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

fffffffffffffff  
9                   REPORTER'S TRANSCRIPT  
10                  (Trial to Jury: Volume 158)  
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fffffffffffffff  
12                  Proceedings before the HONORABLE RICHARD P.  
MATSCH,  
13                  Judge, United States District Court for the District of  
14                  Colorado, commencing at 4:59 p.m., on the 6th day of  
January,  
15                  1998, in Courtroom C-204, United States Courthouse,  
Denver,  
16                  Colorado.  
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24 Proceeding Recorded by Mechanical Stenography,  
Transcription  
Street, Produced via Computer by Paul Zuckerman, 1929 Stout  
629-9285 25 P.O. Box 3563, Denver, Colorado, 80294, (303)

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## 1 APPEARANCES

2 PATRICK RYAN, United States Attorney for the  
Western

3 District of Oklahoma, 210 West Park Avenue, Suite 400,  
Oklahoma

4 City, Oklahoma, 73102, appearing for the plaintiff.

5 LARRY MACKEY, SEAN CONNELLY, BETH WILKINSON,  
GEOFFREY

6 MEARNS, JAMIE ORENSTEIN, andAITAN GOELMAN, Special  
Attorneys

7 to the U.S. Attorney General, 1961 Stout Street, Suite  
1200,

8 Denver, Colorado, 80294, appearing for the plaintiff.

9 MICHAEL TIGAR, RONALD WOODS, ADAM THURSCHWELL,  
REID

Lincoln 10 NEUREITER, and JANE TIGAR, Attorneys at Law, 1120

for 11 Street, Suite 1308, Denver, Colorado, 80203, appearing

12 Defendant Nichols.

13 \* \* \* \*

14 PROCEEDINGS

15 (In open court at 4:59 p.m.)

16 THE COURT: Be seated, please.

17 May I have

18 (At the bench:)

19 (Bench Conference 158B1 is not herein transcribed)

by court

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

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1 (In open court:)

2 (Jury in at 5:01 p.m.)

3 THE COURT: Members of the jury, I am going  
to, it

4 being 5:00, recess your deliberations for the day. I know it's

5 been a long day and you've worked hard on the  
case

6 today.

I  
7 You communicated with the Court yesterday, and

today.  
8 responded. You communicated with the Court earlier

9 After consulting with counsel, I responded again.

10 And now you have a communication of a few  
minutes

I do  
11 ago. I'm not prepared to respond to that now, because

the  
12 want to discuss it, as is appropriate, of course, with

13 lawyers in the case. I'm sure you understand that.

14 But we will have a response for you in the  
morning.

15 And I am not making public your communications and my  
responses

16 at this time. Ultimately, they will be public, of  
course; but

17 as I have  
you are a deliberating jury. Your deliberations are,

18 told you several times, a matter of secrecy, a matter  
among the

19 and for  
12 of you. And it is because of our respect for that

these  
20 the process of jury deliberation that I am not making

21 communications public.

22 don't  
And of course, neither must you. I'm sure I

23 and you  
have to say this, but you have been discussing the case

24 know the views of other jurors. You've been exchanging  
views;

25 and what I want you to do now, just as I have said to  
you

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1 before when I've recessed deliberations -- but I say it  
with

2 even more emphasis now -- that I'm going to ask you to  
put this

3 matter to rest entirely in your minds until you're back  
4 tomorrow. And also, of course, do not discuss your  
5 deliberations or anything about the case with anyone,  
6 including, as I say, other jurors. I mean, it would be  
7 inappropriate for you to call up another juror and talk  
about

8 it or other jurors or in any way during the time of the  
recess

9 attempt to influence the views of any other juror in  
any way by

10 any communication or effort.

11 The only time that you are free to exchange  
views and

12 talk to each other and suggest ways to analyze the  
issues, and

13 so forth, is when you're together as the 12 jurors.  
And I'm

14 sure you understand that, but I simply want to  
reemphasize it.

15 And I'm going to ask you to return at the usual time in  
the

16 morning, and I will respond to this latest  
communication at

17 that time.

18 Now, you're entitled to rest. You know,  
everybody who

19 is involved in this case knows something about the  
stresses and

20 strains that are with you and the difficulty of the  
decisions

21 that you are here to make. So I want you to have the  
22 reassurance that we understand the difficult task that  
has been

23 given to you and that, you know, it is not expected  
that there

24 be some kind of quick response.

25 So I hope that each of you will leave this  
matter in

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1 the courthouse now. Go your respective ways, have  
rest, and

2 come back to us tomorrow; and I'll have something  
further for

3 you then.

4 So we'll excuse you now and have you back at  
the same

5 time in the morning, 8:30 in the morning.

6                  You're excused for now.

7                  (Jury out at 5:06 p.m.)

8                  THE COURT: All right, we'll be in recess.

9                  (Recess at 5:07 p.m.)

10                 \* \* \* \* \*

11                 REPORTER'S CERTIFICATE

12                 I certify that the foregoing is a correct  
transcript from

Dated            13    the record of proceedings in the above-entitled matter.

14                 at Denver, Colorado, this 6th day of January, 1998.

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Paul Zuckerman

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