12 here.

13 MR. WOODS: Okay. Okay. May I have just one  
moment,

14 your Honor --

15 THE COURT: Yes.

16 MR. WOODS: -- to review my list, here?

17 BY MR. WOODS:

18 Q. Ms. Beemer, if you would look inside the envelope  
there

19 again. There are -- there should be two sketches of  
two

20 individuals. Is that correct?

21 A. Were those the two?

22 Q. Without showing them to the jury --

23 A. Okay.

24 Q. -- after Mr. Crabtree came to your office there on  
the

25 afternoon of the bombing, the 19th, he talked to you

12016

Vicki Beemer - Direct

1 separately. Is that correct?

2 A. That's correct.

3 Q. Now, did you have an occasion to go to Fort Riley  
later

4 that day, that evening?

5 A. Yes, we did.

6 Q. Do you know what the -- the purpose of going to  
Fort Riley

7 was?

8 A. We went out to meet with a sketch artist.

9 Q. Okay. What time was that?

10 A. It was about 3:00 in the morning. 3 or 4:00 in the  
morning

11 on -- it would have been on Thursday morning.

12 Q. Had you been interviewed by Mr. Crabtree between  
that time

13 when he came at 4:00, and then that evening did you  
speak with

14 Mr. Crabtree further?

15 A. I think I did. I don't recall for sure, but I  
think --

16 Once I got to Fort Riley, you mean?

17 Q. Yes, ma'am.

18 A. I believe I did talk to him -- I talked to somebody  
out

19 there.

20 Q. Now, who was present out at Fort Riley from Eldon  
Elliott's

21 Body Shop to meet with the sketch artist?

22 A. It was Eldon Elliott, Tommy Kessinger, and myself.

23 Q. Okay. Now, did you meet privately with the sketch  
artist

24 and he compile a sketch based on what you were telling  
him?

25 A. Not what I -- I met with him, but I did not tell  
him

12017

Vicki Beemer - Direct

1 anything.

met

2 Q. He had already completed the sketch by the time you  
3 with him?

4 A. That's right.

5 Q. Okay. Did he show you the sketch?

6 A. Yes, he did.

anything

7 Q. Did you tell him that you cannot add or delete  
8 from the sketch?

9 A. That's what I told him.

10 Q. Did he show you one sketch, or two?

11 A. I really don't remember.

12 Q. Okay.

showed

13 A. I know he showed me one, but I don't remember if he  
14 me the other one, or not.

couldn't

15 Q. Okay. And is your testimony to the jury you

that

16 positively identify either individual by their face; is  
17 correct?

18 A. That's correct.

your

19 MR. WOODS: Okay. Ms. Beemer, I thank you for  
20 testimony. It's nice to meet you.

21 THE WITNESS: Thank you.

22 MR. WOODS: Pass the witness, your Honor.

23 THE COURT: All right. Mr. Mearns.

24 CROSS-EXAMINATION

25 BY MR. MEARNS:

12018

Vicki Beemer - Cross

1 Q. Good afternoon, Ms. Beemer.

2 A. Hi.

3 Q. You told us at the outset of your testimony that  
you worked

4 at Elliott's Body Shop for about three years, from 1994  
to

5 sometime this year, 1997.

6 A. That's correct.

7 Q. And you had responsibilities for the paperwork with  
respect

8 to the Ryder rental business; right?

9 A. That's right.

10 Q. And did you also have responsibility for records  
and

11 documents relating to the body-shop business?

12 A. That's right.

13 Q. Now, would it be fair to say that on any given day  
at

14 Elliott's Body Shop, there are a lot of people coming  
and going

15 into and out of the office there?

16 A. That's correct.

the body 17 Q. And people come there to drop off their cars for

18 shop?

19 A. That's right.

repaired in 20 Q. People come in to pick up cars that have been

21 the body shop?

22 A. That's correct.

trucks? 23 Q. People come in to get quotes for Ryder rental

24 A. Yes, sir.

25 Q. People come in to reserve Ryder rental trucks?

12019

Vicki Beemer – Cross

1 A. Yes.

trucks? 2 Q. And people come in to pick up the Ryder rental

3 A. That's right.

4 Q. And you've told us that the Ryder rental process is  
5 essentially three steps. Is that correct?

6 A. That's correct.

right? 7 Q. First, the customer obtains a quote. Is that

8 A. That's correct.

9 Q. Then they reserve the truck?

10 A. That's right.

rental 11 Q. And then they actually come in and fill out the  
12 documents. That's the last step?  
13 A. That's correct.  
14 Q. And that's when they pick up the truck?  
15 A. Yes, sir.  
about a 16 Q. And you told us in response to Mr. Woods' questions  
17 quote that you gave to a Mr. Kling on the morning of  
April 14,  
18 1995; right?  
19 A. Yes, sir.  
to 20 Q. And you told us that that quote call came in to --  
21 you -- you answered the call?  
22 A. Yes, sir, I did.  
23 Q. And it came in at about 10:00 in the morning?  
24 A. Around 10, 10:30, yes.  
certain 25 Q. And during that conversation, Mr. Kling gave you

12020

Vicki Beemer - Cross

gave you 1 information about -- in order to obtain the quote, he  
2 certain information about where he was going?  
3 A. That's right.

4 Q. He told you he was going to Omaha, Nebraska?

5 A. Yes, sir.

6 Q. He also asked to -- in addition to renting the  
truck, he

7 wanted a handtruck to go along with it?

8 A. That's correct.

9 Q. And it was that kind of information that you put  
into the

10 computer to get the rental quote; is that correct?

11 A. That's correct.

12 Q. About how long was that conversation with Mr. Kling  
on the

13 morning of April 14?

14 A. Oh, I'm going to say between 5 to 10 minutes,  
because I had

15 to keep getting up and checking with the chart; so, you  
know,

16 somewhere around 5, 7, to 10 minutes. It was longer  
than

17 normal.

18 Q. And about 5 minutes is the normal length of a quote  
call?

19 A. Or maybe even a little less. For me, it probably  
took me a

20 little less than say it would Eldon because I can type  
faster,

21 but I could do it -- I'm sure 5 minutes would be ample  
to do

22 one.

23 Q. You couldn't do a quote in 2 minutes, though, could  
you?

24 A. Probably not.

25 Q. You certainly couldn't have done the quote that you  
did

12021

Vicki Beemer - Cross

1 with Mr. Kling in less than 5 minutes?

2 A. No, you couldn't have.

3 Q. You told us that during that telephone  
conversation,

4 Mr. Kling asked questions about the size of the truck  
by the

5 weight that he was interested in; is that correct?

6 A. That's correct.

7 Q. Do you consider that odd?

8 A. In April of '95, I thought it was a little odd  
because I

9 had only been there six months, and normally in order  
to

10 determine the size of truck, people would ask me or  
tell me

11 they had so many rooms.

12 Working with military, they are allotted by  
pounds on

13 their moving, so it really isn't odd at all. I just  
thought it

14 was odd because it was one of the first ones that I had

15 encountered.

16 Q. And based upon your checking the chart, the truck  
that you  
17 gave Mr. Kling a quote for was a 20-foot-size truck; is  
that  
18 correct?  
19 A. Yes.  
20 Q. That's the second-largest Ryder truck?  
21 A. Yes.  
22 Q. And it's the only Ryder truck with a loading door  
on the  
23 side of the compartment, the passenger side of the  
compartment;  
24 is that correct?  
25 A. That's correct.

12022

Vicki Beemer - Cross

1 Q. Ms. Beemer, I'd like to now show you what is in  
evidence as  
2 Government's Exhibit 580. It will come up on the  
computer  
3 screen there. And this is a record of all of the  
incoming  
4 phone calls into Elliott's Body Shop on April 14.  
5 A. Yes, sir.  
6 Q. And if we could focus a little closer in on the  
time of the  
7 call; that is, the length of the calls. Okay. Do you  
see the

8 telephone number 238-8534?

9 A. Yes, I do.

10 Q. And is that the -- the phone number at Elliott's  
Body Shop

11 for the Ryder rental business?

12 A. Yes, it is.

13 Q. And the time reflected on that call is 9:54 a.m.,  
the

14 second of those two calls; correct?

15 A. Yes, it is.

16 Q. And if we could focus a little over towards the  
right,

17 could the call just above that, the one for 39 seconds,  
have

18 been the quote call on April 14?

19 A. No, it couldn't have been.

20 Q. Of those two calls, is the second call, the one  
that was 7

21 minutes and 34 seconds, the only one that could have  
been a

22 quote call on April 14?

23 A. Yes, it is.

24 Q. And that's the one that was at 9:54 a.m.?

25 A. That's correct.

12023

Vicki Beemer - Cross

1 Q. Now, if I could show you page 16 of Government's

Exhibit

14, 2 1888. If we could focus on the calls for Friday, April  
call is 3 1995. You see there at the top that there -- the first  
City. See 4 from a pay phone at the J & K Bus Depot in Junction  
of 5 the first call there to the subscriber at the residence  
6 Terry Nichols?

7 A. Yes, I do.

8 Q. And just below that from the same J & K Bus Depot  
pay phone 9 at 9:53 a.m. there is a call to (913) 238-8534. What  
is that 10 call? What is that telephone number?

11 A. That is our Ryder rental number.

12 Q. And you see that the length of the call there is 7  
minutes 13 and 36 seconds. Could that have been the quote call?

14 A. Yes, sir.

15 Q. Now, turning to -- turning to the afternoon of  
April 17, 16 you told us that the Mr. Kling who you gave the quote  
to on 17 Friday morning came in sometime after 4:15. Is that  
correct?

18 A. That's correct.

19 Q. And would it be fair to say that after Mr. Kling  
came in, 20 you accessed the computer to do the transaction

quickly?

21 A. Yes, sir, I did.

22 Q. And you told us that the transaction then was  
completed --

23 the information that you put in the computer was  
completed at

24 4:22?

25 A. Yes, sir.

12024

Vicki Beemer - Cross

1 Q. So it was about 3 minutes that you were on the  
computer?

2 A. That's right.

3 Q. During that 3-minute time, were you focused on the  
4 computer, or who else was in the office at that time?

5 A. I was focused on the computer.

6 Q. I'd like to show you what has been marked -- I  
believe only

7 for identification, so if you could look at your screen  
--

8 Government's Exhibit 391. Do you recognize this as an  
aerial

9 photograph of Elliott's Body Shop and the western side  
of

10 Junction City?

11 A. I guess. I can't really tell. It's Interstate 70,  
so I'm

12 sure -- yeah, there is the frontage road. Yeah. There

it is.

13 Q. And is this a fair and accurate depiction of the  
body shop

14 and the western side of Junction City in April of 1995?

15 A. Yes, it is.

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

17 Exhibit 391.

18 MR. WOODS: No objection.

19 THE COURT: Received, 391.

20 BY MR. MEARNS:

21 Q. Now, Ms. Beemer, in the lower left-hand corner of  
that

22 photograph, is that the area where Elliott's Body Shop  
is?

23 A. Yes, it is.

24 Q. And could you just put a big circle around the area  
where

25 Elliott's Body Shop is.

12025

Vicki Beemer - Cross

1 A. This pen is not working.

2 There, I got it. I got it.

3 Q. And are you familiar with the McDonald's that is  
located at

4 the end of that frontage road as you drive up that  
frontage

5 road up to the upper right-hand corner of that  
photograph?

6 A. Yes, I am.

7 Q. Could you put a circle -- a large circle around the  
area

8 where the McDonald's by Interstate 70 is located.

9 A. Okay. It's right in there, I think.

10 Q. And is the distance from that McDonald's to the  
Elliott --

11 Elliott's Body Shop about a mile?

12 A. Yes, it is.

13 Q. You told us in response to Mr. Woods' questions  
that at

14 some point during the transaction with Mr. Kling, Mr.  
Elliott

15 came in to pick up the paperwork to do the walk-around  
on the

16 truck.

17 A. That's right. That's right.

18 Q. About how long was Mr. Elliott in the office that  
afternoon

19 while Mr. Kling was there for that transaction?

20 A. I really can't say because I was doing my paperwork  
and

21 doing what I have to do; and I don't remember -- I know  
that at

22 some point he had to be in there to get the paper, but  
I really

23 don't remember him coming in or even coming back in  
with the

24 paper. I have no recollection of that, but I know he

did it

25 because the paper was there and it was with his  
handwriting.

12026

Vicki Beemer - Cross

1 Q. So as you sit here today, you don't have an  
independent

2 recollection of seeing Mr. Elliott in the body shop --  
excuse

3 me -- in the office that day doing that transaction?

4 A. Not really.

5 Q. Describe, if you would, to the best of your  
recollection

6 what Mr. Kling looked like.

7 A. He was around 5 -- 5' 11", slender-built, military-  
type

8 haircut, real short, dark blond to light brown. Just  
average

9 build, average to slender, and it was a man.

10 Q. And you told us that while Mr. Kling was there,

11 Mr. Kessinger was there on a break; is that correct?

12 A. That's correct.

13 Q. And he was eating popcorn during that break?

14 A. Yes, sir.

15 Q. Does Mr. Kessinger often eat popcorn, or some kind  
of a

16 snack during a break?

17 A. Yes, sir.

18 Q. He wasn't reading a magazine, or watching TV, or  
anything

19 like that?

20 A. We don't have a TV; and no, he was eating popcorn.

21 Q. You told us in response to one of Mr. Woods'  
questions that

22 there was another person who was also present in the  
office

23 when Mr. Kling was there; correct?

24 A. That's right.

25 Q. And you told us that they came in the door  
together?

12027

Vicki Beemer - Cross

1 A. Yes, sir.

2 Q. And did you see them -- did you personally see them  
leave

3 together?

4 A. I know they walked out the door together, yes.

5 Q. You didn't see them drive up in the same car, did  
you?

6 A. I didn't see how they got there.

7 Q. And you didn't see how they left. You didn't see  
both of

8 them leave in the truck together, did you?

9 A. No, I did not.

today of 10 Q. What is your best recollection as you sit here  
11 what the other person looked like?  
12 A. Other than that I know he wasn't real tall. He was  
about 13 about -- he just blended in. He was a man, and that's  
know, 14 it. He was not 7-foot tall and not 2-foot tall -- you  
I just 15 just barely peek over the counter. He just blended in.  
16 noticed him out of the peripheral vision, and I really  
17 didn't -- other than that, I don't know.  
color his 18 Q. And you don't recall -- you don't remember what  
19 hair was?  
20 A. No, sir, I don't.  
a 21 Q. Do you remember whether he was wearing a jacket, or  
22 shirt?  
23 A. I don't know.  
he was 24 Q. Do you remember what kind of pants or color pants  
25 wearing?

12028

Vicki Beemer - Cross

1 A. No, I don't.  
2 Q. Do you recall, as Mr. Woods was asking you, there  
came a

3 time on the afternoon of April 19 that Agent Crabtree  
came out  
4 to pick up some documents and ask you and Mr. Elliott  
some  
5 questions; correct?

6 A. That's correct.

7 Q. Agent Crabtree got there around 4:30. Would that  
be fair  
8 to say?

9 A. Approximately, yes.

10 Q. And Agent Crabtree on that occasion asked you  
certain  
11 questions about what you could remember about the  
rental  
12 transaction on April 17; correct?

13 A. That's correct.

14 Q. And you told Agent Crabtree that you had no  
recollection,  
15 no independent recollection of what this second person  
-- what  
16 this other person looked like; correct?

17 A. That's correct.

18 Q. And isn't it fair to say that you told Agent  
Crabtree you  
19 couldn't even remember whether this other person was a  
man, or  
20 a woman?

21 A. That could be. I don't remember what I told him,  
but I --  
22 you know, I don't recall for sure if I told him that.

going out 23 Q. And Mr. Woods asked you certain questions about  
April 20 24 the next day, early -- in the early morning hours of  
25 to participate in or assist in drawing the sketches.

12029

Vicki Beemer - Cross

1 A. That's correct.

2 Q. You did not help in the creation of the sketch of  
3 Mr. Kling, did you?

4 A. No, I did not.

5 Q. And you don't recall whether you were even shown  
the sketch  
6 of the other individual that was prepared that day?

7 A. I don't recall.

8 Q. And that was because you had no recollection of  
what that  
9 other person even looked like?

10 A. That's correct.

11 Q. Do you remember where this other person was  
standing in the  
12 office?

13 A. Just to the side of him, but not, I mean -- as I  
was facing

14 him, he was on this side. Mr. Kling was in front of  
me, and

15 the gentleman was on this side of him somewhere in that

area.

16 Q. Did he --

17 A. Whether he was far back or up close, I can't tell  
you.

18 Q. Did he talk to you -- did this other person talk to  
you

19 during the transaction?

20 A. No, he did not.

21 Q. And did this other person talk to Mr. Elliott?

22 A. Not that I know of.

23 Q. And did this other person talk to Mr. Kessinger?

24 A. Not that I know of.

25 THE COURT: When you said "this side," were  
you

12030

Vicki Beemer - Cross

1 gesturing with your right hand?

2 THE WITNESS: With my right hand, yes, sir.

3 THE COURT: Thank you.

4 BY MR. MEARNS:

5 Q. When Agent Crabtree first called -- you spoke to  
him

6 briefly before Agent Crabtree came out; is that  
correct?

7 A. Yes.

8 Q. And he asked you to tell the other employees that  
they were

9 not permitted to leave Elliott's that day?

10 A. That's right.

11 Q. And he also asked you to identify the other  
employees who

12 might have seen the person who rented the truck?

13 A. That's right.

14 Q. And -- and in response to that request, you went  
around to

15 several people to see if they had seen anything in  
connection

16 with this rental.

17 A. The only ones that I would have -- that would have  
even had

18 any kind of an idea of what anybody looked like would  
have been

19 Tommy or Eldon because the other gentlemen were not in  
the shop

20 at the time that he was in there.

21 Q. So --

22 A. I would have told them all not to leave because  
that's what

23 Mr. Crabtree told me. But as far as anybody else  
knowing

24 anything about, you know, could it possibly have done  
any

25 identification or anything, it would just been Tommy or  
Eldon

Vicki Beemer - Cross

1 or myself.

2 Q. And you determined that it was either Tom  
Kessinger, Eldon

3 Elliott, or yourself before Agent Crabtree arrived  
around 4:30?

4 A. Yes.

5 Q. And you had a brief conversation with Mr. Kessinger  
prior

6 Agent Crabtree arriving; correct?

7 A. I think in -- as far as conversation, I think  
everybody was

8 trying to, you know, mull over in their minds  
independently and

9 kind of talking out loud. But as far as talking to  
anybody and

10 saying "Do you know what they looked like," or "Can you

11 describe it," you know, that didn't happen. But I know  
that at

12 sometime Tommy said that he was in there, and then I  
remembered

13 that he was eating popcorn.

14 Q. And the conversation you just indicated occurred  
before

15 Agent Crabtree --

16 A. Yes.

17 Q. -- arrived at 4:30, the exchange that you described  
between

18 you and Mr. Kessinger?

19 A. That's right.

20 Q. And during that exchange, do you recall telling Mr.  
21 Kessinger that you couldn't recall whether it was one  
person or  
22 two people who came in on April 17?

23 A. I could -- I could have done that at that time; and  
then by  
24 the time I looked over the contracts, I realized when I  
saw the  
25 birth date, that's when it hit me that he had made that  
-- that

12032

Vicki Beemer - Cross

1 when I made that comment to him and he faced the other  
2 gentleman.

3 Q. But you could have told Mr. Kessinger that you  
didn't  
4 remember whether there were one or two people?

5 A. I could have at that time, yeah.

6 Q. Do you recall testifying in the grand jury on  
August 1,  
7 1995?

8 A. Yes, I do.

9 Q. And during that grand jury testimony, you provided  
-- or in  
10 response to certain questions, you described or gave  
11 descriptive information about the other person. Is  
that  
12 correct?

13 A. I gave a -- I characterized him, the second person.

14 Q. What do you mean "characterized" as opposed to  
"describe"?

15 A. I was asked by the grand juror to characterize John  
Doe 2.

16 And I had already three different times in my grand  
jury

17 testimony said that I really -- I could not identify  
him. And

18 when he said the word "characterize," I thought he  
meant to

19 tell him what I believed him to look like according to  
the TV,

20 newspapers, sketches, what I have heard about, you  
know, from

21 hearing, you know, from Tommy and Eldon about that man.  
But as

22 far as -- it was not a description from my memory. It  
was just

23 a characterization as far as what I perceived him to  
look like

24 according to what I had heard.

25 Q. And part of the descriptive information that you  
provided

12033

Vicki Beemer - Cross

1 in response to the question to characterize the other  
person

2 was information that you had gotten directly from

3 Mr. Kessinger; correct?

4 A. From him and along with the other things that I  
just

5 mentioned: The media, TV, newspapers, sketch, yes.

6 Q. So some of the information did include information  
that was

7 directly given to you by Mr. Kessinger?

8 A. Yes.

9 Q. That he told you?

10 A. It could have.

11 Q. And that was information that Mr. Kessinger gave  
you within

12 days after the bombing in Oklahoma City, on April 19;  
correct?

13 A. I imagine it did, yes.

14 MR. MEARNS: Thank you, your Honor. No  
further

15 questions.

16 THE COURT: Mr. Woods?

17 MR. WOODS: Yes, your Honor.

18 REDIRECT EXAMINATION

19 BY MR. WOODS:

20 Q. Mrs. Beemer, you heard the prosecutor ask you is it  
21 possible that you told Mr. Crabtree that you don't  
remember if

22 it was a man or a woman? Did you hear that question?

23 A. I heard that, sir.

24 Q. Right now, do you recall specifically what you told

25 Mr. Crabtree about the description of the other  
individual?

12034

Vicki Beemer - Redirect

1 A. I didn't -- I don't ever remember or recall saying  
that I

2 didn't know if it was a man or a woman. I don't  
remember that

3 ever being a question.

4 Q. If I showed you a memorandum of interview with  
5 Mr. Crabtree, would that refresh your memory as to what  
you did

6 say to Mr. Crabtree?

7 A. I don't recall saying it, sir.

8 MR. WOODS: Okay. May I approach --

9 THE COURT: Yes, you can show.

10 See if this refreshes your recollection.

11 BY MR. WOODS:

12 Q. Ms. Beemer, I'm going to show you a memorandum  
filed by

13 Mr. Scott Crabtree with the date of April 20 on it.  
And if you

14 would, look on the second page in the last paragraph.  
And

15 don't read it out loud, but read that and see if that  
refreshes

16 your memory.

17 A. I don't see what you're talking about as far as me

saying I

18 don't remember if it was a male or female.

19 Q. Right. You didn't say that?

20 A. I didn't think I did.

21 Q. Do you recall -- does that refresh your memory as  
to what

22 you did tell Mr. Crabtree on that day?

23 A. Yes, that part of it.

24 Q. And what did you tell Mr. Crabtree that day about  
what you

25 could recollect about the second individual?

12035

Vicki Beemer - Redirect

1 A. That I really didn't have any recollection other  
than he

2 was there and was quiet. He never talked to anybody.

3 Q. Okay. Did you describe him as male?

4 A. Yes, I did. A white male.

5 Q. White male? Did you say that he possibly smoked?

6 A. I don't recall saying that.

7 Q. Do you recall --

8 A. I saw it in there, but I don't remember saying that  
at all.

9 Q. Do you recall anything about telling Mr. Crabtree  
about an

10 ashtray, how the person reached for an ashtray?

11 A. I don't recall that.

12 Q. Okay. Do you recall whether or not the person wore  
13 glasses, or not?

14 A. No, I don't.

15 Q. Ms. Beemer, is there any question in your mind  
whether or

16 not there were two individuals in there together?

17 A. No, there is not.

18 MR. WOODS: Thank you so much. I appreciate  
you

19 coming in.

20 MR. MEARNS: May I have just one moment to  
confer with

21 Mr. Mackey?

22 THE COURT: Yes.

23 RE-CROSS-EXAMINATION

24 BY MR. MEARNS:

25 Q. Ms. Beemer, if I can show you a document. That's  
not the

12036

Vicki Beemer - Recross

1 same report that Mr. Woods just showed you a moment  
ago;

2 correct?

3 A. No, it's not.

4 Q. The report that Mr. Woods showed you was from the  
interview

5 on the morning of April 20. That's the report from the  
-- from

6 April 19; correct?

7 A. That's correct.

8 Q. And if you flip over to the second page, there is  
only one

9 sentence there that deals with information that you  
provided

10 with respect to the second person. Is that correct?

11 A. Uh-huh.

12 Q. And it doesn't -- it's gender-neutral, isn't it?  
It

13 doesn't indicate man or woman. It says "other" --

14 THE COURT: Don't say what it says. This is  
for

15 purposes of seeing if she recalls, isn't it?

16 MR. MEARNS: Yes, your Honor.

17 THE COURT: All right.

18 BY MR. MEARNS:

19 Q. Ms. Beemer, does that refresh your recollection as  
to

20 whether or not in the first interview with Agent  
Crabtree you

21 told him you couldn't recall whether it was a man, or a  
woman?

22 A. It says I had no recollection of that individual.

23 MR. MEARNS: No further questions, your Honor.

24 MR. WOODS: She may be excused, your Honor.

25 THE COURT: All right. Agreed?

12037

1 MR. MEARNS: Yes, your Honor.

2 THE COURT: You may step down. You're now  
excused.

3 MR. WOODS: Eldon Elliott.

4 THE COURT: All right.

5 MR. MEARNS: Your Honor, may I retrieve the  
document?

6 THE COURT: Yes.

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

8 (Eldon Elliott affirmed.)

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

10 Would you state your full name for the record  
and

11 spell your last name.

12 THE WITNESS: Eldon Elliott, E-L-L-I-O-T-T.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. WOODS:

16 Q. Good afternoon, Mr. Elliott.

17 A. Good afternoon.

18 Q. My name is Ron Woods, sir. I was appointed by the  
district

19 judge in Oklahoma City to represent Terry Nichols.

20 You and I have never met; is that correct?

21 A. That's correct.

22 Q. You've never allowed an interview to be conducted  
by the  
23 defense, have you?

24 A. No, I have not.

25 Q. Where do you live, sir?

12038

Eldon Elliott - Direct

1 A. 2921 Rolland Hills Drive, Milford, Kansas.

2 Q. What's your business and occupation?

3 A. I have a body shop, and I'm a body man and I rent  
Ryder  
4 trucks.

5 Q. Okay. Where is your body shop located?

6 A. It's located at 1430 Golden Belt Boulevard,  
Junction City,  
7 Kansas.

8 Q. Okay. What's the name of it?

9 A. Elliott's Body Shop.

10 Q. Do you have other businesses, also?

11 A. Yes, I do.

12 Q. And would you tell the jury what those are.

13 A. I have a business in Estes Park, Colorado, which is

a

of what's 14 brochure rack, which is where they have the brochures  
have a 15 going on in the area. We have that rack service, and I  
16 snow-pushing in Kansas.

17 Q. Is that in Kansas, or in Estes Park?

18 A. Back in Junction City, Kansas.

19 Q. How long have you had that body shop, sir?

20 A. 27 years.

21 Q. Same location?

22 A. No, sir. This is my third location.

23 Q. Third. Still -- all of them in Junction City?

24 A. Yes, sir.

25 Q. How long has it been in the present location?

12039

Eldon Elliott - Direct

1 A. Since 1988.

April, 2 Q. In 1995, how many employees did you have there --  
3 1995?

4 A. I believe it was five.

5 Q. Okay. Can you tell the jury who they were.

6 A. I had Tom Kessinger.

or office 7 Q. And could you also tell what they were: body man,

8 person.

9 A. Yes, I will, sir.

10 Q. Okay.

11 A. I had Tom Kessinger, which was a mechanic.

12 I had Bob Nelson. This was a body man.

13 I had Val Elliott, which was a painter.

14 Q. Now, is he any relation to you?

15 A. He's my son.

16 Q. All right. How old is he?

17 A. He's 33.

18 Q. Okay.

19 A. I had Vicki Beemer that was secretary in the  
office, run

20 the office.

21 And Greg Hegameister, and he was a body man.

22 Q. Okay. You mentioned that you're a Ryder dealer.  
How long

23 have you been a Ryder dealer?

24 A. About -- I guess going on six years now.

25 Q. Okay.

12040

Eldon Elliott - Direct

1 A. Six or seven years now.

2 Q. Do you recall the date that you started being a  
Ryder

3 dealer?

4 A. No, I don't, sir.

5 Q. Okay. So six or seven years back from now, we're  
at '90,

6 '91?

7 A. That would be about right.

8 Q. How many Ryder dealers are there in the Junction  
City area?

9 A. Then, or now?

10 Q. Well, let's keep our focus on April, '95.

11 A. Okay. There was two Ryder dealers, sir.

12 Q. And where was the other dealer located?

13 A. Downtown on the corner of Washington and 6th  
Street.

14 Q. Washington and 6th?

15 A. Yes.

16 Q. Okay. As a Ryder dealer, are you employed by  
Ryder?

17 A. We have the Ryder franchise. We just rent the  
Ryder

18 trucks, do all the paperwork, have a report on Monday  
morning

19 that we do, and then send money to them that we collect  
from

20 (sic) them.

21 Q. Excuse me. Go ahead. I stepped on your answer.

22 A. And then at the end of the month, they figure it  
up; and

23 then later on, we get our commission check that they  
pay us for

24 the percentage of the rental we do.

25 Q. So I take it you're independent. You're not  
employed by

12041

Eldon Elliott - Direct

1 Ryder in any fashion or form; is that correct?

2 A. That's correct. I'm not employed by them.

3 Q. Now, you mentioned that you give them the forms  
every

4 Monday; is that correct?

5 A. Yes, we do a Monday morning report, and then we  
send them a

6 copy of the -- of each one of the forms.

7 Q. Okay. What compiles the Monday morning report?  
What

8 information do you put in those?

9 A. Of every rental we do for the week from Monday till  
Monday.

10 Q. And you said that you also submit the forms. Do  
you give

11 Ryder the forms of all the rentals that took place that  
month?

12 A. That week.

13 Q. I'm sorry. That week?

14 A. Yes, sir.

15 Q. Are those the forms that the customer actually  
signs?

16 A. Yes, sir.

17 Q. I want to call your attention to April 19, 1995,  
which was

18 the day of the bombing in Oklahoma City. Do you recall  
that

19 day, sir?

20 A. Yes, sir.

21 Q. Okay. When did you first hear any information that  
there

22 had been a bombing in Oklahoma City?

23 A. It was on the radio in the morning. I'm going to  
say

24 probably somewhere around 9:30, 10:00.

25 Q. Were you there in the shop?

12042

Eldon Elliott - Direct

1 A. No, I was coming back from town.

2 Q. And what hours were you in the shop then on the  
19th, if

3 you recall?

4 A. When I got back from downtown, I was there the rest  
of the

5 day.

6 Q. Was that still in the morning? You got there in  
the

7 morning hours?

8 A. Yes. I was there earlier before I went downtown,  
and then

9 I just went downtown for an errand and come back.

10 Q. Okay.

11 A. And then I was there the rest of the day.

normal

12 Q. Okay. What time do you open shop up there on a  
13 day-to-day basis?

14 A. Our hours is from 8 to 5.

occasion

15 Q. Okay. Now, on that day, April 19, was there an

connected

16 where you received an inquiry concerning any incident  
17 with the bombing?

18 A. Yes. I got a phone call in the afternoon on that.

19 Q. Approximately what time?

20 A. It was probably somewhere around 3:30.

21 Q. Okay. And from whom?

president

22 A. It was from the Ryder -- Dave Russell, the vice  
23 from Ryder.

24 Q. Did you know Mr. Russell at that time?

25 A. No, I did not.

12043

Eldon Elliott - Direct

1 Q. You've since come to know him, haven't you?

2 A. Yes, I have.

3 Q. Okay. What did Mr. Russell relate to you on the  
phone?

4 A. About pulling the contract and -- and telling that  
he

5 thought that truck was from my place that was at  
Oklahoma City

6 and that Mr. Crabtree from the FBI would be calling us  
and

7 coming down to see us.

8 Q. Okay. Did he tell you not to talk to anybody?

9 A. He said, "Don't talk to anybody else about it."

10 Q. Okay. And did you pull the contract?

11 A. I can't really remember whether I pulled it, or I  
had Vicki

12 pull it.

13 Q. What information did Mr. Russell, the vice  
president at

14 Ryder -- what information did he convey to you that  
allowed you

15 to go to any certain contract, rental contract, that  
you had on

16 your premises?

17 A. It was the number of the -- the number -- the six-  
digit

18 number that's on the side of the trucks and on the  
front that

19 we go by.

20 Q. He had that number that he related to you?

21 A. Yes.

22 Q. At that time, did he have a name to go with it?

23 A. I think I told him what the name was on the  
contract.

24 Q. You looked at the contract; and did you have him on  
hold,

25 or did you call him back?

12044

Eldon Elliott - Direct

1 A. At that time, I had him on the phone.

2 Q. Okay. And how are you able to access your rental  
contract

3 so quick just using the number on the truck?

4 A. Well, we just pulled out what we had done, and we  
didn't

5 have that many that -- to get it out of there.

6 Q. Do you recall how many contracts you had that you  
were

7 looking at that Wednesday?

8 A. No, I don't.

9 Q. I take it you hadn't sent in your Monday report for  
the

10 rentals that week. Is that correct?

11 A. I didn't --

12 Q. Yes, sir. You related to the jury that you give  
Ryder a

13 summary every week on Monday of the prior week's  
rentals. You

14 still have rentals on hand on Wednesday that you had  
not

15 provided to Ryder; is that correct?

16 A. Well, sir, we keep a copy of it, also.

17 Q. Okay.

18 A. And that's why we had a copy of it, because we keep  
a copy

19 of each rental.

20 Q. All right.

21 A. As well as sending one in to Ryder.

22 Q. Yes, sir. And we'll get into the forms in just a  
minute,

23 but do you recall what the name was on the contract  
when you

24 looked it up at Mr. Russell's request?

25 A. It was Kling.

12045

Eldon Elliott - Direct

1 Q. Okay. Do you recall a first name?

2 A. I believe it was Robert Kling.

3 Q. Okay. And I'm not trying to play guessing games  
with you.

4 I'm going to give you the contract there in front of  
you in

5 just a minute.

6 Did you relate that to Mr. Russell?

7 A. Yes, I did.

8 Q. Now, there is -- well, we'll get to that in just a  
minute.

9 Did you write down Mr. Russell's name and  
phone number

10 on the contract there at one time?

11 A. I believe I did.

12 Q. Did you get a bunch of calls from the FBI wondering  
who

13 this person is?

14 A. Yes, I did.

15 Q. Was that during the night when you were trying to  
sleep

16 that night?

17 A. Yes, it was.

18 Q. Okay. Now, did Mr. Russell ask you to do anything  
in

19 addition to pulling the contract?

20 A. Yes, he did.

21 Q. What was that?

22 A. He asked me if I would call and get some -- make  
some

23 reservations for some rooms because they was going to  
be flying

24 out that evening and they needed some rooms at the  
motel, which

25 I did. I called and got some rooms, and then I called  
him back

12046

Eldon Elliott - Direct

1 to tell where it was at.

2 Q. Where did you book them, the Ryder people, in?

3 A. At the Comfort Inn Motel.

4 Q. Is that there --

5 A. In Junction City.

6 Q. Is that there in Junction City? How many people  
were  
7 coming from Ryder?

8 A. I believe I booked four rooms that night. I  
believe.

9 Q. And did you meet with the Ryder people then that  
night or  
10 the next day?

11 A. The next day, sir.

12 Q. And who came from Ryder?

13 A. Dave Russell was from Ryder. Lana Fava was from  
Ryder.

14 Q. Who is she?

15 A. She was the Ryder attorney out of Miami.

16 Q. Yes, sir.

17 A. We had Chris Frontier, I believe it was, that was a  
18 security guy that came in.

19 Q. What do you mean by "security guy"?

20 A. Well, they hired the security to come in that that  
-- he's  
21 just a security guy.

22 Q. Security for your office, or was he -- what do you  
mean by

23 "security," if you could explain to the jury.

24 A. Well, Ryder hired him for security and he was  
there; and

25 then after he left, he had some other people that he  
had hired.

12047

Eldon Elliott - Direct

1 It was security to be there to keep the press from  
talking to

2 us or getting our pictures.

3 Q. Okay. Did you have a lot of press inquiries the  
next day?

4 A. Yes, I did, sir.

5 Q. And the security was there to, what, keep the press  
and

6 others away?

7 A. Well, to talk to them and keep them from talking to  
us.

8 Q. Okay. You mentioned to the jury that Mr. Russell  
asked you

9 not to talk to anybody and that an agent -- did he give  
you the

10 agent's name at that time?

11 A. Yes, he did.

12 Q. And that was Mr. Crabtree?

13 A. Yes, it was.

14 Q. Did you know Mr. Crabtree that day before having  
heard his

15 name that day?

16 A. Before that day?

17 Q. Yes, sir.

18 A. No, I did not.

19 Q. You've come to know him pretty well, haven't you?

20 A. I've seen him several times.

21 MR. WOODS: Okay. Your Honor, I'm not sure at  
what

22 point the Court wishes to stop.

23 THE COURT: Well, if this is an interrupting  
point.

24 MR. WOODS: Seems to be a convenient place,  
your

25 Honor.

12048

1 THE COURT: We'll quit early today. You may  
-- we'll

2 resume this tomorrow morning at 8:45, Mr. Elliott. You  
may

3 step down now.

4 THE WITNESS: Thank you, your Honor.

5 THE COURT: And, members of the jury, we'll  
take our

6 recess at this time. And of course, continue to follow  
the

7 cautions as I have given them to you every time we  
break, which

remember 8 you certainly remember, I'm sure; and I'm sure you  
other 9 also of keeping open minds, avoiding discussion with  
with the 10 jurors and all other persons and anything connected  
may 11 case and being careful about all of the things that you  
or 12 encounter in any of the communications media, or books,  
related to 13 whatever that you read -- to stay away from anything  
14 the trial and its subject matter.

15 You're excused now till 8:45 tomorrow morning.

16 (Jury out at 5:00 p.m.)

17 THE COURT: All right. We'll be in recess.

18 (Recess at 5:00 p.m.)

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12051

1 REPORTERS' CERTIFICATE

2 We certify that the foregoing is a correct  
transcript from

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

4 at Denver, Colorado, this 2d day of December, 1997.

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Paul Zuckerman

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Kara Spitler

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