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12543

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7 Attorney General, 1961 Stout Street, Suite 1200,
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9 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
and
10 REID NEUREITER, Attorneys at Law, 1120 Lincoln Street,
Suite
11 1308, Denver, Colorado, 80203, appearing for Defendant
Nichols.

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PROCEEDINGS

(Reconvened at 1:33 p.m.)

THE COURT: Please be seated.

MR. TIGAR: May we approach, your Honor?

THE COURT: Yes.

(At the bench:)

(Bench Conference 106B1 is not herein transcribed

by court

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

12548

1 (In open court:)

2 (Jury in at 1:35 p.m.)

3 THE COURT: All right. Next witness, please.

4 MR. WOODS: Yes, your Honor. Joseph Wannemacher.

5 THE COURTROOM DEPUTY: Would you raise your right

6 hand, please.

7 (Joseph Wannemacher affirmed.)

8 THE COURTROOM DEPUTY: Have a seat, please.

9 Would you state your full name for the record
and
10 spell your last name.

11 THE WITNESS: Joseph Melching, M-E-L-C-H-I-N-
G,
12 Wannemacher, W-A-N-N-E-M-A-C-H-E-R, Jr.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Mr. Wannemacher.

17 A. Yes, sir.

18 Q. How are you today?

19 A. Fine, thank you.

20 Q. Do you have a little bit of a hearing problem,

21 Mr. Wannemacher?

22 A. Yes, I have a slight hearing problem. I can hear
you fine
23 now, though.

24 Q. Okay. If there's any problem at all, we have a
hearing aid

25 available, so you just let us know if you can't hear
what I or

12549

Joseph Wannemacher - Direct

1 the other counsel -- questions are asking you, okay?

2 A. Thank you, sir.

3 Q. Where are you from, Mr. Wannemacher?

4 A. Tulsa, Oklahoma.

5 Q. And how old are you?

6 A. I'm 63.

7 Q. And what's your business, sir?

8 A. I have two businesses. I am a petroleum consultant
and

9 geologist, and I produce the Tulsa Gun and Knife Show.

10 Q. In producing the Tulsa Gun and Knife Show, do you
maintain

11 records?

12 A. Yes, sir, I do.

13 Q. And how are those records maintained?

14 A. They're maintained in two forms, in paper form and
by

15 computer.

16 Q. And what do you do with your paper records after a
certain

17 period of time?

18 A. After a year or so, the paper records are
destroyed; and

19 after a certain length of time, the computer records
are

20 purged, also.

21 Q. Are some computer records maintained in their
entirety and

22 some computer records maintained partially as you purge
them

23 over the course of time?

24 A. Yes, sir, that is correct.

25 Q. I want to show you two documents. They've been
marked for

12550

Joseph Wannemacher - Direct

1 identification as D1763 and D1764.

2 MR. NEUREITER: If I may approach, your Honor?

3 THE COURT: Yes.

4 BY MR. NEUREITER:

5 Q. And looking at the first one, D1763: Is that a
computer

6 record that was generated by you from your computer
system?

7 A. Yes, sir. It's a facsimile of the computer record,
yes,

8 sir.

9 Q. And those records were maintained in the ordinary
course of

10 your business?

11 A. Yes. It was.

12 Q. And how can you be certain that the information
contained

13 on that sheet of paper accurately reflects the
information

14 contained in your physical computer in your offices?

15 A. Well, in this case, I was subpoenaed to bring
information
16 under -- for -- for a '93 gun show under two different
names --
17 Q. Just asking --
18 A. -- and did so --
19 Q. Sir --
20 A. -- so I searched the computer records.
21 Q. Sir, hold on just one second. Did you, yourself,
conduct a
22 search on your computer screen?
23 A. Yes, I did.
24 Q. Okay.
25 A. Monday before last.

12551

Joseph Wannemacher - Direct

1 Q. And did you download the information, yourself,
that's
2 found on that first exhibit?
3 A. Yes, I did.
4 Q. Now, turning to --
5 MR. NEUREITER: We offer that exhibit, your
Honor,
6 D1763.
7 MS. WILKINSON: Your Honor, I'd just like to
voir dire

8 for a minute.

9 MR. NEUREITER: If I can retrieve it.

10 MS. WILKINSON: That's okay. He can keep the
exhibit.

11 VOIR DIRE EXAMINATION

12 BY MS. WILKINSON:

13 Q. Good afternoon, sir.

14 A. Good afternoon.

15 Q. Tell me if I'm not speaking loudly enough for you.
I'll

16 try and speak into the microphone.

17 A. Thank you.

18 Q. This record that you have, Defense 1763, that's a
record

19 from your computer?

20 A. It's from my secretary's computer.

21 Q. And the name to which this record refers, is that
the only

22 record you have for that name in 1993?

23 A. It's the only record we had in our file that I
could find

24 for -- for any date.

25 Q. So you didn't have any record for 1994 for this
person?

12552

Joseph Wannemacher - Voir Dire

1 A. I think I should explain: This record was started

in '93.

2 And it was a record in the '93 -- for the spring '93
gun show,

3 April '93 gun show.

4 Q. For your Tulsa gun show in '93?

5 A. Tulsa gun show, yes, ma'am. Since the person who
made the

6 reservation apparently didn't attend a subsequent show,
his --

7 his record was left in as a '93 record. Some of it had
been

8 changed -- not changed, but deleted; and the file that
I found

9 this name under was from the April, 1995 gun show
records.

10 Q. So this -- you can't say that this has all the
information

11 from the 1993 record; correct?

12 A. Oh, it does not.

13 MS. WILKINSON: Your Honor, we'd object on
those

14 grounds.

15 THE COURT: I don't know what it's being
offered for.

16 MR. NEUREITER: If I may explain, your Honor.
There

17 are two records.

18 THE COURT: Well, I don't know how you can
explain the

19 witness' records.

20 MR. NEUREITER: Absolutely.

That's my 21 THE COURT: What are you offering it for?

22 question.

two 23 MR. NEUREITER: To show a connection between

24 individuals who made reservations through --

attending 25 THE COURT: Are you offering it for somebody

12553

Joseph Wannemacher - Voir Dire

1 a 1993 gun show?

2 MR. NEUREITER: No, your Honor.

3 THE COURT: What are you offering it for?

connection 4 MR. NEUREITER: We're offering it to show a

both 5 between individuals and an address that is common for

6 these records.

7 THE COURT: For what period of time?

8 MR. NEUREITER: 1993, 1994 time period.

records, 9 THE COURT: Well, I don't understand your

to us. 10 Mr. Wannemacher. I guess you'll have to explain them

11 THE WITNESS: Okay.

12 THE COURT: This is a computer record.

13 THE WITNESS: It's a computer record made when

a

14 person calls in or writes in for a reservation for
space at the

15 gun show.

16 THE COURT: All right.

17 THE WITNESS: And we enter the record at that
time.

18 MR. NEUREITER: If I may ask a couple of
questions

19 that might clarify?

20 THE WITNESS: Yes, sir.

21 DIRECT EXAMINATION CONTINUED

22 BY MR. NEUREITER:

23 Q. Some of the information from your records of years
ago has

24 been purged; is that right?

25 A. That is correct.

12554

Joseph Wannemacher - Direct

1 Q. But the information that remains is accurate and
part of

2 your business and you maintain that, the information
that

3 remains, the specific entries, for example, for the
address and

4 for the name?

5 A. As far as the address and the name, the location,
some of

6 the columns were zeroed out after that gun show to
facilitate

7 the -- making the file for the subsequent gun show.

8 Q. That's correct. But with respect to the address
and the

9 name, those two were not zeroed out and those remain
part of

10 your business records and are accurate?

11 A. That is correct.

12 MR. NEUREITER: With that, your Honor we offer
--

13 THE COURT: For what time period?

14 THE WITNESS: Pardon me.

15 THE COURT: For what time? They're accurate
as of

16 what time?

17 THE WITNESS: This records shows that the
reservation

18 was made March --

19 THE COURT: No.

20 THE WITNESS: -- March --

21 THE COURT: No.

22 THE WITNESS: Okay.

23 THE COURT: You said you made a record in
1993.

24 THE WITNESS: Yes, sir.

25 THE COURT: That's when you started this
computer

12555

Joseph Wannemacher - Direct

1 database; is it?

2 THE WITNESS: No, sir. No. The computer
database was

3 started many years ago. The oldest that I found in
there. I

4 was subpoenaed to bring information on the April, '93
gun show,

5 and I was looking for information on that --

6 THE COURT: The objection that has been made
here is

7 that your records don't really show April, 1993,
because it

8 includes --

9 THE WITNESS: To a certain extent. The
remnants of

10 the record for this one person -- what is in there is

11 essentially correct. What hasn't been zeroed out.

12 MR. NEUREITER: So one last clarifying
question.

13 BY MR. NEUREITER:

14 Q. According to your records and what remains on that
sheet,

15 can you accurately state that the person listed under
the

16 "name" column and the address listed under the
"address"

17 column, that individual made a reservation for that gun
show in

18 1993?

19 A. I can say somebody made a reservation under that
name, yes,

20 sir.

21 Q. Based on that record?

22 A. Based on that record.

23 MR. NEUREITER: With that, we offer it, your
Honor.

24 MS. WILKINSON: Your Honor, could I elicit
what

25 information is missing at least so we have a record?

12556

Joseph Wannemacher - Direct

1 THE COURT: All right. Yes.

2 VOIR DIRE EXAMINATION

3 BY MS. WILKINSON:

4 Q. Sir, you said some columns are zeroed out; is that
right?

5 A. Yes, ma'am. Such as amount and paid and what was
due, that

6 wouldn't -- that would be information for one specific
gun

7 show. Then the -- then the person's name and his table

8 location were -- are carried on to the next -- and
physical

9 address are carried on to the next show in case he
wants to

10 reserve again for the subsequent show.

11 Q. So this is an ongoing record, then; it's not just
for 1993,

12 is what you're saying?

13 A. That's correct.

14 Q. You kept in your computer for '94; correct?

15 A. Uh-huh. The file I found the '93 information in
was April,

16 1995 file.

17 Q. But you're saying some of this information was
created in

18 1993?

19 A. Yes, ma'am.

20 Q. Correct?

21 A. Yes, ma'am.

22 Q. Somebody registered under this name and address in
1993?

23 A. Yes, ma'am.

24 Q. And then you deleted a lot of the information that
was on

25 the record; correct?

12557

Joseph Wannemacher – Voir Dire

1 A. Yes. We leave some of the information, and some of
it that

2 wouldn't apply to the following show is deleted.

3 MS. WILKINSON: Your Honor, I think we'll have

to

4 object if it's not a complete record from 1993.

D1763 is 5 THE COURT: Well, the objection's overruled.

6 received.

7 MR. NEUREITER: If I could retrieve the
exhibit.

8 If I may publish, your Honor.

9 THE COURT: Yes.

10 DIRECT EXAMINATION CONTINUED

11 BY MR. NEUREITER:

12 Q. Tell us what we see on this sheet of paper, please,
13 Mr. Wannemacher.

14 A. The title is something I placed on there last
Monday, "All

15 Data in Computer Under Name Tim McEeige."

16 The first row is "date reserved," which was
March 2,

17 1993.

18 The next row is "first name: Tim."

19 Next row, "last name: McEeige, M-C-E-E-I-G-
E."

20 The next row is "street: P.O. Box 2406."

21 Following that is "City: Hot Springs."

22 "State: Arkansas."

23 "ZIP Code: 71914."

24 "Quantity: One." That means one table was
reserved.

25 As I stated previously, the next three columns
have

12558

 Joseph Wannemacher - Direct

1 been zeroed out subsequent to that show.

2 "Kind" is "G" for gun, a gun table as opposed
to a

3 western wildlife art table, which would not be a G.

4 "Remarks," which is blank.

5 "Aisle 5, Row D, Table Nos.: 3," that
indicates a

6 specific location within the building. This table,
where the

7 table was located.

8 The following row is receipt. There was a
receipt

9 number -- in there, or there should have been, which
was

10 zeroed.

11 "Last show attended," that indicates the April
'93

12 show.

13 "No show" is a column -- or a row we use to
let us

14 know who made reservations and didn't show. In this
case it's

15 blank. I don't know whether this person made a
reservation and

16 did not show. I can only say they made a reservation.

17 The next row is "exhibitor phone," blank.
18 "Electricity," it's whether they need
electricity or
19 not.
20 "Oklahoma tax number," that was probably
inserted from
21 a later show date and would not apply to the '93 show.
22 "Sort" column is a column used by our
personnel to
23 sort the records.
24 And "confirmation sent" is the last row. That
25 indicates that we have sent them the receipt and
confirming

12559

Joseph Wannemacher - Direct

1 their reservation.
2 Q. How big is the Tulsa gun show?
3 A. It's the world's largest. We have approximately
3700
4 tables and 11 acres.
5 Q. How many exhibitors would show up for a particular
show, on
6 average?
7 A. Right now, we have over 5,000 exhibitors, their
helpers,
8 and their family.
9 Q. Do you know your exhibitors, some of your

exhibitors

10 personally?

11 A. Quite a number of them I know. But those are the
ones who

12 have exhibited for several years.

13 Q. Do you have any way of verifying that -- whether
the names

14 under which reservations are reserved are accurate as
to the

15 person who actually shows up and sells guns at your
show?

16 A. No, sir, I do not.

17 Q. Do you know Tim McEeige?

18 A. No, sir, I do not.

19 Q. And do you know for whoever was interested in
attending

20 that gun show, if Tim McEeige was his true name?

21 A. I have no idea.

22 Q. Okay. And now I'd like to put up on the ELMO --
and we'll

23 do it this way in the event of an objection so
everybody can

24 look at the document -- D1764. It has not yet been
admitted

25 into evidence.

12560

Joseph Wannemacher - Direct

1 Do you recognize this document?

2 A. Yes.

3 Q. And --

4 A. That was --

5 Q. Don't tell us what it is yet.

6 A. Okay.

7 Q. Was that document generated from your computer
system?

8 A. Yes, it was.

9 Q. And does that document reflect another part of your
10 computer records that you maintain in the course of
your

11 business?

12 A. It reflects the same computer records in a
different format

13 output.

14 Q. Is this part of your address list?

15 A. Yes, sir.

16 Q. And did you download this information, yourself,
from the
17 computer onto this sheet of paper?

18 A. Yes, I did, Monday before last.

19 Q. And there's some handwriting on there. Is that
your
20 handwriting?

21 A. Yes, it is.

22 MR. NEUREITER: We would offer this exhibit,
your

23 Honor.

24 MS. WILKINSON: May I have a few questions?

25 THE COURT: Yes.

12561

Joseph Wannemacher – Voir Dire

1 VOIR DIRE EXAMINATION

2 BY MS. WILKINSON:

3 Q. Sir, the record we're looking at right now is not
in the
4 same format the jury just saw, 1763; correct?

5 A. That is correct.

6 Q. This has a lot of other information or at least
columns for
7 information; correct?

8 A. Yes, ma'am.

9 Q. Why do these two records differ in format?

10 A. I was subpoenaed to bring information on the April,
1993
11 show. I did not have a file for April, 1993, because
that had
12 been discarded. But the oldest file I had was April,
1995.

13 And I went to my oldest file and found this information
in
14 that. The other information that would -- that would
be on the
15 first exhibit for -- for the party, Karen Anderson,
would have

16 subsequently been updated for 1993 two or three times
to April,

17 1995. And so it wouldn't apply -- it wasn't what was
18 requested.

19 Q. You were subpoenaed by the defense; correct?

20 A. Yes, ma'am.

21 Q. And they didn't ask you to look for records other
than the

22 ones you've just told us about?

23 A. They asked me to look for April, 1993 records.
Yes, ma'am.

24 Q. But this record in front of us is a 1995 record;
correct?

25 A. That is correct.

12562

Joseph Wannemacher - Voir Dire

1 Q. Now, are you telling me that this record also was
an old

2 record that's been updated? You just said the
information

3 would change.

4 A. Yes, it has, as far as name and so on.

5 Q. How can we tell that from looking at the record?

6 A. You probably couldn't tell it from looking at the
record.

7 Q. So this record doesn't tell us how old it is --
correct --

8 or when it was first started?

9 A. No. No, ma'am, it doesn't.

10 MS. WILKINSON: Your Honor, I guess with those
11 limitations, we'd have no objection, as long as it's
clear that
12 this is only a record from 1995, April of 1995.

13 THE COURT: All right. I'll receive D1764.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. NEUREITER:

16 Q. Mr. Wannemacher, if --

17 MR. NEUREITER: If it could be published, your
Honor.

18 THE COURT: Yes.

19 BY MR. NEUREITER:

20 Q. Could you tell us what this document is and explain
to the
21 jury what the entries mean.

22 A. It's a printout of our file information in our
computer in
23 a format of an address list.

24 Q. And what is the name listed here?

25 A. The -- pardon me, sir?

12563

Joseph Wannemacher - Direct

1 Q. What is the name listed here?

2 A. The name listed is Karen Anderson. That was the
second

which 3 name on the subpoena, the second part of the subpoena

4 asked for 1993 information on K. or Karen Anderson.

5 Q. And what is the address listed for Karen Anderson
in your

6 records at the Tulsa gun show?

7 A. P.O. Box 2406, Hot Springs, Arkansas, 71914.

8 Q. And if I put both exhibits up at the same time, are
the two

9 addresses for those two entries identical?

10 A. Yes, sir, they are.

11 Q. Have you instructed an employee of yours to do an
12 additional search on your computer system?

13 A. Yes, sir, I did.

14 Q. And what search was requested?

15 A. I requested her to search the computer and that
file for

16 any other person reserving tables at the -- under that
address,

17 the same address.

18 Q. What were the only two names listed under that
address in

19 your files for the '95 gun show?

20 A. Tim McEeige and Karen Anderson.

21 MR. NEUREITER: Pass the witness.

22 CROSS-EXAMINATION

23 BY MS. WILKINSON:

24 Q. Sir, I just have a few more questions.

Anderson 25 You can't tell us when that record for Miss

12564

Joseph Wannemacher – Cross

1 was created; correct?

2 A. From the Karen Anderson record?

3 Q. Yes.

4 A. No, ma'am, I cannot.

5 Q. And you don't know who called in and gave you the
name Tim

6 McEeige; correct?

7 A. I do not.

8 Q. And you don't know who gave you that address?

9 A. I do not.

10 Q. Do you know whether that person, Tim McEeige,
actually

11 attended the show in Tulsa in the spring of 1993?

12 A. I have no idea.

13 Q. And do you know if Miss Anderson attended the gun
show in

14 1995 in Tulsa?

15 A. I can't say for sure, but she has been a regular;
and I

16 would assume she had.

17 Q. Now, when you were asked to look for records, were
you

18 asked to search for records for Terry Nichols and
whether he

19 had ever attended gun shows, your Tulsa gun show?

20 A. No, I was not.

21 Q. Were you asked to search for the name "Havens"?

22 A. No, I was not.

23 Q. For the name "Rivers"?

24 A. I was not.

25 Q. For the name "Kyle"?

12565

Joseph Wannemacher – Cross

1 A. I was not.

2 MS. WILKINSON: We have no further questions,
your

3 Honor.

4 THE COURT: Any redirect?

5 MR. NEUREITER: No, your Honor. He may be
excused.

6 Thank you for coming, sir.

7 THE COURT: You're excused.

8 THE WITNESS: Thank you, your Honor.

9 THE COURT: Next, please.

10 MR. WOODS: Yes, your Honor. Patricia Gragg.

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

12 (Patricia Gragg affirmed.)

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

14 Would you state your full name for the record
and

15 spell your last name.

16 THE WITNESS: Patricia K. Gragg, G-R-A-G-G.

17 THE COURTROOM DEPUTY: Thank you.

18 DIRECT EXAMINATION

19 BY MR. THURSCHELL:

20 Q. Hello, Miss Gragg. Miss Gragg, where do you live?

21 A. Topeka, Kansas.

22 Q. And are you in the gun show business there?

23 A. Yes.

24 Q. Could you tell the jury about that.

25 A. I've been promoting gun shows in Topeka for --
since the

12566

Patricia Gragg - Direct

1 mid 70's, and there are four in Topeka each year.

2 Q. And are you the owner of that -- of those --

3 A. Yes, I am.

4 Q. And what does that mean, to be the owner?

5 A. It means that I have the dates and I own the
mailing lists

6 and any property that goes with it.

7 Q. And do you currently operate the gun show as well?

8 A. No, I don't. I hire someone to manage them for me.

9 Q. And you said you'd been in the gun show business
since the

10 mid 70's?

11 A. Yes.

12 Q. Do you have any other businesses?

13 A. I also am a sales rep for manufacturers, for
licensed

14 sporting items for collegiate and pro sports, and I'm
also a

15 rep for a confectionery company.

16 Q. Now, let me take you back to April, 1995. Did you
operate

17 a gun show in Topeka, Kansas, at that time?

18 A. Yes, sir, I did.

19 Q. Where was that held?

20 A. Held at the Kansas Expo Center.

21 Q. And now, if -- at that time if a person wanted to
be --

22 appear and sell guns at your gun show, how would he or
she go

23 about doing that?

24 A. They would either call me to see if I had space
available

25 or they would send in a reservation off of a
reservation form.

Patricia Gragg - Direct

1 Q. Did you have a preprinted form for members?

2 A. Had a preprinted form that was mailed out to a
mailing list

3 and also distributed at other gun shows.

4 Q. About how many vendors would appear at a gun show
during

5 that period?

6 A. In Topeka, approximately 150.

7 Q. I want to show you what's been marked for
identification as

8 D1770, not yet admitted, an exhibit in three unmarked
--

9 unpagged pages. And I want to begin with page 3.

10 And this is a very poor copy, but I think we
can see

11 it.

12 Do you recognize, first of all, the nature of
this

13 copy?

14 A. It's an envelope.

15 Q. Okay. Just -- don't say anything else about it.
Let me

16 zoom in. Do you see your name on this envelope?

17 A. Yes.

18 Q. All right. And do you see your handwriting --

19 A. Yes.

20 Q. -- on it?

financial 21 Turning to page 2 of the exhibit. Is this a
22 instrument of some kind?
23 A. Yes.
24 Q. And is that -- is it made payable to you?
25 A. Yes.

12568

Patricia Gragg - Direct

of the 1 Q. And above the copy of the front, do you see a copy
2 back in which there is a bank endorsement?
3 A. Yes.
this -- 4 Q. Finally, turning to page 1, do you recognize what
5 what document this is a copy of?
6 A. Yes.
again 7 Q. Okay. Is that your name in the upper left and then
8 in the upper right, preprinted on this?
9 A. Yes.
document? 10 Q. And is -- does your handwriting appear on this
11 A. Yes.
something 12 Q. Is the information contained in this document
maintain 13 that you -- and the document itself -- something you

14 and keep in the ordinary course of your gun show
business?

15 A. Yes.

16 Q. And do you use and rely upon the information that's
17 provided --

18 A. Yes.

19 Q. -- for the operation -- thank you.

20 MR. THURSCHELL: Your Honor, we would move
the
21 admission of D1770.

22 MR. ORENSTEIN: No objection.

23 THE COURT: D1770 received. And it's three
pages,
24 now?

25 MR. THURSCHELL: Three pages.

12569

Patricia Gragg - Direct

1 THE COURT: Thank you.

2 MR. THURSCHELL: If we could publish.

3 BY MR. THURSCHELL:

4 Q. Beginning again with the third page. Now you can
expand
5 upon your earlier testimony. What does this -- what
kind of
6 document is this?

7 A. It's an envelope.

hand 8 Q. A poor copy of one. Let's start in the upper left-
that's 9 corner and zoom in. Do you see the return address
10 printed there?

11 A. Yes.

12 Q. What does it say?

Herington, 13 A. It says, "T. Nichols, 109 South 2nd Street,
14 Kansas."

the jury? 15 Q. And turning to the address, can you read that to

16 A. You want me to read it to you aloud?

17 Q. Yes.

66601." 18 A. "P. K. Gragg, P.O. Box 1607, Topeka, Kansas,

you 19 Q. And if you can, focusing in on the postmark. Can

20 read -- make out the place and date of the postmark?

is 21 A. The place is Herington, Kansas. I believe the date

22 April 5, 1995.

23 Q. And can you see the year? Thank you.

stamp? 24 Is this your handwriting over here below the

25 A. Yes.

12570

Patricia Gragg - Direct

last

1 Q. And can you read what that says to the jury?

2 A. "Paid, \$75, 24th April," and I don't know what that

3 thing is.

4 Q. Page 2. What is this?

5 A. That's a Traveler's Express check.

6 Q. Made out to?

7 A. P. K. Gragg.

8 Q. Okay. That's you?

9 A. Yes.

10 Q. And "by payer" is?

11 A. "Terry Nichols, 109 South 2nd, Herington, Kansas."

12 Q. And that's in the amount of \$75?

13 A. That's correct.

14 Q. And finally, page 1. What is this document?

Topeka,

15 A. That's a registration form for the gun show in

16 Kansas, for April 29 and 30, 1995.

17 Q. Okay. And starting on the left-hand side, what

18 information -- is this your preprinted form?

19 A. Yes.

the

20 Q. You're the one who made use of this information at

21 time?

22 A. Yes.

correct?

23 Q. First we see Mr. Nichols' -- Terry Nichols' name;

24 A. Yes.

25 Q. Then there's a phone number?

12571

Patricia Gragg - Direct

1 A. Yes.

2 Q. And again, what is the address?

3 A. "109 South 2nd Street, Herington, Kansas, 67449."

4 Q. Now, is there -- what -- Pointing to this information, what

5 does this represent?

6 A. I ask that question. It says, "Check for new address," and

7 it is checked so that if I had that person on my mailing list,

8 that would clue me to go back and make a change.

9 Q. A little more. Below the address information, you asked

10 for special needs and/or table arrangement preference?

11 A. Yes.

12 Q. And what does it say there?

13 A. It says, "Side by side, prefer wall."

14 Q. Now, what would that mean to you, "Side by side, prefer

15 wall"?

16 A. The tables at most gun shows are 8 feet long so that you

17 would have the narrow end together, so that you would
have a
18 straight run of 16 feet.
19 Q. And there's a space for items to be sold and/or
displayed?
20 A. Yes.
21 Q. And what did Mr. -- what did this individual write
there?
22 A. "Guns, military, ammo, etc."
23 Q. Turning to the right side of the form. What -- how
many
24 tables did Mr. Nichols request?
25 A. Two.

12572

Patricia Gragg - Direct

1 Q. And then there's the amount enclosed and other
information;
2 correct?
3 A. Yes.
4 Q. Miss Gragg, you've been in the gun show business
for a
5 while.
6 A. Yes.
7 Q. In 1995 in the April, 1995 time period, what kinds
of
8 things could you find -- found -- have found at gun
shows in
9 your experience apart from guns?

10 A. There would be small section of baseball cards,
jewelry,
11 coins, some crafts. There would be reloading supplies,
12 camouflage clothing, books. There would be custom
knife
13 makers, people who sold manufacturer or collector
knives.
14 People who sold taxidermy. There's a huge variety.
15 Q. Okay. And each of those would be sold from a table
that
16 was rented from you?
17 A. Correct.
18 Q. Is that correct? At your gun shows?
19 A. Yes.
20 Q. Do organizations or did organizations rent tables
from you
21 during this time period as well?
22 A. Yes.
23 Q. And what sorts of organizations?
24 A. The NRA would have a booth. Marine Corps League
would have
25 a booth.

12573

Patricia Gragg – Direct

Corps
1 Q. And let me just stop you there. What is the Marine
2 League?

3 A. The Marine Corps League is an organization for
mostly
4 former Marines, but there are active Marines who
participate as
5 well, and they do philanthrop -- a lot of giveaway
stuff,
6 scholarships.

7 Q. And continue. You were listing organizations that
have
8 rented from you.

9 A. Kansas Hunter Safety would have a booth so that
they could
10 help educate kids about hunting and safe operation.

The -- I
11 believe it was the Kansas Department of Revenue has the
power
12 to confiscate firearms. They occasionally would hold
an
13 auction to sell those items.

14 Q. And they would rent a table from you, or space?

15 A. I would give them space because they were operating
it, and
16 they would do it on the Friday night before the show;
and they
17 would only deal with licensed firearms dealers.

18 Q. Did you ever rent to political groups?

19 A. In election years, yes. For a very nominal fee,
they could
20 come in.

21 Q. And what sort of groups rented from you?

Carlos
22 A. It would be the Governor Graves was represented,
23 Stovall was represented. Anybody that was running for
24 political office was free to come.
25 Q. How about organizations that were not running
candidates

12574

Patricia Gragg – Direct

1 but had a particular political perspective?
2 A. John Birch Society would rent a booth.
3 Q. And any others that you can think of?
4 A. I'm sure there were others, but none come to mind
at the
5 moment.
6 Q. Now, in your experience, is security a concern at
gun
7 shows?
8 A. Yes.
9 Q. And why is that?
10 A. I didn't -- if someone -- people were allowed to
bring in
11 firearms, to either help determine their value if it
was
12 something they had inherited or they would trade for
something
13 else, or they wanted to trade something; and the goal
was to
14 make sure a firearm didn't get inside the building that

had a

15 round in it. So we would check those at the door to
make sure

16 that that didn't happen.

17 Q. Were you concerned about theft?

18 A. Absolutely.

19 Q. In your experience, is privacy a concern of the
vendors who

20 you've rented to?

21 A. Yes.

22 MR. ORENSTEIN: Objection to speculation.

23 THE COURT: As far as she's concerned. I
don't

24 understand your objection. Overruled.

25 BY MR. THURSCHELL:

12575

Patricia Gragg – Direct

1 Q. Do you release or sell your list of vendors who
have rented

2 to you -- rented from you to anyone?

3 A. No.

4 Q. Why not?

5 A. It's part of the ownership of the show, so it has
value.

6 And it's also a way of protecting those dealers. If
someone

7 would call me and want to get in touch with someone,

what I

8 would do is call the dealer, give them their number,
and then

9 they could call that individual back.

10 Q. Do you allow cameras or video cameras in your show?

11 A. Not without permission, no.

12 Q. Why not?

13 A. There was a time when anti-gun groups would come in
and

14 film people and then use that information in any way
they so

15 choose. So if it you don't allow it in for any reason,
you cut

16 that risk as well as protecting the privacy concern of
people.

17 Q. Was there a security concern?

18 A. Well, a lot of people who have collections of
firearms keep

19 them in their homes. And use mailboxes rather than
their home

20 address in order to help them.

21 Q. Well, what was -- what would be the relationship?
Why

22 would the cameras be relevant to protecting individuals
who

23 keep collections in their home?

24 A. To be able to identify the film and identify that
25 individual.

Patricia Gragg - Direct

1 Q. And concern there being a theft?

2 A. Protection -- yes.

3 Q. A protection of theft from their home?

4 A. Uh-huh.

5 Q. Finally, you started to talk about this. I cut you
off.

6 In your experience, is it unusual for the people who
rent from
7 you to use mailbox addresses?

8 A. No.

9 Q. And do you know why?

10 A. A lot of people travel; and if you have a mailbox
number,

11 then all of your mail goes there, and you don't have to
be

12 concerned about it being left out in the weather or
open for

13 vandalism or whatever.

14 MR. THURSCHELL: Thank you very much, Miss
Gragg.

15 THE COURT: Mr. Orenstein.

16 CROSS-EXAMINATION

17 BY MR. ORENSTEIN:

18 Q. Good afternoon, ma'am.

19 The way you found this record that's been
introduced

20 into evidence concerning Mr. Nichols' reservation was

that an

21 agent came to your business; is that correct?

22 A. An agent called me.

search

23 Q. I'm sorry, called you. And asked you to conduct a

24 of your records; is that right?

25 A. That's right.

12577

Patricia Gragg - Cross

1 Q. And the search went back to the fall of 1994?

2 A. Perhaps. I don't remember that specifically.

that one

3 Q. You recall it went back sometime before that, just

4 show in April of 1995?

5 A. April of 1995.

that

6 Q. It covered up to that, but you know it wasn't just

7 show?

8 A. I don't specifically remember that.

would

9 Q. If I showed you a report concerning that contact,

10 that help you to recall?

11 A. Perhaps.

12 MR. ORENSTEIN: If I may approach, your Honor?

13 THE COURT: Yes.

14 BY MR. ORENSTEIN:

look at 15 Q. There are two highlighted portions. If you could
16 the second one.
a BATF 17 A. Okay. This I believe was an FBI person rather than
18 person.
that you 19 Q. But does that refresh your recollection, ma'am,
20 were asked to conduct a search back to the fall?
21 A. Yes, by the FBI.
22 Q. Thank you. And you conducted a search?
23 A. Yes, I did.
24 Q. And it covered several names?
25 A. Yes, it did.

12578

Patricia Gragg – Cross

1 Q. One of those names was Terry Nichols?
2 A. Yes, it was.
3 Q. The only entry you found was for that record?
4 A. Yes, it was.
Nichols 5 Q. And it showed that the first time that Terry
6 registered for one of your shows was in April of 1994?
7 A. Yes. 1995.
at the 8 Q. I'm sorry, 1995. Thank you. That was for a show

9 end of April, 1995?

10 A. Correct.

11 Q. You didn't have a show prior to that in April?

12 A. No.

13 MR. ORENSTEIN: I'm sorry. May I have the
exhibit,

14 please.

15 Thank you.

16 BY MR. ORENSTEIN:

17 Q. Now, I'm putting back up on the screen the
registration

18 form. Do you see that?

19 A. Yes.

20 Q. And in that form, you ask the people who are going
to

21 register what they plan to be selling?

22 A. Yes.

23 Q. And Mr. Nichols indicated guns, military, ammo,
etc.?

24 A. Yes.

25 Q. And he did not list ammonium nitrate?

12579

Patricia Gragg - Cross

1 MR. THURSCHELL: Objection.

2 THE COURT: Yes. Sustained as to what he
didn't list.

3 This is what he listed.

4 BY MR. ORENSTEIN:

5 Q. And that's all he listed?

6 A. That's what's here, yes.

7 Q. And you told us about a long list of items that you
8 commonly see at gun shows?

9 A. Uh-huh. Yes.

10 Q. But you've never seen anyone at one of your gun
shows
11 selling small amounts of ammonium nitrate?

12 MR. THURSCHELL: Objection.

13 THE COURT: Overruled.

14 THE WITNESS: Not that I recall, no.

15 BY MR. ORENSTEIN:

16 Q. Not as plant food, not as fertilizer?

17 A. There have at times been people who sold plants,
but I
18 don't recall them selling plant food.

19 Q. Now, you also mentioned in your direct testimony
that a
20 number of organizations register for your shows; is
that
21 correct?

22 A. That's correct.

23 Q. And those organizations register under the
corporate name?

24 A. Yes.

names? 25 Q. It's not just an individual, you also have company

12580

Patricia Gragg - Cross

1 A. That's true.

in your 2 Q. Did you find a company named "Ground Zero Impact"
3 records?

4 A. I don't believe I was asked that.

your 5 Q. Did you find an individual named "Joe Rivers" in
6 records?

7 MR. THURSCHELL: Objection, your Honor.

8 THE COURT: Overruled.

that. 9 THE WITNESS: I don't recall having been asked

10 BY MR. ORENSTEIN:

11 Q. Were you asked to look at a list of names?

12 A. Yes, I was.

Terry 13 Q. And did you understand that they were names for
time? 14 Nichols and other names that he's used from time to

15 A. I believe so, yes.

16 Q. And the only name that you found was Terry Nichols?

17 A. Yes.

18 Q. And I think we saw during your direct testimony

that he

19 sent in his registration for the first and only time on

20 April 4, 1995?

21 A. Yes.

22 Q. That was the date of his money order; correct?

23 A. Yes.

to?

24 Q. That was the financial instrument that was referred

25 A. Yes.

12581

Patricia Gragg - Cross

1 Q. And he sent it to you the following day, April 5?

2 A. Okay. Yes.

after

3 Q. And that was for a show that didn't begin until

4 April 19, 1995?

5 A. That's correct.

further.

6 MR. ORENSTEIN: Thank you. I have nothing

7 THE COURT: Anything else of this witness?

8 MR. THURSCHELL: Yes, your Honor.

9 REDIRECT EXAMINATION

10 BY MR. THURSCHELL:

earlier

11 Q. Referring to the same exhibit, D1770. You noted

12 that Mr. Nichols had checked off "check if new

address"?

13 A. Yes.

14 Q. You don't know how new that address was, do you?

15 A. No, I do not.

16 Q. Now, your gun shows -- could you describe how they
are laid
17 out physically, briefly, for the jury?

18 A. This room is -- well, I would lay the tables out
crosswise
19 or lengthwise, depending on what the best fit is.

20 Q. Okay.

21 A. As far as the length of the tables. It would be
very, very
22 square, as square and as simple as possible.

23 Q. And there would be rows of tables?

24 A. There would be rows of tables, and there also would
be a
25 row of tables around the wall, the perimeter.

12582

Patricia Gragg - Redirect

1 Q. And the people would be displaying their wares on
the
2 tabletops?

3 A. That's correct.

4 Q. Would it be something like a flea market?

5 A. As layout goes, yes.

6 Q. As layout goes, not in terms of the content?

7 A. Content.

Honor,
8 MR. THURSCHELL: I think that's all, your
9 thank you.

Thank
10 MR. ORENSTEIN: Nothing further, your Honor.
11 you.

12 THE COURT: Excusing the witness?

13 MR. THURSCHELL: The witness is excused.

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

15 MR. WOODS: Georgia Rucker.

right
16 THE COURTROOM DEPUTY: Would you raise your
17 hand, please.

18 (Georgia Rucker affirmed.)

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

and
20 Would you state your full name for the record
21 spell your last name.

22 THE WITNESS: Georgia Ann Rucker, R-U-C-K-E-R.

23 THE COURTROOM DEPUTY: Thank you.

24 MR. WOODS: Thank you, your Honor.

25 DIRECT EXAMINATION

Georgia Rucker – Direct

1 BY MR. WOODS:

2 Q. Good afternoon, Mrs. Rucker. Where do you live?

3 A. I live at 509 North Deet, Herington, Kansas.

4 Q. And how long have you lived in Herington?

5 A. I'm a lifelong resident.

6 Q. Do you own and operate a business in Herington?

7 A. Yes, I do.

8 Q. What's the name of it?

9 A. Rucker Real Estate.

10 Q. How long have you owned that business?

11 A. Approximately nine years. Thereabouts.

12 Q. And are you the sole owner of Rucker Real Estate,
or is
13 that a partnership, or what is it?

14 A. My husband and I.

15 Q. What is the occupation of your husband?

16 A. He is an engineer with Union Pacific Railroad.

17 Q. Does he sometimes work in the real estate?

18 A. He's also licensed as my salesperson, yes.

19 Q. How many total people work in the real estate
office?

20 A. There are three.

21 Q. Who is the third?

22 A. Karen Lawrence.

23 Q. And what is her function?

24 A. Just sales representative.

you got 25 Q. Okay. What is your educational background before

12584

Georgia Rucker – Direct

1 into the real estate business?

after high 2 A. High school graduate. Took some further courses

3 school, about two years.

then 4 Q. Okay. And did you do that away from Herington and

5 come back and live in Herington?

6 A. Yes.

7 Q. And where did you go to school?

in 8 A. Went to school in Wichita, finished up my education

9 Kansas City.

10 Q. How big is Herington?

11 A. Herington's approximately 2600 population.

city? 12 Q. How many real estate agencies are there in the

13 A. Too many. Three.

14 Q. Okay. Have you been there the longest?

back. I 15 A. I have been downtown the long -- no, I take that

16 have not.

17 Q. Your office is downtown; is that correct?
18 A. Yes.
19 Q. On what street?
20 A. Broadway. Broadway and Main.
21 Q. What's right next door to you?
22 A. Insurance agency, American Family.
23 Q. And next to that?
24 A. Next to that is cable TV.
25 Q. Is that where you go to sign up to get cable TV for

your

12585

Georgia Rucker – Direct

1 house?
2 A. Yes.
3 Q. Do you know Terry Nichols?
4 A. Yes, I do.
5 Q. Would you tell the jury when you first met Terry
6 A. Terry Nichols called the office sometime in mid
7 looking for property. He was looking at an ad that we
8 advertised in the Home Guide, the local Home Guide, on
9 property.
10 Q. How do you advertise there in the Herington area?

Nichols.

January

had

a farm

Junction
area, you
1995?
the phone?
had
the phone;
had with

11 A. Mostly in the Home Guide, because it covers the
12 City, Abilene, Manhattan, Chapman area. The whole
13 know, that we have people, prospective buyers from.
14 Q. And you mentioned mid January. I assume you mean
15 A. I do mean 1995.
16 Q. Okay. Did you have a conversation with him over
17 A. I believe so. He asked about a property that we
18 listed, and subsequently I think we may have set up an
19 appointment or planned to look at that.
20 Q. Did you take notes of that first conversation on
21 do you recall?
22 A. No, I did not.
23 Q. Did you take notes of the first meeting that you
24 Mr. Nichols listing the type of property?
25 A. I may have, but I don't remember for sure.

12586

Georgia Rucker - Direct

contacted
your

1 Q. Do you recall whether or not when you were first
2 by the FBI that they took some notes from you -- with

3 consent of course -- that you gave some notes
concerning the

4 first meeting with Mr. Nichols?

5 A. I believe so, yes.

6 Q. Okay. And was that the first meeting in January,
or do you

7 recall?

8 A. That was later on. That was more toward the first
part of

9 February.

10 Q. Okay. After the first phone call, did you set up
an

11 appointment, you think, with Mr. Nichols?

12 A. You know, I really don't recall whether we actually
set up

13 an appointment or whether he just came down. I believe
he

14 probably just came down.

15 Q. And do you recall approximately what day that was?

16 A. No, I really don't.

17 Q. It was in January, '95, still?

18 A. It was between the 15th of January and the 1st of
February.

19 Q. All right. And when Mr. Nichols came into your
office,

20 what conversation did you have with him?

21 A. Well, we always start out by asking prospective
buyers what

22 type of property they're looking for, what type of
financing

type of 23 they might be looking for. And I'm sure I had the same
24 conversation.

looking 25 Q. Do you recall what type of property Mr. Nichols was

12587

Georgia Rucker - Direct

1 for?

2 A. He was originally looking for a country property.

just 3 Q. And was -- when you say "country property," is that

did he 4 property in the country, or a working farm, or what, or

5 specify?

acres. 6 A. No, just a property in the country, just a few

time? 7 Q. Okay. And any discussion about financing at that

military 8 A. We discussed the fact that he was coming from the

9 so whether he told me -- I knew automatically he had VA

10 eligibility. We deal with a lot of veteran buyers.

estate, or 11 Q. Did Mr. Nichols seem to know anything about real

12 was he just a complete novice?

He 13 A. No, Mr. Nichols knew quite a bit about real estate.

obvious that 14 knew what type of questions to ask. It was very

15 he had bought and sold real estate before.
16 Q. All right. Did you -- you mentioned that you had
some
17 advertisements for some farm property, or out-in-the-
country
18 property. Did you take Mr. Nichols to look at any
property on
19 that occasion?

20 A. Yes, I did. At the time I only had one listing in
the
21 country, and we went to look at this listing. It was
in
22 relatively rough condition. I think it was discussed
the fact
23 that it would not go VA for VA financing, and he just
decided
24 it was more work than he wanted.

25 Q. Okay. Now, was Mr. Nichols alone in that first
meeting?

12588

Georgia Rucker - Direct

1 A. Yes.

2 Q. In all the subsequent meetings that you had with
him
3 concerning purchase of real estate, was he by himself?
4 A. He was by himself. He did tell me that he was
married,
5 that his wife was in the Philippines, and he would be
buying

6 with power of attorney.

7 Q. Okay. After looking at the first piece of property
in the
8 country that was a little too rough, what next happened
9 concerning your meetings and discussion with Mr.
Nichols on
10 real estate issues?

11 A. I believe we looked at some properties in town
then. It
12 became clear ultimately that what he really wanted was
a
13 property that he could buy on private contract.

14 Q. All right. And if you would, explain to the jury
what you
15 mean by "private contract." And is that referred to by
other
16 terms, also?

17 A. "Private contract" has a lot of terms, "seller
financing."
18 It basically means that you don't work through the
bank, the
19 seller collects and makes the interest off the
property.

20 Q. Okay. Is it sometimes referred to by "contract by
deed"
21 and such as that?

22 A. Contract, yes, it is.

23 Q. Now, is that an uncommon practice in the Herington
area?

24 A. No. No.

25 Q. What is the advantage to the seller and to the
purchaser by

12589

Georgia Rucker - Direct

1 going that route?

2 A. Well, if you have a seller that owns his house
outright,

3 makes no payments on it, it basically is a savings
account. He

4 can earn more money -- or more interest on his money
doing

5 that -- there is a little risk involved -- than he can
putting

6 the money in the bank.

7 For the buyer it means you're not -- you don't
have

8 all the buying expenses, you don't have the appraisals,
you

9 don't have, you know, a lot of the things that the
mortgage

10 companies will charge you.

11 Q. Okay. And that's not uncommon practice in
Herington; is

12 that correct?

13 A. No. It's really not. I mean, there are not a lot
of

14 sellers that are willing to take the risk to do it; but
it

15 happens.

16 Q. Okay. Now, you mentioned that you showed Mr.
Nichols some
17 houses in Herington. Approximately how many houses did
you
18 show him?
19 A. I suppose there were approximately five, in that
20 neighborhood.
21 Q. And over what period of time did that occur?
22 A. In that two-week period of time.
23 Q. And did you get to know Mr. Nichols by talking with
him,
24 find out what his occupation was, where he was from?
25 A. Yeah. Mr. Nichols was easy to visit with. But he
wasn't

12590

Georgia Rucker - Direct

1 one to just, you know, tell you everything that, you
know, he
2 knew.
3 You do get into conversations as you are
traveling
4 around looking at properties. A lot of it was about
5 properties, though.
6 Q. Did he seem to be knowledgeable about evaluating
properties
7 and houses and the potential for fixing a house up?
8 A. Yeah. It wasn't that -- you know, I'm not sure
that he

at a 9 necessarily knew our market. He knew -- he could look
to be 10 house and be able to tell what type of work would need
before 11 done. He had told me that he had fixed up a farmhouse
work 12 in Michigan and, you know, had just done that type of
13 before.

14 Q. Okay. Did he tell you what his occupation was?

15 A. He told me that he sold and bought military
surplus.

16 Q. Did he tell you why he wanted to locate in or
around 17 Herington?

18 A. He said that Herington was centrally located for
the 19 business that he did.

20 Q. Okay. Are you familiar with Fort Riley?

21 A. Yes.

22 Q. Do you know whether or not there is a large army
surplus 23 outlet there called the DRMO?

24 A. Yes, there is.

25 Q. And are you aware that they sell army surplus?

12591

Georgia Rucker - Direct

1 A. They do.

2 Q. Over that two-week period in showing Mr. Nichols
the

3 houses, did you show him a house that was right behind
yours?

4 A. I did.

5 Q. Okay. And was he interested in that one?

6 A. No. I think that it had some problems in the
basement, and

7 he recognized that. And he was not interested.

8 Q. Okay. You recall what the problem was in the
basement?

9 A. It definitely had some moisture problems in the
basement.

10 Q. Did you eventually show him a house that he became
11 interested in and that you then handled the transaction
for?

12 A. Showed him the house at 109 South 2nd Street. We
looked at

13 that house on two separate occasions. There was a
renter in

14 the property, so we had to make some arrangements with
the

15 renter to get in the property to see it.

16 Q. Okay. And did you know who the owner of that
property was?

17 A. Yes. The owner was Mr. Kenneth Siek.

18 Q. And where did he live?

19 A. He lived in Abilene, Kansas.

20 Q. Now, what county is Herington in?

21 A. Herington is in Dickinson County.

22 Q. What's the county seat of Dickinson County?

23 A. Abilene, Kansas.

24 Q. And were you handling the property for Mr. Siek as
the
25 realtor?

12592

Georgia Rucker – Direct

1 A. Yes, I was.

2 Q. After inspecting the property, there was a renter
in it at
3 that time; is that correct?

4 A. Yes. There was a Jennifer Hughes in the property.

5 Q. Did Mr. Nichols eventually make an offer on the
property?

6 A. Mr. Nichols came in on February 3 with a
handwritten offer
7 for that property.

8 Q. Now, this handwritten offer -- was it just
something
9 awkward, or did it appear to have all the terms that
you were
10 familiar with as a real estate agent?

11 A. There were, you know, a few terms used that we
don't
12 normally use; but he basically had everything covered.
He even
13 asked for some things that I thought for sure the

seller would

14 never agree to but did.

15 Q. Okay. And what did you do with the offer, the
handwritten

16 offer?

17 A. I kept that in the file. We took the handwritten
offer,

18 then, that same day and made a regular offer for
purchase on my

19 forms.

20 Q. You typed up --

21 A. I typed up and presented that to the seller.

22 Q. Okay. And was the seller, the owner, Mr. Siek --
was he

23 agreeable to the terms in there, or did he want to meet
with

24 Mr. Nichols, or what?

25 A. He was open to the offer. But he felt like he
wanted to

12593

Georgia Rucker - Direct

1 get to know the person that was making the offer. And
so he

2 actually set up an appointment to come down and meet

3 Mr. Nichols.

4 Q. And was that meeting to take place in your office?

5 A. Yes, it was.

6 contract for

seller

would

references

maybe only

to each

agreeable to

- 6 Q. And this offer: Was it a contract for sale,
7 deed, without going through -- just a private buyer/
8 transaction?
9 A. It was a contract for deed, the seller finance.
10 Q. Were you present when Mr. Siek and Mr. Nichols met?
11 A. I was in and out of the room. As the phone rang, I
12 run catch the phone. So I was in and out of the room.
13 Q. Had Mr. Nichols provided you with a list of
14 pursuant to Mr. Siek's request?
15 A. Yes, he did.
16 Q. And had you given these references to Mr. Siek?
17 A. Yes, I did.
18 Q. Do you know how long the meeting took place?
19 A. I would guess that the meeting probably lasted
20 30 minutes.
21 Q. What happened then? Did they separate and you talk
22 of them separate?
23 A. You know, I really don't recall.
24 Q. Okay. When were you aware that Mr. Siek was
25 the terms and was willing to sell the house?

12594

Georgia Rucker - Direct

1 A. If I remember, Mr. Siek had asked for something
more,
2 possibly . . . I believe Mr. Nichols left, Mr. Siek
stayed
3 there, and we visited a little more. But I'm not
positive on
4 those details.

5 Q. Okay. Was there eventually a contract signed?

6 A. Yes, there was.

7 Q. And do you recall the date of that contract?

8 A. I really don't recall the exact date on the formal
9 contract.

10 Q. Okay. There's an envelope in front of you with
some
11 exhibits inside of it. And if you would, the first
exhibit
12 should be D1465, which is a package of exhibits.

13 A. Uh-huh.

14 Q. Now, let me ask you one question: As part of your
records,
15 did you keep a copy of most of the documents concerning
this
16 sale, since you handled it?

17 A. I have to, yes.

18 Q. And did the FBI when they first contacted you, or
the next
19 one or two contacts -- did they take a copy of the
documents,

20 or did they take the original documents?
21 A. They took the original documents. I made a copy
for my own
22 file.
23 Q. Okay. If you will, just look through D1465 to see
if
24 you're familiar with each of the pages in that, and
I'll ask
25 you if that was a copy of what the FBI took from your
file.

12595

Georgia Rucker – Direct

1 A. Yes, they are.
2 MR. WOODS: Okay. Your Honor, we would offer
into
3 evidence D1465.
4 MR. MACKEY: Your Honor, could I just have the
witness
5 verify it's page 1 through 20?
6 THE COURT: Do you have pages 1 through 20
there?
7 MR. WOODS: I think they're Bates' stamped
there, on
8 the bottom.
9 THE WITNESS: Yes, they are.
10 MR. MACKEY: No objection.
11 THE COURT: All right. It's D1465 received.

12 BY MR. WOODS:
13 Q. Can you by examining those documents see what date
the
14 contract was signed on the sale?

15 A. The offer-to-purchase contract was dated February
3. The
16 formal contract, then, was dated the 12th day of
February,
17 1995.

18 Q. And do you recall what the closing date was?

19 A. February 20, 1995.

20 Q. And what was the final price agreed upon between
Mr. Siek
21 and Mr. Nichols?

22 A. \$25,000.

23 Q. How much cash did Mr. Nichols put up at the closing
for his
24 final cash payment, down payment?

25 And I may need you to refer to the next
exhibit,

12596

Georgia Rucker - Direct

1 Mrs. Rucker, which is the settlement statement --

2 A. Yes.

3 Q. -- and that's the next exhibit, 1466.

4 A. Right. Now, this No. 20 is the back page of the
settlement

5 statement.

6 Q. I noticed that. That's what the Government
provided to us.

7 A. Okay.

8 Q. It's the second page or the back page of the
closing

9 statement, is that your testimony?

10 A. Yes.

11 Q. And 1466 is the front page of it?

12 A. Yes.

13 MR. WOODS: Do you agree with that, Mr.
Mackey?

14 MR. MACKEY: Don't want to make an editorial,
but I'll

15 agree that that exhibit can be offered without my
objection.

16 THE COURT: All right. D1466 is received.

17 BY MR. WOODS:

18 Q. From the front page, which is a separate exhibit,
1466, can

19 you tell the amount of cash that Mr. Nichols put up?

20 A. Mr. Nichols paid \$2,629.40.

21 Q. And do you recall what the monthly payment was?

22 A. I would have to refer to the contract.

23 \$263.14.

24 Q. Now, was there an escrow account set up so that the
25 payments would be made into escrow, rather than just
one on one

Georgia Rucker – Direct

1 between the seller and purchaser?

2 A. Yes, there was. The escrow was with Central Bank,
3 Herington.

4 Q. And was that at the request of Mr. Siek?

5 A. Yes.

6 Q. And did Mr. Nichols have any objection to that?

7 A. No.

8 Q. Now, you mentioned that Mr. Nichols had a power of
attorney
9 for his wife; is that correct?

10 A. Yes.

11 Q. And is the contract, then, a sale to Mr. and Mrs.
Nichols?

12 A. Yes, it is.

13 Q. With a power of attorney?

14 A. Yes, it is.

15 Q. Now, did there come a time where you met Mrs.
Nichols?

16 A. There was. After the contract was closed, after
17 Mr. Nichols moved in, he'd stop by the office a few
times

18 looking for what we had filed with the county, which
was called

19 the "affidavit of equitable interest."

20 Q. Is that something that gets returned back, a copy

of it is

21 returned back to the purchaser?

of

22 A. It gets recorded, and it's stamped by the registrar

their

23 deeds, and it's returned. And I did deliver that to

24 home.

25 Q. Do you recall approximately when it was?

12598

Georgia Rucker – Direct

a

1 A. I really don't know the day. It probably was, say,

2 couple weeks after he had moved in.

day that

3 Q. Well, let me back up one, then. Do you recall the

your

4 he moved in? There was a renter there, as I understand

5 testimony. Do you recall when the renter moved out and

6 Mr. Nichols moved in?

7 A. Mr. Nichols moved in somewhere around March 11.

affidavit by to

8 Q. And sometime after that time, you took the

9 give to Mr. Nichols and met Mrs. Nichols?

10 A. Yes.

was

11 Q. Now, were you present with Terry Nichols when he

whether

12 inspecting the house and making his determination as to

13 or not to make an offer on it?

14 A. Yes, I was.

15 Q. Did he appear to understand the nature of real
estate and

16 look at certain things in the property?

17 A. He did. He wanted to know the age of the roof. He
18 inspected the wiring, the heating, the plumbing, what
type of

19 plumbing there was.

20 Q. What was the condition of the roof?

21 A. The roof was beginning to show some age.

22 Q. Was there any discussion about reshingling the
roof?

23 A. I really don't recall. I know that it was the type
of roof

24 that was -- I don't know what it's called. It's flat
on the

25 top and then it's peaked on the sides, and they
typically have

12599

Georgia Rucker - Direct

1 a tendency to leak. They need some care.

2 Q. And you don't recall whether or not Mr. Nichols
made any

3 statement about his plans to reshingle the roof?

4 A. I really don't remember.

5 Q. Okay. After that time, did you have any other

discussion

6 with Mr. Nichols concerning that property or the
property

7 nearby?

8 A. I talked to Mr. Nichols sometime after that about
there was

9 a property -- all the lots right behind his house,
which was a

10 full city block, was for sale. And it was for sale at
a very

11 decent price, and I asked him if he would be interested
in

12 those lots.

13 Q. Do you remember when that was that you had that

14 conversation? Not the specific day, but approximately
-- in

15 relation to April the 19th?

16 A. I suppose it was probably more toward the end of
March.

17 Q. Now, what discussion did you have concerning those
lots --

18 you've just related what you said. What did Mr.
Nichols say

19 concerning the lots behind his house?

20 A. Well, I had told him -- I have flood plain maps in
the

21 office. We had looked at the fact that it was
partially in the

22 flood plain. He was interested in the type of zoning.
And I

23 did not know what type of zoning there were on the
lots. So he

city 24 went directly across the street and checked with the
25 office there to find out the type of zoning.

12600

Georgia Rucker - Direct

records 1 Q. Did he appear to know how to do that: check city
2 and county records for zoning ordinances?

Janet 3 A. It was just a matter of walking in and talking to
4 Novak there --

5 Q. Okay. Okay.

6 A. -- who was the head of zoning.

after he 7 Q. And did you have a conversation with Mr. Nichols
8 checked the zoning?

9 A. He came back and told me how it was zoned, yes.

10 Q. And how was it zoned?

11 A. It was zoned commercial.

zoned 12 Q. So the lots were in the flood plain and they're
13 commercial?

14 A. Yes.

that? 15 Q. Did he express any further interest after learning

16 A. No, he did not.

17 Q. Now, did -- during that period of time that you
negotiated
18 with Mr. Nichols, up until he moved in about March the
11th --
19 and then this conversation took part at the end of
March
20 concerning the lots behind him; is that correct?
21 A. Approximately the end of March, first of April,
somewhere
22 in there.
23 Q. Did you have any other one-on-one conversations
with
24 Mr. Nichols?
25 A. No. Not that I recall.

12601

Georgia Rucker - Direct

1 Q. Okay. Did you see Mr. Nichols around town
occasionally up
2 until April the 21st of '95?
3 A. Yes, I did, on occasion.
4 Q. And where would you see him?
5 A. I saw them walking down on Walnut one day.
6 Q. And when you say "them," who are you speaking of?
7 A. Terry Nichols, Marife, and their daughter was with
them.
8 I've seen them on Broadway walking. So I'd seen them
several
9 places.

10 Q. Did you ever see him in the company of anybody
other than

11 his wife and child?

12 A. No.

13 Q. Now, on April the 21st, 1995, did you hear Mr.
Nichols'

14 name mentioned over the radio?

15 A. Yes, I did. I heard them ask about a Jerry Lynn
Nichols.

16 Q. When you say "them ask about," what do you recall
hearing

17 over the radio?

18 A. The radio station was just announcing that the FBI
was

19 looking for a Jerry Lynn Nichols and anyone with
information

20 should call.

21 Q. And was there any further identifying information
that

22 caused you to pay attention at that time?

23 A. Well, my sister had called and said that she had
also heard

24 a report, and they were listing -- asking for a Terry
Lynn

25 Nichols. And I, of course, said, "Oh, no, they're not;
they're

12602

Georgia Rucker - Direct

mention 1 saying 'Jerry Lynn.'" And -- but then they happened to

Michigan. 2 Decker, Michigan, and I remembered that he was from

from 3 Q. Okay. Were you familiar with whether or not he was

was 4 Decker, or did he ever mention the name of the town he

5 from?

remembered 6 A. At that point I did not remember Decker. I just

7 Michigan.

recall about 8 Q. Okay. Upon hearing that information -- do you

9 what time that was on Friday, the 21st?

10 A. That was sometime probably between -- around 2:15.

information? 11 Q. Okay. What did you do upon hearing that

agent in 12 A. We have a long-time family friend that is an FBI

13 Salina, and I called for him.

14 Q. And is that Mr. Crabtree that we've all met?

15 A. That's Scott Crabtree, yes.

that 16 Q. Did you have a conversation with Mr. Crabtree then

17 afternoon?

18 A. I did.

19 Q. And what did you relay to Mr. Crabtree?

20 MR. MACKEY: Objection.

21 THE WITNESS: I --

22 MR. MACKEY: Objection. Hearsay.

23 THE COURT: Sustained.

24 BY MR. WOODS:

25 Q. Were you visited by an FBI agent shortly
thereafter?

12603

Georgia Rucker – Direct

1 A. Yes, I was.

2 Q. Was that in the office?

3 A. Yes.

4 Q. And what did you provide to the FBI agent in that
visit in

5 the office?

6 A. What they had asked me for was for pictures of any
7 entrances and exits of Mr. Nichols' home and for an
interior

8 drawing.

9 Q. Okay. About what time was it that the agent came
to your

10 office?

11 A. He probably got to my office around 2:45, somewhere
in

12 there.

13 Q. Okay. And during the meeting with him, did he
receive a

14 phone call?

15 A. Yes, he did.

16 Q. Okay. And did he leave after the phone call?

17 A. Yes, he did.

18 Q. And did he tell you anything as he was leaving?

19 MR. MACKEY: Objection.

20 THE COURT: Sustained.

21 MR. WOODS: Okay.

22 BY MR. WOODS:

23 Q. Did you subsequently become aware that Mr. Nichols
had

24 walked into the police station at 3:00?

25 A. We later learned that, yes.

12604

Georgia Rucker – Direct

1 Q. Okay. Now, do you have any children, Mrs. Rucker?

2 A. I have two children.

3 Q. Okay. And what are their ages?

4 A. Justice who is now 12, Jonathan, who is seven.

5 Q. And where in 1995, where was Justice going to
school?

6 A. Justice was attending school at Emmanuel Lutheran
Parochial

7 School in Junction City.

8 Q. And how would he get to school?

9 A. We traveled Highway 77 to and from.

10 Q. What time would you leave in the morning to take
him to
11 start to school?
12 A. His school starts in the morning, or would start at
8 a.m.
13 We would typically leave the house at around 7:20.
14 Q. And what time would you pick him up in the
afternoon?
15 A. We -- his school dismissed at 3 p.m. in the
afternoon. I
16 would leave to pick him up at 2:30, there, approximate.
17 Q. And did you always take the Highway 77 between
Herington
18 and Junction City --
19 A. Yes.
20 Q. -- as the route to and from?
21 A. It's the only route.
22 Q. Okay. I want to call your attention to the week
before the
23 Oklahoma City bombing, which was on Wednesday, April
the 19th.
24 Was there a school holiday connected with Easter at the
end of
25 that week and the beginning of the following week?

12605

Georgia Rucker - Direct

1 A. Yes, there was. There was the Easter break.
2 Q. And what days was school not held, based on your

3 recollection?

Thursday 4 A. School was not held Maundy Thursday, which was the

Saturday, 5 before Easter, Good Friday, that following day,

6 Sunday, and then they had Monday also as a break.

Monday, 7 Q. Okay. Now, did you take your son to school, then,

8 Tuesday, Wednesday of that week prior to the 19th?

9 A. Yes, I did.

10 Q. And you took your son to school on the 18th?

11 A. The 18th is just following?

bombing. 12 Q. Would be the day before the 19th, the day of the

13 A. Okay. Yes, I did.

correct? 14 Q. Okay. And you go by Geary Lake every day; is that

15 A. That is correct.

16 Q. Do you recall seeing a Ryder truck at Geary Lake --

17 A. Yes.

18 Q. -- the week prior to April 19?

19 A. Yes, I did.

recall seeing 20 Q. And would you tell the jury the first day you

21 the truck?

And the 22 A. The first day would have had to have been Monday.

it, and 23 first day we saw it, you know, my son and I -- you saw

rest. 24 you thought, Well, someone's pulled off the highway to

Geary 25 Q. Had you ever seen a Ryder truck down there at the

12606

Georgia Rucker - Direct

1 Lake before?

2 A. No.

3 Q. And you saw it on your trip up, or coming back?

and I 4 A. On Monday, I'm really not sure. I know we saw it,

5 believe it was the trip in the afternoon.

as 6 Q. Now, in April time of year, can -- from the highway

surrounding 7 you're going by, can you see the lake and the

8 shoreline?

lake 9 A. There are two points on Highway 77 as you pass the

without 10 that you can actually get a good view. The trees were

11 leaves.

admitted 12 Q. I'm going to put on the monitor here what's been

there's a pen 13 into evidence as Government's Exhibit 1982B. And

screen and 14 up there, Mrs. Rucker, that you can reach under the

one 15 touch the screen below. It's not that one. It's the

16 that's got a wire attached to it. It's a black one.

17 A. Up here.

can mark 18 Q. Yeah. And if you'll reach under the screen, you

19 on the screen below, if you hold it straight up.

20 A. Okay.

highway 21 Q. Now, would you mark where a person could be on the

22 where you can get a good look down to the shoreline?

area. 23 A. Okay. It would have had to have been, say, in this

24 Q. Yes, ma'am.

25 A. And then again more in this area.

12607

Georgia Rucker – Direct

get a 1 Q. Okay. Now, are those the two spaces where you can

or both 2 good look as you're going north toward Junction City,

3 ways?

north. 4 A. No. You can only get a view when you're going

5 Q. Okay.

behind you, 6 A. When you're going south, the view is actually

7 and you actually have to physically turn around and

look.

8 Q. Okay. So do you recall, then, on that first day,
which

9 would be Monday, the 10th -- are we talking about the
10th?

10 A. Yes.

11 Q. Do you recall where the Ryder truck was on the
10th?

12 A. It's very deceiving when you look at the aerial
map; but it

13 would have been more in this area, I believe. I know
you go

14 over a draw, and then there's a first parking area, and
then

15 there's actually a second area where you can park.

16 Q. Okay. It's past the dike that goes out a way?

17 A. Yes.

18 Q. Now, could you see from that vantage point -- could
you see

19 whether or not there were any automobiles around the
Ryder

20 truck?

21 A. I could see automobiles, but I couldn't tell what
they

22 were.

23 Q. Okay. Were they near the Ryder truck?

24 A. Yes.

25 Q. Could you see any individuals at that time on
Monday, the

12608

Georgia Rucker - Direct

1 10th?

2 A. Not that I recall.

3 Q. Okay. Could you tell how many automobiles were
near the

4 truck on April the 10th?

5 A. It appeared as though there were at least two.

6 Q. Okay. Now, as of this date, on April the 10th, had
you

7 seen Terry Nichols in his automobile at any time that
he

8 visited your office?

9 A. Prior to April 10, yes.

10 Q. Yes, ma'am. You were familiar with what type of
pickup

11 Mr. Nichols had?

12 A. Yes.

13 Q. Okay. On that day, April the 10th, did you notice

14 Mr. Nichols' vehicle there?

15 A. No, I did not. You don't have a long enough
glimpse as

16 you're passing on the highway to really -- especially
when

17 you're driving --

18 Q. Okay.

19 A. -- to really be able to tell what a vehicle is.

20 Q. Okay. So if the view is only available in the

mornings as

way 21 you're going north, I take it you didn't see it on the

22 coming back, or did you?

23 A. Coming back, no.

24 Q. Yes, ma'am.

25 A. No.

12609

Georgia Rucker - Direct

1 Q. Okay. What about Tuesday, the 11th?

2 A. Yes, it was there yet Tuesday.

space? 3 Q. Did it appear to be the same truck in the same

4 A. Yes.

Exhibit 5 Q. Let me show you what is also in evidence as Defense

whether 6 1737. And from your vantage point, could you tell us

amongst 7 or not it was a small van Ryder, or can you pick out

size it 8 these four sizes of Ryder trucks approximately what

9 was?

10 A. It was more like the four-bedroom, the bottom.

11 Q. Okay. A big one?

12 A. The big one. Like you'd move a household with.

13 Q. On Tuesday, when you saw the truck, were there

vehicles

14 around the truck at this time?

15 A. I remember vehicles; but to actually swear as to
what day

16 the vehicles were there, I would have a very difficult
time

17 with it.

18 Q. Okay. Did you see any individuals at that time?

19 A. I would hate to say that I actually saw
individuals. It's

20 too short a glimpse. I know there were vehicles. The
truck

21 was there.

22 Q. Okay. And then you went to school on Wednesday --
took

23 your child to school on Wednesday; is that correct?

24 A. Yes.

25 Q. And this would be the 12th, April the 12th?

12610

Georgia Rucker - Direct

1 A. Yes.

2 Q. Okay. Did you see the Ryder truck in the same
place on

3 Wednesday?

4 A. Yes.

5 Q. Okay. Did it appear to be the same truck in the
same

6 place?

7 A. It did.

8 Q. And did it have vehicles around it on that day?

9 A. There were vehicles. Like I said before, I'd hate
to say
10 exactly what day the vehicles were there; but there
were
11 vehicles there.

12 Q. Okay. And did you see any individuals there?

13 A. Again, it was very -- too hard to tell.

14 Q. Okay. Could you tell if there was anybody fishing
near the
15 truck?

16 A. Yeah, we had seen someone out on the lake fishing.

17 Q. On which day, or was it all days?

18 A. If I had to pick a day, I'd say maybe Tuesday; but
that's
19 very difficult.

20 Q. Tuesday of that week before?

21 A. Yes.

22 Q. And did you see any like boat trailers or vehicles
with
23 boat trailers or anything associated with fishing, or
were
24 there people in a boat on the lake, or were they on the
shore,
25 or could you tell?

12611

Georgia Rucker – Direct

1 A. I didn't have time enough to be able to tell.

2 Q. Now, you didn't take your son to school on
Thursday, the

3 day before Good Friday?

4 A. Correct.

5 Q. Did you make a trip to Junction City anyway?

6 A. Not that I recall.

7 Q. Okay. And Good Friday, did you make a trip to
Junction

8 City?

9 A. No.

10 Q. Okay. And Saturday?

11 A. No.

12 Q. Easter Sunday?

13 A. No.

14 Q. And you said that there was a school holiday on
Monday. Is

15 that correct?

16 A. That's correct.

17 Q. Which would have been the 17th?

18 A. Yes.

19 Q. Did you go to Junction City on any other errand?

20 A. No.

21 Q. Now, on Tuesday morning, you got back into the
routine of

22 taking your child to school; is that correct?

23 A. That's correct.

24 Q. Did you notice the Ryder truck there on Tuesday,
the 18th?

25 A. In the morning.

12612

Georgia Rucker – Direct

1 Q. Okay. And you are driving there before 8:00; is
that

2 correct?

3 A. Correct.

4 Q. Did it appear to be the same truck in the same
location?

5 A. It appeared to be.

6 Q. Okay. Did you see any vehicles near the Ryder
truck on

7 Tuesday, the 18th?

8 A. Not that I recall.

9 Q. Okay. Did you see any individuals?

10 A. Not that I recall.

11 Q. What about people fishing?

12 A. Not that I recall.

13 Q. Now, when you go up and take your child and he
starts

14 school at 8:00, you just turn around and come right
back?

15 A. Correct.

got to 16 Q. But you don't look in because to do that, you've
17 crane around as you're driving south to look back?
18 A. Very dangerous.
19 Q. And so you don't look in --
20 A. No.
when 21 Q. -- is that correct? And then on the afternoon run
22 you're going to pick him up -- school ends at 3?
23 A. Yes.
24 Q. And you leave at what time?
25 A. I leave around 2:30.

12613

Georgia Rucker - Direct

-- the 1 Q. Okay. And is it your recall that the vehicle was
2 Ryder truck was not there at the time?
3 A. I don't recall that it was. I may have been
passing a car,
4 or a car may have passed me and I not been able to
look.
5 Q. Okay. When you're doing that drive, do you look
down at
6 Geary Lake as a point of interest when you make that
run, or is
7 it something that you ignore?
8 A. Usually -- no. Usually you look, especially that

time of

9 year, there isn't a lot to look at. Everything's brown
and

10 barren, and everything was very wide open and easily
seen.

11 Q. Okay. Have you seen Ryder trucks there since?

12 A. No.

13 Q. This was the only occasion that week previously and
the day

14 before that you've seen Ryder trucks there?

15 A. Yes.

16 Q. Was it something that caught your attention?

17 A. Yes.

18 Q. Now, did there come a time shortly after the
bombing and

19 then after your experiences on April the 21st when a
roadblock

20 was set up there by the FBI?

21 A. Yes.

22 Q. And were you stopped?

23 A. I was.

24 Q. Okay. Did you relate to them your experiences in
having

25 seen the Ryder truck?

12614

Georgia Rucker - Direct

1 A. At that point -- they asked you, "Did you see a

Ryder truck

2 at the lake?" And I said yes. And they took my name
and

3 basically said someone would come visit with me.

4 Q. And that was the question they were asking -- or
that was

5 the purpose of the roadblock?

6 A. Yes.

7 Q. And then over that -- the subsequent period of time
from

8 when the person came to see you, was it shortly
thereafter?

9 A. It was very soon thereafter.

10 Q. Okay. And you have represented to them what you
recall --

11 is that correct -- over this period of time in '95 to
here we

12 are in December of '97?

13 A. I have.

14 Q. Okay.

15 A. When they initially asked -- they wanted to know
"Did you

16 see the Ryder truck," and of course I had seen it; but
to put a

17 date on it was very difficult. It was only after an
FBI agent

18 asked for a school schedule that I realized when it
actually

19 was.

20 Q. So you went back and got the school calendar and
put dates

21 together in your mind?

22 A. Yes.

23 Q. Is this the most accurate recollection that you
have --

24 A. Yes.

25 Q. -- based upon what you've gone back and thought
about and

12615

Georgia Rucker - Direct

1 looked at records?

2 A. Yes, it is.

3 MR. WOODS: Okay. Thank you very much. I
appreciate

4 it.

5 THE COURT: Mr. Mackey.

6 CROSS-EXAMINATION

7 BY MR. MACKEY:

8 Q. Good afternoon, Mrs. Rucker.

9 A. Hi.

10 Q. How are you?

11 A. Fine.

12 Q. Let me start where we left off on our drive up and
down

13 Highway 77.

14 A. Okay.

15 Q. I guess would it be fair to summarize that you've
been
16 asked questions about what you saw in the way of trucks
and
17 vehicles at Geary Lake on multiple occasions.

18 A. Yes.

19 Q. By the FBI?

20 A. Yes.

21 Q. By more than one defense investigator?

22 A. Yes.

23 Q. Worked for Mr. McVeigh?

24 A. Yes.

25 Q. Mr. Nichols? And your recall at various times has
not

12616

Georgia Rucker – Cross

1 always been the same?

2 A. No. No, it has not.

3 Q. What you do know and can say with certainty is
before April

4 of 1995, you never noticed a large, yellow, Ryder truck
sitting

5 at Geary Lake?

6 A. No, never have.

7 Q. And since April, 1995, you've never noticed a
large, yellow

8 truck?

9 A. Nor since.

10 Q. And the occasions that come to your mind as you
have

11 reflected on those drives and those observations, you
are most
12 certain that it was the same truck in the same place?

13 A. Yes.

14 Q. Leading you to believe that it was parked there for
several
15 days through the days, through the nights; correct?

16 A. Yes.

17 Q. On any of those occasions, Mrs. Rucker, did you
stop and

18 drive down to the lake and investigate to get a better
view?

19 A. Only after . . . I think we actually stopped to get
a

20 better view when the FBI had divers at the lake.

21 Q. So at no time on any of the days as you recall that
you

22 actually saw the truck, did you stop on that day --

23 A. No.

24 Q. -- and investigate in any fashion?

25 A. No.

12617

Georgia Rucker - Cross

1 Q. Other witnesses have estimated, Mrs. Rucker, that

it would

2 be about a 2-second opportunity to observe.

3 MR. WOODS: I object to what other witnesses
have

4 testified to.

5 THE COURT: Sustained.

6 BY MR. MACKEY:

7 Q. What would be your estimate, Mrs. Rucker, as to the
time

8 that a person driving at highway speed would have to
observe

9 vehicles at Geary Lake?

10 A. A very, very brief glimpse. I would say 2 seconds
would

11 probably be fairly accurate.

12 Q. And I take it for that reason, you make a division
in your

13 own recollection about large, yellow truck and any
other class

14 of vehicle?

15 A. Yes.

16 Q. And for that reason, you can't -- and you do not
testify,

17 do you, that Mr. Nichols' truck was not there for sure
on

18 Tuesday, April 18, when you noticed the Ryder?

19 A. No, I do not.

20 Q. Let's go back to January of 1995. And I understood
your

21 testimony, Mrs. Rucker, to be that you had not met nor

heard of

22 Terry Nichols before then; is that correct?

23 A. No, I had not.

24 Q. Do you have listings in the Herington area?

25 A. Listings in the Herington area.

12618

Georgia Rucker – Cross

1 Q. To include Junction City?

2 A. No, to include Hope, maybe White City, just the
very

3 immediate surrounding area.

4 Q. When Mr. Nichols first contacted you in January of
1995,

5 did you learn where he was living or staying at that
time?

6 A. He was staying at a motel in Junction City. He
didn't

7 really give me the name of the motel. He gave me a
phone

8 number.

9 Q. Did you have occasion to call that phone number
thereafter?

10 A. Yes, I did.

11 Q. Did you come to know it was a Sunset Motel?

12 A. Yes, I did.

13 Q. In any of your conversations with Mr. Nichols, did
you

14 learn whether he had shared that room, been in the
company of

15 anyone in Sunset Motel, in January of 1995?

16 A. I never learned that, no.

17 Q. As a real estate agent, did you seek to learn a
little bit

18 about the past of Mr. Nichols in terms of what his
connection

19 to the community might be, for example?

20 A. I did.

21 Q. Did you learn, Mrs. Rucker, whether he had any ties
-- any

22 family ties, anyway, to the state of Kansas?

23 A. I learned that basically, no -- that he didn't. I
learned

24 that he had been stationed in the area before and liked
the

25 area and thought it to be a nice area to live.

12619

Georgia Rucker - Cross

Junction 1 Q. Do you know where he had been before coming to

2 City in January of 1995?

3 A. I was led to believe that he was coming straight
out of the

4 military but that he was originally from Michigan.

5 Q. Do you know where he had been in January of '95,

6 immediately before he came to Junction City?

7 A. No.

8 Q. In the course of your conversations with Mr.
Nichols, did

9 he ever tell you he had lived and worked in Marion,
Kansas, in

10 the fall, the previous fall?

11 A. No.

12 Q. Did the name "Tim Donahue" ever come up in your
13 conversations?

14 A. No.

15 Q. When you and Mr. Siek asked for references, did he
give the

16 name "Tim Donahue" as a former employer?

17 A. No, he did not.

18 Q. To your knowledge, Mr. Nichols did not come to
central

19 Kansas to take a job; is that correct?

20 A. No.

21 Q. But to engage in the business of selling military
surplus?

22 A. Right. He was self-employed.

23 Q. Do you know how many military bases there are in
the state

24 of Kansas?

25 A. Not really. Maybe two.

Georgia Rucker – Cross

1 Q. You would agree there are many around the country,
though?

2 A. There are many around the country.

3 Q. In your conversations with Mr. Nichols about that
business,

4 the military surplus, did he mention to you what it is
in the

5 way of inventory or items that he would offer for sale?

6 A. Later on in a conversation, I asked him what type
of items

7 he had to sell; and he told me that he had ammo boxes.

8 Q. In all the time that you spent with Mr. Nichols,
did you

9 ever learn of any other item that Mr. Nichols said that
he

10 offered for sale in his business?

11 A. No.

12 Q. Do you know where while living in a motel room in
Junction

13 City one -- or in this case Mr. Nichols -- stored the
ammo cans

14 that he was offering for sale?

15 A. No.

16 Q. In the course of your dealings with Mr. Nichols,
did it

17 ever come up whether he had belongings or other
possessions in

18 storage in Herington, Council Grove, or anywhere else
in

19 central Kansas?

20 A. He just said that his home furnishings, his
belongings,
21 were stored; but he never said where, and I never
asked.
22 Q. As you reflect on the number of occasions you dealt
with
23 Mr. Nichols in the course of purchasing this real
estate, did
24 you come to see that he is a man who gathers
information before
25 acting?

12621

Georgia Rucker - Cross

1 A. Yes.
2 Q. Was careful and deliberate as he reviewed the
various
3 properties with you?
4 A. Yes.
5 Q. Researched carefully?
6 A. Yes. Took notes.
7 Q. And made no decision until he had done so?
8 A. Correct.
9 Q. Mr. Nichols took possession of 109 South 2nd on
what date,
10 if you recall?
11 A. The date would have been -- he actually moved in
around the

actually 12 11th of March. He took possession -- I mean it was

13 his property after closing, which was February 20.

property 14 Q. When was he in a position to gain access to the

15 and move any of his belongings in?

16 A. Not until around the 11th of March, '95.

bombing; is 17 Q. So approximately four-weeks-plus prior to the

18 that correct?

19 A. Yes.

admitted 20 Q. Now, in the course of the paperwork that has been

not, the 21 through your direct examination, that included, did it

3, 1995? 22 handwritten offer that Mr. Nichols drafted on February

23 A. Yes.

Defense 24 Q. Direct your attention to page 4 and 5 of the

25 Exhibit 1465.

12622

Georgia Rucker - Cross

1 A. Yes.

2 Q. Let me display that for you, please.

3 Is this the first page of two pages of that

4 handwritten offer?

5 A. It is.

6 Q. And that's a document that was written by Mr.
Nichols and

7 maintained in your files?

8 A. It is.

9 Q. And it bears a date of -- in the upper right-hand
corner --

10 of February 3, 1995?

11 A. Correct.

12 Q. Now, the terms set forth on this preliminary offer
did not

13 become the final terms; there were some modifications?

14 A. There were some modifications.

15 Q. Let me direct your attention to the second page of
this

16 exhibit.

17 For the record, there's a paragraph at the top
that

18 recites some additional terms of the proposal; correct?

19 A. Correct.

20 Q. And then towards the bottom, there's some numbers
that

21 appear on the right-hand side?

22 A. Correct.

23 Q. All right. Let me rotate this document, if I can.

24 Mrs. Rucker, I'm directing your attention now
to some

25 handwriting that appears on the left-hand portion in a
vertical

Georgia Rucker - Cross

1 fashion on that same page.

2 A. Yes.

3 Q. Do you see that?

4 A. Yes.

5 Q. Do you recognize the handwriting?

6 A. That's my handwriting.

7 Q. And when did you write it?

8 A. I wrote that just prior to the closing. The bank
and the

9 insurance company were needing a Social Security
number. And

10 Mr. Nichols informed me he didn't have one but that he
could

11 provide me with this number.

12 Q. The information that you've written here in your
13 handwriting: That came from Mr. Nichols?

14 A. Yes.

15 Q. And it says, "Taxpayer ID Number" at the beginning;
right?

16 A. Yes.

17 Q. Prior to that entry, or at any course in time, in
18 conversations with Mr. Nichols, had you and he talked
about

19 paying taxes?

20 A. We may have.
21 MR. WOODS: Your Honor, I object.
22 THE COURT: Overruled.
23 MR. WOODS: Paying taxes. Thank you.
24 THE WITNESS: I don't recall.
25 BY MR. MACKEY:

12624

Georgia Rucker – Cross

1 Q. Do you recall Mr. Nichols' telling you he didn't
pay taxes?

2 A. He just said he didn't have a Social Security
number.

3 Q. Do you know whether in fact this number that
appears before

4 your title, WG 975-010455, is in fact an ID number
issued by

5 the Internal Revenue Service or any other taxing
authority?

6 A. Yes, it is.

7 Q. And what do you base that on?

8 A. I have a WG number.

9 Q. What's the final digits of your WG number?

10 A. 0495, I believe. There are four.

11 Q. Do you know what the date of birth of Mr. Nichols
is?

12 A. No. I do not.

13 Q. If you read this in military terms, Miss Rucker,

would that

14 be April 1, 1955?

15 A. Yes.

16 Q. Let me show you at this time what's been previously
17 admitted Government Exhibit 1818. You see that as a
Michigan

18 driver's license for Terry Nichols?

19 A. Yes.

20 Q. See here on "date of birth," does it say "April 1,
1955"?

21 A. Certainly does.

22 Q. The words that appear below the number or sequence
of

23 numbers reads what?

24 A. "Without prejudice."

25 Q. And why did you write that?

12625

Georgia Rucker - Cross

1 A. It was at his request that I wrote that.

2 Q. Miss Rucker, as you've reflected on this matter, do
you

3 know anyone in Herington who had more face-to-face
dealings

4 with Terry Nichols in January, February, and March than
you?

5 A. No one.

6 Q. Do you know where Terry Nichols was on the morning

of

7 April 18, 1995?

8 A. No, I do not.

9 Q. Do you know where he was or what he was doing in
the fall

10 of 1994?

11 A. No, I do not.

12 MR. MACKEY: I have nothing else.

13 THE COURT: Redirect?

14 MR. WOODS: Yes, your Honor.

15 REDIRECT EXAMINATION

16 BY MR. WOODS:

17 Q. Mrs. Rucker, after the closing on February the 20th
when

18 the house became Mr. Nichols', were you aware that he
let the

19 renter stay on until a certain period?

20 A. Yes.

21 Q. And do you know who Jennifer Hughes is?

22 A. I know who she is, yes.

23 Q. Did she ever complain about anything --

24 MR. MACKEY: Objection.

25 BY MR. WOODS:

1 Q. -- about being thrown out by Mr. Nichols?

2 MR. MACKEY: Hearsay, relevance.

3 THE COURT: Sustained.

4 BY MR. WOODS:

5 Q. Now, in that envelope in front of you, Mrs. Rucker,
there
6 were some photographs. You mentioned where your office
was and
7 that you do business around the Herington area. If you
would,
8 look at Defense Exhibit 1779. Does that fairly and
accurately
9 depict the condition of your office as you knew it at
that
10 time?

11 A. Yes, it does.

12 MR. WOODS: We would offer into evidence 1779,
your
13 Honor.

14 MR. MACKEY: This is a photograph of the
witness's
15 office?

16 MR. WOODS: Yes.

17 THE COURT: That's what I understood her
testimony to
18 be, yeah.

19 Do you want to look at it?

20 MR. MACKEY: I think I've seen a Xerox. No
objection.

21 THE COURT: All right. D1779 is received.

22 BY MR. WOODS:
23 Q. And you mentioned that the escrow account was held
at the
24 Herington -- Central National Bank of Herington; is
that
25 correct?

12627

Georgia Rucker - Redirect

1 A. That's correct.
2 Q. Did you ever see Mr. Nichols go in and make the
payments
3 personally --

4 A. No.

5 Q. Or do you know how he made the payments?

6 A. No.

7 Q. 1780, does that fairly and accurately depict the
condition
8 of Herington National Bank as you knew it?

9 A. Of Central National Bank, yes, it did.

10 MR. WOODS: Okay. We would offer 1780 into
evidence,
11 your Honor.

12 MR. MACKEY: No objection.

13 THE COURT: Received.

14 BY MR. WOODS:

15 Q. Now, you mentioned that there were some lots behind

16 Mr. Nichols' house that were for sale that you showed
him?

17 A. Yes.

18 Q. And if you would, look at Defense Exhibit 1775 and
1783.

19 A. Yes.

20 Q. Do those two photographs accurately depict the
condition of

21 those lots as you knew them at that time?

22 A. Yes, they do.

23 Q. And is that a view -- from where?

24 A. From what's now AmPride. Then it was called
Cardies

25 Corner.

12628

Georgia Rucker - Redirect

1 MR. WOODS: We would offer 1783 and 1775 into
2 evidence.

3 MR. MACKEY: Your Honor, I think the witness's
4 testimony was he never bought the lots. I'm not sure
what the
5 relevance would be.

6 THE COURT: What is the purpose?

7 MR. WOODS: To show the lots that she referred
to,
8 your Honor, for the jury to take into account.

9 THE COURT: All right. I'll receive them.

10 BY MR. WOODS:

11 Q. Now, Mrs. Rucker, are you familiar with some
Surplus City

12 outlets in Herington?

13 A. Yes, I am.

14 Q. And is surplus bought and sold and exchanged at
those two

15 locations?

16 A. Yes.

17 Q. Do you know who Mr. Herbel is?

18 A. Yes, I do.

19 Q. And do you know where the locations of those two
outlets

20 are in Herington?

21 A. Yes, I do. On Trapp Street and 5th Street.

22 Q. Okay. And if you would, look at Defense 1782.

23 THE COURT: This is redirect examination.

24 MR. WOODS: Yes, your Honor.

25 THE COURT: Well, you're going way beyond what
was

12629

Georgia Rucker - Redirect

1 brought up on cross-examination.

2 MR. WOODS: Yes, your Honor. Is the Court
ordering me

3 to stop?

4 THE COURT: Yes.

5 MR. WOODS: I want to offer those into
evidence.

6 THE COURT: That's right. Some other witness.
This

7 isn't a grand tour of Herington through this witness.

8 MR. WOODS: Yes, your Honor.

9 Thank you, Mrs. Rucker. Appreciate it.

10 MR. MACKEY: No questions.

11 THE COURT: All right. She's excused?

12 MR. WOODS: Yes, your Honor.

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

14 We'll take our usual afternoon recess at this
time,

15 members of the jury. It will be for 20 minutes. And
again, of

16 course, please follow the cautions at earlier recesses
of

17 keeping open minds, avoiding discussion of the case or
anything

18 about it and remembering we have more to come.

19 You're excused.

20 (Jury out at 3:15 p.m.)

21 THE COURT: We will be in recess.

22 (Recess at 3:15 p.m.)

23 (Reconvened at 3:35 p.m.)

24 THE COURT: Be seated, please.

Honor? 25

MR. TIGAR: May we approach briefly, your

12630

1 THE COURT: Yes.

2 (At the bench:)

3 (Bench Conference 106B2 is not herein transcribed
by court

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

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12635

1 (In open court:)

2 (Jury in at 3:38 p.m.)

3 THE COURT: All right. Next witness, please.

4 MR. WOODS: Yes, your Honor. Elwin Roberts.

5 THE COURT: Okay.

6 THE COURTROOM DEPUTY: Would you raise your
right
7 hand, please.

8 (Elwin Roberts 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: Elwin L. Roberts, R-O-B-E-R-T-S.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Mr. Roberts. How are you today?

17 A. Pretty good.

18 Q. Where are you from, Mr. Roberts?

19 A. Dwight, Kansas.

20 Q. Where is Dwight, Kansas, in the -- if you were to describe

21 Kansas -- and where would Dwight be found?

22 A. Oh, it would be about 19 miles southeast of Junction City,

23 about 30 miles from Manhattan, and we're about 18 miles north

24 of Council Grove.

25 Q. If I were to put on that screen in front of you Exhibit

12636

Elwin Roberts - Direct

1 D1762, which has been previously admitted, have you seen that

2 before, Mr. Roberts?

3 A. Yes, I have.

4 Q. And where would your hometown be located on that? If you

5 used that pen with an extension on it and write on the screen

6 just to indicate where it would be.

7 Make a big X so everybody can see.

8 A. A big one?

9 Q. All right. What do you do for a living sir?

10 A. I'm an engineering technician for BG Consultants in
11 Manhattan, Kansas.

12 Q. Were you doing that in April of 1995?

13 A. Yes, I was.

14 Q. I want to direct your attention to the day after
Easter,

15 April, 1995, Monday, the 17th. What were you doing on
that

16 particular day?

17 A. On that day I picked up some samples from Hamms
Quarry by

18 Herington and was taking it to the office in Manhattan.

19 Q. Where is Hamms Quarry? If you put a big X on the
screen

20 for the jury.

21 And what time were you assigned to do that?

22 A. Well, I went out to the job first, and then I went
over

23 there and I left. I picked them up, oh, probably about
10:00

24 in the morning. Between 10 and 10:30.

25 Q. On Monday, the 17th?

12637

Elwin Roberts - Direct

1 A. Yes.

2 Q. Was there any other day that week or the previous
week when

3 you had been assigned to pick up rock samples at the
quarry?

4 A. No, there was not.

5 Q. That was the only day?

6 How did -- what road did you drive to get back
to

7 Manhattan?

8 A. I went back to 77, to I-70 at Junction City, and
then over

9 to K-18, and went into Manhattan.

10 Q. Did you pass a state recreation area along the way?

11 A. Yes, I did.

12 Q. What was that?

13 A. Geary State Lake.

14 Q. Excuse me?

15 A. Geary State Lake.

16 Q. And is that indicated on that map, by the way?

17 A. Yes, it is.

18 Q. I'm going to put up a photograph. Tell me if you
recognize

19 this -- previously admitted as Government 1982B.

20 A. Yes, I do. That's -- that's the lake.

21 Q. And is that what you passed on your way that
morning back

22 to Manhattan?

23 A. Yes, I did.

24 Q. Did you see anything unusual as you drove?

25 A. Yeah. I seen -- well, I was looking at the lake,
and there

12638

Elwin Roberts - Direct

1 was a guy going out on the lake in a boat; and there
was a

2 truck and a green truck with a cap on it and a boat
trailer

3 setting (sic) by the boat ramp. And I also seen a
Ryder truck

4 that was setting back over on the cove.

5 Q. Sitting on the cove. Where was the Ryder truck
located, if

6 you could use that pen again.

7 A. Right over in this part of the cove right there.

8 Q. In which direction was it facing?

9 A. It was facing out towards the lake.

10 Q. Did you see any vehicles around that Ryder truck?

11 A. Yes. There was an older, brown pickup setting back
over in

12 here behind it.

13 Q. Did you see any individuals around it?

14 A. No, I did not.

15 Q. How much time did you have to look at the lake as
you're

16 driving back?
17 A. Not a whole lot if you're going by 50 miles an
hour. I had
18 slowed up because I wanted to look at the lake and see
what it
19 looked like because I do a lot of fishing and stuff.
20 Q. So if you pass by a fishing lake, is it your normal
21 practice to look at what the conditions are?
22 A. Yes, it is.
23 Q. Have you had occasion to fish at Geary Lake before?
24 A. Yes, I have.
25 Q. Is that one of the reasons why you looked down, to
see the

12639

Elwin Roberts - Direct

1 conditions?
2 A. Yes, it was.
3 Q. How much did you slow down, would you say?
4 A. Oh, I probably slowed down about 10 miles an hour
from what
5 I was going.
6 Q. Do you recall what the Ryder truck looked like?
7 A. Yes. It was a larger -- one of the larger Ryder
trucks,
8 and it had the slipover front -- I mean it didn't go
over the
9 cab front but it came down.

10 Q. Just a box?

11 A. Yes.

12 Q. If I were to put up a brochure of several Ryder
trucks

13 which has previously been admitted as D1737 -- zoom out
a

14 little bit, clear the screen -- could you circle with
that pen

15 which Ryder truck it was you saw to the best of your

16 recollection.

17 Okay. All right. Now, do you know a
gentleman by the

18 name of Rick Glessner?

19 A. Yes, I do.

20 Q. How do you know that gentleman?

21 A. He works for the same company I do.

22 Q. And have you -- did you have occasion to discuss
your

23 sighting of this Ryder truck with Mr. Glesster --
Glessner in

24 the 1995 time period?

25 A. Yes. I ran across him at the office and I told him
that I

12640

Elwin Roberts - Direct

1 had heard on TV that they wanted people to call in; and
I said

in; and 2 that I had seen one out there and I was going to call

3 he told me --

4 Q. Don't tell me what he said. You had discussed with
him

5 that you had seen it and you were going to call in?

6 A. Yes.

7 Q. Was that a special number that you had heard about
that you

8 were supposed to call?

9 A. Well, I didn't have the number. I just called the
Geary

10 County Sheriff's Department, and they gave me the
number to

11 call.

12 Q. And did you come to learn that Mr. Glessner, too,
had

13 something that he wished to report?

14 A. Yes.

15 Q. And did you discuss that -- his issue that he
wanted to

16 report with him at that time?

17 A. No, I did not.

18 Q. You didn't at that time. Now, you continue to know

19 Mr. Glessner; correct?

20 A. Yes, I do.

21 Q. Do you all still work at the same place?

22 A. Yes, we do.

23 Q. Were you both subpoenaed in this case?

24 A. Yes, we were.

25 Q. And did you both drive out together from Kansas?

12641

Elwin Roberts - Direct

1 A. Yes, we did.

2 Q. And are you staying in the same hotel?

3 A. Yes, we are.

4 Q. How long is the drive from Kansas?

5 A. About eight hours.

6 Q. What subjects did you discuss on your way here?

7 A. We did discuss, you know, some of what we had seen,
but it

8 was only like a couple different times.

9 Q. Was that on the suggestion of defense counsel in
any way?

10 A. No, it was not.

11 Q. And when you arrived here and you spoke with
defense

12 counsel, did defense counsel suggest to you that it
would be

13 inappropriate to discuss further what you might testify
about?

14 A. Yes, they did.

15 Q. Has your recollection of what you saw at Geary Lake
on

16 Monday, the 17th, in any way, shape, or form been
affected by

17 your discussions with Mr. Glessner?

18 A. No, it has not.

19 MR. NEUREITER: Pass the witness.

20 THE COURT: Cross-examination?

21 CROSS-EXAMINATION

22 BY MR. GOELMAN:

23 Q. Good afternoon, Mr. Roberts.

24 A. Good afternoon.

25 Q. You told us on direct examination about some
vehicles that

12642

Elwin Roberts - Cross

1 you saw down at Geary Lake when you passed it?

2 A. Yes.

3 Q. What was the first vehicle you mentioned -- was a
green

4 truck with a topper?

5 A. Yes. It was a pickup and a topper. It was setting
down by

6 the boat ramp. And I took it that probably belonged to
the

7 gentleman that I said was out in the boat on the lake.

8 Q. You also saw a boat at that time?

9 A. Yes.

10 Q. Can you describe the boat?

bottom 11 A. Yes. It was about a 12- or 14-foot, aluminum, V-
12 boat.
13 Q. V-bottom?
14 A. Yes.
15 Q. What does that mean exactly?
got a V 16 A. Well, it's got a V bottom. It's not a flat. It's
17 hull on it.
truck? 18 Q. Okay. And the truck that you saw, that first
19 A. It was green -- I don't know what make it was. It
was, you 20 know, facing out toward the lake; but it was a green
with green 21 cap on it; and it had a boat trailer, you know, hooked
to the 22 back of it.
23 Q. Could you tell if it was a fairly new truck?
24 A. Yes. It was fairly new.
of time 25 Q. And you were able to determine this in the amount

12643

Elwin Roberts - Cross

1 that you had to glimpse --
2 A. Yes.
3 Q. -- down at the lake?

4 Now, according to your testimony on direct
5 examination, sir, the truck was down near the jetty
that goes
6 out into the water, the Ryder truck?

7 A. Well, it was down on that island part right there
by the
8 jetty.

9 Q. There is no rest rooms down there, sir, are there?

10 A. No, there is not.

11 Q. Have you previously indicated that the Ryder truck
that you
12 saw was by the rest rooms?

13 A. Yes. I have.

14 Q. And you've never seen another Ryder truck at Geary
Lake,
15 sir?

16 A. No, I have not.

17 Q. Have you passed that way pretty often?

18 A. Yes, I do.

19 Q. And you indicated that you went and you told the
FBI about
20 this after you heard that they were looking for people
who had
21 seen the Ryder truck at Geary?

22 A. I did.

23 MR. GOELMAN: Thank you, sir. That's all I
have.

24 MR. NEUREITER: No more questions.

25 THE COURT: All right.

12644

1 MR. NEUREITER: He's excused.

2 THE COURT: Excusing the witness, I take it.

3 MR. NEUREITER: Yes, your Honor.

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

5 Next, please.

6 MR. WOODS: Yes, your Honor. Rickey Glessner.

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

8 (Rickey Glessner 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: Rickey D. Glessner, G-L-E-S-S-N-
E-R.

13 THE COURTROOM DEPUTY: Thank you.

14 DIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. Hello, Mr. Glessner. How are you?

17 A. Fine.

18 Q. If you could lean forward towards the microphone
just so

19 everyone can hear.

20 Where you from, Mr. Glessner?

21 A. Onaga, Kansas.

22 Q. Where do you work?

23 A. BG Consultants. That's engineering firm in
Manhattan.

24 Q. How old are you?

25 A. 36.

12645

Rickey Glessner – Direct

1 Q. Are you married?

2 A. Yes.

3 Q. Do you have kids?

4 A. Four kids.

1995. Do 5 Q. I want to take you back to the Easter Sunday of

6 you recall that day, sir?

7 A. Yes.

8 Q. What were you doing on that day?

9 A. I was driving to my folks' for Easter dinner.

10 Q. Where did your folks live at that time?

11 A. They lived south of Junction City. It's White City
is what

12 the rural area is called.

13 Q. Is that White City?

14 A. White City, yes.

15 Q. I'm going to put a map on the screen that will
appear in
16 front of you. It's labeled D1762 previously admitted.
And
17 there should be a pen up there with a wire attached.
If you
18 put the pen underneath the table onto the television
screen,
19 could you put a big X where White City is located, if
you can,
20 to the best of your estimation.

21 A. Is that big enough?

22 Q. That's big enough that the jury can see.

23 So I take it from the indication on the map
it's a few
24 miles east of U.S. 77?

25 A. It's 6 miles east.

12646

Rickey Glessner - Direct

1 Q. And it's north of Herington?

2 A. Yes.

3 Q. And south of Junction City?

4 A. Yes.

5 Q. What time were you going there for Easter?

6 A. It was between 10 and 11:00 in the morning.

7 Q. And did you take U.S. 77 south to get there?

8 A. Yes.

9 Q. On the way there, did you pass a state recreation
area?

10 A. Yes.

11 Q. And what was that?

12 A. Geary County State Lake.

13 Q. Going to put up a photograph. Do you recognize
that?

14 A. Yes.

15 Q. What is that?

16 A. That's Geary County State Fishing Lake.

17 Q. Is the highway that's shown there the one that you
drove

18 down southward towards White City on Easter Sunday?

19 A. That's 77, yes.

20 Q. What did you see as you drove past Geary Lake on
Sunday,

21 Easter?

22 A. I saw a Ryder truck sitting down there by the lake.

23 Q. Can you describe the Ryder truck?

24 A. It was a -- I would say a 20- to 24-foot-type truck
with a

25 grandma's attic over it.

12647

Rickey Glessner - Direct

1 Q. Where was it located? If you could use the light

pen

2 again.

3 A. Okay.

4 Yeah, that's -- do you want an X there?

5 Q. X there. So this truck that you saw was not all
the way at

6 the cove, then, was it?

7 A. No.

8 Q. It was pretty close to the road?

9 A. Pretty close, yes.

10 Q. As you drove south, did you have to look over your
shoulder

11 to see it, or did it appear in front of you as you were
12 driving?

13 A. I had to slow down as I got there.

14 Q. Tell us about that. Why did you have to slow down?

15 A. Okay. Somebody was behind me in a hurry to pass.
They

16 passed me; and right when they get to that entrance,
that south

17 entrance there, they slow down and turn, so I have to
slow down

18 to keep from hitting them basically. And I watched
that car

19 pull in; and as it pulls in, that's when I see the
truck down

20 in there.

21 Q. Did you say anything to the people who were riding
with

22 you?

23 A. My wife --

24 Q. I assume there were people riding with you. Did
you have

25 anybody in the car riding with you?

12648

Rickey Glessner - Direct

1 A. Yes. My wife, and I had three children at that
time.

2 Q. What were you driving?

3 A. A white Grand Caravan, '93.

4 Q. Did you say anything to anybody as you drove past?

5 A. I mentioned to my wife that it seemed like an odd
day to be

6 moving.

7 Q. Easter Sunday?

8 A. Yes. Yes, Easter Sunday would be an odd day to be
moving.

9 Q. Did she say anything about it?

10 A. She said yes, that would be odd.

11 Q. Did there come a time when you had a discussion in
1995

12 with your colleague at work -- with a colleague at work
about

13 what you had seen?

14 A. A colleague at work had mentioned to me that they
were

15 stopping people out on the highway and asking if
anybody had
16 seen anything or a truck down there, a Ryder truck, if
anybody
17 seen that to contact -- I think it was the Geary County
18 Sheriff's Department or something to that nature.

19 Q. Who was that colleague?

20 A. His name was John Lynch.

21 Q. Okay. Did you ever have a discussion in 1995 with
22 Mr. Elwin Roberts?

23 A. Other than the fact that I had mentioned to him
that I
24 would -- I had called this number and told them that I
had seen
25 a truck; and he had mentioned to me that he had seen a
truck

12649

Rickey Glessner - Direct

1 also and that he was going to call that number.

2 Q. Did you drive out here to testify with Mr. Roberts?

3 A. Yes, I did.

4 Q. And did you have some discussions about this case
as you
5 drove out here?

6 A. Mostly complaints about having to come out.

7 Q. There was some discussion about what your testimony
might

8 be?

9 A. Correct. Very little, but yes, there was some.

10 Q. Has your testimony in any way, shape, or form been
affected
11 by those conversations?

12 A. No, sir.

13 Q. And once you got here, were you instructed not to
speak
14 with any other witness in this case about your
testimony?

15 A. This morning basically.

16 Q. Okay.

17 A. This morning.

18 Q. Last evening, did anyone --

19 A. Last evening, too. Also.

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

21 THE COURT: Any cross-examination?

22 CROSS-EXAMINATION

23 BY MR. GOELMAN:

24 Q. Good afternoon, Mr. Glessner.

25 A. Hello.

12650

Rickey Glessner - Cross

1 Q. At the time that you saw a Ryder truck at the
entrance to

2 Geary Lake: That was Easter Sunday, 1995?

3 A. Correct.

4 Q. About what time was that?

5 A. It was between 10 and 11. I'd say 10:30.

6 Q. And you said that this truck had a grandma's attic;
is that

7 right?

8 A. Yes.

9 Q. Would you describe that, please.

10 A. It's the van that comes up over the top -- or over
the top

11 of the cab of the truck. It's the -- a storage area
above the

12 cab of the truck.

13 Q. So part of the cargo box actually overhung the cab?

14 A. Correct.

15 Q. Is that --

16 A. Correct.

17 Q. About how far was that from the highway when you
passed it?

18 A. That -- on that little picture, there is that
information

19 center, and it was right there by that. There is that
-- an

20 information board down there by the state lake.

21 Q. Let me put on what's already been received in
evidence as

22 Government 1982B. Can you again mark the spot where
you saw --

23 well, it's probably -- did you just write that X?

24 A. That's been there for the last -- if you slide the
picture
25 over a little bit, it would be about right.

12651

Rickey Glessner - Cross

1 No, a little bit higher. Now the other way.
2 Q. Why don't you click the side of the pen and do it
yourself.

3 A. Okay. There is an information right there, and the
truck
4 is sitting right here.

5 Q. Where are the rest rooms on this picture?
6 A. They're actually over here. That thing as you look
at it
7 from the road -- this information center looks kind of
like a
8 building because it's, you know -- you're seeing it
widthwise.

9 As you look at it, it would appear to be a building
because it
10 does have a roof-type thing on it.

11 Q. When you first reported the incident to the FBI,
did you
12 think you had seen a truck by the rest room?

13 A. That's correct.

14 Q. Is that what you told them?

15 A. That's correct.

State 16 Q. You first told the FBI after the roadblock at Geary
17 Lake?
Lynch 18 A. Correct. I contacted them after I heard from John
19 about it.
seen 20 Q. You heard that they were looking for people who had
21 this truck?
22 A. That's right.
that you 23 Q. Did you drive back the same way on Easter Sunday
24 drove down?
25 A. Yes.

12652

Rickey Glessner - Cross

that 1 Q. Did you have a chance to look over at Geary Lake at
2 time?
3 A. Yes. I just generally look that way every time I
go home.
4 Q. What did you see then?
5 A. There was nothing there at all. The lake was
deserted.
6 Q. No Ryder truck?
7 A. Nothing.
8 MR. GOELMAN: Thank you, sir. That's all I
have.

9 THE COURT: Anything else for this witness?
10 MR. NEUREITER: No, your Honor.
11 THE COURT: All right. I take it he's
excused.
12 MR. NEUREITER: He can drive back to Kansas.
13 THE WITNESS: Thank you.
14 THE COURT: You are excused.
15 Next, please.
16 MR. WOODS: Yes, your Honor. Ray Siek.
17 THE COURTROOM DEPUTY: Would you raise your
right
18 hand, please, sir.
19 Would you stand, please.
20 (Raymond Siek affirmed.)
21 THE COURTROOM DEPUTY: Would you have a seat,
please.
22 These are for you, and it's adjustable here.
23 Can you state your full name for the record
and spell
24 your last name.
25 THE WITNESS: Is that --

12653

1 THE COURTROOM DEPUTY: Can you state your full
name
2 for the record.

3 THE WITNESS: Raymond Siek.

4 THE COURTROOM DEPUTY: And spell your last
name.

5 THE WITNESS: S-I-E-K.

6 DIRECT EXAMINATION

7 BY MR. NEUREITER:

8 Q. Hello, Mr. Siek. How are you?

9 A. That's too loud.

10 THE COURTROOM DEPUTY: That's adjustable. Did
you

11 adjust it?

12 BY MR. NEUREITER:

13 Q. Is this -- test, test, test, test. Is this okay?

14 A. That's okay.

15 Q. Where are you from, Mr. Siek?

16 A. From Lawrence, Kansas.

17 Q. And how old are you?

18 A. 69.

19 Q. Mr. Siek, did you have a sister who passed away in
1995?

20 A. Yes, I did.

21 Q. I'm going to put up on the ELMO an exhibit that has
not

22 been previously introduced, D1765. It's the first
page. Do

23 you recognize that as the first page of a document
you've seen

24 before?

25 A. Yes, I do.

12654

Raymond Siek - Direct

1 Q. And I'm going to turn to the second page. Do you
recognize 2 that as the second page of that document?

3 A. Yes, I do.

4 Q. And what is that document without reading anything
on it? 5 Just describe it.

6 A. Describe it? Well, it's a -- from my sister --
funeral 7 home puts out, her death.

8 MR. NEUREITER: Move the admission, your
Honor.

9 THE COURT: What's the purpose of that?

10 MR. NEUREITER: Your Honor, it indicates the
date --

11 THE COURT: Well, he can testify to the date.

12 BY MR. NEUREITER:

13 Q. Did your sister have a funeral on a particular day
in 14 April, 1995?

15 A. Yes, she did.

16 Q. What date was that?

17 A. April 17.

18 Q. And where did you go for your sister's funeral on
April 17?

19 A. Herington, Kansas.

20 Q. What time did you drive there?

21 A. Well, you mean drive down?

22 Q. Yes, sir.

23 A. Oh, probably about 10:00.

24 Q. And what time did you return that day?

25 A. Well, it was -- I'd say 4. I probably left there
between

12655

Raymond Siek - Direct

1 3:30 and 4.

2 Q. And why did you leave there between 3:30 and 4?
Was there

3 a scheduled time?

4 A. Well, they had -- after the funeral, why, they had
where

5 people come by and chat, and that lasted from 2 to 4.
And I

6 had a -- two nieces that were here from Connecticut,
and they

7 had to catch a flight out of KC; and I went to take
them up to

8 get on the interstate so they could make it back there.
So I

9 left a little bit early. I didn't stay till 4:00.

10 Q. What route did you drive home?

11 A. I took 77.

D1762. Have 12 Q. Going to put a map in front of you designated

13 you seen that before, sir?

14 A. Yes, I have.

15 Q. And does that show the route that you drove home
that day?

16 A. Yes, it does.

17 Q. And did you pass a lake on your way home?

18 A. Yes, I did.

19 Q. What lake did you pass?

20 A. Geary County State Lake.

21 Q. I'll put up a picture, and it's designated
Government 18 --

22 1982B. Have you -- have you seen a picture like that
before?

23 A. Yes, I have.

24 Q. What is that?

25 A. It's a picture of the lake, Geary County State
Lake.

12656

Raymond Siek - Direct

1 Q. As you drove past the lake on that day, did you see
2 anything unusual?

3 A. Yes, I did.

4 Q. What did you see as you drove past around 4:00 on

that day?

5 A. Ryder truck backed up to the edge of the lake, and
there
6 was a pickup truck next to it, and there was two
people.

7 Q. And where was that Ryder truck located on that day?
8 Looking at the picture . . .

9 A. Well, I would say it was -- you want me to point to
it
10 here?

11 Q. Well, I'll start here and you tell me to stop when
you saw
12 the truck -- where you saw the truck.

13 A. Okay. I'd say right up there on that outlet right
there.

14 Q. Who was riding in the car with you? Was it a car
that you
15 were driving in?

16 A. Yes.

17 Q. Who was riding in the car?

18 A. My wife and my son and daughter-in-law.

19 Q. Did you say anything as you saw this Ryder truck?

20 A. I don't remember exact words, but I think I said
something
21 to the effect, "Kevin, I wonder what those idiots are
doing

22 down there in the rain."

23 Q. Was it raining that day?

24 A. Yes, it was.

couple of 25 Q. And did you think it odd that a Ryder truck and a

12657

Raymond Siek – Direct

rain? 1 people in a pickup truck would be down there in the

2 A. I did.

3 Q. Why was that?

in the 4 A. I couldn't figure why you'd want to stand out there

5 rain. They were standing there talking.

6 Q. Are you certain of the date?

7 A. I'm positive.

date on 8 Q. Have you been questioned by many people about the

9 which you saw this event?

10 A. I've been questioned several times on it, yes.

funeral 11 Q. And are you certain of the date that your sister's

12 occurred?

13 A. Yes. I have proof of it.

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

15 THE COURT: Okay. Cross-examination.

16 CROSS-EXAMINATION

17 BY MR. GOELMAN:

18 Q. Good afternoon, sir.

19 A. Good afternoon.

20 Q. Can you hear me okay?

21 A. Yes, I can.

22 Q. Can you tell me about the people that you saw down
at Geary

23 Lake when you drove by on April 17.

24 A. Well, it was just two individuals standing by this
truck.

25 Q. Did you see any detail of those individuals? Could
you see

12658

Raymond Siek - Cross

1 what they were wearing?

2 A. No.

3 Q. Could you see if they were approximately the same
height?

4 A. I would say they were approximately the same
height, yes.

5 Q. And you indicated on direct examination that when
you saw

6 them, you made a comment about them and what they were
doing

7 out there?

8 A. I didn't so much say what they were doing as I
didn't think

9 it was too bright being down there.

10 Q. But you pointed out their presence there to other
people in

11 your car?
12 A. Yes, I did.
13 Q. Do you know if other people in your car looked at
that
14 time?
15 A. My son looked, yes.
16 Q. Where was your son seated in the car?
17 A. Right behind me.
18 Q. Were you driving, sir?
19 A. Yes, I was.
20 Q. That is the only time that you've ever seen a Ryder
truck
21 down at Geary Lake, sir?
22 A. Yes.
23 Q. And can you describe the other truck that you saw
there,
24 please.
25 A. Well, it was a pickup truck with a shell on it, and
it

12659

Raymond Siek - Cross

1 was -- it was either a dark blue or black. It was
raining,
2 kind of hazy. I'm not that positive on it. I would
say it was
3 dark blue, but I don't know. It could have been black.
4 Q. Now, what do you mean by a shell? A camper top?

5 A. A camper top, yes.

6 Q. And you never saw another Ryder truck at Geary Lake
except

7 for that one day; is that right, sir?

8 A. That one day.

9 Q. But you did say what you saw was the same pickup
truck at

10 another time, didn't you?

11 A. Well, at the -- at that time, no.

12 Q. No, you didn't?

13 A. I saw another pickup truck later. And at the very
time

14 that I saw it, I didn't connect the two. But then
later, as

15 this case developed, why, thinking back on it, why,
yes, they

16 did resemble.

17 Q. Did you later become convinced, sir, that they were
in fact

18 the same truck?

19 A. Well, I'd say pretty sure.

20 Q. And can you tell us about the time where you saw
this

21 pickup truck the second time?

22 A. The second time? It was on the 19th of April, and
I had

23 gone down -- Do you want the whole story on this, or
what?

24 Q. Please.

25 A. I had gone down to the gas company -- I was made
executor

12660

Raymond Siek - Cross

1 of my sister's estate, so I went in to pay this gas
bill. And

2 as I pulled in, why this gentleman came walking out of
the gas

3 company. And his pickup was about one slot down from
me, and I

4 looked to see if I rec -- I at one time lived in
Herington. I

5 was born and raised there, and I thought maybe it was
somebody

6 I knew, so I looked to see whether it was someone I
knew or

7 not. And it turned out it wasn't, but I -- when he
went to get

8 in his truck, why, I looked over and saw just mainly
the front

9 of the truck. I didn't really look the truck over or
anything.

10 And I got out and went in the gas company. And that's
the

11 second time I saw it -- first time I saw it.

12 Q. Did you later learn the identity of this
individual?

13 MR. NEUREITER: Objection.

14 THE WITNESS: Yes, I did.

15 THE COURT: Yes, we have to have a better

foundation.

16 BY MR. GOELMAN:

17 Q. That was on April 19, sir?

18 A. Yes.

19 Q. At sometime after that, did you see this individual
20 depicted anywhere?

21 A. Yes.

22 Q. And can you tell us where that was.

23 A. On TV.

24 Q. And can you tell us what it was in connection with.

25 A. With the bombing at Oklahoma City.

12661

Raymond Siek – Cross

this 1 Q. And at that time, sir, did you learn the name of
2 individual?

3 A. Yes, I did.

4 Q. And what is that person's name?

5 A. Nichols. Terry Nichols.

6 MR. GOELMAN: One moment, your Honor.

7 THE COURT: Yes.

8 MR. GOELMAN: That's all I have. Thank you.

9 THE COURT: Any redirect?

10 MR. NEUREITER: Just a little.

11 THE COURT: Okay.

12 REDIRECT EXAMINATION

13 BY MR. NEUREITER:

14 Q. There are a lot of Sieks in the Herington area, Mr.
Siek?

15 A. Well, there was at one time. Not right now.

16 Q. Are you related to a Siek who sold a home to Mr.
Terry

17 Nichols?

18 A. Yes, I am. I'm his brother.

19 Q. You said on cross-examination that you saw a second
truck

20 or a truck similar to the one you had seen down at the
lake at

21 a later time. Do you remember that?

22 A. Yes.

23 Q. And you also said on cross-examination that after
all this

24 came out, you sort of became convinced that it was
probably the

25 same truck. Is that correct?

12662

Raymond Siek - Redirect

1 MR. GOELMAN: Object to characterization, your
Honor,

2 "sort of became convinced."

3 THE COURT: Yes. Rephrase it.

4 BY MR. NEUREITER:

5 Q. How many times did you speak with the FBI about
what you
6 had seen?

7 A. FBI, I think -- I think just once.

8 Q. And you've spoken to members of defense?

9 A. Yes, I have.

10 Q. And tell us how you came to decide or conclude that
these
11 two trucks were the same truck?

12 A. Well, just after -- after thinking about this, why,
then

13 I -- thinking -- somebody was asking me about the age
-- you

14 know, what year, model, make it was. And then like I
say, I

15 didn't really pay all that much attention to the whole
truck;

16 but when I -- what I could remember seeing of the front
of it

17 there and what I saw that day down at the lake, why,
they

18 seemed to me like probably the same make, anyway.
Whether it

19 was the same truck, I don't know.

20 Q. Probably the same make, but you don't know if it
was the

21 same truck?

22 A. I don't know if it was the same truck.

23 Q. Once you were made executor of your sister's
estate, did

24 you have occasion to frequently drive to Herington?

25 A. Many, many, many times.

12663

Raymond Siek - Redirect

County

1 Q. And each time you drove, did you drive by Geary

2 State Lake?

3 A. Yes, sir.

the great

4 Q. And how popular is a pickup truck as a vehicle in

5 plains of Kansas?

6 A. Very, very popular.

7 Q. A lot of people drive pickup trucks?

8 A. Yes, they do.

9 Q. A lot of people have toppers on pickup trucks?

10 A. Yes, they do.

11 Q. Do a lot of people fish at Geary County Lake?

12 A. Well, I-- there's quite a few fish there, yes.

13 MR. NEUREITER: No more questions, your Honor.

14 THE COURT: Anything else of this witness?

15 MR. GOELMAN: Nothing further, your Honor.

it?

16 THE COURT: All right. He's excused, I take

17 MR. NEUREITER: Yes, your Honor.

18 THE COURT: You may step down. You're

excused.

Honor. 19 MR. WOODS: Kevin Siek. Kevin Siek, your

20 THE COURT: Thank you.

right 21 THE COURTROOM DEPUTY: Would you raise your

22 hand, please.

23 (Kevin Siek affirmed.)

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

and 25 Would you state your full name for the record

12664

1 spell your last name.

2 THE WITNESS: Kevin Ray Siek, S-I-E-K.

3 THE COURTROOM DEPUTY: Thank you.

4 DIRECT EXAMINATION

5 BY MR. NEUREITER:

6 Q. Hello, Mr. Siek.

7 A. Hi.

8 Q. Where are you from, Mr. Siek?

Kansas 9 A. I'm from Overland Park, Kansas. It's a suburb of

10 City.

11 Q. And how old are you?

12 A. 42.

13 Q. And what's your father's name?

14 A. Raymond Siek.

15 Q. Did your aunt pass away in April of 1995?

16 A. Yes.

17 Q. Did you go to her funeral?

18 A. Yes, we did.

19 Q. At what time did you return from her funeral?

20 A. Well, we stayed for the reception in the afternoon,
and I
21 think we probably left about 3:30. It got over at 4,
but we
22 left before it ended, so about 3:30.

23 Q. Whose car were you riding in?

24 A. My dad's -- my mom and dad's van.

25 Q. Which way did you get home?

12665

Kevin Siek - Direct

1 A. We took 77 highway up to I-70 and then on over to
Kansas --
2 or Manhattan.

3 Q. Did you pass Geary County Lake?

4 A. Yes, we did.

5 Q. What did you see when you passed Geary County Lake?

6 A. Well, actually my dad, as we were driving by -- my
dad said

are 7 something to the effect that "I wonder what those guys
8 doing down there with that Ryder truck."

talking 9 And I looked down there to see what he was
10 about. There was a Ryder truck parked down there with
a blue 11 pickup next to it and some people standing next to it.

picture that 12 Q. I'm going to put a picture of Geary Lake -- a
13 has been previously introduced as Government's Exhibit
1982B.

14 Can you tell me what that is.

15 A. That's a picture of Geary Lake.

wire 16 Q. Can you -- there should be a pen up there with a
17 attached. If you could take the pen and put it on the
screen 18 and put a big X where you saw that Ryder truck.

19 A. Okay. It's kind of hard to tell from this map.

20 Q. Let me zoom in.

21 A. But I would say --

you tell 22 Q. And if where it was is not within the zoomed area,
23 me.

on this 24 A. Oh, it would have been -- I'm going to say probably
25 jetty back here.

Kevin Siek - Direct

1 Q. It was down by the shore?

2 A. Yeah. They were pulled down -- there is a series
of these
3 little jetties that go out into the lake along that
side, and
4 they were pulled out on one of them.

5 Q. And that's your best recollection of where it was?

6 A. Yeah. It's kind of hard to tell from this map
because, you
7 know, the angle. We just saw it from the road looking
down.
8 It wasn't up this high.

9 MR. NEUREITER: Okay. Thank you. Pass the
witness.

10 THE COURT: Questions?

11 CROSS-EXAMINATION

12 BY MR. GOELMAN:

13 Q. Good afternoon.

14 A. Hi.

15 Q. My name is Aitan Goelman. I represent the United
States.

16 Can you tell me about the people that you saw
when
17 your dad directed your attention down to Geary Lake on
that
18 day.

19 A. Well, it looked to me like three guys standing down

there.

You 20 One of them was visibly shorter than the other two.

21 know -- I don't know if it was, you know -- it could
have been

22 an adolescent or just a shorter person next to two
taller guys.

23 You know, they were back quite a ways; so, you know, I
didn't

24 really have anything to really judge if they were
average

25 height or --

12667

Kevin Siek - Cross

of 1 Q. Was it clear in your memory that two of them were

2 similar height and one of them was significantly
shorter?

3 A. Uh-huh, yes.

4 Q. Where in relation to the trucks were these people?

5 A. Well, they would have been south of them. They
were closer

6 to us than to the vehicles.

7 Q. You said you saw a blue pickup truck there, too?

8 A. Uh-huh.

9 Q. Did this blue pickup truck have a white camper
shell on it?

10 A. It had a camper shell on it. I couldn't say that,
you

the
and with
was --
11 know, exactly what color it was. It was lighter than
12 truck. The truck looked like it was a dark-blue truck
13 a lighter shell on the back. You know, I would say it
14 at least part of it was white.

State
15 Q. Have you told us the time that you went by Geary
16 Lake --

minutes to
that would
17 A. Oh, well, let's see. It takes approximately 30
18 get there from Herington; and so if we left at 3:30,
19 put us there around 4:00.

about
20 Q. Do you recall talking to the FBI after the bombing
21 this incident, sir?

22 A. Uh-huh.

for people
right?
23 Q. And that was in connection with the FBI's search
24 who had seen a Ryder truck at Geary Lake. Is that

25 A. That's correct.

12668

Kevin Siek - Cross

1 Q. That was after you had seen that on the news, sir?

2 A. Uh-huh.

1995. Does 3 Q. And they came out and talked to you on May 19,

4 that sound about right?

5 A. Probably.

6 Q. Within a couple weeks of the bombing?

7 A. Yes.

8 Q. A time when your memory of the 17th was much
fresher?

9 A. Oh, yeah.

10 Q. Than it is today, I mean?

11 A. Sure.

12 Q. And you told them at that time, didn't you, sir,
that you

13 passed Geary State Lake on Monday, the 17th, between 5
and 5:30

14 p.m.?

15 A. Well, that was just my best guess at the time. I
mean, I

16 didn't have the obituary, so --

17 Q. Yeah. I just want to know if that's what you told
them,

18 sir.

19 A. Oh, well, I think it probably is, yeah.

20 MR. GOELMAN: One moment, your Honor.

21 THE COURT: Yes.

22 BY MR. GOELMAN:

23 Q. Mr. Siek, I'm showing you what's already in
evidence as

of your 24 Government's Exhibit 2045. Can you just click the side
25 pen, sir.

12669

Kevin Siek - Cross

there 1 Can you find the a little -- the black pen up

2 with the cord and just click --

3 A. Yeah, I did.

4 Q. Thanks. And can you -- that is an accurate
depiction of

5 where Geary Lake lies in relation to Marion and
Herington and

6 Junction City?

7 A. Yeah, I would say so.

8 Q. On the 17th you were on your way to take relatives
to

9 Kansas City airport; is that right?

10 A. Well, no. They just followed us out of Herington
and up

11 towards I-70.

12 Q. Okay. Were you -- when you passed Geary Lake, were
you

13 nearing the intersection of 77 and I-70?

14 A. Well, no, that's south of the intersection with the
15 highway.

16 Q. About 8 to 10 miles south? Is that fair?

17 A. Yeah. I'd say that's, you know, within the
ballpark, I

18 guess.

19 Q. Do you know where Elliott's Body Shop is located in
20 Junction City, sir?

21 A. No. Never been there.

22 Q. Now, in the -- while you were driving north, that's
when

23 you saw these vehicles and these people at Geary Lake.
Is that

24 right, sir?

25 A. That's correct.

12670

Kevin Siek - Cross

1 Q. About how long did you have to look at them?

2 A. A few seconds. We were just driving by on the
highway.

3 Q. That is the only time that you've ever driven by
Geary

4 Lake?

5 A. No. I've been there a lot of times.

6 Q. Is that the only time you ever saw a Ryder truck
there?

7 A. I believe so.

8 MR. GOELMAN: Thank you, sir. That's all I
have.

9 MR. NEUREITER: Yes, your Honor.

10 REDIRECT EXAMINATION

11 BY MR. NEUREITER:

12 Q. I want to display on the ELMO what has not been
previously

13 admitted, D1766. Do you recognize that, sir?

14 A. It's the obituary for my Aunt Lila's funeral from
the

15 Herington paper.

16 MR. NEUREITER: Move its admission under the
17 "substantial guarantees of trustworthiness" exception
of the

18 hearsay rule.

19 THE COURT: For the whole content of it?

20 MR. NEUREITER: No, your Honor. Just for the
time at

21 which the memorial services were held.

22 MR. GOELMAN: No objection.

23 THE COURT: All right. Received.

24 BY MR. NEUREITER:

25 Q. We'll zoom in. We'll zoom out a little bit.

12671

Kevin Siek - Redirect

1 Can you read that paragraph for us, please,
Mr. Siek?

2 A. Yes. It says, "Services will be at 11 a.m. Monday
at

3 St. Paul Lutheran Church, Herington. Burial will be in

Sunset

4 Hill Cemetery, Herington. Relatives and friends will
meet from

5 2 to 4 p.m. today at Donahue Funeral Home, Herington.
Memorial

6 contributions may be made --"

7 Q. That's enough.

8 Did you stay till 4:00 on that day?

9 A. No. We didn't stay till the end of the reception.
No.

10 Q. What's your best recollection as to what time you
left?

11 A. Oh, I'm going to say probably about 3:30.

12 MR. NEUREITER: No more questions, your Honor.

13 MR. GOELMAN: No questions.

14 THE COURT: All right. Excusing the witness,
I take

15 it.

16 MR. NEUREITER: Yes, your Honor.

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

18 MR. WOODS: Sharen White.

19 THE COURTROOM DEPUTY: Would you raise your
right

20 hand, please.

21 (Sharen White affirmed.)

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

23 THE WITNESS: Thank you.

24 THE COURTROOM DEPUTY: Would you state your
full name
25 for the record and spell your last name.

12672

1 THE WITNESS: Sharen Diane White, W-H-I-T-E.

2 THE COURTROOM DEPUTY: Thank you.

3 DIRECT EXAMINATION

4 BY MR. THURSCHELL:

5 Q. Good afternoon, Ms. White. How are you?

6 A. Just fine.

7 Q. Good. Ms. White, I take it you're not married.

8 A. No.

9 Q. Are you engaged?

10 A. Yes.

11 Q. Where -- where do you live presently?

12 A. In Herington, Kansas.

13 Q. And where did you live in April of 1995?

14 A. In Lost Springs, Kansas.

15 Q. Where is that located?

16 A. About 6 miles south of Herington.

17 Q. If I put on the ELM0 what's been previously
admitted as

18 D1762, is this -- does this map include enough of
central

be? 19 Kansas to show approximately where Lost Springs would

the map. 20 A. It would be probably right about at the bottom of

21 Q. Okay. Is it near 77?

22 A. Yes.

to Route 23 Q. And where was your house specifically in relation

24 77 at that time?

25 A. It was right on 77.

12673

Sharen White - Direct

1 Q. Your driveway opened out onto Route 77?

2 A. Yes.

1995, 3 Q. Now, let me direct your attention to April 13,

to drive 4 specifically in the morning. Did you have an occasion

5 to Junction City that morning?

6 A. Yes.

7 Q. What was that?

8 A. I went to Wal-Mart.

City 9 Q. All right. And how often did you get to Junction

10 during that period of time?

twice a 11 A. I would usually go about once a month, sometimes

12 month because I live so far away.

13 Q. How often did you go to Wal-Mart in Junction City?

14 A. That was when I would go. I would go to Wal-Mart.

15 Q. Did you pass -- how did you go?

16 A. I would pull out of my drive and turn north on 77
and go

17 all the way up to 70 and then turn right to go to Wal-
Mart.

18 Q. And did you pass Geary State Park Lake -- Geary
State Lake

19 when you drove that route?

20 A. Yes.

21 Q. Are you familiar with Geary State Lake?

22 A. Yes.

23 Q. How so?

24 A. Because we go fishing there quite often.

25 Q. Okay. How often is "quite often"?

12674

Sharen White - Direct

1 A. Anytime there is nice weather.

2 Q. Okay. Quite often. Now, on that particular
morning,

3 April 13, 1995, about what time did you pass the lake?

4 A. Probably, I would say, around 9:30, 9:35.
Somewhere around

5 there.

6 Q. And what do you base that estimate on?

Mart
7 A. Well, I leave the house whenever I would go to Wal-
35
8 about 9:00, every time I went. And it takes about 30,
9 minutes to get up there.

10 Q. Okay. Now, did you happen to look over at the lake
on your
11 way driving north?

12 A. Yes.

13 Q. And why was that?

14 A. It's just a natural thing that I always do. We
always --
15 whenever I drive up there, I like to see how many fish,
you
16 know -- people are fishing, or if you see any animals,
anything
17 like that.

18 Q. Did you see anything unusual that day?

19 A. Yes.

20 Q. What was that?

21 A. A Ryder truck.

22 Q. Had you ever seen a Ryder truck at Geary State Lake
before?

23 A. No.

24 Q. Have you ever seen one since?

25 A. No.

12675

Sharen White - Direct

1 Q. I'm going to show you on the ELMO what's been
previously

2 admitted as Government's Exhibit G1982B.

3 A. Okay.

4 Q. And ask -- well, let me keep it out for the
beginning. Can

5 you tell me, did you look over at the lake once, or
more than

6 once?

7 A. More than once.

8 Q. Okay. How many times?

9 A. Twice.

10 Q. Can you mark on this photograph where,
approximately, you

11 glanced over the first time?

12 A. Yes. Where I was on the 77?

13 Q. That's correct.

14 A. Okay. Right about there.

15 Q. Right about there. Okay. And where on the second
16 occasion?

17 A. It was just a little bit further down. Probably
about

18 where those -- right there.

19 Q. Now, can you mark where you observed the Ryder
truck?

20 A. Okay. It was right there.

21 Q. And is that location near some physical landmark?
22 A. Yes. That's where the rest rooms are.
23 Q. Now, could you see the rest rooms?
24 A. No.
25 Q. The truck was blocking them?

12676

Sharen White - Direct

1 A. Yes.
2 Q. It was directly in front. Did you notice which
direction
3 the truck was pointed?
4 A. It was pointed south.
5 Q. Which is?
6 A. Like it would be pulling out of the park -- like
your
7 finger is pointing.
8 Q. In the direction going out of the park. Okay.
9 tell if the truck was moving, or not?
10 A. It looked like it was still, but I honestly don't
know. It
11 could have been pulling out.
12 Q. Okay. Now, how do you know that it was a Ryder
truck?
13 A. It said "Ryder Truck" on the side.
14 Q. All right. Could you see the entire truck?

15 A. No.

16 Q. How much of the truck could you see?

17 A. Probably about the top two-thirds.

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

19 Exhibit D1737. And if you could, could you identify
which, if

20 any, of these four models of Ryder trucks you believe
the one

21 you saw was?

22 A. Second from the bottom.

23 Q. Second from the bottom. The one indicated as three
24 bedrooms?

25 A. That's correct.

12677

Sharen White - Direct

1 Q. Can you just for the jury with your -- with the
light pen

2 again -- just draw a line about the height that you
could see

3 over when you say two-thirds of the truck.

4 A. I'm trying to -- because it was facing the other
direction,

5 so I'm trying to see.

6 Q. I understand.

7 A. It probably went about like that.

8 Q. Okay. You could see more of the rear of the truck

than the

9 front of the truck?

10 A. That's correct.

11 Q. And is that because of the lie of the land there?

12 A. Yeah.

13 Q. Now, about how long a look did you get the first
time, if

14 you know?

15 A. Probably about 2 seconds.

16 Q. Okay. And --

17 A. Because I was driving.

18 Q. How about the second time?

19 A. Probably about the same, about 2 seconds.

20 Q. All right. Now, are you certain that you saw this
truck on

21 April 13 --

22 A. Yes.

23 Q. -- 1995? And what makes you certain?

24 A. Because I wrote a check at Wal-Mart.

25 Q. You wrote a check at Wal-Mart?

12678

Sharen White - Direct

1 A. Uh-huh. On the 13th of April, which was the time
that I --

2 I don't go there very often, so that was the time that
I had

3 gone.

4 Q. Did you, when thinking about the date that you saw
this

5 truck, go back and look at your check register?

6 A. Yes.

7 Q. And did you see an entry for April 13?

8 A. Yes.

9 Q. All right. Now --

10 MR. THURSCHWELL: Your Honor, may I approach?

11 THE COURT: Yes.

12 MR. THURSCHWELL: I'm showing the witness
what's been

13 marked for identification as D1767.

14 BY MR. THURSCHWELL:

15 Q. Can you just take a look at that three-page
exhibit. And I

16 would ask if that was an accurate copy of three pages
of the

17 check register you just mentioned.

18 A. Yes.

19 MR. THURSCHWELL: Okay. Your Honor, we would
move the

20 admission of Defense Exhibit D1767.

21 MR. GOELMAN: No objection.

22 THE COURT: Received.

23 MR. THURSCHWELL: I'd like to publish the
first page.

24 What did I do?

25 BY MR. THURSCHELL:

12679

Sharen White - Direct

Check 1 Q. Now, Ms. White, I want to focus in on this entry.
2 No. 718, the bottom entry on this page.
3 A. Yes.
4 Q. Do you recognize the handwriting --
5 A. Yes.
6 Q. -- for that entry? Whose handwriting is that?
7 A. That's mine.
8 Q. And the -- what is indicated in the date column?
9 A. 13 April.
10 Q. 13 April. It says 13A. Correct?
11 A. Uh-huh.
12 Q. Is that how you indicate 13 April?
13 A. Yes.
that day 14 Q. And how much -- how large a check did you write
15 according to the register?
16 A. \$106.
17 Q. Is that typical for how much you spend on your
once-a-month 18 trip to Wal-Mart?
19 A. Yes. It's always over a hundred.

of
Check
written

20 Q. Now, I want to point out to you on the second page
21 Exhibit D1767 for the date marked 18 -- looks like APR,
22 No. 720, there is another entry for a Wal-Mart, a check
23 to Wal-Mart. Is that correct?
24 A. That's correct. Right.
25 Q. Whose handwriting is that?

12680

Sharen White - Direct

1 A. That's my fiance's.
2 Q. You recognize that handwriting?
3 A. Yes.
4 Q. Now, at that time, did you share a checking
account?
5 A. Yes.
6 Q. You both had joint checking privileges?
7 A. Yes.
8 Q. How much was that check for, if you can see?
9 A. \$27.50.
10 Q. Where did your fiance work during this time period?
11 A. On Fort Riley.
12 Q. Is that near Junction City?
13 A. Yes.

than you 14 Q. If you know, did he go to Wal-Mart more frequently

15 did during that period?

16 A. Yes.

18th when 17 Q. Now, are you certain that this -- it was not the

18 you saw the Ryder truck?

19 A. Yes.

20 Q. Did you work in Junction City during that period?

21 A. No.

22 Q. Were you working?

23 A. No.

you see 24 Q. Now, later that day, Ms. White, April 13, 1995, did

25 a similar Ryder truck?

12681

Sharen White - Direct

1 A. Yes.

2 Q. Okay. About what time?

3 A. I would say about 3, 3:30.

4 Q. And where did you see it?

house. 5 A. On Interstate -- on Highway 77 in front of my

the jury 6 Q. Okay. Right in front of your house? Can you tell

7 what happened?

8 A. Okay. I was going to go to the store into
Herington, and I
9 pulled out of my driveway -- I was going to pull out of
my
10 driveway. I had to wait while a Ryder truck was coming
down
11 77, so that's --
12 Q. Now, you saw the Ryder truck go by?
13 A. Yes.
14 Q. Could you see any individuals in the truck?
15 A. The passenger.
16 Q. Could you see the driver?
17 A. No.
18 Q. Okay. Now, what did you observe the -- of the
passenger?
19 A. Well, he stared at me as he went by and stared so
long that
20 he actually leaned out the window and looked back at
me.
21 Q. Now, did there come a point in time where you
believed you
22 knew who that passenger was?
23 A. Yes.
24 Q. And when was that?
25 A. It was -- I don't remember the exact date, but it
was after

1 pictures came out in the paper.

2 Q. Pictures of who?

3 A. Timothy McVeigh.

Timothy 4 Q. And did you believe that the individual you saw was

5 McVeigh?

6 A. Yes.

7 Q. Are you certain of that as you sit there today?

8 A. Yes.

9 Q. If I asked you to describe the individual's
appearance that

10 you saw on that day, could you give me an accurate
description?

11 A. Yes.

12 Q. Okay. Could you please describe that person.

13 A. Okay. He was in his mid 20's, sandy-colored hair,
neatly

14 cut, like a military cut, and no glasses.

15 Q. Okay. Now, do you remember any other details about
his

16 face?

17 A. No.

18 MR. THURSCHELL: I think that's all I have,
your

19 Honor.

20 THE COURT: All right.

21 MR. THURSCHELL: Thank you.

22 THE COURT: Mr. Goelman?

23

CROSS-EXAMINATION

24 BY MR. GOELMAN:

25 Q. Good afternoon, ma'am.

12683

Sharen White - Cross

1 A. Hi.

2 Q. My name is Aitan Goelman. I represent the United
States.

3 When you saw Mr. McVeigh on April 13, 1995,
passing in

4 a Ryder truck, about what time was that?

5 A. It was between 3 and 3:30.

6 Q. And was there something that drew your attention to
this

7 particular passenger in this particular vehicle?

8 A. It's just the way he stared, because he was just so
sad and

9 so solemn-looking.

10 Q. How could you tell that?

11 A. Because he actually locked eyes with me as he drove
past --

12 I mean as whoever was driving went past, and he was
staring out

13 the window.

14 Q. And you described on direct examination that he
actually

15 leaned out the window?

out to 16 A. Yes. I could see his left shoulder as he leaned
17 look back.
with 18 Q. Was it clear to you that he was making eye contact
19 you?
20 A. Yes.
21 Q. This was on April 13, 1995?
22 A. Yes.
23 Q. So six days before the bombing?
24 A. Yes.
that 25 Q. And you're clear that it was a Ryder rental truck

12684

Sharen White - Cross

1 Mr. McVeigh was driving?
2 A. Yes. He wasn't driving it. He was a passenger.
that, 3 Q. I'm sorry. That he was a passenger in. And after
that 4 sometime in late April, did you watch the news and hear
for 5 the -- or early May, actually, that the FBI was looking
6 people who might have seen a Ryder truck at Geary Lake?
7 A. Yes.
8 Q. You didn't come forward then, did you, ma'am?

9 A. No.

10 Q. You waited until approximately a year after the
bombing to

11 come forward?

12 A. Yes.

13 Q. What is the reason for that?

14 A. I didn't want to be caught up in all the limelight
and all

15 the people -- not all the people, but a lot of people
in

16 Herington was saying I saw this and I saw that. I
didn't want

17 to be part of that.

18 Q. You wanted to be different, ma'am?

19 A. Yes. I mean I just wanted to be truthful but not,
you

20 know -- it's hard to describe. It's just I wanted to
be

21 truthful; but everybody was out in the middle, you
know, trying

22 to be -- center of attention.

23 Q. Everybody in Herington?

24 A. Yes.

25 MR. GOELMAN: Thank you.

12685

1 MR. THURSCHELL: One question, your Honor.

2

REDIRECT EXAMINATION

3 BY MR. THURSCHWELL:

4 Q. Ms. White, did you initially request anonymity in
making
5 your report to the FBI?

6 A. Yes.

7 Q. In other words, you did not want your name
distributed when

8 FBI reports were given out to others, including defense
9 counsel?

10 A. That's correct.

11 Q. And why was that?

12 A. Because I didn't want to be identified and didn't
want to
13 be the center of attention.

14 MR. THURSCHWELL: Okay. Thank you.

15 Nothing further, your Honor. Witness is
excused.

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

17 excused.

18 THE WITNESS: Thank you.

19 MR. WOODS: Kelly Gulker.

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

21 (Kelly Gulker 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: My name is Kelly Gulker, last
name

12686

1 G-U-L-K-E-R.

2 THE COURTROOM DEPUTY: Thank you.

3 DIRECT EXAMINATION

4 BY MR. NEUREITER:

5 Q. Hello, Mr. Gulker. How are you?

6 A. Fine.

7 Q. A little nervous?

8 A. A little.

9 Q. Just relax. It will be over quickly. Where are
you from,

10 Mr. Gulker?

11 A. Woodlawn, Tennessee.

12 Q. Where do you live presently?

13 A. Woodlawn, Tennessee.

14 Q. Where did you live in 1995?

15 A. I lived in Milford, Kansas.

16 Q. Where is Milford, Kansas?

17 A. It's about 2 miles west and 5, 10 miles north of
Junction

18 City, Kansas.

19 Q. If I put a map up here that's labeled D1762
previously

20 admitted, zoom it out -- is that Milford Lake up there?

21 A. Yes, it is.

22 Q. Is Milford right near Milford Lake?

23 A. Yes, it is.

24 Q. Did you and your wife go somewhere Easter, 1995?

25 A. Yes. We visited my younger brother in Wichita
Falls,

12687

Kelly Gulker - Direct

1 Texas.

2 Q. And on what date did you return to your home?

3 A. The Monday following Easter, whatever date that
was.

4 Q. And what route did you take coming back?

5 A. We -- I don't remember all the names of the roads,
but

6 basically we took interstate to Wichita, at that point
got on a

7 state highway to Peabody, and then Highway 77 north to
Milford.

8 Q. Did you pass something on the way?

9 A. Yes. We passed Geary County Lake.

10 Q. And did you see something as you passed Geary
County Lake?

side of 11 A. Yes. I saw -- I observed a Ryder truck on the east

12 Geary County Lake, southeast side.

there 13 Q. If I put a picture of Geary County Lake up -- and

you take 14 should be a pen up there with a wire attached. And if

the 15 the pen and go underneath the table and put it right on

16 screen, put a big X where you saw that Ryder truck.

17 A. In that location.

by? 18 Q. Did you say something to your wife as you passed

a Ryder 19 A. Yes, I did. My wife doesn't enjoy camping. I saw

I 20 truck there. It was bad weather that day and rain, and

camping 21 mentioned to her that that should be the way that we go

back of 22 next time is we'll get a Ryder truck and sleep in the

23 that thing.

time that 24 Q. What was the best of your recollection as to the

25 you passed the lake?

12688

Kelly Gulker - Direct

1 A. It was 4:30 plus or minus 10, 15 minutes.

2 Q. Now, you had previously described the lake -- the

truck

3 that you saw. Is that correct?

4 A. Yes.

that

5 Q. Are you certain as you sit there today as to what

6 truck looked like?

certain

7 A. No, I'm not. I'm not certain of the size. I'm not

8 of the direction it was facing.

was a box

9 Q. Can you be certain whether it had a cab-over, or

10 truck?

or not.

11 A. No, I can't. I can't accurately say whether it was

12 Q. And you have previously given different
descriptions about

13 what that truck was?

14 A. Yes, I have.

wondered

15 Q. Was there a time after the bombing when you

16 whether you had dreamed what you had seen?

few

17 A. Yes, there -- immediately after the bombing, in the

that

18 days after that, my -- I had read in the papers; and at

from the

19 time the rumor or the press was indicating that it was

had

20 Junction City area. And I had read that some people

thought

21 observed it by Geary County Lake. And at that point, I

County 22 I had a mental picture of seeing a Ryder truck at Geary
wife or 23 Lake; and for a few days, I didn't say anything to my
telling 24 anything. But then in the shower one day, I remembered
asked her 25 her that that's the way we should go camping. So I

12689

Kelly Gulker - Direct

yes, she 1 if she remembered me telling her that. And she said
2 did. At that point, I contacted the FBI.

with your 3 Q. So it was your recollection of your conversation
truck on 4 wife that confirmed that you did, in fact, see a Ryder
5 that day?

6 A. Yes.

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

8 THE COURT: Okay. Mr. Mackey.

9 CROSS-EXAMINATION

10 BY MR. MACKEY:

wife in the 11 Q. Mr. Gulker, what was the conversation with your
12 shower?

13 A. Maybe not that day.

14 THE COURT: I don't think you have to answer
that.

15 THE WITNESS: She was pregnant.

16 BY MR. MACKEY:

17 Q. It's the end of the day, Mr. Gulker.

18 How long did you live in Milford, Kansas?

19 A. How long did I live in Milford, Kansas?

20 Q. Yes, sir.

21 A. I grew up there. My dad was in the military. The
first
time I
22 time I lived there was in '74. On and off. The last
23 lived there was from '88 to '95.

24 Q. Did you get to know the Elliotts?

25 A. I knew Mr. Elliott as my neighbor. He lived about
three

12690

Kelly Gulker – Cross

1 houses down. I also played baseball with his son, Val
Elliott.

2 Q. So that would be Eldon Elliott and his son Val?

3 A. Yes.

4 Q. In April of 1995, it came to your attention that
these

5 former neighbors of yours had been thrust in the
limelight, if

6 you will, about the Oklahoma City bombing; correct?

7 A. Yes.

8 Q. You have fished at Geary Lake?

9 A. Yes.

10 Q. You've been down there?

11 A. Uh-huh.

12 Q. How many different times?

13 A. Fishing it, I'd say three to four times.

14 Q. Have camped there?

15 A. Yes.

16 Q. And as a youngster maybe did a little illegal
drinking down

17 there?

18 A. Certainly.

19 Q. We'll give you immunity.

20 On any of those occasions, Mr. Gulker, did you
ever

21 see a Ryder truck down at Geary Lake?

22 A. No.

23 Q. Just one and one time only?

24 A. Just this one time.

25 Q. In April of 1995?

12691

Kelly Gulker – Cross

1 A. Yes. Just this one time.

2 Q. Way back in May of 1995, a few weeks after the

bombing, do

3 you remember being contacted by the FBI?

4 A. No, I -- no, I don't remember being contacted by
the FBI.

5 And I believe it wasn't till June.

6 Q. I'm looking at the report, and you are absolutely
right.

7 June 20, 1995. Is that correct?

8 A. Yes.

9 Q. All righty. At that time, Mr. Gulker, did you tell
the

10 representative from the FBI that the Ryder truck that
you saw

11 down at Geary Lake had a cab over or a compartment over
the

12 cab?

13 A. I believe I did -- I don't have the statement in
front of

14 me. I believe I probably did, yes.

15 Q. And just a few weeks ago, did you receive a phone
call from

16 an investigator of the defense?

17 A. Uh-huh.

18 Q. And did they ask you to describe essentially what
you saw

19 at Geary Lake?

20 A. Yes.

21 Q. And a few weeks ago, did you tell the defense
investigator

22 that the Ryder truck you saw at Geary Lake had a

compartment

23 over the cab?

24 A. Yes, I did.

25 Q. And how many times have you talked to Mr. Neureiter
since

12692

Kelly Gulker – Cross

1 the time that you have spoken both to the FBI and to
defense

2 investigators?

3 A. Once.

4 Q. And is it now your testimony that you're uncertain
of that

5 feature to the Ryder truck?

6 A. Yes.

7 Q. You also told the defense investigator that as you
drove by

8 and saw this Ryder truck you saw something blue,
something dark

9 blue next to it. Is that correct?

10 A. Yes.

11 MR. MACKEY: Thank you, Mr. Gulker.

12 MR. NEUREITER: Just one question, your Honor.

13 THE COURT: All right.

14 REDIRECT EXAMINATION

15 BY MR. NEUREITER:

16 Q. When the defense investigator contacted you, did
the
17 conversation start out with him saying "I'd like to
talk about
18 your 302 and see if this is what you told the FBI"?

19 A. No.

20 Q. Okay. Tell us what that conversation with the
defense
21 investigator was, if you can remember.

22 A. Well, he asked me what I observed at Geary County
Lake.

23 I told him I thought I observed -- well, I
told him I
24 observed a Ryder truck at Geary County Lake.

25 He asked me the description of the vehicle,
and I told

12693

Kelly Gulker - Redirect

1 him I thought it had a cab-overhead design.

2 He asked me if I saw anything else.

3 I said I thought I saw something blue at the
lake.

4 And that's also what I had told the FBI agents when
they came

5 out in April; but between -- correction -- in June of
'95. But

6 between June of '95 and December of '97, the 5-second
image I

7 had of that vehicle is missing in my mind. All I can

go on is

basically 8 what I told the other people previously, and he
9 highlighted the same things that -- he asked me the
same 10 questions the FBI agents did.

11 MR. NEUREITER: Thank you.

12 Witness is excused for our side.

13 MR. MACKEY: Nothing else.

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

15 Next, please.

16 MR. WOODS: Yes, your Honor. Robert Jaynes.

17 THE COURT: Okay.

18 THE COURTROOM DEPUTY: Would you raise your
right 19 hand, please.

20 (Robert Jaynes affirmed.)

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

22 Would you state your full name for the record
and 23 spell your last name.

24 THE WITNESS: Robert William Jaynes, J-A-Y-N-
E-S.

25 THE COURTROOM DEPUTY: Thank you.

Robert Jaynes – Direct

1 DIRECT EXAMINATION

2 BY MR. NEUREITER:

3 Q. Hello, Mr. Jaynes. How are you?

4 A. Not too bad, sir.

5 Q. Mr. Jaynes, where are you from?

6 A. From Herington, Kansas.

7 Q. Where were you living in 1995?

8 A. Herington, Kansas.

9 Q. How old are you, sir?

10 A. 33.

11 Q. And where do you work?

12 A. I work at Fort Riley.

13 Q. And what do you do there?

14 A. I'm a diesel mechanic.

15 Q. Are you familiar with Geary County Lake?

16 A. Yes, sir.

17 Q. And how are you familiar with Geary County Lake?

18 A. I fish it quite a bit during the summer months.

19 Q. Do you have a common practice when you drive by
Geary

20 County Lake?

21 A. Yes, I do.

22 Q. What is that practice?

23 A. I drive -- I look at the lake to see what the
fishing --

24 the water is like, if it's smooth or ripply. And I
just drive

25 by it every day on the way to work.

12695

Robert Jaynes – Direct

1 Q. Okay. I'm going to put up a picture that's been
designated

2 Government 1982B. It's been previously admitted.

3 Do you recognize that?

4 A. Yes, I do.

5 Q. Is that Geary County Lake?

6 A. Yes, it is.

7 Q. I want to direct your attention now to the April,
1995 time

8 period and ask you if you saw something at Geary Lake
when you

9 were driving by?

10 A. Yes, I did.

11 Q. What did you see?

12 A. I seen a Ryder truck.

13 Q. And what date was that?

14 A. It was on a Saturday.

15 Q. Do you remember if it was the Saturday before
Easter?

16 A. Yes, it was.

17 Q. And can you tell us where the truck was down at the
lake

18 that day?

19 A. It was by the first boat dock on the first fishing
pier.

20 Q. Can you take the pen -- there should be a pen up
there with

21 a wire attached, and put it on the screen underneath.
Just put

22 a big circle where you saw that Ryder truck.

23 Do you remember what time it was that you
drove past

24 on Saturday before Easter?

25 A. Between 2 and 4 in the afternoon.

12696

Robert Jaynes - Direct

1 Q. And what was your purpose in driving past?

2 A. Going home.

3 Q. You were going home from?

4 A. Junction City.

5 Q. So you were driving south?

6 A. Yes, sir.

7 Q. And to see that area that you've just marked, are
you able

8 to see that when you're driving south?

9 A. Yes, sir.

10 Q. How is that?

11 A. There is a clearing that's like a ravine that goes

down,

12 and you can see the lake real clear going south.

13 Q. What kind of vehicle do you drive?

14 A. At that time I had a '92 Chevy, extended cab, full-size

15 pickup.

16 Q. Is it a two-wheel-drive, or four-wheel-drive?

17 A. Two-wheel-drive.

18 Q. Is it similar in some way to a four-wheel-drive?

19 A. Yes, it was.

20 Q. How is that?

21 A. It had oversized tires.

22 Q. So it's jacked up a little bit?

23 A. Yes, sir.

24 Q. So not only are you in a pickup but in a pickup that's

25 jacked up a little bit?

12697

Robert Jaynes - Direct

1 A. About 2 1/2 inches.

2 Q. Can you see better down to the lake in your pickup than you

3 could in a passenger vehicle?

4 A. Yes.

5 Q. Can you remember what the truck looked like?

with 6 A. It was just a yellow truck, 16 to 24 feet in length

7 black "Ryder" emblem on the sides.

Do you 8 Q. Was it a square truck, or did it have a cab-over?

9 know?

10 A. Just a square truck.

front? 11 Q. Did it have a van front, or did it have a truck

12 A. Just a regular truck front end.

which 13 Q. If I put an exhibit up here, D1737, can you tell us

saw looked 14 of these -- which of these four vehicles the one you

15 most like. Just circle it.

truck as you 16 Did you see any other vehicles around the

17 drove past?

18 A. Not that I recall, no.

drove 19 Q. Did you see any individuals around the truck as you

20 past?

21 A. No, not that I recall.

22 Q. And which way was the truck facing?

23 A. It was facing south.

24 Q. Towards the lake?

25 A. Yes.

1 MR. NEUREITER: Pass the witness.

2 THE COURT: Do you want to identify which
truck he

3 circled?

4 MR. NEUREITER: I'm sorry. For the record, he
has

5 circled the truck that says "three bedrooms" right next
to it.

6 THE COURT: All right.

7 Cross-examination.

8 CROSS-EXAMINATION

9 BY MR. MACKEY:

10 Q. Good afternoon, Mr. Jaynes. How are you?

11 A. Not too bad, sir.

12 Q. Do you remember getting a phone call from a defense
13 investigator not too long ago?

14 A. Yes, I do, sir.

15 Q. Do you remember his name?

16 A. Not right offhand, no, sir.

17 Q. Was it H. C. Bodley?

18 A. Not that I recall, sir.

19 Q. Roland Leeds? Ed Killam?

20 A. I can't remember.

21 Q. Charlie Sullivan?

22 A. It was about a month ago, sir.

23 Q. None of those names ring a bell with you?
24 A. Not right offhand, no.
25 Q. You and I had a chance to meet the other night?

12699

Robert Jaynes – Cross

1 A. Yes, we did.

2 Q. Did I show you a report that was prepared by a
defense
3 investigator based on that conversation with you?

4 A. Yes, sir.

5 Q. Is that the first time you had seen that report?

6 A. Yes, sir.

7 Q. Did I also show you the report that the FBI wrote
up when
8 you first talked to them back in May of 1995?

9 A. Yes, sir.

10 Q. Was that the first time that you received or seen
that
11 report?

12 A. Yes, sir.

13 Q. There were differences in those two reports?

14 A. Yes, sir.

15 Q. Okay. Your testimony today, Mr. Jaynes,
corresponds more

16 with which report, sir?

17 A. The one in May of '95.

18 Q. Recently when the defense investigators called you
to ask
19 you about your testimony, did they tell you they had an
FBI
20 report?

21 A. No, sir.

22 Q. Did they tell you that -- what the content of that
report
23 was?

24 A. No, sir.

25 MR. MACKEY: Nothing else.

12700

1 THE COURT: Any other questions?

2 MR. NEUREITER: No, your Honor.

3 Safe trip back to Kansas.

4 THE COURT: Excusing the witness?

5 You may step down. You're excused.

6 Next, please.

7 MR. WOODS: Your Honor, we'd like to change
the order,

8 if it doesn't create a problem, with Larry Chapman.

9 THE COURT: All right.

10 THE COURTROOM DEPUTY: Chapman? Okay.

11 Raise your right hand, please.

12 (Larry Chapman affirmed.)

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

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

16 THE WITNESS: Larry Clinton Chapman. It's
17 C-H-A-P-M-A-N.

18 THE COURTROOM DEPUTY: Thank you.

19 DIRECT EXAMINATION

20 BY MR. THURSCHELL:

21 Q. Good afternoon, Mr. Chapman.

22 A. Good afternoon.

23 Q. Lean forward a little bit and just keep your voice
up or

24 speak into the microphone. Thanks.

25 Where do you live, Mr. Chapman?

12701

Larry Chapman - Direct

1 A. I live in Kingman, Arizona.

2 Q. Okay. How long have you lived there?

3 A. Oh, about 10 years now.

4 Q. Where do you work?

5 A. I work for State Security Service.

6 Q. What is your position with State Security?

7 A. I am the chief of security and the operations
manager.

8 Q. What kind of a business is State Security?

9 A. It's a security guard agency. We provide guards
throughout

10 the county of Mohave.

11 Q. And Mohave is a county in Arizona?

12 A. It's the county that encompasses Kingman.

13 Q. What kinds of clients do you have, briefly?

14 A. Schools, industrial plants, department stores, and
various

15 types of special events, fairs and that type of thing.

16 Q. What -- in your -- what are your duties as chief of
17 security?

18 A. I oversee all of the personnel, hiring, firing,
setting up

19 training, that type of thing.

20 Q. So in effect, you're the chief operating officer
for the

21 company?

22 A. Yes, sir.

23 Q. All right. Mr. Chapman, do you know Timothy James
McVeigh?

24 A. Yes, I do.

25 Q. And how do you know him?

Larry Chapman – Direct

1 A. I know Tim as a former employee of mine. He came
to --
2 came to work for us in '93.

3 Q. Okay. Now, when was the first time you met Timothy
4 McVeigh?

5 A. I would say it was approximately April of 1993.

6 Q. All right. And how -- how did you happen to meet
him?

7 A. He was a walk-in applicant. He walked in and
applied for
8 the job -- for a job with us.

9 Q. All right. And did you interview him?

10 A. Yes, I did.

11 Q. Okay. What did he tell you?

12 A. He told me that he had just recently moved to
Kingman; that

13 he was fairly fresh out of the military and that he was
looking
14 for some part-time employment with us.

15 Q. Did he tell you why he was only looking for part-
time
16 employment?

17 A. Yes, he did.

18 MS. WILKINSON: Objection, your Honor. I
believe this

19 is 1993. I'm just wondering about the relevance. This
is
20 before the time of the conspiracy.

two 21 MR. THURSCHELL: Your Honor, this -- well,
22 things, your Honor: (1) I want to develop the
connection -- it
23 demonstrates a connection -- potential connection to
others in
24 the case, and it lays the background for the evidence
that is
25 directly linked to the evidence that the Government has
entered

12703

Larry Chapman - Direct

1 against Mr. Nichols.
2 THE COURT: All right. We'll see where it
goes.
3 Overruled.
4 BY MR. THURSCHELL:
5 Q. Sorry. I think the question was did he say why he
was only
6 looking for part-time employment?
7 A. Yes, he did. He said that he was involved in
military
8 surplus shows and that type of thing and that that was
where he
9 had pulled -- drawn the base of his income and that he
was
10 seeking a part-time position to supplement that income.
11 Q. And he told you that he had just moved to Kingman.
Is that

12 your testimony?

13 A. Yes.

14 Q. Now, did you decide to hire him?

15 A. Yes, I did.

16 Q. Why?

17 A. Well, because he was very polite, well-groomed. He

18 presented himself well. He -- because of -- he had a
good

19 military background at that time, and he seemed very
appealing

20 to us as a prospective employee.

21 Q. All right. And now, was he a good employee?

22 A. He was.

23 Q. All right. He performed all his duties as
required?

24 A. Yes, he did.

25 Q. All right. And so your good impression of him
continued

12704

Larry Chapman - Direct

1 through his employment?

2 A. Yes, it did.

3 Q. Did you know Timothy McVeigh in any connection
other than

4 as his boss?

5 A. No, I did not.

6 Q. Did you ever socialize with him?

7 A. No, I did not.

8 Q. Did you ever have any political discussions with
him?

9 A. No, I did not.

10 Q. Any kind of social discussions with him?

11 A. No, I didn't.

12 Q. How often did you see Timothy McVeigh during the
time
13 period that he worked for you?

14 A. I probably saw him probably a total of five times.

15 MS. WILKINSON: Your Honor, could we get a
time period

16 for when he did work for him?

17 MR. THURSCHELL: Yes. You're right, and I
will ask.

18 BY MR. THURSCHELL:

19 Q. About how long did he work for State Security after
joining

20 in April of '93?

21 A. Well, to the best of my memory, it was between
three and
22 four months. From approximately April of 1993, I
believe,

23 until June or July.

24 Q. Okay. Now, did there come a time when Mr. McVeigh
gave you

25 some literature?

Larry Chapman - Direct

1 A. Yes.

2 Q. All right. Can you tell me how that came about?

3 A. I called Tim to find out if he was available to
fill a

4 post -- shift at a post for me, and at that time he had
what

5 appeared to me to be a really strange message on his
answering

6 machine.

7 Q. Let me stop you there. About what time was this?
What

8 month?

9 A. I would say it was probably in the final month
before he --

10 he left our employment.

11 Q. Okay. So that would be June or July, 1993?

12 A. Yes, sir.

13 Q. July or August? Okay. Now, he -- let me continue.
You

14 called him to tell him about a job, and you received
what you

15 called a strange answer on his answering machine?

16 A. Yes.

17 Q. What was that strange answer?

18 A. It had something to do with --

19 MS. WILKINSON: Objection, your Honor, to the
content.

20 THE COURT: Sustained.

your
21 MR. THURSCHELL: Not offered for the truth,
22 Honor.

23 THE COURT: Well, what is it offered for?

the
24 MR. THURSCHELL: It's offered, your Honor --
25 Government has tried to --

12706

Larry Chapman - Direct

it
1 THE COURT: Just answer my question. What's
2 offered for?

Government's
3 MR. THURSCHELL: It's to negate the
4 evidence of motive.

5 THE COURT: The objection is sustained.

6 BY MR. THURSCHELL:

did you
7 Q. Did he -- okay. As a result of that phone call,
8 have a conversation with him?

9 A. Yes, I did.

to give
10 Q. All right. And in that conversation, did he offer
11 you some literature?

12 A. Yes, he did.

13 THE COURT: Well, we're at 5:00.
14 We'll have to have you back in the morning.
15 THE WITNESS: Yes, sir.
16 THE COURT: Step down, please.
17 Members of the jury, we'll, true to our work
hours --
18 it's 5:00. The bell rings and you can go home, but not
before
19 I again caution you about what your duties are, which,
of
20 course, you know; but I trust you. And you know if we
didn't
21 trust you what I'd be doing. So it's a lot easier for
me to
22 say again and for you to hear again what your
responsibilities
23 are, to keep open minds and avoid discussion and avoid
things
24 outside the evidence, than it would be in the
alternative; so
25 please continue to be very careful so that you can
decide when

12707

1 the time comes based on the evidence and the law given
to you
2 in the trial.
3 You're excused now. And tomorrow is Friday
already;

4 so it's again a short day. We'll follow the Friday
schedule,

5 1:00 recess.

6 You're excused till 8:45 tomorrow morning.

7 (Jury out at 5:01 p.m.)

8 THE COURT: All right. We're in recess.

9 (Recess at 5:02 p.m.)

10 * * * * *

11 INDEX

Page 12 Item

13 WITNESSES

14 Joseph Wannemacher

12548 15 Direct Examination by Mr. Neureiter

12551 16 Voir Dire Examination by Ms. Wilkinson

12553 17 Direct Examination Continued by Mr. Neureiter

12556 18 Voir Dire Examination by Ms. Wilkinson

12557 19 Direct Examination Continued by Mr. Neureiter

12561 20 Voir Dire Examination by Ms. Wilkinson

12562 21 Direct Examination Continued by Mr. Neureiter

12563 22 Cross-examination by Ms. Wilkinson

23 Patricia Gragg

12565	24	Direct Examination by Mr. Thurschwell
12576	25	Cross-examination by Mr. Orenstein
12708		
	1	(Patricia Gragg)
12581	2	Redirect Examination by Mr. Thurschwell
	3	Georgia Rucker
12583	4	Direct Examination by Mr. Woods
12615	5	Cross-examination by Mr. Mackey
12625	6	Redirect Examination by Mr. Woods
	7	Elwin Roberts
12635	8	Direct Examination by Mr. Neureiter
12641	9	Cross-examination by Mr. Goelman
	10	Rickey Glessner
12644	11	Direct Examination by Mr. Neureiter
12649	12	Cross-examination by Mr. Goelman
	13	Raymond Siek
12653	14	Direct Examination by Mr. Neureiter

12657 15 Cross-examination by Mr. Goelman

12661 16 Redirect Examination by Mr. Neureiter

12664 17 Kevin Siek

12666 18 Direct Examination by Mr. Neureiter

12670 19 Cross-examination by Mr. Goelman

12672 20 Redirect Examination by Mr. Neureiter

12682 21 Sharen White

12685 22 Direct Examination by Mr. Thurschwell

12709 23 Cross-examination by Mr. Goelman

12686 24 Redirect Examination by Mr. Thurschwell

12689 25

12692 1 Kelly Gulker

2 Direct Examination by Mr. Neureiter

3 Cross-examination by Mr. Mackey

4 Redirect Examination by Mr. Neureiter

5 Robert Jaynes

REPORTERS' CERTIFICATE

1
2 transcript from

We certify that the foregoing is a correct

Dated

3 the record of proceedings in the above-entitled matter.

4 at Denver, Colorado, this 4th day of December, 1997.

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Paul Zuckerman

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Kara Spitler

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