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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Action No. 96-CR-68

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LYNN NICHOLS,

Defendant.

ff

REPORTER'S TRANSCRIPT
(Trial to Jury: Volume 149)

ff

Proceedings before the HONORABLE RICHARD P.
MATSCH,
Judge, United States District Court for the District of
Colorado, commencing at 1:25 p.m., on the 31st day of
December,
Denver,
1997, in Courtroom C-204, United States Courthouse,
Colorado.

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Transcription
Street,
629-9285

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APPEARANCES

Western

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3

District of Oklahoma, and RANDAL SENDEL, Assistant U.S.

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Attorney for the Western District of Oklahoma, 210 West

appearing

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

15 * * * * *

16 PROCEEDINGS

17 (Reconvened at 1:25 p.m.)

18 THE COURT: Be seated, please.

19 MR. MACKEY: May we approach?

20 THE COURT: Yes.

21 (At the bench:)

22 (Bench Conference 149B1 is not herein transcribed
by court
23 order. It is transcribed as a separate sealed
transcript.)

24

25

15519

1 (Jury in at 1:26 p.m.)

2 (In open court:)

3 THE COURT: All right. Your next witness.

4 MR. MACKEY: Mr. William Dilly.

5 THE COURT: Okay.

6 THE COURTROOM DEPUTY: Would you raise your
right

7 hand, please.

8 (William Dilly affirmed.)

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

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

12 THE WITNESS: William David Dilly, D-I-L-L-Y.

13 THE COURTROOM DEPUTY: Thank you.

14 THE COURT: Mr. Sengel.

15 MR. SENDEL: Thank you, your Honor.

16 DIRECT EXAMINATION

17 BY MR. SENDEL:

18 Q. Where are you from, Mr. Dilly?

19 A. I'm originally from West Virginia, but I -- I live
in Ohio
20 now.

21 Q. All right. Where in Ohio do you live?

22 A. Barnesville, Ohio.

23 Q. Where is that, approximately, in the state?

24 A. It's central -- east central, real close to the
West
25 Virginia-Pennsylvania border.

15520

William Dilly - Direct

1 Q. All right. Do you live there with your family?

2 A. Uh-huh. Yes, I do.

3 Q. And who is in your family?

4 A. I have a wife and I have three children.

5 Q. All right. Now, you told us you grew up in West
Virginia.

6 And in great suspense here, you're not from Oklahoma;
right?

7 A. No, I'm not.

8 Q. All right, sir. Where do you work in Ohio?

9 A. I work -- I'm a correctional officer at a -- a
division of

10 corrections prison. State prison.

11 Q. All right. How long have you been in that
position?

12 A. Five years.

13 Q. All right. Prior to that, were you in the
military?

14 A. Well, prior to that, I worked in the prison system
in West

15 Virginia; but prior to that, I was in the military.

16 Q. All right. And when did you enlist in the Army?

17 A. May of 1988.

18 Q. All right. And when you enlisted, where did you go
for

19 basic training?

20 A. I went to Fort Benning, Harmony Church.

21 Q. And were you in the infantry?

22 A. Yes, I was.

23 Q. When you went to basic training at Fort Benning,
did you go
24 into basic training with Terry Nichols?
25 A. Yes, I did.

15521

William Dilly - Direct

1 Q. And did you also go into basic training with
Timothy
2 McVeigh?
3 A. Yes, I did.
4 Q. All right. When you went into basic training, did
you meet
5 these men as you went down to Fort Benning?
6 A. Yes. Yes, I met them -- I met them the first day,
7 actually. Both of them.
8 Q. All right. The unit you were in there in Fort
Benning,
9 what was it called? Was it a plan that you were in
that had a
10 certain name?
11 A. Yes, sir. We were in a cohort unit. It was an
experiment
12 the Army used for a couple years to keep the same guys
together
13 for their whole term of service. They have -- they
don't have
14 it anymore. It didn't work. But the plan was that
guys would

15 go through basic training together, AIT, go to the same
16 permanent duty station all the way till the time they
ETS'd out
17 of the service.

18 Q. All right. Now, you said AIT. What is that?

19 A. Advanced infantry training. You have basic
training, and
20 then you have advanced infantry training.

21 Q. All right. When you arrived in Fort Benning, then,
in your
22 cohort unit, did you see Mr. Nichols and Mr. McVeigh on
a daily
23 basis there?

24 A. Yes.

25 Q. Did you see the relationship between Mr. Nichols
and

15522

William Dilly - Direct

1 Mr. McVeigh?

2 A. Yes. They were very close friends.

3 Q. All right. And you say they were very close
friends. Did

4 they develop a friendship early on at basic?

5 A. Yes. It was kind of weird. Actually, it was like
they

6 were best friends a couple days after they met. They
hung

7 around together. Actually, Tim kind of followed Terry
around.

8 Terry was made platoon leader as soon as we got there.

9 Q. All right.

10 A. He was the oldest member of our group coming in;
and we had

11 a lot of young guys and he carried himself really well,
so he

12 was platoon leader from the start.

13 Q. All right. Now, you say "platoon leader." Then
how many

14 men were normally in a platoon?

15 A. Our platoon, I think -- I'm not sure. Maybe 80.
70.

16 Q. As a platoon leader, what -- what did they do at
basic

17 training?

18 A. They acted basically as a platoon sergeant would in
a

19 regular unit. He would head the formations. He would
be --

20 our first formation, he would be at the front of the
formation.

21 He would march us. He would -- you know, it was his

22 responsibility to make sure we were where we were
supposed to

23 be.

24 Q. At basic training, were there other men that were
also made

25 platoon leaders?

15523

William Dilly - Direct

and yes, 1 A. Yes. Each -- we had four platoons in our company;
2 each platoon had a platoon leader.

3 Q. How long was basic training?

together, so 4 A. Total with the AIT -- in infantry, they do it
5 four months.

Nichols 6 Q. All right. For that period of four months, did Mr.
7 remain platoon leader for that entire period of time?

8 A. Yes. From start to finish.

that 9 Q. For the other platoon leaders, did they stay in
10 position for the entire four months?

two or 11 A. No. None of the other ones did. No. They all had
12 three.

awards 13 Q. All right. Did Mr. Nichols, in fact, receive some
14 at basic training?

basic class. 15 A. Yes. Terry was our outstanding soldier in our

Nichols and 16 Q. All right. At basic training, did -- did Mr.

17 Mr. McVeigh seem to be together on a daily basis?

friends. 18 A. Yes. They -- like I said, they were very close

19 By the end of basic, it was -- they were like -- almost
like
20 brothers. They -- Tim really, as I say -- when he
first came
21 in, he was really meek. He kind of looked to Terry for
22 support. He was kind of scared -- like kind of almost
looked
23 like a junior high kid, he looked so young. And Terry
-- Terry
24 was -- he came in and he really -- right from the
start, you
25 know, he took the platoon leader job, and he really --
like I

15524

William Dilly - Direct

1 said, he was our outstanding soldier. He was. He was
our
2 outstanding soldier.
3 Q. Yeah. Approximately how old was Mr. Nichols at
basic
4 training; do you remember?
5 A. Oh, I would guess -- he was six years older than
me. And I
6 was one of the older guys there. So he would have been
7 probably 32, 33.
8 Q. All right. And how old was Timothy McVeigh?
9 A. I would think 18 or 19. Maybe 19.
10 Q. All right. So you -- you mentioned they were

almost like

11 brothers. Did it seem like Mr. McVeigh looked up to

12 Mr. Nichols like an older brother?

13 A. Yes. It was almost like big brother--little brother

--

14 MR. TIGAR: Objection. Leading.

15 THE COURT: Yes. Let's avoid the leading.

16 MR. SENDEL: All right. Certainly, your

Honor.

17 BY MR. SENDEL:

18 Q. Now, in observing the relationship, then, between
these two

19 men, was one of them the leader of the two?

20 A. I think Tim looked up to Terry. Like I said, he
was really

21 meek when he first got there. Really skinny. Even
skinnier --

22 I mean, he was a thin person, but he was extremely
skinny when

23 he first got to basic. He built up after we got there.
And he

24 was scared. A lot of the guys pushed around on him a
lot and

25 stuff, so he looked to Terry kind of for support.

15525

William Dilly - Direct

1 Q. And between the two of them -- I mean, as I asked
you if

who was 2 you -- if there was a leader between the two of them,

3 it?

our whole 4 A. Well, I would say Terry. Terry was the leader of

5 platoon.

6 Q. All right.

7 A. Everyone looked at him as a leader.

platoon 8 Q. Now, based on your interactions with Mr. Nichols as

9 leader, would you say he was an intelligent man?

10 A. Yes. I'd say he was very intelligent.

unit was 11 Q. All right. You mentioned, of course, the cohort

together? 12 assigned together. Did you all go to Fort Riley

13 A. Yes, we did.

point become 14 Q. All right. And at Fort Riley, did you at some

15 the roommate of Timothy McVeigh?

the first 16 A. Yes. We came NCO's at the same time, and we were

they put us 17 two soldiers in our cohort unit to become NCO's, so

18 in an NCO room together.

19 Q. And again, what's an NCO?

20 A. Noncommissioned officer.

McVeigh, 21 Q. All right. When you became roommates with Timothy

22 was Terry Nichols still in the service at that time?

got a 23 A. No. He was not. He had already -- I heard he had
24 hardship, but he had left the service.
25 Q. All right. While you were roommates with Mr.
McVeigh --

15526

William Dilly - Direct

1 how long were the two of you roommates?
2 A. A little over a year.
3 Q. All right. Up until what time period?
4 A. Until we went to the Gulf War.
5 Q. And to Desert Storm?
6 A. Yes.
7 Q. All right. During the time period that you lived
with
8 Mr. McVeigh, then, approximately how long was that
before you
9 went to Desert Storm?
10 A. It was a year. We actually roomed together for a
while
11 with -- before we became NCO's, but alone, we were in a
room
12 together at least ten months.
13 Q. All right. During the time period that you were a
roommate
14 with Mr. McVeigh, did he keep in contact with Mr.
Nichols?

written 15 A. Yes. He corresponded with Mr. Nichols and -- both
16 and phone calls. On a regular basis, yes.
17 Q. How long -- how often did they communicate?
18 A. Of course, we were in the field a lot, you know.
It would 19 vary. When we were at the barracks, he -- he -- I'd
say at 20 least on a weekly basis.
21 Q. Were these phone calls, or letters, or --
22 A. He would -- you know, Tim would tell me he had
called him 23 or whatever, or he had wrote him. I know like one
time, he got 24 some -- is it beef jerky -- deer jerky that Terry had
sent him. 25 So, you know, they corresponded. I don't know exactly
day to

15527

William Dilly - Direct

me, you 1 day how much, but it was a lot, because Tim would tell
I'd ask 2 know, like, you know, what -- what had been going on.
3 him every now and then what Terry was, you know, doing.
4 Q. This frequent communication, did it continue for
the entire 5 time period that you were Mr. McVeigh's roommate?
6 A. Yes. He kept in contact with him in that time

frame, yes.

7 Q. All right. After you went to Desert Storm, did
there
8 continue to be contact?

9 A. Yes. There was several times where he told me he
was
10 going to correspond with --

11 MR. TIGAR: I'd like to register an objection
to the
12 hearsay.

13 THE COURT: Overruled.

14 THE WITNESS: Yes. There was several times
that he
15 told me he was going to tell Terry things that we were
doing.

16 So, you know, I'm -- unless he lied to me, I'm assuming
that he
17 did.

18 BY MR. SENDEL:

19 Q. All right. After Desert Storm, did you yourself
get out of
20 the service?

21 A. Yes, I did.

22 Q. All right. Took an early discharge?

23 A. Well, actually, I was past my ETS time because I
had a stop
24 loss for the war, but I cleared as soon as I got back.

25 MR. SENDEL: All right, sir.

Honor. 1 Thank you. I have no further questions, your

2 THE COURT: Mr. Tigar.

3 CROSS-EXAMINATION

4 BY MR. TIGAR:

Tigar. I'm 5 Q. Good afternoon, Mr. Dilly. My name is Michael

6 one of Terry Nichols' lawyers.

7 At 5:28 p.m. on the 21st of April, 1995, you
called

8 the FBI hot line; is that correct, sir?

9 A. I don't know the exact time; but, yes, I did call
the FBI

10 hot line. Yes, sir.

11 Q. You called them to say that you had roomed with
Timothy

12 McVeigh for a year when you were stationed in Fort

Riley,

13 Kansas; correct?

14 A. Yes. I'm sure I told them that, yes.

15 Q. Yes. You didn't mention Mr. Nichols' name, did
you, sir?

16 A. No, sir.

17 Q. All right. You told the FBI that Mr. McVeigh was a
white

18 supremacist; correct?

19 A. I don't think I actually said that. They asked me

many

20 questions. I'm not -- I really cannot remember my
exact words.

21 MR. TIGAR: May I approach, your Honor?

22 THE COURT: Yes.

23 BY MR. TIGAR:

24 Q. Showing you hot line Lead No. 3354. I know that's
not your

25 document. Could you look at that paragraph, please,
and tell

15529

William Dilly - Cross

1 me if that refreshes your recollection you told them he
was a

2 white supremacist or supremacist.

3 A. I don't remember saying that. I do remember saying
about

4 the survivalism.

5 Q. Now, do you remember telling them that Mr. McVeigh
was an

6 ammunition and gun freak?

7 A. Yes, I did. I told them he was very interested in
them.

8 Q. Do you remember telling them that Mr. McVeigh had
rented a

9 storage shed in Junction City, Kansas?

10 A. Yes, I do.

11 Q. When he showed up in the Army, he had his own

personal

12 weapons, didn't he? Mr. McVeigh?

13 A. Yes.

14 MR. TIGAR: Excuse me, your Honor.

15 BY MR. TIGAR:

16 Q. And he was not permitted to bring his own personal
weapons

17 on base, was he?

18 A. No one was, no.

19 Q. And so he rented this storage shed to keep his
weapons;

20 correct?

21 A. Correct.

22 Q. And in that storage shed, he kept other weapons,
didn't he,

23 that he later obtained?

24 A. Yes, he bought and sold, you know. He got some,
got rid of

25 some.

15530

William Dilly - Cross

1 Q. So this young soldier was already in the gun-
trading-and-

2 collecting business when he was in the Army; correct?

3 A. I don't know if he actually was in the gun trading
-- he

4 was -- yeah. He was into the weapons before.

5 Q. Stored black powder in the shed, didn't he, sir?

6 A. Yes. He had black powder.

7 Q. Stored manuals on how to build explosive devices,
didn't

8 he, sir?

9 A. I'm not sure about that. I mean, he had the
survivalism

10 magazines. I don't know if he really stored them
there.

11 Really, you could have the magazines on base.

12 Q. Well, did you ever see Mr. McVeigh with documents
in his

13 possession relating to how to build weapons or bombs?

14 A. Many -- he used -- had Soldier of Fortune and -- I
can't

15 remember the exact names of some of the magazines, but
almost

16 all those magazines have that in the back of them.
They will

17 have storage --

18 Q. Okay. And he stored -- so he stored things there
that had

19 information how to build bombs; correct?

20 A. Yes. Those magazines do have that information.

21 Q. And in addition to that, he stored survivalist
materials;

22 correct?

23 A. Yes.

24 Q. All right. Now, Mr. McVeigh did talk to you during
the

upset 25 time that you roomed with him that he was extremely

15531

William Dilly - Cross

special 1 regarding the appointment of two African-Americans to a

2 sniper school. Do you remember that, sir?

3 A. Yes.

4 Q. And did you interpret his opposition to Afr --

appointed 5 Mr. McVeigh's opposition to African-Americans being

supremist 6 to this sniper school as reflecting some white

7 attitudes?

qualified 8 A. He was upset about it. He was actually the most

just very 9 person for the job. He was a very good shot. He was

10 surprised that he didn't get one of them.

11 Q. He was bitter about it?

to get 12 A. Oh, he was upset because, you know, you work hard

a 13 those scores, you know. Whenever you're trying to get

14 school, you get upset if you don't get it.

told you 15 Q. All right. Now, in addition to that, Mr. McVeigh

16 that he had purchased, with a friend in Buffalo, 10

acres;

17 correct?

18 A. Correct.

David

19 Q. And that he and his -- did he ever mention the name

20 Darlak?

21 A. He might have, but it didn't stick with me. I'm
not sure.

22 Q. Did he say that he was going to get together with
this

23 friend and build bomb shelters after he got out of the
service?

24 A. He said he was going to -- they, I guess, had
planned to

25 make a survivalist-type place there in case something
happened.

15532

William Dilly - Cross

1 They would have a survivalist camp.

Buffalo;

2 Q. Okay. And that was with whoever his friend was in

3 correct?

4 A. Yes. I can't remember his name exactly.

time on

5 Q. All right. You called the FBI hot line a second

6 the evening of April 21, did you not, sir?

7 A. I may have.

8 Q. And do you remember just mentioning more about Mr.

McVeigh?

9 A. Yes. Because I was -- you know, it had been a long
time

10 since I'd seen Mr. McVeigh. And when I first saw him
coming

11 out of the courtroom, I just thought I should call
quick

12 because I knew my name would pop up. Then I
recollected more

13 things because I was kind of -- kind of -- I just got
off work

14 and saw it, and I was just like --

15 Q. That's him; right? You saw him, you said, Well,
that's the

16 McVeigh I know?

17 A. Well, you know, actually, I even -- I even waited
to see it

18 again to make -- you know, it was so overwhelming that
I just

19 didn't want to believe it; and then when I saw it
again, I --

20 Q. And the second time you called, you didn't mention
Terry

21 Nichols' name either, did you, sir?

22 A. No, sir.

23 Q. Now, you called again at 7:12 p.m. on the 22d of
April, a

24 Saturday. Do you remember that?

25 A. Yes.

William Dilly - Cross

1 Q. And that time, you did give them another name,
didn't you?

2 A. I'm not sure.

3 Q. Do you remember the name "Joel Johnson"?

4 A. Yes.

5 Q. All right. Do you remember giving them the name
"Joel
6 Johnson"?

7 A. Yes.

8 Q. Did you tell the FBI that Mr. McVeigh had a good
friend and

9 an Army buddy who was dishonorably discharged and that
that was
10 Joel Johnson?

11 A. Yes.

12 Q. And what was Joel Johnson, this Army buddy of
13 Mr. McVeigh's, dishonorably discharged for?

14 A. Discharging a weapon.

15 Q. Well, don't you all do that in the Army?

16 A. Well, he discharged a weapon that he had in his
poss -- a

17 personal weapon on base, and you're not allowed to have
18 personal weapons on base.

19 Q. Fired it out the barracks window?

20 A. Yes, he did.

21 Q. No enemies in sight?

22 A. There was no enemies in sight.
23 Q. All right. So this Army buddy of Mr. McVeigh's,
Joel
24 Johnson, what description did you give of him?
25 A. When -- the -- they had come to talk to me on the
phone.

15534

William Dilly - Cross

1 The FBI contacted me after I called the hot line.
2 Q. Yes, sir.
3 A. They asked me -- they were asking me questions
about if
4 I -- you know, anyone that was very interested in
explosive
5 devices. And he was. He made black-powder bombs.
That's the
6 reason I gave them his name.
7 Q. Oh, Joel Johnson did?
8 A. Yes, he did.
9 Q. Mr. McVeigh --
10 A. He would go out on farms. But he enjoyed that, you
know,
11 so that's the reason I gave his name.
12 Q. Okay. And he was -- but you didn't mention Mr.
Nichols'
13 name in this conversation with the FBI on the 22d, did
you,

14 sir?

15 A. No, I did not.

16 Q. All right. Now, when you all got down there to --
where

17 did you do your basic? In Fort Benning?

18 A. Yes.

19 Q. And you were a part of the cohort unit?

20 A. Yes. Cohort unit.

21 Q. And Mr. Nichols was the oldest person there;
correct?

22 A. Yes.

23 Q. And what -- you were next oldest in your group that
you

24 knew?

25 A. Actually, I think there was a Private Anderson that
was a

15535

William Dilly - Cross

1 couple -- myself and a Private Anderson were the next,
yes.

2 Q. And Mr. Nichols got made platoon leader, do you
think in

3 part because he was older than the others?

4 A. More mature, yes.

5 Q. And he did a good job as a soldier, didn't he, sir?

6 A. Yes, he did.

7 Q. Now, is it the same in the Army as in the branch of

service

8 I served; you're supposed to look up to your leader
that you

9 have in basic training?

10 A. Yes. I looked up to Terry there. I did. I was
very

11 impressed with him. He was a good leader.

12 Q. Well, you're supposed to look up to your leader,
aren't

13 you, sir?

14 A. Yes. That's what I -- and I did.

15 Q. All right. And -- because he's the one that's been
16 assigned by the military to be responsible for you and
march

17 you around and get you settled and do whatever else
platoon

18 leaders do; correct?

19 A. Correct.

20 Q. And this was in -- let's see here. This was in May
of

21 1988; right?

22 A. When we first got there, it was May of 1988.

23 Q. Now, when did you become aware that Mr. Nichols had
a son?

24 A. It was toward the end of our basic training.

25 Q. And that was about six weeks in?

William Dilly – Cross

1 A. No. No. I would say more -- more toward July.
Because it

2 was hot. I mean, it was really hot.

3 Q. So a couple months, three months?

4 A. Yeah. A couple months.

5 Q. Okay. And what did you learn about Mr. Nichols'
having

6 this son?

7 A. I learned one day because he -- it was really
getting hot

8 and everybody just wore down to -- a certain point in
basic

9 training about halfway through where everybody just --
you

10 start to give up, you know. And Terry got up in front
of us

11 and gave us a big speech about how, you know, "Yeah, I
know

12 it's bad and I know this is bad." He says, "You know,
I've got

13 a son at home, you know, and I want to go see my son.
You

14 know, and just suck it up, and let's drive on." And I
just --

15 and that's how at first, I heard of his son.

16 Q. Okay. Now, later, there came a time when Terry
actually

17 went and got custody of his son. You knew that, didn't
you?

18 A. Yes.

19 Q. And he rented a house there for his son?
20 A. Yes. I didn't know it was a house, but I knew he
rented a
21 place there.
22 Q. Did you ever go there where he was taking care of
his boy?
23 A. No, I did not.
24 Q. But you knew that Terry then had to apply for a
25 compassionate discharge; correct?

15537

William Dilly - Cross

1 A. I had heard he had put in a hardship, yes.
2 Q. And do you know that he got it?
3 A. I assumed he did. I mean, because he had done
nothing to
4 get kicked out for.
5 Q. Right. And with his record, it wouldn't surprise
you that
6 he got an honorable discharge, would it?
7 A. No. Not -- I would expect he would.
8 Q. And so -- and he got that discharge in what? May
of 1989?
9 A. I don't know the exact month, yes. But it was
10 approximately -- May or June. That's what I would
guess.
11 Q. When did you all go to Germany together?
12 A. Oh, I'm trying to think. I'm not really sure. I

don't

13 think Terry went with us to Germany, though.

14 Q. That was my question. He didn't go with you to
Germany,

15 did he?

16 A. No.

17 Q. Now, you and Tim McVeigh and the others went off to
18 Germany, and Mr. Nichols stayed home because he had his
boy;

19 right?

20 A. Right.

21 Q. Okay. And then you all did something in Germany
and got

22 back to the United States; is that right?

23 A. Correct.

24 Q. Now, did you serve in Desert Storm?

25 A. Yes, I did.

15538

William Dilly - Cross

1 Q. And -- and served with Mr. McVeigh; correct?

2 A. Yes, I did.

3 Q. And during this time, Mr. McVeigh -- that you were
serving

4 with Mr. McVeigh, this was after Mr. Nichols had left
the Army;

5 correct, sir?

6 A. Yes, sir. Quite a bit. A long time after.

7 Q. Now, how much longer did you and Mr. McVeigh serve
together

8 after Mr. Nichols had gotten a compassionate discharge
to go

9 home and be with his boy?

10 A. Two years.

11 Q. Two years?

12 A. Two years. A little bit more than two years
because of the

13 stop loss.

14 Q. Now, during that two years you served with Mr.
McVeigh, how

15 would you describe his progress through the ranks?
Everybody

16 comes in as an E1; right?

17 A. Correct.

18 Q. All right. What did he make by the time you left
him?

19 A. He was an E5 when he got out of the Army.

20 Q. Was that pretty good progress for an enlisted
person?

21 A. Yes. It was the same rank I had, yes.

22 Q. All right. Well, then tell us about yourself. Not

23 everybody gets to make E5 in that period of time, do
they, sir?

24 A. No. Everyone has a -- I mean, I guess you have a
shot.

25 Everyone has an equal shot. But, you know, only the
people who

15539

William Dilly - Cross

your 1 get the highest scores and get up -- you have to be --

2 first order has to send you to the board, you know.

3 Q. And Mr. McVeigh did that; right?

4 A. Yes.

all had 5 Q. And he made that progress during this time when you

Desert 6 gone to Germany, and then you all fought together in

7 Storm; right?

one of 8 A. Correct. Well, you know, he made -- he was always

one of 9 the first ones all the way through. He would -- he was

corporal 10 the first specialists. He was, you know, the second

11 we had in our unit. So he -- he was --

12 Q. Real hot dog?

always 13 A. From the beginning, straight out of basic, he was

14 one step ahead of everybody.

15 Q. Mr. McVeigh was?

straight 16 A. Yes. Actually, Terry was one of the E2's coming

17 out of basic, also.

18 Q. I understand. I'm talking about the time after Mr.

Nichols

19 left to take care of his boy. Mr. McVeigh went on and

20 advanced; correct?

21 A. Yes. Yes, he did.

22 Q. Then Mr. McVeigh had a disappointment, didn't he,
sir,

23 about special forces? Did you know about that?

24 A. Yes. Yes.

25 Q. Tell us about --

15540

William Dilly - Cross

1 A. I wasn't there at the time. I was still at Desert
Storm.

2 Q. Uh-huh. And what did Mr. McVeigh want to achieve
in

3 getting into special forces?

4 A. Actually, I think -- of course, the special forces
itself

5 is an elite group, but you get to jump in rank. He
would have

6 jumped from E5 to E7, and I think that was his main
reason he

7 wanted to do it.

8 Q. And he washed out, didn't he?

9 A. I'm really not -- like I said, I wasn't there.
I've heard

10 three or four different stories on what the deal was.
But

11 myself, I really don't know. I would have to --

12 Q. When you say you've heard three or four different
stories,

13 when's the last time before today that you ever saw
Terry

14 Nichols?

15 A. When he left Fort Riley --

16 Q. 1989?

17 A. -- in 1989.

18 Q. Sometime in 1989?

19 A. Yes.

20 Q. And of course, after he left, you said that Mr.
McVeigh

21 would tell you that Mr. Nichols had written to him;
correct?

22 A. Yes.

23 Q. You never saw any of those letters, did you?

24 A. Actually, I did. I think I saw one or two.

25 Q. You saw one or two letters?

15541

William Dilly - Cross

1 A. Yes.

2 Q. Right?

3 A. I didn't get in his mail.

4 Q. You didn't get his mail.

5 A. Yeah.

6 Q. So all -- basically, other than one or two letters,
all you
7 know about the contact between Mr. Nichols and Mr.
McVeigh is
8 what Mr. McVeigh told you; correct?

9 A. Correct. Yes.

10 Q. Now, Mr. McVeigh was not hesitant about
communicating with
11 people, was he, about things he cared about? Well, let
me --
12 A. I'm not sure exactly what you're asking me.

13 Q. Okay. Well, let's talk about the time -- there
were times
14 when you all would go out in the -- on maneuvers where
you'd
15 have to be away from your base or barracks for three or
four
16 days; correct, sir?

17 A. Usually, 29 days is the way we'd do ours.

18 Q. Well, on one of those ones where you'd have to be
away,
19 would he -- did he have a book with him, Mr. McVeigh?

20 A. Yes. I know what you're talking about now. The
Turner
21 Diaries, yes.

22 Q. He had The Turner Diaries. Okay. And did he have
to
23 actually make room for it in his pack to be able to
carry The
24 Turner Diaries out there for his overnights?

your -- 25 A. You only got enough room for so much stuff extra in

15542

William Dilly - Cross

you take 1 in your bag. A few things, but not much by the time

2 all your cold-weather gear and everything.

right? 3 Q. And he chose to put The Turner Diaries in there;

4 A. Yes.

Turner 5 Q. Did he also urge you, Mr. McVeigh, to read The

6 Diaries?

7 A. Yes. He asked me to read it.

8 Q. Did you read it?

9 A. No, I didn't.

10 Q. You weren't interested?

have 11 A. I -- I was doing my E5 board at the time. I didn't

12 time to fool with anything.

course, 13 Q. I understand, sir. Now, in addition to -- of

14 Mr. McVeigh was a very good friend of yours; correct?

15 A. Yes, he was.

16 Q. And you roomed together; right?

17 A. Uh-huh.

18 Q. And during the time you roomed together, you would
talk

19 about things; correct?

20 A. Yes.

21 Q. And you -- as a matter of fact, you kept up your
friendship

22 with him, did you not, after he left the Army?

23 A. After he left the Army?

24 Q. Yes.

25 A. I indirectly contacted him a little bit for like a
month

15543

William Dilly - Cross

1 and a half after I got out. But after that, no. Tim
never

2 contacted me -- as a matter of fact, I don't think he
contacted

3 many. I know Private Littleton -- well, he's not
Private

4 anymore. But Littleton, he contacted him a couple
times; and

5 then -- you know, I kept in touch with Littleton and
he'd say,

6 you know, "Tim said hi." But that was basically about
the size

7 of it.

8 Q. Now, you came forward to testify on Mr. McVeigh's
behalf in

9 his penalty phase, did you not, sir?

10 A. Yes.

23d; 11 Q. Now, and the -- the FBI came out to see you on the

12 correct? Of April?

13 A. Yes. I'm sure.

14 Q. Mr. -- Agent Laupert? Do you remember him?

15 A. Yes. Uh-huh.

that -- 16 Q. Okay. Now, it was at that time that you told him

17 about Mr. Nichols; correct?

18 A. I'm not sure if that was -- I'm sure it might have

been the 19 first time I said --

20 Q. Did they ask you about Mr. Nichols, or did you

volunteer 21 the information?

22 A. I really don't recollect.

23 Q. And you told them that Mr. McVeigh was a young

individual 24 who looked up to older soldiers like you and like Mr.

Nichols; 25 correct?

15544

William Dilly - Cross

1 A. Yes. That's true, yes.

2 Q. He did look up to you, didn't he?

3 A. Yes, he did. I sponsored him to get his E5, yes.

4 Q. And he roomed with you; correct, sir?

5 A. Uh-huh.

6 Q. And he -- do you think he admired the
accomplishments that

7 you had?

8 A. Admired -- I made it before him. I think he kind
of envied

9 that a little bit.

10 Q. All right. Envy, admiration.

11 A. Yes.

12 Q. But he certainly had your respect; right?

13 A. Yes.

14 Q. All right. And -- I mean, he respected you and you
15 respected him; correct?

16 A. Yes.

17 Q. Now, he even -- despite this relationship that you
had with

18 Mr. McVeigh, did -- did you agree with his politics?

19 A. No. Not really. I -- I really had no serious
views on

20 politics.

21 MR. TIGAR: Thank you, Mr. Dilly. No further
22 questions.

23 THE COURT: Do you have any redirect?

24 MR. SENDEL: Nothing further, your Honor.

25 THE COURT: All right. The witness, then, I
take it,

15545

1 may be excused?

2 MR. SENDEL: Yes, your Honor.

3 THE COURT: Is that agreed?

4 MR. TIGAR: Yes, your Honor.

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

6 Next witness, please.

7 MR. MACKEY: Richeal Thatcher.

8 THE COURT: Thank you.

9 THE COURTROOM DEPUTY: Would you raise your
right

10 hand, please.

11 (Richeal Thatcher affirmed.)

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

13 THE WITNESS: Thank you.

14 THE COURTROOM DEPUTY: Would you state your
full name

15 for the record and spell your last name.

16 THE WITNESS: My name is Richeal Thatcher.
It's

17 R-I-C-H-E-A-L, T-H-A-T-C-H-E-R.

18 THE COURTROOM DEPUTY: Thank you.

19 MR. SENDEL: Thank you, your Honor.

20

DIRECT EXAMINATION

21 BY MR. SENDEL:

22 Q. Would you tell us where you live, please, ma'am.

23 A. Oklahoma City.

24 Q. And are you married?

25 A. Yes, I am.

15546

Richeal Thatcher - Direct

1 Q. And how long have you been married?

2 A. About three-and-a-half years.

3 Q. All right. I want to ask you about your birth
family. And

4 did you lose a member of your family in the Alfred P.
Murrah

5 Building bombing?

6 A. My oldest sister.

7 Q. And what was her name?

8 A. Robbin.

9 Q. In addition to Robbin, were there other members of
your

10 birth family?

11 A. Well, she was pregnant.

12 Q. No. I'm sorry. I meant other brothers and
sisters.

13 A. In the bombing, no, sir.

14 Q. No. Pardon me. I'm confusing you. That's my
fault.

15 A. Yeah.

16 Q. In your birth family, did you have other brothers
and

17 sisters besides Robbin?

18 A. Uh-huh. I have three sisters and a brother.

19 Q. All right. Where did your sister work?

20 A. For the employees' credit union.

21 Q. All right. Now, your mother and father, do they
also live

22 in Oklahoma City?

23 A. They live in Bethany.

24 Q. All right. If you would, please, tell us something
about

25 your family, your mother and father and sisters that
you grew

15547

Richeal Thatcher - Direct

1 up with.

2 A. Oh, gosh. There are five of us altogether, and we
were

3 born within like a seven-year period, and so we were
all really

4 close. And being military, we moved around a lot, so
we

5 learned to get along well and play together, and we
have just

6 always been close.

7 Q. Okay. Does your family have the habit of dining
together

8 regularly?

9 A. Every Sunday. It's like going to church in the
morning.

10 It's -- I don't know when it started. I guess when the
first

11 of us got married and moved away, we -- it -- it just
sort of

12 happened. We all just came back and congregated at Mom
and

13 Dad's for Sunday dinner about 5. And if you're not
going to

14 make it, you call Mom so she doesn't worry. But
otherwise,

15 we're there. There's usually 10 to 15 of us every
Sunday.

16 Q. So did members of the family -- they brought their
spouses

17 along with them?

18 A. Everybody. Yeah.

19 Q. Okay. How old was Robbin in April of 1995?

20 A. 37.

21 Q. All right. And was she married?

22 A. Yes, she was.

23 Q. Who was she married to?

24 A. His name is Ron.

25 Q. And what was his last name?

Richeal Thatcher - Direct

1 A. Huff.

2 Q. All right. When had she married Ron Huff?

3 A. In March of '91.

4 Q. All right. I want to show you a photograph we've
marked as

5 Exhibit 2203, Ms. Thatcher. If you would look down in
front of

6 you, you should see it. Is this your sister and her
family?

7 A. Yes, it is.

8 MR. SENDEL: Your Honor -- your Honor, we're
going to

9 offer Exhibit 2203.

10 MR. TIGAR: No objection, your Honor. Sorry.

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

12 BY MR. SENDEL:

13 Q. All right. If you would, please, tell us who we
see in

14 this photograph.

15 A. That's my sister Robbin, and her husband Ron, and
those are

16 her two stepsons, Matt and Cory. But to her, they were
like

17 her own kids.

18 Q. Now, did Ron and Robbin -- were they going to start
a

19 family of their own?
20 A. Robbin was expecting.
21 Q. All right. In April of 1995, she was expecting?
22 A. Yes, sir.
23 Q. All right. How far along was she in April of 1995?
24 A. Seven months.
25 Q. All right. And did she and her husband, Ron, know

whether

15549

Richeal Thatcher - Direct

1 they were going to have a boy or a girl?
2 A. No.
3 Q. Had they wanted to know?
4 A. Not really. They really wanted a girl because they
5 Matt and Corey, but a healthy one would have been fine.
6 Q. Okay. Now, when did you first hear about the
7 the Murrah Building?
8 A. Immediately after it happened. I had been downtown
9 prayer breakfast at the Myriad a couple blocks from the
10 building and had just made it back to my office. And
11 husband called to make sure I had got out of downtown.
12 Q. What did you do after you heard about it?

had

bombing at

for a

my

13 A. We -- I just stayed at work.

14 Q. Did you get in touch with any other members of your
family?

15 A. I called Mom. We had a real short conversation.
My father

16 had been downtown when it happened, and she was waiting
for him

17 to call her. So we didn't tie up the phone lines.

18 Q. All right. Did your father also work downtown?

19 A. About a block from the Murrah Building.

20 Q. And I take it he was also aware of the bombing?

21 A. Yes.

22 Q. And did he go down to where the Murrah Building
was?

23 A. He knew right away when it happened. He had been
in

24 Vietnam a couple tours, and he knew when it -- when he
heard

25 it, it was a bomb. I mean, immediately went out and
started

15550

Richeal Thatcher - Direct

1 looking for Robbin.

2 Q. All right. Did he then call back to your mother?

3 A. Yes.

4 Q. All right. And when did you learn that Robbin
would have

5 been in the bombing?

6 A. We knew that was her building.

7 Q. Okay. Now, after you heard about the bombing, did
you get

8 any reports of pregnant women that might be at area
hospitals?

9 A. After I got home that afternoon, they said there
was one

10 that was seven months pregnant and she was a Jane Doe
at the

11 time and she had been taken to an area hospital, so I
knew it

12 was Robbin. I figured she's the only one that was
seven months

13 pregnant, so -- but it wasn't her.

14 Q. After that, did you have to wait a while to learn
whether

15 they recovered Robbin's body?

16 A. We got a call five days later, on Monday, the 24th,
that

17 they had Robbin.

18 Q. Did you learn after her death what the sex of the
child was

19 going to be?

20 A. Yes. We did.

21 Q. What was that?

22 A. A girl.

23 Q. And had Robbin and Ron picked out a name if they
were going

24 to have a girl?

Denise. 25 A. Yes. They had already decided on that. Amber

15551

Richeal Thatcher – Direct

1 Q. Does your family still have dinners on Sundays?

2 A. Every Sunday.

3 Q. Okay. If you would, please, I'd like for you to
tell us

4 what has been the impact of the loss of Robbin on your
mom and
5 dad.

6 A. My dad, when his building was demolished, they
rebuilt like

7 just half a block down the street; so every day, he
goes

8 downtown and every day, he sees the tourists and stuff
go to

9 the fence. And it's just been horrendous on him, and
his

10 health has not been very well lately; and it's -- it's
a

11 terrific void in our family. Robbin was a -- a link
between

12 all of us, being the oldest.

13 Q. If you would, please tell us how it's impacted on
your

14 mother.

15 A. She's more quiet. She lost her firstborn. She
tries to be

Excuse 16 the same, but you can tell there's something missing.
17 me.
to lose 18 Q. And what effect has it had on you and your sisters
19 your sister Robbin?
together. 20 A. I lost my best friend. We did a lot of things
league, 21 We bowled for like over 12 years together in the same
doing 22 and she learned to decorate cakes, and we were always
coordinate 23 crafts and stuff together. And Christmastime, she'd
and we 24 all the gifts and the money situation and everything,
chattering 25 just -- we were just always close. She was always

15552

Richeal Thatcher - Direct

1 and, you know, I miss her, you know -- her chatter.
dinnners on 2 Q. Do Ron and his sons still come to the family
3 Sunday?
4 A. Every Sunday.
table? 5 Q. Do you still keep a place for Robbin at the family
6 A. We do. We know she's still there.
7 MR. SENDEL: Thank you.

8 I have nothing further, your Honor.

9 MR. TIGAR: No questions, your Honor.

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

11 THE WITNESS: Thank you.

12 THE COURT: Next.

13 MR. MACKEY: With the Court's permission, we
would

14 like to play Government Exhibit 1425. It's a video of
a

15 youngster, P. J. Allen, who was injured in the bombing.

16 THE COURT: All right. You may do so.

17 (Plaintiff's Exhibit 1425 played.)

18 MR. MACKEY: Next, we'll call Megan Allen.

19 THE COURT: All right. Megan Allen.

20 THE COURTROOM DEPUTY: Would you raise your
right

21 hand, please.

22 (Megan Allen affirmed.)

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

24 Would you state your full name for the record
and

25 spell your last name.

1 THE WITNESS: Megan Nicole Allen, A-L-L-E-N.

2 THE COURTROOM DEPUTY: Thank you.

3 MR. MACKEY: Thank you, Judge.

4 DIRECT EXAMINATION

5 BY MR. MACKEY:

6 Q. Good afternoon.

7 A. Hi.

8 Q. Tell the jury, Ms. Allen, where you live.

9 A. I live in Norman, Oklahoma.

10 Q. And have you lived in Norman, Oklahoma, all your
life?

11 A. Born and raised.

12 Q. Are you attending school?

13 A. Yes. I'm a freshman at the University of Oklahoma.

14 Q. Tell the jury the names of your mom and dad.

15 A. Ted Allen and Laurie Burton.

16 Q. And did your mom and dad have more than you as
children?

17 A. Yes. There's four of us, and I'm the youngest.
There's

18 Jill. She's 25 now. And Gretchen who's 23. And
Spencer is

19 20. And then me.

20 Q. Did your mom and dad divorce at some point?

21 A. Yes. When I was about 8 or 7. They separated.

22 Q. And after that time, did they each remarry?

23 A. Yes. Both of them.

time 24 Q. After the remarriages, did you spend most of your
25 or -- that is, all of your time divided between the two

15554

Megan Allen - Direct

1 households?

2 A. Yes. Equal. Both households. I went to both.

with your 3 Q. So did you have a long opportunity to spend time
4 father even after the time of their divorce?

5 A. Uh-huh.

other? 6 Q. Were the two households close in proximity to each

from 7 A. Yes. They were both in Norman, about 5 miles away

8 each other.

his new 9 Q. When your father remarried, what was the name of
10 wife?

11 A. Kay Goodlow.

marriage? 12 Q. And does she have a daughter from a previous

me. 13 A. Yes. She has Rachel, who's two years younger than

friends? 14 Q. And did you and Rachel over time become very good

15 A. Yes. Very much so.

16 Q. Did Ted and Kay then later have a child of their

own?

17 A. Uh-huh. Austin, who's now seven.

18 Q. So between the two families, there were a total of
six

19 children?

20 A. Uh-huh.

21 Q. Megan, I want to show you a photograph marked 2211.

22 MR. MACKEY: Your Honor, I'd move for its
admission.

23 MR. TIGAR: No objection, your Honor.

24 THE COURT: Received. May be shown.

25 BY MR. MACKEY:

15555

Megan Allen - Direct

1 Q. Now the jury can see the photograph, Megan. Could
you

2 start on the left-hand side with the woman in the red
sweater

3 and just introduce by name those persons that appear
there.

4 A. Okay. The one on the left, that's my sister Jill,
my

5 oldest, who's 25. That's -- next to her is Spencer.
He's my

6 older brother, who's 20. And that's me right below him
--

7 we're all holding hands, being goofy -- and sitting on
my dad's

8 lap. That's my dad in the middle. And my stepsister
is on his
9 other knee. She is Rachel. And then Austin is down
there. He
10 was about 4 at the time of that picture. And there's
Kay,
11 which is my stepmom, above Rachel. And Gretchen, my
second
12 oldest sister.

13 Q. Tell us, Megan, a little bit what it was like
growing up
14 with a family with Ted Allen as your father.

15 A. It was great. We had -- when I remember him, I
just think
16 of happy times. We were all -- I guess I'd -- now that
I think
17 back on it, we were an ideal family. It was just -- I
mean, it
18 was great. I was raised perfectly. And I -- he did
nothing
19 wrong. And -- I -- we just had the best family, and we
still
20 do. We're strong and we love each other and -- so
much. We're
21 really close.

22 Q. At the time of your father's death on April 19th,
where was
23 he working?

24 A. He was working at HUD in the Murrah Building.

25 Q. And how many years, if you know, had your father
been

Megan Allen – Direct

1 working for the federal government and for HUD?

2 A. I'm not sure. I know a long time.

3 Q. A long time.

4 A. Yeah.

5 Q. Had you had a chance to visit the Murrah Building?
Did you

6 know where he was?

7 A. Yeah. I had been to his office a couple of times.

8 Q. On the day of the bombing, were you at school?

9 A. Yeah.

10 Q. And how did you learn of the news of the bombing?

11 A. My teacher had gotten a phone call. She left the
room; and

12 when she came back, she was real -- had this real stern
look on

13 her face and very serious, and we all just kind of sat
there.

14 And she said, "There's been an accident downtown." And
she was

15 like this could affect me, or this could affect you;
and I

16 thought she was just picking random people out. So I
didn't

17 think anything of it. I knew my stepmom and my dad
both worked

18 downtown; but the way she made it sound, it didn't
sound that

19 big. They were telling me there was no deaths or
anything.

20 And so then, they calmed me down because I was
crying.

21 And I didn't know which building was -- either of my
parents

22 worked in. And so the -- my next hour, they took me
back to

23 class. And the teacher got a memo, and it said the
building --

24 the offices that were in the building that was blown
up. And

25 right when they said HUD, I knew that it was my dad.

15557

Megan Allen - Direct

1 Q. And later in the course of the day, did you go home
and

2 join with other family members and begin to await news?

3 A. Yeah. They were all there.

4 Q. How long did you wait before you and the other
family

5 members were officially notified that your father had
been

6 killed in the blast?

7 A. Seven days.

8 Q. And during that entire seven days, did all of you
as a

9 family stay together and wait for that news?

10 A. Uh-huh. We were very close at that time.

11 Q. Megan, you had mentioned that when your father
married Kay

12 Allen, that Rachel became a stepsister to you?

13 A. Uh-huh.

14 Q. And a stepdaughter to him?

15 A. Uh-huh.

16 Q. Describe his relationship, how he treated Rachel.

17 A. Just like me. I mean, we -- like all of us. He
thought

18 she was so special. All of us. And we knew it was a
regular

19 father-daughter relationship.

20 Q. How old was Austin at the time of your father's
death?

21 A. He was 4.

22 Q. And how old were you?

23 A. 16.

24 Q. And that was in April of 1995?

25 A. Uh-huh.

15558

Megan Allen - Direct

1 Q. In October of that very same year, did any other
event

2 happen to you?

3 A. Yes. My mom had remarried, and her -- she had
remarried

also. 4 before the bombing, but her husband, my stepdad, died,

5 MR. TIGAR: Objection, your Honor.

6 THE COURT: I'll overrule it.

7 BY MR. MACKEY:

8 Q. Go ahead. In 1995, in the summer of 1995, did you
-- were 9 you injured in a car accident?

10 A. Yeah. I was a passenger in a car. She had gotten
in a 11 wreck, and I got a blood clot on my brain. I had to
have brain 12 surgery.

13 Q. And going through that experience in the summer of
'95, did 14 you particularly miss your father?

15 A. Very much so. Yeah. That was probably the hardest
time.

16 Q. Megan, I want you to ask -- answer just a couple
other 17 questions. And having seen Austin over the past two-
and-a-half 18 years and observed his behavior, tell the jury how he
has dealt 19 with the loss of his father.

20 A. Being 4 at the time of losing his dad, he's -- I
mean, he 21 no longer has a father to look up to. Austin and my
dad -- my 22 dad worshiped Austin. Austin -- they enjoyed each
other. My

about 23 dad was seriously my brother's hero. And now, he talks
like his 24 it, just little things like how tall he wants to be
all the 25 dad and how much he misses him, and he writes -- when

15559

Megan Allen - Direct

that said, 1 other kids write notes to their dad, he wrote a note
2 "I'm sorry. I love you. I wish this didn't happen."
3 And I 4 And I just -- and I just watch him every day.
with him 4 feel kind of guilty because I got more time to spend
more, and 5 than Austin did. And I just wish Austin could have
6 Austin wishes he could have more time.
standpoint what 7 Q. Megan, can you tell the jury from your own
8 it's been like to have lost your dad.
Every 9 A. Awful. Every single day, I've thought about it.
comes up in 10 single day -- and there's no escaping it because it
hard. And 11 everyday situations. And starting college is really
it. But 12 it's nothing I can escape, but I've learned to accept

13 there's always -- I'm never going to be the same
person, ever.

14 MR. MACKEY: Thank you, Megan.

15 MR. TIGAR: No questions.

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

17 Next witness, please.

18 MR. MACKEY: Your Honor, we'll call Rene
McNeely.

19 THE COURT: Thank you.

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

21 (Rene McNeely 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: Rene McNeely, M-C-N-E-E-L-Y.

15560

1 THE COURTROOM DEPUTY: Thank you.

2 THE COURT: Mr. Goelman.

3 MR. GOELMAN: Thank you, your Honor.

4 DIRECT EXAMINATION

5 BY MR. GOELMAN:

6 Q. Good afternoon, Ms. McNeely.

7 A. Hi.

8 Q. What do you do for a living?

9 A. I'm a deputy court clerk for Oklahoma County.

10 Q. And where do you live?

11 A. I'm sorry?

12 Q. Where do you live?

13 A. Oklahoma City.

14 Q. Can you describe your education briefly for us.

15 A. I finished high school. I've done three years at
OU.

16 Q. OU, University of Oklahoma?

17 A. Yeah.

18 Q. Is that in Norman, Oklahoma?

19 A. Yes.

20 Q. When did you first enroll in OU?

21 A. '88. 1988.

22 Q. And while you were a first-year student at OU, did
you meet

23 a man named Antonio Cooper?

24 A. Yes.

25 Q. About seven years later, did you and Mr. Cooper
have a

15561

Rene McNeely – Direct

1 child together?

2 A. Yes.

3 Q. And did that baby die in the bombing on April 19th?

4 A. Yes.

5 Q. I want to show you Government Exhibit 1047E.

6 MR. GOELMAN: Your Honor, this is from the big
board.

7 1047 is already into evidence. I don't believe this
is.

8 MR. TIGAR: Yes, your Honor. I have no
objection.

9 THE COURT: It may be displayed, yes.

10 BY MR. GOELMAN:

11 Q. Is this your son?

12 A. Yes.

13 Q. And what was his name?

14 A. Antonio Cooper, Jr.

15 Q. How old was he when this picture was taken?

16 A. He had just turned six months old.

17 Q. And what was his birth date?

18 A. October 1, '94.

19 Q. And your son was Antonio Cooper, Jr.?

20 A. Yes.

21 Q. His father is Antonio Cooper, Sr.?

22 A. Yes.

23 Q. How did you refer to them to distinguish them?

24 A. Big Tony and Little Tone.

25 Q. Big Tony, Little Tone?

15562

Rene McNeely – Direct

1 A. Uh-huh.

2 Q. I want to talk a little bit about what was going on
in your
1994?

3 life in April, 1995. Little Tone was born in October

4 A. Yes.

5 Q. Were you working at the time that you had your son?

6 A. Yes.

7 Q. What were you doing at that time?

8 A. I was a deputy court clerk.

9 Q. Same position you have now?

10 A. Yes.

11 Q. Did you take time off when you had your baby?

12 A. Yes.

13 Q. And when did you go back to work?

14 A. I went back to work December 2d or 3d, '94.

15 Q. So --

16 A. December of '94.

17 Q. When your son was a little bit less than two months
old?

18 A. Yes.

19 Q. What did you do with your baby when you went to
work?

20 A. I put him in the day-care.

21 Q. Where was that day-care located?

22 A. In the federal building.

23 Q. Murrah Federal Building?

24 A. Uh-huh.

25 Q. How far was that from where you worked at the
county

15563

Rene McNeely - Direct

1 courthouse?

2 A. Just two blocks.

3 Q. And did that closeness allow you to have contact
with your

4 child during the day?

5 A. Yes.

6 Q. Tell us about that, please.

7 A. We put him in there because it was safe. It was
clean.

8 The people that worked there, they worked really well
with him.

9 And he was close to me, you know.

10 Q. What did you do during lunch?

11 A. I had lunch at the day-care with him, because I fed
him his

12 lunch every day.

13 Q. Did you also see him on other breaks during the

day?

14 A. Yeah.

15 Q. What was Big Tony doing during the spring of 1995?

16 A. He was working.

17 Q. What was he doing for work?

18 A. He worked for Roadway and Yellow Freight. He had
two jobs.

19 Q. And what did he do for those companies?

20 A. He -- I think they called it "dock work." He
unloaded and

21 loaded trucks for Roadway and Yellow Freight.

22 Q. What kind of contact was he able to have with your
son

23 because of his jobs?

24 A. On the nights when he didn't work, he was at home
with us.

25 Some nights, he might work 11 to 7 or about 8. And if
he

15564

Rene McNeely - Direct

1 wasn't home in the morning before we left going
downtown, after

2 he got off work, he'd always stop downtown and see the
baby

3 before he went home.

4 Q. Stop at the day-care center in the morning?

5 A. Yeah.

6 Q. In early April, 1995, did the -- was there new
staff hired

7 at the day-care center?

8 A. Yes.

9 Q. And because of that, did you keep Little Tone out
of

10 day-care for a couple days?

11 A. For the first three days -- that Friday, they told
us there

12 was a change in the staff. And that Monday, Tuesday,

13 Wednesday, I took off work because I just didn't want
to take

14 him in because we didn't know these people. And so
those first

15 three days, me and Tony, we took off, stayed at home
with the

16 baby, went up, met the new people at the day-care, went
in and

17 sat in on the board of directors' meeting for the day-
care to

18 meet all the new people to make sure who we were
leaving our

19 child with.

20 Q. And did you satisfy yourselves that you were
leaving your

21 child in a safe environment?

22 A. Yes.

23 Q. Did you put Little Tone back in day-care at that
time?

24 A. Yeah.

25 Q. I want to talk about the 19th now. What were your

plans

15565

Rene McNeely – Direct

1 for April 19, 1995?

But I

2 A. Originally, I was not going to go to work that day.

3 decided to go in.

buy the

4 I wanted to stay off, and I had plans to go

picked

5 baby new shoes and get a new car seat Tone and I had

one.

6 out, because he was growing out of his -- his first

7 Q. In the end, did you decide to go to work?

8 A. Yes.

18th and

9 Q. Was Big Tony working that night, the night of the

10 19th?

left.

11 A. He did, but he made it home that morning before we

12 Q. Would you tell us briefly about that morning.

because we

13 A. That morning, he got home -- he got home early,

want to

14 were still in bed. And I told him I felt like I didn't

15 go to work that day.

what you

16 And he told me go ahead and stay home and do

17 need to do.

18 And I said, well, no, I better get up and go
ahead and

19 go to work. And so I got up and Tone -- I knew Tone
was going

20 to sleep that morning. And so I got up, and I got the
baby

21 dressed. And I took him in and put him on the bed with
his

22 daddy, and they played while I got dressed and got
ready for

23 work.

24 Q. And when you were ready for work and your child was
25 dressed, what did you do?

15566

Rene McNeely - Direct

1 A. Tone got up and he helped pack our things out to
the car.

2 And he packed the baby out to the car and, you know,
put him in

3 his car seat and played with him while I was getting
ready and

4 getting everything in and kissed the baby goodbye. And
we told

5 him we'd see him later.

6 Q. And was that the last time that Big Tony saw his
son?

7 A. Yes.

8 Q. What did you do after that?

like 10 9 A. I made it downtown like always. And I was -- I was
care 10 minutes late, because there was a big clock in the day-
left out, 11 door as you go out. And I noticed it was 8:10 as I
baby off, 12 because I was late leaving home. And I dropped the
food up and 13 and I put his things up like I always did. Put his
little 14 everything. And -- and I put him down. They had
toy in 15 play -- play mats, and I put him on the floor and put a
 16 front of him. And I told him, "Baby, I'll see you at
 17 lunchtime"; and I went to work.

18 Q. Was that the last time you saw your baby?

19 A. Yeah.

blocks from 20 Q. Your -- the county courthouse is only several
 21 the Murrah Building?

22 A. Yes.

23 Q. Where were you at 9:00 on the morning of the 19th?

-- we 24 A. I clerk for a judge at the county, and he had just
bench. 25 had just went into court and he had just taken the

Rene McNeely – Direct

bomb went 1 Q. And do you remember what you experienced when the
2 off?

And it 3 A. The ceiling tiles came in. The windows shattered.
4 rocked our building so hard, I thought it was in our
building.

5 Q. Did they subsequently evacuate your building?

6 A. Yes.

bomb had 7 Q. And when you got outside, did you learn that the
8 not, in fact, gone off at your building?

9 A. Yes.

Federal 10 Q. You learned that it had gone off at the Murrah
11 Building?

12 A. Yeah.

your 13 Q. Did you spend the rest of your day trying to find
14 baby?

15 A. Yes.

16 Q. And did you go to a number of different hospitals?

17 A. Yes.

18 Q. Some of them more than once?

19 A. Yes.

get in 20 Q. At some point in the morning of the 19th, did you
21 touch with Big Tony?

22 A. Yes.

23 Q. What did you tell him?

24 A. I -- during that time, I had kept trying to call
the house

25 to get him to let him know something had happened. And
I never

15568

Rene McNeely - Direct

1 did get him. And I finally got in touch with my mom,
and I

2 told my mother, "Go out to the house and get Tony.
He's

3 asleep. Just bang on the door until you get him." And
she

4 brought him to the hospital where I was at the time.

5 Q. And do you remember when Big Tony joined you at
that

6 hospital?

7 A. Yes.

8 Q. Tell us about that.

9 A. I was at Presbyterian, because someone had called
and said

10 that they had a baby matching my baby's description
there. So

11 I went there. And my mom brought Tony there. And I
was in

12 this big waiting room -- it was like an auditorium and
with a

13 lot of other people. And I remember looking up; and I
saw Tony
14 coming down the aisle and -- and I just remember the
look on
15 his face. And he asked me, "Have you found the baby?"
16 And I said, "No, not yet. Not yet."

17 Q. Did you and he spend the rest of the day on the
19th
18 looking for your child?

19 A. Yes.

20 Q. What time did you go home that night?

21 A. We went home about 11:30, because the church we
were at --

22 they had set up like a meeting point. And about 10,
10:30,

23 they said they weren't releasing any more names for the
night

24 and just to come back in the morning. And so we went
home.

25 Q. What do you remember about arriving home that
night?

15569

Rene McNeely - Direct

1 A. It was the first night I ever went home without my
son. He
2 had never been away from me. Never. No one had ever
kept him
3 or anything. And I had to go home without my baby.
And that

4 was hard.

5 Q. When was your child -- when was your child's body
6 identified?

7 A. May 16.

8 Q. So about a month later?

9 A. Yes.

10 Q. And in the interim, did investigators come to your
house in

11 order to get things that they could use to try to
identify him?

12 A. Yes.

13 Q. What things?

14 A. They came and -- they came and they took
fingerprints from

15 his toys and bottles that he had had like that last
morning and

16 off different things in the house. And they took
samples of

17 his hair, like from his car seat and from his -- his
little

18 brush and out of his crib and his first fingernail
clippings

19 that I had clipped when he was about two months old and
I had

20 saved them, and they took those.

21 Q. I want to talk a little bit about what kind of baby
Little

22 Tone was. In the six-and-a-half months that he lived,
did he

23 develop a very distinct, unique personality?

24 A. Yes.

25 Q. What was he like?

15570

Rene McNeely - Direct

1 A. Tone was a -- he was a happy baby. That's all I
can say.

2 He was happy. That's all he knew, was happiness; and I
always

3 described him as if you were having a very bad day and
he just

4 smiled at you, it would just lighten up your whole day,
just

5 make you feel good. You know -- and he loved to play
and -- I

6 don't know. I don't know.

7 Q. At the time of his death, was he crawling yet?

8 A. He was just starting to crawl. He was just
starting to

9 crawl. And he didn't like to sit down. He didn't like
to sit

10 down. He always loved to stand up. He had real
strong, hard

11 calf muscles, because he was always on his tippytoes.
He liked

12 to stand.

13 Q. Can you offer us a glimpse of how Little Tone's
death

14 affected you personally.

15 A. Well, it changed my whole life. I felt as if the

one I --

16 I lost my son and -- I felt as if I just -- I lost all
sense of

17 direction. I didn't -- I felt as if I didn't have a
purpose in

18 life anymore. Why? You know. Because I feel like
once you've

19 been a parent, you can't go back from that.

20 Q. How long was it before you were able to go back to
work?

21 A. I just went back this year.

22 Q. And when you went back to work, what were your
lunch

23 periods like?

24 A. Well, before the bombing, I used to go to day-care
every

25 day; and this year, when I went back to work, the first
few

15571

Rene McNeely - Direct

1 weeks, I would just go to my car and sit and cry,
because I was

2 just so used to the routine I had before and now I was
-- it

3 was different. I didn't have him to go see anymore.

4 Q. What kind of relationship did Big Tony have with
your

5 child?

6 A. They had a real close bond. They really did. I --

you

7 just had to see them together to know. But they had a
real

8 close bond.

9 Q. And on behalf of Big Tony, can you tell us a little
bit

10 about what impact the death of your son had on him?

11 A. He has -- Tone took the death of our child really
hard.

12 It -- he didn't -- he got to where he never wanted to
even talk

13 about the baby. He -- he didn't even want to stay in
the same

14 house because of the baby's presence in the house and
his

15 things in the house. He just -- he just took it real
bad. He

16 felt like -- I remember him saying he felt like he lost
his

17 only friend in the whole world.

18 Q. Did Big Tony ever express to you whether he thought
that he

19 personally had failed?

20 A. Yes. He -- he said he felt as though he had failed
as a

21 father because he didn't -- he didn't save our child.
But how

22 could he?

23 Q. And did he express that he failed in any other
role?

24 A. He thought he failed me because he couldn't help
take the

just 25 pain away. And I would tell him, "Tony, you can't. We

15572

Rene McNeely - Direct

failed as 1 lost our son." You know -- but he felt as though he

help us. 2 a father and failed to -- me because he -- he couldn't

Big Tony's 3 Q. Did your son's death have any impact on your and

4 plans to get married?

May; 5 A. Yes. We were going to be married the first week of

found our 6 but during that time, you know, we still hadn't even

And so 7 baby yet. They hadn't found him in the building yet.

and then 8 plans were just kind of put on hold and, you know --

9 just -- the tension was just so unbearable that Tony
couldn't stand 10 eventually, you know -- he moved out because he

wanted to 11 being in the house. And I couldn't move, because I

But he 12 be there because I felt close to Little Tone there.

13 couldn't stand to be there. And so he moved.

14 Q. How long were you and Big Tony together?

15 A. Eight years.

16 Q. And what was the cause of the breakup of your
relationship?

17 A. The death of our son.

18 MR. GOELMAN: Thank you, Ms. McNeely. That's
all I

19 have.

20 THE COURT: Any questions?

21 MR. TIGAR: No questions, your Honor.

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

23 Next, please.

24 MR. MACKEY: Ron Burks.

25 THE COURTROOM DEPUTY: Would you raise your
right

15573

1 hand, please.

2 (Ron Burks affirmed.)

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

4 Would you state your full name for the record
and

5 spell your last name.

6 THE WITNESS: My name is Sergeant Ronnie
Eugene Burks,

7 B-U-R-K-S.

8 THE COURTROOM DEPUTY: Thank you.

9

DIRECT EXAMINATION

10 BY MS. WILKINSON:

11 Q. Good afternoon, Mr. Burks.

12 A. Good afternoon, ma'am.

13 Q. Tell the jury where you live.

14 A. I live in Oklahoma City, Oklahoma.

15 Q. What do you do for a living?

16 A. I am a police officer for the City of Oklahoma
City.

17 Q. How long have you been a police officer for
Oklahoma City?

18 A. Approximately 10 years.

19 Q. Do you have any prior law enforcement experience?

20 A. Yes, ma'am. I do.

21 Q. What is that?

22 A. I was a military policeman for eight-and-a-half
years, and

23 I was a police officer for the Midwest City Police
Department,

24 Oklahoma.

25 Q. Are you married to another member of the police
force?

15574

Ron Burks - Direct

1 A. Yes, I am.

2 Q. Who is that?

3 A. That is my wife, Terry. She is a dispatcher.

4 Q. And do you have any children?

5 A. Yes, I do.

6 Q. How many children do you have?

7 A. I have two children. I have a daughter, 19 years
old; and

8 I have a daughter, 5 years old.

9 Q. What's your 5-year-old daughter's name?

10 A. Sabrina.

11 Q. Is that a daughter that you had with your wife,
Terry?

12 A. Yes.

13 Q. And how old was she at the time of the bombing?

14 A. She was 3 years old.

15 Q. Do you recall April 19 and where you were the
morning of

16 April 19th?

17 A. Yes, I do, ma'am.

18 Q. Where were you early that morning?

19 A. I was at home with my wife and child.

20 Q. Can you tell the jury a little bit about your areas
of

21 responsibility back at that time for the police force.

22 A. Yes, ma'am. I was currently a canine officer for
the

23 police department.

24 Q. What is a canine officer?

25 A. I worked patrol dog, police dog.

15575

Ron Burks - Direct

1 Q. What is the name of your dog?

2 A. My dog's name was Arlo, A-R-L-O.

3 Q. Is he still active on the police force?

4 A. No, ma'am. We retired him out in January of '97.

5 Q. Were you working with Arlo in April of 1995?

6 A. Yes, ma'am, I was.

7 Q. How did you come to find out about the bombing of
the

8 Murrah Building on April 19th?

9 A. My -- we received a telephone call that morning.
They

10 called and wanted my wife to come to work in dispatch.

11 Q. Did she do that?

12 A. Yes.

13 Q. What did you do?

14 A. I stayed there at home with my child. And then my
15 mother-in-law came over to our home; and then I got a
call from

16 dispatch, also, to respond.

17 Q. And were you asked to bring Arlo?

18 A. Yes, I was.

19 Q. Now, when you first got downtown that morning, what
was

20 your first responsibility or your first assignment?
21 A. I went directly to the command post, and I met with
22 Sergeant Don Browning, who was our coordinator for
canine. We
23 were told to go over to the St. Anthony's Hospital;
that they
24 received a bomb threat over there and to search that
building
25 for any kind of devices over there.

15576

Ron Burks - Direct

1 Q. Now, did Arlo have any training in detecting bombs?
2 A. No, he had not.
3 Q. So why did you go over there?
4 A. Apparently, that's what I was instructed to do.
And they
5 were shorthanded on people that did have that
expertise; so the
6 canine officers -- myself and two others -- went over
there and
7 assisted to look for any kind of devices.
8 Q. You didn't find anything, did you?
9 A. No, ma'am, we did not.
10 Q. Now, did you enter the Murrah Building at some time
on
11 April 19th?
12 A. Yes, ma'am, I did. After we completed our search

of the

Building 13 St. Anthony's Hospital, we went back to the Murrah

14 and -- to the southwest corner down there.

15 Q. Were you able to bring Arlo along with you at that
time?

16 A. Yes, ma'am, I was.

17 Q. Were you allowed to bring Arlo into the Murrah
Building?

18 A. No, I wasn't. We went up on the south plaza of the
19 building and we were told to wait there. We did not
take our

20 dogs in. There was too many people in it at that time.

21 Q. And would that have made it difficult for you and
Arlo to

22 find bodies?

23 A. It could have. Apparently, they felt that way so I
didn't

24 take him in.

25 Q. All right. Did you nevertheless enter the building
to

15577

Ron Burks - Direct

1 assist?

2 A. Yes. I did. I took my dog back to the car and put
him in

3 there. Then I went back myself. I went back up to the

4 building with Sergeant Browning and Sergeant Jan Latta,

who's

5 another canine officer. We entered the building down
in the 6 basement area on the southwest side.

7 Q. And do you recall seeing anyone who was trapped in
that 8 basement area?

9 A. Yes, I do.

10 Q. Who did you see?

11 A. I seen a lady trapped underneath there. Her leg
was pinned 12 underneath a big, high concrete beam. I believe her
name was

13 Daina Bradley.

14 Q. Now, were there other people down there when you
found 15 Ms. Bradley?

16 A. Yes, there were.

17 Q. And did you speak with them about the stability of
the 18 building?

19 A. Yes, I did. There was a man there that said he was
a city 20 engineer with the City of Oklahoma City. He said that
the beam

21 was unstable; that we was going to have to shore it up
so it 22 wouldn't collapse.

23 Q. Did you assist in doing that?

24 A. Yes, I did.

bomb 25 Q. Now, did there come a point when there was a first

15578

Ron Burks - Direct

1 scare in the building?

2 A. Yes, there was.

3 Q. What did you do?

4 A. I remained there.

5 Q. And did anyone else stay with you?

also. 6 A. Yes. There was a few people still down there,

pillar? 7 Q. Were you given any instructions about that concrete

was told 8 A. I was told to make sure I -- by this engineer, I

vibrations, 9 to make sure I felt the beam; if it had any type of

structure was 10 to warn everybody to get out because the whole

11 coming down.

noticed 12 Q. Would there have been anything you could do if you

13 that it was moving?

get out 14 A. Just other than just yelling out, warning people to

15 is all I could do.

saw 16 Q. Could you tell the jury a little bit about what you

17 down in that basement area that morning.

18 A. Yes, ma'am. The -- the area was very dark. I seen
19 Ms. Bradley pinned underneath this giant piece of
concrete with
20 her leg. There was a lot of debris. There was people
moving
21 around up above us, so the place was unsound. I mean,
there
22 was a lot of dust and pieces of concrete falling down
around us
23 at the time.

24 Q. Did you see anything on the pillars?

25 A. Yes, I did.

15579

Ron Burks - Direct

1 Q. What did you see?

2 A. I seen a lot of blood and brain matter coming down
the
3 walls, because there was people trapped right above us.

4 Q. Now, at a certain point, did Dr. Sullivan come down
into
5 the basement area?

6 A. Yes, he did.

7 Q. And did other people enter that area?

8 A. Yes.

9 Q. Was there a second bomb scare?

10 A. Yes, there was.

11 Q. And what did you do at that time?

12 A. The second bomb scare, I was told to leave, to get
out;

13 that it was definitely something there. And so I went
ahead

14 and left with everyone else that I knew that left.

15 Q. How did you feel about leaving, Mr. Burks?

16 A. Very guilty. I had a real sense of guilt about
leaving.

17 Q. Why is that?

18 A. Because I have an oath. I swore an oath to protect
and

19 serve; and I felt I let Ms. Bradley down by going out
and the

20 other people that were trapped.

21 Q. Did you later learn that Ms. Bradley was
successfully

22 removed from the building?

23 A. Yes, I did.

24 Q. Now, when you left the building after the second
bomb

25 scare, did you continue to assist with the recovery
effort?

15580

Ron Burks - Direct

1 A. Yes, I did.

2 Q. What did you do then?

the
help
the
doing that.

3 A. I went up -- up on the east side of the building to
4 garage, came up; and they said that they needed some
5 moving some recovery victims over to the church across
6 street. And so I went over there to assist them in

could

7 Q. Did they ask you because you were a big guy and you
8 carry some of those people?

could help,

9 A. I have no idea, ma'am. They just asked me if I
10 and I did.

transport

11 Q. And did you learn that they were asking you to
12 children?

13 A. Yes, I did.

14 Q. What did you do?

deceased and
floor.

15 A. I picked up this little boy that was already
16 carried him over to the church and laid him on the

17 Q. And what did you notice about his injuries?

18 A. His face was completely gone. His chest cavity was
19 completely open. He was dead.

20 Q. How did that affect you?

21 A. Very dramatically.

22 Q. Why is that?

way and 23 A. Because I pictured my own little girl being that
he had 24 I -- I felt for the parents of that little child, what
25 to go through when that happened.

15581

Ron Burks - Direct

because of 1 Q. Did you experience some difficulty after that
2 what you had seen?

3 A. Yes, I did.

4 Q. So what did you do?

department 5 A. I tried to seek some counseling from the police
6 to help me out.

7 MR. TIGAR: Objection, your Honor.

8 THE COURT: Overruled.

9 BY MS. WILKINSON:

mission 10 Q. Now, did you continue to participate in the rescue
11 in the days and weeks that followed the bombing?

12 A. Yes, I did.

13 Q. Could we turn for a moment to May 3 and 4.

14 A. Yes, ma'am.

recovering 15 Q. Were you and your dog, Arlo, asked to assist in

16 the deceased from the Alfred P. Murrah Building during

that

17 time period?

18 A. Yes, we were.

19 Q. Did you work with Officer Browning?

20 A. Yes, I did.

21 Q. What did you do on May 3?

22 A. On May 3, Sergeant Browning and I, along with our
dogs,

23 were asked by the Medical Examiner's office to assist
in

24 recovering the remaining victims in the building.

25 Q. Now, before this time, had you done some training
with

15582

Ron Burks - Direct

1 Arlo?

2 A. Yes, I have.

3 Q. Did you ever notice before any difference in when
Arlo

4 would notice a deceased, whether the person was an
adult or a

5 child?

6 A. On this particular incident, yes. That did occur.

7 Whenever Arlo would indicate for a victim, he had a
very

8 distinct indication that I found out later was a child.
He

9 knew the -- in my opinion, he knew the difference.

10 Q. What did he do when it was a child?

11 A. Whenever we came up to a child, he would start
digging real

12 tremendously to the point that it actually cut his
pads. He

13 wouldn't give up. He just kept digging and digging and

14 digging. If it was an adult, he would kind of slow
back. He

15 would indicate, but not as dramatic. It got to be so
bad that

16 I had to take Superglue and glue his pads back
sometimes

17 because he would dig so hard.

18 Q. Once -- did Officer Browning have his trained dog
with him?

19 A. Yes, ma'am.

20 Q. And that was -- what was the name of his dog?

21 A. Gunny.

22 Q. When Gunny and Arlo would find a body, did you mark
the

23 area in some way for the rescuers?

24 A. Yes, we would. We would mark it with orange paint.

25 Q. Okay. Did you continue that the following day, on
May 4th?

15583

Ron Burks - Direct

1 A. Yes, we did.

time? 2 Q. And do you know why you were brought in at that

3 A. We still had some victims to find that -- that
hadn't been

4 recovered yet; and we were asked to assist them, to get
as many
5 folks out as we could.

6 Q. Were other people cleared from the building so that
the
7 dogs could focus on --

8 A. On the 3d of May, they were. On the 4th of May,
they

9 weren't. We were in such a hurry to get everyone out
that we

10 could possibly do it, that we worked around the other
-- the

11 firefighters and the recovery people to assist us.

12 Q. Was it your understanding that May 4 was the final
day of

13 the investigation, of the recovery effort?

14 A. That's what I was told, yes.

15 Q. All right. Did you come upon an area surrounding a
pillar

16 that I think you've referred to as "Pillar 14"?

17 A. As Pillar 20.

18 Q. Pillar 20?

19 A. Yes.

20 Q. And what was significant about Pillar 20?

21 A. Both of our dogs -- Arlo had indicated on this
pillar that

22 there was possibly some -- some victims there. I
indicated

23 this to Deputy Chief Mike Shannon, that we still could
have

24 some victims in this area.

25 Q. Could the rescuers at that point recover the bodies
from

15584

Ron Burks - Direct

1 the area surrounding Pillar 14 -- Pillar 20? Excuse
me.

2 A. No. They couldn't, because the building was too
unsound at

3 that point. We couldn't have got to them without
bringing the

4 whole building down, possibly.

5 Q. Was it your understanding that soon thereafter, the
6 building was imploded?

7 A. Yes.

8 Q. Were you brought back with Arlo and Officer
Browning for

9 yet another effort to retrieve deceased from the area?

10 A. Yes, we were, on May 29th.

11 Q. What did you do on that day?

12 A. On the 29th of May, Sergeant Browning and I
returned to the

13 scene, took our dogs in, and helped indicate where the
other

14 victims were that we hadn't recovered yet.

15 Q. Did you find the remaining people?

16 A. We found a total of three.

17 Q. For a moment, could you tell the jury a little bit
about

18 the impact of participating in this rescue mission,
what it's

19 been on you.

20 A. It -- at first, it made me angry, because I did
have to

21 leave Ms. Bradley and I -- that -- like I said, I was
sworn to

22 serve and protect; and I felt I let her down by
leaving.

23 It saddened me because of the death that was
involved.

24 I couldn't sleep at night. Had trouble with that.
I've had

25 moments where I just bust out crying for no apparent
reason.

15585

Ron Burks - Direct

1 Q. Have you had any specific nightmares about what you
saw?

2 A. Yes, I have.

3 Q. What are those?

4 A. There was a certain victim that had a look on his
face that

5 I can't get out of my mind; that the -- the impact of
the blast 6 was on his face. And I've had nightmares of that.

7 Q. Did you have several incidents during the recovery
process 8 that have stayed with you?

9 A. Yes, I have. One particular incident, I was
working the 10 perimeter. I was so proud of our citizens in Oklahoma
City.

11 We had a -- I had a man drive up in an old, beat-up
car. He 12 had a couple little -- four kids in the back seat. The
man

13 offered me his work boots and said, "Here, you can use
these 14 better than I can." And this guy didn't have anything.

And so 15 he gave me his shoes off his feet.

16 Another incident was I was working one night,
and they

17 had recovered a Marine in the building. And then when
they

18 took off the slab -- they had found him -- I seen the
stripe on

19 his uniform pants. And we took him out. And it was
very

20 traumatic for me.

21 MS. WILKINSON: Thank you very much, Mr.
Burks.

22 THE COURT: Any questions?

23 MR. TIGAR: No questions, your Honor.

excused. 24 THE COURT: You may step down. You're

25 THE WITNESS: Thank you, sir.

15586

1 THE COURT: Next, please.

2 MR. MACKEY: Kathy Treanor.

right 3 THE COURTROOM DEPUTY: Would you raise your
4 hand, please.

5 (Kathleen Treanor affirmed.)

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

and 7 Would you state your full name for the record
8 spell your last name.

9 THE WITNESS: Kathleen Treanor, T-R-E-A-N-O-R.

10 THE COURTROOM DEPUTY: Thank you.

11 THE COURT: Mr. Mearns.

12 MR. MEARNS: Thank you, your Honor.

13 DIRECT EXAMINATION

14 BY MR. MEARNS:

15 Q. Good afternoon, Ms. Treanor.

16 A. Hello.

17 Q. Where do you live?

18 A. I live in a little town just outside of Oklahoma
City about

19 30 minutes away. It's called Guthrie.

20 Q. How long have you lived in the area of Oklahoma
City?

21 A. Since I was born. I went to school there. Met my
husband

22 that I'm married to now there. Went to school with his
23 brothers and sisters there.

24 Q. What's your husband's name?

25 A. Michael Treanor.

15587

Kathleen Treanor – Direct

1 Q. When did you and Michael Treanor get married?

2 A. We got married June 16, 1994. We were high school
3 sweethearts originally; but life had separated us, and
we

4 married other people and had children by other people.
And I

5 had a little girl and little boy by a previous
marriage, and he

6 had a little boy by a previous marriage.

7 Q. What was your son's name?

8 A. Zachary Eckles.

9 Q. What are your two children's names?

10 A. Zachary Eckles and Ashley Eckles. David Treanor
was his

11 son.

12 Q. And was your daughter, Ashley, and Michael's two
parents

13 killed in the explosion in Oklahoma City?

14 A. Yes, sir, they were. They went down to Social
Security

15 that morning to file for Luther to retire. He was
getting

16 ready to retire.

17 Q. And Luther Treanor is your husband's father?

18 A. That's correct.

19 Q. And what is -- what was Luther's wife's name?

20 A. LaRue. LaRue Treanor.

21 Q. And how was it that your daughter, Ashley, was with
Luther

22 and LaRue Treanor on the morning of April 19th?

23 A. LaRue watched all of our children for us. All of
the --

24 all of her children's children. She had eight
grandchildren,

25 and they all stayed at her house. And as it turned
out, Ashley

15588

Kathleen Treanor - Direct

1 was the only one that she had with her that day. And
she just

2 went along with Luther. I mean, it was just going to
be a

for a 3 quick little trip. They were just going to be there
to make 4 short time, sign some papers. And then they were going
that kind 5 a day of it. Maybe do some shopping and have lunch,
6 of thing.

in the 7 Q. And those three members of your family were killed
8 Social Security office that morning?

9 A. That's correct.

10 Q. How old was Ashley at the time of her death?

11 A. She was four-and-a-half.

12 Q. How long had you known Luther and LaRue Treanor?

little 13 A. Almost as long as I'd lived in Guthrie. Mike's
grade. We 14 brother, Mark, and I started school together, first

Everybody knows 15 grew up together. I mean, it's a small town.

family. 16 everybody. And -- and it's just like one big, happy

and I 17 We went to a little community church together. Mike

school, 18 started dating in high school, as a sophomore in high

LaRue 19 and we were baptized in this little church. Luther and

20 were kind of our mentors and guides and such as we were

21 teenagers. I -- I'd known them almost my whole life.

22 Q. Tell us, if you would, what Luther Treanor did for

work.

23 A. He was a milk deliveryman for Townley's Dairy. He
had
24 started the job as a temporary job 27 years ago and
just never
25 left. He also farmed. He had 240 acres outside of
Guthrie

15589

Kathleen Treanor – Direct

1 that he had cattle and wheat. And he had done that all
of his
2 life, since he was a little boy. He had grown up on a
farm in
3 Oklahoma. He loved it. Wouldn't be anywhere else. He
-- he
4 just loved the earth, and was really close to the earth
and he
5 loved his farm. Loved his kids. And he loved his
wife.

6 Q. I'd like you to take a look at Government Exhibit
1208D.

7 MR. MEARNS: At this time, we'd offer that
photograph,
8 your Honor.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: Received. May be shown.

11 BY MR. MEARNS:

12 Q. Who is that picture of, Ms. Treanor?

13 A. That is my father-in-law, Luther Treanor.

14 Q. Tell us what kind of a man Luther Treanor was.

15 A. Oh, he was a good Christian man. He was a pillar
of his
16 community. He was a charter member of his church.

17 We tell a story about Dad. He goes to work.
He would

18 go to work 2, 3:00 in the morning. And one day, he was
going

19 to work, and he looked over and he saw a house on fire.
And he

20 pulled off the road, and he tried to wake the people up
by

21 beating on the door. And finally, he just broke the
door down

22 and helped the people get out and saw that everything
was okay

23 and under control and calmly got back in his truck and
went

24 back to work.

25 For weeks and weeks afterwards, the TV and
radio was

15590

Kathleen Treanor - Direct

1 looking for this man who had saved this family's life.
And he

2 told us he didn't need any recognition, he didn't need
any

3 glory; he just did it because it was the right thing to
do.

was just 4 And he wouldn't have had it any other way. But that
5 the kind of man he was.

6 He loved his kids. Every one of us. Even if
we were 7 married kids, to him, there was no difference. He
loved us all 8 the same. There wasn't anything he would (sic) do for
us. If 9 we needed money, he was our banker. If we needed moral
10 support, he was there for us. If we needed
encouragement, he 11 was there for us. There wasn't anything he wouldn't do
for us 12 at all.

13 Q. How many children did Luther and LaRue Treanor
have?

14 A. They had four children. Three boys and a girl.

15 Q. And how many grandchildren did they have?

16 A. At the time, they had eight grandchildren.

17 Q. I'd like you to take a look now at Government
Exhibit 18 1208C.

19 MR. MEARNS: And I'd offer that, your Honor.

20 MR. TIGAR: No objection, your Honor.

21 THE COURT: Received. May be shown.

22 BY MR. MEARNS:

23 Q. Who is that, Ms. Treanor?

24 A. That's LaRue Treanor.

Treanor 25 Q. Tell us, if you would, what kind of a woman LaRue

15591

Kathleen Treanor - Direct

1 was.

my 2 A. For me, LaRue filled a very special hole. She was

few 3 mother. My mother had passed away, committed suicide a

recognize 4 weeks before my son was born. And LaRue seemed to

confidant 5 that I needed her. She was my friend. She was my

a mother 6 for quite some time. She seemed to know that I needed

7 figure in my life.

Very 8 She was a beautiful woman. Very creative.

a shirt 9 joyful. Loved to sing. Loved her grandkids. She had

teddy 10 that she had made. It was so sweet. It was a little

list of 11 bear Santa, and Santa was holding a scroll with the

her 12 names and he was checking it twice. And it was all of

would add a 13 grandkids. And as she would have a grandchild, she

children were 14 name to that shirt. And it didn't matter that my

and she 15 step-grandchildren. They were still her grandchildren
16 loved them just the same.

17 Q. I'd like you to take a look now at Government
Exhibit 1489.

18 MR. MEARNS: And we would offer that exhibit,
as well,
19 your Honor.

20 MR. TIGAR: No objection, your Honor.

21 THE COURT: Received. May be shown.

22 BY MR. MEARNS:

23 Q. Tell us, Ms. Treanor: Who do we see in that
photograph,

24 please.

25 A. It's my son, Zachary, and my daughter, Ashley.

15592

Kathleen Treanor - Direct

1 Q. What kind of a girl was Ashley?

2 A. She was a beautiful child. She was the sunshine of
my
3 life. She still is.

4 Q. What kind of a relationship did she have with her
two
5 brothers?

6 A. She ruled our home. Anything that Ashley said,
those boys,

7 they marched right to her tune. And nobody could pick
on

8 Ashley but those two boys. They just would not allow
it. They
9 loved their little sister. She was -- she could do no
wrong as
10 far as they were concerned.

11 She had such a joyful spirit. I mean, she'd
sing all
12 the time. She'd sing to her dolls. She'd sing this,
she'd
13 sing that. It didn't matter if she knew the words.
She'd make
14 them up as she'd go. She was just so full of life.

15 We had had some kittens not long before the
bombing,
16 and she picked these little kittens up. And she'd come
running
17 in the house; and she said, "Mommy, Mommy, the cat had
18 kittens." And she was holding this little kitten right
up next
19 to her, and she was being so careful and so gentle with
it.

20 And I said, "Honey, you've got to take the
kitten
21 back, or you're going to upset the mommy cat."

22 And she said, "But I just want to love it."
And she
23 was so careful with these kittens, and she just went
and took
24 and laid it right back in the box with the momma cat.
And she
25 just stayed there the whole time and just -- you know,
that's

15593

Kathleen Treanor - Direct

1 just who she was. She just loved life. She was so
full of 2 joy. She was so special to all of us.

3 Q. What kind of a relationship did Ashley have with
your 4 husband, Michael, her stepfather?

5 A. You know, we have a blended family; and that's --
that's 6 difficult at best. And every night, when we'd tuck
Ashley into

7 bed and she'd run in and she'd say, "A kiss and a hug
for

8 Mommy." And I'd go in and I'd tuck her in and I'd give
her a

9 kiss and give her a hug. And we'd talk a little bit
and say

10 our prayers.

11 And when she was done with me, she'd say, "A
kiss and

12 a hug for Daddy." And Michael would come in and he'd
do the

13 same.

14 And one night after he had done that, she told
him,

15 "You know, I'm the luckiest little girl in the world
because I

16 have two daddies that love me very much."

tears 17 Michael came out of the room that night, big
much for 18 rolling down his cheeks; and he said, "Thank you so
19 giving me a daughter."
loss of 20 Q. What has been the impact on your family with the
21 Luther and LaRue Treanor?
bombing -- 22 A. I don't even know where to begin. After the
and Dad's 23 well, before the bombing, we all would gather at Mom
it didn't 24 house for holidays. That was the place we came. And
25 matter what differences the brothers and sisters might
have

15594

Kathleen Treanor - Direct

we were 1 had; they all stopped at the door. And we came in, and
together. We 2 one big, happy family, and we would fellowship
all the 3 would love and we would have a really good time, and
didn't 4 cousins would get together and they would play. It
5 matter.
even been 6 Since the bombing, we haven't -- we haven't

7 able to stay in the same room with each other. It has
torn our
Dad
8 family apart. We -- we can't see eye to eye on where
9 wanted us to go with what he was doing. Dad had bought
several
10 acres of land and thousands and thousands of dollars'
worth of
11 cattle, and he mortgaged himself to the point where you
could
12 see that this man was not prepared to die financially.
He had
13 leveraged himself financially to the point where he
knew that
14 he was going to be around and it was going to take him
some
15 time to get out of that.

16 After the bombing, not knowing, he left us no
do with
17 instruction, no will. We didn't know what we needed to
cattle. We
18 all these cattle and all this land. We lost the
and
19 lost most of the land. And finally, after all was said
keep from
20 done, all of us had to take out mortgages and -- to
All of us
21 losing our homes. We all lived on this one acreage.
22 except for Brad, who lived just in town. And that was
23 something that we had holding over us through this
whole
24 two-and-a-half years. We -- we didn't know if the --
the banks

25 were going to come and take us out of our homes. We'd
already

15595

Kathleen Treanor - Direct

1 lost our family, and then we had to worry about this.

2 Q. What has been the impact, the effect, on you and
your

3 family of the loss of your daughter, Ashley?

4 A. There was a great deal of -- of pain, as you can
imagine.

5 It took me a long time to just find the will to live,
to go on.

6 Ashley was the sunshine of my life. She was such a
beautiful

7 child. The last day I saw her -- normally, Ashley
would get up

8 in the mornings when we would get up, and she would
greet us at

9 the -- at the door when we would be coming out of the
bedroom.

10 But not this morning. This morning, she didn't want to
get up.

11 She cried and screamed and I had to -- to sit on the
bed and

12 dress her. Normally, I didn't have to do that. And
she begged

13 me: "Mommy, please don't go to work today. Please
stay home

14 with me and play with me today. I need you to stay
home today,

15 Mommy." And I couldn't. I had just started a new job.
16 And so I took her to Mom's house that morning
and --
17 and left her, and she was okay then. I mean,
everything was
18 okay. And she threw her arms around me and she kissed
me one
19 last time. And the next time I saw her was in a box.
I buried
20 a little, white box. I never saw her again. And I had
to live
21 with the guilt, the guilt of it being a mother that had
to
22 work. And I wanted to die because my daughter was
gone. She
23 was taken from me. She was taken from my family. I
have no
24 daughter now. I have no future with my daughter.
25 The first day of school, I sit there in the
parking

15596

Kathleen Treanor - Direct

1 lot, remembering that we had been counting the days.
We had
2 137 days until she started school. And I sit there in
that
3 parking lot for most of the day, and I cried because we
weren't
4 going to get that. It was gone. It was stolen from
me.

5 MR. TIGAR: If the Court please --

6 MR. MEARNS: Thank you. I have no further
questions.

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

8 THE COURT: All right. We'll -- I'm going to
excuse

9 the witness. You're excused.

10 THE WITNESS: Thank you.

11 THE COURT: Yes.

12 (At the bench:)

13 (Bench Conference 149B2 is not herein transcribed
by court

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

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15601

1 (In open court:)

2 THE COURT: We're going to take the recess;
and we

3 will clearly complete, I think, the testimony yet this
4 afternoon and perhaps earlier than five. But of
course, you

5 know what I'm going to say about the witness you've
just heard

6 and the outburst of anger that you just heard.
Understandably,

7 the woman lost control.

8 And as I said to you in some detail this
morning, when

9 these people come in and get asked about these things,
that,

10 you know, are so sensitive for them and touch the basic
11 emotions here -- you know, this woman lost. And the
volume

12 with which she expressed her anger is something that
may have

13 been intended to suggest more to you than she was
asked. And

14 you'll have to disregard it. Obviously, that was
15 inappropriate. But we're not here to deal with anger,
we're

16 not here even for the people on the jury to deal with
grief and

17 sorrow and revenge and vengeance. I don't have to go
through

18 all of that again with you. I think you understand
what I'm
19 saying. But this is an example of what is
inappropriate for a
20 witness to do. And so you'll have to disregard that
part of
21 her testimony, remembering also, of course, that you
must be
22 careful throughout all recesses to keep open minds.
Avoid
23 discussion about the witnesses that you've heard or
anything
24 else in connection with this matter until next week
when it's
25 given to you for a decision.

15602

1 So you're excused now. 20 minutes.

2 (Jury out at 3:11 p.m.)

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

4 (Recess at 3:12 p.m.)

5 (Reconvened at 3:32 p.m.)

6 THE COURT: Please be seated.

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

8 THE COURT: Yes.

9 (At the bench:)

10 (Bench Conference 149B3 is not herein transcribed
by court

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

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15607

1 (In open court:)

2 (Jury in at 3:33 p.m.)

3 THE COURT: All right. Next witness.

4 MR. MACKEY: Mr. Mike Shannon.

5 THE COURTROOM DEPUTY: Would you raise your
right

6 hand, please.

7 (Mike Shannon affirmed.)

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

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

11 THE WITNESS: Mike Shannon, S-H-A-N-N-O-N.

12 THE COURTROOM DEPUTY: Thank you.

13 THE COURT: Proceed, Mr. Ryan.

14 MR. RYAN: Thank you, your Honor.

15 DIRECT EXAMINATION

16 BY MR. RYAN:

17 Q. Where do you live?

18 A. Mustang, Oklahoma.

19 Q. And you're an Oklahoma City fireman?

20 A. Yes, sir.

21 Q. And what -- how do you -- how do others in the fire
22 department refer to you -- officially?

23 A. Chief of Special Operations.

24 Q. Chief Shannon, where were you born and raised?

25 A. Oklahoma City.

15608

Mike Shannon - Direct

1 Q. And are you married?

2 A. Yes, sir.

3 Q. Do you have children?

4 A. Yes, sir.

5 Q. What was your father? What did he do for a living?

6 A. He was a firefighter.

7 Q. How about his father?

8 A. Firefighter.

9 Q. Where did you go to high school?

10 A. Ponca City West.

11 Q. After graduating from high school, what did you do?

12 A. I went to the Navy.

13 Q. How long did you serve in the Navy?

14 A. Four years.

15 Q. Was that during Vietnam?

16 A. Yes, sir.

17 Q. Did you serve in Southeast Asia?

18 A. Yes, sir.

19 Q. And after being discharged from the United States
Navy, did

20 you join the fire department?

21 A. Yes, sir.

22 Q. And how long have you been with the fire department
as of

23 today?

24 A. A little over 20 years, almost 21.

25 Q. Now, what is -- I think you ran it by us pretty

quick a

15609

Mike Shannon – Direct

1 moment ago, but what is -- what are your
responsibilities with

2 the fire department?

3 A. I'm in charge of tactical rescue, tactical and
technical

4 rescue, water rescue and hazardous materials.

5 Q. What are hazardous materials?

6 A. Products that are -- can create immediate danger to
life

7 and health conditions, whether it be by commercial or

8 noncommercial products, chemicals.

9 Q. By virtue of your position and your training in the
fire

10 department, what position did you have regarding the
Oklahoma

11 City bombing?

12 A. I was in charge of rescue operations.

13 Q. What does that mean, the rescue operations?

14 A. As stated by the fire chief, I was in charge of
technical

15 rescue and recovery inside the building.

16 Q. Did that include the men and women who died in the

17 building?

18 A. Yes, sir.

19 Q. Where is the station that you were assigned to in
April of 20 '95 in relationship to the Murrah Building?
21 A. Station 1, five blocks west.
22 Q. Did you hear the explosion at 9:02?
23 A. Yes, sir.
24 Q. And how long did it take for you to arrive on the
scene at 25 the Murrah Building?

15610

Mike Shannon - Direct

1 A. About three minutes.
2 Q. Arrived at about 9:05?
3 A. Yes, sir.
4 Q. Let me show you a photograph that's been marked as
Exhibit 5 944. Do you recognize that scene?
6 A. Yes, sir.
7 Q. This is --
8 MR. RYAN: I believe this is in evidence, your
Honor.
9 MR. TIGAR: Yes, your Honor.
10 MR. RYAN: I ask to display it to the jury.
11 BY MR. RYAN:
12 Q. Chief Shannon, are you in this photograph?

13 A. Yes, sir.

14 Q. There is a pen there on your desk. Would you take
that pen

15 and circle where you are in this photograph.

16 And approximately what time of the morning is
this?

17 A. This is 2, 3 minutes after the explosion.

18 Q. Where had you parked your vehicle?

19 A. At the corner of 5th and Hudson.

20 Q. About half a block from where you're displayed --

21 A. About a half a block from where I'm located right
now.

22 Q. I take it at this point you're running towards the

23 building?

24 A. Yes, sir.

25 Q. Who was with you that morning?

15611

Mike Shannon - Direct

1 A. Once I got into the building -- I was by myself for
the

2 first 4 or 5 minutes; and Danny Atchley, the
photographer from

3 the fire department, was accompanying me the biggest
part of

4 that morning.

5 Q. Let me also show you Exhibit 1000. Do you
recognize that

6 scene?

7 A. Yes, sir.

8 MR. RYAN: Offer Exhibit 1000.

9 MR. TIGAR: No objection, your Honor.

10 THE COURT: Proceed, may be shown.

11 BY MR. RYAN:

12 Q. About what time of the morning is this?

13 A. This is probably around 9:08 or 10.

14 Q. Tell us -- or tell the jury and the Court what
we're seeing

15 in this photograph.

16 A. The fires across the street had been taken under
control.

17 There were 50 cars on the north side of the street over
in this

18 area. And I had made two entries into the building at
this

19 time, and I got out one person -- one person here. And
I'm

20 standing here.

21 Q. Why don't you take us back, then, to the time where
you're

22 running towards the building, and tell us what you had
done

23 between the earlier photograph, Exhibit 944, and what
is

24 displayed here in Exhibit 1000.

25 A. I had entered the building approximately over in
this area

15612

Mike Shannon – Direct

1 here, climbed in through a window, had got halfway
through the

2 first office area. Two ladies were laying down in the
debris

3 with office debris over them. I helped them to their
feet.

4 One had a slight leg injury. She very vividly
explained to me

5 that there were 25 children in a day-care center on the
2d

6 floor and was explicit, to say the least, about telling
me to

7 go to the 2d floor and see about the babies.

8 Q. When you say she was "explicit," what do you mean?

9 A. She was extremely explicit about telling me to get
my

10 person to the 2d floor.

11 Q. She grabbed you by the collar?

12 A. Grabbed me by the collar and my bunker gear and my
tie and

13 was real close, nose to nose, while I was helping her
to her

14 feet; and she explained to me how many children and
where they

15 were located and for me to get to the 2d floor.

16 Q. After you had this encounter with these two women
and

17 learned about the day-care facility, what did you do?

18 A. I tried getting to the hallway that was just
behind, just
19 to the south of them and where I met a person that was
bringing
20 this person out, Tom Hall. And I took him from that
rescuer, a
21 police officer, and carried him outside and laid Tom
Hall down
22 the street and went back in. And this is when I was
stopped
23 and I was asked some information about outside from
here.
24 Q. What was the condition of Mr. Tom Hall, the man
that's
25 laying there in the street?

15613

Mike Shannon - Direct

1 A. I really didn't think that he would survive. His
face had
2 been burned, had a lot of shrapnel damage to his face.
His
3 carotid had been cut. There was a flap of skin across
his face
4 from the neck and side of his face. His hair had been
matted,
5 and he was wet, a lot of water and body fluids on him,
real
6 slick. And he was in a ball because both legs were
broke real
7 severely at the femurs. He was hard to carry by

yourself. He

8 was real slippery. It was a job not to drop him, to
get him

9 outside to the street. I didn't think he would
survive.

10 He introduced himself to me a year later. I
didn't

11 recognize him.

12 Q. After you talked to the ladies and brought Mr. Hall
out,

13 you said you talked to someone else that gave you some
14 information. What did you do after that?

15 A. I went back in the building, went down the hallway.
It was

16 pitch black in the hallway then from the debris
blocking out

17 the sunlight and the smoke coming in; found the
elevator shaft,

18 knew that the stairwell was close to the elevator
shaft, and

19 proceeded up to the stairwell to the 2d floor where the
20 day-care center was at, entered the 2d floor and
surveyed the

21 area there.

22 Q. What did you find?

23 A. There was a lot of debris in the area, large, large
debris,

24 heavy concrete. A large piece of concrete fell out of
a cross-

25 member and hit me in the head, hurt.

15614

Mike Shannon - Direct

1 Q. Did you have a helmet on?

That

2 A. I had a helmet, and it knocked me to my knees.

the

3 brought a concern of fall hazards. And I looked up at

been

4 ceilings and saw that one of the main crossbeams had

time;

5 broken in half, and a lot of debris was falling at that

because of

6 and I didn't go any further on the 2d floor and --

to the 3d

7 the falling debris from the -- from there and went on

8 floor.

9 Q. Just describe for us, if you will, what you did.

in chaos

10 A. Going to the 3d floor, there were a lot of people

Office

11 on the 3d floor, people jumping off of office debris.

floor, and

12 furniture had been blown to the south side of that

to help

13 people were crawling over the office furniture trying

was

14 people. And they were jumping onto the floor, which

falling from

15 causing the floor to vibrate, and debris was then

was that

16 the floor down into the -- down -- that's what hit me,

17 vibration.
18 Going around the debris, I found two ladies
that were
19 trapped. And there were some people trying to help
them. I
20 was trying to show them how not -- how not to treat the
ladies
21 that were down because they were being injured further
by their
22 efforts. And I got that -- tried to get that under
control of
23 helping them in a little better manner.
24 And that was the size up on the 3d floor that
brought
25 me into surveying individuals up there.

15615

Mike Shannon - Direct

1 Q. Did you at some point there in the early time in
the
2 building come upon Danny Atchley?
3 A. Danny Atchley was on the 2d floor. I went back
down to the
4 2d floor, and Danny Atchley had been removing -- had
found
5 several children, small children. My own children were
at a
6 day-care center, 3 and 5; and we were trying -- and
they were
7 the same size; and Danny was -- I asked Danny how many

he had

8 found, did he find -- we were expecting them all to be
in

9 one -- one area. And they were scattered further than
we

10 thought. Danny had removed four that morning and was
in the

11 process -- you couldn't get very close to Danny. He
was

12 throwing a lot of debris over his back and shoulder.

13 Q. What did you view your responsibility as that
morning?

14 A. To reduce the amount of risk hazard, hazard and
known

15 perceived danger, and to reduce the risk or exposure to
that

16 known and perceived danger to the rescuers and workers
that

17 were going to be in that area, not to let any more of
them be

18 injured than -- than was -- than was possible.

19 Q. Did that cause some conflict inside of you?

20 A. There was a lot of conflict from things you want to
do

21 morally or what you are traditionally taught to do and
what

22 your job description had to be. You couldn't do the
typical

23 job of a firefighter of stopping and rendering aid to
an

24 individual; and every time I did, I would find myself
behind

25 vs. going forward with supervising and recognizing
hazards and

15616

Mike Shannon – Direct

1 risks throughout the building.

2 Q. What did you do in that first hour in terms of --
give us

3 an overview, not person by person but an overview of
what you

4 were attempting to accomplish in the first hour.

5 A. I took a note pad and started writing down the
hazards and

6 the locations of those hazards and where seemed to be
the most

7 accumulation of people, of people alive and the people
--

8 rescuers trying to perform rescue, recognizing the
hazards for

9 that particular location, collapse hazards and fall
hazards,

10 and trying to assess where to keep people away from
until we

11 could get some support in there, to better assess the
hazards

12 and better to render those hazards ineffective.

13 Q. Were there people who were unable to get out of the
14 building?

15 A. Yes.

16 Q. Let me show you what's been marked as Exhibit 981.

Do you

17 recognize that photograph?

18 A. Yes, sir.

19 Q. Is that you the morning of April 19?

20 A. Yes, sir.

21 MR. RYAN: We offer Exhibit 981.

22 MR. TIGAR: No objection, your Honor.

23 THE COURT: Received, may be shown.

24 BY MR. RYAN:

25 Q. Tell the jury what we're seeing in this photograph,
if you

15617

Mike Shannon - Direct

1 would.

2 A. This is on the 3d floor, just east. Right behind
me, it

3 drops three floors into what was called "the pit," and
before

4 me is rubble and three floors to the rubble pile, and
the

5 crater was out front.

6 Nancy and Patty were to my left.

7 Q. Excuse me. Nancy and Patty who? Nancy Ingram and
Patty

8 Hall?

9 A. Yes. They were behind me to my left. They were
the two

10 ladies that were trapped on the 3d floor.

11 At my feet is Mr. Youngblood.

12 Q. What is he doing?

13 A. He was trapped by some heavy material. I was able
to move
14 that off, but in doing that I trapped myself out on top
of this
15 ledge. I couldn't get off. And at this point I was
trying to
16 get the attention of a truck officer to get me an
aerial
17 ladder. The chief that was working outside -- to get
me an
18 aerial ladder so I could get off and I could get the
patient
19 off.

20 He was severely injured -- extraordinarily,
severely
21 injured from the buttocks to the knees.

22 Q. What happened with respect to the aerial ladder and
23 Mr. Youngblood?

24 A. They brought an aerial ladder up, and we got him
25 stabilized, immobilized, and put him into a Stokes
stretcher, a

15618

Mike Shannon - Direct

1 type of basket, and removed him from that ledge down to
the

2 ground.

for 23 3 Q. Are you knowledgeable about the fact that he lived
4 days in the hospital?

5 A. I wasn't until six, eight months ago.

were 6 Q. Let's talk about Nancy Ingram and Patty Hall. What
7 you doing for them that morning?

the 8 A. The first people there, there were just people off

doing 9 street and they were trying to help. And they were

pulling on 10 things like holding them by the shoulders and just

were 11 them, and that caused a lot of pain. And the ladies

best 12 crying out; and I was trying to get the people with the

them down 13 intentions not to pull on the ladies anymore, to lay

and 14 and wait for the rest of the fire department to show up

not to 15 trying to show some people how to use some leverage and

top of 16 set the collapsed pieces of steel and concrete back on

intentions, but 17 them when they'd pry it up. It was the best of

those two 18 sometimes it was frustrating the rescue efforts of

19 ladies.

20 Q. At some point that morning, was there a bomb scare?

21 A. At 10:30 that morning, there was a bomb scare.

22 Q. And was there ever a bomb?

23 A. No.

24 Q. What happened as a result of the bomb scare?

25 A. The building had to be evacuated. All the rescuers
had

15619

Mike Shannon - Direct

1 to -- had to leave, leaving some of the people
entrapped.

2 Q. And did those include Ms. Ingram and Ms. Hall we've
been

3 talking about?

4 A. They were delayed. I allowed -- went back and
stayed with

5 the two teams that was working with those two ladies.
Patty

6 come out a little bit earlier than Nancy and just as
the bomb

7 scare was being halted -- was being brought in. And
then

8 Nancy -- I allowed that team to stay in a few minutes
longer

9 because they were very near of removing her. And so I
allowed

10 them to stay a little bit longer to get her out.

11 Q. And they did that?

12 A. And they did that.

13 Q. Let me show you Exhibit No. 968. You can identify
that,

14 can you not?

15 A. Sure.

16 Q. It's the Murrah Building?

17 A. It's the Murrah Building.

18 MR. RYAN: We would offer Exhibit 968, your
Honor.

19 MR. TIGAR: Is it already in, your Honor?

20 THE COURTROOM DEPUTY: Yes, it has been.

21 MR. TIGAR: We have no objection.

22 MR. RYAN: Thank you.

23 BY MR. RYAN:

24 Q. Now, with respect to this exhibit, we'd like to use
this in
in the
25 terms of you trying to explain to the jury who was left

15620

Mike Shannon - Direct

1 building at 10:30 and where they were located. Can you
do

2 that?

3 A. This area right in here, Nancy and Patty were at
behind

4 that debris, and they were taken out right at 10:30.
About

5 10:35, Nancy came out.

6 The area inside the pit and to the bottom
behind --
7 this front area is called "the pile" or "the Christmas
tree."

8 Behind this area was the three other -- three
other --
9 three, four people that were left in that -- at the
bomb scare
10 when we evacuated. They were left.

11 Q. Do you know where Terry Shaw was?

12 A. Yes.

13 Q. Can you -- can you circle where -- approximately
where
14 Terry Shaw was trapped?

15 A. If you were ahead -- if you had X-ray vision, you
could
16 look through this spot right here and you would see the
area.

17 It's at -- between Columns -- this is Column 16. She's
at the
18 end of 16, between 16 and 14 in a V -- in a V-shaped
collapse
19 behind the Christmas tree.

20 Q. How about Daina Bradley? Where was she located?

21 A. Daina Bradley, if you had X-ray vision, would be at
the end
22 of 22 -- at the end of 20, on the first floor, straight
through
23 the building.

24 Q. How about Priscilla Salyers? Where was she

located?

with 25 A. Priscilla and Daina were in line, directly in line

15621

Mike Shannon - Direct

1 each other. And Amy were all directly in line with
each other.

2 Q. Amy Petty?

3 A. Yes.

4 Q. Did you know that Brandie Ligons was trapped at
10:30?

5 A. No.

6 Q. You later learned that?

7 A. Yes.

8 Q. Now, what instructions did you give the rescuers
who were
9 attempting to render aid to these trapped victims?

10 A. I told them they needed to leave the structure
because

11 there was a secondary bomb and that we wouldn't tell
the

12 victims that. We told -- I told them that we had to
get some

13 more -- some heavier equipment to move the concrete.

14 There were a lot of discussion with them that
they

15 didn't -- the rescuers didn't want to leave, and it
took a lot

for them 16 of persuade -- persuasion right down next to an order
17 to leave the structure.

myself, 18 Then went down to the hole and spoke to Daina
19 and the other ladies were hollering in the background
screaming
20 for help.

She 21 Discussing -- told her that we would be back.
22 begged me not to leave her, begged me to -- I wouldn't
leave a
23 dog like this; that it was a situation that you -- if
you left
24 people there and the bomb was real, you would lose the
rescuers
25 along with the victims. If you didn't -- if you
allowed

15622

Mike Shannon - Direct

person who 1 them -- made them leave, you were going to be the
aid to 2 were cold-hearted and calloused and not allow emotional
3 the people trapped.

make the 4 It put you in a very difficult position to
later. 5 call and to deal with it and to go along with that

6 Q. Harsh words were exchanged?

7 A. Very harsh words. There were friends that didn't
speak to
8 me for a long time afterwards.

9 Q. Let me show you Exhibit 997. Can you identify that
as a
10 picture within the Murrah Building that morning?

11 A. Yes.

12 MR. RYAN: We would offer 997.

13 MR. TIGAR: No objection, your Honor.

14 THE COURT: Received.

15 THE WITNESS: This is the area behind the
Christmas

16 tree. And the area this way -- I'm not coming off the
--

17 BY MR. RYAN:

18 Q. There you go.

19 A. It's not moving.

20 Well, I'll draw an arrow. If it points this
way

21 towards the end of the screen, just the other side of
the pole,

22 piece of shoring is where Terry was at in a V-shaped
collapse

23 behind that, in that area there.

24 Q. Terry Shaw?

25 A. Yes.

Mike Shannon – Direct

1 Q. Did you know how long it was before Terry Shaw was
removed?

2 A. It was three -- about three hours after we came
back from
3 the second bomb scare.

4 Q. Let me show you Exhibit 982. Can you identify this
5 exhibit?

6 A. Yes. This is a -- this was the main beam of Column
20.

7 Q. Just a second, Chief Shannon.

8 A. I'm sorry.

9 MR. RYAN: Let me offer Exhibit 982.

10 MR. TIGAR: Your Honor, may I have a
continuing
11 objection?

12 THE COURT: It seems to me to be cumulative.

13 MR. RYAN: That's fine. I'll withdraw the
exhibit.

14 THE COURT: All right.

15 BY MR. RYAN:

16 Q. Let me show you Exhibit No. 986.

17 MR. RYAN: We offer this exhibit, your Honor.

18 MR. TIGAR: Same objection, your Honor.

19 THE COURT: Where are you going?

20 MR. RYAN: The point of this, your Honor, is
to allow

21 Chief Shannon to demonstrate to the jury what happened

with the

22 floors of the building.

23 THE COURT: All right. Objection overruled.

24 Received.

25 You may proceed.

15624

Mike Shannon – Direct

1 BY MR. RYAN:

2 Q. Chief Shannon, with this exhibit, could you explain
to the

3 jury what happened with the building and the floors?

4 A. There are three types of collapse: a V, a lean-to,
and

5 pancake. And this is a very typical textbook pancake
collapse.

6 You can count many of the floors here, this being the
9, 8, 7,

7 partial of 6. The areas down in front here were all
packed

8 together from Floors 1, 2, 3, 4, and 5 -- were all
mixed here.

9 Down in this area was the day-care center and
10 memorabilia, articles.

11 The pancake -- everything between these floors
here

12 and the entire space of the floors was compacted
roughly in a

13 space between my elbow and palm of my hand. All the

office

14 furniture, victims, everybody was compacted into that
area, and

15 that was kind of the biggest profile you could see of
the

16 entire building.

17 Q. You told us earlier that your concern as the chief
was to

18 reduce the risks and hazards to your firemen and to the
19 rescuers.

20 I'd like for you to tell the jury what the
primary

21 risks were to your firemen and to the rescuers.

22 A. Three primary risks to the people were fall hazards
--

23 things that could fall or swing off of the debris and
strike

24 people -- collapse of the building -- the building was
still

25 relatively unstable and trying to support the building
so it

15625

Mike Shannon - Direct

1 wouldn't continue its collapse -- and then the -- an
extreme

2 amount of biohazards from the deceaseds.

3 Q. Let me show you Exhibit No. 990. Do you recognize
that

4 exhibit?

5 A. Yes.

6 MR. RYAN: Your Honor, we would offer 990.

7 MR. TIGAR: Same objection, your Honor.

8 THE COURT: Overruled, received.

9 BY MR. RYAN:

10 Q. Would this exhibit, Chief Shannon, help you
describe the

11 falling hazard that you recognized from the building?

12 A. The main slab here was referred to as "the mother
slab"

13 unaffectionately, and the mother slab weighed about
14 40,000 pounds. The small widowmakers that was down
here

15 because of the wind and the debris would fall at
different

16 times and come close to some of our people rescuing --
some of

17 the rescue workers and became unnerving.

18 This type of fall hazards were, as you see up
here,

19 everywhere throughout the building and became a
challenge how

20 to work around it and to remove the hazard.

21 The risk of the people, intimate risk of the
people

22 being -- having something fall on them and -- was
everywhere

23 throughout the building, from light debris to heavy
pieces of

24 concrete. And the smallest debris I've circled here is

25 probably 150 to 200 pounds.

15626

Mike Shannon – Direct

1 Q. You said the second hazard that you recognized was
the
2 potential for the building collapsing.

3 A. Yes.

4 Q. In your judgment, how near was this building to
collapse?

5 A. Early on -- it got better as the shoring was put in
and
6 sort of stabilizing the building -- there was different
7 concerns that the -- if the mother slab fell, she would
release
8 energy on the south side causing the south side to fall
south.

9 And from this part of the building to the east or if
this swung
10 straight down, it would hit into the shoring that had
been
11 built, lateral shoring, causing the front to be sucked
to the
12 south and causing the whole west side of the building
to
13 collapse.

14 Q. Let me show you Exhibit No. 988, our final exhibit.
Can
15 you identify that exhibit?

16 A. Yes.

17 MR. RYAN: We would offer Exhibit 988.

18 MR. TIGAR: Same objection, your Honor.

19 THE COURT: Overruled. Received.

20 BY MR. RYAN:

21 Q. Chief Shannon, what are we seeing in this
photograph?

22 A. I'm sitting there, called the cave -- I'm sitting
-- it
23 looks a lot better now. This is taken about Day 5, Day
4 or 5.
24 The -- in the cave early on, the biohazards being into
this
25 area -- the cracks in this area produced a lot of body
fluids

15627

Mike Shannon - Direct

were in 1 to be dripping down on the rescue workers while you
body 2 there digging, and the area you see here is water and
only 3 fluids mixed. A lot of it has been evaporated off, and
established in 4 the heavy products are left. Shoring has been
in. 5 this area to make it more safe for the rescuers to work
6 And the far back shoring was cribbing.
7 And you could get back in that area if you

crawled on

8 your back and you just -- just pushed through the
fluids.

9 You'd tie a rope typically around your ankle; and when
you get

10 back in there, they'd pull you back out. You couldn't
mobilely

11 pull yourself back out. And you'd survey different
hazards and

12 risks and recognize how many victims were left in
different

13 areas, where to direct the people to.

14 Q. How many days did you spend inside this building
following

15 April 19?

16 A. 16.

17 Q. And how many hours did you spend in that building?

18 A. 288.

19 Q. In 16 days?

20 A. Yes, sir.

21 Q. And when were the last bodies recovered?

22 A. That we recovered during that -- a little before
midnight

23 on May 4.

24 Q. After that, what happened with respect to the
building?

25 A. They had the implosion later on in the month, and
they

15628

Mike Shannon - Direct

1 removed three more from after the implosion.

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

3 Honor.

4 MR. TIGAR: No questions, your Honor.

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

6 Next witness.

7 MR. MACKEY: Carl Brown.

8 THE COURTROOM DEPUTY: Would you raise your
right

9 hand, please.

10 (Carl Brown affirmed.)

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

12 Would you state your full name for the record
and

13 spell your last name.

14 THE WITNESS: Carl LaRue Brown, last name B-R-
O-W-N.

15 THE COURT: Proceed.

16 MR. SENDEL: Thank you, your Honor.

17 DIRECT EXAMINATION

18 BY MR. SENDEL:

19 Q. Will you tell us where you live, please, Mr. Brown.

20 A. I live in Choctaw, Oklahoma, 18300 Whippoorwill
Vista.

21 Q. Where is Choctaw in relation to Oklahoma City?

22 A. About 15 miles due east of Oklahoma City.

23 Q. How long have you lived there?

24 A. Since 1985.

25 Q. How old are you, sir?

15629

Carl Brown - Direct

1 A. I am 52 years old. I turn 53 this August.

2 Q. Are you married?

3 A. Yes, I am. I have a beautiful wife. She is an elementary

4 teacher, reading specialist. I have one daughter left at home.

5 She's a graduate of Oklahoma State University.

6 Q. How many children did you and your wife have?

7 A. We had three children. My son was hers by a prior marriage; but when I first dated her, I fell in love with him,

9 so he's my son by adoption. He's a wonderful young man. We

10 lost him in 1981 when he was crossing the street. A car hit

11 him.

12 Q. Did you lose another daughter in the bombing of the Murrah

13 Building?

Cooper, 14 A. Yes, sir, I did. Dana LeAnne Brown, married name
15 was the director of the day-care. She had been in the
day-care 16 approximately three weeks this time.

17 Q. Did you -- excuse me. I need to ask you another
question,
18 sir, Mr. Brown. Did you lose someone else in the
bombing?

19 A. Yes, I did. My grandson, my only grandson, Anthony
20 Christopher Cooper -- and we call him Christopher --
was in the
21 day-care with her. He was two-and-a-half years old.

22 Q. You mentioned that your daughter, Dana, had been in
the
23 day-care three weeks. What job did she have?

24 A. She was the director of the day-care. This was her
second
25 time to have worked in that day-care. In 1988 while
she was a

15630

Carl Brown - Direct

1 junior in high school, she entered into the day-care
vocation;

2 and after working at a day-care in Midwest City
approximately

3 two or three months, her -- the owner of that day-care
bid upon

4 the first day-care in the Murrah Building. And when
she got

center. 5 the contract, she moved Dana downtown to help open that

where 6 And, of course, Dana was in kind of a trainee position

was 7 not only was she a caregiver for the children but she

8 somewhat of an intern, learning management skills.

9 Q. In April of 1995, how old was Dana?

have 10 A. Dana was 24 years old. She was born -- she would

11 turned 25 in November.

12 Q. And in April of 1995, how old was Christopher?

would 13 A. Christopher was 2 years old in September, so that

14 make him 2 years 8 months at the time of the bombing.

of you 15 Q. I'd like to show you, if you'd like, right in front

Exhibit 16 there, Mr. Brown, the screen, a photograph marked

17 1047A.

She -- 18 A. Yes. That's one of the better pictures of Dana.

19 Q. Just a moment, Mr. Brown.

20 MR. SENDEL: Your Honor, I'm going to offer
1047A.

21 MR. TIGAR: No objection, your Honor.

22 THE COURT: Received, may be shown.

23 BY MR. SENDEL:

24 Q. Again, if you'd tell us, is this your daughter?

25 A. Yes, it's my daughter, Dana.

15631

Carl Brown - Direct

1 Q. How soon was this taken before April of 1995?

2 A. I believe this picture was probably taken a year,
possibly

3 18 months, two years before the bombing. She really
didn't

4 change much in that time. She looks a lot like my wife
did

5 when my wife was 22 and 23 years old.

6 Q. I'd like you to look next if you would at another
7 photograph in front of you. It will be marked as
1047B.

8 A. That's Christopher, my grandson.

9 MR. SENDEL: Your Honor, I'm going to offer
1047B.

10 MR. TIGAR: No objection, your Honor.

11 THE COURT: It's received, may be shown.

12 BY MR. SENDEL:

13 Q. And again, how old was Christopher in April of
1995?

14 A. Christopher was 2 years 8 months old in April of
'95. This

15 picture was probably taken 6 weeks -- maybe not over 6
weeks

16 prior to the bombing. This is a picture prepared for
Easter.

17 Q. And was Dana married at the time?
18 A. Yes. She married her childhood sweetheart, Anthony
Cooper.
19 They married in 1990. She finished high school --
well, both
20 daughters, my younger daughter and Dana, finished high
school
21 in the same year in 1989.
22 Carrie went on to OSU, and Dana stayed in the
23 child-care business as well as progressing in her
education at
24 Rose State and Central State. And then in 1990, she
married
25 A. C., Anthony Christopher Cooper, Sr., and the two of
them

15632

Carl Brown - Direct

1 were pursuing their education while -- while she was
still in
2 the day-care, various skills of management level.
3 Q. You mentioned that Dana was pursuing her education.
What
4 was she training to become?
5 A. She was pursuing a degree in elementary education
at the
6 time of her death at Central State University. She
needed
7 approximately one more semester, I believe, before she
would do

8 her practice teaching. She wanted to be a kindergarten
9 teacher.

10 Dana had such a wonderful, wonderful talent
with
11 children that, you know -- I don't know what caused her
to go
12 into child care; but I do know that she started caring
about
13 children while in junior high school working with the
pulpit
14 ministry in our church. And then as I stated, as a
junior in
15 high school, she started in the day-care business, and
she was
16 pursuing that. She felt like when she moved into
management of
17 day-care she almost had to leave the children, so
that's why
18 she was pursuing the degree as an elementary teacher to
be a
19 kindergarten teacher, so she could be back with the
children.
20 That's where her love was.

21 Q. Your grandson Christopher: If you would tell us
briefly,
22 what was he like?

23 A. He was the greatest blessing God ever gave me.
Christopher
24 was -- was a vibrant young man, full of life and
happiness. I
25 can't -- can't really describe just the joys I had with
him.

15633

Carl Brown - Direct

1 Christopher appreciated the things we did with
him,

2 and he returned that with his love.

3 And all Sunday mornings when we'd be in
church, my

4 youngest daughter, Carrie, sang in the choir at the
front of

5 the church, and A.C. and Dana and Linda, my wife and
myself

6 would sit midway back. And it may seem somewhat
immature, but

7 Carrie and I, as soon as church was dismissed, would
rush out,

8 not running over people but rush back to the nursery to
see who

9 could get there first, because whoever picked up
Christopher

10 got the most wonderful hug from him. And it was -- you
know,

11 he was just that type of boy. And, you know, it's -- I
don't

12 know how else to describe him. He loved to please us;
and, of

13 course, being that way, our whole life was dedicated to

14 pleasing him.

15 Q. When were Dana and Christopher's bodies recovered
from the

16 Murrah Building?

We were 17 A. The bombing on -- occurred on Wednesday morning.
they had 18 fortunate. Christopher was -- we were advised that
following 19 recovered Christopher on a Saturday afternoon. The
20 Sunday, late in the afternoon, we were advised they had
long as 21 recovered's Dana's body, so we didn't have to wait as
22 many people.
tell us 23 Q. I'd like you to, if you would, please, Mr. Brown,
24 the effect the loss of Dana has had on your wife and
your other 25 daughter.

15634

Carl Brown - Direct

First of 1 A. It's been a devastating loss for my whole family.
Christopher's 2 all, I'd like to tell you about my mother,
3 grandmother (sic).

wanting 4 THE COURT: No, Mr. Brown. I understand your
5 to do that, but we have to stay within limits here.

6 THE WITNESS: Yes, sir.
7 Carrie loved to do things with Christopher.
And when

was
sit even
8 we lost Christopher, what -- you know, she was -- she
9 somewhat devastated. It was a year before she could
10 back in the choir again.

at home
of
11 Carrie will turn 25 this year. She is living
12 because she's the sole surviving member of my children,
13 three children. Carrie is all that's left.

they
telling
14 When Dana and A. C. first discovered they were
15 pregnant, our family was tight-knit enough that the way
16 announced is that Dana and A. C. came to Oklahoma State
17 University to Carrie's dorm room while Linda and I were
18 visiting Carrie; and there in the dorm room, instead of

like to
Carrie
can't --
19 us they were expecting, they asked Carrie, "Would you
20 be an aunt?" And from that time forward, you know,
21 was -- was alive, and it -- she still suffers. She
22 she doesn't socialize near as much as she once did.

suffers
help but
see a
23 My wife has done very well, but she, too,
24 every time we see children in a restaurant. We can't
25 have a little bit of a tear in our eyes. You know. We

15635

Carl Brown - Direct

1 young child and think of the many blessings that we
shared and
2 enjoyed with Christopher.
3 For myself, I think I'm recovering, but -- but
I would
4 want you to know that I'm a woodworker by hobby. I
love
5 working with wood. I've done it most of my life. And
I made
6 Christopher's cradle, then I made his highchair, then I
made a
7 rocking-horse-type thing for him which, you know, when
he came
8 into the room seeing that rocking chair sitting in the
middle
9 of the room and then looked at me, the biggest, most
beautiful
10 grin that ever existed just popped on his face, you
know.
11 And -- that's what a woodworker lives for is to -- when
you
12 make toys and see that great, big grin on a child, you
know
13 that that's -- that's the most you can expect out of
that day.
14 There is nothing better.
15 That's gone now.
16 I had -- had two or three toys in process in
my

17 garage. I'd already made some toys for him for
Christmas, and
18 he had played with those; and I had pictures of him
doing that
19 that I cherish dearly. But those two or three toys
that were
20 unfinished that I was working on for his birthday later
on,
21 I -- they're still there. They're gathering dust. I
-- I
22 haven't been able to do any further woodworking since
that
23 time. You know, I do maintenance at my mother's house,
but
24 that's not -- that's not woodworking, that's not toy-
building.
25 Toy-building is where the love is, and I can't do that
anymore,

15636

Carl Brown - Direct

1 because when you work with power tools, you have to
focus on
2 the saw or whatever you're using. And when I look at
the
3 pattern of something I'm working on, I start thinking
of
4 Christopher again and those big, big smiles, the big
grin. And
5 if you can't focus on the tool, you've got to lay it
down and
6 get out of there.

7 So since April of '95, I haven't -- haven't
done any

8 further woodworking.

9 BY MR. SENDEL:

10 Q. What would you tell us that you miss most about
your
11 grandson, Christopher?

12 A. I would think it would be those hugs that I talked
about

13 when we picked him up. Christopher would come in and
throw his

14 arms around me, you know. A hug from a child -- you
can't

15 prompt a child to give love. You can't prompt a child
to

16 really hug with meaning. The child gives it and it's
pure

17 love. And that's not there anymore.

18 I don't think there is a Sunday that's gone by
-- and

19 we still attend church, but I don't think there is a
Sunday

20 that has gone by that there hasn't been at least one
time when

21 I'd see someone else's child holding their dad's hand
or

22 holding their grandpa's hand. And I won't have that
anymore.

23 MR. SENDEL: Thank you, Mr. Brown.

24 I have no further questions.

25 MR. TIGAR: No questions.

15637

You're 1 THE COURT: You may step down, Mr. Brown.
2 excused.

3 Next?

4 MR. MACKEY: Your Honor, we'd like to play
Nekia 5 Government's Exhibit 1426. It's a video footage of
6 bombing. McCloud, a youngster injured in the Oklahoma City

7 THE COURT: All right.

8 (Plaintiff's Exhibit 1426 played.)

9 THE COURT: Next witness.

10 MR. MACKEY: Your Honor, we'd call Mr. Glenn
Seidl.

11 THE COURTROOM DEPUTY: Would you raise your
right 12 hand, please.

13 (Glenn Seidl affirmed.)

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

15 Would you state your full name for the record
and 16 spell your last name.

17 THE WITNESS: Glenn Aldon Seidl, S-E-I-D-L.

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. Good afternoon, Mr. Seidl. Where do you live?

24 A. A small -- a small community, Bethel, Oklahoma.

25 Q. You say "small." How small?

15638

Glenn Seidl - Direct

1 A. Probably about 6-, 700 maybe at the most.

2 Q. And where do you live?

3 A. I live on the -- in -- on a small lake just west of
4 Shawnee, Oklahoma.

5 Q. And how large a piece of land is it that you live
on?

6 A. Probably about 2 1/2, 3 acres.

7 Q. Does anyone live with you there?

8 A. My 10-year-old son, Clint Seidl.

9 Q. What do you do for a living, Mr. Seidl?

10 A. Plumbing contractor.

11 Q. Are you self-employed?

12 A. Yes.

13 Q. Were you born and raised in Oklahoma?

14 A. Yes, sir.

15 Q. Tell us about where you grew up.

16 A. I grew up in Del City. That's a small suburb
outside of

17 Oklahoma City. Went to grade school, junior high, and
high

18 school.

19 Q. And along the way there, you met someone special?

20 A. I had met Kathy in the sixth grade at a local movie
theater

21 in Midwest City.

22 Q. Kathy was your wife?

23 A. Yes.

24 Q. She died April 19?

25 A. Yes, sir.

15639

Glenn Seidl - Direct

1 Q. Would you tell us a little bit about where Kathy
worked and

2 what she did for a living.

3 A. Kathy worked for the Secret Service. She was an
4 investigative assistant, had just celebrated her 10-
year

5 anniversary March of '95.

6 Q. How long had you and Kathy been married?

7 A. We had been married 10 years January of '95.

8 Q. Did you and Kathy have plans for the property that

you

9 lived on prior to her death?

10 A. Yes. We had -- Kathy loved the community out
there, and we

11 had purchased 5 acres. And I had promised her I'd
build her,

12 you know, a new home. And so on the weekends, we'd go
clear

13 the land off and cut trees down.

14 In the cabin we live in, we only heat with
firewood;

15 so I'd cut the trees down and she'd load them up.

16 Q. Tell us a little bit about Kathy and her
relationship with

17 Clint, your son.

18 A. Before Kathy and I were married, we were told of
ever

19 having children would be almost impossible. She had

20 endometriosis. And when Clint was born, I mean that
was a

21 great day.

22 And oh, I guess Clint was about 6, and I'd
come home

23 from work one evening and Clint was on the couch
covered up

24 with blankets; and I asked what was wrong, and he said,
"Well,

25 Mom had to come and get me from school. I'm sick."

Glenn Seidl - Direct

1 And about that time, you know, he hollered,
"Mom,
2 would you get me a glass of water."
3 So here she come with a glass of water.
4 She gets -- about the time she gets back in
the
5 kitchen, he hollers, "Mom, you know, it's been about 2
hours.
6 Do you think I should have a little more medicine?"
7 Here she come, spoon and medicine.
8 And about the time she gets back in the
kitchen, he
9 says, "Mom, I'm hungry. Do we have any soup?"
10 She said, "Yeah. What kind?" You know.
11 And so I looked down at Clint and I said,
"Watch
12 this." And I said, "Hon, do you think you could fix me
a cup
13 of coffee?"
14 And she turned around the corner and she said,
"I'm a
15 little busy. You think you could get it yourself?"
16 And she worshiped the ground Clint walked on.
I mean
17 that was her baby.
18 Q. Was she protective of him?
19 A. Yeah, very. I -- of course, you know, I'd stayed
in

20 trouble over that quite a bit.
21 Clint was about 3. And Kathy and Clint loved
to fish,
22 and we would -- about every weekend in the summer, we
would
23 fish. And so I figured it was about time for Clint to
get a
24 tackle box; so we go to Wal-Mart and load up on the
hooks and
25 weights and bring them home and dump everything on the
floor.

15641

Glenn Seidl - Direct

1 And Clint and I are sorting this stuff in the tackle
box, and
2 the phone rings and it's his mother; and she wants to
know what
3 we're doing. And I tell her; and she goes, "Well, you
better
4 watch him or he might get a hook in him."
5 And of course, my luck, I says, "Now, Hon";
and I
6 turned the corner, and he's got this hook through his
tongue
7 and he's pulling on the string. And, of course, I like
to
8 think I'm pretty fast thinking; but the only thing I
could
9 think of was, "Hey, Hon, someone's at the door. I'll
see you

10 when you get home."
11 So I had to go out to the truck to get the
wire
12 cutters and cut this hook out. And he was doing just
fine.
13 And then he saw a little blood on my hand, of course,
you know,
14 he freaked after he figured out it was his blood. And
when --
15 as soon as Kathy come in from work and opened the door,
you
16 know, Clint runs over there and has got his tongue
hanging out,
17 and he's singing like a canary and I'm in trouble.
18 And you know, that night when he goes to bed,
she
19 informs me that she didn't really appreciate me letting
her son
20 get, you know -- get a hook in him; and she laid into
me pretty
21 good over that and my not paying attention to him.
22 Q. Would that characterize the way that she felt about
him and
23 looked after him and his needs?
24 A. Oh, yeah. Well, Clint, you know, we thought was
just a
25 special gift, I mean, from God that we were blessed to
have a

15642

Glenn Seidl - Direct

1 little boy.

2 Q. Excuse me. On April 19, where were you?

3 On April 19, 1995, where were you?

I was

4 A. I -- my job carried me out of town quite a bit, and

probably

5 in a small town called Cleveland, Oklahoma, about

6 130 miles from Oklahoma City.

7 Q. What were you doing there?

they

8 A. Putting the groundwork in a house. That's before

9 poured the concrete.

you learn

10 Q. At some point during the course of that day, did

11 about what happened in Oklahoma City?

I mean,

12 A. Well, I didn't actually learn about really what --

you know,

13 well, a police officer come out on the job and asked,

needed to

14 if Glenn Seidl was on the job; and he had said that I

15 call a guy I was working for at the time.

16 And I asked him if it was an emergency.

was

17 And he said, "Well, not that I know of." That

call out of

18 just something rare that the guy I'd work for would

19 town and said I needed to call him.

I need

20 I went to the phone and called, and he told me

small 21 to load my stuff up and get home and there had been a
downtown. 22 explosion or, you know, some type of explosion

maybe a 23 And of course being a plumber, I just thought
24 gas main. And I asked him, "Well, gas main?"

old 25 He said, "I don't know." And I was driving an

15643

Glenn Seidl - Direct

said 1 truck that didn't have much of a radio. And when -- he
informed me 2 come to his house. And so when we got there, he
3 that school had called; that I need to pick Clint up.

was a lot 4 And when I got to the school, I mean, there
and I 5 of -- I guess, you know, just a lot of panic going on,
6 still had no idea what was going on.

to my 7 And the school had told us that we need to go
And of 8 sister-in-law's house in Midwest City. It was closer.
going on. 9 course, you know, Clint was wanting to know what was

10 I didn't know. At the time, I didn't know.

11 And when I pulled up in front of my sister-in-

law's

12 house, there was probably 20 to 30 cars, and I knew
13 something -- something big, pretty serious going on.

14 Q. How did you and Clint spend the rest of that day?

15 A. When I went into the house -- when I walked into
the house

16 and I went, you know, to the TV -- and of course they
were

17 showing, you know, the building, and everybody was
trying to

18 keep Clint occupied, I mean keep him away from the TV
so he

19 really didn't know what was going on. And I -- I was
just

20 fixed to the TV. I mean I was, you know -- I guess in
shock.

21 I mean just I was glued to the TV, couldn't move.

22 Q. The next day, April 20, did counselors come?

23 A. Yes. Some counselors had -- the Secret Service
flew

24 counselors in from Washington, D.C., and of course they
asked

25 me if I'd like to talk to them. And I wasn't really
concerned

15644

Glenn Seidl - Direct

1 about me. Clint had -- had avoided me. I mean he had
seen --

2 he hadn't seen me cry a lot -- I mean over the years.

And I

3 was shook up; and so the -- Carolyn Ellis, the
counselor -- I

4 asked her if she would speak to him and see if he's all
right.

5 And she had taken him into a room, and about two hours
later

6 she come out and she asked if she could speak to me
outside.

7 We went outside; and she said that he was worried about
me,

8 never seen me like that and he didn't know what was
really

9 going on. And he was afraid that whoever done this was
after

10 me and him personally.

11 And then this lady, very professional lady,
gets a

12 tear in her eye and she said, "He told me that you and
his mom

13 had started him a savings account and he had \$180 in
there and

14 he'd like to pay me if I could help you."

15 Q. Clint wanted to pay the counselor?

16 A. Yeah, to help me because he knew something was
really,

17 really bad going on. He just didn't quite know what
yet.

18 Q. Had you told him about Kathy?

19 A. I think someone had told him that, you know -- that
that's

20 where his mom worked and that -- you know, and I mean

-- he had

21 seen the TV. You know, he had walked by and stuff, and
he had

22 seen that, you know, something was wrong.

23 Q. And how old is he at this time?

24 A. He's 10.

25 Q. No, at the time --

15645

Glenn Seidl - Direct

1 A. Oh, 7.

2 Q. -- of the 19th?

3 A. 7 years old.

4 Q. And on the following day, April 21, did you receive
some

5 word of Kathy?

6 A. I guess about -- I want to say probably around 3,
3:30, I

7 was standing out in the yard and there were several
other

8 people out; and Kathy's boss, Mr. Gallow, the SAC in
command at

9 Oklahoma City, pulled up with two other gentlemen. And
as soon

10 as he got out of the -- out of his vehicle and I looked
at him,

11 I knew that -- I knew Kathy was dead just by the look
on

12 Mr. Gallow's face -- I mean the strain.

13 Q. Did he come into the home and tell you?
14 A. He -- we stood out in the yard and he told me, and
then
15 we -- then we went in the house.
16 Q. Did you tell Clint?
17 A. Yes.
18 Q. That same day?
19 A. Yes.
20 Q. What was his reaction?
21 A. He -- of course, he broke down and started crying
and --
22 and -- but he was like all of us. I mean he -- he
really
23 hadn't realized, I guess, that Kathy's -- was dead
until
24 probably -- probably until he was about 8. I mean he
just
25 kept -- it was just not real to him. I mean he didn't
really

15646

Glenn Seidl - Direct

1 realize that Kathy was dead and not coming back till he
was
2 probably 8 years old.
3 Q. What role have you undertaken in the past two-and-
a-half --
4 two-and-a-half years in Clint's life?

never
in
school,
mean
it's a job.

5 A. Mom and dad both. I mean, I never realized -- I
6 realized what all Kathy had done, you know, working out
7 town. Kathy took care of everything, taking him to
8 wrestling practice. And I've -- I do it all now. I
9 it's -- it's a complete 360 for me. I mean it's --

10 Q. Does Clint ever complain about your cooking?
11 A. Yeah. He -- he's told several people that he'd
12 soon we go out to eat than cook my roast beef.

13 And we trade at a little store; and here about
14 weeks ago I walked in and this lady said, "Well, Clint
15 on you."

16 And I said, "Uh-oh."
17 She said, "Well, she -- he told me that you
18 lost if it wasn't for him."

19 And you know -- when I was leaving the thought
20 my mind -- I thought, boy, that lady don't know how
21 is.

22 I trade at the store, and every morning we'll
23 I'll get gas and I'll write a check, and I'll usually
get 10 or

walking 24 \$15 over; and I'm already down the road -- I mean I'm
say, 25 out, and Clint would usually have to grab the money and

15647

Glenn Seidl - Direct

I'm 1 "Here, Dad," because, you know, I'm just -- you know,
-- he's 2 already at work in my mind. So he's a big help. He's
other. 3 a blessing. I mean that's the way he is. We help each

support. I 4 We depend on each other. We look to each other for

5 mean --

6 Q. How has -- how is Clint doing today?

afraid 7 A. Clint still suffers from anxiety separation. He's

to come 8 I'm going to drop him off at school and I'm not going

Here 9 back. I mean -- and that's -- that really bothers him.

come in 10 about a month ago, I was running late from work and I

he was 11 the house and I -- I could see through the window and

he got 12 crying and he was talking to his grandmother. And when

It's all 13 off -- I got on the phone and told her, "I'm home.

wreck. I 14 right," and he -- he was afraid I had been in a car
Day, 15 mean he -- he gets -- there is days, I mean Mother's
pretty 16 Valentine's Day, that he gets, you know -- he gets
17 rattled about it.

18 Q. Finally, in your own words, express to the jury,
the Court, 19 to all of us what the effect has been on you and Clint
since 20 Kathy died.

21 A. Well, it's been real hard. I mean Clint -- Clint
asked me 22 questions that some of it I can answer, some of it I
can't. 23 Driving down the road one day and he -- this is a very
know, 24 intelligent little boy, and he asked me -- he said, you
angels?" 25 just out of the blue -- he said, "Dad, you believe in

15648

Glenn Seidl - Direct

1 I said, "Well, yeah," you know.
2 And he said, "You believe they help people?"
3 And I said, "Well, yeah."
4 And he said, "Well, where was my mom's at,
April 19?"

5 And see, I haven't been able to answer that
yet.

6 And he -- I think right now he's questioning
God a

7 little bit. I mean like -- I haven't -- I didn't think
I'd

8 ever do that, but -- but that's -- but we -- you know,
we've --

9 we've got memories. That's all we've got to hold on
to, and I

10 hang on to every -- everything I can, because I mean
that's all

11 I've got.

12 And Clint -- he talks about his mom and then
-- that's

13 good, you know, because I like that. And he misses his
mom.

14 And we -- you know, and all I can tell him
sometimes

15 when he gets upset or emotional is that we're going to
get

16 through this. We have no choice.

17 MR. RYAN: Mr. Seidl, thank you.

18 MR. TIGAR: No questions, your Honor.

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

20 THE WITNESS: Thank you.

21 MR. MACKEY: Your Honor, that completes our
22 presentation.

23 THE COURT: All right.

24 Well, members of the jury, as I indicated to

you when

25 we started this morning, we'll recess now; and of
course,

15649

1 tomorrow is a holiday. And we'll take that off and
return to
2 this case on Friday and resume at -- we'll say 9:00
Friday.

3 I don't mean to suggest any of you need extra
time on
4 Friday after New Year's Day; but just in case we're a
little

5 slow-moving on Friday, recognizing that this holiday
coming up
6 is one of festive occasion for many people -- and it
may be for

7 you; but, of course, you recognize what your
responsibility

8 remains here. And during this time of recess, of
course, you

9 must again put this matter to rest as you've done many
times,

10 recognizing that you're going to hear witnesses called
by the

11 defense. You're going to hear from the lawyers with
respect to

12 their respective positions in the matters to be
decided, and

13 you're going to hear a lot more from me with respect to
the

14 law.

15 We'll proceed to hear witnesses on Friday and
on
16 Monday. And as I said, we expect to submit the case
sometime
17 early next week. Wait till we get there.

18 You know what I've said to you this morning
with
19 respect to keeping in some perspective the testimony
that you
20 heard before then and that, of course, you've heard
today and
21 recognize, as I explained as we went through the day,
the
22 caution when we have an outburst or a witness who, you
know,
23 gives very emotional testimony, how you have to
consider that.

24 It's only a part of the case. I'm sure you'll do that.

25 So do not discuss anything about the decisions
to be

15650

1 made here or anything about this case with anybody
during the

2 time of this recess, including, of course, other
jurors, family

3 members or whatever.

4 Be careful as you watch television, listen to

the

5 radio, read publications, any kind of communications,
to avoid

6 anything at all that relates to what your
responsibilities are

7 here, knowing that you have to decide, follow the law,
decide

8 according to what's presented to you in this courtroom.

9 So we'll recess now and resume this matter at
9:00

10 Friday morning. You're excused till then.

11 (Jury out at 4:42 p.m.)

12 THE COURT: All right. The Court is in recess
till

13 9:00 Friday morning.

14 (Recess at 4:43 p.m.)

15 * * * * *

16 INDEX

17 WITNESSES

18 William Dilly

19 Direct Examination by Mr. Sengel
15519

20 Cross-examination by Mr. Tigar
15528

21 Richeal Thatcher

22 Direct Examination by Mr. Sengel
15545

23 Megan Allen

24 Direct Examination by Mr. Mackey
15553

15651

1 Rene McNeely

15660

2 Direct Examination by Mr. Goelman

3 Ron Burks

15673

4 Direct Examination by Ms. Wilkinson

5 Kathleen Treanor

15686

6 Direct Examination by Mr. Mearns

7 Mike Shannon

15607

8 Direct Examination by Mr. Ryan

9 Carl Brown

15628

10 Direct Examination by Mr. Sengel

11 Glenn Seidl

15637

12 Direct Examination by Mr. Ryan

13 PLAINTIFF'S EXHIBITS

Withdrawn

14	Exhibit	Offered	Received	Refused	Reserved
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15	981	15616	15616		
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15623

16	982	15623			
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17	986	15623	15623
18	988	15626	15626
19	990	15625	15625
20	997	15622	15622
21	1000	15611	15611
22	1047E		15561
23	1047A	15630	15630
24	1047B	15631	15631
25	1208D	15589	15589

15652

1		PLAINTIFF'S EXHIBITS (continued)			
2	Exhibit	Offered	Received	Refused	Reserved
3	1208C	15590	15590		
4	1425	15552	15552		
5	1426	15637	15637		
6	1489	15591	15591		
7	2203	15548	15548		
8	2211	15554	15554		

Withdrawn

9 * * * * *

10 REPORTERS' CERTIFICATE

11 We certify that the foregoing is a correct
transcript from

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

Dated

13 at Denver, Colorado, this 31st day of December, 1997.

14

15

Paul Zuckerman

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Bonnie

Carpenter

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