

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE DISTRICT OF COLORADO
 3 Criminal Action No. 96-CR-68
 4 UNITED STATES OF AMERICA,
 5 Plaintiff,
 6 vs.
 7 TERRY LYNN NICHOLS,
 8 Defendant.

ff

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 10 REPORTER'S TRANSCRIPT
 (Trial to Jury: Volume 131)

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 ff

12 Proceedings before the HONORABLE RICHARD P.
 MATSCH,
 13 Judge, United States District Court for the District of
 14 Colorado, commencing at 9:43 a.m., on the 17th day of
 December,
 15 1997, in Courtroom C-204, United States Courthouse,
 Denver,
 16 Colorado.

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Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
Produced via Computer by Paul Zuckerman, 1929 Stout
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Attorneys to
1200,
REID
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for

APPEARANCES

LARRY MACKEY and BETH WILKINSON, Special
the U.S. Attorney General, 1961 Stout Street, Suite
Denver, Colorado, 80294, appearing for the plaintiff.

MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
NEUREITER, and JANE TIGAR, Attorneys at Law, 1120
Street, Suite 1308, Denver, Colorado, 80203, appearing
Defendant Nichols.

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PROCEEDINGS

(In open court at 9:43 a.m.)

THE COURT: Be seated, please.

I received a communication from the jury at

9:23, and

14 I have here for you copies of that communication for
each side

15 plus a proposed response to part of it.

16 Mr. Tigar?

17 MR. TIGAR: Your Honor, may I speak from here?

18 THE COURT: Sure.

19 MR. TIGAR: We have no objection to the
proposed

20 response.

21 With respect to the jurors' second request --

22 THE COURT: Well, I'll get to that in just a
second.

23 MR. TIGAR: Oh, all right.

24 MR. MACKEY: We have no objection to the
proposed

25 answer.

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1 THE COURT: All right. We'll put that on
letterhead

2 and give it to them in writing.

3 I checked to see what would be available
quickly for

4 the list. And I'm told -- if you approach, I'll show
you what

5 they tell me the computer can do. And that's an alpha
list,

6 which seems to me to be the best because that's
neutral, but
7 take off the names of the questioning lawyers. And
that first
8 part is simply obviously not relevant, but I believe
that we
9 can get the names of all witnesses this way, have it in
an
10 alpha order, and submit it to them.

11 MR. TIGAR: We would -- we would even say that
the
12 date and time called might help the jurors to remember
who that
13 was.

14 MR. MACKEY: That's fine with us, Judge.

15 MR. WOODS: Do you want to have it in the
order they
16 appeared so they can remember it better?

17 MR. TIGAR: They can do that from this.

18 THE COURT: Well, I -- maybe the reporter can
do it in
19 the order -- the chronological order.

20 MR. TIGAR: May we have just a moment to
confer, your
21 Honor?

22 THE COURT: Is that is right?

23 THE REPORTER: Yes, your Honor.

24 MR. TIGAR: Your Honor, we would propose to
re-sort in
25 the order in which they appeared. We assume that a

sort can be

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1 done on date and time.

2 MR. MACKEY: Fine with us, Judge.

3 THE COURT: Do you want the date and time?

4 MR. TIGAR: Yes, your Honor.

5 MR. MACKEY: That's fine.

6 THE COURT: We'll try to get that done, and I
will

7 simply add to my response "A witness list will be
provided."

8 MR. TIGAR: Yes, your Honor.

9 THE COURT: Agreed?

10 MR. MACKEY: Yes, your Honor.

11 THE COURT: Okay.

12 I'm not -- I'm not going to make public the
13 communications to the jury at this time -- or from the
jury.

14 Court is in recess.

15 (Recess at 9:43 a.m.)

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17 REPORTER'S CERTIFICATE

18 I certify that the foregoing is a correct
transcript from

19 the record of proceedings in the above-entitled matter.

Dated

20 at Denver, Colorado, this 17th day of December, 1997.

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Paul Zuckerman

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