

Grand Jury Indictment of Timothy McVeigh and Terry Nichols

Transcript of Preliminary Hearing (April 27, 1995)

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

--VS--

No CR 95-110

TIMOTHY JAMES McVEIGH)

and)

TERRY LYNN NICHOLS,)) Defendants.)

Violations

18 USC Sec. 2332a; 18 USC Sec. 844(f); 18 USC Sec. 1114; 18 USC Sec. 1111; 18 USC Sec. 2(a)&(b)

INDICTMENT

COUNT ONE

(Conspiracy to Use a Weapon of Mass Destruction)

The Grand Jury charges:

1. Beginning on or about September 13, 1994 and continuing thereafter until on or about April 19, 1995, at Oklahoma City, Oklahoma, in the Western District of Oklahoma and elsewhere,

TIMOTHY JAMES McVEIGH

and

TERRY LYNN NICHOLS,

the defendants herein, did knowingly, intentionally, willfully and maliciously conspire, combine and agree together and with others unknown to the Grand Jury to use a weapon of mass destruction, namely an explosive bomb placed in a truck (a "truck bomb"), against persons within the United States and against property that was owned and used by the United States and by a department and agency of the United States, namely, the Alfred P. Murrah Federal Building at 200 N.W. 5th Street, Oklahoma City, Oklahoma, resulting in death, grievous bodily injury and destruction of the building.

2. It was the object of the conspiracy to kill and injure innocent persons and to damage property of the United States.

THE MANNER AND MEANS USED BY THE CONSPIRATORS TO FURTHER THE OBJECTS OF THE CONSPIRACY

Among the manner and means used by the defendants to further the objects of the conspiracy were the following:

3. McVEIGH and NICHOLS planned an act of violence against persons and property of the United States.

4. McVEIGH and NICHOLS selected the Alfred P. Murrah Federal Building and its occupants as the targets of their act of violence and McVEIGH attempted to recruit others to assist in the act of violence.

5. McVEIGH and NICHOLS obtained and attempted to obtain the components of a truck bomb, including a truck, ammonium nitrate, racing and diesel fuel, detonation cord and other explosive materials.

6. McVEIGH and NICHOLS used storage units to conceal the truck bomb components and stolen property.

7. McVEIGH and NICHOLS used stolen property and its proceeds to help finance their act of violence.

8. McVEIGH and NICHOLS made calls with a telephone calling card that they had acquired in a false name as a means of concealing their true identities and as a means of preventing calls from being traced to them.

9. McVEIGH and NICHOLS used different false names in business transactions as a means of concealing their true identities, their whereabouts and the true intent of their activities.

10. McVEIGH and NICHOLS constructed an explosive truck bomb, and McVEIGH placed it outside the Alfred P. Murrah Federal Building in downtown Oklahoma City, where he detonated the bomb.

OVERT ACTS

To further the conspiracy and to achieve its objectives, McVEIGH and NICHOLS committed and caused to be committed the following acts, among others, in the Western District of Oklahoma and elsewhere:

11. On or about September 22, 1994, McVEIGH rented a storage unit in the name "Shawn Rivers" in Herington, Kansas.

12. On or about September 30, 1994, McVEIGH and NICHOLS purchased forty fifty-pound bags of ammonium nitrate in McPherson, Kansas under the name "Mike Havens."

13. In or about late September 1994, McVEIGH made telephone calls in an attempt to obtain detonation cord and racing fuel.

14. On or about October 1, 1994, McVEIGH and NICHOLS stole explosives from a storage locker (commonly referred to as a magazine) in Marion, Kansas.

15. On or about October 3, 1994, McVEIGH and NICHOLS transported the stolen explosives to Kingman, Arizona.
16. On or about October 4, 1994, McVEIGH rented a storage unit in Kingman, Arizona for the stolen explosives.
17. On or about October 16, 1994, NICHOLS registered at a motel in Salina, Kansas under the name "Terry Havens."
18. On or about October 17, 1994, NICHOLS rented storage unit No. 40 in Council Grove, Kansas in the name "Joe Kyle."
19. On or about October 18, 1994, McVEIGH and NICHOLS purchased forty fifty-pound bags of ammonium nitrate in McPherson, Kansas under the name "Mike Havens."
20. In or about October 1994, McVEIGH and NICHOLS planned a robbery of a firearms dealer in Arkansas as a means to obtain moneys to help finance their planned act of violence.
21. On or about November 5, 1994, McVEIGH and NICHOLS caused firearms, ammunition, coins, United States currency, precious metals and other property to be stolen from a firearms dealer in Arkansas.
22. On or about November 7, 1994, NICHOLS rented storage unit No. 37 in Council Grove, Kansas in the name "Ted Parker" and used the unit to conceal property stolen in the Arkansas robbery.
23. On or about November 16, 1994, NICHOLS rented a storage unit in Las Vegas, Nevada and stored, among other items, a ski mask.
24. On or about November 21, 1994 and prior to departing for the Philippines, NICHOLS prepared a letter to McVEIGH, to be delivered only in the event of NICHOLS' death, in which he advised McVEIGH, among other matters, that storage unit No. 37 in Council Grove, Kansas had been rented in the name "Parker" and instructed McVEIGH to clear out the contents or extend the lease on No. 37 by February 1, 1995. NICHOLS further instructed McVEIGH to "liquidate" storage unit No. 40.
25. On or about December 16, 1994, while en route to Kansas to take possession of firearms stolen in the Arkansas robbery, McVEIGH drove with Michael Fortier to the Alfred P. Murrah Federal Building and identified the building as the target.
26. In early 1995, following NICHOLS' return from the Philippines, firearms stolen in the Arkansas robbery were sold and McVEIGH, NICHOLS and Michael Fortier obtained currency from those sales.
27. On or about February 9, 1995, NICHOLS, using currency, paid for the continued use of storage unit No. 40 at Council Grove, Kansas in the name of "Joe Kyle."
28. In or about March, 1995, McVEIGH obtained a driver's license in the name of "Robert Kling" bearing a date of birth of April 19, 1972.
29. On or about April 14, 1995, McVEIGH, using currency, purchased a 1977 Mercury Marquis in Junction City, Kansas.

30. On or about April 14, 1995, McVEIGH called the NICHOLS residence in Herington, Kansas from Junction City, Kansas.

31. On or about April 14, 1995, McVEIGH called a business in Junction City and, using the name "Bob Kling", inquired about renting a truck capable of carrying 5,000 pounds of cargo.

32. On or about April 14, 1995, McVEIGH, using currency, rented a room at a motel in Junction City, Kansas.

33. On or about April 15, 1995, McVEIGH, using currency, placed a deposit for a rental truck in the name "Robert Kling."

34. On or about April 17, 1995, McVEIGH took possession of a 20-foot rental truck in Junction City, Kansas.

35. On or about April 18, 1995, at Geary Lake State Park in Kansas, McVEIGH and NICHOLS constructed an explosive truck bomb with barrels filled with a mixture of ammonium nitrate, fuel and other explosives placed in the cargo compartment of the rental truck.

36. On April 19, 1995, McVEIGH parked the truck bomb directly outside the Alfred P. Murrah Federal Building, located within the Western District of Oklahoma, during regular business and day-care hours.

37. On April 19, 1995, McVEIGH caused the truck bomb to explode.

THE RESULTS OF THE CONSPIRACY

38. As intended by McVEIGH and NICHOLS, the truck bomb explosion resulted in death and personal injury and the destruction of the Alfred P. Murrah Federal Building, located within the Western District of Oklahoma. The following persons were present at the Alfred P. Murrah Federal Building on April 19, 1995, and were killed as a result of the explosion:

Charles E. Hurlburt	73
John Karl Vaness III	67
Anna Jean Hurlburt	67
Donald Lee Fritzier	64
Eula Leigh Mitchell	64
Donald Earl Burns, Sr.	63
Norma Jean Johnson	62
Calvin C. Battle	62
Laura Jane Garrison	61
Olen Burl Bloomer	61
Luther Hartman Treanor	61
Rheta Ione Bender Long	60
Jureta Colleen Guiles	59
Robert Glen Westberry	57
Carolyn Ann Kreymborg	57
Leora Lee Sells	57
Mary Anne Fritzier	57
Virginia Mae Thompson	56
Peola Y. Battle	56
Peter Robert Avillanoza	56

Richard Leroy Cummins	55
Ronald Vernon Harding	55
LaRue Ann Treanor	55
Ethel Louise Griffin	55
Antonio C. Reyes	55
Thompson Eugene Hodges, Jr.	54
Alvin Junior Justes	54
Margaret Goodson	54
Oleta Christine Bidy	54
David Jack Walker	54
James Anthony McCarthy	53
Carol L. Bowers	53
Linda Coleen Housley	53
John Albert Youngblood	52
Robert Nolan Walker, Jr.	52
Thomas Lynn Hawthorne, Sr.	52
Dolores Marie Stratton	51
Jules Alfonso Valdez	51
John Thomas Stewart	51
Mickey Bryant Maroney	50
John Clayton Moss III	50
Carole Sue Khalil	50
Emilio Tapla-Rangel	50
James Everette Boles	50
Donald R. Leonard	50
Castine Deveroux	49
Clarence Eugene Wilson	49
Wanda Lee Watkins	49
Michael Lee Loudenslager	48
Carrol June Fields	48
Frances Ann Williams	48
Claudine Ritter	48
Ted Leon Allen	48
Linda Gail Griffin McKinney	47
Patricia "Trish" Ann Nix	47
Betsy Janice McGonnell	47
David Neil Burkett	47
Michael George Thompson	47
Catherine Mary Leinen	47
Sharon Louise Wood Chesnut	47
Ricky Lee Tomlin	46
Larry James Jones	46
Richard Arthur Allen	46
Harley Richard Cottingham	46
Lanny Lee David Scroggins	46
George Michael Howard	45
Jerry Lee Parker	45
Judy Joann Fisher	45
Diane Elaine Hollingsworth Althouse	45
Michael D. Weaver	45
Robert Lee Luster, Jr.	45
Peter Leslie DeMaster	44
Katherine Ann Finley	44

Doris Adele Higginbottom	44
Stephen Douglas Curry	44
Michael Joe Carrillo	44
Cheryl E. Bradley Hammon	44
Aurelia Donna Luster	43
Linda L. Florence	43
Claudette Meek	43
William Stephen Williams	42
Johnny Allen Wade	42
Larry Laverne Turner	42
Brenda Faye Daniels	42
Margaret Louise Clark Spencer	42
Paul Gregory Broxterman	42
Paul Douglas Ice	42
Woodrow Clifford "Woody" Brady	41
Claude Arthur Medearis	41
Teresa Lea Lauderdale	41
Terry Smith Rees	41
Alan Gerald Whicher	40
Lola Renee Bolden	40
Kathy Lynn Seidl	39
Kimberly Kay Clark	39
Mary Leasure Rentie	39
Diana Lynn Day	38
Robin Ann Huff	37
Peggy Louise Jenkins Holland	37
Victoria Jeanette Texter	37
Susan Jane Ferrell	37
Kenneth Glenn McCullough	36
Victoria Lee Sohn	36
Pamela Denise Argo	36
Rona Linn Chafey	36
Jo Ann Whittenberg	35
Gilbert Xavier Martinez	35
Wanda Lee Howell	34
Saundra Gail "Sandy" Avery	34
James Kenneth Martin	34
Lucio Aleman, Jr.	33
Valerie Jo Koelsch	33
Teresa Antionette Alexander	33
Kim Robin Cousins	33
Michelle Ann Reeder	33
Andrea Y. Blanton	33
Karen Gist Carr	32
Christi Yolanda Jenkins	32
Jamie Lee Genzer	32
Ronota Ann Woodbridge	31
Benjamin Laranzo Davis	29
Kimberly Ruth Burgess	29
Tresia Jo Mathes-Worton	28
Mark Allen Bolte	28
Randolph Guzman	28
Sheila R. Gigger Driver	28

Karan Denise Shepherd	27
Sonja Lynn Sanders	27
Derwin Wade Miller	27
Jill Diane Randolph	27
Carrie Ann Lenz	26
Cynthia Lynn Campbell Brown	26
Cassandra K. Booker	25
Shelly Deann (Turner) Bland	25
Scott Dwain Williams	24
Dana LeAnne Cooper	24
Julie Marie Welch	23
Frankie Ann Merrell	23
Christine Nicole Rosas	22
Lakesha Levy	21
Cartney J. McRaven	19
Aaron M. Coverdale	5
Ashley Megan Eckles	4
Zackary Taylor Chavez	3
Kayla Marie Haddock	3
Peachlyn Bradley	3
Chase Dalton Smith	3
Anthony Christopher Cooper II	2
Colton Smith	2
Elijah Coverdale	2
Dominique R. London	2
Baylee Almon	1
Jaci Rae Coyne	1
Blake Ryan Kennedy	1
Tevin D'Aundrae Garrett	1
Danielle Nicole Bell	1
Tylor S. Eaves	8 months
Antonio Ansara Cooper, Jr.	6 months
Kevin Lee Gottshall II	6 months
Gabreon Bruce	4 months

All in violation of Title 18, United States Code, Section 2332a.

COUNT TWO

(Use of A Weapon of Mass Destruction)

The Grand Jury further charges:

On or about April 19, 1995, at Oklahoma City, Oklahoma, in the Western District of Oklahoma,

TIMOTHY JAMES McVEIGH

and

TERRY LYNN NICHOLS.

the defendants herein, did knowingly, intentionally, willfully and maliciously use, aid and abet the use of, and cause to be used, a weapon of mass destruction, namely an explosive bomb placed in a truck, against persons within the United States, resulting in death to the persons named in Count One, Paragraph 38 (which is expressly incorporated by reference herein) and personal injury to other persons.

All in violation of Title 18, United States Code, Sections 2332a and 2(a)&(b).

COUNT THREE

(Destruction by Explosive)

The Grand Jury further charges:

On or about April 19, 1995, at Oklahoma City, Oklahoma, in the Western District of Oklahoma,

TIMOTHY JAMES McVEIGH

and

TERRY LYNN NICHOLS,

the defendants herein, did knowingly, intentionally, willfully and maliciously damage and destroy, aid and abet the damage and destruction of, and cause to be damaged and destroyed, by means of an explosive, namely, an explosive bomb placed in a truck, a building and other personal and real property in whole and in part owned, possessed and used by the United States and departments and agencies of the United States, that is. the Alfred P. Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, Oklahoma, causing, as a direct and proximate result, the death of the persons named in Count One, Paragraph 38 (which is expressly incorporated by reference herein) and personal injury to other persons. All in violation of Title 18, United States Code, Sections 844(f) and 2(a)&(b).

COUNTS FOUR THROUGH ELEVEN

(First Degree Murder)

The Grand Jury further charges:

On or about April 19, 1995, at Oklahoma City, Oklahoma, in the Western District of Oklahoma,

TIMOTHY JAMES McVEIGH

and

TERRY LYNN NICHOLS,

the defendants herein, did unlawfully, willfully, deliberately, maliciously, and with premeditation and malice aforethought, kill, and aid, abet and cause the killing of, the following persons while they were engaged in and on account of the performance of official duties as law enforcement officers:

Name/Position:

COUNT: FOUR Name/Position: Mickey Bryant Maroney
Special Agent United States Secret Service

COUNT: FIVE Name/Position: Donald R. Leonard
Special Agent United States Secret Service

COUNT: SIX Alan Gerald Whicher
Assistant Special Agent in Charge United States Secret Service

COUNT: SEVEN Cynthia Lynn Campbell-Brown
Special Agent United States Secret Service

COUNT: EIGHT Kenneth Glenn McCullough
Special Agent United States Drug Enforcement Administration

COUNT: NINE Paul Douglas Ice
Special Agent United States Customs Service

COUNT: TEN Claude Arthur Medearis
Special Agent United States Customs Service

COUNT: ELEVEN Paul G. Broxterman
Special Agent Department of Housing and Urban Development Office of Inspector General

All in violation of Title 18, United States Code, Sections 1114, 1111 and 2(a)&(b); and Title 28,
Code of Federal Regulations, Section 64.2(h).

PATRICK M. RYAN United States Attorney