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3 District of Oklahoma, and RANDAL SENDEL, Assistant U.S.
4 Attorney for the Western District of Oklahoma, 210 West
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5 Avenue, Suite 400, Oklahoma City, Oklahoma, 73102,
appearing
6 for the plaintiff.
7 LARRY MACKEY, SEAN CONNELLY, BETH WILKINSON,
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10 Denver, Colorado, 80294, appearing for the plaintiff.
11 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHELL,
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12 NEUREITER, and JANE TIGAR, Attorneys at Law, 1120

Lincoln

13 Street, Suite 1308, Denver, Colorado, 80203, appearing
for
14 Defendant Nichols.

15 * * * * *

16 PROCEEDINGS

17 (Reconvened at 1:45 p.m.)

18 THE COURT: Be seated, please.

19 A note of caution about the witnesses. There
has been
20 no objection from the defense here to having persons
who have
21 been in attendance at the trial be witnesses in this
stage of
22 the proceeding. And that, of course, is something that
has
23 been clear and we've proceeded accordingly. This
matter of
24 what is appropriate victim impact testimony is, of
course, an
25 area of the law that is still evolving, but it is clear
enough

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of
1 that it is -- it is -- it does not include the effects
2 attendance at the trial as spectators at the trial.
And of
3 course, it does not include any opinions that a witness

may

4 have or a victim may have with respect to the trial
proceedings
5 or the jury verdict. Not express and not implied. And
6 questions of the type that were asked of Mr. Sells here
7 concerning why he attended the trial every day seems to
me by
8 implication to suggest that. So I'm going to restrict
counsel
9 and avoid such questions for those who have been in
attendance
10 at the trial.

11 We'll proceed with the next -- we'll bring in
the
12 jury.

13 (Jury in at 1:47 p.m.)

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

15 MR. MACKEY: Thank you, Judge. We'll call
Constance
16 Favorite.

17 THE COURT: Thank you.

18 THE COURTROOM DEPUTY: Would you raise your
right
19 hand, please.

20 (Constance Favourite 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: Constance Bernadette Favourite,
25 F-A-V-O-U-R-I-T-E.

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1 THE COURTROOM DEPUTY: Thank you.

2 THE COURT: Ms. Wilkinson.

3 MS. WILKINSON: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MS. WILKINSON:

6 Q. Good afternoon, Mrs. Favourite.

7 A. Hi.

8 Q. Why don't you tell the jury where you live.

9 A. I live in New Orleans, Louisiana.

10 Q. Were you born there?

11 A. Yes.

12 Q. You lived there all your life?

13 A. Yes.

14 Q. And do you mind telling the jury how old you are?

15 A. 43.

16 Q. Do you have children?

17 A. Yes.

18 Q. How many children do you have?

19 A. Well, I had two.

What was
1995?

20 Q. And can you tell us about your oldest daughter?
21 her name?
22 A. Lakesha.
23 Q. And was she killed in the bombing on April 19th,
24 A. Yes.
25 Q. How old was she when she died?

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Constance Favourite – Direct

1 A. 21.
2 Q. And what about your other daughter?
3 A. She's 14 now.
4 Q. How old were you when you had Lakesha?
5 A. 17.
6 Q. And did you have a rough start of it when you had
Lakesha?
7 A. Yes. I was in high school.
8 Q. Tell the jury what you did after Lakesha was born.
9 A. Lakesha was born in '73, and I was still in high
school.
10 And I stopped for a year, took care of her, and then I
11 completed my education, 12th grade -- the 12th grade.
12 Q. And did there come a time when you started working
to
13 support her?

14 A. Yes.

15 Q. And did you put her through school?

16 A. Yes.

17 Q. What type of school?

18 A. She went to Seaton Academy.

19 Q. Was that a Catholic school?

20 A. It's a Catholic school.

21 Q. Why did you choose that for her?

22 A. Well, in the first grade, she was in public school,
and her

23 teacher had a conference with me and told me that
Lakesha would

24 do better in a Catholic school because she was too
bright to be

25 there. She needed discipline. So I removed her and
put her

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Constance Favourite - Direct

1 into Catholic school.

2 Q. Did you have much money at the time?

3 A. No. I was a single parent.

4 Q. And where were you living when you were raising
Lakesha?

5 A. We were in New Orleans.

6 Q. And were you living in the projects?

7 A. Yes.

growing 8 Q. And did you talk to Lakesha about that as she was

9 up and what you wanted for her life?

10 A. Often.

11 Q. What did you tell her?

history 12 A. I just -- I told her to do better and not let

13 repeat itself.

14 Q. And what kind of high school student was Lakesha?

15 A. She could have been A, but she did B plus.

school 16 Q. And did she do other deeds while she was in high

17 other than her schoolwork?

very 18 A. Yes. Desert Storm -- Desert Storm happened. I was

her. I 19 emotional about it all and hadn't discussed it with

personnel 20 just went to my job and had a discussion with a

she had 21 manager; and then that evening, Lakesha came home and

about 22 the same discussion I had -- that I had had at work

23 Desert Storm.

to 24 She said, "Mom, you need to give me some money

25 start a care package for the soldiers."

Constance Favourite – Direct

1 And I was like that's the same thing I was
telling my
2 job. And so I told her, I said, "Okay, I'll give you
some
3 money and I'll buy some things, too."
4 And she brought it all to school and had her
5 classmates get together, and she started the care
package.
6 Q. Mrs. Favourite, I know it's difficult, but could
you lean
7 just a little bit forward into the microphone so the
jury can
8 hear.
9 A. Sure.
10 Q. It was her idea to start the care packages?
11 A. Yes. She was in 12th grade and she did that.
12 Q. Did you give her some money to do that?
13 A. Yeah.
14 Q. Did she send the packages over to Saudi Arabia?
15 A. Yeah.
16 Q. Now, did she graduate from Catholic school?
17 A. Yes. She completed the 12th grade.
18 Q. And after that, what happened to her?
19 A. She did two semesters of college; and after she
couldn't
20 get her grant to -- well, yeah, she did two semesters.
And she
21 couldn't get the grant, and then she decided she would

join the

22 service.

23 Q. Now, at some point before she joined the service,
did she

24 have a baby?

25 A. Yeah. She had a baby right out of high school.

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Constance Favourite - Direct

1 Q. That's your grandson?

2 A. Yes.

3 Q. What's his name?

4 A. Corey.

5 Q. How old is Corey today?

6 A. He's five.

7 Q. And how did you feel when Lakesha came home and
told you

8 that she was pregnant?

9 A. Very upset.

10 Q. Why were you upset?

11 A. Because I just -- I had always asked her, you know,
not to

12 do -- make the mistake that I've made and I just wanted

better

13 for her, so . . .

14 Q. And for a certain time, did she rebel?

15 A. She did.

16 Q. What did she do?
17 A. Well, she and Corey, her husband, got married. She
went to
18 Virginia. He was there for work, and she went there
and had
19 taken some -- my rope and went out there and got
married and
20 came home and said, "I'm married." I said, "Fine."
And then
21 after she did that, she wanted to live with me at home,
and I
22 told her I couldn't afford that, for she and her family
to stay
23 there, so she went and applied for homeless -- the
housing
24 authorities, which is a -- a public assistance project.
And
25 she did that.

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Constance Favourite - Direct

1 Q. Did she live in the projects for a while with her
husband
2 and Corey?
3 A. For about eight months before she decided she would
join
4 the service.
5 Q. And at that point, she made a change?
6 A. Oh, yeah.

7 Q. How did she change?

8 A. She told me, she said, "Mom, I'm not going to stay
here. I
9 want more than this for myself and my family."

10 And she spoke to a couple of my relatives that
were a
11 part of the military and made a decision about what
branch she
12 wanted to join. And so she came back and she said, "I
decided
13 I'm going to the Air Force," so . . .

14 Q. Can you try and keep your voice up --

15 A. Sure.

16 Q. -- just a little bit. I'm having a little trouble
hearing
17 you.

18 Do you recall how old Lakesha was when she
joined the
19 Air Force?

20 A. Lakesha was 19.

21 Q. And at a certain point, was she stationed in
Oklahoma City?

22 A. Yeah.

23 Q. And do you recall what her job was there in
Oklahoma City
24 for the Air Force?

25 A. Medical lab technician. She was in the lab.

Constance Favourite – Direct

any
1 Q. Now, when she joined the Air Force, did you have
2 discussions with her about her safety or security?

like --
3 A. Well, when she decided to join the Air Force, I was
4 that's not a good thing, you know. And she just
reassured me
5 that she was going to be okay. She wasn't going to be
at war,
6 wouldn't be on the front line. And then I agreed,
okay,
7 that'll work, you know.

8 Q. Where did she work in Oklahoma City?

9 A. Tinker Air Force Base.

10 Q. What were her duties and responsibilities there?

11 A. She was a lab technician.

12 Q. Did she enjoy that?

13 A. Very much.

Oklahoma
14 Q. Did you keep in touch with her when she was in
15 City and you were in New Orleans?

several
16 A. Practically every day, she called me at my job,
17 times a day.

18 Q. Where do you work?

Parts.
19 A. NAPA Auto Parts, and I'm a receptionist. NAPA Auto

20 Q. And did you speak to her prior to April 19, 1995?

21 A. The Monday -- I spoke to her that Sunday, Easter,
and she
22 called me that Monday, and she talked for about two
hours. And
23 I asked her, I said, "Lakesha, where are you?"
24 She said, "I'm at work."
25 I said, "You'll get in trouble being on the
phone that

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Constance Favourite - Direct

1 long."
2 And she said, "No, Mom. I just needed to talk
to
3 you."
4 Q. What did you talk about with her?
5 A. She was having some personal problems that she just
wanted
6 to discuss with me. Really financial, you know. She
was
7 trying to work some things out, so she and I talked
about that,
8 and talked about her husband and her baby. We'd always
have to
9 talk about that.
10 Q. What kind of mother was Lakesha?
11 A. She was an excellent mother to be a young girl at a
young
12 age. She took a lot of time off, very family-

orientated. And

13 that's all we all are, family-orientated. So she took
a lot of

14 time off with her husband and her baby.

15 Q. What kind of wife was she to Corey?

16 A. She loved Corey. I was wondering if she loved
Corey more

17 than she loved me. She was a real good wife.

18 Q. And before April 19, 1995, had you ever been to
visit her

19 apartment in Oklahoma City?

20 A. No.

21 Q. And did you have any idea on April 19, 1995, where
the

22 federal building was?

23 A. No.

24 Q. Did you have any reason to believe that Lakesha
would have

25 left Tinker Air Force Base to go to the federal
building that

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Constance Favourite - Direct

1 day?

2 A. Well, when I heard about the bombing, I -- I was at
work on

3 my break. And there was a -- on television, and my
girlfriend

4 and I was sitting watching it all. You know, I kept

saying

5 Oklahoma City. I was supposed to have a week's
vacation with

6 Lakesha the week after Easter. And so when I heard
about it, I

7 was like I need to call her and find out if that's near
her.

8 You know, I didn't know exactly where she was. And I
did. I

9 called.

10 Q. Did you get any answer?

11 A. Well, I called her job. And a young lady answered
the

12 phone and I asked to speak with her, and she said --
she paused

13 and she said, "Lakesha is not here, and may I ask who's
14 speaking?"

15 I said, "This is her mom."

16 She said, "Okay."

17 I said, "Just tell her I called." And I just
figured

18 she was -- had to go out to the -- you know, help out.

19 Q. Did you decide that evening when you didn't hear
from

20 Lakesha that you would travel to Oklahoma City?

21 A. Well, that evening, Corey called me because he and
I kept

22 in touch with each other during the day. He called me
about

23 two minutes after 5 and told me that her boss had
called and

24 said that she had went to the building.

25 Q. Did Corey tell you why Lakesha went to the Alfred
P. Murrah

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Constance Favourite - Direct

1 Building that day?

2 A. At the time, he didn't know.

3 Q. Did you later learn why?

4 A. Yes. To obtain a Social Security card.

5 Q. And did you learn anything else about Lakesha at
about 5:00

6 that evening?

7 A. No. Just basically what Corey told me that her
boss had

8 called and said that she -- she had left to go to the
building

9 and she hadn't returned.

10 Q. What about Corey, Jr.?

11 A. What happened, Corey her husband, called me at work
and

12 said that Kesha didn't pick the baby up from the
nursery. The

13 nursery had called him. And he had been home with the
flu, and

14 the nursery called and said she hadn't come and picked
the baby

15 up. So I just asked how would he get the baby, and he
said one

from 16 of Lakesha's friends had agreed to pick the baby up
17 school, so . . .
18 Q. And did you travel to Oklahoma City that next day?
made 19 A. The next -- yeah. The next day, I -- that day, I
20 arrangements to come out here to Oklahoma for 9:00 that
to 21 morning. But instead, I got a -- I got a 6:00 flight
22 Oklahoma City.
out 23 Q. And when you got there on April 20th, did you find
24 anything about Lakesha that day?
went to the 25 A. No. Major Hayes, her boss, he had said that he

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Constance Favourite - Direct

went 1 hospital to -- there was a young lady there and he had
believe 2 over to see if that was Lakesha, and he said he didn't
he asked 3 it was. This young lady had red nail polish on. And
I 4 me did I know if she polished her nails, and I told him
didn't 5 didn't know if she did. She do polish her nails, but I
ill so he 6 know if she did. He asked Corey. Corey said he was

I
Lakesha.
woman
head to
him
sure,
did. We
doorway of the
said,
her.
feet.
when we

7 didn't know what she was doing at the time he was ill.
8 insisted we go to the hospital to see if that was
9 Q. And were you told before you went to see this young
10 that she had been badly injured in the bombing?
11 A. Yeah. He said she's -- she was wrapped up from
12 feet, just her hands and her toes was out. And I asked
13 that --
14 Q. Can you keep your voice up?
15 A. I said could we go to the hospital and let me make
16 you know. I would know her. And he said, yeah, so we
17 went to the hospital. And as I entered ICU, the
18 hospital, I seen a young lady's feet; and I told him, I
19 No, that's not Lakesha. And he said, You haven't seen
20 You know, you don't know yet. I said, Yeah, I know her
21 You know, that's not her feet.
22 Q. So you were sure that wasn't your daughter?
23 A. I was sure.
24 Q. What did you do after that?
25 A. After -- well, we went into the room anyways. And

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Constance Favourite – Direct

1 came out of the room, I -- I believe there was a
missionary

2 there. And I asked her could we pray for that person
that was

3 laying there that she would be okay.

4 Q. Did you go back home to be with your son-in-law and
your

5 grandson?

6 A. Yeah.

7 Q. And did there come a time when you found out that
Lakesha

8 had been identified and had died in the blast?

9 A. Yeah. Nine days. Nine days later.

10 Q. How many -- I want you to take a look at Government
Exhibit

11 1208E.

12 MS. WILKINSON: Which we offer into evidence,
your

13 Honor.

14 MR. TIGAR: No objection.

15 THE COURT: Received, and may be published.

16 BY MS. WILKINSON:

17 Q. Tell us who this is, Mrs. Favourite.

18 A. That's Lakesha.

19 Q. She was 21 at the time that she died?
20 A. Yeah. She was 21 when she took this picture. That
was her
21 lab picture.
22 Q. Can you tell the jury what impact her death has had
upon
23 you and your family.
24 A. Well, it's brought a change in that her baby is
without a
25 mommy. Her husband is without a wife. I'm without a
daughter

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Constance Favourite - Direct

1 and a friend. Confidant. You know, she was my
strength and my
2 courage and my conscience, and she just was my baby.
3 Q. Now, at some point after she died, were you
contacted by
4 the FBI, saying that they had reason to believe there
was need
5 to exhume her body?
6 A. Yeah.
7 Q. Had you buried Lakesha down in New Orleans?
8 A. Yeah. That's where she is, in New Orleans. And we
had
9 gotten word that they had found her leg after -- after
they
10 brought the building down.

her 11 Q. Now, Mrs. Favourite, after Lakesha died and before

12 first burial, did you see her body?

13 A. No.

off? 14 Q. Were you told that one of her legs had been blown

15 A. Yes.

view her 16 Q. And was that one of the reasons why you did not

17 body?

too 18 A. No. They just told me that she had been down there

they 19 long, and it wasn't a good idea for me to see her. But

found her 20 did tell us that her leg was blown off, but they had

21 leg and, you know, all her pieces were there.

they had 22 Q. And when the FBI contacted you and told you that

did you 23 identified a different leg that belonged to Lakesha,

24 allow them to exhume her body again?

25 A. Yes.

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Constance Favourite – Direct

your 1 Q. And what was the impact for you of having to bury

2 daughter a second time?

3 MR. TIGAR: Objection, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: It was hard, because it felt
like we had

6 done it twice. And I told my family, the only
difference was

7 is that we had about 400 people the first time we did
it and it

8 was just we, the family, after the second time.

9 MS. WILKINSON: Thank you, very much, Mrs.
Favourite.

10 We have no further questions, your Honor.

11 THE COURT: Are there any questions?

12 MR. TIGAR: No, your Honor.

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

14 Next, please.

15 MR. MACKEY: Your Honor, we'll call Diane
Leonard.

16 THE COURT: Thank you.

17 THE COURTROOM DEPUTY: Would you raise your
right

18 hand, please.

19 (Sonya Leonard affirmed.)

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

21 Would you state your full name for the record
and

22 spell your last name.

23 THE WITNESS: Sonya Diane Leonard, L-E-O-N-A-

R-D.

24 THE COURTROOM DEPUTY: Thank you.

25 THE COURT: Mr. Ryan.

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1 MR. RYAN: Thank you, your Honor.

2 DIRECT EXAMINATION

3 BY MR. RYAN:

4 Q. Good afternoon, Mrs. Leonard.

5 A. Good afternoon.

6 Q. Are you married?

7 A. In my heart, I am.

8 Q. Did your husband, Don Leonard, die on April 19th in
the

9 Murrah Building?

10 A. Yes, he did.

11 Q. Where were you born and raised?

12 A. Tulsa, Oklahoma, which is about 100 miles from
Oklahoma

13 City.

14 Q. How about Don? Where was he born and raised?

15 A. Oklahoma City.

16 Q. When were you married?

17 A. We were married in 1974.

18 Q. Been married how long at the time of Don's death?

19 A. 20-plus years.

20 Q. Now, Don had three children; is that correct?

21 A. That's correct.

22 Q. What are their names and ages?

23 A. Brad is the oldest, and he is 28. Jason is the
middle one.

24 He's 26. And Tim is the baby. He's 25.

25 Q. Are these your children, as well?

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Sonya Leonard - Direct

1 A. They are my stepchildren. They allow me to -- to
call them

2 my children, but they are actually my stepchildren.

3 Q. Do they call you "mom"?

4 A. Yes, they do.

5 MR. TIGAR: Your Honor, may we have a
continuing

6 objection with respect to the Count 4 through 11 issue?

7 THE COURT: Yes.

8 You may continue.

9 MR. TIGAR: Thank you, your Honor.

10 BY MR. RYAN:

11 Q. What role did you play in the raising of these
three boys?

12 A. Well, we had them in the summers and for holidays,
and I've

things 13 made clothes for them and we've -- we've done lots of

14 together.

15 Q. How old was Don when he died?

16 A. 50.

as 17 Q. Let me show you what's been identified and marked

18 Exhibit 1452.

your 19 MR. RYAN: We would offer that in evidence,

20 Honor.

objection. 21 MR. TIGAR: Subject to our continuing

be 22 THE COURT: All right. 1452 is received. May

23 displayed.

24 BY MR. RYAN:

photograph. 25 Q. Ms. Leonard, would you take us through this

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Sonya Leonard - Direct

And the 1 A. Yes. I will be glad to. That's Don on the left.

who just 2 baby, Tim, is next to him. And the middle one, Jason,

the far 3 got married last summer, is next to Tim. And then on

4 right is Brad, the oldest. And I'm down front.

5 Q. Thank you. Tell us about Don Leonard as a man, as
an

6 individual.

7 A. Don was a man who loved life. He was a warm,
sensitive

8 person. He loved children. When we were in
restaurants, he

9 would smile and grin and talk to children until he'd
get them

10 to smile back.

11 He loved nature. We would go for drives
sometimes at

12 night, and he would pull over and make me get out of
the car

13 and look at the sky.

14 He loved his dog. One night, when I was
waiting for

15 his body to be found, they brought me some things from
the

16 building, and one of the things they brought was a
picture of

17 his dog. He had that with him at the time.

18 Q. How about his relationship with his sons?

19 A. He worked very hard at that. He had to be gone a
lot. He

20 was, of course, not with them all the time since --
since he

21 had -- he and his -- their mother were no longer
married, but

22 he worked very hard at his relationship with his boys.
And the

and had 23 youngest was living with us at the time of the bombing
24 been with us the last five years.
25 Q. This would be Tim?

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Sonya Leonard - Direct

1 A. Yes. And the middle one was living with us at the
time.

2 He was attending school in Houston, Sam Houston
College, but he

3 was home for the Easter holiday in April of '95.

4 Q. How about Brad? Where did he live?

5 A. He was living in Oklahoma City.

6 Q. Let's talk about Don's career for a moment. Tell
us where

7 he worked.

8 A. He worked for the Secret Service.

9 Q. And how long had he worked at Secret Service?

10 A. 24 years, 24 and a half.

11 Q. Before we talk more about his career, tell us more
about

12 Don's growing up. Where did he go to high school?

13 A. He went to high school in Oklahoma City; and after
high

14 school, he joined the military. He was in the Army and
was in

15 Vietnam. He was in military police, and he escorted
nuclear

16 weapons. And after the Army, he came back to Oklahoma
City and

17 went to college.

18 Q. Did he work his way through college?

19 A. He did. He was a police officer with the Oklahoma
City

20 Police Department. He worked nights with the PD while
he was

21 going to school during the day.

22 Q. Did he obtain his degree?

23 A. Yes.

24 Q. What was his degree in?

25 A. Industrial arts.

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Sonya Leonard - Direct

1 Q. Now, let's -- again, let's talk about his career
with

2 Secret Service. You say he was there for 24 years.

3 A. Yes.

4 Q. What comes to your mind when you think about the
service of

5 Don Leonard to his country through Secret Service?

6 A. Don was a man that was very proud to be an
American. He

7 traveled all over the world in the work that he did.
There are

8 very few countries that he didn't visit. And it always

-- he

9 always came home saying how fortunate we were to live
in this

10 country because he saw so many problems in other
countries that

11 we don't deal with here.

12 Q. Did he have occasion to ever work on a presidential
detail?

13 A. He -- we were assigned to Washington, D.C., for
three years

14 when we were first married, and he was assigned to the
vice

15 presidential detail at that time. However, he has
protected

16 President Nixon, President Ford, President Clinton,
President

17 Bush, and President Carter.

18 Q. When he was on assignment sometimes overseas, did
you worry

19 about him?

20 A. I did. When he was with certain protectees, I
would be

21 very concerned about him. One in particular, he was
with

22 Aristide, and I worried a lot when he was with Aristide
because

23 there were threats on his life at that time. But
people like

24 the Kennedys or when he was with someone like that, I
was very

25 concerned, yes.

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Sonya Leonard – Direct

Service 1 Q. Was there a time during Don's career with Secret

2 that you did not worry about him?

3 A. I felt very safe when he was in his office.

4 Q. At the Murrah Building?

5 A. Right.

6 Q. Did Don have a nickname?

7 A. His nickname was OC.

8 Q. What did that stand for, OC?

vice 9 A. Oklahoma crude. He got that name when he was on a

and how 10 presidential detail. He always talked about Oklahoma

that 11 proud he was to be an Oklahoman, and the guys gave him

what a 12 name because he -- he just always was letting them know

13 great place that was to live.

Oklahoma 14 Q. Did Don participate in community organizations in

15 City?

Lazy E 16 A. He did. He supported the Cowboy Hall of Fame, the

earlier, I 17 Ranch. He supported also St. Jude's. I mentioned

thing that 18 think, that he loved children, and that was another

19 he was very committed to supporting.
20 Q. Let's talk about April 19th. Did Jason have plans
to be
21 with Don on April 19th that had to be canceled?
22 A. Yes. He did. He -- he had asked his father if he
would
23 play golf that morning, and Don said he -- he couldn't
because
24 he was supposed to be in Tulsa the next day with Mrs.
Bush, so
25 he made the decision not -- not to take leave and play
golf

14983

Sonya Leonard - Direct

1 while Jason was home that day.
2 Q. Where were you on April 19th?
3 A. I was in Tulsa, Oklahoma. I was a sales rep, so I
was
4 working there and had been for a couple of days.
5 Q. When had you lost -- excuse me. When had you last
spoken
6 to Don Leonard, your husband?
7 A. At 10:00 the night before, on the 18th. He and I
had a
8 habit of contacting each other at 10:00 at night. We
both
9 traveled in our work, so whoever was gone would call
home at

that had 10 10, of course unless he was out of the country. Then
country, 11 to be changed a little bit. But if we were in the
12 we'd call home at 10.

13 Q. And is that what you did the night of April 18?

14 A. That's what I did.

Leonard? 15 Q. And was that the last time you spoke to Don

16 A. Yes.

what 17 Q. Just catch your breath. How did you find out about
18 occurred in Oklahoma City?

she 19 A. A customer told me. I had gone into her store and
hadn't. I 20 asked if I'd heard about the explosion. And I -- I

asked 21 hadn't had my radio on in the car that morning. And I
And I 22 her where it was. She told me downtown Oklahoma City.

knew 23 asked her what building, and she told me and asked if I
husband did, 24 anyone who worked there. And I told her that my

25 but I felt sure this was a small gas explosion and that

14984

Sonya Leonard - Direct

1 everything would be all right. So I said, Let's just

go ahead

2 and finish what I came to do and then I'll go home.
But she

3 had seen the pictures on TV and was very insistent that
I call

4 home. So I did call the office. The phone rang, but
there was

5 no answer. And we had 24-hour coverage on the phones
in that

6 office, so I knew that something was terribly wrong.
So I

7 called the Secret Service office in Tulsa, and they
told me

8 that six of our people were missing. So then, I called
home,

9 and all three boys were there. And they told me Don
was

10 missing.

11 Q. What did you do?

12 A. I got in my car and I drove to Oklahoma City. I
remember

13 trying to get information about what had happened
there. And I

14 heard about bomb threats all over the country. I kept
changing

15 the station on the radio, and -- and just couldn't get
the

16 information I needed. I finally did hit a station that
was

17 talking about Oklahoma City. And they were talking
about

18 bringing in 200 body bags. So it's then that I began
to

19 understand this was not a small gas explosion.

20 Q. What did you do after you arrived in Oklahoma City?

21 A. I went into the house, and I saw the picture of the
22 building on the TV screen. Don's sister was there, so
I got
23 her to go with me. I wanted to go downtown. The first
place
24 we stopped was the church where they were having family
members
25 come for information. They had a table inside the door
and

14985

Sonya Leonard – Direct

1 they asked you questions. I answered those. And they
told me
2 to wait. There would be someone who would interview
me. I was
3 looking around. There were lots of families in that
room and
4 lots of people interviewing family members. And I went
to one
5 and asked him who he was. And he told me that he was a
funeral
6 director. I left. I didn't want, nor did I need a
funeral
7 director.

8 Q. Where did you go?

9 A. I went downtown to St. Anthony's Hospital where
they also

had 10 were wanting -- they were -- giving lists of people who
was very 11 been found that day. The -- the room we were in there
conditions in 12 chaotic. It -- there were people in all kinds of
all 13 that room. And I remember there were sheets of paper
each 14 across one wall. They were about 3 feet by 3 feet, and
15 sheet had two columns of names.

end, I'll 16 And I told Don's sister, "You start at that
We did 17 start at this end, and we'll see if we can find him."
that went 18 that. We met in the middle of these sheets of paper
19 clear around each end of the wall.

"Well, 20 And we didn't find him, of course, so I said,
still, 21 let's double-check each other," and we did that. And
office. 22 Don's name wasn't there, nor was any name from our

however. 23 There were John Does and Jane Does on those lists,
So

24 I went to a table and asked them if they had
descriptions of

25 the John Does. And they didn't at that time, but they
did get

Sonya Leonard - Direct

husband.

1 descriptions, and of course, none of them was my

Leonard

2 Q. How many days was it before you learned that Don

Office?

3 had been identified by the State Medical Examiner's

4 A. It was Friday evening.

5 Q. Two days later?

6 A. Right.

7 Q. In that two days, did you ever give up hope?

hospital

8 A. I never did. I -- I was told when I was at that

out of

9 that there wouldn't be much hope of very many coming

didn't

10 that building, but I -- I believe in miracles, and I

11 give up hope for a miracle until we were informed.

Don's body?

12 Q. Did you for personal reasons insist upon seeing

13 A. Yes. I -- I did. My mother had --

14 MR. TIGAR: Objection, your Honor.

15 THE COURT: Sustained.

16 THE WITNESS: I did.

17 BY MR. RYAN:

18 Q. When did you do that, Mrs. Leonard?

from

19 A. I learned that when you love someone, you love them

20 the inside out.

21 Q. Did you see Don that Friday?

22 A. Saturday.

23 Q. Saturday. Can a Secret Service agent with 20 years
of time

24 in service retire?

25 A. Yes. They have a 20-year hazardous-duty
retirement. And

14987

Sonya Leonard - Direct

1 Don could have, of course, retired at 20. However, he
wanted

2 to provide well for his family.

3 Q. Did you talk about retirement and what would you
do?

4 A. Oh, yes. We had big plans.

5 Q. What plans did you have for your retirement?

6 A. Don wanted to do some research into his family
background.

7 He had a German heritage and Native American heritage.
And he

8 wanted to go to Germany and -- and spend some time
there and

9 learn about his family background, and mine. I have
German

10 heritage, also.

11 Q. Now, some events have occurred with respect to your
-- to

12 Don's children in the past two years, have they not?
13 A. Yes.
14 Q. Jason, what are the major events in his life in the
past
15 two years?
16 A. Jason got married last summer. He came to me right
after
17 we found out about his father, about 3 in the morning,
and said
18 that he wanted his dad back, he wanted him to see him
graduate
19 from college and to see his first baby, to see him get
married.
20 But of course, that -- that wasn't to be. We had a
wedding
21 without Don, and there was a dove released in memory of
Don.
22 Q. Tell us, if you would, in your own words, Mrs.
Leonard,
23 what the impact of Don's death has been upon you and
Don's
24 children.
25 A. I -- I thought that I would never have to get
through

14988

Sonya Leonard - Direct

1 anything more difficult when my mother committed
suicide.

2 MR. TIGAR: Objection, your Honor.

3 THE COURT: Overruled.
4 You may go on.
5 THE WITNESS: Thank you.
6 I was terribly wrong. That did not even
compare to
7 this. I feel like my heart is like that building. It
just has
8 a huge hole that can't be mended. The youngest, Tim,
since
9 October, has made three suicide attempts. Our lives
have
10 totally, totally changed. There's nothing the same.
And --
11 and this Christmas, the oldest announced that he's
going to get
12 married. So we'll have another wedding and another new
13 daughter-in-law that Don will never meet.
14 MR. RYAN: Thank you, Mrs. Leonard.
15 THE COURT: Do you have any questions?
16 MR. TIGAR: No, your Honor.
17 THE COURT: You may step down. You're
excused.
18 Next, please.
19 MR. MACKEY: Thank you, your Honor. Call Mr.
Rudy
20 Guzman.
21 THE COURT: Okay.
22 THE COURTROOM DEPUTY: Would you raise your
right
23 hand, please.

24 (Rudolph Guzman affirmed.)

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

14989

1 THE WITNESS: Thank you.

2 THE COURTROOM DEPUTY: Would you state your
full name
3 for the record and spell your last name.

4 THE WITNESS: Okay. Rudolph Arthur Guzman,
Jr.,
5 G-U-Z-M-A-N.

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Ms. Wilkinson.

8 DIRECT EXAMINATION

9 BY MS. WILKINSON:

10 Q. Good afternoon, Mr. Guzman.

11 A. Good afternoon.

12 Q. Tell the jury where you live.

13 A. I live in San Leandro, California, which is a
suburb
14 outside of San Francisco, about 25 miles away.

15 Q. Where do your parents live?

16 A. My mom lives in the same town as me with my
stepfather, and

17 my father lives in the Philippines with my stepmom.

18 Q. Were you living in that area back in April of 1995?
19 A. Yes, I was.
20 Q. And was your mother and your stepfather living
there, also,
21 at that time?
22 A. Yes.
23 Q. Can you tell the jury a little bit about your
family.
24 A. My family, I'm -- my mom was born in the
Philippines. My
25 father was born in Hawaii. They met in (sic) the East
Coast.

14990

Rudolph Guzman - Direct

1 My -- my father was in the Navy, and my mom was working
as a
2 nurse.
3 Q. And how many children were in your family, Mr.
Guzman?
4 A. Two.
5 Q. And you were born when?
6 A. I was born in (sic) October 18, 1967.
7 Q. What about your brother?
8 A. Randy was born at (sic) May 5, 1966.
9 Q. So what's the age difference between the two of
you?
10 A. We were about a year and a half apart.

11 Q. And was your brother killed in the bombing of the
Murrah
12 Building on April 19th?
13 A. Yes, he was.
14 Q. Can you tell us a little bit about how you and your
brother
15 grew up.
16 A. Well, me and Randy, since our age difference is a
year and
17 a half apart, we graduated a year apart from high
school. We
18 had the same friends. We did everything. When we were
19 little -- we were both altar boys at our local Catholic
church.
20 We were a team. We just kind of helped each other out.
21 Q. And how did you feel as the younger brother toward
your
22 older brother, Randy?
23 A. I felt proud. I -- I always looked up to Randy.
He guided
24 me. He kind of just took care of me.
25 Q. Let me show you Government's Exhibit 2206.

14991

Rudolph Guzman - Direct

1 MS. WILKINSON: Which we offer into evidence,
your
2 Honor.

3 MR. TIGAR: No objection.

4 THE COURT: Received, 2206. May be shown.

5 BY MS. WILKINSON:

6 Q. Can you tell the jury, Mr. Guzman, who's depicted
in this
7 photograph, Government's Exhibit 2206.

8 A. Okay. In the first row on the left is my grandma,
on my
9 mom's side. And the person on the right is my mom,
Linda. And

10 in the back row starting from the left is me. And in
the
11 middle is my father, Rudy. And then the right side is
my big
12 brother, Randy.

13 Q. Your brother graduated from high school before you
did, I
14 take it?

15 A. Yes, he did.

16 Q. And what type of student was he in high school?

17 A. He was a kind of a -- a lot -- you know, trying to
--
18 really school-spirited. He -- we were both involved in
student

19 government. He ran track, cross-country. He was a big
20 long-distance runner.

21 Q. And at some point, did he discuss with you his
interest in
22 joining the military?

23 A. Yes. Since I -- Randy and I were pretty much

military

24 brats, Randy had that interest of being in the
military, and he

25 decided to pick the Marines.

14992

Rudolph Guzman - Direct

1 Q. Did he tell you why he picked the Marines?

2 A. Because he -- he said that he was proud and wanted
to serve

3 his country and he looked at the Marines as -- as that
--

4 that -- I guess that steppingstone to serve his country
as best

5 as he can.

6 Q. Do you recall when he joined the Marines?

7 A. He joined right after high school, back in 1984.
He joined

8 the reserves right after high school, and he worked --
I guess

9 he was in the reserves before he got accepted as an
officer.

10 Q. Did he also attend college?

11 A. Yes, he did. He attended Cal. State Hayward, which
is a

12 Cal. State college outside of -- outside our hometown.

13 Q. What year did he graduate?

14 A. He graduated in 1988, in June, with his commission.
Got

15 his second lieutenant.

16 Q. And did he attend OCS?

17 A. Yes, he did. He -- as soon as he got his
commission, he

18 was transferred to Quantico, Virginia, to take some OCS
19 training.

20 Q. Did you speak to him when he was in OCS?

21 A. Yes, I did.

22 Q. How did he enjoy his Marine training?

23 A. He said it was tough, but he loved it. He loved
every

24 minute of it.

25 Q. Did there come a time when he was assigned to go to
serve

14993

Rudolph Guzman - Direct

1 in Desert Storm?

2 A. Yes. He was -- he got into a light infantry unit
out --

3 stationed out of Kaneohe Bay, Hawaii, and he was out in
-- at

4 Okinawa at the time when he got the call.

5 Q. Do you recall having a conversation with him about
his

6 service in Desert Storm?

7 A. Yes. Prior before he left, he kind of called me up
and

8 said, "Rudy, I'm leaving. I'm going to go to Saudi
Arabia. If
9 anything happens to me, please take care of everything.
Just
10 take care of everything."
11 Q. Did he explain what he meant?
12 A. Just in case if he gets killed during service,
during
13 Desert Storm, he wanted me to take care of everything
from
14 arrangements of the funeral to where he's buried at.
And I
15 just kind of laughed in his face and kind of said,
"Yeah,
16 Randy, you're coming back."
17 Q. He did come back from Desert Storm, didn't he?
18 A. Yes -- yes, he did. With a few flea bites, but he
was
19 fine.
20 Q. Where was he assigned after that?
21 A. After a little bit in -- in Hawaii, he was
stationed to --
22 to the Oklahoma City recruiting station at the Alfred
P. Murrah
23 Building.
24 Q. Were you ever -- excuse me -- able to visit him
before he
25 died in Oklahoma City?

Rudolph Guzman – Direct

1 A. Not in Oklahoma City. I saw him prior before his
death.

2 Q. When was that?

3 A. That was about a month before in March. Me and
Randy --

4 well, actually, an uncle of mine passed away, which he
lived in

5 Las Vegas; and so Randy and I decided -- I came from
California

6 and he came from Oklahoma City to meet up and attend
the

7 funeral and hang out with our family there.

8 Q. Was that the last time you saw him before he died?

9 A. Yes, it was.

10 Q. Do you know what assignment he had at the Marine
recruiting

11 station in Oklahoma City?

12 A. First, he started off as the operations officer.
Then he

13 moved up to becoming the executive officer out of the
station.

14 Q. How would you describe what kind of soldier your
brother,

15 Randy, was?

16 A. Randy was -- Randy was very -- he loved his
country. He

17 wanted to serve his country as best as he can. He was
proud to

18 be a Marine. And I'm really proud of him.

19 Q. Now, did there come a point on April 19th when you
learned
20 that the bombing had occurred at the Alfred P. Murrah
Building?
21 A. Yes. I remember that morning, I was -- I was at
home in
22 California, and I happened to be up at 6:45 Pacific
Time, which
23 is 8:45 Central Time, and just kind of watching TV.
Just
24 being -- watching the local news. And then at around
-- a
25 little bit after 7 -- 7 a.m., there was a flash on the
TV,

14995

Rudolph Guzman - Direct

1 saying there was some kind of explosion in Oklahoma
City.
2 Q. Did you know that your brother's office was in the
Alfred
3 P. Murrah Building at that time?
4 A. Not at that moment. I found out when -- was
watching more
5 of the news, flipping around every station I could
find. And
6 one of the networks flashed an address of -- of the
office, so
7 I decided I -- I took out my wallet and I pulled out
Randy's
8 business card and the address matched. It said 200
N.W. 5th

9 Street, and that kind of -- that hit me.

10 Q. At the time of his death, was your brother engaged
to be
11 married?

12 A. Yes, he was.

13 Q. Did you speak to his fiancée?

14 A. Yes. That day, called her every 15 minutes, "Did
Randy
15 call? Have you heard from Randy?" And we assumed that
he was
16 helping out folks. He's the type of person that would
risk his
17 life to help any other people out if they are hurt, so
just --
18 just kept on calling and calling, but there was no
word.

19 Q. So you assumed he was helping others?

20 A. Yes.

21 Q. Did you travel to Oklahoma City?

22 A. Yes, after a few hours of waiting and hearing no
word of
23 Randy, I decided to fly out that day.

24 Q. And on Monday, April 21st -- April 24th -- excuse
me -- did
25 you learn what had happened to your brother, Randy?

14996

Rudolph Guzman - Direct

1 A. Yes, I did.

2 Q. How did that occur?

3 A. In the morning, I believe it was about 8 a.m., we
were just

4 sitting -- sitting around about to have breakfast and
you hear

5 a (indicating) at the door, a loud rap. And I answered
the

6 door, and I saw a Marine dressed in a Marine uniform
and two

7 chaplains. And they asked to speak to Mr. and Mrs.
Guzman, my

8 mom and dad.

9 Q. Did you know why they were there?

10 A. I had -- I had that feeling, yes, I did. So I -- I
let the

11 gentlemen in, and they sat my folks down in the living
room.

12 Q. Were you present when they spoke to your parents?

13 A. Yes, I was. I was in the distance, in the kitchen
area. I

14 could see, but -- and could hear, but not in the exact
room.

15 Q. And when you learned that your brother's body had
been

16 identified and removed from the building, what did you
do?

17 A. As soon as they said that they found Randy, he was
presumed

18 dead, I -- I just remember what Randy told me before he
left

19 for Desert Storm, "Rudy, take care of everything." So

I

20 started taking notes. I pulled out a notepad and just
writing

21 down everything that Randy -- Randy told me that I
could

22 remember and making his wish granted.

23 Q. Did you cry at that point?

24 A. A little bit. But I -- I just remember Randy said
take

25 care of everything, so I had to be strong.

14997

Rudolph Guzman - Direct

1 Q. Did you do that, take care of everything?

2 A. Yes, I did.

3 Q. And did you learn from others who had been present
how your

4 brother's body was recovered?

5 A. Yes, I did.

6 Q. What did you learn?

7 A. I learned that they found him -- they saw his leg
sticking

8 out with the Marine Corps stripe on the pants, the
blood

9 stripe. And they knew it was a Marine, and they
identified him

10 as Randy. So yeah, they -- a few of Randy's Marines
told me

11 about that.

brother, 12 Q. Now, after you took care of everything for your
brother 13 can you tell us what kind of impact the death of your
brother 14 had on you and your family.

much 15 A. For my folks, my mom visits Randy every -- pretty
there's 16 every single day. If you go to Randy's grave site,
colors of 17 always fresh flowers and -- fresh flowers and bright
being a 18 red because Randy -- red was Randy's favorite color as
19 Marine and red was one of the colors.

in the 20 To myself, I -- I had two anxiety attacks, one
know what 21 airplane which I -- my first time I had it, I didn't
heart 22 was happening. I thought I was getting a -- having a
23 attack. But all it was was anxiety.

brother? 24 Q. And how have you dealt with the loss of your

know, the 25 A. Just a lot of praying, a lot of seeing Randy, you

14998

Rudolph Guzman - Direct

-- 1 good times we had, seeing his -- you know, remembering

that 2 remembering him being that tough Marine but yet that --
of, you 3 really nice guy that I always knew. And I feel proud
4 know, thinking about my big brother.

Guzman. 5 Q. Can you tell the jury just one other thing, Mr.

6 Can you tell the jury how your mother reacts in terms
of your 7 safety and security now that you've lost your brother
and she's 8 lost her son.

I'm okay. 9 A. My mom needs to talk to me every day, making sure

"Rudy, 10 She's always saying, "Rudy, take it easy." She says,
11 take it easy. You're the only one I've got."

Guzman. 12 MS. WILKINSON: Thank you very much, Mr.

13 MR. TIGAR: No questions.

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

15 Next, please.

Ray 16 MR. MACKEY: Yes, your Honor. We'll call Mr.

17 Blakeney.

18 THE COURT: Thank you.

right 19 THE COURTROOM DEPUTY: Would you raise your

20 hand, please.

21 (Ray Blakeney 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: Ray L. Blakeney, B-L-A-K-E-N-E-
Y.

14999

1 THE COURTROOM DEPUTY: Thank you.
2 THE COURT: Mr. Sengel.
3 MR. SENDEL: Thank you, your Honor.
4 DIRECT EXAMINATION
5 BY MR. SENDEL:
6 Q. Where do you live, Mr. Blakeney?
7 A. I live at 1809 Park Lane Drive, Edmond, Oklahoma.
8 Q. Is that near Oklahoma City?
9 A. Yes, it is.
10 Q. And how are you employed?
11 A. I'm employed with the State of Oklahoma for the
office of
12 the Chief Medical Examiner.
13 Q. What is your position there?
14 A. I'm the director of operations for the office.
15 Q. How long have you been director of operations for
the State

16 Medical Examiner?

17 A. A little over 10 years.

18 Q. If you would, please, tell us briefly as director
of
19 operations what some of your duties and
responsibilities are.

20 A. I basically oversee the day-to-day operation of the
office
21 as far as death investigations are concerned, of that
type of
22 operation.

23 Q. Prior to becoming director of operations, did you
hold
24 another position in the Medical Examiner's office?

25 A. Yes, sir. For approximately seven years, I was the
chief

15000

Ray Blakeney – Direct

1 investigator at the Medical Examiner's Office.

2 Q. Again, if you would, tell us briefly what a chief
3 investigator does.

4 A. Primarily the investigation of the death, going out
to the
5 death scenes, investigating the -- the deaths to
determine
6 the -- and help the forensic pathologist determine the
cause
7 and manner of death.

8 Q. Prior to joining the Medical Examiner's Office,
where were

9 you employed?

10 A. I was employed with the City of Midwest City,
Oklahoma, as

11 a police officer for approximately 10 years.

12 Q. And prior to your experience as a police officer,
were you

13 in the military?

14 A. Yes, I was. I was in the United States Navy,
attached to

15 the Marine Corps. I was a hospital corpsman, spent a
year in

16 Vietnam in a M*A*S*H-type unit and received my medical
training

17 there.

18 Q. And I believe you were director of operations in
April of

19 1995 for the Medical Examiner?

20 A. Yes, I was.

21 Q. Where were you when you first learned of the
bombing in

22 downtown Oklahoma City?

23 A. I was en route to Little Rock, Arkansas, to visit
my father

24 who was ill.

25 Q. And how did you hear about it?

Ray Blakeney – Direct

front of 1 A. I heard about it through my brother, who met me in
2 the hospital and informed me of the bombing.

do? 3 Q. After you learned about the bombing, what did you

to 4 A. I immediately turned around and began driving back
cell phone 5 Oklahoma City, communicating with the office by the
6 in the car.

7 Q. As you communicated with your office, what were you
8 attempting to arrange as you headed back?

knew would 9 A. I was attempting to set up the operation that I

deaths 10 have to be in place to take care of a large number of

11 which had apparently occurred as a result of the -- the
12 bombing. The -- the recovery of the bodies, the -- the
morgue

13 situation, the identification process and also the
Family

14 Assistance Center.

15 Q. So as you drove back, did you plan essentially on
three
16 stages or phases for your operation?

17 A. Yes, sir, that's correct.

18 Q. The first stage I believe you mentioned is the
recovery of

19 bodies from the building.

20 A. Yes, sir.
21 Q. And how was that arranged?
22 A. We -- we coordinated that through the law
enforcement
23 officials that were at the scene, also the fire rescue
24 officials to -- once the bodies had been located and
they were
25 accessible, then they would be removed from the rubble,
taken

15002

Ray Blakeney - Direct

1 across the street to a -- where a temporary morgue had
been set
2 up. They would be assigned a number and briefly
examined and
3 information taken at that time if it could be
determined, such
4 as sex and race and some of those things. Then -- then
the
5 bodies would be refrigerated at that site until they
were ready
6 to be transported to the Medical Examiner's Office.
7 Q. So somewhere near the Murrah Building, you set up
your
8 facility for the initial identification process and
temporary
9 morgue?
10 A. Yes, sir. It was directly across the street to the
east.

11 Q. If you could, please, for us in general terms
describe the
12 conditions of the bodies that were removed from the
Murrah
13 Building.
14 A. There were really three different types of -- of
15 conditions. First of all, we realized fairly quickly
that if
16 the individuals were on the first or the second floor
of the
17 building, they were directly affected by the blast. In
other
18 words, the shock wave physically moved them as it moved
the
19 debris of the building. So they were receiving some
blast
20 injuries and they were also receiving some destruction
as far
21 as dismemberment of the bodies, decapitations, and
dissections
22 and things like that, because they were in that blast
pattern.
23 If they were on the third floor or above, then
they
24 were usually not affected directly by the blast, but
they were
25 affected when the building fell down. They would fall
down

15003

Ray Blakeney - Direct

1 with the building, and they received crushing injuries
from all
2 of the rubble that -- that fell down with them. And so
these
3 crushing injuries also produced a great deal of
destruction as
4 far as dismemberments and crushing amputations and
crushed
5 chests and heads and things like that.

6 Then of course, the third stage that we saw
after a
7 few days, because of the weather in Oklahoma -- on some
days,
8 it was getting very warm -- and then the -- the -- the
victims
9 were beginning to decompose.

10 Q. The temporary morgue you mentioned: I believe you
11 indicated there were some stations in the morgue so
that you
12 could attempt to identify bodies. And if you would
describe
13 those for us, please.

14 A. The stations that you're asking about were not at
the
15 temporary morgue. They were at the actual Medical
Examiner's
16 office, where we began processing the bodies to make
the
17 identifications and determine the cause and manner of
death.

18 Once the -- the bodies arrived at the Medical

19 Examiner's office, they were checked in, they were
assigned a
20 case file, and they were also assigned a -- an escort,
a body
21 escort to escort them through the facility there at the
office.

22 We had several examination stations set up.

23 The first station that they would go to was
the

24 pathology station, which consisted of a forensic
pathologist

25 and a team usually of a property officer, a scribe to
help the

15004

Ray Blakeney - Direct

1 pathologist, an agent of the FBI or ATF for the
collection of
2 evidence. A complete and thorough examination would be
done,

3 the clothing would be removed and any personal property
and

4 given to the property officer. If there was any
evidence that

5 presented itself, it would be handed directly to the
FBI agent,

6 and then the doctor would do a complete examination to

7 determine, if possible, the cause of death of that
individual

8 and also any -- anything that might help in the
identification

9 of that person.

10 From that station, they would go to the
fingerprint
11 and photography station, where each victim would be
finger-
12 printed by the Oklahoma City police department and the
FBI
13 fingerprint squad. They would also be photographed at
that
14 station.

15 The next station would be the radiology
station, where
16 full body X-rays were taken of each one of the victims
so that
17 we could determine, again, the extent of their injuries
18 internally and also determine if there may have been
any
19 evidence available that might present itself from the
X-rays.

20 From the x-ray station, they would go to the
dental
21 examination station, where each victim would receive a
full
22 dental examination by the forensic dentist in the event
we
23 could use the -- the dentition to make the
identifications.

24 From the dental station, then, they would go
to the
25 radiology stations, where the X-rays would be read by a

Ray Blakeney - Direct

1 radiologist, again to document any of these injuries
and the 2 evidence.

3 Once they had completed all of these stations,
then 4 the bodies would go back to the -- where they started
from; and 5 then they would be placed in refrigeration, awaiting
6 identification and release to the families.

7 Q. As each body arrived at the Medical Examiner's
office and 8 was given a number, did you begin to build a list to
keep a 9 record of the bodies as they went through your
temporary 10 morgue?

11 A. Yes, sir. As we began to identify the bodies, we
kept a 12 list. I had a large piece of brown paper that
stretched down 13 the hall of the Medical Examiner's office, and it was
about 3 14 feet wide. And we began writing the names and the --
the ages, 15 the date that the individuals were identified, and the
manner 16 that they were identified.

17 Q. Excuse me one moment. I'd like you, if I may,

18 Mr. Blakeney -- I want to show you what we've marked as

Exhibit

19 1244A, if you would look at that screen in front of
you. And
20 is this the list that you've just been referring to?
21 A. Yes, sir. That is the list. And it stretched all
the way
22 down the hall. It was split by the doorway at the end.
23 MR. SENDEL: Just a moment.
24 I'll offer 1244A, your Honor.
25 MR. TIGAR: No objection.

15006

Ray Blakeney - Direct

1 THE COURT: 1244A is received, may be shown.
2 THE WITNESS: And it served two or three
different
3 purposes. First of all, it was a -- it began as a
reference
4 for the workers at the Medical Examiner's office to
determine
5 which of the victims had been identified and the manner
in
6 which they had been identified. Second of all, it was
a quick
7 reference for me and the others compiling the list that
needed
8 to go to the family center and to the press for those
that had
9 been identified. And a third thing that we found, it
was very

office 10 good for the workers there at the Medical Examiner's
making 11 to -- to go out and look at and see that they were
performing in 12 progress in the -- in the task that they were
victims. 13 trying to make these identifications of all these

14 BY MR. SENDEL:

15 Q. How long, ultimately, did these sheets of paper
become that 16 ran down the hallway at the Medical Examiner's?

17 A. They extended for between 50 and 60 feet down the
hallways.

18 Q. Now, you also mentioned the conditions of bodies as
they 19 were recovered from the building; that there was some
body 20 dismemberment. Did you also attempt to identify the
21 parts?

22 A. Yes, sir, we did. When a -- when a body part was
located, 23 it again would receive a number. It would be taken to
the 24 temporary morgue and put in refrigeration until it was
ready to 25 be transported to the Medical Examiner's office. Upon
arrival

Ray Blakeney - Direct

1 at the Medical Examiner's office, it was checked in and
given a
2 case file. A forensic pathologist would then examine
that --
3 that body part. And we had a list that we kept on the
wall in
4 the morgue area, and we would list that body part. For
5 instance, if it were the leg of a -- of a white female
6 amputated above the knee, that information would be
placed on
7 that list. A photograph would also be taken of that
part and
8 placed on the wall in the morgue area, so that as the
doctors
9 were doing their initial examinations, if the body in
which
10 they were examining was missing a part, they could
refer to
11 the -- the list and see if it may contain a part that
they
12 needed. If it did, they could then refer to the
photograph and
13 see if it may be one that was compatible. And then if
it was,
14 they would -- they would retrieve that part and an
examination
15 would take place by several different methods --
radiology,
16 DNA, and anthropology -- to try and reassociate that
part with
17 that particular body.

18 Q. Did you at some point use fingerprints on occasion
to
19 attempt to identify body parts?

20 A. Yes. We did. We used that quite frequently,
especially in
21 the hands and arms portions of the bodies.

22 Q. In the case of -- were there some children that you
had to
23 attempt to identify body parts?

24 A. Yes, there were. There were children that we
identified
25 body parts by fingerprints, by DNA and other means.

15008

Ray Blakeney - Direct

1 Q. If you identified a body part, did it ever happen
that you
2 identified a body part after the body had been
identified?

3 A. Yes, sir. It was -- it became obvious very quickly
that we
4 were not going to be able to reassociate the parts as
quickly
5 as --

6 MR. TIGAR: Interpose an objection, your
Honor.

7 THE COURT: Just a moment.

8 MR. TIGAR: May I have a continuing objection?

9 THE COURT: Yes, you may. You may proceed.

10 THE WITNESS: -- reassociate the parts as
quickly as
11 we had the bodies identified. And so we -- upon
realizing
12 that, when we would make an identification and were
ready to
13 notify the family that we had identified their loved
one, we
14 would give them the information that their loved one
may not
15 all be there, so that they would -- could prepare
themselves
16 for that.

17 And also, we would, you know, at that time
give them
18 some options that were available to them in the event
that we
19 found their loved one's part or parts later on.

20 BY MR. SENDEL:

21 Q. Were there some occasions in which you had to
notify a
22 family of the identification of a body part after
burial?

23 A. Yes, sir. There were several occasions, six or
eight,
24 probably, where weeks and sometimes a couple of months
later,
25 we were able to identify a body part and we -- I would
call

Ray Blakeney – Direct

1 that family and -- and advise them of the part and let
them
2 make the decision as to what they would like done with
that.

3 Q. In general, was there often a delay between the
actual
4 recovery of a body and the identification of that body?

5 A. Well, there was always some delay from the -- the
time that
6 the body was recovered and the time it was identified
because
7 of the process that I have just described to you. In
some
8 instances, that may have occurred on the same day of
recovery.

9 In other instances, it may have been several days,
depending on
10 the information that was available from the victim
antemortem
11 and postmortem.

12 Q. I'd like to show you a summary chart we've prepared
--

13 MR. SENDEL: Exhibit 1253A, your Honor, which
we offer
14 for demonstrative purposes, a summary of recovery
15 identification.

16 THE COURT: This is to illustrate the process?
Is
17 that the --

18 MR. SENDEL: Yes, your Honor. And to show the
time

19 period. We have a blow-up, your Honor, we can set up
-- I see
20 it's on the computer. We can use it on the computer,
your
21 Honor.

22 MR. TIGAR: No objection for demonstrative
purposes,
23 your Honor.

24 THE COURT: All right. You may proceed.

25 BY MR. SENDEL:

15010

Ray Blakeney - Direct

1 Q. If you would, please, Mr. Blakeney, if you can tell
us
2 then, just briefly without going through every item,
but the --
3 what we see here in the recovery and the time period
for
4 identification.

5 A. On the 19th, of course, which was the day of the
bombing,

6 we recovered 32. Two of those had gone to the
hospital. And

7 then ten on the 20th and 25 on the 21st. From that
time on,

8 until the -- the end of the -- of the initial search
period,

9 it -- it dwindled to six or seven or eight a day. And
then

next 10 normally, we would identify about that same number the
recovery 11 day, so it was about a 24-hour period from the time of
12 until the time of identification.
of the 13 Q. And as we can see from the chart, what was the date
14 last body identified from the Murrah Building?
15 A. The last body was identified May the 31st.
many 16 Q. Of the individual bodies that were identified, how
17 died in the Murrah Building?
18 A. 163 died in the Murrah Building.
in the 19 Q. Now, initially, was it believed that 160 had died
20 Murrah Building?
21 A. Yes, it was.
22 Q. And were three bodies then recovered later?
to the 23 A. Yes. There was -- now, are you referring to the --
24 end of the search?
25 Q. Yes, sir.

15011

Ray Blakeney - Direct

the 1 A. Yes. The initial search had to be stopped because
2 building was in jeopardy of falling down on about the

5th of

building 3 May. And then later, on the 29th of May, after the

4 was imploded, an additional three bodies were located.

to as 5 Q. Were those three bodies down in what was referred

6 "the pit" of the building?

7 A. Yes. They were in that area. Yes, sir.

Murrah 8 Q. In addition to the 163 then that died in the Murrah
9 Building, how many died in other buildings around the

10 Building?

11 A. Five.

as 12 Q. I want to show you what we've previously introduced

13 Exhibit 940. And this one is marked as 940A with some

those 14 highlighting. Does that highlight the locations where

were 15 that were killed outside the Alfred P. Murrah Building

16 found?

17 A. Yes, sir. There was one --

locations, 18 Q. One moment, if you would. Does that show the

19 Mr. Blakeney?

20 A. Yes, it does.

21 MR. SENDEL: I'm going to offer 940A.

22 MR. TIGAR: No objection, your Honor.

23 THE COURT: All right. It's received. May be

shown.

24 BY MR. SENDEL:

25 Q. If you would, please, describe for us where those

15012

Ray Blakeney - Direct

1 individuals outside the Murrah Building were located
that were
2 found.

3 A. Is this pen working?

4 Q. Yes, sir. You'll have to reach under the glass
there, I
5 believe.

6 A. Oh, I'm sorry.

7 There was one lady that was walking along the
sidewalk
8 in the parking lot directly across the street, being
5th
9 Street.

10 There was one lady that was killed in the
Athenian
11 Building, again directly across the street.

12 There were two killed in the Water Resources
Board.

13 And then a rescue worker, a nurse, was struck
in the
14 head and she was killed somewhere outside of the Murrah
15 Building here and later died at the hospital.

16 Q. Thank you.

17 I'd like to show you what we've marked as
Exhibit 2214.
18 2214.

19 MR. SENDEL: I don't know if we have that in
the
20 computer. If I may, your Honor, I want to offer this
for
21 demonstrative purposes. It's an enlargement showing
those five
22 individuals that died outside the Murrah Building.

23 THE COURT: Are you talking about photographs,
or --

24 MR. SENDEL: Yes, your Honor. 2214.

25 MR. TIGAR: Your Honor, I think we have -- we
have a

15013

Ray Blakeney - Direct

1 continuing objection to this based on -- on the bench.

2 THE COURT: Yes.

3 MR. TIGAR: And --

4 THE COURT: But that -- that's preserved, and
we'll

5 admit it.

6 MR. TIGAR: All right. Thank you.

7 THE COURT: 2214. And you have an
enlargement.

8 MR. SENDEL: Yes, your Honor.

9 THE COURT: All right.

10 MR. TIGAR: Is the enlargement being offered,
or just
11 the picture?

12 THE COURT: Well, the enlargement is being
used simply
13 for convenience of the --

14 MR. TIGAR: The enlargement is for
demonstrative
15 purposes?

16 THE COURT: Yes.

17 MR. TIGAR: Thank you.

18 BY MR. SENDEL:

19 Q. Mr. Blakeney, if you would, please, sir, would you
identify
20 for us those two individuals that died in the Water
Resources
21 Building.

22 A. Robert Chipman and Trudy Rigley were in the Water
Resources
23 Building.

24 Q. And if you would, the -- please identify the person
who
25 died in the Athenian Building.

15014

Ray Blakeney - Direct

1 A. Anita Hightower.

parking 2 Q. And the individual that -- excuse me -- died in the

3 lot?

4 A. Kathryn Ridley died in the parking lot.

5 Q. And then that individual -- individual you
identified, the

6 nurse who died outside the Murrah Building?

7 A. And the nurse is Rebecca Anderson.

8 Q. Thank you. That's all.

9 You also mentioned when you were setting up
your

10 operation, Mr. Blakeney, there was a third stage, a
Family

11 Assistance Center. If you would, please, tell us what
the

12 Family Assistance Center was.

13 A. The family center was set up on the same day as the
to

14 bombing. It was set up at the First Christian Church
several

15 accommodate the families of these victims. It served

16 different purposes. It was an information-sharing
location.

17 It was also a place that the families could gather and
begin

18 giving information concerning their missing loved one
so that

19 we might begin gathering that antemortem or predeath
data from

20 them concerning all of the things that we would need to
help

21 make the identifications of those people. That
information
22 included, of course, their names, their addresses,
their ages,
23 their dates of birth, their clothing that they wore to
work
24 that day, the jewelry that they may have had on, their
height,
25 their weight, who their physician may have been, when
they were

15015

Ray Blakeney - Direct

1 last at the doctor, their dentist, where he may be
located, and
2 any information concerning that individual that may
help us
3 with the identification of that person.
4 The second reason was to share information
with the
5 families about what was going on with their loved one,
about
6 how the identification process was going to take place,
how the
7 recovery would take place, and how they would be
notified --
8 once their loved one had been identified, how they
would be
9 notified and how their loved one would be returned to
them.
10 Q. In order to provide this information to the

families, were

11 there regular meetings there at the Family Assistance
Center?

12 A. Yes, sir. I met with the families twice a day for
15 days.

13 I would go at 9:30 in the morning and talk to the
families and

14 3:30 in the afternoon.

15 Q. And each day, did you brief those families on those
bodies

16 that had been identified and other information that you
had?

17 A. Yes, sir. I would try and answer all of their
questions.

18 I would tell them how many bodies had been recovered.
How many

19 individuals had been identified. Basically, the stage
of the

20 recovery at the scene. And again, try and answer as
many

21 questions as possible and keep them informed. I would
always

22 talk to the families before any information was
released to the

23 press.

24 Q. Were there then families each day who were asking
you about

25 their loved ones and their identity?

15016

Ray Blakeney - Direct

1 A. Yes, sir. The families, of course, were concerned.
2 Initially, they were questioning whether there was
still a
3 possibility that their loved one may still be alive in
the
4 first two or three days. There was -- there was hope
that that
5 may be a possibility. After the first two or three
days,
6 everyone pretty much realized that that was not a
possibility,
7 and that then their question became more of, one, will
you
8 recover my loved one at all and be able to return them
to me.

9 Q. How long was the Family Assistance Center open?

10 A. It ran for 15 days. From the day of the bombing,
really,
11 until the -- the -- about the -- the 6th of May. And
each day
12 is -- as we would progress with the -- with the
recovery and
13 the identifications, it was always for the families
that were
14 having to wait -- that question always arose, you know,
that
15 the possibility existed that their loved one may never
be
16 found, and we had to address that. And we addressed
that
17 several times.

18 And of course, rumors would surface that there

would

19 be a certain number of the victims that would be
vaporized
20 or -- or atomized or blown into such small pieces that
they
21 would never be found, and I -- and I visited with the
families
22 about that. But we -- we were not seeing that type of
23 destruction. Even though we were seeing a lot of
dismemberment
24 and badly damaged bodies, we weren't seeing bodies that
had
25 been destroyed in that nature. And so I tried to -- to
explain

15017

Ray Blakeney - Direct

1 to them as long as we could stay in the building and
begin --
2 again continue to search for the victims, that I
thought that
3 we might possibly find everyone.
4 Of course, there was -- there was always that
-- that
5 thought and the fear in many of us's minds, there was a
lot of
6 children involved in this incident. And in fact, there
were
7 three infants. It was the habit of the day-care center
to
8 place the three little boys in cribs and place them

next to the

9 front window of the building which would have placed
them

10 directly over the -- the truck containing the bomb.
And I felt

11 sure that if there were any that we would not find, it
would

12 probably be those three little babies.

13 But then on the evening of the 15th day, as we
are --

14 our search had really accelerated -- we had found a lot
of

15 individuals that day. We -- we found one of those
babies. And

16 as a result of that -- prior to that, every day, when I
would

17 go to the family center, one of the mothers of those
babies

18 would always ask me -- when I would ask if there were
any

19 questions, she would say, "Mr. Blakeney, did you find
any

20 babies today?"

21 And I'd have to say, "No, ma'am, we didn't."

22 And I did that for 15 days until the evening
of that

23 15th day, we found a baby. And myself and all of the
other

24 workers knew that if we found one of those children,
that we

25 might be able to find the other two children. And if
indeed,

15018

Ray Blakeney – Direct

all of 1 we found the other two children, we would probably find
2 the victims.

the 3 And at about 12:15 that night, we had to stop
4 search because the building was in jeopardy of falling
down.

5 We had found all of the children. We had found all of
the

6 victims with the exception of what we then thought was
two. We

7 knew who they were and we knew where they were. We
simply

8 could not continue to search and recover those victims.

building 9 Q. And those are the three you later found after the
10 was imploded?

imploded -- 11 A. That's correct. We -- after the building was

12 and in fact, we realized it was not two, but three,
because an

13 individual was in the credit union, Alvin Justes, and
he had

14 not been reported missing until late in the event.

15 MR. SENDEL: Thank you.

16 I have no further questions, your Honor.

17 THE COURT: Have you any questions?

18 MR. TIGAR: Just one, your Honor.

19 THE COURT: All right.

20 CROSS-EXAMINATION

21 BY MR. TIGAR:

22 Q. Hello, Mr. Blakeney.

23 A. Good afternoon.

I know 24 Q. My name is Michael Tigar. I'm one of the lawyers.

team and 25 you've been very helpful, talking to members of our

15019

Ray Blakeney - Cross

1 sharing information over time.

we, 2 I don't think you and I have ever talked, have

3 sir?

4 A. No, sir.

us was 5 Q. Your recovery operation that you've described for

could; 6 designed to make sure that you had found everybody you

7 is that right, sir?

8 A. That is correct.

Levey 9 Q. And you know about the situation involving Lakesha

you know 10 and the -- it has been testified to earlier today, but

11 about that situation; correct, sir?
12 A. I'm very aware of it, yes, sir.
13 Q. And even with that situation, you're satisfied, are
you
14 not, sir, that you have accounted for everybody that
was in
15 that building or that was killed as a result of the
explosion
16 as best as human beings can account for them; is that
right,
17 sir?

18 A. Yes, I do (sic).

19 MR. TIGAR: Thank you. No further questions.

20 MR. SENDEL: Very briefly, your Honor.

21 THE COURT: All right.

22 REDIRECT EXAMINATION

23 BY MR. SENDEL:

24 Q. In addition to the children that you identified,
how many
25 unborn children died in the blast, Mr. --

15020

Ray Blakeney - Redirect

1 MR. TIGAR: Objection, your Honor. Improper
redirect.

2 THE COURT: Sustained.

3 MR. SENDEL: Thank you. I have nothing
further.

4 THE COURT: You may step down.

5 I take it he's excused.

6 MR. SENDEL: Yes, your Honor.

7 THE COURT: Agree?

8 MR. TIGAR: Yes.

9 THE COURT: You're excused. I think we'll
take the
10 afternoon recess at this point.

11 Members of the jury, as usual, our recess of
about 20
12 minutes' duration; and of course, as usual, please
avoid

13 discussion of the matters that you're hearing, avoid
discussion

14 of what is at issue here, recognizing that you must
wait until

15 you hear it all. Keep open minds. Avoid anything
outside the

16 evidence. You're excused now. 20 minutes.

17 (Jury out at 3:14 p.m.)

18 MR. TIGAR: May we approach, your Honor?

19 THE COURT: Yes.

20 (At the bench:)

21 (Bench Conference 145B1 is not herein transcribed
by court

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

23

24

15025

1 (In open court:)

2 THE COURT: We'll be in recess. 20 minutes.

3 (Recess at 3:16 p.m.)

4 (Reconvened at 3:36 p.m.)

5 THE COURT: Be seated, please.

6 (Jury in at 3:36 p.m.)

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

8 MR. MACKEY: Thank you, your Honor. We call
Catherine
9 Alaniz.

10 THE COURTROOM DEPUTY: Would you raise your
right
11 hand, please.

12 (Catherine Alaniz 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: Catherine Alaniz, A-L-A-N-I-Z.

17 THE COURTROOM DEPUTY: Thank you.

18 THE COURT: Mr. Orenstein.

19 MR. ORENSTEIN: Thank you, your Honor.

20 DIRECT EXAMINATION

21 BY MR. ORENSTEIN:

22 Q. Good afternoon, Ms. Alaniz.

23 A. Good afternoon.

24 Q. Where are you from, ma'am?

25 A. Norman, Oklahoma.

15026

Catherine Alaniz - Direct

1 Q. And that is where you grew up?

2 A. Yes.

3 Q. Have you been married?

4 A. Briefly.

5 Q. Is your husband no longer alive?

6 A. Yeah. He was killed in Desert Storm.

7 Q. Do you have any children, ma'am?

8 A. I have three little girls.

9 Q. What are their names?

10 A. Andy, after my husband; Taylor; and Elisa Claude,
after my

11 father.

12 Q. Who was your father?

13 A. Claude Arthur Medearis.

14 Q. Was your father killed in the bombing of the Murrah

15 Building?

16 A. Yes, he was.

17 Q. What was your father's job at the time of the
bombing?

18 A. He was senior special agent for the U.S. Customs
Service.

19 Q. And he was stationed in the Murrah Building at the
time of

20 the bombing?

21 A. Yes.

22 Q. When did he join the Customs Service?

23 A. He had been with Customs for approximately eight
years.

24 Q. And before that, what had he been doing?

25 A. He worked for the Oklahoma State Probation and
Parole

15027

Catherine Alaniz - Direct

1 Office.

2 Q. He had had some military service?

3 A. Yes, he did.

4 Q. He was in the Navy?

5 A. He was in the Army and then a brief stint in the
Navy.

6 Q. When your father joined the Customs Service, what
kind of

7 work did he do for them?

--
8 A. His duties included busting people for drugs, guns
9 illegal guns -- just a variety of illegal activities
that were
10 brought into the United States from outer borders.

11 Q. And did he work at the border?

12 A. He did for quite a while. He was stationed in
Eagle Pass,
13 Texas, and in Del Rio, Texas.

14 Q. When your father was working for Customs Service
doing his
15 enforcement activities, were there ever times when you
were
16 worried about his safety?

17 A. We did, but not as much as we did when he worked
for the
18 parole office. We realized when he was in law
enforcement that
19 there was that chance that he could be shot and killed,
but
20 that was in God's hands.

21 Q. You told us that your father spent time in the
Customs
22 Service working at the border, working in Texas. Did
there
23 come a time when he transferred to Oklahoma City?

24 A. Yes. In -- actually, I believe it was in '90 --
'89 or
25 '90, my mom's father had a heart attack and my dad's
mom had a

15028

Catherine Alaniz - Direct

1 heart attack, and both had to have quadruple bypass
surgeries;
2 and then in '91 -- well, '90 I was married. And then
in August
3 of '90, my husband was sent over to Saudi, and I was --
stayed
4 with my parents in Eagle Pass; and shortly after, I
found out I
5 was pregnant with our first child and our only child.
6 February 27, the day of the cease fire, my
husband was
7 killed by friendly fire; and I was six months pregnant
with our
8 only child.
9 My dad received a hardship transfer back to
Oklahoma
10 to bring me back home with my family and to enable them
to be
11 with their parents.
12 Q. You said you had been married briefly before your
husband
13 died in Desert Storm. And it was that event, his
dying, that
14 caused your father to request a transfer back to
Oklahoma?
15 A. Correct. I was married June 29 of '90. I wasn't
-- I
16 hadn't even graduated high school yet, and he was
shipped off

17 in August. We had two weeks together and created a
baby in two

18 weeks, and he never got to see her.

19 Q. Before he left for Saudi, had your husband met your
father?

20 A. Oh, yes. Numerous times. My dad basically
threatened him

21 with his life when he came to bring me my engagement
ring; and

22 being law enforcement, my dad came to Corpus Christi
from Eagle

23 Pass -- at the time, I was living in Corpus Christi --
brought

24 his gun, picked up my husband or my fiance at the time
from the

25 airport, and took him out to the beach and told him if
he hurt

15029

Catherine Alaniz - Direct

1 his little girl he was going to have to use the gun on
him.

2 Q. He was joking around?

3 A. Yes, he was.

4 Q. After meeting with your father and talking with him
from

5 time to time, did your husband, Andy, tell you about
what he

6 hoped to do after he got out of the Army?

7 A. Yeah. He had pretty much decided that he wanted to
pursue

discussed -- 8 a career in law enforcement, and he had -- we had

impact 9 MR. TIGAR: Your Honor, I'm going to object to
10 from Desert Storm.

11 THE COURT: Sustained.

12 BY MR. ORENSTEIN:

child and 13 Q. You told us that you were pregnant with the first

at the 14 the only child from the marriage with your husband Andy
15 time of his death. Is that right?

16 A. Correct.

in that 17 Q. What did your husband -- your father do to help out
18 situation?

for me 19 A. Since Andy was in Saudi and wasn't able to be there
20 for my birthing classes, my dad and my mom pretty much

stepped 21 in as my coach. He basically became a surrogate father
to my 22 daughter.

husband died 23 Q. Can you give us an example of how after your
24 and your father stepped in to fill that role?

were 25 A. Well, my dad was there -- actually, both my parents

15030

Catherine Alaniz - Direct

me 1 there when I had my daughter, and my dad helped coach
2 through my labor.

daughter 3 After she was born, living on the border, my
4 had colic a lot and she would be up late at night
crying, and I

2, 3, 5 would be just at wit's end. And my dad would come in

my 6 whatever time of the morning it was, and he would take

you know, 7 daughter and rock her to sleep in the rocking chair,

missed out 8 just -- when I was born, my dad was in Korea, so he

basically 9 of all the baby parts when I was growing up; so he

10 just filled that with my daughter.

11 Q. Did he like to exercise with young Andy?

her 12 A. Oh, yeah. He loved to lay her in his lap and take

run, 13 little legs and run them back and forth and say, "Run,

14 run, run, run," and she would just laugh.

15 Q. I would like to show you --

into 16 MR. ORENSTEIN: And, your Honor, I'd offer

17 evidence Government's Exhibit 1446.

18 MR. TIGAR: Subject to our continuing

objection.

19 THE COURT: All right. It's received, may be
shown.

20 BY MR. ORENSTEIN:

21 Q. Now that the jury can see 1446, Ms. Alaniz, would
you tell

22 the jury who we see in this photograph?

23 A. Mainly it's family and friends. We have a very
close-knit,

24 large family, and we have just backyard gatherings just
to get

25 the family together; and this is one of our -- our
volleyball

15031

Catherine Alaniz - Direct

1 tournaments that we have.

2 And that's my dad sitting there smiling with
his

3 elbows against the table, and I'm sitting next to him.

4 The man sitting next to me is a cousin holding
my

5 oldest daughter, Andy, and then just friends and family
in the

6 background.

7 Q. Ms. Alaniz, I'd like to ask you about April of
1995.

8 Before the bombing, when did you last see your father?

9 A. The day before, I had gone over to my mom's house
and I

I didn't 10 stayed there for some reason. I just couldn't leave.
two 11 leave until after midnight. And I went home with my
I had 12 children. I was four months pregnant at the time. And
want to 13 spent the entire day there, and I just -- just didn't
how you 14 leave. And that was the last time I got to see him.
15 Q. The next day was April 19. Can you tell the jury
16 heard about the bombing at the Murrah Building.
shortly 17 A. I was laying in bed, and I get a phone call just
which 18 after 9:00 from my cousin who worked on North Main,
she asked 19 was -- it was a little ways from the bomb site. And
20 if I felt that, felt something.
feel? 21 And I said, "Well, no. What was I supposed to
22 I was asleep."
23 And I hadn't heard.
24 And she said there was an explosion downtown.
where my 25 Well, it didn't even occur to me that that's

15032

Catherine Alaniz - Direct

1 dad worked at the time. I was half asleep, but my --
the
2 father of my last two children worked at a car
dealership down
3 there. I thought, oh, my gosh, somebody got mad and
bombed one
4 of them; and I turned on the news and it said that it
was the
5 Federal Courthouse. And that's when it occurred to me
when I
6 heard the word "federal" that my dad works down there.
7 So I tried calling my mom and didn't get an
answer.
8 And after calling my dad's mobile, he didn't answer,
and I
9 tried paging my dad; and he always called me right
back, and he
10 never called me back.
11 So I called the office. And the phones at
night --
12 they switched over to Houston to make sure that they
were
13 answered 24 hours a day in case an agent needed to go
out in
14 the field, and they hadn't been switched back over to
Oklahoma
15 City.
16 And so when he -- when the sector answered, I
asked if
17 that was the building that my dad was in; and he goes,
"What
18 are you talking about?" He was completely clueless.

the TV 19 And as I was talking to him, it came back on
"Is that 20 that it was the Alfred P. Murrah Building; and I said,
21 my dad's building?"
you 22 And he said, "I don't know. I'll have to call
23 back."
hung up and 24 And so I left my number and everything and
answer, and 25 tried calling my mom again and still didn't get an

15033

Catherine Alaniz - Direct

dad's 1 then my cousin called back and said, "I think it's your
2 building."
father up 3 So at that point I got my -- the children's
something 4 and I said, you need to go to mom's house. I think
5 has happened to dad."
shirt, 6 So he throws on a pair of jeans, throws on a
runs out 7 doesn't button it, doesn't put shoes on, nothing, just
on the 8 the door, goes 8 miles over to my mom's house and beats
9 door. My mom answers the door and is frantic thinking

10 something happened to the girls.

11 He said, "Have you turned on the TV? There
has been

12 an explosion downtown, and we think it's Claude's
building."

13 Well, after that, before he even came back
home, I had

14 gotten dressed and got the two girls dressed and got
them in

15 the car and went to my mom's.

16 Q. As you were going to your mom's house that morning,
did you

17 know if your father was in fact in the Murrah Building
that

18 day?

19 A. No. The night before we had discussed -- well, I
had

20 overheard my mom and dad talking about my dad going to
El Reno

21 to speak with an informant, so I was hoping that he
wasn't in

22 the building; but it was really unlike my dad not to
answer his

23 mobile phone or not to call me back when I paged.

24 Q. You went to your mom's house?

25 A. I'll never forget that. I walked in the door, and
my mom

15034

Catherine Alaniz - Direct

rocking 1 was sitting on the floor cradling the cordless phone,
around her 2 back and forth; and I just ran up and I put my arms
Dad's going 3 and I said, "Mom, God can't do this to both of us.
4 to be okay."

5 Q. As the day went on, did you find out more
information about

6 whether your father had gone to El Reno?

were 7 A. Well, it was really hard, because the only news we
where 8 getting was on the media; and so we still were not sure
if he was 9 my dad was, you know, if he had been in the building,
10 outside the building. We were just completely unsure.

dad's 11 And so later on that afternoon, they found my
12 secretary, and she -- she was alive and she was in the
sitting at 13 hospital; and she had told my mom that my dad was
for my 14 his desk talking on the telephone and she was waiting
from 15 dad to get off the phone to transfer the phones back
16 Houston to Oklahoma City.

the 17 And in his desk, the back of his chair faced
that 18 window against the street, and so we kind of knew then
19 they weren't going to find him alive.

body was 20 Q. How long did you have to wait until your father's
21 recovered?
22 A. We waited nine days. And that nine days was longer
than
23 the six months of Desert Storm, just waiting to hear if
he was
24 alive or dead.
25 Q. When those nine days ended, did somebody come to
your

15035

Catherine Alaniz - Direct

1 parents' house?
2 A. Yeah. Mom always told me through Desert Storm,
"Don't
3 worry till they come to your door."
4 Well, one day I was sitting there and two
Customs
5 agents wearing police coats came to the front door, and
nobody
6 ever comes to the front door of my mom's house. And I
saw the
7 coats and I just panicked. I just started screaming
saying,
8 "No, no, no."
9 Well, come to find out, they were just there
to tell
10 us that, you know, they were there for us if we needed
them;

11 and on the ninth day, we were finally -- my mom had
told them,

12 "Don't come to our door. I don't want to wait the 30
minutes

13 for you all to get there from the city. Just call us
and let

14 us know." And so that's what they did. We got the
phone call

15 that night.

16 Q. Who got the phone call?

17 A. My mom did, and it was one of the Customs agents
had called

18 and said that they had found my dad and that he was not
alive.

19 Q. And the call was to tell you and the rest of your
family

20 that your father was dead.

21 Ms. Alaniz, I'd like you, if you would, to
tell the

22 jury a little about Claude Medearis. What kind of man
was he?

23 A. He was wonderful. He would -- my dad was the type
of man

24 that if he was wearing a complete suit, he would stop
on the

25 side of the road and change a flat tire for some lady
who

15036

Catherine Alaniz - Direct

grease in a 1 couldn't change it herself and come home covered in
his 2 brand-new suit. I mean he literally gave the shirt off
person, 3 back for anybody who needed it. He was a wonderful
the 4 very kind, very quiet, just wanted to keep drugs off
streets. 5

came 6 Q. Did you know how your father treated others who he
7 into contact with in his work?

that's 8 A. Yes. He always treated so-called "criminals," if
called 9 what you'd like to call them, with respect. He always
respect, and 10 them "sir." They always treated him with the same
wanted to 11 that's what he was doing. He just wanted to be -- he
usually got 12 treat them the way he wanted to be treated. And he
13 it.

someone else 14 Q. You told us that your father would stop, help
have 15 change a tire even if he was wearing a suit. Did he
suit? 16 something he liked to do wearing something other than a

house and 17 A. Right. My dad, after I moved out and got my own
and 18 was living on my own -- my mom and dad finally went out

and the 19 bought a Harley that they had wanted for a long time,
a 20 sole purpose was that you could only fit two people on
they went 21 motorcycle. And they were married for 22 years, and
weekends that 22 to Sturgis in '94. They -- I mean I knew on the
23 I would never see them.

charity 24 And a lot of the things that they went on were
Tots. I 25 runs, poker runs for children with AIDS or Toys for

15037

Catherine Alaniz - Direct

I 1 mean they were always doing charitable runs, and I knew
nice. 2 wouldn't find them on the weekend if the weather was

runs 3 Q. Talking about charity runs, those are motorcycles

4 benefiting charity?

stops and 5 A. Right. Like on poker runs, they have designated

what 6 you get a card; and at the end of the stops you look at

the 7 hand you get, and you get prizes for the best hand and

8 worst hand and things of that nature.

9 Q. And the prizes all went to --
10 A. Right.
11 Q. -- different charities?
12 A. Right.
13 Q. Was he doing one of those charity poker runs the
weekend
14 before he died?
15 A. Yes, he was.
16 Q. Who was that to benefit?
17 A. Children with AIDS.
18 Q. Ms. Alaniz, I'd like you to tell the jury, if you
would,
19 the impact that your father's death has had on members
of your
20 family and on yourself.
21 A. My dad's mom is unable to come to my mom's house
anymore.
22 If she does, she only stays just for a few minutes.
23 My uncle, who was sober for 13-something
years,
24 started drinking again that November.
25 I mean just -- he was just a wonderful man,
and it's

15038

Catherine Alaniz - Direct

1 so hard to know that my children will not know him. My
2 six-year-old begged to come testify, and I had to tell

her that

3 she couldn't because she wasn't old enough and that
they just

4 wouldn't allow her to testify. And she was crushed
because

5 that was the only father that she ever knew.

6 Q. After April 19, the days that followed, did there
come a

7 time when your mother, Sharon, had to go downtown?

8 A. Yes. We were called about my dad's personal
possessions

9 that he had on him, and we were told to go to 7th
Street, but

10 they didn't specify which one. There were two
different ones.

11 And the one that we went to was really close
to the

12 bomb site. And my mom got out of the car to go into
one of the

13 buildings; and my daughter was 4 at the time and
started

14 panicking and just screaming, saying, "No, grandma,
don't go.

15 The building is going to kill you."

16 And every time we would go downtown, my four-
year-old

17 would just panic because she was so afraid that
something was

18 going to happen to us.

19 Q. Has that fear subsided in the years since the
bombing?

20 A. We've explained to her that it wasn't the building

that

21 killed him, and she understands that. But she always
-- she'll
22 be sitting in the car and she'll just start crying out
of the
23 middle of nowhere and just sit there and just say how
much she
24 misses her Andy Daddy and her Papa. My daughter is
six, and
25 she's experienced more loss than people in their 80's.

15039

1 MR. ORENSTEIN: Thank you, Ms. Alaniz. No
further
2 questions.

3 MR. TIGAR: No questions.

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

5 Next, please.

6 MR. MACKEY: Call Mr. Mike Lenz.

7 THE COURT: Thank you.

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

9 (Michael Lenz affirmed.)

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

11 Would you state your full name for the record
and

12 spell your last name.

13 THE WITNESS: Michael James Lenz, L-E-N-Z, Jr.

14 THE COURTROOM DEPUTY: Thank you.

15 THE COURT: Mr. Sengel.

16 MR. SENDEL: Thank you, your Honor.

17 DIRECT EXAMINATION

18 BY MR. SENDEL:

19 Q. Would you tell us where you live, Mr. Lenz.

20 A. I live in Choctaw, Oklahoma.

21 Q. About how far is that from Oklahoma City?

22 A. Oh, it's east about 25 miles from downtown.

23 Q. How long have you lived there in Choctaw?

24 A. Seven years.

25 Q. And what do you do for a living?

15040

Michael Lenz - Direct

in 1 A. I own my own -- I have my own company. It's based

2 Midwest City. I do consulting work.

3 Q. How long have you been doing that?

4 A. About 12 years.

Murrah 5 Q. Now, did you lose someone in the bombing of the

6 Building?

7 A. Yes, sir.

8 Q. And who was that?

9 A. My wife, Carrie.

10 Q. How long had you and Carrie been married in April
of 1995?

11 A. Four years.

12 Q. Where did she work at the Murrah Building?

13 A. She worked on the 9th floor for the Drug
Enforcement

14 Administration.

15 Q. How long had she worked at the Drug Enforcement

16 Administration?

17 A. I believe three years. She had worked -- she had
worked

18 her way through college on a stay-in-school program.
She had

19 worked for the Bureau of ATF, and also worked in the
Secret

20 Service office, and I believe it was two or three
years.

21 Q. And what did she do for Drug Enforcement
Administration?

22 A. She was an asset forfeiture specialist. She
handled their

23 seized properties.

24 Q. Now, in April of 1995, were you and your wife
expecting a

25 baby?

Michael Lenz - Direct

1 A. Yes, we were.

2 Q. Did you have any other children in April of 1995?

3 A. No. We had -- we had tried -- tried for some time
to have

4 a child and, you know, Carrie worked hard and went to
school.

5 And I got my career going, and we got married and got a
house

6 and we were just -- we were just getting around to that
point

7 in our life where we felt like we were responsible
enough to

8 bring a child into the world; and we had actually
worked at it

9 for some time with not much success.

10 Q. I'd like to show you a photograph we've marked as
Exhibit

11 1082A and ask you: Is this a picture of your wife?

12 A. Yes.

13 MR. SENDEL: Your Honor, I'll offer 1082A,
previously

14 introduced with one of the poster boards.

15 MR. TIGAR: No objection.

16 THE COURT: All right. Received.

17 BY MR. SENDEL:

18 Q. The day before April 19, 1995, had your wife gone
for a

19 checkup with her pregnancy?

And 20 A. Yeah. Actually, I met her at the doctor's office.
had 21 because of her previous -- some of the problems that we
that 22 had, we had already had one ultrasound, but we decided
sex of 23 given the opportunity we wanted to try and find out the
office 24 the child; so at about 4:00, I met her at the doctor's
find out 25 and we went into -- received a second ultrasound to

15042

Michael Lenz - Direct

1 the sex of the child that we were having.
they 2 And we went in and they did their stuff and
we were 3 messed around; and sure enough, the nurse told us that
I had 4 going to have a baby boy. And at that time, Carrie and
that he 5 already -- we had already decided that if we had a son
hands and 6 was going to be Michael James Lenz, III, and we held
7 named our child right there on that day.

8 Q. How far along was your wife's pregnancy in April of
1995?

9 A. She was due in September, so -- I don't know, five
months.

some
10 Q. The ultrasound that you had: Did you actually get
11 pictures made from that ultrasound April 18?
12 A. Yes, sir. We requested them, yes, and they gave us
a
13 printout of pictures, 10 or 12. And we were elated.
We went
14 home that evening and called all of our friends and all
of our
15 family members and just the happiest day of my life.
It really
16 was.

17 And she got up the next morning. I think she
left for
18 work about 30 minutes early so she could show her co-
workers
19 pictures. That was the last time I saw her.

20 Q. So she took the pictures of your baby from the
ultrasound
21 to show her co-workers at the Murrah Building.

22 A. Uh-huh.

23 Q. How did you learn of the bombing on April 19?

24 A. I had business. I travel a lot with my business,
and I was
25 actually on the highway. I heard on just a local radio

15043

Michael Lenz - Direct

1 station, chatter back and forth. First I guess they
said it

2 was the courthouse.

3 Anyway, I called my office that we had at that
time.

4 The secretary was there and she turned the TV on, and I
asked
5 her to describe the building to me.

6 And she described the outside of the building,
and

7 there was a helicopter flying around; and at that time
I put

8 two and two together, so I turned around and
immediately headed

9 back towards Oklahoma City.

10 Q. What did you do when you got to Oklahoma City?

11 A. I had to park a considerable distance away from the
12 building. I walked. I came up onto the building from
the

13 southwest corner. I don't remember what time, but, you
know,

14 all I did was try to find Carrie was what I was doing,
and the

15 building didn't look so bad from the angle that I came
up.

16 And then when I worked my way around to the
north side

17 of the building, and I looked up and her office was on
the 9th

18 floor and it was gone. The whole -- everything was
gone.

19 Q. After you saw the 9th floor was gone, what did you
do next?

workers 20 A. I believe I fell on the ground; and one of her co-
with some 21 that wasn't at work that day picked me up and got me
honest 22 other people and told me where to go. And to be quite
what all 23 with you, I don't know that the memory is that good of
24 I did that day.
25 Q. Did you go back home ultimately that day?

15044

Michael Lenz - Direct

1 A. Yeah. I know I prayed a lot.
2 Q. At your home, had you and Carrie started to work on
a
3 nursery for your son?
4 A. Yes. Yes, we had. Carrie -- one of her pastimes
was
5 cross-stitch, and she had cross-stitched several things
and was
6 in the process of -- of actually finishing, I believe,
what was
7 to be a teddy bear that was going to hang in the wall
-- on the
8 wall of Michael's nursery.
9 Q. If you would, please, Mr. Lenz, tell us what effect
it's
10 had on you in your life to lose your wife and your
unborn son.

11 A. Well, after the bombing, we all had so many things
that we
12 had to do. And it was a flurry of arrangements that
needed to
13 be made; and to be honest, I don't know -- I don't
think I
14 actually realized until three weeks or a month or
sometime
15 later when everyone was gone and you somehow had to try
to find
16 the motivation to get up and go to work. And
everything that I
17 worked for for 10 years was gone. I was a husband. I
was a
18 good husband. I was going to be a daddy one day. And
the next
19 day, I'm nothing. I mean, I got to get up and go to
work.
20 Why? You know. And I had a real hard time with that,
finding
21 a reason to go on.
22 I did a lot of things I'm not proud of. I
thought
23 that -- my world did end, and I came to a point where I
almost
24 ended my world. And I'm not proud of that.
25 But, you know, the home that I lived in and
the place

15045

Michael Lenz - Direct

1 that I lived -- it was a home when Carrie was there.
It's, you
2 know -- it's just bricks and mortar and -- it was a
definite
3 struggle to go on.

4 MR. SENDEL: Thank you, Mr. Lenz.

5 I have no further questions, your Honor.

6 THE COURT: Any questions?

7 MR. TIGAR: No questions, your Honor. Thank
you.

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

9 Next, please.

10 MR. MACKEY: Thank you, Judge. We'll call Dr.
Andy

11 Sullivan.

12 THE COURT: All right.

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

14 (James Sullivan affirmed.)

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

16 Would you state your full name for the record
and

17 spell your last name.

18 THE WITNESS: James Andy Sullivan, S-U-L-L-I-
V-A-N.

19 THE COURTROOM DEPUTY: Thank you.

20 THE COURT: Mr. Mearns.

21 DIRECT EXAMINATION

22 BY MR. MEARNS:
23 Q. Where do you live, sir?
24 A. Oklahoma City.
25 Q. And how are you employed?

15046

James Sullivan – Direct

1 A. I'm employed by the University of Oklahoma. I'm
the
2 chairman of the Department of Orthopedic Surgery.
3 Q. Are you an orthopedic surgeon yourself?
4 A. Yes, I am.
5 Q. As an orthopedic surgeon, what kind of operations
do you
6 perform?
7 A. I mainly do pediatric orthopedic surgery so that I
take
8 care of children. I do reconstructive surgery, trauma
surgery.
9 Q. Where were you working in April of 1995?
10 A. I was seeing patients at Children's Hospital.
11 Q. Where is Children's Hospital?
12 A. Children's Hospital is a part of the University of
Oklahoma
13 teaching hospitals, and it's about a mile east of
downtown
14 Oklahoma City.

15 Q. And were you at work on April 19, 1995?

16 A. Yes, I was.

17 Q. What time did you get to work that morning?

18 A. 8:00.

19 Q. And at about 9:00 that morning, where were you?

20 A. I had taken a break from seeing patients and walked
across
21 to our main academic office to pick up my mail and was
in the
22 middle of Stanton Young Boulevard.

23 Q. And what happened at that time?

24 A. I heard a loud explosion and turned to my left and
saw a
25 large cloud of what initially looked like concrete-type
smoke

15047

James Sullivan – Direct

1 and then followed by a cloud of black smoke.

2 Q. What did you do?

3 A. I ran over to University Hospital. There was a --
4 construction going on just a little between downtown
and
5 Oklahoma City and the Health Science Center. I figured
6 something had blown up over there. The glass was out
of the
7 teaching hospitals; and I went up to the top floor of
the

8 teaching hospitals and looked downtown and could
identify the
9 YMCA building and see that that's what, you know --
something
10 in that block had blown up.
11 Q. What did you do after you saw that?
12 A. I left, ran down to the orthopedic clinic and then
back to
13 Children's Hospital, discharged all of the patients
that were
14 to be seen that morning, called both operating rooms to
find
15 out what orthopedic procedures were going on, told them
to
16 terminate the procedure as soon as possible and got
people
17 ready to go to the emergency rooms of both hospitals.
18 Q. Did there come a time when you learned that the
explosion
19 had occurred at the Murrah Building?
20 A. Yes.
21 Q. And did there come a time that morning when you
first went
22 to the Murrah Building?
23 A. Yes. It was -- you know, we have a condition
called "code
24 black" that we practice frequently, hoping we'll never
have to
25 use for any type of a disaster. And so we went into a
code

15048

James Sullivan - Direct

1 black; and in reality, it was a while before anyone
began 2 arriving at the hospital.

3 And then not too long after that, there was an
initial 4 rush at both emergency rooms, and we took some patients
to the 5 operating room. And things quieted down. And I began
to watch 6 the television and see that there were people needed
downtown.

7 So David Tuggle, who is a general surgeon, and
I 8 requisitioned a police car and went down to the bombing
site.

9 Q. About what time did you first arrive at the bombing
site?

10 A. It probably was 10:30, 11:00, something like that;
and we 11 got -- we got, oh -- we drove from 13th down to 5th,
which is 12 where the Y is. It was kind of like being in, you know
-- like 13 you see on TV in Saigon or Jerusalem or something.
People were 14 streaming down the street by that time to the bomb
site, and 15 they had already set up a yellow ribbon around the
block and 16 weren't letting anyone in.

17 We went to the head of the yellow ribbon,
identified
18 ourselves as medical personnel and were let under --
under the
19 barrier to go to the building.
20 The first time that I went to the building, we
-- we
21 just mainly surveyed the scene. It was questionable in
terms
22 of what state things were in in terms of an organized
relief
23 effort.
24 David Tuggle went to the 2d floor because he
knew
25 there was a children's day-care center there and did
not find

15049

James Sullivan - Direct

1 anyone there at that time that was alive or anything
that could
2 be done.
3 And I stayed about an hour probably.
4 And at that point, it became obvious to me
that anyone
5 that was still alive was going to be evacuated fairly
quickly
6 and taken to the teaching hospitals or to a hospital,
and I
7 didn't think that I was serving any useful purpose.

8
barriers and

So I walked about a mile and passed the

9 then hitchhiked back to the hospital.

10 Q. Back to your hospital?

11 A. Yes.

12 Q. And what did you do when you returned to your
hospital?

13 A. I went back to my clinic and began watching some of
the

14 events on television and just kind of sat there
collecting my

15 thoughts.

16 Q. Did there come a time when you returned to the
Murrah

17 Building that same day?

18 A. I hadn't been back too long, probably sometime
around noon,

19 and I got a phone call in the clinic. And it was from

20 Dr. Tuggle. And he had gotten through on some sort of
a

21 cellular phone and notified me that there was a person
that

22 they had found in the basement of the Murrah Building
whose leg

23 was trapped, but the person was alive and that the only
way the

24 person could be evacuated from the building was to have
an

25 amputation.

15050

James Sullivan - Direct

1 The first time I went down to the Murrah
Building, I
2 went down in jeans -- green clogs, actually. It wasn't
-- it
3 wasn't too easy to walk around.

4 So I ran up to the operating room,
requisitioned a
5 pair of shoes from one of the orderlies, got an
amputation set,
6 some disposable scalpel blades, some traction rope for
7 tourniquet, and took everything out of my pockets, all
of my
8 personal belongings except for an identification card
in case
9 something happened to me; and I requisitioned a state
police
10 car and went back down to the Murrah Building.

11 Q. What did you do when you returned to the Murrah
Building?

12 A. Well, at that point I just -- I was carrying these
trays of
13 instruments, and I kind of made my way through the
crowd asking
14 if anyone knew where this was taking place, was
eventually led
15 to -- we came in from the south side of the building,
was
16 eventually led to a place where there was a stairwell,
but it

17 was completely filled with debris; and so they had a
ladder
18 going down into the stairwell. I saw someone that I
knew that
19 was wearing a hardhat, so I grabbed the hardhat from
him, went
20 down the ladder. And once in the basement, it was --
it was
21 kind of an eerie place to be. I mean you were
underground,
22 walking around in rubble with electrical wires sticking
out and
23 people crying out and water under you and very poor
lighting.
24 So eventually then was led to a place where
Dr. Tuggle
25 and the victim were and kind of surveyed the scene,
went in --

15051

James Sullivan - Direct

1 The way the lady was trapped was that -- it's like when
you go
2 in a parking garage and they have those beams of
concrete that
3 kind of stick down. It was as if one of those beams
had fallen
4 on her and then as the floor collapsed, it formed kind
of like
5 a pup tent, only it came down to a point at the end, so
it was
6 kind of like crawling in a cave.

7 So I got down on my belly and crawled into
this cave
8 and eventually found her. She was lying there in
rubble and
9 water, and her face was all -- looked like -- looked
like
10 makeup or kind of somebody from an African village or
Indian
11 village. She was totally covered in white.
12 And found the lady, talked to her, kind of
tried to
13 figure out what, if anything, we could do. And I think
14 probably because I didn't want to do it, I kind of
convinced
15 myself that there wasn't anything that we could do.
16 We had been there awhile, 10, 15 minutes, and
they
17 said that there was another bomb in the building, they
had
18 found another bomb; that the building was very likely
to
19 explode again; that the building -- we had to leave.
20 And so at that point, I fishtailed out, or,
you know,
21 crawled backwards out; and the lady screamed don't
leave her,
22 don't leave her. But there really wasn't anything we
could do
23 at that point.
24 Q. Did there come a time when you learned the name of
the

25 woman who was trapped there?

15052

James Sullivan - Direct

1 A. Yes. Her name was Daina, D-A-I-N-A, Bradley,
2 B-R-A-D-L-E-Y.

3 Q. I'd like to have you look at the screen at
Government's
4 Exhibit 1423, if you would.

5 Do you recognize that photograph?

6 A. Yes. That's Daina Bradley.

7 MR. MEARNS: Your Honor, we would offer 1423.

8 MR. TIGAR: Subject to our continuing
objection, your
9 Honor.

10 THE COURT: All right. It's received, may be
shown.

11 BY MR. MEARNS:

12 Q. Now that the jury can see the photograph, could you
explain
13 using that photograph the condition that you found Ms.
Bradley
14 that day, April 19?

15 A. If you look where you see the person's hand to the
right,
16 that was kind of one wall; and then if you look over on
your
17 right, you see kind of another wall coming down. And
if you

18 see her left leg, her left leg is up in the air; and if
you see
19 her right leg, her right leg disappears in the
concrete. And
20 if you look right in the middle of the screen, you can
see an
21 oxygen mask draped over a piece of rebar, concrete
rebar.
22 So when I first crawled in, I had to crawl
under the
23 rebar. And I could tell that her leg was trapped under
the
24 concrete, and I could tell even if you could get that
leg out
25 that leg wasn't going to be any good.

15053

James Sullivan - Direct

1 So when we ran the first time, we went about a
block
2 away and we sat in the basement -- in the lobby of a
bombed-out
3 building and kind of formulated a plan as to when we
went back
4 what we could do.
5 And that probably was a good thing. We got
the all-
6 clear. We went back. We came in through the parking
garage.
7 I couldn't get to her with the rebar there, and so the
fireman

rebar 8 cut -- there was no way I could get to her with the
And at 9 there, so the fireman cut the rebar away with a saw.
her 10 that point I could then crawl in and by lying on top of
going to 11 could get my left hand, which was the only one I was
I had to 12 be able to use, down to the level of her knee. I knew
possibly 13 amputate through the knee because I could not have
14 sawed through the bone.

15 Q. Are you left-handed, Dr. Sullivan?

16 A. No, I'm right-handed.

with your 17 Q. So you normally perform your surgical procedures
18 right hand?

19 A. Yes.

20 Q. Describe what you did.

in 21 A. We had decided -- she was lying in water. She was
tried 22 shock. We knew we couldn't -- we didn't have -- we had
23 and could not get an IV started to give her any kind of
Demerol and 24 medicines, so we had some different medicines like
25 morphine; but we knew those would suppress her
respiration and

15054

James Sullivan - Direct

1 might kill her. We had a drug called Versed, V-E-R-S-
E-D, that
2 will kind of make you -- it's a sedative and you don't
remember
3 what happened.

4 Q. Is it an anesthetic that numbs the pain?

5 A. It's more like a tranquilizer. It doesn't do much
for
6 pain.

7 So we calculated a dose of Versed, gave her
less than
8 the fully calculated dose and, you know, did more or
less what
9 you call informed consent. I crawled in and told her
we had to
10 amputate her leg, and she initially said no. And I
told her if
11 that was the case, we had to leave because we couldn't
stay
12 there; and she consented to having her leg amputated.

13 Q. What was the condition of the cement block or piece
that
14 was crushing her right leg?

15 A. Well, it was -- it was lying on her and I guess
kind of
16 balanced. And one of the firemen had his hand on the
block at
17 the other end. And we were told that if at any time he
felt a

18 tremor in the block that we had no choice, we had to
leave and
19 if necessary they'd remove us, you know, by force.
20 And so Dr. Tuggle gave her a dose of Versed.
When I
21 was there previously -- if you saw those rocks lying
around
22 her, there was no way to get under her leg; so I had
dug out
23 with my hands under her leg to pass two pieces of rope
under
24 her leg to then tie in a knot. I took a piece of metal
from
25 nearby and twisted it to make a tourniquet to cut off
the

15055

James Sullivan - Direct

1 circulation so she wouldn't bleed to death and then
tied a knot
2 around that.
3 And I began amputating first of all -- it's
just like
4 diving in cold water. I think, once you make the skin
5 incision, you can kind of commit yourself. I kind of
prayed
6 that this lady didn't die because of something I did,
and so
7 I -- I made the incision; and once you've made the
incision,

8 then it's kind of like breaking through the ice. So I
9 hurriedly began cutting whatever I could with the
disposable
10 knives. They dulled rapidly and had to be discarded.
We had a
11 large amputation knife that's kind of like a bread
knife, and I
12 used that to put through the knee and cut back and
forth until
13 it got dull.

14 I came out two or three times thinking I had
amputated
15 the leg. There was one time I cut through a vessel and
thought
16 I cut through a major artery, and she bled a lot; but
it turned
17 out it was a vessel that was bleeding from where I cut
off the
18 circulation. I came out two or three times. Each time
we
19 pulled on her to try to extract her, and she'd still be
20 attached to her leg. I had to crawl back in. She was
kicking
21 and screaming and fighting, so I'd initially have to
pin back
22 her left leg and get my shoulder and elbow over to
that.

23 And finally I had a pocketknife that I had
used to cut
24 the traction rope. And it was new and sharp, and I
finished
25 the amputation with that; and we were able to extract
her and

15056

James Sullivan - Direct

1 take her to the hospital.

2 Q. How long did the whole procedure take to amputate
her leg?

3 A. It seemed like a lifetime. It probably was about
10 4 minutes.

5 Q. And you then removed her to the hospital?

6 A. Yes. We -- we had cleared an area. We had these
sterile

7 instruments which really didn't make any difference
once you

8 opened it up. I had on gloves. It didn't matter.
They were

9 torn. I was bleeding from where I had crawled in
through the

10 rock and stuff, so there wasn't anything sterile about
this.

11 When you do -- this is what you called a field
amputation.

12 Sterility is the last thing on your mind. We cut her
out,

13 though, took some clamps, clamped off some of the
superficial

14 bleeders, put her on a stretcher and took her straight
out the

15 back of the parking lot to an ambulance and from there
to the

16 hospital.

17 Q. Later did you learn -- and she survived. Is that
correct?

18 A. She did.

19 Q. Later did you learn anything about the fate of any
of her

20 relatives with respect to the bombing?

21 A. Yes. She lost two children and her mother, and her
sister

22 sustained a head injury.:

23 Q. When you were in the Murrah Building that day
performing

24 this amputation, were you at all concerned about your
own

25 safety or your own health?

15057

James Sullivan - Direct

1 A. Yeah. I mean I was concerned that the building
would fall

2 in on me; that I might not survive. I was operating on
a

3 patient about whom I had no knowledge. I had no
sterility of

4 my own, so I was worried about infection of my own,
AIDS,

5 hepatitis, you name it.

6 Q. How has your involvement in this rescue operation
affected

7 you?

objection 8 MR. TIGAR: Your Honor, we have a continuing

9 to this, your Honor.

10 THE COURT: Yes, you do.

11 And you may answer.

impact 12 THE WITNESS: Oh, it's had a pretty tremendous

lost 13 on me. I'm certainly not the same as other people who

I 14 family members, but it's been very hard to deal with.

over 15 thought last time when I came out here that it would be

and had 16 and I thought that I could handle it, and I went home

stuff. And 17 kind of a renewal of old problems and feelings and

18 it's not anything I ever want to go through again.

19 MR. MEARNS: No further questions, your Honor.

20 THE COURT: Any questions?

21 MR. TIGAR: Very briefly.

22 CROSS-EXAMINATION

23 BY MR. TIGAR:

24 Q. Good afternoon, Dr. Sullivan.

25 A. Good afternoon.

in this 1 Q. My name is Michael Tigar. I'm one of the lawyers
2 case.

that 3 You said that Daina Bradley did survive. Is
4 correct, sir?

5 A. Yes, she did.

her to 6 Q. Now, were you her treating physician after you got
7 the hospital?

8 A. No.

before the 9 Q. Did you later learn what she had witnessed just
10 explosion?

11 A. No.

through the 12 Q. So you don't have any knowledge of what she saw
13 windows of the building just before 9:02?

14 A. No, sir.

15 MR. TIGAR: No further questions, your Honor.

16 MR. MEARNS: No questions.

You're 17 THE COURT: All right. You may step down.
18 excused, Doctor.

19 THE WITNESS: Thank you.

20 THE COURT: Next, please.

Todd 21 MR. MACKEY: Thank you, Judge. We'll call

22 McCarthy.

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

24 (Todd McCarthy affirmed.)

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

15059

1 Would you state your full name for the record
and

2 spell your last name.

3 THE WITNESS: Todd Joseph McCarthy, M-C-C-A-R-
T-H-Y.

4 THE COURTROOM DEPUTY: Thank you.

5 THE COURT: Mr. Goelman.

6 MR. GOELMAN: Thank you, your Honor.

7 DIRECT EXAMINATION

8 BY MR. GOELMAN:

9 Q. Good afternoon, Mr. McCarthy.

10 A. Good afternoon, sir.

11 Q. How old are you?

12 A. 25.

13 Q. Are you married?

14 A. Yes, I am.

15 Q. Do you have any children?

16 A. I have one son.

17 Q. How old is he?

18 A. He is 21 months old.

19 Q. Do you have any brothers or sisters?

Christi, 20 A. I have a brother, Tim, who is 27, and a sister,

21 who is 21.

22 Q. What do you do for work?

23 A. I am a service installer with TCI Communications in
24 Overland Park, Kansas.

25 Q. Is that near Kansas City?

15060

Todd McCarthy – Direct

1 A. Yes, it is.

2 Q. Are your parents alive?

3 A. My mother is alive, my father is dead.

4 Q. Your father died in the Murrah Building bombing on
5 April 19?

6 A. Yes, sir.

7 Q. What was his position at that time?

Housing and 8 A. He was the director of the U.S. Department of

9 Urban Development for Oklahoma.

of 10 Q. How long had he been in that Oklahoma City office

11 Housing and Urban Development?

12 A. He had spent four years in Kansas City and was
transferred
13 for the promotion to director in Oklahoma in December
of '94,
14 so about -- about 3 1/2 months prior to his death.

15 Q. And he had only lived in Oklahoma City for that
period of
16 time?

17 A. Yes, uh-huh.

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

19 A. In Overland Park, Kansas.

20 Q. What did you do for Easter in April, 1995?

21 A. My mother had phoned me the week preceding Easter
and had
22 asked me to come down over the Easter weekend to visit
my
23 family, and I did.

24 I hadn't seen my family since they had
relocated to

25 Oklahoma City, so I thought this was an ideal
opportunity to go

15061

Todd McCarthy - Direct

1 out and visit.

2 So I went down on the Thursday before Easter
and

3 stayed until the Monday directly after Easter.

Do you 4 Q. I want to turn to Sunday, April 16, Easter Sunday.
5 remember what you did that day?

was in 6 A. Yes, very well. We -- we all got up. My brother
Easter that 7 law school in North Carolina, so he wasn't in for
8 weekend; but my mother, father, sister and myself went
to the 9 Easter Sunday mass. And following that, we went back
10 house, had lunch, and then went down to my dad's office
11 building at the Murrah Federal Building in downtown
Oklahoma 12 City.

Murrah 13 Q. Was that the first time that you had been to the
14 Building in Oklahoma City?

15 A. Yes, it was.

Sunday? 16 Q. Did you actually go in the building on Easter

17 A. Yes, we did.

18 Q. Can you tell us about that.

on the 19 A. My father -- we went in, went up. His office was
remember 20 7th floor, right in the middle of the building. I
the 21 distinctly riding up the elevator and getting off on
take a 22 elevators. You kind of had to take a left and then

one wall 23 right to go down the hallway where his office was on

24 and the DEA was on the wall to the left.

to the 25 As we made the turn around the left and then

15062

Todd McCarthy – Direct

be a 1 right, he kind of paused in front of what would seem to

bit, 2 marquee and just stopped and looked at it for a little

wanted 3 glancing over his shoulder, surely indicating that he

his cue, 4 the family to look over here. And after catching onto

McCarthy, 5 I did, noticing his name in white letters, "James

6 Director."

7 Q. You got the hint?

lights, 8 A. I got the hint; and while he never got his name in

9 I think that was good enough for him.

7th 10 Q. After you saw your dad's name on the marquee on the

11 floor, where did you go?

front door 12 A. We proceeded to what I later found out was the

made a 13 of the DEA, where he jokingly commented he must have

the HUD 14 mistake and went ahead and turned around and went into

15 door, went to his office there on the 7th floor.

16 Q. Describe the office that your dad had on the 7th
floor of

17 the Murrah Building.

18 A. The office was rustic, I guess is the best way to
call it;

19 a little old, small, but it had what he said was
something that

20 was few and far between in the Murrah Building, which
was a

21 great window view.

22 Q. What was the window view of?

23 A. The window view was of an immaculate parking lot,
which I

24 took great humor in because he had come from his Kansas
City

25 office where he as well had a parking lot view there;
but this

15063

Todd McCarthy – Direct

1 was a higher parking lot view, so he had moved up in
the world.

2 Q. Was this a view of the parking lot across 5th
Street?

3 A. Yes, sir.

4 Q. What did your dad say when you commented about his
parking

5 lot view?

6 A. Oh, just that this was, you know -- this was quite
an honor

7 because these window views didn't come to everybody.

8 Q. Did he tell you whether or not the other side of
the

9 building had windows?

10 A. No. He had said that -- that this was especially
rare

11 because the Murrah Building only had windows on one
side of the

12 building, on the front facade, the north facade of the

13 building.

14 Q. How long were you in your dad's office on Easter
Sunday,

15 1995?

16 A. We were probably there for a half an hour to 45
minutes, I

17 think.

18 Q. Did you notice any pictures in his office at that
time?

19 A. Yes. He had -- he had a picture frame of the three
kids,

20 my brother, my sister, and myself, all dating back to
when we

21 were probably in junior high, elementary school, or
first year

22 of high school. They were extremely outdated, but they
were

23 there. And they were there whether he was in Kansas
City, in

24 Iowa, or in Oklahoma. He had that picture frame
wherever he
25 went.

15064

Todd McCarthy – Direct

1 Q. What time did you leave the Murrah Building that
day?

2 A. We left the Murrah Building, I would guess,
probably around

3 1:30, 2:00 in the afternoon. Probably 1:30.

4 Q. Do you remember the next time that you saw that
building?

5 A. Yes, I do.

6 Q. Tell us about that, please.

7 A. It was Wednesday morning, April 19, and my mother
had

8 phoned me. I had gone back to Overland Park Monday
morning

9 after my father went to work, and my mother had phoned
me about

10 11:00 Wednesday morning and asked me if I had seen the
news;

11 and I said no, which was very uncharacteristic of me.
I was a

12 news junkie, if you will.

13 And she said that a bomb had gone off in my
dad's

14 office building and she was quite frantic. I really
hadn't

the car 15 unpacked my bags completely, so I told her I'd jump in
16 and come back down.

17 And I ran upstairs to grab my bags and turn on
the TV,
18 and that's when I saw the Murrah Building, or what was
left of
19 it.

20 Q. What did you see when you turned on your
television?

21 A. A skeleton of what I was in three days before.

22 Q. Did you see what there was where your dad's office
had
23 been?

24 A. Where my dad's office had been wasn't there
anymore. He

25 was right in the middle of the building on the window,
and it

15065

Todd McCarthy - Direct

1 was gone.

2 Q. What was your reaction?

3 A. I cried. I felt crippled. I don't know of any
good words

4 that can really describe that feeling.

5 Q. Did you go to Oklahoma City on April 19, 1995?

6 A. Yes, I did, immediately following that.

7 Q. And how long were you in Oklahoma City after that?

8 A. I was in Oklahoma City off and on for about the
next nine
9 months. I came back. I had -- I was engaged to be
married at
10 the time, and my fiancée was still in Overland Park.
And I was
11 going back and forth between Oklahoma City and Kansas
City,
12 spending the majority of my time in Oklahoma City.

13 Q. When was your father's body identified?

14 A. My dad's body was recovered and identified on the
29th of
15 April, about 10 or 11 days, give or take, for the
timing after
16 the bombing.

17 Q. What did you do during those 10 or 11 days?

18 A. In the beginning, it was a regiment (sic) of
calling
19 hospitals, going to the Red Cross stations that they
had set
20 up. We made an initial stop at the First Christian
Church,
21 just basically a lot of calling hospitals to check and
see. My
22 dad didn't carry identification on him. He had a Day
Runner,
23 so we hoped to find him perhaps as a John Doe that had
been
24 admitted; and that continued for four days.

25 Q. What happened after that?

15066

Todd McCarthy – Direct

1 A. On the Monday following the bombing, Secretary
Cisneros of
2 HUD came and had a meeting for the families of the 35
HUD
3 people who were still listed as missing.
4 I had met a woman there who had indicated to
me that
5 she had been -- after I asked her if she had seen my
father,
6 she had indicated that she had been in his office
moments prior
7 to the blast and had just left his office and made it
back to
8 her desk when the bomb went off and she turned around
and he
9 was gone.
10 So at that time, I knew that he wasn't in a
bathroom
11 on the south side of the building or anywhere else;
that he was
12 more likely than not buried, and really pretty much our
trips
13 to the hospital stopped.
14 And our only call to Red Cross was just to
tell them
15 that we were waiting.
16 Q. When your father's body was identified on April 29,
did you

office 17 get anything back, any of his possessions from the
18 building?
effort 19 A. The only thing that we received from the recovery
pictures 20 was the brass picture frame that had his three kids'
scratched 21 in it. Unique about it was the brass was dented and
pictures were 22 and contorted a little bit, but the glass and the
in 23 pristine; so my mother tells me she takes great comfort
24 knowing that's probably the last thing he saw.
Is that a 25 Q. I'm going to show you Government's Exhibit 1464.

15067

Todd McCarthy – Direct

1 picture of your parents?
2 A. Yes, sir.
3 MR. GOELMAN: I offer Government's Exhibit
1464.
4 MR. TIGAR: No objection, your Honor.
5 THE COURT: Received. May be shown.
6 BY MR. GOELMAN:
7 Q. Can you identify the people depicted in that
picture?
8 A. Yes, sir. That's my mother and my father.

9 Q. Is that what your dad looked like in April of 1995?
10 A. Except for about 70 pounds' difference, that was
him.

11 Q. 70 pounds lighter?

12 A. He was 70 pounds lighter. He had -- right before
he had

13 transferred to Oklahoma City, he had undergone an
interoffice

14 contest in the Kansas City office called "Dump Your
Plump"; and

15 while humorous, he was quite proud of this. They
formed into

16 teams, and he lost 77 pounds. And their team won
obviously.

17 To say he carried it would be an understatement; but
yes,

18 that's fair and accurate, except for the weight.

19 Q. Can you tell us a little bit about the kind of man
that

20 your dad was.

21 A. My dad -- I think what I would say wouldn't be any
22 different from what a lot of people would say about
their

23 fathers; but mine, as every one, is special to me, in
that he

24 was the most wonderful man I ever knew. He was always
caring,

25 loving. He was a coach of a T-ball team when I was a
little

Todd McCarthy – Direct

1 kid, always there for my football games.
2 When he was -- when I was younger, he was an
examiner
3 with the FDIC in North Platte, Nebraska; Burlington,
Iowa;
4 Kansas City, and he -- he was gone a lot. Being an
examiner,
5 he traveled throughout the Midwest. And he was gone
6 throughout -- Monday through Friday basically; and on
the
7 weekends, he would come home. And I remark to my
mother now
8 and to my wife that lots of people look back to their
parents
9 may have traveled or even when they haven't traveled
and they
10 really don't have -- some of them don't have a good
memory of
11 their parents being there for them, for work or
whatnot. I
12 don't have a memory of my father not being there. I
often
13 wondered whether he had friends outside of his family,
because
14 it seemed like his whole life was spent with us.
15 He would take a month off every summer when we
got off
16 of school, a month solid from the FDIC, and do nothing
but
17 spend time with us, whether we were skiing at a lake or
playing

18 ball in the park. He was like that from the time I can
first

19 remember him till the very last day that I saw him.

20 Q. Mr. McCarthy, you mentioned that you were engaged
at the

21 time of the bombing.

22 A. Yes.

23 Q. You're married now?

24 A. Yes, I am.

25 Q. Have you been divorced, also, in the period of time
since

15069

Todd McCarthy - Direct

1 the bombing?

2 A. Yes, I have. I was engaged -- I became engaged to
be

3 married December 12 of '94. I was -- we had hoped to
be

4 married in the summer of '95. Due to what happened in
April,

5 that was put off. She and I eventually married on
November 24

6 of '95, and we filed for divorce on the 12th of April
of '96.

7 Q. Can you describe what effect, if any, your dad's
death had

8 on your relationship with your fiancée and your
subsequent

9 marriage?

10 A. My dad's death completely tore my relationship
apart. I

11 was finally -- I shouldn't say finally. I was in a
position

12 where I had never been before. I didn't understand it.
I

13 didn't know how to cope with it. All throughout my
life, not

14 belittling my mother's importance to my life, but as a
daughter

15 would go to a mother, perhaps as a confidant, I was to
my

16 father. And in the worst time of my life, I now had
nobody to

17 go and ask what to do.

18 I'd go to my mother, and all I'd do is make
her cry

19 and hurt her because of her loss.

20 I was unable to talk to my fiancée for the
first week

21 after the bombing. I didn't even want her around. I
don't

22 know why. I just didn't want to talk to her.

23 It made things very hard, because while two
people who

24 marry and form this -- what should be everlasting bond
are

25 supposed to share everything with everybody, I couldn't
share

15070

Todd McCarthy – Direct

1 anything with her. I didn't have it in me.

2 The only thing I had in me was pain, and I
didn't want

3 to put that pain on anybody else. That's a pain nobody
should

4 have to go through.

5 Q. Have you since remarried to the same woman?

6 A. Yes, I have.

7 Q. When was that?

8 A. October 24 of this year, we remarried. We became

9 officially divorced on the 27th of August of '96, began
to

10 reconcile in January of '97, and remarried this past
October.

11 Q. You and she have a son?

12 A. Yes, we do.

13 Q. How old is he?

14 A. He's 21 months.

15 Q. Can you tell us what effect your father's absence
had on

16 the birth of your son or how you felt about that?

17 A. The birth of my son, much like my wedding, was
bittersweet,

18 two occasions I think most people look forward to in
their

19 lives as being definite high points, which isn't to say
that it

point 20 wasn't. The birth of my son was definitely the highest
pain, 21 in my life, but it came with -- it came with a lot of
continue 22 like most things did through that two-year period and
23 today.
24 I remember walking over. My wife had an
emergency 25 cesarean which didn't help the matter.

15071

Todd McCarthy - Direct

impact 1 MR. TIGAR: I'm going to object to the non-
2 testimony.

3 THE COURT: Sustained.

4 BY MR. GOELMAN:

5 Q. Since your son's birth, what effect has your
father's death 6 had on how you raise your son?

7 A. I think I was scared about how I was going to teach
my son 8 to walk or talk. What scares me the most now is having
my son 9 come home and want to know why. He can look at a
picture of 10 his grandfather now; and when I ask him where he is, he
points 11 up, but that won't hold. I know that. Someday he'll

come from

12 junior high or high school and open up his textbook to
a
13 picture of the Murrah Building and ask why.

14 My wife and I are now charged with explaining
to this
15 young child a world of love and compassion when he sees
so much
16 horrible hate, and there is no explanation for that.

17 MR. GOELMAN: Thank you, Mr. McCarthy. I
don't have
18 anything else.

19 MR. TIGAR: No questions.

20 THE COURT: All right. You may step down.
You're
21 excused.

22 Next witness.

23 MR. MACKEY: Call Keith Simonds.

24 THE COURTROOM DEPUTY: Raise your right hand,
please.
25 (Keith Simonds affirmed.)

15072

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

2 Would you state your full name for the record
and
3 spell your last name.

D-S. 4 THE WITNESS: Keith Wesley Simonds, S-I-M-O-N-

5 THE COURTROOM DEPUTY: Thank you.

6 THE COURT: Mr. Mearns.

7 DIRECT EXAMINATION

8 BY MR. MEARNS:

9 Q. Where do you work, sir?

10 A. Oklahoma City Police Department.

11 Q. How long have you been employed by the Oklahoma
City Police

12 Department?

13 A. 11 years and 4 months.

14 Q. Where do you live?

15 A. In Oklahoma City.

16 Q. How old are you?

17 A. 34.

18 Q. Are you married?

19 A. Yes.

20 Q. Do you have any children?

21 A. Yes.

22 Q. In April of 1995, what were your duties and
23 responsibilities with the police department?

24 A. I was assigned to Spring Lake Station as a patrol
officer.

25 Q. Where is the Spring Lake Station in relation to
downtown

15073

Keith Simonds - Direct

1 Oklahoma City?

2 A. It was located at approximately 40th and Prospect.

3 Q. Where is that in relation to the Murrah Building?

4 A. That is in the northeast part of town off of 36th
and about
5 a mile from Lincoln.

6 Q. So about how far away from the building is it?

7 A. Approximately 4 miles, 4, 5 miles.

8 Q. And what were your duties and responsibilities in
April of
9 1995?

10 A. To patrol, answer calls for emergency, citizens
assist and
11 stuff.

12 Q. Were you working on the morning of April 19, 1995?

13 A. Yes, I was.

14 Q. What time did you get to work that morning?

15 A. 7:00.

16 Q. And where were you at about 9 a.m. that morning?

17 A. I was en route to an alarm call that was real close
to
18 Edmond, and I was taking Broadway Extension and I was
about at
19 Wilshire Boulevard going northbound.

20 Q. At that point, did you hear the explosion downtown?

of 21 A. I did not hear the explosion. The first indication
came over 22 anything going wrong was the radio transmissions that
and 23 the radio. I immediately pulled into the center median
last of a 24 looked south towards the downtown skyline and saw the
black smoke. 25 white cloud and then the skyline being filled with

15074

Keith Simonds - Direct

1 Q. What did you do then?
2 A. I mainly started going downtown.
that 3 Q. How far away were you from the Murrah Building at
4 point when you pulled into the median?
5 A. At that point, approximately 6 miles.
6 Q. And so you drove downtown?
7 A. Yes.
8 Q. How long did it take you to get downtown?
9 A. 6 to 7 minutes.
approaching 10 Q. And what did you see as you were driving and
11 downtown Oklahoma City?
cars 12 A. As I was approaching 23d and Broadway, a lot of the

235 13 and traffic had already been pulled over, and I got off
across -- 14 onto Broadway Extension, continued south. I came
lot of 15 coming up on 13th; and once I got to 13th, I noticed a
out of 16 the businesses' front windows, the glass had been blown
 17 them or shattered out into the street.
 18 Q. Did you continue to proceed?
west on 19 A. Yes, I did. I went onto 5th Street, and I turned
there, 20 5th Street. At that time -- while I was going en route
was 21 they identified the building, the exact location, so it
5th and 22 easier for me to get to. And we get to -- or I get to
the 23 Broadway and I turn west; and as I'm driving up towards
and is 24 building, Sergeant Richard Williams gets on the radio
 25 asking for assistance in what he referred to as the
"basement."

15075

Keith Simonds - Direct

1 Q. He was calling actually from the building?

2 A. Yes.

3 Q. What kind of assistance was he seeking?

one
shut

4 A. He said he had some victims trapped. He had found
5 victim alive and he needed assistance. He needed water
6 off and electric shut off.

7 Q. So what did you do?
8 A. Well, I get to 5th and Robinson; and I get out of
my scout
9 car, and we have a lot of walking wounded out there.
And they
10 see the scout car, so they're looking to us for
assistance and
11 help and stuff.

12 The best we could do, not having any medical
supplies
13 or anything -- we directed them towards the northeast
corner of
14 that intersection, because I saw an ambulance en route;
and I
15 knew that they would have the medical attention they
needed.

16 I started asking around to other emergency
workers how
17 I could get to the basement, and no one knew.

18 Richard -- Sergeant Richard Williams was
sounding a
19 little bit more frantic. I knew he needed some
assistance as
20 soon as possible.

21 Q. Did you have a portable radio with you?

22 A. Yes, I did.

23 Q. Is that where you continued to hear transmissions
over that
24 radio?
25 A. Yes. Yes, it was.

15076

Keith Simonds - Direct

1 Q. What did you do?
2 A. I looked for a way to get down to where he was at.
We
3 later identified that as the Social Security office,
and I was
4 not able to find the entrance.
5 He came out of the east side of the Social
Security
6 building or office on the east stairwell; and when you
come up,
7 you come up a flight of stairs and you're on the street
level.
8 We made eye contact. He said, "Keith, I need
your
9 help." And we went immediately down the flight of
stairs.
10 And -- excuse me -- I stepped into water that
was
11 about ankle deep at the bottom of the stairs.
12 Q. Describe what you saw when you went into the
building, into
13 that area of the Murrah Building.
14 A. We had to -- first, to get in the building, you go

through

turn 15 a double door by first turning left. Then you have to
Social 16 immediately right, and that will put you into the
17 Security office.

black. 18 Once you actually get in there, it was pitch

Richard's 19 You couldn't see anything. The only light we had was
so I was 20 light. That was -- and he knew where the victim was,
follow. 21 having to depend on his illuminations and stuff to

there, 22 I immediately -- excuse me. When we got in
doors. 23 it's immediate wall partitions, broken desks, broken

being -- 24 You couldn't identify where a door was other than it
desks. We 25 you know, laying down and broken. We had to go over

15077

Keith Simonds - Direct

the 1 were walking on top of ceiling tile, on top of a lot of
2 structure that was down there in the office.

to get 3 We had to crawl under a lot of structure, too,
4 where we were going. And once we were getting close

enough,

5 Richard shined a light over to where the victim was.

One was

6 And I was surprised to see two people there.

Richard

7 standing up over the victim assisting her, and Sergeant

8 Williams was trying to get us over there.

that

9 Q. Was the other person that was by the victim: Was

10 another police officer or law enforcement person?

Richard

11 A. No. That was a citizen. I believe his name was

12 Dean.

took us

13 It was only about 10 yards. It seemed like it

14 a mile's worth of work to get to her.

to work

15 Once we get to her, it was a real small area

the leg

16 around. Sergeant Richard Williams and Mr. Dean got to

going to

17 side of her where her feet and legs were, and I was

18 carry her by her upper torso.

underneath her

19 I laid her head on my chest and cradled

on my

20 left arm with my left arm. I couldn't get a good grip

21 right arm -- on her right arm, so I was having problems

out,

22 carrying her. We were having to go zigzag back in and

23 carry her under the things we went over, carry her over

the

24 things we went over. And at one time, Sergeant Richard
25 Williams got his gun tangled up in some of the
electrical wires

15078

Keith Simonds - Direct

1 or the wires that were hanging down from the ceiling,
so we had
2 to set her back down, untangle him, pick her back up,
and
3 continue.

4 I basically carried her the same way, and I'm
still
5 not getting a good grip on -- my right arm with her
right arm.

6 We get outside to where the staircase is, and
the
7 water is now about knee deep. As we're carrying her up
the

8 stairs, I'm trying to get a response from her, you
know, "Can
9 you see? We're outside. The light, can you see the
light?" I

10 didn't get a response immediately, but I was finally
able to
11 get a good grip on her right arm with my right arm.

12 When I did that, her arm for some reason came
up and
13 had hit me in the face.

again at 14 As we were carrying her up, I looked down
15 her. I could only see one eye.
16 The other eye was -- appeared to be missing.
She had 17 a -- what looked like muscle tissue hanging from her
cheek, and 18 her arms were just full of dime-size and quarter-size
holes.
19 As we get her up to the top of the stairs and
we set 20 her down is when she first says, "I can't breathe, I
can't 21 breathe."
22 There are some medical personnel up there, a
nurse and 23 a couple of firemen there. So Richard and myself and
Mr. Dean, 24 we set her down. And it wasn't till then when I looked
exactly 25 where I was holding onto, and I was holding onto an
open wound

15079

Keith Simonds - Direct

1 and I was holding onto her bone. Apparently I had hit
a nerve
2 or something that had caused her arm to come up and
react like
3 it did.
4 After we had set her down, myself and Sergeant

Richard

5 Williams were exhausted. We started walking away to
the curb
6 line there on Robinson; and after about 30 seconds to a
minute,
7 we turned around and she was gone. We don't know what
happened
8 to her. We don't know if medical personnel picked her
up, if
9 someone else picked her up because she had passed away
or
10 whatever.

11 We later found out that that was Sharon
Littlejohn.

12 Q. Let me ask you to look at your screen at
Government's
13 Exhibit 1421. Do you recognize that photograph as
yourself and
14 Ms. Littlejohn and Sergeant Williams?

15 A. Yes.

16 MR. MEARNS: Your Honor, we would offer 1421.

17 MR. TIGAR: Subject to our continuing
objection, your

18 Honor.

19 THE COURT: All right. It's received, may be
shown.

20 BY MR. MEARNS:

21 Q. Sergeant Simonds, who was the individual bending
over on
22 the left side of the photograph?

23 A. That's Sergeant Richard Williams.

24 Q. And that's you standing in the center of the
photograph

25 directly facing the camera?

15080

Keith Simonds - Direct

1 A. Yes, it is.

2 Q. Who is the gentleman behind Ms. Littlejohn, who is
lying on

3 the ground?

4 A. The gentleman in the striped shirt, short-sleeved,
is

5 Richard Dean.

6 Q. Was that the condition that Ms. Littlejohn was in
when you

7 helped rescue her from the basement of the building?

8 A. Yes.

9 Q. At that point, what did you do?

10 A. At that point, we knew we needed to get back in
there and

11 do as much as we can to assist anybody else.

12 I went to the south side of the building; and
while I

13 was over there, I ended up going through the playground
of the

14 day-care center.

15 Q. What did you see as you were walking on the south
side of

16 the building?
17 A. In the playground -- in the playground, they used
it as a
18 temporary morgue for the babies.
19 Q. Did you go back into the building at that point?
20 A. Yes, I did. I continued on the south side of the
building,
21 and I saw on about the 3d floor a male victim that was
pinned
22 up against the wall facing south. The windows have all
been
23 blown out of the whole building. And something had
crushed him
24 from behind, but he was obviously deceased when we saw
him.
25 After that, we went -- when I say "we," it was
myself

15081

Keith Simonds - Direct

1 and Lieutenant Burns at this point. We got with each
other.
2 We went up the south stairwell because the stairwells
--
3 stairwells were still passable, so we started going on
4 different floors where there was nobody searching, and
we felt
5 like maybe we could be some benefit on other floors.
6 We get up to where the snack bar is in the
Murrah

7 Building and didn't find anything there other than I
found a
8 clock on the floor that had been knocked off on the
floor, and
9 I picked it up and dusted it off. And that clock read
exactly
10 9:00. I understand all the other tests and stuff you
put it as
11 9:02; but for the people in that room, it was 9:00.
12 We continued on up another floor. I don't
know what
13 branch of the armed services it was, but there is a
blood trail
14 that led from the stairwell into the armed forces
branch there
15 in their office. So we was thinking that maybe the
victim has
16 already gotten out or somebody came in looking for
someone.
17 And we had no luck finding anybody on that
floor, so
18 we continued up. We get to the top floor and we find
that
19 nobody has been to the mechanical room yet, which is
where all
20 the elevator motors are. We get up there, and it was
21 dust-covered. As we walked on it, we left footprints.
So we
22 were pretty sure that nobody was there, but we went
ahead, went
23 to the rooftop to check, just to make sure that nobody
had
24 climbed out up there.

25 Q. Did there come a time when you were ordered to
leave the

15082

Keith Simonds - Direct

1 building because of a bomb scare?

2 A. Yes. As we started working our way back down the
floor

3 systematically, orders came out to evacuate the
building; that

4 they had a second bomb scare or they had found a second
bomb,

5 something like that.

6 Q. Did you leave the building at that point?

7 A. Yes, I did.

8 Q. Did you return to your patrol station, your command
post at

9 that point?

10 A. Not at that point. We met up outside south of the
building

11 shortly after they cleared the building, and the fire
12 department secured it. The police officers were told
to report

13 to the command post. When I got there, I had blood on
my

14 uniform actually from my left side going down to my
waist from

15 where I was holding Sharon Littlejohn's head. All my
brass was

to the 16 covered in blood. And we were given orders then to go
17 house and get cleaned up and report back for duty.
18 Q. Did you not return to the Murrah Building that day,
19 April 19?
20 A. No, I did not.
rescue 21 Q. What effect, if any, has your participation in the
22 operations at the Murrah Building had on you?
23 A. I have dreams. They're not as frequent as they
used to be,
24 but I play kind of two roles in the dream. I'm the
victim in
25 the Social Security office, and I'm a police officer.
The

15083

Keith Simonds - Direct

officer, I 1 explosion happens and I'm trapped; and as a police
2 walked right by myself to go assist someone else.

3 MR. MEARNS: Thank you.

4 I have no further questions, your Honor.

5 THE COURT: Any questions?

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

7 THE COURT: You may step down.

8 MR. TIGAR: Excuse me, your Honor. May I have

a

9 moment to confer with counsel?

10 THE COURT: Oh, yes. All right.

11 Just a moment.

12 MR. TIGAR: No questions, your Honor.

13 THE COURT: All right. You're excused.

14 Well, we're almost at 5:00, so we'll recess at
this

15 time, members of the jury, for overnight. Once again,
of

16 course, you've heard a lot of testimony today
concerning the

17 effects of what happened.

18 Remember, however, the limited purpose for
which this

19 information is being provided to you; that is to say,
it is one

20 of the factors that may be considered in making the
decision

21 that is to be made by the jury in this case, but it is
only

22 one. You will hear more, and you will hear about other
factors

23 as well.

24 And, of course, as you know from what I told
you when

25 we began this morning, it will be your responsibility
to put it

before, 1 all into perspective and wait until you've heard it all
any views 2 again even in your own minds, you begin to formulate
is an 3 about what is an appropriate decision in the case, what
heard it 4 appropriate sentence. So please wait until you've
about 5 all, including the instructions that I'll be giving you
will be 6 the law that has been touched on a bit today, which
of the 7 provided in more detail, of course, at the conclusion
8 hearing.

9 So again, let the matter rest; and be careful,
persons, 10 avoiding discussion about this matter with all other
11 including other jurors. Avoid anything in any radio,
12 television, publications of any kind, newspapers,
magazines, or
possibly 13 the like, to stay away from anything which could
be made 14 affect your decision, knowing that your decision will
15 on the basis of what is presented to you in this room.

16 So you're now excused until 8:45 tomorrow
morning.

17 (Jury out at 5:00 p.m.)

18 MR. TIGAR: May we approach?

19 THE COURT: Yes.

20 (At the bench:)

21 (Bench Conference 145B2 is not herein transcribed
by court

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

23

24

25

15089

1 (In open court:)

2 THE COURT: We'll recess, 8:45.

3 (Recess at 5:03 p.m.)

4 * * * * *

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15091

Withdrawn	Exhibit	Offered	Received	Refused	Reserved
2					
3	940A	15011	15011		
4	1082A	15041	15041		
5	1208E	14974	14974		
6	1244A	15005	15006		
7	1253A	15009	15009		
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13	2206	14991	14991		
14	2214	15012	15013		

15 * * * * *

16 REPORTERS' CERTIFICATE

17 We certify that the foregoing is a correct
transcript from
18 the record of proceedings in the above-entitled matter.
Dated 19 at Denver, Colorado, this 29th day of December, 1997.
20
21

22
23

Paul Zuckerman

Bonnie

Carpenter

24

25