

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

ff

9
 10 REPORTER'S TRANSCRIPT
 (Trial to Jury: Volume 148)

11
 ff

12 Proceedings before the HONORABLE RICHARD P.
 MATSCH,
 13 Judge, United States District Court for the District of
 14 Colorado, commencing at 8:30 a.m., on the 31st day of
 December,
 15 1997, in Courtroom C-204, United States Courthouse,
 Denver,
 16 Colorado.

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23
24
Transcription
Street,
629-9285

Proceeding Recorded by Mechanical Stenography,
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P.O. Box 3563, Denver, Colorado, 80294, (303)

15381

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14 Defendant Nichols.

15 * * * * *

16 PROCEEDINGS

17 (In open court at 8:30 a.m.)

18 THE COURT: Please be seated.

19 Counsel, approach the bench, please.

20 (At the bench:)

21 (Bench Conference 148B1 is not herein transcribed
by court
22 order. It is transcribed as a separate sealed
transcript.)

23

24

25

15395

1 (In open court:)

2 THE COURT: We've discussed scheduling, and
also, I've

3 advised counsel that I am going to talk to the jury a
little

4 bit this morning with respect to the nature of the
testimony

5 they have been hearing in the last two days, give them

some

6 guidance with respect to the purpose of that and how
they
7 should consider it and what the issues really are in
this
8 proceeding. We're going to take about a five-minute
recess.

9 (Recess at 8:45 a.m.)

10 (Reconvened at 8:50 a.m.)

11 THE COURT: Be seated, please.

12 (Jury in at 8:51 a.m.)

13 THE COURT: Members of the jury, good morning.

14 We apologize for delaying you for a few
minutes this

15 morning; but during those few minutes, I discussed with
the

16 lawyers in the case our schedule. And before we begin
to hear

17 testimony today, I want to advise you of where we are
or where

18 we think we are.

19 And of course, recognizing that I can tell you
of --

20 what our expectation is, remembering, of course, that
it's not

21 the same as a commitment because we have to have
witnesses

22 travel and get here on time and so forth. Trials are
human

23 events, as I've said; and accordingly, there's always
the

24 possibility of our expectations not being realized.
But what

25 we expect is that the lawyers for the Government will
complete

15396

1 today the calling of their witnesses so that we have a
number

2 of witnesses yet to be heard from, and we will proceed
as soon

3 as I finish these remarks with calling in the witnesses
and

4 expect that to be completed today before 5:00.

5 And whatever time that is, we'll recess at
that point.

6 And then tomorrow, of course, is a holiday; and then,
on

7 Friday, we will proceed into the defense part of this
hearing,

8 and we'll be hearing from witnesses called by the
defense on

9 Friday. And I would like to use a full day on Friday,
do that,

10 and then of course, we'll have the weekend -- you will
have the

11 weekend off, and then we'll resume on Monday. And it's
our

12 expectation now that the presentation of the
information may be

13 completed on Monday, or Tuesday, so at least early next
week,

14 and then the matter be given to you after the
completion of, of

15 course, the arguments and the detailed instructions on
the law

16 that I will explain to you.

17 So that's what we expect, that this matter,
this

18 hearing will be completed early next week.

19 Now, I do want to also tell you something
about where

20 we are with respect to the law at this time so that you
can put

21 in perspective that -- perhaps better perspective that
which

22 you've seen and heard in the last two days and which
you will

23 still see and hear in the time remaining.

24 During the last two days, you've heard a lot
of

25 testimony and you've seen exhibits on the effects of
the

15397

1 bombing of the Murrah Building in Oklahoma City on
April the

2 19th of 1995. And a lot of that testimony has been
quite

3 graphic and vivid and considerable detail. Much of it
has also

the last 4 been highly emotional. None of what you've heard in
case and 5 two days was admissible evidence at the trial of this
Government 6 was not received at the trial of the case and was not
7 admissible evidence on the question of whether the
in 8 could prove the charges against Terry Nichols beyond a
Nichols 9 reasonable doubt because none of what you've heard here
10 these past two days really proves anything about Terry
11 and the charges against him.

witnesses 12 What you have heard evidence about and what
is 13 the Government has brought in in support of this matter
14 different from what you heard as the evidence that the
15 Government relied on in support of the charges against
16 Mr. Nichols, the charges in the indictment.

reviewed 17 Now, the 12 jurors deliberating in this case
returned a 18 all of that evidence at the trial of the charges and
I'm 19 verdict. And of course, you don't need to be reminded,
presented and 20 sure, that what the jury found from the evidence
is that 21 in applying the law as it was given in my instructions
not 22 the evidence that was heard at the trial did not -- was

23 sufficient to prove Mr. Nichols guilty beyond a
reasonable
24 doubt on the eight counts of first-degree murder of the
law
25 enforcement agents named in Counts 4 through 11 in the

15398

1 indictment.

2 The jury also found that the evidence was
insufficient
3 on the charges in Counts 2 and 3. Those are the
charges that
4 accused Terry Nichols of the actual use of the truck
bomb as a
5 weapon of mass destruction and the destruction by
explosive of
6 the Murrah Building on April the 19th of 1995.

7 What the jury did find Terry Nichols guilty of
is
8 Count 1; that is, participating in a conspiracy with
Timothy
9 McVeigh and perhaps others to use a truck bomb as a
weapon of
10 mass destruction.

11 Nothing that you have seen and heard in the
last two
12 days or will see and hear in this proceeding can change
that
13 verdict. It is final and conclusive and must be

accepted by

14 all of us, including, of course, the jurors who made
the
15 decision.

16
participate in

17 a criminal conspiracy can be responsible for the
conduct of

18 other members of the conspiracy. Now, the jury found
that this

19 conspiracy resulted in the deaths of the people named
in the

20 indictment and that those deaths were foreseeable. So
the law

21 provides, with such finding, for the possibility of
punishment

22 of a conspirator by a possible death sentence, and of
course,

23 it provides for that possibility but does not require
it. The

24 law also permits punishment of life imprisonment
without

25 release, and the law also provides for the possible
punishment

15399

1 of some lesser sentence than either death or life in
prison.

2
sure you As I've told you previously here and as I'm

3 understand, the question of life or death is a matter
for a
4 jury to decide. And the jury also has the option of
deciding
5 neither of those and saying it should be a lesser
punishment,
6 in which case, the question on sentence goes back to
the Court,
7 to me, to decide.

8 Now, that's what's being heard here is the
matter of
9 what a sentence -- a sentence should be, and the jurors
hearing
10 the case decide that question. But before deciding it,
as I've
11 said repeatedly and as I said clearly, I hope, on
Monday
12 morning, the jury must consider information that can be
13 presented from both sides in the case, both from the
14 prosecution and the defense.

15 Now, among the things that can be considered
-- and
16 we'll talk about this in greater detail when I instruct
you
17 in -- on the law at the conclusion of the hearing, just
as I
18 did at the conclusion of the trial -- but among the
things that
19 can be considered are the scope and extent of injury
and loss
20 suffered by the victims and the victims' families.
Also, the

injury to 21 number of deaths -- deaths, the risks of death and
and 22 other persons besides those who were actually killed
those 23 injured and so forth. I'm not going to repeat all of
focused 24 now. But much of what you have heard, of course, has
risks 25 on these factors of the impact, the deaths, losses, the

15400

evidence in 1 to others. And of course, we relaxed the rules of
2 considering this information.
started, the 3 You know, as I mentioned to you when we
this 4 people who have been killed, who died as a result of
5 explosion can't come in here and speak for themselves,
family 6 obviously. So the law relaxes the rules and permits
lives of 7 members and others to come in and talk about what the
life, 8 these people were like, who they were, what they did in
loss of 9 and also permits them to talk about the effects of the
in the 10 loved ones on those who survived them in the family and

11 community.

12 Now, when these people have come in here --

and of

13 course, we expect to hear more testimony of this type

today --

14 and they are asked to talk about these things and they

are

15 asked to relive and relate some very painful parts of

their

16 lives, it is only natural that they have the human

tendency to

17 talk about these matters in the most poignant and

emotional

18 way. What sticks in the minds of some are their last

moments

19 that they had with wives and husbands, children,

parents,

20 brothers, sisters, grandchildren; in short, their loved

ones.

21 And you understand that in talking about that, they,

being

22 human beings, can become quite emotional.

23 And of course, they have also been asked to

talk about

24 what their lives have been like since the deaths. And

here

25 again, quite understandably, some of them have

expressed their

1 emotions with some imagery or graphic examples that are
2 particularly poignant and moving. I have established
some
3 guidelines for that in advance with the lawyers so that
it can,
4 you know, be conducted with some dignity and respect
for all
5 concerned, including those who are no longer living.
But of
6 course, you know, we can't put gags on people and we
can't
7 expect people, when they are asked to talk about some
of these
8 things, to -- well, to not spill over into some things
that
9 really shouldn't be considered.

10 And there have been some examples of that in
the last
11 two days. Defense counsel has not been cross-examining
these
12 witnesses because, you know, there's really no dispute
here
13 about the credibility of what they are telling you in
14 connection with their own lives, so it's not a subject
of
15 dispute.

16 At times, some objections have been raised by
defense
17 counsel, and appropriately so, where the witness seems
to be
18 going farther than I have and the guidelines that I've
19 established for this permitted.

had 20 So, for example, just as an illustration, we
daughter, Jaci, 21 Ms. Sharon Coyne talking about the loss of her
that she 22 a youngster, and then talking about a vision or images
building. I 23 has had with respect to seeing her daughter in the
these 24 mean, she didn't actually see her, but she imagined
and 25 things, and also, a vision about her covered with blood

15402

yesterday, 1 glass and so forth. The last witness that we had
something with 2 talking also about -- he was about to get into
of some 3 respect to his wedding ring and a grave-side ceremony
I did 4 type and so forth, and I stopped that. Now, you know,
to keep 5 so, I hope you understand, with the purpose of trying
it 6 this within some boundaries because, to put it frankly,
it were, 7 would be a violation of your oath to be swept away, as
testimony. 8 by the emotion from an emotional impact of such

9 And of course, I've noticed that in the course
of this
10 testimony, many of these witnesses cried and some of
you and
11 others in the courtroom have cried and have responded
in a very
12 human way to some of what you've seen and heard. And
of
13 course, that's how people react to hearing people talk
about
14 some of our most basic emotions as human beings,
emotions of
15 sorrow and grief and despair, a sense of loss.
16 It's important to remember, though, what your
role is,
17 and that is that you're sitting here in judgment of
Terry Lynn
18 Nichols. And the ultimate question here is what should
be done
19 to him as a sentence for the crime of conspiracy, the
crime for
20 which you found him guilty and the only crime that is
subject
21 to a sentencing consideration by the jury. Those other
22 convictions on involuntary manslaughter are matters for
the
23 Judge, for me to decide, as I've already told you.
That's not
24 before you.
25 So it's the question of the conspiracy, and
it's

15403

not being 1 important to keep in perspective that this hearing is
some 2 conducted for the purpose of seeking revenge or making
not what 3 decision based on vengeance or based on anger. That's
sentencing 4 this is about. You know, the victims don't do the
we have a 5 and, of course, for a reason, obviously. This is why
through 6 jury system, people unconnected with the case. We went
all of 7 all of this long voir dire with respect to each of you,
the event 8 those questions, to see if you could fairly judge, in
9 that the case came to this point, what is a just and
10 appropriate sentence, considering all of the facts and
11 circumstances to be presented.

that 12 So the testimony about losses and suffering
perceived that 13 you've heard -- and in some cases, you may have
they were 14 some of the witnesses may be angry. And you know, if
them to be 15 permitted to be asked -- of course, we don't permit
don't ask 16 asked, and nobody suggests that we should, but -- we

We don't 17 them what they think about the verdict in this case.
permit 18 ask them what they think should be done. I don't
opinions 19 anybody to even indirectly express any conclusions or
witness 20 on those matters. But you can see people here on the
and 21 stand and look around -- and say, look around the room,
counsel, or 22 some of them may have looked at Mr. Nichols or his
feelings 23 you, or whatever, and you may have perceived some
to be put 24 there that weren't expressed. Again, all of that has
25 in perspective here.

15404

know, 1 Remember, as I'm sure all of you do, that, you
it's true. 2 trials are human events. I keep repeating that, but
asked to 3 And we have human witnesses. And people come in to be
very 4 talk about these things in their lives that affect the
express all 5 core of their lives as they have revealed it, can
6 kinds of things, but you have to put it in perspective.

7 And there are many other factors that you will
have to
8 consider, including the question of just what Mr.
Nichols did,
9 what role he played in the conspiracy that he's been
found
10 guilty of. And of course, things that you'll be
hearing with
11 respect to who Mr. Nichols is and what his life has
been and
12 is. So I simply want to pass these points on to you
now so
13 that you will understand perhaps a bit better why these
14 witnesses are here and testifying and how you should
put their
15 testimony and their reactions to these things into --
into
16 really the whole picture, which again, of course, you
must wait
17 until you've seen it all and we talk again, as we will
next
18 week, about how you should approach the important
questions
19 that are before you.

20 So I just wanted to take time out to discuss
that with
21 you a bit this morning so that you can understand
perhaps a bit
22 better what this proceeding is all about.

23 With that --

24 MR. TIGAR: May we approach briefly, your
Honor?

25

THE COURT: Yes.

15405

1 (At the bench:)

2 (Bench Conference 148B2 is not herein transcribed
by court

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

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15409

1 (In open court:)

2 THE COURT: You know, I simply say again so
that it is

3 clear to you that what I've said to you is not a
complete

4 instruction about how you approach the question of
sentencing.

5 I've just given you a part of it; and of course, what I
will

6 give you next week when we come to the actual
instructions --

7 which you again will have in writing, by the way, and
you'll

8 have again a verdict form that goes through a series of
9 questions that helps you to analyze this and of course,
all of

10 the aggravating and mitigating factors that you can
11 appropriately consider under my rulings will be there.
And of

12 course, you will also be made -- you will be asked to
make some

opening 13 findings about intention, as was mentioned in the
and 14 statements, because you don't even get to aggravating
were 15 mitigating factors unless you find certain intentions
conspiracy. 16 present in Mr. Nichols when he participated in the

then, so I 17 I'll explain all of that in greater detail
18 don't want you to have the misimpression that I fully
be a 19 instructed you. Far from it. I just thought it might
do, what 20 good time right here to remind you what we're here to
21 you're here to do.

22 So we'll go to the next witness.

Alice 23 MR. MACKEY: Thank you, Judge. We'll call
24 Denison.

please. 25 THE COURTROOM DEPUTY: Raise your right hand,

15410

1 (Alice Denison affirmed.)

please. 2 THE COURTROOM DEPUTY: Would you have a seat,

and 3 Would you state your full name for the record

4 spell your last name.

N.

5 THE WITNESS: Alice Ann Denison, D-E-N-I-S-O-

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Mr. Mackey.

8 MR. MACKEY: Thank you, Judge.

9 DIRECT EXAMINATION

10 BY MR. MACKEY:

11 Q. Good morning, Mrs. Denison. How are you?

12 A. Good morning, Mr. Mackey.

13 Q. Would you tell the jury, please, where you live.

14 A. Oklahoma City, Oklahoma.

15 Q. And how long have you lived in Oklahoma City?

16 A. Basically all my life. About 10 years. 10 to 12
years.

17 Q. Are you married?

18 A. Yes, I am.

19 Q. And how long married?

20 A. Almost three years.

21 Q. Have any children?

22 A. One child.

23 Q. And how old is your child?

24 A. He's six months.

25 Q. Ms. Denison, what do you do for a living?

15411

Alice Denison - Direct

1 A. I work at AT&T Wireless Services.

2 Q. And how long have you worked there?

3 A. Three-and-a-half years.

4 Q. Ms. Denison, I'd like to ask you a few questions
about

5 Mickey Maroney. Can you answer those for us?

6 A. Yes, I sure can.

7 Q. And was he your father?

8 A. Yes.

9 Q. And was he killed in the bombing on April 19th?

10 A. Yes, he was.

11 Q. Would you tell the jury a little bit about the
background

12 of Mickey Maroney.

13 A. He grew up in Wichita Falls, Texas. He was the
baby of 11

14 children. He played football at Wichita Falls High
School. He

15 then got a scholarship to the University of Arkansas
where he

16 played football for four years. He then entered the
United

17 States Secret Service in 1972 and was a Secret Service
agent up

18 until his death.

19 Q. And when was he married to your mother?

20 A. He was married to my mother in 1968.

21 Q. And was there a divorce?
22 A. Yes, there was.
23 Q. And approximately how old were you at that time?
24 A. I was approximately 11 years old.
25 Q. All right. And did Mr. Maroney remarry thereafter?

15412

Alice Denison – Direct

1 A. Yes, he did.
2 Q. In the course of that time after divorce and
remarriage,
3 did you maintain a close relationship with your father?
4 A. Most definitely.
5 Q. All right. Let's talk a little bit about his
career and
6 contributions as a Secret Service agent. Tell us again
how
7 many total years Mickey Maroney served in that
capacity.
8 A. August of '95 would have been 25 years.
9 Q. All right. And could you give the jury an overview
of the
10 kinds of assignments that he took on, duties he carried
out as
11 a secret service agent?
12 A. He protected foreign heads of state when they came
into the
13 United States. He also protected them outside of the

United

14 States. His first assignment was with Lady Bird
Johnson and
15 her family, Lynda Bird and the rest of the family, at
the LBJ
16 ranch. He was on many assignments, many presidents --
Ford,
17 Carter, Bush, Reagan, Carter, Clinton -- and vice
presidents,
18 Also, anybody that needed protection from the Secret Service.
19 City. counterfeit cases, Oklahoma City, outside of Oklahoma
20 Any jurisdiction, basically.

21 Q. Did he have a number of federal crimes that he was
22 responsible for investigating and presenting evidence
in court?

23 A. Yes, sir. Yes, sir.

24 Q. Did those duties take him out of the country on
occasion?

25 A. Yes. He went -- his last few assignments were to
Cyprus

15413

Alice Denison - Direct

1 where he would be gone a month at a time. I believe he
went

2 over there three times, and he was on a -- a big
federal case

3 at that time.

you
and
4 Q. As a child of a Secret Service agent, did he invite
5 down to the office and have you meet the other agents
6 acquaint you with what he was doing in life?

7 A. Quite often.

8 Q. Tell us about some of those visits to his office.

teacher
just to
guess,
what I
doing,
show me
19 A. We -- when I would be out of work -- I was a school
10 for a while; and during the summertime, I would go up
11 have lunch with Daddy or to visit and just hang out, I
12 and he was more than glad to see me. He was proud of
13 was doing. Everybody in the office knew what I was
14 whether I was getting married, whether I graduated from
15 college. And he was very proud to show me around and
16 off, I guess.

enforcement
exceed
20 Q. Ms. Denison, in the course of time, did you come to
17 understand your father's approach to federal law
18 and how important it was to maintain dignity and never
19 the bounds of the law?

agent.
that was
21 A. Yes, sir. He was very proud to be a Secret Service
22 He was proud to protect and serve. And that was --

23 his job, and he -- I don't ever remember a day that he
did not
24 want to go into the office.
25 Q. Tell us about Mickey Maroney, the father.

15414

Alice Denison - Direct

1 A. How much time do you have?
2 Q. Well -- choose your words carefully.
3 A. I understand. That was my daddy, my hero. No
matter what
4 I did, he was there for me, even in the divorces -- and
not a
5 pretty divorce. But he was always there for me and my
brother.
6 I have a younger brother who's four years younger. If
I needed
7 him, he was there at the drop of a hat. He was there
for my
8 brother, also. And I was as proud of him as he was of
me. And
9 the day that he was gone was the day my life stopped.
10 Q. Ms. Denison, when did you talk to your father last?
11 A. The Monday before the bombing, the 17th.
12 Q. And was that in a conversation?
13 A. We -- we had talked that Monday because there was a
storm
14 in Duncan, Oklahoma, where my mother lives; and he
said, "I

bad 15 think you need to call your mother. There's a really
16 storm."

back and 17 So I called her. She was fine. I called him
just a 18 said, "Mom's fine. You know, everybody's okay. She's
19 little scared."

checked on 20 He said, "Well, I'm glad you called and
21 her."

you." 22 And the last thing I said to him was, "I love

the 23 Q. That phone conversation where he was checking on
with 24 welfare of another person, is that totally consistent
25 Mickey Maroney?

15415

Alice Denison - Direct

there 1 A. Oh, very. He cared for anybody and everybody. If
help 2 was somebody on the side of the road, he would stop and
somebody 3 them. He would help anybody that he could; and if
care of 4 needed something done, my daddy would say, "I'll take
5 it. Don't worry about it. It'll be done."

6 Q. Ms. Denison, I want to show you a photograph now,
7 Government Exhibit 1171B.

8 MR. MACKEY: Offer into evidence, your Honor.

9 MR. TIGAR: No objection.

10 THE COURT: Received, may be shown.

11 BY MR. MACKEY:

12 Q. Who is that man?

13 A. That's my daddy.

14 Q. All right. How old was Mickey Maroney when he
died?

15 A. He was 50.

16 Q. All right. How big a guy was he?

17 A. 6' 4".

18 Q. Tell me about the day of the bombing, Mrs. Denison.
How

19 did you first learn of the explosion in downtown
Oklahoma City?

20 A. I was at my office in Edmond, Oklahoma, which is
probably a

21 15-, 20-minute drive from downtown Oklahoma City, and
we had --

22 were allowed to have radios, so we had radios on. And
it first

23 came over that there was an explosion in downtown
Oklahoma

24 City. We all thought, basically, you know, a pipe had
burst.

25 Nothing exciting. As more news came on, somebody had a
little

15416

Alice Denison - Direct

1 Sony Watchman. That came on the TV. And then it was
the
2 federal courthouse. That got me nervous because Dad
often went
3 over there to get subpoenas or do some other business,
so I
4 called the Secret Service office, and it just rang and
rang and
5 rang.

6 So then I called my brother. And I said, "I
can't get
7 ahold of Dad. There's been a bomb. Something
downtown. Can
8 you try to call him or can you get down there? I can't
leave
9 right now."

10 The next thing that came on was that it was
the Murrah
11 Building; and at that time, I just -- I fell and I just
said,
12 "That's my daddy." And they took me to the side away
from the
13 TV, and I had my boss call my husband. And they came
-- he
14 came and got me, and we were downtown by probably 9:22.

15 And it was like Beirut. There was glass.
There was
16 everything. People running around.

17 And I had not seen the building from the
highway when
18 we came down, and I just went up to a police officer
and I
19 said, "Where's the Secret Service people?"
20 And he just looked at me and he said, "Ma'am,
I really
21 don't know."
22 And we -- we ran and we were looking around.
And at
23 one point, I turned a corner and I saw the building,
and I just
24 fell into my husband's arms and I said, "There's no way
he's
25 alive."

15417

Alice Denison - Direct

1 And we -- I called my stepmother on my cell
phone and
2 I said, "Where's my daddy?"
3 And she said, "Becky, I don't know."
4 So she worked at a hospital nearby, so we went
there
5 and waited for him to call because we said, "If he's
okay, he
6 will call; but -- if he's okay, he's helping. He's
getting
7 somebody out."
8 So we waited and waited and waited for two

days; and

9 finally, Friday, they told us they had found his body.

10 Q. All right. Ms. Denison, as you've reflected on
this

11 question that you know I'm going to ask you, can you
tell the

12 jury in your own words two-and-a-half years later now
the

13 impact on you and the other family members of Mickey
Maroney as

14 a result of his death?

15 A. I don't have my hero anymore. My hero's gone. My
16 brand-new baby doesn't have a grandpa here. I don't
have a

17 daddy. My brother doesn't have a daddy. The strength
of my

18 family is gone. He was -- he was my love. He was my
dad. And

19 he told me one time when I had my heart broken, he
said, "There

20 will always be one man that will never break your heart
in

21 life, and that'll be me, your daddy." And my heart is
broken

22 because he's not here.

23 And -- he was a good, Christian man. He was
the

24 strength of our family and kept us together even when
we had

25 hard times. He was the strength that made sure we knew
the

15418

Alice Denison – Direct

would 1 family values and that we would all be together and he

2 take care of us.

3 MR. MACKEY: Thank you, Ms. Denison.

4 MR. TIGAR: No questions, your Honor.

You're 5 THE COURT: All right. You may step down.

6 excused.

7 Next, please.

Michael 8 MR. MACKEY: Your Honor, we would call Mr.

9 Norfleet.

10 THE COURT: Thank you.

right 11 THE COURTROOM DEPUTY: Would you raise your

12 hand, please.

13 (Michael Norfleet affirmed.)

please. 14 THE COURTROOM DEPUTY: Would you have a seat,

and 15 Would you state your full name for the record

16 spell your last name.

L-E-E-T. 17 THE WITNESS: Michael Rand Norfleet, N-O-R-F-

18 THE COURTROOM DEPUTY: Thank you.

19 THE COURT: Mr. Ryan.

20 MR. RYAN: Thank you, your Honor.

21 DIRECT EXAMINATION

22 BY MR. RYAN:

23 Q. Mr. Norfleet, where do you live?

24 A. Today, I live in Allen, Texas.

25 Q. Where were you born and raised?

15419

Michael Norfleet - Direct

1 A. I was born in Marlow, Oklahoma, and was raised
2 internationally by missionary parents.

3 Q. Where did you graduate from high school?

4 A. Graduated from high school in Marlow, Oklahoma.

5 Q. Did you go on to college?

6 A. Yeah. I went on to college at Oklahoma Baptist
University

7 where I graduated in '87.

8 Q. And upon graduation from college, did you enter
into a new

9 career?

10 A. Yeah, I did. In fact, while I was in college, I
watched

11 the movie "Top Gun," got inspired to be a pilot, and
went into

12 the Marine Corps and went to Navy flight school.

13 Q. Is that a dream that you'd had in college?

14 A. It was a dream that I'd had ever since a child, you
know.

15 I was born in '56, and I'd always wanted to be an
astronaut

16 back when, you know, we were able to put a man on the
moon. So

17 that inspired me to be a pilot. And really, it was a
dream

18 come true for me to go to flight school and become a
pilot like

19 I'd always wanted to be.

20 Q. What type of pilot were you in the Marine Corps?

21 A. I was a KC130 pilot.

22 Q. Did you fly in combat?

23 A. Yes. Immediately after graduating from flight
school as I

24 reported to my unit at Cherry Point, North Carolina, we
were

25 already deployed overseas in Desert Shield, so I
immediately

15420

Michael Norfleet - Direct

1 reported to my unit in Bahrain -- Manama, Bahrain, and
started

2 supporting Desert Shield. And then as Desert Shield
went on to

3 Desert Storm, I flew 35 combat missions in Desert
Storm.

4 Q. Were you decorated for those actions?

5 A. Yes, I was. I received air medals, Navy
Commendation
6 medals, Navy Achievement medals, Sea Service Deployment
7 Southwest Asia -- Southwest Asia Service medals from my
actions
8 in Desert -- in Desert Storm.

9 Q. What are you doing today for work?

10 A. I work for a telecommunication manufacturer's
company. We
11 manufacture and sell digital test equipment.

12 Q. You're not able to fly, are you?

13 A. That's correct.

14 Q. Let's talk about April 19th, 1995. If you would
tell the
15 jury what you did that day.

16 A. Well, that morning, I had been invited to a prayer
17 breakfast at the Myriad Convention Center in downtown
Oklahoma
18 City, so I arrived in Oklahoma City about 6:30 to
attend the
19 breakfast.

20 Q. Were you in the United States Marine Corps at that
time?

21 A. Yes, sir, I was a -- a captain in the Marine Corps.
And I
22 was an officer selection officer. I was in charge of
-- of
23 taking college students and enlisted Marines and
transforming
24 them into officers and putting them through OCS or

Officer

25 Candidate School.

15421

Michael Norfleet - Direct

to go 1 Q. All right. Again, back to the 19th, you were going

2 to a prayer breakfast. Where did you go after that?

parking 3 A. Well, after the breakfast, I went down under the

since I 4 lot and talked with friends for several minutes. And

building is 5 was in Oklahoma City, I thought, well, the federal

6 just a couple of blocks away, I'll go see my commanding

Since I 7 officer, get some face time with him, let him see me.

maximize 8 lived a good hour-and-a-half drive away, I wanted to

9 my time while I was in Oklahoma City.

10 Q. Okay. And what were you driving?

11 A. That morning, I was driving a Ford Ranger.

Murrah 12 Q. Okay. And where did you -- did you go to the

13 Building?

drove 14 A. Yeah. After I left the Myriad Convention Center, I

15 to the federal building.

16 Q. Where did you park?

17 A. I parked in front of the federal building right in
front of

18 a yellow Ryder truck that was parked in the loading
zone there.

19 Q. Let me show you what's been marked as Exhibit 761.

20 MR. RYAN: I believe this is in evidence, and
so I'd

21 ask that it be displayed.

22 MR. TIGAR: I believe it is also, your Honor.

23 THE COURT: You may display it, yes.

24 BY MR. RYAN:

25 Q. Can you see the photograph there on your screen?

15422

Michael Norfleet - Direct

1 A. Yes, sir.

2 Q. You have a light pen on the top of your desk. If
you would

3 reach under your desk and place the pen directly on the
screen.

4 Would you show the jury where your vehicle is.

5 A. My vehicle is this black truck here. There we go.

6 Q. After you parked in front of the Murrah Building --
about

7 what time was that?

8 A. You know, it was a couple minutes before 9:00.

9 Q. What did you do?

10 A. Well, I got out of my truck and actually, I
thought, man,
11 this is my lucky day because I had -- really, I got the
best
12 parking spot in the whole building. Usually, the whole
front
13 row there is filled, and I thought I was very fortunate
to get
14 that parking spot. So I walked by probably within an
arm's
15 length of the Ryder truck and walked into the federal
building
16 where I went directly to an elevator. The doors were
open, and
17 I went to the 6th floor where the Marine Corps command
center
18 was.

19 Q. And who did you talk to when you went up to the 6th
floor?

20 A. Well, the first man that I met that morning was a
young man
21 by the name of Benjamin Davis, Sergeant Davis, and he
was a --
22 a young sergeant that had been working his way up
through the
23 ranks, and I had been helping him for several months to
prepare
24 and qualify for Officer Candidate School. There are
several
25 things that he had to do. He had to prepare himself
physically

15423

Michael Norfleet - Direct

1 to pass the physical fitness test, he had to take
academic
2 tests to be mentally qualified for the position, and I
had
3 helped him through each one of those processes over --
over six
4 months.

5 Q. Was he waiting on some word with respect to whether
he had
6 been accepted to Officer Candidate School?

7 A. Yeah. In fact, April the 19th was Sergeant Davis'
big day
8 because this is a -- a day that -- the promotion board
had met
9 the day prior and the results were out on his package
on
10 whether he was picked up for Officer Candidate School.

11 as I came in that morning, he was very excited because
he
12 wanted me to call headquarters Marine Corps and find
out if he
13 had been picked up for promotion.

14 Q. Did you ever make that call?

15 A. Yes, I did. I sat down in the -- the operations
officer's
16 desk, Matt Cooper's desk, and I made a call to
headquarters
17 Marine Corps. But the phone was busy, so I hung the
phone up

18 and I looked Sergeant Davis in the eyes and I said,
"Well, I'll
19 be back in five minutes. Let me go talk to the
commanding
20 officer and when I return, I'll make another call and
we'll see
21 if you got promoted that day."

22 Q. Did you ever make that second call?

23 A. No, I didn't.

24 Q. What happened?

25 A. After -- after I left Captain Cooper's desk, I
walked

15424

Michael Norfleet - Direct

1 several feet over through the next office and I sat
down and
2 talked to two other Marines. And then 9:02 a.m. came,
and the
3 yellow Ryder truck that I had passed exploded.

4 Q. What do you recall happening?

5 A. To me, I really -- what I heard was Sergeant
Snidecor say
6 and yell, you know, "It's a gas main explosion."

7 And then -- and then I felt the rush of the --
of the
8 bomb come. And I was sitting in front of a plate glass
window
9 there in front of the building; and as it shattered, it

felt

10 like somebody had thrown pea gravel at me as -- as the
glass

11 had cut through my face and through my arms. And --
and

12 then -- and then, I began to -- to black out. And what
I

13 believe happened is I got thrown either by the force of
the

14 floors collapsing -- because I was very close to where
the

15 building had collapsed -- or from the force of the
bomb, I was

16 thrown into the west wall of the building, where I
fractured my

17 skull and broke my nose.

18 Q. Can you tell us about how you got out of the
building that

19 morning.

20 A. Well, as that pea gravel had come at me, I took a
piece of

21 glass from the top of my right head, filleting open my
right

22 eye and lodging there in my right eye. And I had
thrown my

23 left arm in front of my left eye. And -- and I have
shrapnel

24 wounds on my left arm. And that saved my vision in my
left

25 eye.

15425

Michael Norfleet - Direct

1 So after I awoke from my -- from being knocked
2 unconscious, the two sergeants that were there laid me
on a
3 desk and began to administer first aid to me. But I
could feel
4 that I was quickly dying and that I was losing
strength, and I
5 knew that I had to leave the building. So while they
were off
6 helping other Marines and other people in the building,
I got
7 up off of the -- off of the table and walked to the
back of --
8 of the building where the stairs were still intact.
9 But with being blind in my right eye and with
the --
10 the blood from the lacerations to my head flowing into
my left
11 eye, I could barely see. So as I stood up, I -- I
looked down
12 and just kind of let the blood drop off of my head so
that I
13 could see, and I followed a blood trail from someone
that had
14 gone before me. And that was really all I could -- all
I could
15 make out, so I just followed that -- that blood trail
down six
16 flights of stairs and went out the back of the
building.

17 Q. And you were ultimately taken to the hospital that
morning?

18 A. Yes. The back of the building, there was a -- an
ambulance

19 there waiting. I got into the ambulance. And by that
time, I

20 had already entered into full shock. I had lost
everything

21 that I had eaten that morning in the ambulance, and I
began to

22 pass out from the blood loss. So the --

23 Q. Was the glass still in your eye?

24 A. Yes.

25 Q. How big a piece of glass was this?

15426

Michael Norfleet - Direct

1 A. I don't know. I'd say it was, you know, a couple
2 centimeters long.

3 Q. What happened after you got to the hospital?

4 A. Well, as I -- as I got to the hospital, I was
immediately

5 put into triage; and as I found out later, I had lost
close to

6 50 percent of my blood within what I considered 10 to
15

7 minutes that it took me to get to the hospital. And my
blood

8 pressure was approximately 50 over 0 when they began
the first

up the 9 phase of my surgery, the triage, and they began sewing
10 arteries that I had cut.

cut two 11 And what -- what was real surprising is I had
what was 12 arteries in my head with the glass lacerations, but
here on 13 really killing me was that I had -- I had a laceration
was 14 my wrist and I had lacerated my wrist open and -- and I
see it 15 bleeding profusely out of that. And the doctors didn't
my watch 16 until they actually cut my clothes off of me and took
me 17 off and so they were able to -- to actually resuscitate
resuscitation." 18 there with a proceeding they called "fluid

19 Q. What surgeries did you have that day on the 19th?

that I 20 A. Well, the first was the triage surgery to make sure
21 lived.

where 22 And then second, I went into an eye surgery
they were 23 essentially, they took the glass out of my eye, and
had been 24 able to sew my eye back together. But because my eye
they just 25 cut open, all the fluid in it had passed out, and so

15427

Michael Norfleet - Direct

1 kind of sewed it back together.

-- the
2 And then the third part of my surgery was the
3 facial surgery, the -- where they -- cosmetic surgery.

Can
4 Q. Let me show you what's been marked as Exhibit 1418.
5 you see that exhibit?

6 A. Yes, sir.

7 Q. Can you identify that for us.

about a
8 A. Yes, sir. That's -- that's me and -- in my home
9 day after I got out of the hospital.

Exhibit
10 MR. RYAN: Your Honor, Government would offer
11 1418.

12 MR. TIGAR: No objection, your Honor.

13 THE COURT: Received. May be displayed.

14 BY MR. RYAN:

15 Q. Would you describe the photograph for us, please.

16 A. Yeah. Well, as you can see there in the
photograph, you
17 can see how I had a -- the glass had made a laceration
through
18 my forehead and had gone down through my right eye.
And as you
19 can look there, you can see that the glass lacerated

open my --

20 my eyelid and had lacerated open my -- my eye. And you
can

21 also see that I received laceration wounds all over my
head.

22 Q. About how many stitches did you have that day on
23 April 19th?

24 A. The doctor said they put about 500 stitches in me
that day.

25 Q. Do -- were you required to leave the Marine Corps?

15428

Michael Norfleet - Direct

1 A. Yes. After -- after that, I was -- I was not
qualified for

2 a Flight 1 -- or a Type 1 physical which a pilot has to
3 maintain to -- to be flight-worthy, to maintain flight
status.

4 So the Marine Corps discharged me on a disability
retirement.

5 MR. RYAN: That's all I have.

6 THE COURT: Do you have any questions?

7 MR. TIGAR: No questions, your Honor.

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

9 excused.

10 Next, please.

11 MR. MACKEY: Your Honor, we'd like to move in

12 admission Government Exhibit 2202, a videotape
displaying
13 brief, abbreviated statements of persons injured in the
14 Oklahoma City bombing.

15 THE COURT: All right. We'll proceed to play
2202.

16 (Plaintiff's Exhibit 2202 played.)

17 THE COURT: All right. Do you have a witness?

18 MR. MACKEY: Thank you, Judge. We'll call Sue
Walton.

19 THE COURT: Thank you.

20 Do you have the witness sworn?

21 THE COURTROOM DEPUTY: Oh. Okay.

22 THE COURT: You were so solicitous of her
special

23 needs, you forgot that.

24 (Susan Walton affirmed.)

25 THE COURTROOM DEPUTY: Would you state your
full name

15429

1 for the record and spell your last name.

2 THE WITNESS: Susan Walton, W-A-L-T-O-N.

3 THE COURTROOM DEPUTY: Thank you.

4 THE COURT: Proceed, please.

5 MR. MEARNS: Thank you, your Honor.

6

DIRECT EXAMINATION

7 BY MR. MEARNS:

8 Q. Good morning, Mrs. Walton.

9 A. Good morning.

10 Q. Where do you live?

11 A. In Oklahoma City.

12 Q. How long have you lived in Oklahoma City?

13 A. In the area -- I've lived in the area all my life.

14 Q. Are you married?

15 A. Yes, I am.

16 Q. And what's your husband's name?

17 A. Richard Walton.

18 Q. Do you and Richard have any children?

19 A. Yes. He has two boys, and I have two girls.

20 Q. And are all four of those children now grown?

21 A. Yes, they are. Thank goodness.

22 Q. On April 19, 1995, were you inside the Murrah
Building when

23 there was an explosion?

24 A. Yes, sir.

25 Q. What brought you to the Murrah Building that
morning?

15430

Susan Walton - Direct

1 A. I had gone to the credit union to make a deposit.

2 Q. Were you a member of the credit union?

3 A. Yes, sir. I had been for several years.

4 Q. Were you presently then a federal employee?

5 A. No, I was not.

6 Q. Had you previously been?

7 A. Yes, sir.

8 Q. When -- where had you worked?

9 A. I had worked for the Federal Deposit Insurance
Corporation,

10 Division of Liquidation.

11 Q. When had you worked for the FDIC?

12 A. From 1985 to '93.

13 Q. And what were you doing in April of 1995?

14 A. They had closed the office in Oklahoma City, and so
I was
15 able to go back to school full-time.

16 Q. What were you studying?

17 A. I was studying interpreting for the deaf.

18 Q. Tell us what happened then on the morning of April
19th.

19 A. I had taken my husband to work because his car had
broken

20 down the night before. And I was setting in his
parking lot,

21 trying to study, knowing that I needed to run a few
errands

22 before school started. So I thought, well, this isn't
getting

23 me anywhere; so I headed downtown. And from my
recollection, I
24 got there really fast because I'm a pretty speedy
driver, and
25 went into the credit union. That's basically the last
I

15431

Susan Walton - Direct

1 remember.

2 Q. You don't have any specific recollection of the
explosion?

3 A. No, sir.

4 Q. Do you know where you were found after the
explosion?

5 A. I have been told that I was in the pit area, under
a file
6 cabinet and a door frame.

7 Q. You were then taken to Presbyterian Hospital?

8 A. Yes, sir.

9 Q. And is that where you regained consciousness?

10 A. Yes.

11 Q. Describe for us what the nature of your injuries
were on

12 April 19th.

13 A. I had a basal skull fracture, nerve damage behind
both

14 eyes, a broken nose, six fractures to my face, ruptured
spleen,

15 and both legs were crushed severely.

16 Q. Beginning on April 19th, did you have a series of
surgical

17 procedures?

18 A. Yes, sir.

19 Q. Up until today, how many times have you undergone
surgery?

20 A. Approximately 22. I've kind of lost track.

21 Q. Could you tell us briefly what types of surgeries
you have

22 undergone since April 19th.

23 A. Well, they have had to do some reconstructive
surgery to my

24 face. They took a piece of skull and rebuilt my gum.
They

25 rebuilt my jaw socket. And then I've had multiple
surgeries on

15432

Susan Walton – Direct

1 my legs.

2 Q. How long did you stay initially in the hospital
after

3 April 19th?

4 A. I was in the hospital for five weeks and then

5 rehabilitation for three.

6 Q. In addition to the surgeries, have you undergone
extensive

7 therapy?

8 A. Yes.

9 Q. Would you tell us a little bit about the therapy
that
10 you've undergone since April 19th.

11 A. I have undergone hyperbaric therapy and then also
12 whirlpooling and physical therapy almost on a daily
basis for
13 probably the first year. And since that time, I have
begun to
14 heal. And it's down to twice a week now that I go to
physical
15 therapy.

16 Q. You have a medical device on your left leg; is that
right?

17 A. Yes, sir.

18 Q. How long have you had that device on your leg?

19 A. They put it on early May '95.

20 Q. And could you describe for us what is that -- what
that
21 device is and what its purpose is.

22 A. It's called an Ilizarov, and they use it on
fractures,
23 multiple fractures. The wires go through the bones and
hold
24 them in place until they can heal.

25 The one on my left leg -- I lost my talus bone
in my

Susan Walton – Direct

and
broke into
device,
on
ankle
this.

1 ankle, which is the bone that allows your foot to go up
2 down. It fell out of a large wound in my foot and
3 three pieces, so they chose not to save it. With this
4 they cut the bone about mid-calf; and by turning screws
5 there every six hours, it pulls the bone down into the
6 area where it has now fused. And so my foot sits like

May of

7 Q. And you have had the device on that left leg since
8 1995?

9 A. Yes, sir.

be

10 Q. Do you have an expectation of when it will finally
11 removed?

12 A. I have surgery scheduled on the 8th of January.

walk?

13 Q. When the device is removed, will you be able to

walking

14 A. My therapist and I have expectations that I will be
15 with a cane eventually. I can go short distances now
16 crutches.

April 19th

17 Q. Are there activities that you enjoyed prior to
18 that you can no longer do?

19 A. Yes, sir. My husband and I are -- were very
active. We
20 enjoyed walking. I enjoyed gardening, yard work. And
it is --
21 it's a little difficult now. I still try to find ways
to do
22 it. The body is a wonderful thing, and it adapts when
there's
23 a need to. So I have a little stool that I get on and
roll
24 around in the garden on.
25 Q. What else do you do with your time now?

15434

Susan Walton - Direct

1 A. I've been very busy working on a nonprofit
organization
2 that is finally up and running. It's very similar to
Tailored
3 Transitions here in Denver. It's called Suited for
Success,
4 and we work with clothing women that are trying to get
out into
5 the work force.
6 Q. And how much time do you commit to that activity
each week?
7 A. Well, it's -- it's as needed, but probably four or
five
8 hours a week, at least.

9 MR. MEARNS: I have no further questions, your

Honor.

10 Thank you.

11 THE COURT: Do you have any questions?

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

13 THE COURT: All right. You're now excused as
a

14 witness. Thank you.

15 THE WITNESS: Thank you.

16 THE COURT: And the next witness?

17 MR. MACKEY: Is Ms. Helena Garrett.

18 THE COURT: All right. Helena Garrett.

19 THE COURTROOM DEPUTY: Would you raise your
right

20 hand, please.

21 (Helena Garrett 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: Helena Annette Garrett. G-A-R-
R-E-T-T.

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1 THE COURTROOM DEPUTY: Thank you.

2 THE COURT: Mr. Ryan.

3 MR. RYAN: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MR. RYAN:

6 Q. Good morning, Mrs. Garrett.

7 A. Hello.

8 Q. You've previously testified in this case at an
earlier
9 point in time.

10 A. Yes.

11 Q. And so I'm not going to cover with -- with you some
of the
12 things about your background; but you had a son, Tevin
--

13 A. Right.

14 Q. -- who died in the day-care; is that correct?

15 A. Yes.

16 Q. What I'd like for you to tell the jury this morning
is what
17 occurred on April 19th before 8:00 that morning.

18 A. I got up about 6 and got dressed and woke up Tevin
first.

19 And I took him in the rest room with me, and we played.
And he

20 jerked on my curlers and pulled them to the floor. And
I kind

21 of played with him. And I told him to go wake up his
sister,

22 his Sissy. And he went in there and he -- every
morning, he

bopped 23 would hit her with this vase in the head, and he just
just 24 her on the face with that and woke her up like that. I
little bit 25 played with him that morning. And I was running a

15436

Helena Garrett - Direct

1 late, and we had to go ahead and head on out.
the 2 Q. Were you -- were you planning on taking Sharonda to
3 Murrah day-care?
kind of 4 A. Yes, because I was running late and her school was
5 out of the way.
6 Q. And why didn't she go to the day-care that day?
at the 7 A. She said that they are practicing for graduation --
8 time she was five -- and that she needed to practice
for 9 graduation, so I went on and took her to her school.
10 Q. And then you drove downtown?
11 A. Yes, I did.
12 Q. And then tell us about arriving downtown.
13 A. I parked in the federal building garage, and I took
Tevin 14 and took him upstairs. We went up the stairway that
way --

care. 15 that day, and I rung the buzzer to go into the day-

16 Q. And what happened after you rang the buzzer?

back in 17 A. Aaron Coverdale came to the door, and then he went

he 18 the day-care for a second. And he came right back and

pushed 19 pushed the bar, because the door was always locked. He

opening 20 the bar. And I asked him, I said, "What are you doing

21 up this door?"

22 And he said, "Because she told me to."

table, and 23 And I went in. And Wanda had a baby on the

couldn't open 24 she was changing her. And she said, "I'm sorry I

25 the door, but I didn't want to leave the baby."

15437

Helena Garrett - Direct

1 Q. Okay. What happened after that?

pick up 2 A. I had some papers to drop off -- who was allowed to

And I was 3 Tevin and everything -- so I laid them on the table.

later, 4 starting to head out. And I told Tevin I would see him

next to 5 and he started crying. And Elijah and Aaron -- he sat

6 Elijah; and Elijah and Aaron just patted him on the
back. As I
7 looked back at him, they was just patting him on his
back while
8 he was crying.

9 Q. Is that when you left?

10 A. Yes.

11 Q. And is that the last time that you saw Tevin alive?

12 A. Yes.

13 Q. What I'd like for you to do now, Ms. Garrett, would
be to
14 tell the jury a little bit about your son, Tevin, what
he was
15 like, what he enjoyed doing.

16 A. He was -- he was real happy, and he loved to play
with
17 Sharonda. He loved to go to the day-care center. He
loved the
18 day-care center. He used to ride his Lion King bike.

19 was battery-operated. And he would never sit his
bottom on it.

20 He would put his feet on the seat and ride it through
the house
21 that way. And I could always tell when he's on it,
because my

22 TV would fuzz out because of the battery. And I could
always

23 tell when he was coming down the hallway because it
made a

24 noise. And he would just ride that.

25
time. And

He would ride -- slide on his slide all the

15438

Helena Garrett - Direct

1 I was always afraid to let him play outside. So I
would put

2 the slide in the living room, and he would play in the
living

3 room so I could just look at him. And he just played
all the

4 time.

5 Q. What has the --

6 MR. RYAN: Well, before we do that, can we see
Exhibit

7 1493, please, on the screen for Ms. Garrett.

8 BY MR. RYAN:

9 Q. Can you identify that picture?

10 A. That's a picture of Tevin the Sunday before the
bombing.

11 MR. RYAN: We would offer Exhibit 1493.

12 MR. TIGAR: No objection, your Honor.

13 THE COURT: Received. May be shown.

14 BY MR. RYAN:

15 Q. Tell us about this photograph, if you would, Mrs.
Garrett.

16 A. We were the only ones at home that day. Sharonda
was gone

17 with her little girlfriend. And like I said, it was

Sunday. I
doing 18 had got up and dressed Tevin, and I was in the bathroom
on my 19 my hair. And I kept hearing the case, that glass case
bathroom, 20 stereo, open and close. And I had a speaker in the
the 21 also. Tevin would turn the radio down -- he would turn
up. And 22 volume down, and I would go back in there and turn it
out. That 23 I told him to stay out of there.
play it, 24 And he would take that Snoop Doggie Dog CD
25 was his favorite. And that was his way to tell me to

15439

Helena Garrett - Direct

to put 1 and I didn't want to play it that day. And I told him
he would 2 it back in there. I would take it and put it back and
sneaking 3 take it back out. So I got the camera, because he was
looking like 4 it. He kept sneaking it out. And that's why he's
I was 5 that around the corner, to see if he could see me. But
sneaking 6 the other way, taking pictures of him, because he was

7 out the CD -- the CD out of that case that day.

8 Q. All right. Now, let's turn to a more serious
subject. I'd

9 like for you to express in your own words to the jury
about the

10 impact of Tevin's death on you.

11 A. I remember them telling me that he -- that he was
dead.

12 And feeling sick. Throwing up a lot. Not being able
to sleep.

13 Can't eat.

14 Telling my daughter was the hardest thing.
She didn't

15 even know that there was a bomb. The person who kept
Sharonda

16 till Tevin was -- until I was notified about Tevin
Saturday --

17 they wouldn't let her watch TV or anything. They just
let her

18 watch movies. She didn't even know a bomb had
happened. She

19 didn't even know Tevin was missing. And -- because I
thought

20 he was going to be found alive. And I had to tell her
that her

21 brother died and that he wouldn't be coming home. And
she

22 asked me what happened. And I told her that it was a
bomb.

23 And -- and -- at his day-care and she asked who else
died. And

24 I went through the names of the babies that I knew had
died,

25 and she cried when I said Aaron -- I mean -- yeah,
Aaron. And

15440

Helena Garrett - Direct

1 when I said Zackary. And she -- she's not the same
like she

2 used to be. She's nothing like she used to be. She --

3 Q. In what way has she changed?

4 A. She's -- she's scared. She worries about me when
she's at

5 school, because I don't like to cry in front of her.
And she

6 worries about me when I'm -- when she's at school.
Sharonda

7 gets to where she'll use the phone at school, and
she'll call

8 or things like that. And she's worried about things
that I

9 don't think an eight-year-old child should be worrying
about.

10 And she cries a lot. She misses the kids. She misses
her

11 brother.

12 Q. Has she had counseling?

13 A. Yes. She went to counseling up until January of
this year.

14 And they said, Well, we think that she's doing a little
bit

15 better; just let her come back if she needs it. And

she's

16 back. She's been back for like two months because she
don't

17 sleep in her room for nothing. She would not sleep in
her

18 room. There's always a bad man in the closet.

19 Q. Let's turn to a different subject. At the time of
the

20 bombing, you worked at the Journal Record Building; is
that

21 correct?

22 A. Right.

23 Q. What were your duties there?

24 A. Micrographic clerk. Just filming the student files
and

25 indexing them onto the system.

15441

Helena Garrett - Direct

1 Q. Was there another type of work that you did at that
--

2 during April and months before?

3 A. Yes. I --

4 Q. -- in '95 that you enjoyed more than your work at
the

5 Journal Record Building?

6 A. Yes. I used to sew for people. I make wedding
dresses and

7 prom dresses and bridesmaid dresses. And anything

that's kind

8 of a challenge, I do it. I make it. And I did a lot
of

9 weddings prior to the bombing.

10 Q. And when would you do that work back in '94 and
'95?

11 A. I would get home and feed my kids, play with them
and put

12 them to bed about 8:30, and I was sewing till like 3 in
the

13 morning. That's what I liked to do.

14 Q. Are you still sewing today?

15 A. I haven't sewed since the 18th of -- April 18th of
1995.

16 Q. Why is that?

17 A. I can't. That was -- my sewing and my kids was
everything.

18 It was everything. And I just can't. I threw
everything away

19 in a big dumpster. The machine. All of my supplies.

20 Everything I bought. Because I've been sewing since 13
and I

21 had so much stuff. And we just boxed it and boxed it
and boxed

22 it up and threw it all out.

23 Q. Have you had any counseling?

24 A. Yes. I've been going to counseling since August of
'95.

25 Q. Are you still going today?

Helena Garrett - Direct

1 A. Yes.

2 MR. RYAN: That's all the questions I have,
3 Ms. Garrett. Thank you.

4 MR. TIGAR: No questions, your Honor.

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

6 We'll take our morning recess, I think, at this time,
members

7 of the jury. And again, this 20-minute break, of
course,

8 please continue to follow the cautions always given and
what

9 you know are very important, that you not talk about
anything

10 in connection with this matter with other jurors or
other

11 persons and keep open minds, waiting till next week
when the

12 matter is given to you for your decision. So please
continue

13 to follow those cautions.

14 You're excused now. 20 minutes.

15 (Jury out at 10:08 a.m.)

16 THE COURT: We'll be in recess.

17 (Recess at 10:09 a.m.)

18 (Reconvened at 10:28 a.m.)

19 THE COURT: Be seated, please.

20 (Jury in at 10:29 a.m.)

21 THE COURT: All right. Next, please.

22 MR. MACKEY: Thank you, Judge. Mr. Don
Browning.

23 THE COURT: Thank you.

24 THE COURTROOM DEPUTY: Would you raise your
right

25 hand, please.

15443

1 (Don Browning affirmed.)

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

3 Would you state your full name for the record
and

4 spell your last name.

5 THE WITNESS: Don Browning, B-R-O-W-N-I-N-G.

6 THE COURTROOM DEPUTY: Thank you.

7 THE COURT: Mr. Ryan.

8 MR. RYAN: Thank you, your Honor.

9 DIRECT EXAMINATION

10 BY MR. RYAN:

11 Q. Officer Browning, where do you live?

12 A. In Oklahoma City, sir.

13 Q. Are you married?

14 A. Yes, I am.

15 Q. Do you have children?

16 A. Yes, sir. I have three children and three grandchildren.

17 Q. Where did you grow up?

18 A. In Choctaw, Oklahoma, right outside of Oklahoma City.

19 Q. That is where you went to high school?

20 A. Yes, sir.

21 Q. After high school, what did you do?

22 A. I joined the Marine Corps.

23 Q. And how long did you serve in the Marine Corps?

24 A. Just short of four years, sir.

25 Q. Do you have any combat assignments?

15444

Don Browning – Direct

1 A. Yes, sir, I did.

2 Q. Where did you serve in combat?

3 A. In Vietnam. I was there approximately two years.

4 Q. Did you see a lot of death?

5 A. Yes, sir, I did.

6 Q. What did you do after you were discharged from the Marine
7 Corps?

8 A. I became employed with the Oklahoma City Police
Department.

9 Q. And as of April of 1995, what were your duties with
the

10 police department?

11 A. I was assigned to the canine unit of the police
department.

12 Q. Tell the jury what the canine unit is.

13 A. It is a specialized unit. It's developed for the
support

14 of the field officers. The dogs are trained in both
criminal

15 apprehension and detection of humans, along with
narcotics or

16 bomb detection.

17 Q. Do you have a dog assigned to you personally?

18 A. Yes, sir, I do.

19 Q. What is the name of your dog?

20 A. Gunny.

21 Q. And how long have you been with Gunny?

22 A. Approximately five years.

23 Q. Where does Gunny live?

24 A. He is retired from the police department now and
lives at

25 home with my wife and I.

15445

Don Browning – Direct

1 Q. Where did he live in April of 1995?

2 A. He lived at home with us at that time.

3 Q. Were you assigned to work on April 19 of 1995?

4 A. No, sir, I was off that day.

5 Q. But did you respond to the Murrah Building scene at
about

6 9:30 that morning?

7 A. Yes, sir, I did.

8 Q. You left your home and went downtown?

9 A. Yes, sir, I did.

10 Q. And who did you take with you?

11 A. Gunny.

12 Q. I'm not going to ask you to detail the events of
that day,

13 but how long did you work inside the building on April
19?

14 A. Several hours. Late until the evening of the --
evening of

15 the 19th.

16 Q. What time did you leave the Murrah Building that
night?

17 A. Approximately 9:30, 10, in that time frame.

18 Q. And was part of the work that you did that day --
did it

19 involve attempting to locate babies in the building?

20 A. Yes, sir, it did.

21 Q. On April 20, what did you do?

22 A. On April 20, we were basically doing the same
thing. We

23 had been in, searching part of the lower areas of the

building,

24 and I had stepped outside to take a break. And I had a
little

25 girl approach me -- her and her father; and she was
trying to

15446

Don Browning - Direct

1 explain to two or three of us that were standing
talking -- she

2 was wearing an angel pin for her friends.

3 Q. Before you go on, let me show you what has been
marked as

4 Exhibit 1517. Can you identify that photograph for us?

5 A. Yes, sir. That's Gunny and I and apparently one of
the

6 horse patrol officers and his mount.

7 Q. Is this outside the Murrah Building?

8 A. Yes, sir. It's on the perimeter of the site there.

9 MR. RYAN: Your Honor, we would offer Exhibit
1517.

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: Received, may be shown.

12 BY MR. RYAN:

13 Q. You were telling us about a girl that came up to
you and

14 Gunny. Would you complete the story, please.

15 A. Yes, sir. She was probably five or six years old.
And as

really 16 I stated, I was having some difficulty in understanding
angel pin 17 what she was saying, but she was explaining that the
building. 18 she was wearing was for her friends that were in the

was 19 Her father went on to explain to us that she
20 supposed to arrive at the day-care center later in the
21 morning --

22 Q. On the 19th?

23 A. Yes, sir.

24 Q. All right.

grateful we 25 A. Of course, we made sure they understood how

15447

Don Browning - Direct

1 were that she had not arrived at the time of the
explosion, and

shaken 2 each one of us had given the little girl a hug and had
3 hands with her father.

and I 4 She asked if it was okay if she petted my dog,

5 told her certainly that she could do that.

both sides 6 And she took Gunny by the face holding onto

7 of his jaws and looked him right straight in the eyes

and asked

8 him, "Mr. Police Dog, will you find my friends?"

9 Q. After that event, did you have occasion to go back
into the

10 building?

11 A. Yes, sir, I did.

12 Q. And was that to locate and find the remainder of
the

13 bodies?

14 A. Yes, sir, it was.

15 Q. When was that task completed?

16 A. On the 29th of May.

17 Q. And what happened on the 29th of May?

18 A. We located the last three victims, two ladies and a
19 gentleman, Christa Rosas, Virginia Thompson, and Alvin
Justes.

20 Q. What was the status of the building at the time you
located
21 these three final bodies?

22 A. At that point, the building had been imploded and
was

23 basically nothing more than a pile of -- large pile of
rubble.

24 Q. Since the events of April and May of 1995, have you
had

25 nightmares and dreams about the work that you performed
in the

Don Browning - Direct

1 building?

2 A. Yes, sir, I have.

3 Q. Would you tell all of us what your nightmare is.

4 A. Yes, sir. To go back to the 19th just momentarily,
I felt

5 very unsuccessful. We had been sent into an area
thinking that

6 there was two children still to be recovered, and we
were

7 unable to do that. And right about then was when the

8 nightmares did start. But I continually had the dream
that I

9 was crawling through the rubble, crawling in an
enclosed area,

10 more of a tunneled-type area, and I could hear children
crying

11 from up ahead of me and to my right and that as I was
crawling

12 to them to aid them or to help remove them from the
building, I

13 could feel the ground vibrating through my knees and
through my

14 hands, and it would become more and more intense and
finally

15 actually turned into what seemed like a demon type of
scream or

16 growl. And I would turn chicken and run, and I would
have to

17 abandon the kids. And it bothered me greatly that I --
even in

18 the dream that I was not successful; that I didn't get
to them.

19 MR. RYAN: That's all the questions I have,
your

20 Honor.

21 MR. TIGAR: No questions, your Honor.

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

23 THE WITNESS: Thank you, your Honor.

24 THE COURT: Next, please.

25 MR. MACKEY: Yes. Melissa Smith.

15449

1 THE COURTROOM DEPUTY: Would you raise your
right
2 hand, please.

3 (Melissa Smith affirmed.)

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

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

7 THE WITNESS: Melissa Dawn Smith, S-M-I-T-H.

8 THE COURTROOM DEPUTY: Thank you.

9 THE COURT: Ms. Wilkinson.

10 MS. WILKINSON: Thank you.

11 DIRECT EXAMINATION

12 BY MS. WILKINSON:
13 Q. Good morning, Mrs. Smith.
14 A. Good morning.
15 Q. You are Mrs.; is that right?
16 A. Yes.
17 Q. How long have you been married?
18 A. I've been married for 2 1/2 -- 2 years.
19 Q. Do you have any children?
20 A. I have a 2-month-old baby.
21 Q. What's her name?
22 A. Her name is Megan Carolyn Smith.
23 Q. And could you tell the jury where you live.
24 A. I live in Yukon, Oklahoma.
25 Q. How far away is that from Oklahoma City, Oklahoma?

15450

Melissa Smith - Direct

It's
1 A. It's probably about 10, 15 miles, if even that.
2 pretty close.
3 Q. Did you grow up in the Oklahoma City area?
4 A. Yes, I did. I grew up in Oklahoma City.
5 Q. Can you tell the jury the name of your mother.
6 A. Her name is Katherine Ann Finley.
7 Q. Was she killed in the bombing of the Alfred P.

Murrah

8 Building?

9 A. Yes, she was.

10 Q. How old was she when she died?

11 A. She was 44.

12 Q. Where was she working at the time?

Federal

13 A. She was the vice president of operations at the

14 Employees Credit Union.

credit

15 Q. How long was your mom the vice president of the

16 union?

17 A. 21 years.

many of

18 Q. During her time working there, did you come to know

19 the employees of the credit union yourself?

20 A. Yes, I did.

employees?

21 Q. Did you become friends with some of those

22 A. Yes, I did.

23 Q. Who did you know, and who were you friendly with?

and Patty

24 A. I knew Sonja, Frankie. I knew Christi and Anita

25 Hall, Kim Ritchie.

15451

Melissa Smith - Direct

1 Q. Did you visit your mom at her office in the Murrah
2 Building?
3 A. Oh, yes, I did, quite often.
4 Q. You mentioned Frankie. Is that Frankie Merrell?
5 A. Yes.
6 Q. How did you come to know Frankie Merrell of the
credit
7 union?
8 A. I worked with her when we were just right out of
school. I
9 worked with her at Anthony's.
10 Q. What is Anthony's?
11 A. It's a clothing store. And she was looking for a
job and I
12 let my mother know, and she had an interview with her
and hired
13 her.
14 Q. And that's where Frankie was working on the day
that she
15 died; right?
16 A. Yes.
17 Q. Now, could you tell the jury a little bit about
your
18 relationship with your mom, how you grew up and how she
raised
19 you.
20 A. It's been -- well, me and my mother -- my mother
and my
21 father divorced when I was eight, in the third grade, I
guess.

22 And we have been together ever since. It's just always
been me
23 and her. I mean my mother's world revolved around me.
24 Q. And at a certain point, did she meet another
special man in
25 her life?

15452

Melissa Smith - Direct

1 A. Yes. She met Riley Finley.
2 Q. Who is Riley Finley?
3 A. He is my father and her husband -- was her husband.
4 Q. What does Riley Finley do?
5 A. He works for the U.S. Marshal's Service, Air
Operations.
6 Q. Do you know what he does specifically?
7 A. Yeah. He flies -- flies a 727 Boeing airplane.
8 Q. He's a pilot for the Marshal's Service?
9 A. Yes.
10 Q. Do you know when he and your mother married?
11 A. They married on October 8, 1988.
12 Q. Can you tell the jury a little bit about their
13 relationship.
14 A. They had a very good relationship. It was very
caring and
15 loving. It was the kind of relationship that my
husband and I

16 would like to have.

17 Q. Now, are you -- are you familiar with some of the
other
18 activities that your mom did outside of her work?

19 A. She was -- she did a lot of -- she did -- sorry --

20 Q. Are you a little nervous?

21 A. Very.

22 Q. That's all right. Just take a breath.

23 Let me ask you about one specific thing, if I
could.

24 Are you familiar with what she did for the Red Cross?

25 A. She was a blood donor. She had a specific type of
blood,

15453

Melissa Smith - Direct

1 so she gave blood quite often to the Red Cross.

2 Q. Now, back in April of 1995, where were you working?

3 A. I was working at -- downtown at the Spaghetti
Warehouse as
4 a waitress.

5 Q. Do you recall the morning of April 19, 1995?

6 A. Yes, I do.

7 Q. How did you learn about the bombing?

8 A. I was asleep, and my husband had called me and told
me that
9 the federal building had blown up, because he was

working

10 downtown at the time and he had felt it and saw it, the
smoke,

11 and he knew that something was going on.

12 And he told me to get up; and when I got up, I
turned

13 on the TV, and that's how I knew -- I just turned on
the TV and

14 there it was.

15 Q. Did you recognize the area where your mother's
office had

16 once been?

17 A. Yes.

18 Q. And did you know what had happened to her that
morning?

19 A. No, I did not.

20 Q. Did you come to learn from Florence Rogers that
your mother

21 had been in a meeting with her at the time of the
bombing?

22 A. Yes, I did.

23 Q. Now, instead of focusing on that day, if we could,
could

24 you tell the jury a little bit about the impact your
mother's

25 death has had on you.

15454

Melissa Smith - Direct

because
my
voice has
was my
She was
something,
7 then Melissa got what she needed from her.

8 When I look in the mirror, sometimes that's
very hard
somebody
has been
11 very tough.

12 Q. Have you had some difficulty dealing with your
mother's
13 death when you had your own child?

14 A. Yeah. I went through a great deal of depression,
lost a
yourself in a
world, when I
17 actually cannot do that because I have a 2-month-old
baby who
18 needed me and I needed to be there for her.

that 19 Q. Now, you told us you look a lot like your mom. Is

20 right?

21 A. Uh-huh.

1092B. 22 Q. I want you to take a look at Government's Exhibit

your 23 MS. WILKINSON: We offer that into evidence,

24 Honor.

25 MR. TIGAR: No objection, your Honor.

15455

Melissa Smith - Direct

1 THE COURT: Received, may be displayed.

2 BY MS. WILKINSON:

3 Q. Mrs. Smith, who is that?

4 A. That's my mother.

5 Q. Now, after the bombing and after you lost your
mother, have

6 you ever had people tell you that you look like her?

7 A. Yes, I have.

8 Q. And how has that affected you?

9 A. It's been kind of tough, because I have a picture
of

10 this -- this exact picture sitting on my desk at work
and

11 people ask me if that's me, and I have to tell them,
"No, it's

12 my mom."

13 And they ask me why I have a mom on the death
-- or on

14 my desk, and I have to tell them.

15 Q. What about your daughter? Is there any
similarities

16 between your mother --

17 A. Her eyes.

18 Q. -- and your daughter?

19 A. They have the exact same eyes. They both -- her
eyes are

20 very blue. My daughter has very blue eyes.

21 Q. Finally, Mrs. Smith, if you could share with the
jury just

22 a little bit about the impact of the loss of your
mother on her

23 husband, Riley Finley, and your family.

24 A. It's been very tough for us. Riley has -- it's
been very

25 hard for Riley, because I know that -- as I said
before, my

15456

Melissa Smith - Direct

1 mother has always wanted to take care of me. Well,
then Riley

2 had to step in the picture and actually do the job for
her,

3 which I can always take care of myself, but it's always
nice to

4 have that somebody that you can lean on.

5 And I know that's been tough for him to know
what to
6 do, and he's always wanted to protect me from all of
this.

7 As far as my family, my husband, it's been
very tough
8 for him dealing with my emotions and my feelings and
the impact
9 that it has had on us. My daughter will never get to
see her
10 grandmother. My mother will never get to see -- she'll
never
11 get to see her grandbaby that she always -- that she
always
12 wanted, which is a girl. And she loves little girls.

13 The rest of my family, it's been very hard for
them.

14 My aunt is -- is going through a great deal of
depression right
15 now. You can't hardly talk to her. So it's made a
huge impact
16 on all of us.

17 MS. WILKINSON: Thank you very much, Mrs.
Smith.

18 MR. TIGAR: No questions, your Honor.

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

20 Next, please.

21 MR. MACKEY: LaDonna Madkins.

22 THE COURTROOM DEPUTY: Would you raise your

right

23 hand, please.

24 (LaDonna Madkins affirmed.)

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

15457

1 Would you state your full name for the record
and

2 spell your last name.

3 THE WITNESS: LaDonna Madkins, M-A-D-K-I-N-S.

4 THE COURTROOM DEPUTY: Thank you.

5 DIRECT EXAMINATION

6 BY MR. MACKEY:

7 Q. Good morning.

8 A. Good morning.

9 Q. Mrs. Madkins, did you lose your mother and father
together

10 at the same time on April 19, 1995?

11 A. Yes, I did.

12 Q. And would you be prepared to answer some questions
today

13 to -- intended to give a glimpse into the lives of your
mother

14 and father?

15 A. Yes, I will.

folks.

16 Q. Tell the members of the jury the names of your

17 A. Peola and Calvin Battle, B-A-T-T-L-E.

18 Q. And where were your mother and father from?

Luther,

19 A. They were from Oklahoma City. They were raised in

20 a small town between Chandler and Jones, Oklahoma.

21 Q. And did they marry at a young age?

22 A. Yes, they did.

23 Q. How old were your folks when they married?

24 A. My dad was about 20, and my mom was 15.

25 Q. And what was their ages at the time of their death?

15458

LaDonna Madkins - Direct

1 A. Dad was I believe 62, and mom was 55.

years?

2 Q. Had they shared a life together between those many

3 A. Yes.

the

4 Q. And in the course of that time, did they bring into

5 world four girls?

6 A. Yes, they did.

7 Q. You're one of them?

8 A. Yes, I am.

9 Q. Where are you in the age spread?

10 A. I'm the youngest.

grow up? 11 Q. Where did the Battle girls live? Where did they
12 A. We lived in Oklahoma City.
13 Q. And what do you do for a living, Mrs. Madkins?
in 14 A. I work now at the insurance commissioner's office
15 Oklahoma City.
16 Q. And how about your three sisters?
works 17 A. My three sisters: Janet works at Seagate and Doris
18 at Seagate and Gwendolyn works at Seagate.
19 Q. Where did your mother work?
20 A. My mom worked at Seagate.
21 Q. You saw each other a lot, every day?
22 A. Yes.
23 Q. Did your folks have some grandchildren?
24 A. Yes, they did.
25 Q. And how many?

15459

LaDonna Madkins - Direct

1 A. They had five grandchildren, and the one
grandchildren --
2 so it's a total of -- a total of seven grandchildren,
really.
3 Yeah.
4 Q. Tell the jury, if you could, in your own words,

of Peola 5 Mrs. Madkins, what it would be like to visit the home
likely see 6 and Calvin Battle on any given day. What would they
7 there?

feel -- 8 A. Well, if you were to come into our home, you would

You would 9 as you would enter the door, you would feel welcome.

for that 10 feel -- as soon as you would walk in the door and ask

feel the 11 first glass of water, you would probably -- you would

12 warmth and you would feel welcome in our home.

there? 13 Q. Is that an extension of the people that lived

14 A. Yes.

15 Q. In April of 1995, was your father still working?

16 A. Can you repeat that?

working? 17 Q. I'm sorry. In April of '95, was your father still

December, 18 A. No, he wasn't. He was -- he had gotten sick in

retirement. 19 and so he was in the process of taking a medical

20 Q. And how ill had he been?

two, 21 A. He was very ill. December, right after Christmas,

entered -- 22 three days later, after Christmas, my dad was --

23 admitted into the hospital with a thousand -- his -- he

was a

24 diabetic. He was diagnosed as a diabetic, and his
sugar level

25 was a thousand when he entered the hospital; so he was
very

15460

LaDonna Madkins - Direct

1 ill.

2 Q. Incidental to that experience, did he suffer a mild
stroke?

3 A. Yes, he did.

4 Q. And as a result of a combination of those factors,
was he

5 then forced into medical retirement?

6 A. Yes, he was.

7 Q. Before April 19, 1995, had he applied for Social
Security

8 benefits?

9 A. Yes, he did.

10 Q. How many years he had worked in the labor force
before he

11 sought those benefits?

12 A. Before he sought the benefits? I would say
probably

13 between 25 to 28 years.

14 Q. And was that for the same company in Oklahoma City?

15 A. Yes.

had he 16 Q. Prior to going to work for that company years ago,
17 served in the U.S. Army?

18 A. Yes.

mom and 19 Q. On April 19, 1995, Mrs. Madkins, did you see your
20 dad?

21 A. Yes, I did.

22 Q. And tell us why you were at their home.

other 23 A. Well, our routine around our home is that all the
to take 24 girls worked early, so I was the only one that was able
my 25 the kids to school, so I was the designated person. So

15461

LaDonna Madkins - Direct

would 1 routine would start out -- I would get the boys up, we

lived 2 all get ready; and Kimberly, which is my niece -- she

Kimberly up 3 with my mom and dad. So I would go over and pick

we would 4 and Christian up, which is the two granddaughters, and

5 start our day off.

up -- 6 So that April 19, I drove over and entered the
7 driveway. And as I opened the door, the driveway door

right 8 you can see through our home -- so my dad was standing
the kids, 9 there at the table. And so my mom came out to bring
know 10 so we stood there and we talked a while, and she let me
going to 11 what she was going to do; and she said her and Dad was
kind of 12 go downtown and take care of some business. And so I
baby, and 13 got this wild idea like I normally do, since I am the
take the 14 I told her -- I said, "Well, why don't I go ahead and
I'll go 15 kids to school, and I'll come back and I'll call in and
16 with you guys and we can have lunch together."
don't 17 And she just looked at me and she says, "No, I
18 think so. Me and Dad want to be together today."
go with 19 And so I kind of got mad because I wanted to
they 20 them, and I didn't -- and I didn't think at that point
"Well, 21 wanted me to be there; so I kind of got mad and said,
bye. 22 okay." And she turned to the grandkids and told them
was on 23 And she spoke to my son, which is Roy; and he
he asked 24 his way downtown, too, to go to a field trip. And so

25 my mom for some money, and my mom made a comment, "Do
your mom

15462

LaDonna Madkins - Direct

1 ever have any money?"

2 And he says, "No, my mom never has any money."

3 And she said, "I'm going to make sure you
always have

4 something stashed away in case of emergency."

5 And so she said, "Go back home and get Roy a
sweater,

6 because it gets cold down there."

7 And so she said, "I love you guys. I'll see
you this

8 evening," because her routine, she would pick them up
after

9 school. And she said, "I'll see you guys this
evening."

10 And I started out the driveway and proceeded
to my

11 job -- well, to drop the kids off and then to work.

12 Q. Mrs. Madkins, did you understand that at some point
that

13 morning your folks were going to go down to the Social
Security

14 office?

15 A. Yes, I did.

16 Q. And run some other errands perhaps as well?

17 A. Right. Yes.

18 Q. Now, you mentioned the young sister named Kimberly?

19 A. Yes.

20 Q. And she had been living with your parents?

21 A. Yes. She's -- she lived with my mom since she was
six
22 weeks old.

23 Q. And how old was she in April of '95?

24 A. She was, I believe -- either 12 or 13 at the time.

25 Q. In the course of that day, Mrs. Madkins, did you
learn

15463

LaDonna Madkins - Direct

1 about the bombing in downtown Oklahoma City?

2 A. Yes. I -- when I got to work, which was about I
would say
3 approximately -- I'm always kind of running a little
behind,

4 close to the clock, so it was probably about 8:55 or
somewhere,

5 8:58, and I was standing at the clock; and as I clocked
in, I

6 heard this loud noise. It was -- I mean -- the whole
building

7 just shook.

8 And I thought maybe one of the trailer trucks
had run

9 into the back of our loading dock, because I was

working at

10 Target stores at that time.

and I 11 And so I didn't really pay it any attention,

12 thought, oh, well, maybe everybody is okay; so I
proceeded to

13 clock in and go on to my job station.

14 And then a lot of the co-workers started
coming up and

15 questioning about the different -- what it was and
everything.

16 And so as the conversation went on, one person said
there was a

17 bomb -- someone blew up the Federal Court building.

18 And I just said, "Oh, oh. I hope everybody is
okay."

19 And then a couple more people came up, and
then

20 finally someone says, "No, it was the Alfred P. Murrah

21 Building."

22 And I said, "Oh, well, what building is that?"

23 And then they started telling the different
agencies

24 that were housed. And I said -- I said, "My mom" -- I
said,

25 "It's -- is that the Social Security building?"

15464

LaDonna Madkins - Direct

1 And they said yes.

2 And I said, "My mom is in that building. My
mom is

3 down there."

4 And so I started to call my sisters, and we
started

5 calling each other; and then we started paging her on
her

6 pager. And she didn't answer, and so we thought, okay,
since

7 she didn't answer, maybe she went to her other
appointment.

8 Maybe she wanted to go there first and then decided to
come on

9 down.

10 So we were still, you know, hoping that that's
what

11 had happened.

12 And then everything started to just get really
crazy

13 around the job; and they said no, it was definitely the
Alfred

14 P. Murrah Building that houses the Social Security,
FTF, and

15 all the other agencies, and that's when I told them I
had to

16 go.

17 And I was really calm and everything until I
got back

18 to the television and realized that all the people had
been

19 brought out and everything, and I knew then that my mom

and dad

20 was in that building.

21 Q. Mrs. Madkins, how many days did you wait to hear
officially

22 that your mother and father had died in the blast?

23 A. We waited a total of 14 days.

24 Q. And how many days did you wait to first learn of
your

25 mother's death?

15465

LaDonna Madkins - Direct

1 A. It was about -- let's see -- I would say about
eight days

2 we found out about our mom, and then it was another --
about

3 another -- no, it was about six days when we found out
about

4 our mom and then about eight days later, four days
later, we

5 found out about our dad.

6 Q. So several days elapsed between first being advised
of your

7 mother's death?

8 A. Right.

9 Q. And then your father's death?

10 A. Yes.

11 Q. In the course of that wait, were you notified about
a

Murrah 12 vehicle that had been located across the street of the

13 Building in the north parking lot.

14 A. Right. Their car was down there, and a lot of our
friends

15 had told us that had been down there -- said that they
seen my

16 mom's car. So we contacted the local people down
there, and

17 they told us that we could come down and identify my
mom's car.

18 And my sister, Janet, and Gwenn went down to
identify

19 the car, and the car was destroyed.

20 Q. Mrs. Madkins, I want to show you on the photograph
marked

21 as Government's Exhibit 1208F --

22 MR. MACKEY: That we would offer at this time.

23 MR. TIGAR: No objection, your Honor.

24 THE COURT: Received, may be shown.

25 BY MR. MACKEY:

15466

LaDonna Madkins - Direct

1 Q. Who is that?

2 A. That is my dad, Calvin.

3 Q. And as you look into that photograph, Mrs. Madkins,
and

who was 4 think about the time you shared with him, tell the jury

5 Calvin Battle.

not only 6 A. Calvin Battle was a loving, caring individual. He

contact 7 loved his daughter, he loved anyone that he came in

8 with.

showed 9 He raised four girls and he loved us and he

it 10 us -- he gave us values and a respect for others, but

grandsons. And 11 extended on to our (sic) grandchildren and the

model in 12 with the grandsons not having their fathers as a role

they 13 their lives, he picked up the slack and made sure that

them up 14 knew at any given time that he was always there to back

15 in anything that they did.

didn't have 16 So they -- it didn't bother them that they

and he 17 a father in the home because Pawpaw was always there,

grandfather. 18 made sure that they had what they needed as a

four 19 Q. Now, is it true that he had two loves in life, his

20 girls and Oklahoma University football?

key spot 21 A. Yeah, Oklahoma Sooners and his daughters was the

22 in his eyes.

23 Q. Let me show you another photograph, 1208G --

24 MR. MACKEY: -- that we'd offer at this time.

25 MR. TIGAR: No objection, your Honor.

15467

LaDonna Madkins - Direct

1 THE COURT: Received, may be shown.

2 BY MR. MACKEY:

3 Q. Is that your mother?

4 A. Yes.

5 Q. As you reflect on your time with your mother, tell
the

6 jury, please, who Peola Battle was.

7 A. Peola Battle had the biggest heart that America
could

8 probably ever have. She traveled all around the state,
and she

9 never met a stranger. She could walk into a room and
come out

10 of the room with at least 10 of those people -- knowing
them

11 from their background -- family background all the way
up to

12 what it is they do now.

13 She was just -- she was a giving woman. She
-- she

14 raised four daughters and loved us dearly, but she
extended her

15 love -- her love didn't stop with us. Any young person
that
16 came into her life, she took them under her wing; and
she made
17 sure that the last word they heard was something to
encourage
18 them to keep going, keep their head up and strive for
the sky,
19 because education was very important to her. And she
made sure
20 that they knew that, and she was just a -- just a
wonderful
21 woman.

22 Q. The importance of education to your mother: Was
that
23 demonstrated in what she did about her own education?

24 A. Yes.

25 Q. How so?

15468

LaDonna Madkins - Direct

1 A. She -- my mom and them came up under the Jim Crow
law; and
2 it was very hard, very -- a struggle. But she never
let that
3 struggle keep her back from getting what she wanted out
of
4 life, and she never sat around to wait for someone to
hand her
5 something. She went out and got what it was that she

wanted.

6 And she did not have opportunity to finish school, but
she put
7 four girls through high school, through college. And
then
8 after we got out of high school, she went back and got
her GED
9 and then went on to get her associate; and then she was
still
10 going to school to even better her education even
further from
11 there, so there was no stopping her.

12 When she put it in her mind to do something,
there was
13 no limit, no limitation; and that's what she told us:
We have
14 no limit; we limit ourselves. And so she told us to
always
15 strive and keep going forward.

16 Q. Mrs. Madkins, on behalf of yourself and your
sisters and
17 all of your parents' grandchildren, describe to the
jury the
18 impact of their deaths on April 19.

19 A. For myself, I not only lost two parents, I lost a
very dear
20 friend, friends that would tell me what it is I was
doing wrong
21 regardless whether it hurt me or not. They loved me
enough to
22 give me the right direction.

23 The impact for me, my life -- I have none. I

have no

24 life because my mom was my shadow; and without my mom,
it's

25 hard for me to find that direction. I don't know which
way to

15469

LaDonna Madkins - Direct

1 go.

2 For my sisters, we were a family that would be
3 classified as "Super Glue." The cap of the glue came
off, and
4 it took four loving daughters. Now we're at different
sides.

5 It has destroyed our lives.

6 Our grandkids will not share -- our kids will
not
7 share the love that we once shared because it's so much
pain
8 and we don't know where to distribute it to and we have
no

9 direction to where we should put it. So a family that
once was
10 is not anymore.

11 MR. MACKEY: Thank you, Mrs. Madkins.

12 THE COURT: Questions?

13 MR. TIGAR: No questions, your Honor.

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

15 MR. MACKEY: Lynn Gist, your Honor.

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

18 (Lynn Gist affirmed.)

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

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

22 THE WITNESS: My name is Lynn Gist, G-I-S-T.

23 THE COURTROOM DEPUTY: Thank you.

24 MR. GOELMAN: Thank you, your Honor.

25 DIRECT EXAMINATION

15470

Lynn Gist - Direct

1 BY MR. GOELMAN:

2 Q. Good morning, Ms. Gist.

3 A. Good morning.

4 Q. Where do you live?

5 A. I currently live in Maryland and work in
Washington, D.C.

6 Q. What do you do for a living?

7 A. I work as a traveling physical therapist.

8 Q. Do you have any specialty in physical therapy?

9 A. I work primarily with rehab patients, brain injury,

10 amputees, spinal cord injuries.

11 Q. How long have you been a physical therapist?

12 A. About 13 years.

13 Q. Where are you from originally?

14 A. I was born and raised in Midwest City, Oklahoma,
which is a

15 suburb of Oklahoma City.

16 Q. Will you tell us a little bit about your family.

17 A. I am the fourth of five girls. The five girls are
from

18 oldest to youngest -- there are just six years, so
we're stair-

19 stepped. The oldest two are just eleven months apart,
and

20 we're all very close.

21 Q. You say you're the fourth of five girls?

22 A. Uh-huh.

23 Q. Did the youngest of the five girls die in the
bombing?

24 A. Yes.

25 MR. GOELMAN: I'm going to show you and offer
into

15471

Lynn Gist - Direct

1 evidence Government's Exhibit 1435.

2 MR. TIGAR: No objection, your Honor.

3 THE COURT: Received, may be displayed.

4 BY MR. GOELMAN:

5 Q. Moving from left to right in this picture, can you
please
6 identify the person and where in the family she fell.

7 A. The one on the left in the red is Peggy. She's the
second
8 to the oldest.

9 The one in the blue overalls is Karen. That's
the one
10 that was murdered.

11 The next is my mother and then my father, and
the next
12 one is me. I'm the fourth.

13 And then the next one is Shirley. She's my
oldest
14 sister.

15 And then Sandra, the third to the oldest.

16 Q. When was this picture taken?

17 A. This was around 1991.

18 Q. And how old was Karen in this picture?

19 A. She would have been around 30.

20 Q. At the time of the bombing, where did Karen work?

21 A. She worked at the Murrah Federal Building for Army
22 Recruiting.

23 Q. And do you know what floor of the federal building?

24 A. She was on the 4th floor.

25 Q. I want to talk a little bit about April, 1995. I

don't

15472

Lynn Gist - Direct

1 want to talk about the 19th; but after the bombing, did
you go

2 home to Oklahoma City?

3 A. Yes.

4 Q. And when was Karen's body found and positively
identified?

5 A. It took 10 days.

6 Q. April 29?

7 A. Yes.

8 Q. In the interim, did you have an occasion to meet
someone

9 who worked in the snack bar in the Murrah Building?

10 A. Yes. There was a girl who worked in the snack bar
of the

11 Murrah Federal Building with -- the building that my
sister

12 worked in, and she and Karen were -- were on good
terms. They

13 liked each other and communicated quite a bit.

14 My family was all together, and she ran up to
my

15 second-to-the-oldest sister, who looked most like Karen
at the

16 time of her murder, and hugged her and said --

17 MR. TIGAR: Your Honor, I respectfully object

to the

18 characterization.

19 THE COURT: Yes. Please avoid use of the word

20 "murder."

I'm so

21 THE WITNESS: And hugged her and said, "Karen,

22 glad you made it out alive."

her it

23 My family was all very gracious to her, told

what had

24 was okay; that we understood. She realized instantly

25 occurred.

15473

Lynn Gist - Direct

1 BY MR. GOELMAN:

you

2 Q. When you were growing up as one of five girls, did

3 often get mistaken for each other?

as we'd

4 A. Yes. It used to be such a point of pride and fun

it's

5 exchange stories about that. But now when that occurs,

6 unnerving whenever they mistake me for Karen.

7 Q. Does that still happen?

8 A. Yeah, it still happens.

was.

9 Q. Can you tell us about what kind of person Karen

very 10 A. Karen was very wonderful. She was very animated,

11 energetic. She was a leader within the community.

12 She was athletic. And at the same time that she was

13 such a leader and had such a powerful influence on people, she

14 also had such compassion for them.

15 She worked in the evenings as an aerobics instructor

16 at school, at college; and when people didn't have the funds,

17 she couldn't -- attend, she couldn't just let them in, so she

18 would go down and pay the school's tuition for them so they

19 could attend.

20 She was a rare mixture of leadership and compassion.

21 Q. If Karen was in the room, was there ever an occasion when

22 you might not know it?

23 A. No. When Karen was there, the energy level just changed;

24 and if you couldn't see her, you always heard her. She had a

25 very distinctive, raspy voice and a laughter.

15474

Lynn Gist - Direct

1 Q. Was she married at the time of her death?

2 A. Yes. She had been married eight years.

3 Q. Did she have any children?

4 A. No. They were trying to have children; and one of
the
5 things we regret the most is that we don't have any
little
6 Karens now.

7 Q. On behalf of yourself and the other three Gist
girls, tell
8 us what it was like to grow up in a family of five
girls.

9 A. I -- it's quite amazing that with five girls and as
close
10 as we are in ages that we all have gotten along so well
and
11 there isn't competitions and jealousies. And that, I
think,
12 had to do with my parents' influence as much as
anything. They

13 made it real clear to us growing up that we would
support each
14 other, and that's part of why it's been so difficult to
lose
15 Karen.

16 She was a large part of our identity.

17 At the core of us all is the identity that we
have
18 with each other.

19 Q. Did you think of yourselves as a unit when you were
growing

20 up?
21 A. Yeah. We were always known as the "Gist girls";
and with
22 us being so close in ages, we were always with the
family
23 gatherings talked about and took pictures of, and she's
not
24 there anymore.
25 Q. And has the death of the youngest of the Gist girls

15475

Lynn Gist - Direct

1 affected the unit?
2 A. It is so strange. Everything is still so out of
sync.
3 Karen -- we like to use the analogy of a star with each
of the
4 Gist girls being one point of the star and the five
points, and
5 we're not a star anymore. She's not there anymore.
And it
6 just doesn't have the same effect.
7 Q. You said that Karen didn't have any children of her
own.
8 A. She was trying to have children.
9 Q. Did any of your sisters have kids?
10 A. Yes. We have two nieces, and Karen was very
influential
11 with them. I think as a result of Karen's influence
that the

to be 12 girls are now wanting to be in gymnastics and wanting
13 cheerleaders as well.

Karen 14 Q. Have the -- your nieces expressed anything about
15 since she's been gone?

her 16 A. Yeah. Karen was very close to them, and they loved
17 dearly. They still ask questions about her, still draw
all the 18 pictures, still write about her, and she still comes up
19 time in conversations.

20 Q. How has Karen's death affected your mom and dad?

ruthless 21 A. It just shattered their world. It was such a
think 22 separation. I think for a while after it occurred -- I
pain was 23 my parents for a time frame didn't want to go on. The
and 24 just so intense when Karen died, a lot of their hopes
25 dreams died, too.

15476

Lynn Gist - Direct

1 Q. Did Karen have any pets?

2 A. Yes. Karen, because of her asthma, had always had
3 Chihuahuas; and when she died, our brother-in-law gave

my

watch my
dog in a
animal
her,
4 parents that Chihuahua. And it's just incredible to
5 parents interact with that dog now. They love on that
6 way that I've never seen them interact with any other
7 we've ever had. It's almost as if it's an extension of
8 the last living thing we have of her.

9 Q. And how has Karen's death affected you personally?

whole
We were
together.
events,
10 A. Karen was as much a part of me as I am myself. Our
11 history was together. We were in basketball together.
12 in gymnastics together. We were in cheerleading
13 came up the year behind me in school. A lot of social
14 we attended together.

has ever
living
15 Karen walked with me in ways that no one else
16 been able to or will ever be able to. Karen was my
17 history, and it is so odd without her.

death?
18 Q. It's been two years and eight months since her

19 A. Yes.

20 Q. Do you miss your little sister any less today?

by now
21 A. I actually miss her more in a lot of ways, because
22 the shock is beginning to wear off. The realities are

setting

23 in. I can't pick up the phone and call her. We used
to have

24 long, deep conversations on the phone. Now those
conversations

25 are quiet.

15477

Lynn Gist - Direct

1 She wasn't just our sister, she was our
counselor and

2 our friend.

3 She was irreplaceable, and there is a void
there that

4 will never be filled.

5 MR. GOELMAN: Thank you very much, Ms. Gist.

6 MR. TIGAR: No questions, your Honor.

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

8 Next, please.

9 MR. MACKEY: William Dilly.

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

11 THE COURT: Yes.

12 (At the bench:)

13 (Bench Conference 148B3 is not herein transcribed
by court

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

15
16
17
18
19
20
21
22
23
24
25

15482

1 (In open court:)

witness. 2 THE COURT: We'll change the order to another

3 MR. MACKEY: Yes. Richard Dean.

4 THE COURT: All right.

right 5 THE COURTROOM DEPUTY: Would you raise your

6 hand, please.

7 (Richard Dean affirmed.)

8 THE COURTROOM DEPUTY: Would you have a seat,

please. 9

and Would you state your full name for the record

10 spell your last name.

11 THE WITNESS: Richard Hugh Dean, D-E-A-N.

12 THE COURTROOM DEPUTY: Thank you.

13 THE COURT: Ms. Wilkinson.

14 MS. WILKINSON: Thank you.

15 DIRECT EXAMINATION

16 BY MS. WILKINSON:

17 Q. Good morning, Mr. Dean.

18 A. Good morning.

19 Q. Tell the jury where you live.

20 A. In Yukon, Oklahoma, a suburb of Oklahoma City.

21 Q. Are you married?

22 A. Yes, ma'am.

23 Q. What's your wife's name?

24 A. Barbara West.

25 Q. Where do you work, Mr. Dean?

15483

Richard Dean - Direct

1 A. The Social Security Administration in Oklahoma
City.

2 Q. How long have you worked for the Social Security
3 Administration?

4 A. Since February 4 of '74.

5 Q. Does Barbara also work there?

6 A. Yes, ma'am.

7 Q. What does she do for the Social Security
Administration?

8 A. She's a claims representative.

9 Q. What do you do for them?

10 A. Same.

11 Q. Back in April of 1995, did you work for the Social
Security

12 Administration in the Alfred P. Murrah Building?

13 A. Yes.

14 Q. Did Barbara also work at that office?

15 A. Yes.

16 Q. Can you tell us if I show you Government's Exhibit
952,

17 which is the floor plan for the Social Security
Administration,

18 where you and Barbara worked on the morning of April
19? Could

19 you do that?

20 A. Okay.

21 Q. See that black pen that's up there attached to the
wire?

22 Take that down and underneath, right on the computer
screen.

23 A. Down underneath?

24 Q. Yes, sir. And if you could mark an X and indicate
where

25 your desk was.

15484

Richard Dean - Direct

1 A. This is -- this is our reception area here, and
this is the
2 security door you have to go through to get to the back
of the
3 office.

4 Q. Mr. Dean, are you holding the pen right onto the
screen to
5 mark it? You should be able to see your mark coming up
if it's
6 working.

7 A. This is the reception area here.

8 Q. There you go --

9 A. This area here is the reception area.

10 Q. That's where the visitors --

11 A. Yes.

12 Q. -- wait?

13 A. This particular room is 30-by-35. We've got 30
feet of
14 glass here on the north side of the reception area
which faces
15 5th Street.

16 This is all glass. It's 23 feet from that
glass,
17 plate glass, to the curb.

18 Q. Where was your desk in relation to the visiting
area?

you
security
after the
cylinder

19 A. This is the security door here to go through where
20 bring our -- where we bring our customers through the
21 door to come to the back of the office for interviews.
22 Barbara's desk was this area right here.
23 This is what became known as the pit area
24 bombing.
25 My desk was located right behind this round,

15485

Richard Dean - Direct

of
exited the
Building into
wall here
door.
rooms,

1 column, this area right here.
2 Q. Now, before we get to a discussion of the morning
3 April 19, can you mark and show the jury where you
4 building after the bombing?
5 A. Okay. From the lobby of the Murrah Federal
6 our reception area, from that door back to this back
7 is 170 feet, and about 30 feet from that back wall is a
8 It's an exit door that leads into some mechanical
9 machinery, equipment, that GSA was in charge of.
10 But through this double door here, you could

exit up

and this 11 these steps to the east side of the Murrah Building,

here was 12 would be Robinson Street. Right next to the building

13 Robinson.

this 14 Q. Thank you. Mr. Dean, are you prepared to tell us

the 15 morning about your efforts to help rescue people from

locate your 16 Social Security Administration and your attempts to

17 wife, Barbara?

18 A. Yes.

moment and 19 Q. If you could put the pen back on your desk for a

on the 20 tell the jury approximately what time you got to work

21 morning of April 19, 1995.

bowling 22 A. April 19, 1995, was a Wednesday, and that's our

And we 23 night; so Barbara and I rode together to work that day.

underneath -- 24 normally go in at 7:00 in the morning. We park

25 underneath the federal building in the parking garage.

15486

Richard Dean - Direct

1 Q. Now, how many years have you and Barbara been

together?

2 A. 16 years.

3 Q. And you've worked at the Social Security
Administration for

4 quite some time; correct?

5 A. Yes. We were one of the first agencies to move
into that

6 building in March, April of '77.

7 Q. Are you pretty familiar with Barbara's routine even
at

8 work?

9 A. Sure.

10 Q. And do you know where she normally is at 9:00 in
the

11 morning during the workday?

12 A. Right. There are some days where I would go the
entire day

13 without seeing her, but that's just because of the
location of

14 her desk to mine; but normally at 9:00, that's our
first

15 interviews of the day. Our appointments start at 9:00,
and she

16 wouldn't be any other place except at her desk because
that's

17 her first appointment of the day.

18 Q. That is where you believe she was on the morning of
19 April 19, when the bomb went off at the Murrah
Building?

20 A. There is no doubt in my mind she was there.

21 Q. And can you tell the jury what happened when the
bomb went

22 off.

23 A. Just before 9:02, Richard Allen, a good friend --
well,

24 he's more than a friend. He's more like a brother, my
bowling

25 partner, ski partner.

15487

Richard Dean - Direct

1 Q. Did he work with you at the Social Security
Administration?

2 A. Right. He's a claims representative. He sits
3 approximately 10 feet from my desk. He was at my
station --

4 work station, and we were discussing a case and also
trying to

5 figure out who we were going to bowl that night.

6 And we heard Rex, another claims
representative about

7 20 feet from where my work station -- he had brought
his -- he

8 had brought his claimant back, his customer back to his
desk

9 for an interview at 9:00. Now, Rex was one of those
types that

10 would bring his people back early, because at the front
of the

11 office you'd have kind of like a traffic jam there at
the front

12 door, the security door with various people calling --
call out

13 various names for customers to come back.

14 So we realized then it was -- we were coming
up on

15 9:00, so -- so Rex started his interview with Mr.
Mitchell.

16 Mr. Mitchell came through the security door.
His wife

17 was with him. And for some reason, she decided to stay
out in

18 the -- in the reception area; so he came back by
himself, and

19 Rex was conducting his interview with Mr. Mitchell.

20 Q. What happened?

21 A. Richard also had a 9:00 interview, so he left my
work

22 station to go to the front to get his interview. And
that's

23 the last time I saw him.

24 Q. And do you recall what happened after the bomb went
off?

25 A. Well, several things happened at once. There was a

15488

Richard Dean - Direct

1 brilliant flash of light. I found myself being
propelled over

2 my desk, and I wound up on the floor. It was pitch
dark.

kinds of 3 There were -- there was debris, ceiling tiles, all
4 debris that was falling down from the ceiling.

falling 5 I held my hand up to try to deflect what was
6 and the -- you could -- the breathing became a problem.
There 7 was dust, debris, concrete dust. I mean like one of
our 8 employees described it as being so thick you could cut
it with 9 a knife, but at the same time you could hear -- you
could hear 10 cries of individuals at the front of the office crying
for 11 help.

12 Q. Could you see at that time?

13 A. It was pitch black. You couldn't -- it was a
strange --
14 for me, it was very strange. I knew I had my eyes
open, but I
15 couldn't see.

16 Q. Did you know where Barbara was at that time?

17 A. Well, she should be at her work station.

18 Q. What did you think had happened to her?

19 A. Well, at the time I didn't -- I didn't know what
had
20 happened and how severe it was. I was -- I was hearing
these
21 cries for help in the front of the office. I was
hearing what

22 I later found out to be the floors collapsing. I was
23 hearing -- to me it sounded like gravel being dumped
from a
24 truck, sliding out of a truck, and you heard this --
and this
25 lasted maybe 10, 12 seconds, and you heard the cries
for help.

15489

Richard Dean - Direct

1 And then after the gravel noise stopped, you didn't
hear
2 anything else.

3 The -- you didn't hear anyone else from the
front of

4 the office, so I turned my attention to the -- my
operations

5 supervisor, who was -- or operations supervisor who was
right

6 across the aisle from me, Laquita Cowan. She was
covered with

7 debris. And Sharon Paulsen, another claims
representative --

8 she was trapped in her chair and covered up.

9 Q. Mr. Dean, did you assist them in getting out of the
10 building?

11 A. We took 3 to 5 minutes -- for your eyes to finally
adjust

12 to what was going on from the debris. The dust had
settled,

the 13 and the impact of the explosion had -- had knocked open
some -- 14 exit door on our chart here. And I was -- there was
area where 15 enough light where you could see the interior of the
16 we were in, the back.

17 Q. Did you eventually get those people out of the
building?

18 A. We held hands and we made our way to the back, and
I took 19 them up the stairs.

20 Q. Did you try and find Barbara?

21 A. I went back in and, of course, all the reference
points,
22 all the interior walls of the office had been knocked
down by
23 the impact; and I worked my way to the front of the
office and
24 out of the darkness.

25 Laura Bode, a claims representative, grabbed
hold of

15490

Richard Dean - Direct

1 me from the front; and she was obviously hysterical and
2 incoherent, so I took her to the back. And on the way
back, I
3 found Mr. Mitchell. During his interview with Rex,
there was

back up 4 some information he didn't know, so he was on his way
assist in 5 to the front to get his wife to bring her back to
6 processing his claim.

I just 7 And he was just -- I didn't know at the time.
toward 8 know he was trying to go to the front of the office, up
9 the reception area.

10 Q. What was his condition when you found him?

peppered, took 11 A. He was dazed and disoriented. He had been

12 some shrapnel wounds to his body and --

13 Q. Did you assist them in getting out of the building?

pointed 14 A. He was up and moving around, so I told him to -- I
the 15 to the back and tried to get him to move to the back of
led her on 16 office toward the light, and I carried Laura out and
17 the top of the stairs.

for a 18 And Janet Beck was out, and I talked to her

And I 19 second and I said, "Keep track of who makes it out."

seen 20 said who had made it out; and I asked her if she had

21 Barbara, and she said no.

time. 22 I went back in. A lot of the employees lost

23 They were stunned. They were knocked out. The work
24 stations -- the ones in the back -- they were starting
to come
25 to and make their way toward the light, toward the
back.

15491

Richard Dean - Direct

1 Q. Did you find some of those folks when you went back
in?

2 A. They were -- they were working their way back
toward the

3 back door, so I kept going toward the front where
Barbara's

4 work station was.

5 Q. Did you see her --

6 A. No.

7 Q. -- at that time?

8 A. No, I didn't. I did not see her. Her area was --
was full

9 of debris from floors. That part of the building --
that

10 section of our office was underneath the nine stories,
eight

11 additional stories, and it collapsed; and the -- the
chiller

12 water for the air-conditioning system for the building
had --

13 during the collapsing of the floors had severed an 8-
inch

was 14 pressurized pipe, cast-iron pipe in our office, and it

15 pouring 42-degree water into our work area there.

16 And I was looking at this and looking at the
fact that

17 Barbara's work station was no longer there. It was
just a pile

18 of rubble; and if she had any chance at all of
surviving that,

19 if she was pinned to the floor, she was going to drown
because

20 the water at that time was already a foot deep in our
work

21 area.

22 Q. Did you have some thoughts about your grandson at
that

23 point, Mr. Dean?

24 A. Yeah.

25 Q. Who is your grandson?

15492

Richard Dean - Direct

-- will 1 A. We have three grandchildren. We have -- Miranda is

and 2 be driving next March, and Mark will be 12 in January,

3 Cody -- Cody turns 6 April 9.

work 4 Q. What did you think about when you saw Barbara's

5 station?

Sunday. 6 A. Well, I thought about -- I thought about Easter

all the 7 The Sunday before the bombing was Easter Sunday, and

in the 8 kids were over the house. Of course, Barbara was out

time, 9 backyard hiding Easter eggs for Cody, and he -- at that

things run 10 he was just 3 -- just turned 3. And you -- a lot of

whether he 11 through your mind at that time. I wondered about

12 would remember his grandmother.

13 Q. Did you continue to help other people get out of

the Social 14 Security office, Mr. Dean?

help us 15 A. Yes. Well, first person appeared at the back to

told 16 was a fireman. I had him come up with his radio, and I

we were 17 him that we needed to get the water turned off or else

18 going to have people possibly drowning on the floor.

for 19 And, of course, that was -- I was concerned

had was 20 everyone and also for Barbara, but the only chance she

21 if we could dig her out.

22 He couldn't radio out because of the

interference, so 23 I went to the back door and left and I kept -- we're

looking

24 around where Barbara's work station was, and I heard
someone

25 moaning, so I started digging for her.

15493

Richard Dean - Direct

1 Q. Mr. Dean, do you know a woman named Sharon
Littlejohn?

2 A. Right.

3 Q. Does she work with you?

4 A. Right. She's been with us since -- she's worked
for Social

5 Security since 1987.

6 Q. And before the bombing, would you have easily
recognized

7 her?

8 A. Oh, yes. She had been in our office since June of
'92.

9 Q. Did you find her that day in the Social Security
10 Administration office?

11 A. She was -- the person I heard moaning was Sharon
12 Littlejohn. I finally dug her out. I picked her up.
I didn't

-- I
13 recognize her. She had taken -- she had taken a lot of

14 mean her face was -- I didn't recognize who she was. I
had to

15 ask her who she was. I thought maybe she might be one

of the

Sharon 16 customers from the reception area, but she said she was

she 17 and then I knew who she was. But she was obviously --

herself. She 18 was -- she was in bad shape. She couldn't help

ankle, but 19 couldn't stand. Later I found out she fractured an

somebody shot 20 she had severe shrapnel wounds. It looked like

flesh 21 her with a shotgun at close range. There were hunks of

couldn't 22 missing from her arms. Her face was just -- you

was. 23 tell -- you couldn't tell -- nobody could tell who it

remove her 24 Q. Did you get assistance from police officers to

25 from the building?

15494

Richard Dean - Direct

shock. She 1 A. Well, I knew she -- she -- she was going into

2 was beyond pain. I mean she wasn't -- she was getting

And I told 3 hysterical, and I was starting to feel weak myself.

for her; 4 her I had to leave to go to the back to get some help

5 and she didn't want me to leave, but I had to lay her

down.

6 I went to the back of the office and out the
door, and
7 Richard Williams, Oklahoma City Police Department, had
just
8 driven up in his unit; and I told him I needed someone
to come
9 in and help us get some people out of the work area.

10 And he came in, and we went back to the front
where I
11 left Sharon. She was still there, of course.

12 And we picked her up, and the two of us were
not able
13 to get her out. She was -- she was not able to help
us, and we
14 were not -- we're not talking just taking her down the
aisle
15 and taking her out there. We're talking about climbing
over
16 debris 5, 6 feet tall.

17 We had been there 18 years. We had three
different
18 types of computers in that office, so we still had --
all that
19 wiring from the various computers were still in the
ceiling,
20 and all that dropped down, so it was just a maze of
wires and
21 other debris that we had to climb over and through.

22 Q. Did you have to find a third person to assist you?

23 A. Richard finally decided that he needed to go back
and radio

Officer 24 for assistance; so he went back and he reappeared with
Sharon to 25 Keith Simonds, and the three of us were able to get

15495

Richard Dean - Direct

1 the back of the office and up the steps, but we were --
already 2 Q. Let me show you Government's Exhibit 1421, which is
3 in evidence.

4 If you could click the side of your pen, that
will 5 erase those marks there. Just click it.

6 Do you recognize this photograph?

7 A. Yes.

8 Q. Are you depicted in this photograph, Mr. Dean?

9 A. That's me in the background.

10 Q. That is you right --

11 A. Short-sleeved shirt.

12 Q. Next to the firefighter there?

13 A. Oh --

14 Q. Is that you next to the firefighter?

15 A. Yes, it is.

16 Q. And is that Ms. Littlejohn laying down?

17 A. That's Sharon.

her from 18 Q. Is that where you all took her after you removed
19 the Social Security office?
her -- 20 A. Yeah. The blast -- the initial blast had shredded
21 shredded all of her clothing, took a lot of her
clothing off,
22 and that's how she looked when we brought her out. She
was --
23 she was complaining of having difficulty breathing when
we were
24 bringing her out, but we couldn't stop. We had to
bring her
25 out the back, but she was suffocating in her own body
fluids.

15496

Richard Dean - Direct

rescue 1 Q. Did you go back in the building after you helped
2 Ms. Littlejohn?
this 3 A. I went back in the building, and at this time -- at
4 point in time, the firefighters had -- were starting to
come
5 into our work area; so I took two of them with me, and
we went
6 a different route to the front of the office. And I
was
7 pointing out the different locations where employees
would have

8 been -- should have been during the -- at 9:02. And we
looked
9 for survivors. And we got to the front of the office
and up to
10 the stock room where the skylight was. So we did have
light at
11 the front of the office, and that's where I found Carol
Bowers,
12 my operations supervisor, and good friend.

13 Q. How long had Ms. Bowers worked the Social Security
14 Administration?

15 A. Carol had 34 years with Social Security.

16 Q. What was her condition when you found her?

17 A. She wasn't covered up. I didn't know at the time,
but
18 another group of survivors had been by and checked on
her; and
19 I'm not sure if they had cleaned her off or not. She
was
20 laying there. You couldn't tell she had been injured;
but when
21 I raised her head up, she had taken a blow to the back
of the
22 head. I feel liked the sev -- the severed pipe,
chiller pipe,
23 had hit her in the back of the head.

24 Q. Did she survive?

25 A. No, she was gone. She -- she was -- she wasn't
with us

Richard Dean - Direct

1 anymore, so we got --

2 Q. Mr. Dean, how long did it take for you to find out
what had

3 happened to your wife, Barbara?

4 A. Well, we kept looking in that area, and we found
another

5 employee, Katrina Wreggit. She had been with us for a
month.

6 She transferred to Oklahoma City from West Virginia.
She --

7 her husband was -- had a -- was working FAA. And we
found her

8 next to her desk in a fetal position. She took a blow
to the

9 right side of her face, and she was in obvious shock.
She --

10 we had been by there twice and she hadn't said
anything, so she

11 was -- so we had to -- we had to move Carol to get
Katrina out

12 of that area.

13 And somebody had thrown down a part of the
picket

14 fence from around the day care down the skylight, and
we used

15 that to bridge a -- between the piles of rubble. We
used it as

16 a bridge to get to the wall of the skylight where the
17 firefighters had lowered a ladder down. And the
decision was

was 140 18 made to take her up the ladder because it was too -- it
ladder 19 feet back to the back door, so they carried her up the
20 and took her out.
21 Q. At that time, did you know where Barbara was?
22 A. No. I -- I -- the firefighters got a call on the
radio to 23 go to the 2d floor, the day-care center. They needed
help up 24 there. I told them I was going to stay there, so I sat
down 25 next to Carol and tried to listen and see if they could
hear

15498

Richard Dean - Direct

1 anybody there in the office. And I couldn't hear
anyone else,
2 and I looked around in front of the office there where
I could;
3 and finally I had to -- I had to leave Carol laying
there. And
4 I exited the building, and I walked around to the front
of the
5 building; and that's when I realized how severe the
damage was.
6 I thought the -- I thought -- I just thought the damage
was to
7 our area. I didn't realize the magnitude of what
happened

8 until I walked around the front.

9 Q. And did you find Barbara?

10 A. Well, I -- after looking at that, I turned around
and

11 walked down 5th Street, and I recognized Dennis
Purafoy, our

12 assistant manager, and Gwenn Greise and Laquita Cowan.
They

13 were together compiling names of people that they had
not seen.

14 And staying behind Gwenn, I recognized -- the first
thing I

15 recognized was the dress that she was wearing. And she
had her

16 hands over her face. She was trying to stop -- she
took a

17 severe blow to the face and scalp, and she had her --
she was

18 trying to compress the blood flow from her scalp, and
she had

19 her hands covering her face; but I knew who it was when
I saw

20 the dress.

21 Q. After the bombing, you learned that you had lost
many

22 colleagues. Is that right?

23 A. We lost 16 employees and 24 customers in the
waiting room.

24 Q. Could you share with the jury, Mr. Dean, the impact
of

25 losing 16 colleagues on you and your wife, Barbara.

15499

Richard Dean - Direct

1 A. Well, as more -- it was a personal thing with me
because
2 we're not talking about -- we're not talking about
employees
3 and colleagues. We're talking about an extended
family. This
4 is our -- we always referred to ourselves as the Social
5 Security family, and we're a tight-knit group. We had
-- we
6 had a very professional staff and a lot of experience
under the
7 belt. We had -- Ron Harding and Carol Bowers both had
over 30
8 years' service. We had five that died that had over 20
years.
9 We had three that had over 15 and three others that had
over
10 10, so we were a very senior staff prior to April 19 of
'95.

11 When we reopened in May 22 of '95, we were
looking at
12 a very -- we were looking at an experience gap there.
We were
13 looking at a lot of new faces, a lot of eager faces, a
lot of
14 people that wanted to -- that were caring and
compassionate and
15 concerned about those who had survived; but, you know,
we were

that we 16 still trying -- we're still trying to make up that gap
17 have as far as experience goes.

18 MS. WILKINSON: Thank you very much, Mr. Dean.

19 THE COURT: Questions?

20 MR. TIGAR: No questions, your Honor.

excused. 21 THE COURT: You may step down. You're

22 THE WITNESS: Thank you.

23 THE COURT: Next, please.

24 MR. MACKEY: Mr. John Youngblood, Jr.

right 25 THE COURTROOM DEPUTY: Would you raise your

15500

1 hand, please.

2 (John Youngblood affirmed.)

please. 3 THE COURTROOM DEPUTY: Would you have a seat,

and 4 Would you state your full name for the record

5 spell your last name.

0-0-D. 6 THE WITNESS: John Youngblood, Y-0-U-N-G-B-L-

7 THE COURTROOM DEPUTY: Thank you.

8 THE COURT: Mr. Mearns.

9

DIRECT EXAMINATION

10 BY MR. MEARNS:

11 Q. Good morning, Mr. Youngblood.

12 A. Good morning.

13 Q. How old are you, sir?

14 A. 19.

15 Q. Where do you live?

16 A. Yukon, Oklahoma.

17 Q. Where is Yukon in relation to Oklahoma City?

18 A. It's about 12 miles or so.

19 Q. And are you in school there?

20 A. Yes. I'm a senior.

21 Q. Senior in high school?

22 A. Uh-huh.

23 Q. And your name is John Youngblood, Jr. Is that
right?

24 A. Yes.

25 Q. You're named after your father?

15501

John Youngblood - Direct

1 A. Yes.

2 Q. And was your father killed in the explosion in
Oklahoma
3 City in April of 1995?

4 A. Yes, he was.

5 Q. What was your father's nickname? What did his
friends call

6 him?

7 A. They called him "Buddy."

8 Q. What do your friends and your family call you?

9 A. "Bud."

10 Q. How many sisters do you have?

11 A. I have four.

12 Q. What is your oldest sister's name?

13 A. Tammy.

14 Q. And how old is she?

15 A. I think she's 32.

16 Q. And what's the next sister's name?

17 A. Becky.

18 Q. And how old is she?

19 A. 26.

20 Q. And what are your other sisters' name?

21 A. Ann and Robin.

22 Q. Do you have any brothers?

23 A. No.

24 Q. Where was your father working in April of 1995?

25 A. He was working at the Federal Highway
Administration at the

John Youngblood – Direct

1 Alfred P. Murrah Building.

Highway
2 Q. And he had just recently returned to the Federal
Administration about six weeks before the bombing in
April of
3
4 '95?

5 A. Yes, he had.

6 Q. He had spent pretty much his whole career working
for the
7 government, for public agencies?

8 A. Yes, he had.

9 Q. Prior to working for public agencies, what had he
done when
10 you had lived in New Mexico?

11 A. He was a -- like a deputy sheriff for New Mexico.

12 Q. And after he began working for the Federal Highway
13 Administration, did your father continue to work in law
14 enforcement in any way?

15 A. Yes. He was a reserve officer.

16 Q. And was he a reserve officer in April of 1995?

17 A. Yes, for Yukon.

18 Q. Besides working and raising a family, what kinds of
things
19 did your father do before his death?

20 A. He used to teach my Little League baseball team or
help
21 coach it, and we used to go hunting every November and
go

22 fishing and stuff like that.

23 Q. Let's first talk about the Little League. Were you
on the

24 team that your father coached?

25 A. Yes, I was.

15503

John Youngblood - Direct

1 Q. In what years did your father help coach that
Little League

2 team?

3 A. '94 -- no, '93, '94.

4 Q. What was his position? What kind of a coach was
he?

5 A. He was a dugout coach.

6 Q. What does that mean?

7 A. He pretty much got us ready to go out on the field
and

8 stuff, psyched us up, I guess you could say.

9 Q. What kind of a relationship did he have with your
fellow

10 teammates?

11 A. He was just like a buddy to everybody. Everybody
got along

12 with him and everybody liked him.

13 Q. You also told us that you used to go hunting and
fishing

14 with your father. Is that right?

15 A. Yes.

16 Q. Where did you go hunting?

17 A. Three Rivers, Texas. It's kind of in between Fort
Worth

18 and Houston.

19 Q. Was there a regular trip that you took to Three
Rivers with

20 your father every year?

21 A. Yes, there was.

22 Q. What time of the year would you go?

23 A. Right before Thanksgiving.

24 Q. And how many people would go on that hunting trip
with you

25 and your father?

15504

John Youngblood - Direct

1 A. There was probably more than 10 that went with us.

2 Q. And when did you first start going on that regular
hunting

3 trip with your dad?

4 A. When I was 9.

5 Q. Was it something that you did every year from --
since you

6 were 9 years old?

7 A. Yes, it was.

8 Q. Tell us a little bit about that experience, what it

meant

9 to you to go hunting with your father.

10 A. It was -- we just got together. That was our time
to just

11 get out and pretty much talk about everything that was
going on

12 in our lives.

13 Q. What kind of a person was your father?

14 A. He was well-respected and kind to people who were
kind to

15 him. He would do anything to help anybody.

16 Q. And what kind of a father was he?

17 A. He was the best dad I could ask for.

18 Q. How did you learn about the bombing on April 19?

19 A. My sister woke me up.

20 Q. Were you at home because it was a spring vacation
from

21 school?

22 A. Yes, it was.

23 Q. And later that day, did you go down to St.
Anthony's

24 Hospital where your father was?

25 A. Yes, I did.

15505

John Youngblood - Direct

1 Q. Did there come a time that day on April 19 when you
saw

2 your father?

out of

3 A. Yes. I was the first one to see him when he came

4 the emergency room.

you saw

5 Q. How long was your father in surgery that day before

6 him?

7 A. They called -- he got out about 11:00 at night from

8 surgery.

you saw

9 Q. Tell us, if you would, about the experience when

10 your father that evening.

control,

11 A. It was hard seeing him just -- he was always in

up

12 and seeing him so helpless like that just -- it tore me

13 inside to see him like that.

14 Q. What did you do?

15 A. I just lost it. I couldn't see my dad like that.

16 Q. Were your sisters there with you at the hospital?

17 A. Yes, they were.

18 Q. Was your mother there?

19 A. Yes, she was.

time?

20 Q. Did you speak to them about the experience at that

21 A. Yes, sir. Yes, I did.

22 Q. How long was your father hospitalized?

23 A. 23 -- 23 days.

24 Q. Your father died on May 12?

25 A. May 5.

15506

John Youngblood – Direct

1 Q. May 5?

2 During the time that he was hospitalized, did
you

3 visit him regularly?

4 A. Yes, I did.

5 Q. Describe that experience for us, if you would.

6 A. Well, the first time we saw him, it was hard; and
then we
7 saw him gradually get better and better. And then the
last two
8 days, he just dropped, and it was unexpected. It was
like we
9 pretty much lost him twice.

10 Q. Tell us, Mr. Youngblood, the impact, the effect
that the
11 loss of your father has had on your four sisters.

12 A. It's been hard for them because that was pretty
much the
13 male figure in their life, and I -- they looked up to
him and
14 they didn't know what to do after that.

15 So I'm the only male now, so they pretty much
look up

16 to me for, you know, the strong arm.

17 Q. Describe what impact the loss of your father has
had on
18 you.

19 A. It's -- it's been hard because, you know, I have
four
20 sisters. They're great, but, you know, to go hunting
and stuff
21 like that with your dad and -- it was -- it was -- it
was just
22 hard to do.

23 Q. Mr. Youngblood, if you would, I'd like you to take
a look
24 at Government's Exhibit 1439.

25 MR. MEARNS: Which we offer at this time, your
Honor.

15507

John Youngblood - Direct

1 MR. TIGAR: No objection, your Honor.

2 THE COURT: Received, may be shown.

3 BY MR. MEARNS:

4 Q. Mr. Youngblood, tell us who we see in that
photograph,
5 please.

6 A. That's my father and my mom.

7 Q. Tell us, if you would, what the impact has been
upon your
8 mother with the loss of your father.

she 9 A. It's been hard for her. I've seen her have days
for 10 just -- just cried and cried, and I know it's been hard
11 her.

12 MR. MEARNS: Thank you, Mr. Youngblood.

13 Thank you.

14 MR. TIGAR: No questions, your Honor.

You're 15 THE COURT: Excuse me. You may step down.
16 excused.

Members 17 I think we'll take the recess at this time.

take 18 of the jury, as has been our practice throughout, we'll

And of 19 the 90-minute recess here, which will be till 1:25.

about 20 course, as is the custom throughout, I caution you

others, 21 avoiding discussion among yourselves and with all

anything 22 anything concerning this matter and staying away from

kind 23 and any publication of any kind, communication of any

24 relating to the issues to be decided.

25 You're excused now till 1:25.

1 (Jury out at 11:56 a.m.)

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

3 THE COURT: Yes.

4 (At the bench:)

5 (Bench Conference 148B4 is not herein transcribed
by court

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

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15512

1 (In open court:)

2 THE COURT: All right. Recess. 1:25.

3 (Recess at 11:58 a.m.)

4 * * * * *

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16 * * * * *

17 REPORTERS' CERTIFICATE

18 We certify that the foregoing is a correct
transcript from

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

20 at Denver, Colorado, this 31st day of December, 1997.

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22

23

Paul Zuckerman

24

Carpenter

25

Bonnie