

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, . Criminal No. 1:01cr455
. .
vs. . Alexandria, Virginia
. April 11, 2006
ZACARIAS MOUSSAOUI, . 1:30 p.m.
a/k/a Shaqil, a/k/a .
Abu Khalid al Sahrawi, .
Defendant. .
.

TRANSCRIPT OF JURY TRIAL
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE
VOLUME XVII-A

APPEARANCES:

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COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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4 and

ALAN H. YAMAMOTO, ESQ.

5 643 South Washington Street

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6 ALSO PRESENT:

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1 NOTE: The afternoon portion of the case on April 11,
2 2006 begins in the presence of the defendant and the jury as
3 follows:

4 JURY IN

5 THE COURT: Mr. Spencer.

6 MR. SPENCER: Thank you very much, Your Honor. The
7 United States calls Jose Rojas, Jr.

8 NOTE: The witness is sworn.

9 THE COURT: Go ahead.

10 MR. SPENCER: Thank you, Your Honor.

11 JOSE ROJAS, JR., called by counsel for the United
12 States, first duly affirming, testifies and states:

13 DIRECT EXAMINATION

14 BY MR. SPENCER:

15 Q. Good afternoon, sir.

16 A. Good afternoon.

17 Q. Can you move up so the microphone is a little closer to your
18 mouth, please, sir, and tell the jury your name and spell your
19 last name, please.

20 A. My name is Jose E. Rojas, Jr. My last name is spelled
21 R-o-j-a-s.

22 Q. How old are you, sir?

23 A. 43 years of age.

24 Q. Are you employed by the Pentagon police?

25 A. That's correct.

1 Q. What's your rank at the Pentagon police, sir?

2 A. At the present I am a Sergeant.

3 Q. When did you start as a Pentagon police officer?

4 A. December 6, 1999.

5 Q. And when were you promoted to Sergeant, sir?

6 A. January 23 of '05.

7 Q. Were you working at the Pentagon on the morning of September
8 11, 2001?

9 A. Yes, I was.

10 Q. What time did you begin work that day?

11 A. 0400.

12 Q. So you were working about 9:30 that morning?

13 A. That's correct.

14 Q. What duties did you have that morning, September 11, 2001?

15 A. Well, I was working down at the remote delivery facility,
16 where every package, anything that comes into the Pentagon gets
17 inspected.

18 Q. So your job was to screen material coming into the Pentagon?

19 A. That's correct.

20 Q. How far away from the Pentagon itself is the remote delivery
21 facility?

22 A. It's adjacent. The buildings are actually pretty much
23 joined.

24 Q. I am going to, we have got a large model right in front of
25 you, but I am actually going to ask Mr. Francisco to bring up a

1 photograph of that model.

2 Looking at the photograph, which is Government Exhibit
3 P200020-3, can you indicate by marking the screen, if it is shown
4 on that photo, where the remote delivery facility was on September
5 11.

6 A. It is actually not shown, but it would be more back here in
7 this area (indicating).

8 Q. You can actually use your finger instead of the pointer, if
9 it is easier. Thank you.

10 A. Okay.

11 Q. So, it is over to that side of the building?

12 A. That's correct.

13 Q. Now, that morning what did you first hear about a plane
14 hitting the World Trade Center?

15 A. Well, I remember one of the couriers coming into the building
16 saying, did you hear? And I was like, did I hear what? He said,
17 a plane just hit one of the World Trade Centers. I was like, get
18 out of here.

19 So, myself and another co-worker, we went into our
20 Sergeant's office because he had a television in there to see what
21 was on the news about it.

22 And as we are watching, that's when we saw the second
23 plane hit in the second World Trade Center. And all of us just
24 said together at one time, we're next.

25 Q. All right. And after that, what did you hear?

1 A. Well, our Sergeant, Sergeant DiGilio told us, go outside and
2 make sure everybody is, you know, very aggressive on their Ps and
3 Qs because we're going to get hit. We started to walk towards the
4 door to go outside and the whole building just shook. We walked
5 out the door, and all I could see is this big fire, like mushroom
6 cloud of fire.

7 Q. Now, again, using the exhibit that is shown on the monitors,
8 can you indicate where you saw that mushroom cloud of fire?

9 A. In this area right there (indicating).

10 Q. All right. Thank you, let's me clear the screen from you.

11 And what did you do, Sergeant?

12 A. Well, the first thing we started doing is running towards
13 that area.

14 Q. And when you were running, can you show us where you were
15 running using that photograph again, were you running up the side
16 of the Pentagon that is shown there?

17 A. Yes, sir, coming along here (indicating).

18 Q. And as you were running, did you see people running away from
19 the building?

20 A. Yes, quite a bit. Our first notion was just to get them as
21 far as possible away from the building. I just started telling
22 everyone, get away from here, just move away from the building.

23 Q. Now, did there come a time when you came up next to windows
24 that were blown out from the Pentagon?

25 A. Yes.

1 Q. Can you indicate on that photo approximately where that was?

2 A. Right there, sir (indicating).

3 Q. When you got there, what did you do, Sergeant?

4 A. Well, as I approached you could just see thick, black smoke
5 just coming out of the building, but you can actually hear people
6 inside the building moaning, groaning, screaming.

7 A gentleman, I never recalled who he was, came up next
8 to me and he was small in stature to me. The window was pretty
9 high off the ground. So, I hoisted him up for him to get right
10 there by the window and just started -- I just started yelling to
11 people, you know, if you can hear me, just keep coming out to the
12 sound of my voice, just keep coming until you get close.

13 Q. And did anyone come to the sound of your voice, sir?

14 A. Yes, quite a bit.

15 Q. And tell the jury what happened then.

16 A. Well, the first one was, I would guess he was an
17 African-American male. The gentleman who was with me tried to
18 hoist him as much as he could up to the window. So, I grabbed his
19 hands and he slipped back. He slipped because his skin came off
20 into my hands.

21 I then had to take my hands and dig them into his finger
22 -- my fingernails into his flesh, and I could here him screaming
23 and hollering, just to pull him out of the building.

24 Q. So, you pulled him out up over the sill from the inside to
25 the outside?

1 A. That's correct, sir.

2 Q. And what did you do with the skin that you just described?

3 A. I just had to shake it off, just shake it off and get right
4 back in there.

5 Q. And what did you do with that gentleman?

6 A. Carried him as far as I could away from the building and went
7 back over and just started rescuing more people out of the
8 building.

9 Q. Were you able to pull anyone else out of the building,
10 Sergeant?

11 A. As I can recall, we got nine, nine individuals out.

12 Q. Do you know what happened to those nine individuals?

13 A. Eight of them survived, but I found out later that one lady
14 died, but from the time I saw her I knew she wasn't going to make
15 it. Too many burns to her body.

16 Q. And did you pull these people out of approximately a window
17 at the same location from where you pulled the man out?

18 A. That's correct, sir.

19 Q. And at any time did you try to go in through those windows?

20 A. We tried, but by that time the fire department had gotten
21 there and they didn't want anyone to go into the building because
22 they were afraid that it was actually going to cave in and
23 collapse.

24 Q. Did you see what it looked like inside the Pentagon from
25 where you were looking into the window?

1 A. It was just destroyed. And that's the side of the building
2 that they had just finished remodeling. Light fixtures was all
3 over the place, thick black smoke, little fires.

4 I mean, you wouldn't never have known that there was
5 actual offices there.

6 Q. Were there-- Let me ask it this way. Excuse me, Your Honor.

7 What, if any, propane tanks were on the outside of that
8 side of the Pentagon?

9 A. Yes. About this area right here (indicating) they still had
10 a fenced-in area because the construction was still going on. And
11 there was small propane tanks, like what you use on your grass
12 grill. At that point they was just shooting off like missiles in
13 the air, one after the other, just shooting up into the sky. And
14 where they were coming down, we didn't know.

15 So, there was a Lt. Colonel there who was also helping
16 us out. And I all told him, just the only thing I want you to do
17 is watch where those propane tanks are coming down. If they start
18 coming down by us, let me know so we can get out of here.

19 Q. Also on that side of the building, was there a fire station?

20 A. Yes. Actually, it was right here where you see the helipad,
21 the little -- it was right there, there was a little tower like
22 for the helicopters. And the actual fire department had their
23 little station right underneath that pad.

24 Q. Was there fire equipment located there?

25 A. Yes, there was a truck and some firefighters there always on

1 duty.

2 Q. Did you see what happened to that truck?

3 A. It was demolished.

4 Q. At some point when you were outside trying to rescue people
5 that day, what did you hear about another plane coming in?

6 A. I heard somebody, gentleman from the Air Force screaming,
7 incoming boggie. I was in the military, so I knew what they were
8 talking about.

9 But myself and some others started yelling to them,
10 speak in plain English because not everyone understands what
11 "incoming boggie" means.

12 Q. So, what did you do when you heard that?

13 A. Well, when we heard that, the first thing everybody started
14 saying, let's get away from the building.

15 So, we started running away from the building towards
16 Route 27 and stayed over there until we saw one of our fighter
17 jets, it must have been either an F-15 or F-16 just come screaming
18 by and everybody just, yeah, you know, let's get them.

19 Q. Did you go back toward the building at that point?

20 A. Yes, because once we saw the jet, everyone felt it was safe
21 to get back and started doing more rescue.

22 Q. And then did there come a time following that that the
23 Arlington County Fire Department took command of the scene?

24 A. Yes, they actually took command. And they said they weren't
25 letting anyone go back in, not even their own firefighters because

1 they were afraid that the building was going to collapse.

2 Q. How late did you work that day?

3 A. I got off at 3 o'clock in the morning the next day.

4 Q. And what did you do at that point?

5 A. Went home, took a shower, said hello to my wife, my kids, ate
6 and went back to work 6 o'clock in the morning.

7 Q. And how long did you work that next day?

8 A. Until about 12 midnight.

9 Q. What duty did you begin performing that next day, September
10 12?

11 A. Excuse me. We started becoming a temporary morgue.

12 Q. For how long --

13 A. For the Pentagon.

14 Q. For how long were you assigned to that duty, sir?

15 A. For about a week-and-a-half.

16 Q. Now, Sergeant Rojas, how has September 11, that day, and the
17 attack on the Pentagon affected you, sir?

18 A. I used to smoke. I used to drink a little. And I had
19 stopped, I had stopped for about six years. Like I say, I had
20 stopped. I started right back.

21 It's affected me so. I mean, even up until now you hear
22 a plane flying over, the first thing everyone does is look right
23 up in the sky. I mean, it is not something that I am proud of
24 that I started smoking and drinking again, but I have talked to
25 people, talked to pastors, we have had therapists there at the

1 Pentagon, that's my way of dealing with it.

2 MR. SPENCER: Thank you very much, Sergeant. Thank you,
3 Your Honor.

4 THE COURT: Any cross-examination?

5 MR. YAMAMOTO: No cross, Your Honor.

6 THE COURT: Thank you, Sergeant. You are excused as a
7 witness.

8 THE WITNESS: Thank you.

9 NOTE: The witness stood down.

10 MR. SPENCER: The United States calls Lt. Colonel John
11 Thurman, Your Honor.

12 NOTE: The witness is sworn.

13 THE COURT: Go ahead.

14 MR. SPENCER: Thank you, Your Honor.

15 JOHN THURMAN, called by counsel for the United States,
16 first duly affirming, testifies and states:

17 DIRECT EXAMINATION

18 BY MR. SPENCER:

19 Q. Good afternoon, sir.

20 A. Good afternoon.

21 Q. Can you tell the jury your name, and spell your last name for
22 them, please.

23 A. My name is Lt. Colonel John Thurman, T-h-u-r-m-a-n, United
24 States Army.

25 Q. How old are you, sir?

1 A. I am 39 years old.

2 Q. Where are you from originally?

3 A. Originally from Pasadena, California.

4 Q. And you just told us that you are in the United States Army?

5 A. I am, correct.

6 Q. And you are a Lieutenant Colonel?

7 A. I am.

8 Q. What is your current assignment?

9 A. I am currently working in the Office of the Secretary of
10 Defense in program analysis and evaluation.

11 Q. Can you tell the jury, please, your military background,
12 where you went to college and where you served since then up until
13 September 2001.

14 A. I attended the United States Military Academy, graduating in
15 1988. My first assignment was as a military police platoon leader
16 in Germany. During that time I served in the first Gulf War.

17 Upon returning from Germany and going to the advanced
18 course, I was a company commander at Fort Hood, Texas, deployed my
19 company down to Guantanamo Bay to assist with the Hatian refugee
20 operation that took place there. And then went to the post
21 graduate school in Monterey, California. From there I was
22 assigned to the Army staff where I worked in Personnel Policy as
23 an operations research officer.

24 Q. All right. Was that your assignment in September of 2001?

25 A. That's correct.

1 Q. And I am going to ask Mr. Francisco to bring up Exhibit 318,
2 please. And that is already on the second floor.

3 Looking at the monitor that is just to your left there,
4 Lt. Colonel, is that a schematic of the office in which you were
5 assigned in September 2001 at the Pentagon?

6 A. It is. It's the newly renovated section that we had moved
7 to.

8 Q. And can you indicate by marking with your finger on the
9 screen there the office in which you served.

10 A. (Indicating.)

11 Q. Let me clear that for you. And what was your job in
12 September 2001?

13 A. I was serving as operations research analyst doing promotion
14 policy modeling for the officer division in the Directorate of
15 Military Policy Planning. Basically it was to determine and model
16 all the Army's promotion and selection boards.

17 Q. What was your rank that month?

18 A. I was a Major at that time.

19 Q. Now, what time did you get to work on September 11, 2001?

20 A. Approximate time was sometime between 7 and 7:30, my usual
21 time of arrival.

22 Q. Did you have occasion to communicate with your parents in
23 California by e-mail that morning?

24 A. I did.

25 Q. Why was that?

1 A. My father had e-mailed me to let me know that my sister,
2 Julie, had broken her water and was about to give birth.

3 Q. Do you have any other siblings, or is Julie your only
4 sibling?

5 A. Julie is the middle girl, younger than myself. And then my
6 younger sister, Maria.

7 Q. Was that to be your first niece or nephew?

8 A. It was.

9 Q. So, your parents' first grandchild?

10 A. That is correct.

11 Q. Now, that morning were you aware that planes had hit the
12 World Trade Towers?

13 A. Yes, sir.

14 Q. How? How did you know that?

15 A. Someone had come into the smaller office. In this green
16 shaded area was something that we kind of referred to as
17 Dilbertville. It was an open cubicle office. And then because we
18 were dealing with the sensitive promotion data, we were in this
19 smaller office.

20 Someone had come in and said that the first World Trade
21 Center had been hit. And so, I looked at the washingtonpost.com
22 and was just kind of following it from there.

23 Shortly thereafter someone came in and said that a
24 second plane had hit. And at that time a number of people got up.
25 The general officers have televisions in their office and are

1 usually very gracious about when major breaking events such as
2 this happen and allowed some people to go in.

3 Also, some people went over to Ms. Maryann Servo's work
4 station, she was our Congressional liaison officer, and were
5 gathered around the television that she had as she was often
6 tuning into C-SPAN.

7 I had chosen to stay at my desk because there were some
8 documents and some work that I wanted to get done, and felt that I
9 could just continue to monitor the situation through the Internet
10 and again looking at streaming video that was coming across to me.

11 Q. So, what do you recall when the plane hit the Pentagon at
12 first?

13 A. To me it didn't seem like a plane. Although I was certainly
14 aware, and as I had mentioned, had watched the first two towers on
15 the computer, to me it seemed like it was a bomb. Being in the
16 military, I have been around grenade, artillery explosions. It
17 was a two-part explosion to me. Being in the smaller room, it
18 seemed like that there was a percussion blast that blew me kind of
19 backwards in my cubicle to the side.

20 And then it seemed as if a massive explosion went off at
21 the same time. All the lights went out.

22 Q. And what did you do?

23 A. When the percussion blast happened, the first thing that many
24 soldiers are taught in basic training is when you come under fire
25 is drop and roll and take cover. And so, that's exactly what I

1 did. I dropped down and went underneath my desk.

2 And so, at that time I remember looking out from
3 underneath it, and the wall that is right here -- I am kind of
4 covering up there, it's a false wall. It was only established to
5 give us a more secure area, as I mentioned with the danger. But
6 the drop ceiling in it was connected. And so, the fire ball came
7 over that wall and I could see the fire pouring down from the
8 wall.

9 Q. Were the lights on at that point or were they off?

10 A. No, sir, the lights had gone out.

11 Q. And what did it look like in your office at that point?

12 A. It had gone to complete darkness. And I remember being
13 underneath the desk and thinking that I am feeling an earthquake.
14 Being from California, I had experienced that several times. And
15 so, it just felt like this rolling earthquake going on underneath
16 me.

17 And in reflection, I realize that it was the plane that
18 was actually underneath me. But at the time, again, I had thought
19 that perhaps the terrorists had surreptitiously gotten
20 construction workers to come in and place explosives and they had
21 perhaps commanded -- detonated them synchronous with what was
22 going on in New York.

23 Q. And can you describe for the jury what that fire ball, what
24 the fire looked like coming over the false wall and how close it
25 got to you, please.

1 A. Because the lights had completely gone out, it went
2 completely dark. This room here has no windows, that I'm
3 outlining, has no windows. And so, we were in complete darkness.
4 And it seemed to me like it was just a curtain of fire that came
5 pouring down. I was probably about 15, 20 feet away from that.

6 Q. How many other people were in your small internal office at
7 that point?

8 A. At that point there were six of us, including myself.

9 Q. And in the end, and we will talk about this more later, what
10 happened to those six people? How many lived and how many were
11 killed?

12 A. Three of us survived and three of us -- three of them died.

13 Q. So, after the fire ball came over that wall, what did you do,
14 Lt. Colonel?

15 A. I started shouting immediately, is anyone here? Is everyone
16 all right? I was very, very, very fortunate that in -- when the
17 explosion happened, the ceiling tiles, the fluorescent lights that
18 are in many offices all came crashing down. All the wall lockers
19 and file cabinets fell over. And you could hear them falling.

20 And so, I was shouting, you know, is anyone here? Is
21 everyone all right? Unbeknownst to me, the two other survivors
22 heard me and they were shouting to me. I think at that time that
23 I was probably deaf from the percussive.

24 Q. And did you eventually hear two other people who were still
25 in the office with you?

1 A. Yes, sir, I did. I heard Bill Roth and Karen Wagner calling
2 out. They were probably about ten feet from me. And as I came
3 out from underneath the desk, I encountered my file cabinet and
4 was able to push it over. And after them shouting and moving file
5 cabinets and such, because every path had now disappeared under
6 this melee of office furniture, I was able to pull them through to
7 me.

8 And so, we were huddled on the floor together.

9 Q. And from there could you tell from being huddled with them,
10 hearing what they were saying, what the condition of Karen
11 Wagner -- is that correct?

12 A. Correct.

13 Q. And Bill Roth was.

14 A. Karen was speaking. She was obviously panicked. Bill Roth
15 was speaking, but he was incoherent. And when I pulled him
16 through, I laid him on the ground and he didn't speak much or talk
17 much after that.

18 Q. Lt. Colonel, tell the jurors what the condition of the room
19 was like at that point.

20 A. The room was very quickly filling up with smoke. You
21 couldn't see anything. None of the emergency lighting was
22 working. The sprinklers had only squirted out a small amount of
23 water. I think that the pipes had been cut, so that there was no
24 water pressure. And the room was very rapidly getting very hot.

25 So that when we were on the ground, all that you could

1 do was put your face immediately on the carpet. Every time that I
2 would lift my head up to try and move something as we were
3 starting to try and find a path out, you would feel a searing
4 burning in your throat and you would start coughing. You just
5 couldn't breath.

6 Q. At that point did you try to get yourself and the other two
7 people out of that room?

8 A. Yes, sir.

9 Q. And how did you do that?

10 A. We approached the door-- The two circles that you see in the
11 room there are where Karen and Bill died. And it's approximately
12 where we were huddled. And we tried to go to this door right
13 there because Bill had I believe at that point passed out due to
14 smoke inhalation and was on the ground, Karen got behind me and we
15 were on our hands and knees, and she had grabbed my belt in the
16 back, and we moved forward to that door.

17 And then suddenly for some reason I remember what an
18 elementary school teacher had said is put your hand on a door
19 whenever there is a fire to see if it is hot. And I did, and it
20 was hot.

21 The explosion had broken the door slightly off its
22 hinge, and so that there was actually some space. And I inserted
23 my hand around to that space and immediately withdrew it because I
24 could feel hot, searing flames.

25 Q. So, what did you do?

1 A. So, I told Karen that we had to find a way to go out of the
2 room.

3 This place that I have just touched right there, there
4 is a door that goes to the stairwell that would then lead to this
5 hallway where we could then go down this corridor here out.

6 Unfortunately, from where we were at the door that we
7 attempted to go out, to this back door, again furniture, the very
8 large files that I don't know what they are called, but you put
9 your foot on it and it flips the whole file around, all the
10 promotion data, all the selection data, had completely fallen
11 over.

12 And by this time if you even lifted your head off the
13 floor, you could feel the intense heat coming at you.

14 And we couldn't find our way. It just seemed like we
15 were trying to get up very high over these file cabinets and were
16 being pushed back by the heat.

17 Q. Could you hear Karen and Bill at that point?

18 A. No. Karen at that point-- Well, we had, we had gone back to
19 the original place where Bill was. And I told Karen that we had
20 to get back to that door.

21 And about that time she stopped talking. She had, I
22 think, succumbed to the smoke.

23 And at the same time I laid face down trying to think
24 about how it was that I could get out of there. And I felt this
25 overwhelming sense that I needed to take a nap. And that's when

1 it hit me that I was going to die.

2 Q. And so, what did you do when you realized that you were going
3 to die at that point?

4 A. I got very angry. So, that wave, that instant knowing of
5 this is it, I'm dying, I got very angry that this is the method
6 and the way that I was going to die. I was very angry that
7 terrorism was going to try to take my life. On the same day that
8 my parents were going to receive their first grandchild, their
9 first son, their first born child was going to die.

10 And so, I really just got very angry.

11 Q. And what did that allow you to do at that point, Lt. Colonel?

12 A. At that point I realized that I just had to, no matter what,
13 with every ounce of strength that I had, get out of there.

14 And so, I managed to just push with all my strength some
15 of the file cabinets and then was able to actually find a path
16 through.

17 The door that I got to over here is an emergency door.
18 And so, I knew that I wanted to find that door. And the only way
19 I knew I had gotten to it was that an exit sign similar to the one
20 over these doors was above it and I could see the red glow. I
21 couldn't see the exit.

22 And so, at that point I knew that I had to hold my
23 breath, raise up my hands, and then push the bar to open the door.
24 And it opened.

25 Q. What was it like on other side of that emergency exit door?

1 A. It was surreal. I had gone from hell and smoke and heat to a
2 normal looking room.

3 Q. Show us on the diagram where you were after you went through
4 that door.

5 A. So, this is the door right here. And so, in that stairwell
6 there is a small kind of landing. And then there is another door
7 that led to this section. So, in the yellow, that's the
8 unrenovated part of the Pentagon. And the green was the newly
9 renovated portion.

10 Q. What did you do at that point, sir?

11 A. At that point I took off one of my shoes because I knew that
12 if I let the door go back, because it is one of these emergency
13 doors that you have a push bar on one side and there is no handle,
14 no anything on the other side, it is a one-way door. So, I put my
15 shoe there to jar it, put it ajar.

16 And I went through the other door and started shouting,
17 waiting for hopefully what I had expected were to be firemen and
18 breathing apparatus.

19 Q. Who did you eventually meet in that corridor?

20 A. My boss, Colonel Carl Knoblauch came. He had about five or
21 six other officers and staff with him. They had come back in
22 trying to find survivors.

23 Q. At that point did you and Colonel Knoblauch try to go back
24 into the office from which you had come?

25 A. Yes, sir. He opened the door that I mentioned that I put my

1 shoe in. And when he did it, there was smoke that came from the
2 floor all the way to the ceiling. And I had said to him, we have
3 to go back in, I know where they are at, we can get them.

4 And the smoke and heat was so intense, it was just
5 pouring straight out. And he said, we can't go in.

6 Q. So, what did you do at that point, sir?

7 A. At that point they took me out along this corridor and then
8 down corridor 5. And then what you don't see is the center
9 courtyard of the Pentagon, there was someone who was on an
10 electric scooter, and they then took me to the health clinic. Who
11 one of the doctors put me on oxygen right away, and then ordered
12 them to take me out to North Parking where they were triaging
13 casualties.

14 Q. Before they put you on oxygen, how were you doing physically?

15 A. I was in a state of shock. I didn't know what had-- You
16 know, had happened to me physically. In talking to people that
17 saw me, they said that I was just completely whitewashed and--
18 But I just felt so full of energy and still a lot of the anger.

19 Q. Were you coughing or were you breathing normally?

20 A. At this point I was coughing fairly profusely, a lot of black
21 soot. And I just felt like I was breathing into my lungs, but I
22 wasn't getting any oxygen. So--

23 MR. SPENCER: Your Honor, I offer for admission
24 Government's Exhibit P200267.

25 THE COURT: 267.

1 MR. YAMAMOTO: No objection, Your Honor.

2 THE COURT: All right, it is in.

3 (Government's Exhibit No. P200267 was received in
4 evidence.)

5 BY MR. SPENCER: (Continuing)

6 Q. That will come up on your monitor, Lt. Colonel.

7 Who is shown in that photograph, sir?

8 A. That's myself lying there with one of the doctors in North
9 Parking.

10 Q. That's a photograph that actually ran in a local newspaper?

11 A. Correct, it ran in The Washington Post.

12 Q. And that's, is that the triage station that you described?

13 A. That is correct. It is in North Parking. They had realized
14 very quickly that they needed to get the patients out of the
15 Delorenzo Health Clinic. It is not equipped-- It is just-- They
16 have doctors offices, that can do some minor surgery. But for the
17 immediate urgent needs of the casualties that day, they needed to
18 get them over to Arlington Hospital.

19 Q. And where were you taken?

20 A. I was taken to Arlington Hospital.

21 Q. And what was done with you at Arlington Hospital?

22 A. At Arlington Hospital I was taken into the ER. And they then
23 intubated me and kept me on oxygen in the ICU for two days.

24 Q. In fact, you were put into a medically-induced coma, is that
25 fair to say?

1 A. I don't know if that's the medical term. They put me under.
2 And I remember the anesthesiologist saying, you are fine. And
3 then he gave me the anesthesia -- or the shot in the arm. He
4 said, it is going to hurt, but you are going to go to sleep.

5 It hurt, I didn't go to sleep, and they still intubated
6 me.

7 Q. All right. Before you were put under, were you able to get a
8 message to your parents in California?

9 A. Yes, sir. One of the nurses was smart enough and knew enough
10 to ask me, she just said, who should I call? And somehow I just
11 told her my parents' number.

12 And so, within a couple hours of the Pentagon being hit,
13 my parents knew.

14 Afterwards, as my parents had told me, my sister had
15 been staying at my parents' house because they were in between
16 when her water broke. So, David, my brother-in-law, went to my
17 parents' room to wake them up, this is about 5:30, 6 o'clock, and
18 said that, you know, they are going to the hospital. Dad said,
19 fine, we will be there in a little bit. And David said, no, you
20 need to get up and watch the TV.

21 Well, very shortly after that the Pentagon was hit. And
22 somehow over the report that my parents were watching they said
23 that the newly renovated section had been hit. Well, my mother
24 had just been out in August to visit for a week. And, of course,
25 I took her to lunch at the Pentagon and showed her my office in

1 the newly renovated section.

2 So, she knew right away that there was a very good
3 chance that I had been hit. But because of this nurse at
4 Arlington Hospital, they knew within two-and-a-half hours I was
5 still alive.

6 Q. How long did you stay in the hospital?

7 A. About a week.

8 Q. Did you suffer permanent injuries as a result of the attack
9 on September 11?

10 A. No, I did not. I am very fortunate that I made a full and
11 complete recovery. It took about a year to get full capacity and
12 feel like I was back to normal, but today I am fine.

13 Q. And you mentioned before that of the six people in your
14 office, you told us that three survived?

15 A. That's correct.

16 Q. And three did not?

17 A. That's correct.

18 MR. SPENCER: Your Honor, I would move the admission of
19 Government's Exhibit P200268.

20 MR. YAMAMOTO: No objection Your Honor.

21 THE COURT: All right, it's in.

22 (Government's Exhibit No. P200268 was received in
23 evidence.)

24 BY MR. SPENCER: (Continuing)

25 Q. And who is shown in that photograph, sir?

1 A. That's Karen Wagner, the woman that I described.

2 Q. All right. Karen Wagner was killed that day?

3 A. She was. She was the one that went to the door with me and
4 eventually succumbed to the smoke inhalation.

5 Q. And did you know Karen Wagner?

6 A. I knew her very well. We were colleagues in the office
7 there. She was a Medical Corps officer. And so, her
8 responsibilities were to work the medical promotion boards and the
9 policies surrounding that.

10 And so, our cubicles were directly across from each
11 other. She is from Texas. And so, we used to talk a lot about
12 football and the Dallas Cowboys and just kind of about life as
13 colleagues do.

14 MR. SPENCER: And, Your Honor, I now move the admission
15 for Government's Exhibit P200269.

16 MR. YAMAMOTO: No objection.

17 THE COURT: All right, it's in.

18 (Government's Exhibit No. P200269 was received in
19 evidence.)

20 BY MR. SPENCER: (Continuing)

21 Q. And who is depicted in 269, sir?

22 A. It is Ms. Lisa Young. She was the administrative assistant
23 for our division.

24 Q. Was she killed that day as well?

25 A. She was. She was not in that room. She was, they believe,

1 outside of the room at a Xerox machine. And they believe that she
2 was killed fairly instantaneously by the bomb blast that came
3 through the floor.

4 Q. She was one of your co-workers?

5 A. She was.

6 Q. All told, how many people do you know -- did you know who
7 died or were killed in Pentagon that day?

8 A. I knew 26 colleagues and friends that died that day.

9 Q. How do you feel today about having survived them?

10 A. I feel incredibly lucky that I was not immediately injured.
11 I think that I survived only because nothing fell on me initially,
12 and that I never lost my bearing in that room.

13 And so, I know that I am incredibly lucky. At the same
14 time there is guilt about living. There is guilt about having
15 been a survivor, about getting the lucky break.

16 MR. SPENCER: That's all I have, Your Honor. Thank you.

17 THE COURT: Any cross examination?

18 MR. YAMAMOTO: No questions, Your Honor.

19 THE COURT: Thank you, sir, for your testimony. You are
20 excused as a witness.

21 NOTE: The witness stood down.

22 THE COURT: Mr. Novak, your next witness.

23 MR. NOVAK: Lieutenant McKeown, please.

24 NOTE: The witness is sworn.

25 MR. NOVAK: Your Honor, may I proceed?

1 THE COURT: Yes, sir.

2 NANCY McKEOWN, called by counsel for the United States,
3 first duly affirming, testifies and states:

4 DIRECT EXAMINATION

5 BY MR. NOVAK:

6 Q. Ma'am, would you introduce yourself to the jury by telling
7 the jury your first and your last name, spelling both.

8 A. Nancy McKeown, N-a-n-c-y, M-c-K-e-o-w-n.

9 Q. Ma'am, how old are you?

10 A. I am 42.

11 Q. Maybe I shouldn't have asked that.

12 A. No.

13 Q. You are a member of the United States Armed Forces, is that
14 right?

15 A. That is correct.

16 Q. What branch?

17 A. United States Navy.

18 Q. Now, what is your rank, your current rank in the Navy?

19 A. I am a Lieutenant.

20 Q. Now, in the world of the Navy, you are known as what is --
21 you are what is known as a Mustang, is that right?

22 A. That is correct.

23 Q. Do you want to explain to the folks who have never had the
24 honor of being in the Navy, what it means to be a Mustang?

25 A. It means I am a home-grown Naval officer. I enlisted in the

1 Navy back in 1983 as an aerographer's mate. And in recruit I was
2 an E-1. I worked myself through the ranks, went through observers
3 school, forecasting school, became a Chief Petty Officer.

4 I petitioned for a commissioning program and I was
5 selected as a limited duty officer, which means I maintain my
6 technical expertise in the meteorological and oceanographic arena.

7 Q. Now, can you tell us on September 11 of 2001 where is it that
8 you were assigned?

9 A. I was assigned to the Naval Ice Center's Pentagon METOC
10 component inside the Pentagon who supported the Chief of Naval
11 Operations and his office.

12 Q. What exactly was your job there within the Pentagon on that
13 day?

14 A. I was the METOC staff officer. I was actually the OIC in
15 charge of the small METOC component. And we prepared daily
16 briefings for the C&O, VC&O -- I'm sorry, the C&O, the VC&O and
17 his staff and then the N3, N5 staff.

18 Q. So, when you are talking about METOC, you are talking about
19 the weather, you are in charge of the weather forecasting for the
20 Navy, is that right?

21 A. That is correct, I am a weather geek, a forecaster, if you
22 want.

23 Q. And in what room-- First of all, what floor and what ring
24 were you assigned to within the Pentagon?

25 A. We were attached to the Navy Operational Center. That was in

1 the D Ring on board 1D-459.

2 Q. And so, you were on the first floor, is that right?

3 A. That is correct, the first floor.

4 Q. And when you said "we," could you tell us were you the
5 supervising officer of other members of your unit?

6 A. That is correct. I had five members to my staff. We worked
7 a 24-hour watch status. I had a mid-watch crew and a day crew.
8 And then I would come in in the morning and prepare the briefs and
9 do the briefing stops.

10 Q. On September 11, what time did you arrive at the Pentagon
11 that day?

12 A. I typically get there at 5:30 in the morning. We typically
13 brief at 0700.

14 Q. And can you tell us how many sailors were working under you
15 on that very day, September 11?

16 A. My midnight staff had actually been relieved. And my day
17 staff had arrived. So, we had changeover.

18 Q. Okay. And how many sailors did you have then that were
19 actually working on that day shift when the attack upon the
20 Pentagon occurred?

21 A. I had two members on board with me that day, AG1 Earhart and
22 AG2 Flocco.

23 Q. If I could show you Government's Exhibit 200-- I'm sorry,
24 P200271, which I would offer.

25 THE COURT: Any objection?

1 MR. YAMAMOTO: No, Your Honor.

2 THE COURT: All right, 271 is in.

3 (Government's Exhibit No. P200271 was received in
4 evidence.)

5 MR. NOVAK: If we could bring it up on the monitor.

6 BY MR. NOVAK: (Continuing)

7 Q. Lieutenant, if you could take a look at your monitor.

8 Can you tell us, who is that a photograph of?

9 A. That is AG1 Earhart.

10 Q. When you say AG1, for those of us not in the military, what
11 does AG1 mean?

12 A. It's an aerographer's mate, first class Petty Officer, he was
13 my leading Petty Officer for the component.

14 Q. Did he have a first name?

15 A. Edward.

16 Q. Okay. And did AG1 Earhart, how long had you known him?

17 A. Petty Officer Earhart and I were stationed together in Pearl
18 Harbor several years back, so I have known him for several years.
19 He transferred into the component and became my leading Petty
20 Officer.

21 Q. And where was he from?

22 A. He is from Kentucky. He is from a great big family that has
23 a lot of Navy heritage.

24 Q. Okay. And approximately how old was he on September 11?

25 A. I believe he was 26.

1 MR. NOVAK: Okay. If we could show the witness Exhibit
2 P200272, please, which I would offer.

3 THE COURT: Any objection?

4 MR. YAMAMOTO: No, Your Honor.

5 THE COURT: All right, it is in.

6 (Government's Exhibit No. P200272 was received in
7 evidence.)

8 BY MR. NOVAK: (Continuing)

9 Q. Could you tell us who is depicted in that photograph,
10 Lieutenant?

11 A. That is AG2 Matt Flocco.

12 Q. What was his first name, I am sorry?

13 A. Matthew.

14 Q. Okay. And where was Mr. Flocco from?

15 A. He is from Delaware.

16 Q. And do you know approximately how old he was on September 11?

17 A. I believe he was 21, 22.

18 Q. And how long had you known him as of that date?

19 A. It was only for several months. I had joined the METOC
20 component in June of 2001. So, I had only known him for a few
21 months prior to the attack.

22 Q. Now, directing your attention then specifically to the events
23 of that day.

24 At some point when you were working with Mr. Flocco and
25 Mr. Earhart, did the three of you learn at some point that there

1 had been the attacks on the World Trade Center?

2 A. Yes. I had actually gotten up out of my desk to go use the
3 head facilities. On my way out, there was a television in the
4 lounge that had the first World Trade Center that was on fire. I
5 turned around, went back into our office, we had our own
6 television set there. We turned it on and we continued to watch
7 the events of the day. We actually saw the plane smash into the
8 second World Trade Center. And we also heard the speech from the
9 President.

10 Q. Now, after that, what did you all do there in your unit?

11 A. We continued our work progress. I had assigned the two to
12 bring up their computers and to start doing some research to see
13 what we could find out on the computers.

14 The office was manned with four computers, kind of
15 staged out in a square. So, Petty Officer Flocco was to my left,
16 he fired up the two on the left. And Petty Officer Earhart was on
17 my right, and he fired up those two computers.

18 Q. Now, could you tell us where were you at the time of the
19 attack upon the Pentagon, ma'am? What were you doing?

20 A. Just, I was standing actually between the two guys. I
21 noticed them diligently working. I looked over to my desk and
22 proceeded over to my desk to fire up my computer.

23 By the time I had sat down on my desk, the building
24 started to vibrate and things started to fall. And it initially
25 felt like an earthquake.

1 Q. And what happened then?

2 A. As the, as time progressed, the shaking of the building got
3 violent. The noises got louder and louder. It sounded like a
4 series of explosions going off.

5 Q. Do you want some water?

6 A. No, thank you. Petty Officer Earhart yelled out for
7 Lieutenant-- I yelled back, bomb. And I took cover underneath my
8 desk.

9 Q. At that point you thought a bomb had gone off in the
10 Pentagon?

11 A. That's correct. It sounded like a series of bombs exploding,
12 similar to like firecrackers when you light them and you just get
13 a series going off. But they got very loud, very extensive. When
14 I dove under my desk, I lost my glasses.

15 And quickly everything just got silent, quietly silent.
16 My office went completely dark. And the smoke, it just started
17 filling up with smoke.

18 Q. Now, were you able to re-find your glasses or not?

19 A. No, I did not. Once everything got quiet, I came out from
20 underneath my desk. I yelled out for Earhart and Flocco. I asked
21 if they were okay? Where are you?

22 Q. Could you see anything at that point?

23 A. I could not see anything. I am nearsighted. However, it was
24 pitch dark in my office. We did not have any emergency lighting.

25 So, as I egressed out of my office, my office was a

1 small office inside the larger weather office. My guys were out
2 in the outer office. So, I proceeded out of -- out of my office,
3 climbed over an obstacle that was in front of me. As I descended
4 down that obstacle, I misjudged the deck. I landed on the deck
5 and fell forward. Something penetrated my upper leg. Something
6 had caught the lower portions of my legs, but I was able to catch
7 myself with my hands. I stood back up, readjusted myself, called
8 out all for Earhart and Flocco.

9 Q. Were you getting any response from your two guys?

10 A. I heard nothing.

11 Q. Did you get any response from anybody at all?

12 A. Negative. It was silent.

13 Q. Now, I am sorry, I interrupted you. Could you tell us what
14 happened next then.

15 A. After I reoriented myself, I figured my guys were over to the
16 left of me, so I proceeded down that passageway. I could not see
17 anything in front of me. Again, it was pitch dark. There was a
18 lot of smoke.

19 I noticed over to the left of me there was some lights
20 that were kind of flickering and dancing, but they were somewhat
21 elevated. All our computers were desktops, so things just weren't
22 quite right.

23 I continued forward as far as I could until my hands
24 started to get extremely warm. As I proceeded forward, I
25 continued to call out for Earhart and Flocco. I went as far as I

1 could.

2 Q. What were you yelling out to them?

3 A. I was yelling out, Earhart, Flocco, are you okay? Can you
4 hear me?

5 As I ended -- I got only so far where I felt like I
6 couldn't go any further. I turned around and proceeded back along
7 my footsteps.

8 I passed along a water -- flow of water, a hose or
9 something where I had initially crossed over it about three steps
10 when I had taken. So, I flushed myself with the water from head
11 to toe. I took a few drinks of the water, took a couple steps to
12 my left and figured, well, this was the obstacle I must have
13 fallen, slid off, fallen over. So, I attempted to climb to the
14 other side. I figured my guys were on the other side of this
15 obstacle.

16 I reached up and grabbed whatever was dangling in front
17 of me to lift myself up. But I ended up inhaling a lot of smoke
18 and dropped back down to the deck.

19 I got back up and I had a lot of thoughts racing through
20 my head at that time. Initially I thought maybe I had fallen
21 through the basement. Then I figured, no, I didn't fall that far.

22 Q. Were you completely disoriented at this point where you were?

23 A. Yes. I had thought that, well, maybe my guys had got out,
24 that I was the only one left, that I could stay put and they would
25 find me.

1 I thanked God for my life insurance. I am sorry.

2 Q. That's all right. Just take a break.

3 A. I thought to myself, is this how it is supposed to end? And
4 remember I got angry and I kicked the deck. I yelled out for
5 Earhart and Flocco once again. I said, it is LT, and I'm right
6 here, and there was no response.

7 By this time every time I took a breath, my insides felt
8 like they were on fire. It was getting very hard to breathe. I
9 tried to take short breaths and exhaled more than I would take in.
10 I knew there was just way too much smoke.

11 I looked down the corridor that I had walked down. I
12 then looked in the opposite direction. I turned and I proceeded
13 to walk away.

14 As I proceeded in the opposite direction of where I
15 thought my boys were, something caught my left sleeve. I rotated
16 just slightly and caught a glimmer of a light. So, I proceeded
17 towards the light. As I got closer and closer to the light, the
18 smoke started to clear.

19 I continued to walk. By this time I was yelling for
20 help, can anybody hear me? Is there anybody here? But in order
21 to yell, I would have to stop because I was not able to yell for
22 help and walk at the same time.

23 By the time I had oriented myself as to where I was at,
24 I could see the A and E Drive

25 Q. What is the A and E Drive?

1 A. That is a passageway that separates two of the rings where
2 you can actually utilize vehicles to work yourself around the
3 Pentagon. It is actually on the outside of the rings.

4 Q. What happened when you got to A and E Drive?

5 A. I noticed there were several rescue people, lots of people
6 running back and forth in front of the glass doors. I yelled
7 several times for help. And eventually two rescue people entered
8 in towards me. They had reflector vests on and that was it. They
9 had no other safety gear on them, no breathing apparatus, no
10 firefighting gear. I was amazed that they had nothing, just a
11 vest.

12 I told them who I was, what compartment I was in, that I
13 believed I had two guys down. I told them, I said the fastest way
14 back in was behind me. And I proceeded to turn to proceed back
15 into the Navy Operational Center from the front entranceway.

16 The larger rescue individual grabbed a hold of my
17 waistline and the guy took my other side and they muffled
18 something, or we need to get you out of here, something,
19 something, and proceeded to pull me out towards the A and E Drive.

20 Q. They wouldn't let you go back to look for your guys?

21 A. No, they would not. They put me up against the outer ring,
22 up against the building, and all I remember is somebody ordering
23 me to stay. And I stayed.

24 Q. Now, thereafter were you taken out to the North Parking lot
25 to get treatment then at that point?

1 A. They had-- Once I was outside, I remember looking up at the
2 building, wondering if the structure was safe or if it was going
3 to give in. There was lots of people yelling and screaming from
4 all directions. People were jumping out of the second floor
5 windows. People were screaming, don't jump, don't jump.

6 Somebody was trying to pull a trash can so that people
7 could land on the trash can before they jumped.

8 Another rescue person came along, grabbed ahold of me,
9 moved me about halfway down the A and E Drive and put me at a lamp
10 post or something and again ordered me to stay. This is the place
11 where they were initially collecting some of the victims who were
12 unable to move themselves.

13 From here I was loaded on to a yellow truck. I was
14 again having a very hard time breathing. Every time I would
15 inhale, it would just burn inside. So, I wasn't able to
16 communicate.

17 But somebody became the driver of the yellow truck and
18 they drove us back into the Pentagon. And I was freaking. And
19 then they drove us back out to the North Parking area where they
20 had established an emergency health response team.

21 Q. And at some point while you were out in that North Parking
22 lot, somebody took your photograph, is that right?

23 A. That is correct. There were several flashes in front of me
24 at a distance.

25 MR. NOVAK: If I could offer P200273, Your Honor, and

1 show it on the screen.

2 MR. YAMAMOTO: No objection, Your Honor.

3 THE COURT: All right, it is in.

4 (Government's Exhibit No. P200273 was received in
5 evidence.)

6 BY MR. NOVAK: (Continuing)

7 Q. Ma'am, who is that a photograph of?

8 A. That is me.

9 Q. Now if we could return exhibit-- By the way, Earhart and
10 Flocco, they died that day, is that right?

11 A. That's correct. Petty Officer Earhart was the first
12 individual identified as having died on that particular day.

13 Q. If we could return to Exhibit P200318 for the first floor of
14 the Pentagon area.

15 And if we could narrow in a little bit closer to where
16 the ovals with number 26 and number 27 is.

17 Lieutenant, where that pointer is right now, can you see
18 that on the screen?

19 A. Yes, I can.

20 Q. Was that the area that you were originally assigned with Mr.
21 Earhart and Mr. Flocco?

22 A. That is correct, that is the outer METOC office.

23 Q. And if we could click on oval number 26, please.

24 MR. YAMAMOTO: Your Honor, may we approach at this
25 point?

1 THE COURT: Well, before you show it then, yes.

2 MR. YAMAMOTO: They can show that photograph, but it is
3 going to come up.

4 THE COURT: All right.

5 MR. NOVAK: Actually--

6 THE COURT: Why don't you two just speak together first.

7 Mr. Yamamoto, is there still a problem or not?

8 MR. YAMAMOTO: No, there is not.

9 MR. NOVAK: I unilaterally resolved the issue.

10 THE COURT: Okay, that's fine.

11 BY MR. NOVAK: (Continuing)

12 Q. And number 26, that's where Mr. Earhart's body was recovered,
13 that's his photograph, is that correct?

14 A. That's correct.

15 Q. And if we could go back and click on oval 27. Indicating
16 again that's the photograph of Mr. Flocco and where his body was
17 recovered, is that correct?

18 A. That's correct.

19 Q. If we could just return to that screen.

20 And where in relation to those two ovals were you
21 standing at the time of the initial attack?

22 A. I was just slightly forward and to the right, if you will,
23 from my monitor.

24 Q. All right. Thank you.

25 Now, Lieutenant, you received some medical treatment for

1 your injuries, is that correct?

2 A. That's correct.

3 Q. What type of injuries did you have?

4 A. I have been diagnosed with reactive airway disease. It is a
5 form of asthma. I take Advair twice a day and I carry an
6 albuterol inhaler with me. I had bruises above my knee and I had
7 bruises below my knee on both my legs. Most of the bruises have
8 healed up. I still have some discoloration on the lower portion
9 of my legs from where the initial bruises were.

10 Q. You received basically medical treatment that day and then
11 were ultimately released, is that correct?

12 A. That is correct. I was taken to the Arlington Urgent Medical
13 Care via a van of some sort. It was quite a chaotic event. But
14 when I did get there, I received initial medical care there and
15 was advised to follow up with my medical.

16 Q. Now, Lieutenant, as the supervising officer of Mr. Earhart,
17 after the attack did you have to perform a certain function as it
18 relates to the funeral of Mr. Earhart?

19 A. I conducted both escort services and the officer in charge of
20 the funeral detail. Basically I took Petty Officer Earhart home.
21 The escort duties entail staying with your shipmate until he is
22 turned over to his family. That meant when we got on to flights,
23 we performed appropriate honors to honor his casket as it was
24 placed onboard the aircraft and removed from the aircraft.

25 Before releasing Petty Officer Earhart to his family, I

1 inspected his uniform to insure that his buttons were buttoned and
2 his medals were straight.

3 I then stayed by his side until he was laid to rest. As
4 the OIC of the funeral detail I -- my staff and I, we conducted
5 the honors and presented the flag.

6 Q. And thereafter, after Mr. Earhart was buried, did you then
7 fly to Delaware where another officer was performing the same
8 function for your other young man, Mr. Flocco?

9 A. That is correct. My remaining staff, my Master Chief and my
10 Second Class, who were not there at that particular day, they took
11 Petty Officer Flocco home as their escort duties. And then the
12 commander who I relieved was the OIC of the funeral detail, she
13 knew him better than I did.

14 Q. Okay. Other than physical injuries that you have already
15 spoken of, can you tell the ladies and gentlemen how this crime
16 and the murder of your two young sailors that were under your
17 supervision, how that has affected you in your life.

18 A. It is difficult. I find it very difficult to secure myself
19 and go home when I know I still have staff at work.

20 I feel responsible for their safety. It's been
21 difficult for my family. After I had conducted the funeral
22 details, I took the weekend off and I went back to work. I had an
23 office to rebuild. I had staff to take care of.

24 So, with every day, every step, it is a constant
25 reminder that this event did occur. It has been very difficult

1 for my mom to allow me to go to work for a very long time. She
2 would and still does, requires me to wake her up to let her know
3 that I am on my way to work and to call when I get there --
4 sorry -- and to call before I come home. So, it has been a hard
5 impact on her.

6 MR. NOVAK: No further questions. Thank you,
7 Lieutenant.

8 THE COURT: Any cross-examination?

9 MR. YAMAMOTO: No questions, Your Honor.

10 THE COURT: Thank you, ma'am, for your testimony. You
11 are excused as a witness.

12 THE WITNESS: Thank you, ma'am.

13 NOTE: The witness stood down.

14 THE COURT: Mr. Spencer.

15 MR. SPENCER: Thank you, Your Honor. The United States
16 calls Shari Tolbert.

17 NOTE: The witness is sworn.

18 MR. SPENCER: Your Honor--

19 THE COURT: Yes.

20 MR. SPENCER: Thank you.

21 SHARI TOLBERT, called by counsel for the United States,
22 first duly affirming, testifies and states:

23 DIRECT EXAMINATION

24 BY MR. SPENCER:

25 Q. Good afternoon, ma'am.

1 A. Good afternoon.

2 Q. Can you tell the jury your name and spell your first name and
3 spell your last name for them.

4 A. Shari Tolbert. First name is S-h-a-r-i, last name
5 T-o-l-b-e-r-t.

6 Q. What state do you live in, Ms. Tolbert?

7 A. I currently reside in California.

8 Q. Were you married to a gentleman named Vince Tolbert?

9 A. I was.

10 Q. And Vince Tolbert was killed at the Pentagon on September 11,
11 2001?

12 A. Correct.

13 MR. SPENCER: Your Honor, I would like to offer for
14 admission Government's Exhibit P200296, please.

15 THE COURT: Any objection?

16 MR. YAMAMOTO: No objection.

17 THE COURT: All right, it is in.

18 (Government's Exhibit No. P200296 was received in
19 evidence.)

20 BY MR. SPENCER: (Continuing)

21 Q. Looking at the monitor to your left, Ms. Tolbert, is that a
22 photo of your late husband?

23 A. It is.

24 Q. How did you meet your husband, ma'am?

25 A. I met Vince at my first job when I was in high school. I

1 worked at a movie theater and I was hired as the cashier. And he
2 was the manager.

3 Q. And when did you marry him?

4 A. I married him 1989. I was 20 years old.

5 Q. How old are you now?

6 A. 37.

7 MR. SPENCER: I now offer, Your Honor, Government's
8 Exhibit P200297.

9 MR. YAMAMOTO: No objection, Your Honor.

10 THE COURT: All right, it is in.

11 (Government's Exhibit No. P200297 was received in
12 evidence.)

13 BY MR. SPENCER: (Continuing)

14 Q. And who is shown in that photo, please?

15 A. Vince and I.

16 Q. Vince was in the United States Navy?

17 A. Correct.

18 Q. Can you tell the jury quickly where Vince's military career
19 took you over the years.

20 A. When we were first married we moved to Guam, San Diego,
21 Virginia Beach, San Diego, Tampa, D.C.

22 Q. And on 9/11, obviously he was assigned to the Pentagon?

23 A. Correct.

24 Q. And about that time, did he receive his next assignment where
25 he was supposed to go next after the Pentagon?

1 A. Vince had been slated to go to War College, which was a good
2 career move for him. He was definitely on the fast track to move
3 up. And that's where he was to go next.

4 Q. And when was that supposed to happen?

5 A. I believe it was within a year.

6 Q. Did you and Vince have any kids?

7 A. We have three children.

8 Q. And can you tell, starting from the oldest to the youngest,
9 tell us their names and the year of their birth.

10 A. Sure. The oldest is Amanda. She was born in 1992. Next is
11 Brittany, 1994. And my son Anthony was born in 2000.

12 Q. And how was Vince as a father?

13 A. He was great with the kids. They obviously loved him dearly.
14 And involved with them. And they enjoyed their time with him.
15 And I think probably the biggest heartbreak of all of this is, you
16 know, my son, we had waited for a boy, and my son was 18 months
17 old when his dad died.

18 MR. SPENCER: I am going to move the admission, Your
19 Honor, of Government's Exhibit P200302, please.

20 MR. YAMAMOTO: No objection, Your Honor.

21 THE COURT: All right, it is in.

22 (Government's Exhibit No. P200302 was received in
23 evidence.)

24 BY MR. SPENCER: (Continuing)

25 Q. Please tell the jury who is shown in that photo.

1 A. That's Anthony and his dad.

2 Q. That's Anthony, your son?

3 A. That's my son.

4 Q. Do you know when that was taken?

5 A. In D.C. It had to have been shortly before Vince died
6 because Anthony, like I said, was only 18 months old. So, that's
7 how he will remember his dad.

8 Q. What was your husband's assignment at the Pentagon on
9 September 11?

10 A. He worked in C&OIP, which is intelligence plot. He was
11 second in charge of that section, highly classified. So, I don't
12 know a lot of what they did, but some imagery and targeting and
13 that kind of thing.

14 Q. Were you working at that time, September of 2001?

15 A. I was, I was working at USAA. Vince and I worked alternating
16 shifts. He went to work around 2 in the morning, 2 or 3, and
17 would get home in the afternoon and literally sometimes I would
18 hop in a running car, he would take over the kids, and I would go
19 through to work there.

20 Q. Why did you have your work lives arranged in that manner?

21 A. With the three kids, and our middle daughter, Brittany, has
22 special needs, she was born at 29 weeks, had a grade four brain
23 hemorrhage and has cerebral palsy, and is in a wheelchair
24 full-time. So, she needs constant and continual care. And so, we
25 had to alternate those shifts to accommodate for her, her care.

1 Q. How old was Brittany in September of 2001?

2 A. Brittany was seven.

3 Q. How about Amanda, your oldest, how old was she?

4 A. Amanda was nine.

5 Q. Did you have an opportunity to talk to Vince by telephone
6 about 8 in the morning on September 11?

7 A. I did. Typically he had already been gone. And I would get
8 up and get the kids off to school. The girls would catch the bus
9 right outside the house.

10 So, I had been outside that morning getting them on the
11 bus. And Anthony had been running in the street a bit. So, I
12 would always come in and call Vince and just for him that was
13 almost mid-day. And I would check in with him.

14 And I had called that morning and was telling him about
15 Anthony going in the street, and he sounded a little tense. And
16 that is not unusual with the type of job he had. And I said, is
17 something going on? Yeah. I said, okay, well, I will just talk
18 to you later.

19 And that was our call that morning.

20 Q. That was the last time you ever spoke with your husband?

21 A. That was the last time I spoke to him.

22 Q. And by that evening did you receive some visitors at your
23 home?

24 A. I did. It is interesting that day because the phones shut
25 down pretty soon after the planes hit. And so, e-mail became our

1 mode of communication to our family. Being a military family, we
2 didn't have the network here. Everyone was in California.

3 So, we were e-mailing. And as the day progressed we
4 were getting calls from them saying I think Vince got out, I think
5 he will be home, to higher and higher ranking people until the
6 director of Naval Intelligence called our house and said, you can
7 expect some visitors at your door soon, I just don't want you to
8 be alarmed.

9 Q. And who then came to visit you at your door?

10 A. Then Commander Todd Ross, now Captain Todd Ross, our casualty
11 officer, and a chaplain came to the door.

12 And it is kind of that thing, you know, my husband had
13 served in the first Gulf War, and had been overseas many times, so
14 it is very odd that he would be at the Pentagon and that's the
15 time you good that sedan coming to your door with the, with the
16 military people in their dress uniforms. That's when that knock
17 came.

18 Q. Now, Ms. Tolbert, how did you tell your children that their
19 father was killed?

20 A. Well, I was lucky, somehow in the midst of all of that, I
21 went and retrieved them from school prior to them hearing it from
22 other people. So, I just brought them home and kind of put them
23 in front of the TV and said, you can only watch the Disney
24 Channel, you are not allowed to watch anything else.

25 So, as much as they knew something was going on, they

1 didn't know anything until the next day.

2 And I don't remember telling Brittany, but I remember
3 taking Amanda into my room and just explaining to her that
4 something had happened. And even though we didn't know for two
5 weeks whether or not-- They didn't find his body for a couple
6 weeks. But I took her in and I just said, you know what, sweetie,
7 your dad is not coming home, he is not coming home today and he is
8 not coming home tomorrow. He is not coming home.

9 So, I just explained to her that her job was just to be
10 nine and be a kid and that I would pick up for him and that wasn't
11 her job.

12 So, it was the next morning--

13 Q. And what's been the effect on Amanda since that day of her
14 father's murder?

15 A. I think for her because she is the oldest, she has had to, as
16 much as I promised her that day she wouldn't have to pick up, she
17 has had to be responsible, more mature, she has had to face and
18 endure things that children of 13 now, she has seen things and--
19 I mean, watching my kids grow up, their pictures are next to their
20 father's tombstone. And that's how much you can measure how much
21 they have grown.

22 Q. Do you sometimes see her with an article of clothing that
23 belonged to your husband?

24 A. Vince worked at CENTCOM prior to being here. And here also
25 his area of the world was the Middle East, that was the area that

1 he dealt with the most. So, he wore sand cammies to work. And he
2 was a big guy, so Amanda still has one of his sand cammi jackets
3 and it's over her chair in her bedroom.

4 And periodically I will go in there and she just wears
5 it. I think it makes her feel close to him.

6 MR. SPENCER: Your Honor, I would like to move the
7 admission, please, of Government's Exhibit P200299.

8 MR. YAMAMOTO: No objection, Your Honor.

9 THE COURT: All right, it is in.

10 (Government's Exhibit No. P200299 was received in
11 evidence.)

12 BY MR. SPENCER: (Continuing)

13 Q. And who is shown in that photo?

14 A. That's me and Amanda and Brittany and Anthony. That is in
15 November, right after.

16 Q. And you mentioned to us earlier that Brittany had special
17 needs?

18 A. Um-hum.

19 Q. What has been the effect on you of dealing with that by
20 yourself since September of 2001?

21 A. Oh, that was my partner, and he is the only person that can
22 help me in that. He is the one that was supposed to be there to
23 help me to take care of her. And it's been difficult because I
24 have to make some really hard choices for the kids. Brittany now
25 attends a boarding school because physically I can't do her care

1 alone anymore, she has gotten older.

2 And just emotionally when she was born, Vince and I, a
3 lot of families who have endured that type of difficulty with
4 their children don't make it through, and we always promised that
5 we would come first and our relationship would be first. And we
6 had managed to do that.

7 Q. And now for Anthony, how old did you tell us he was in
8 September of 2001?

9 A. 18 months old.

10 Q. And what does he know now of his father?

11 A. He knows that some bad people flew a plane into a building
12 and that's how his dad died.

13 It comes up all the time. I picked him up at school the
14 other day and a little boy said, Anthony's dad died? I said,
15 yeah, sweetie. Have you ever heard on the TV about 9/11? And he
16 was kind of like no. And you can see the look on their face
17 because they think, dads die? And I had to explain to him.

18 And we have videos around the house of different things
19 that have happened. And Anthony had that video in a Ziplock bag
20 just last week. And I said, what are you doing with that? He
21 said, I want to take it to school, I want the kids to know about
22 my dad, I want them to know how he died, I want to show them all.

23 Q. And what's, last, been the effect on you, Ms. Tolbert, of
24 your husband's murder?

25 A. Well, I get to be a mom, I get to raise three kids alone. I

1 get to never have a 50th anniversary. My daughter gets to go to
2 the father dance with her grandfather and uncle. My son has no
3 memory of his father. I get to go to the school programs alone.
4 I get to go to church alone. I get to go to bed alone.

5 That's what I get.

6 MR. SPENCER: Thank you, Ms. Tolbert.

7 Thank you, Your Honor.

8 MR. YAMAMOTO: No questions, Your Honor.

9 THE COURT: Thank you for your testimony, Ms. Tolbert.
10 You are can excused.

11 NOTE: The witness stood down.

12 THE COURT: All right. Your next witness?

13 MR. SPENCER: We have two more people for today. I
14 would respectfully suggest a break.

15 THE COURT: All right. We will take our afternoon
16 break, ladies and gentlemen, until five after.

17 NOTE: At this point a recess is taken; at the
18 conclusion of which the case continues in the presence of the
19 defendant and the jury as follows:

20 JURY IN

21 THE COURT: Mr. Spencer.

22 MR. SPENCER: Thank you, Your Honor. The United States
23 calls Rui Zheng.

24 NOTE: The witness is sworn.

25 RUI ZHENG, called by counsel for the United States,

1 first duly affirming, testifies and states:

2 DIRECT EXAMINATION

3 BY MR. SPENCER:

4 Q. Good afternoon, ma'am.

5 A. Good afternoon.

6 Q. Can you please introduce yourself to the jurors by telling
7 them your first name and your last name, and spelling both of your
8 names, please.

9 A. Okay. My first name is Rui, and my last name is Zheng. And
10 my full name, Rui Zheng.

11 Q. Can you spell your first name and then spell your last name.

12 A. Okay. My first name is spelled R-u-i and my last named
13 spelled Z-h-e-n-g.

14 Q. How old are you, ma'am?

15 A. I am 34 years old now.

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

17 A. I am a researcher in cancer biology.

18 Q. Are you a doctor?

19 A. I got an MD degree, but haven't gotten to my residency yet.

20 Q. When are you going to your residency?

21 A. Next year.

22 Q. And where, at what institution are you a researcher for
23 oncology?

24 A. Johns Hopkins University.

25 Q. In Baltimore?

1 A. Right.

2 Q. Where were you born?

3 A. I was born in China.

4 Q. And what year did you come to the United States?

5 A. I came to the States in 1999.

6 Q. Are you married?

7 A. Yes.

8 Q. What is your husband's name?

9 A. My husband's name is Li Wan.

10 Q. Can you spell his last name for the court reporter.

11 A. Sure. First name is Li, L-i. Last name Wan, W-a-n.

12 MR. SPENCER: I am going to, Your Honor, ask
13 respectfully that we admit Government's Exhibit P200295.

14 MR. YAMAMOTO: No objection, Your Honor.

15 THE COURT: All right, it is in.

16 (Government's Exhibit No. P200295 was received in
17 evidence.)

18 BY MR. SPENCER: (Continuing)

19 Q. Looking at that monitor, Doctor, can you tell the jury who is
20 shown in that photograph?

21 A. That's my parents. My mom, Shuying Yang. And my dad, Yugang
22 Zheng.

23 Q. All right. Can you spell your parents' names for the court
24 reporter, please.

25 A. Sure. My mom's first name is Shuying, it is spelled as

1 S-h-u-y-i-n-g. And her last name is Yang, Y-a-n-g. And then my
2 dad's, his first name is Yugang, spelled as Y-u-g-a-n-g, and last
3 name Z-h-e-n-g.

4 Q. When was that photograph taken?

5 A. It was taken in 2000.

6 Q. Did your parents have occasion to come and visit you for an
7 extended period of time ending in September 2001?

8 A. Right.

9 Q. How long did they come visit you for?

10 A. For a year.

11 Q. One year?

12 A. Yeah.

13 Q. And they came from where to visit you?

14 A. They came from China.

15 Q. And they had been living in China?

16 A. Right.

17 Q. And were your parents still working or had they retired by
18 that time?

19 A. Both of them were retired.

20 Q. What did your mother do for a living?

21 A. My mother used to be a pediatrician.

22 Q. And how about your father, what did he do?

23 A. My father used to be a chemist.

24 Q. Now, were you able to take a vacation with your parents just
25 before September 11, 2001?

1 A. Yes, we did.

2 Q. What did you do?

3 A. We went to Maine for one-week vacation.

4 Q. You and your husband and your parents?

5 A. Exactly.

6 Q. And that was to be the last thing you did in this year that
7 your parents came to visit you?

8 A. Right.

9 Q. And when were your parents scheduled to return to China?

10 A. They originally scheduled to leave for China on September 10.
11 But as we, you know, finish our vacation, September 9, it was kind
12 of a late night of September 9, so I felt it might be a hassle for
13 my parents leave just like a couple hours and to get on the plane.

14 So, I have them to reschedule their flight ticket to
15 September 11.

16 Q. And do you remember the flight that you changed their tickets
17 to on September 11?

18 A. Yes.

19 Q. Is that American--

20 A. Flight 77.

21 Q. American Airlines 77?

22 A. Exactly.

23 Q. Now, on the morning of September 11, did you drive your
24 parents to Dulles Airport?

25 A. I did.

1 Q. Did you take them into the gate?

2 A. Yes.

3 Q. Did you help them check in?

4 A. Yes.

5 Q. Did you see some of the other passengers who were checking in
6 that day?

7 A. Because we were there pretty earlier, at least like
8 one-and-a-half hour earlier than the plane was scheduled to leave,
9 so at the time I didn't see a lot of, you know, quite a lot of
10 passengers around.

11 Q. After September 11 you were interviewed by the FBI on whether
12 you recognized any of the hijackers from Dulles Airport that
13 morning?

14 A. Yeah, I did.

15 Q. Now, your parents were killed on American Airlines 77,
16 correct?

17 A. Right.

18 Q. And since then how has your parents' murder affected you,
19 Doctor?

20 A. Initially I felt like, kind of like feeling of guilty because
21 if I didn't change their flight ticket, everything would have
22 turned out differently. They would still be alive and enjoy their
23 lives. And I felt I was responsible for that. And that feeling
24 of guilty never, never goes away.

25 And I think that feeling will, you know, along with the

1 trauma, will be with me the rest of my life.

2 Q. Do you miss your mother and father?

3 A. Yes, I did.

4 Q. Do you still see them sometimes?

5 A. Only in my dreams.

6 Q. Do you feel that part of your professional life was delayed
7 as a result of your parents' murder?

8 A. Yes.

9 Q. And tell the jury about that.

10 A. Because like after the tragedy, I just like, I felt so
11 depressed and I couldn't concentrate myself on anything. And I
12 was like lost interest on everything. I couldn't collect myself
13 and prepare for my board examination. Only until last year I
14 finished that.

15 Q. So, you took your board for your residency?

16 A. Right.

17 Q. Last year?

18 A. Um-hum.

19 Q. How did you do on that?

20 A. I just think, I think my parents giving me the courage, I
21 think I have to do something to make them to be proud of me.

22 Q. Did you pass your boards?

23 A. I did.

24 Q. And in fact you did fairly well, didn't you?

25 A. I have a perfect score.

1 Q. And when you received that perfect score, what did you wish
2 you were able to do?

3 A. The first thing I wish, I could share the happiness with my
4 parents, but I just couldn't.

5 Q. Are you the only child in your family or did your parents
6 have another son?

7 A. I also have another elder brother.

8 Q. And where does he live?

9 A. He lives in Japan.

10 Q. Do you know how your parents' murder has affected your
11 brother?

12 A. I think he went through the same process as me. And he was
13 sad, he was depressed. At the time he was not getting married and
14 he had no one to speak with. He has no one to talk with and no
15 one could listen to him.

16 As a routine of his life he used to call my parents like
17 every weekend to have a little chat with my parents, talking about
18 life, talking about his work. And that chat give him so much joy
19 and also help him to alleviate stress from his work.

20 But after September 11, he just found part of his, part
21 of his life is gone. And he felt he was like empty. And there is
22 a hole in his body, he told me, he couldn't find anything to fill
23 that hole.

24 MR. SPENCER: Thank you, Your Honor. That's all I have
25 for the witness.

1 THE COURT: Any cross-examination?

2 MR. YAMAMOTO: No, Your Honor.

3 THE COURT: Thank you, ma'am, for your testimony. You
4 are excused as a witness.

5 THE WITNESS: Thank you.

6 NOTE: The witness stood down.

7 THE COURT: All right. Your next witness?

8 MR. NOVAK: Sergeant Ray Guidetti.

9 NOTE: The witness is sworn.

10 MR. NOVAK: May I proceed, Your Honor?

11 THE COURT: Yes, sir.

12 RAY GUIDETTI, called by counsel for the United States,
13 first duly affirming, testifies and states:

14 DIRECT EXAMINATION

15 BY MR. NOVAK:

16 Q. Sir, can you introduce yourself to the ladies and gentlemen
17 of the jury by telling them your name, spelling both your first
18 and your last names.

19 A. Yes, sir. My name is Detective Sergeant Ray Guidetti. I am
20 with the New Jersey State Police. My last name is spelled
21 G-u-i-d-e-t-t-i. My first name is spelled R-a-y.

22 Q. Sir, can you tell me-- You have already told us you are a
23 member of the New Jersey State Police. How long have you been a
24 member of that department?

25 A. 13 years.

1 Q. What is your current rank?

2 A. My current rank is Sergeant First Class.

3 Q. Now, as a member of the New Jersey State Police, are you
4 assigned to the FBI's Joint Terrorism Task Force in Newark?

5 A. Yes, sir.

6 Q. And how long have you been assigned to the JTTF there in
7 Newark?

8 A. It would be approximately four-and-a-half years, sir.

9 Q. And shortly after the attacks of September 11, were you
10 assigned to the investigation leading to the attacks on United
11 Flight 93?

12 A. Yes, sir.

13 Q. And the reason for that is United Flight 93 departed from
14 Newark, is that right?

15 A. Yes, sir, it departed Newark.

16 MR. NOVAK: Now, Your Honor, if I could offer Exhibit
17 P200055. It is a summary presentation regarding Flight 93. It
18 has already been stipulated to in Stipulation Number 36.

19 THE COURT: There is no objection, correct?

20 MR. YAMAMOTO: That's correct.

21 THE COURT: All right. It's in.

22 (Government's Exhibit No. P200055 was received in
23 evidence.)

24 MR. NOVAK: If we could bring up than on the screen,
25 please.

1 BY MR. NOVAK: (Continuing)

2 Q. Now, Sergeant Guidetti, as a result of your assignment to the
3 investigation of Flight 93, you have helped create a summary
4 presentation that describes to some extent the events that
5 occurred on that flight on September 11, isn't that right?

6 A. Yes, sir.

7 Q. And could you tell us, first of all, what time was Flight 93
8 to depart from Newark on September 11?

9 A. Flight 93 was scheduled to depart at 8 a.m. bound for San
10 Francisco, but--

11 Q. And did it actually depart at that time?

12 A. No, sir.

13 Q. What time did it depart?

14 A. I departed at 8:42.

15 Q. And why was there a delay in the departure?

16 A. There was congestion in the northeast.

17 Q. Could you tell us who the two pilots were?

18 A. The pilot was -- or, I am sorry, the captain was Jason Dahl.
19 And his first officer was LeRoy Homer.

20 Q. And how many flight attendants did they have part of the
21 crew?

22 A. There were five flight attendants.

23 Q. Can you tell us who they were?

24 A. Yes, sir. Lorraine Bay, Sandra Bradshaw, Wanda Green, CeeCee
25 Lyles and Deborah Welsh.

1 Q. Can you tell us how many passengers that there were on that
2 flight other than the hijackers?

3 A. Yes, sir, there were 33 passengers.

4 Q. Now, could you tell us how many hijackers there were and what
5 their seat assignments were within the flight?

6 A. Flight 93 had four hijackers. Ziad Jarrah was seated at 1-B.
7 Saeed al-Ghamdi was seated at 3-D. Ahmed al-Nami was seated next
8 to him at 3-C. And Ahmed al-Haznawi, was seated at 6-B.

9 MR. NOVAK: Your Honor, if I might publish stipulation
10 number 35, if I could, to the jury.

11 THE COURT: All right.

12 MR. NOVAK: "On September 11, 2001, at approximately
13 10:03 a.m., hijackers Ziad Jarrah, Saeed al-Ghamdi, Ahmed
14 al-Nami, and Ahmed al-Haznawi crashed United Airlines Flight 93
15 into a field in Somerset County, Pennsylvania after resistance by
16 the passengers on the plane."

17 BY MR. NOVAK: (Continuing)

18 Q. Now, Sergeant Guidetti, did the FBI respond to that field out
19 in Somerset County where Flight 93 crashed?

20 A. Yes, sir.

21 Q. It is indeed a field, a mining field where they did strip
22 mining out there, is that right?

23 A. Yes, sir, a large field.

24 Q. At that time did the FBI process what was then the crime
25 scene, the crash site, to collect relevant evidence from that

1 scene?

2 A. Yes.

3 MR. NOVAK: Your Honor, if I could again publish a
4 series of stipulations and offer exhibits, beginning with
5 Stipulation 38.

6 THE COURT: All right.

7 MR. NOVAK: "Exhibits P200057 through 59 are photographs
8 of the scene in Somerset County, Pennsylvania where Flight 93 was
9 crashed into the ground. And the parties stipulate to the
10 authenticity of Exhibits P2-57 through 59 without any further
11 foundation."

12 I would offer those three photos and I would ask to
13 bring them onto the screen, Your Honor.

14 THE COURT: Any objection?

15 MR. YAMAMOTO: No, Your Honor.

16 (Government's Exhibit No. P2-57, P2-58 and P2-59 were
17 received in evidence.)

18 BY MR. NOVAK: (Continuing)

19 Q. First, 57, is that an aerial photograph of where Flight 93
20 was crashed into the ground, sir?

21 A. Yes, it is.

22 Q. 58, please. Just a close-up?

23 A. Yes, sir.

24 Q. 59, please.

25 A. Yes.

1 Q. The same?

2 A. Yes.

3 Q. These were all taken shortly thereafter after the flight, is
4 that right?

5 A. That's correct.

6 Q. And we don't see a whole lot of the flight left in those
7 pictures, do we?

8 A. No.

9 MR. NOVAK: Stipulation 39, Your Honor, which I would
10 like to publish, reads as follows.

11 THE COURT: All right.

12 MR. NOVAK: "Exhibits P2-60 through 62 are photographs
13 of airplane parts found at the scene in Somerset County,
14 Pennsylvania where Flight 93 was crashed into the ground. The
15 parties stipulate to the authenticity of those exhibits without
16 any further foundation."

17 I would offer, 60, 61 and 62 then pursuant to the
18 stipulation.

19 MR. YAMAMOTO: No objection.

20 THE COURT: All right, they are in.

21 (Government's Exhibit No. P2-60, P2-61, P2-62 was
22 received in evidence.)

23 BY MR. NOVAK: (Continuing)

24 Q. If could bring up 60, please. Is that a photograph of one of
25 the airplane parts?

1 A. Yes, sir.

2 Q. 61, please.

3 A. The same.

4 Q. 62, please.

5 A. Yes, sir.

6 MR. NOVAK: Judge, I also offer Exhibits P2-63 to 64
7 pursuant to stipulation 40, which reads that they are photographs
8 of debris found at that crime scene.

9 MR. YAMAMOTO: No objection.

10 THE COURT: All right, they are in.

11 (Government's Exhibit No. P2-63, P2-64 were received in
12 evidence.)

13 BY MR. NOVAK: (Continuing)

14 Q. And 63, is just showing the debris in that area?

15 A. Yes, sir.

16 Q. And 64, please.

17 A. The same.

18 MR. NOVAK: Your Honor, stipulation 41, if I could
19 publish that, reads as follows: "Exhibit P2-65 is a photograph of
20 the cockpit voice recorder found at the scene in Somerset County,
21 Pennsylvania, where Flight 93 was crashed into the ground. The
22 parties stipulate to the authenticity of that exhibit as well."

23 I would offer Exhibit P2-65.

24 MR. YAMAMOTO: No objection.

25 THE COURT: All right, it is in.

1 (Government's Exhibit No. P2-65 was received in
2 evidence.)

3 MR. NOVAK: If you could bring it to the screen, please.

4 BY MR. NOVAK: (Continuing)

5 Q. Is that a photograph of the actual cockpit voice recorder
6 that was taken from Flight 93?

7 A. Yes, sir, it is.

8 Q. Now, did the FBI seize that item and keep it within its
9 custody thereafter?

10 A. Yes.

11 Q. Did they bring in experts from the National Transportation
12 Safety Board, NTSB, to help them extrapolate the information that
13 was contained in the cockpit voice recorder?

14 A. Yes, sir.

15 MR. NOVAK: Judge, I would also offer Exhibit P2-66
16 pursuant to stipulation 42, which states that it is a photograph
17 of the flight data recorder also found at the scene.

18 MR. YAMAMOTO: No objection.

19 THE COURT: All right, it is in.

20 (Government's Exhibit No. P2-66 was received in
21 evidence.)

22 MR. NOVAK: If he could bring up 66, please.

23 BY MR. NOVAK: (Continuing)

24 Q. Did the FBI seize also the flight data record and treat it in
25 the same fashion, meaning holding it and allowing NTSB to come in

1 and help extrapolate whatever information was contained in the
2 flight data recorder?

3 A. Yes.

4 MR. NOVAK: We would offer Exhibit P2-68 pursuant to
5 Stipulation 44, which indicates it is a photograph of the driver's
6 license of John Talignani found at the scene in Somerset County,
7 Pennsylvania.

8 MR. YAMAMOTO: No objection, Your Honor.

9 THE COURT: All right, it is in.

10 (Government's Exhibit No. P2-68 was received in
11 evidence.)

12 BY MR. NOVAK: (Continuing)

13 Q. Mr. Talignani was one of the passengers that was on Flight
14 93, is that correct, Sergeant?

15 A. Yes, sir.

16 MR. NOVAK: And I would offer Exhibit P2-69, pursuant to
17 Stipulation 45, which reveals that it is a photograph of the
18 personal effects of CeeCee Lyles that was found at the crime
19 scene, Your Honor.

20 MR. YAMAMOTO: No objection, Your Honor.

21 THE COURT: All right, it is in.

22 (Government's Exhibit No. P2-69 was received in
23 evidence.)

24 MR. NOVAK: If we could bring up 69, please.

25 BY MR. NOVAK: (Continuing)

1 Q. And, Sergeant, CeeCee Lyles she was one of the flight
2 attendants that you indicated who was on Flight 93, is that right?

3 A. Yes, sir, I did.

4 Q. Now, if we could go back to the summary exhibit.

5 Now, sir, as to Flight 93 in terms of determining--
6 Strike that.

7 You have fully investigated all the communications that
8 were made from that flight to other people, is that right?

9 A. Yes, sir.

10 Q. That includes the cockpit voice recorder which we talked
11 about?

12 A. Yes, sir.

13 Q. Calls from passengers on the plane, is that right?

14 A. Yes.

15 Q. And was there also Air Traffic Control calls that were
16 received from the pilot hijacker Ziad Jarrah?

17 A. Yes.

18 Q. If we could go to that on the screen, please.

19 Now, first of all, Sergeant Guidetti, were there a total
20 of four calls that were received by Air Traffic Control from the
21 pilot hijacker?

22 A. Yes.

23 Q. We see two of them displayed initially on those times, is
24 that right?

25 A. That's correct, sir.

1 Q. And those were recorded, is that right?

2 A. Yes, prior to the cockpit voice recorder.

3 Q. Okay. And the cockpit voice recorder picks up after that, is
4 that right?

5 A. Yes.

6 Q. And does the cockpit voice recorder then include the other
7 two calls?

8 A. Yes, sir.

9 MR. NOVAK: So, Your Honor, we are not going to play the
10 second two calls, since they will be duplicative of the cockpit
11 voice recorder which we are going to play tomorrow, if that's all
12 right with the Court.

13 THE COURT: All right.

14 MR. NOVAK: But I would ask leave to play now the two
15 communications from Ziad Jarrah that were captured by the Air
16 Traffic Control, if I might.

17 THE COURT: All right.

18 MR. NOVAK: So, if we could click on 9:28:17 a.m.

19 NOTE: The audio clip is played.

20 BY MR. NOVAK: (Continuing)

21 Q. Actually, those calls don't actually capture the hijacker,
22 they capture what occurred as the hijacking is occurring, is that
23 right?

24 A. That's correct, sir.

25 Q. And on the right side we see a map of the Commonwealth of

1 Pennsylvania with a line through it.

2 Does that indicate where the plane was at the time that
3 that call was received from Air Traffic Control?

4 A. Yes, that's the flight path at approximately 9:28 is where
5 Flight 93 was positioned.

6 Q. Okay. And approximately 33 seconds later I guess they
7 received the second call from Air Traffic Control?

8 A. Yes, the second transmission was recorded by Air Traffic
9 Control.

10 MR. NOVAK: Judge, I would ask leave to play the second
11 one.

12 MR. YAMAMOTO: Judge, I think subject to our prior
13 objection--

14 MR. NOVAK: What's the prior objection?

15 THE COURT: Do you want to approach the bench?

16 NOTE: A side-bar discussion is had between the Court
17 and counsel out of the hearing of the jury as follows:

18 AT SIDE BAR

19 MR. YAMAMOTO: Your Honor, it is my recollection that we
20 had objected to this portion of the recording and that the Court
21 had overruled us and indicated that they could play it.

22 THE COURT: This is not part of the cockpit recording.

23 MR. NOVAK: I don't think you did object to this.

24 THE COURT: I didn't recall there being an objection to
25 this.

1 MR. YAMAMOTO: Well--

2 THE COURT: I mean, this is not the cockpit recording,
3 which is the 20 minutes or so.

4 MR. NOVAK: Right. We are going to play that tomorrow
5 morning.

6 THE COURT: I don't know what this one is.

7 MR. NOVAK: It is going to be similar. It is the
8 mayday, mayday, same type of deal. It is five seconds of a call.
9 I don't see what is prejudicial. I mean--

10 MR. YAMAMOTO: Then I am wrong, Your Honor.

11 THE COURT: All right, that's fine.

12 NOTE: The side-bar discussion is concluded; whereupon
13 the case continues before the jury as follows:

14 BEFORE THE JURY

15 MR. NOVAK: I would ask leave now to play the second Air
16 Traffic Control recording.

17 Note: The audio clip is played.

18 BY MR. NOVAK: (Continuing)

19 Q. So, Sergeant Guidetti, we know that the hijackers took
20 control -- went into the cockpit at 9:28 approximately on
21 September 11, is that right?

22 A. Yes, sir.

23 Q. Now, in addition to that, you have had an occasion to review
24 all the telephone calls made from passengers or flight crew either
25 to their loved ones or to other places that day, is that right?

1 A. Yes.

2 Q. Can you-- And did you create a chart based upon your review
3 of all the calls that were made?

4 A. Yes, sir, I did.

5 Q. If we can go to that chart, please.

6 Now, first of all, Sergeant Guidetti, I want to ask you
7 to explain to the jury what type of telephone system was being
8 used in terms of the airphones that were on United Flight 93,
9 which I gather were similar to United Flight 175.

10 What kind of airphones did they use and what's the
11 system and that type of thing in terms of how many calls can be
12 made at one time.

13 A. Yes, sir. The equipment that was used in United Airlines
14 Flight 93 was an air-to-ground radio. It allowed passengers as
15 well as crew to make telephone calls from the plane to locations
16 on the ground.

17 The equipment also enabled one to identify where exactly
18 phone calls were placed from. In other words, what row and what
19 seat location.

20 Q. Were the calls, for example, now that you bring up the seat
21 location, would the passengers, for example, make the calls from
22 where they were actually assigned their seats, or were they making
23 calls from other places in the plane?

24 A. The phone calls that were or that will be identified were
25 made from locations that were not where the passengers were

1 actually boarded at.

2 Q. So, you could tell by looking at the records where actually
3 the call was actually made from itself, is that right?

4 A. Yes, sir.

5 Q. And could you explain to the jury if there was such a thing
6 on United flights called a Star Fix calling system and explain
7 what that was.

8 A. Yes, sir. Essentially Star Fix is a speed dial option on the
9 airphone. Flight attendants and other, I guess even the captain
10 and the co-pilot could use the speed dial option to call United
11 Airlines maintenance. And that's the Star Fix, star 356.

12 Q. Kind of a direct line straight in to the United maintenance,
13 is that right?

14 A. Yes, sir.

15 Q. Now, this chart that you have made which we are going to go
16 through, and I am going to ask you to summarize what the various
17 calls, what was reported as to what was occurring on the flights.

18 Now, some of the callers called their loved ones and
19 gave personal information and personal good-byes, is that right?

20 A. That's correct.

21 Q. So, for those calls we are just going to ask you to say it
22 was a personal call and we're not going to go into the specifics.

23 But on the other calls they gave details of what was
24 occurring on the flight themselves, is that correct?

25 A. Yes.

1 Q. We are going to start with the top row, the upper left-hand
2 corner. And was there a passenger by the name of Lauren
3 Grandcolas?

4 A. Yes, there was.

5 Q. And where was she assigned to and where did she make her
6 calls from?

7 A. Lauren Grandcolas, I am not necessarily sure where she was
8 assigned to now, but she made her calls from row 23 DEF.

9 Q. Okay. And were those calls to her loved ones? We are
10 bringing them up, I guess.

11 I guess we see her seat assignment?

12 A. Yes, sir. She was seated at 11-D.

13 Q. By the way, is that consistent with the fact that the
14 passengers on that flight were herded to the back of the -- back
15 of the airplane?

16 A. Yes, sir.

17 Q. And these various phone calls that are depicted on the chart,
18 were they made to her various loved ones, her husband or to sister
19 and people like that?

20 A. Lauren placed eight calls, the majority of which were to her
21 husband Jack. And she attempted to call her sister Vaughn.

22 Q. And were all those phone calls personal in nature?

23 A. Yes, sir.

24 Q. If we could go on to the next caller.

25 Who is that caller?

1 A. Mark Bingham, he was originally assigned seat 4-D, but he
2 placed four calls from row 25 DEF.

3 Q. Okay. Who were those calls made to?

4 A. The 9:37 call was the only call that essentially made a
5 connection, 166 seconds. He attempted to contact his mother in
6 California.

7 Q. His mother's name is Alice, is that right, Alice Hoglan?

8 A. Yes, sir.

9 Q. Could you summarize what it is that occurred on that
10 telephone conversation.

11 A. Yes. He originally spoke to his Aunt Kathy. He advised that
12 it was Mark Bingham, he just wanted to let everyone know that he
13 loved them in case he didn't see them again. He advised that he
14 was on United Airlines 93, it had been hijacked.

15 Q. Did he give any further description-- Did his mother then
16 get on the phone?

17 A. His Aunt Kathy did hand the phone over to his mother Alice.
18 Mark told Alice -- or, I am sorry, his mom that he was on a flight
19 from Newark to San Francisco and it had been hijacked by three men
20 with a bomb.

21 Q. If we go on to the next caller, please.

22 Now, were there two passengers, a boyfriend and
23 girlfriend Joseph DeLuca and Linda Gronlund that were traveling
24 together?

25 A. Yes, sir.

1 Q. And we see Mr. DeLuca made some phone calls first, is that
2 right?

3 A. Yes, he did.

4 Q. And who were those calls to?

5 A. Mr. DeLuca contacted his parents' house, as well as a family
6 friend.

7 Q. And were those calls personal in nature?

8 A. He did advise his father that his plane had been hijacked,
9 but the remainder of the call was personal in nature.

10 Q. And his girlfriend, Linda Gronlund?

11 A. Yes.

12 Q. She made one call to who?

13 A. Linda Gronlund made a phone call to her sister Elsa. And
14 this phone call was actually a voice-mail message on her sister's
15 answering machine.

16 Q. And she left again personal information on that as well, is
17 that right?

18 A. She advised that-- I am sorry, the plane had been hijacked
19 by men with a bomb. She knew about planes flying into the World
20 Trade Center, and she was afraid that the hijackers were going to
21 take this one down as well.

22 The remainder of the conversation was then personal in
23 nature.

24 Q. Okay. The next call, please.

25 Who is this caller?

1 A. Jeremy Glick. He was originally assigned to seat 11-A, but
2 he placed one phone call from row 27 DEF.

3 Q. And who did he call?

4 A. He contacted his in-laws. His wife was staying with her
5 parents in New York at the time.

6 Q. Now, we see on that call that, the call is made at 9:37, but
7 that the call length was 7,565 seconds, which would take us well
8 past the time that the plane crashed at 10:03.

9 Can you explain to the jury why it is that there were so
10 many seconds on that.

11 A. The GT airphone operators actually left the call open well
12 past the time of Flight 93 crashing in Pennsylvania.

13 Q. Now, did Mr. Glick have an occasion to speak with his wife at
14 that time?

15 A. Yes.

16 Q. And could you summarize some of the points that he described
17 to his wife about what was occurring on Flight 93.

18 A. Yes. He spoke to his wife Liz. He advised that his plane
19 had been hijacked by three males that appeared to be Iranian. He
20 further described these passengers as being dark skinned and
21 having red bandanas placed around their head. He stated to his
22 wife that two of the hijackers were in the cockpit, and the third
23 was wearing a red belt with some sort of box on it that contained
24 a bomb. And this hijacker had herded the passengers to the rear
25 of the plane and then stood over the passengers.

1 He told his wife he was aware of planes hitting the
2 World Trade Center. He guessed that this plane would either be
3 flown into the World Trade Center or blown-up.

4 He told his wife that the hijackers all had knives, but
5 he did say that three passengers as big as he was were planning to
6 take back the plane.

7 He told his wife that they were going to jump the
8 hijackers who were a lot smaller than them, especially the little
9 guy with the bomb, and then they would rush the cockpit.

10 Q. Did he say what he had armed himself with when they were
11 going to rush the cockpit?

12 A. Yes, he said he armed himself with a breakfast knife.

13 Q. If we can go to the next caller, please.

14 Do you want to tell us who this caller is?

15 A. Todd Beamer, originally assigned to 10-D, had placed four
16 calls from 32 DEF. The first three calls did not connect. The
17 fourth one was actually redirected to the GTE airphone operator.

18 Q. And could you tell us what happened when he connected to the
19 GTE operator, who it was that he spoke to?

20 A. Todd Beamer originally spoke to Phyllis Johnson, the GTE
21 operator. He advised her that Flight 93 had been hijacked, and he
22 believed the hijackers were in the cockpit.

23 Q. Did the call then get transferred over to Mr. Johnson's
24 supervisor by the name of Lisa Jefferson?

25 A. Yes, sir.

1 Q. And can you tell us, did Lisa Jefferson speak to Mr. Beamer
2 for quiet a long time?

3 A. Yes.

4 Q. They also talked about some personal information about Mr.
5 Beamer's wife and children, is that right?

6 A. Yes, sir.

7 Q. Putting aside the personal information, could you summarize
8 what it is that Mr. Beamer told her about what was -- the events
9 that were occurring on the plane.

10 A. Yes, sir. Mr. Beamer told Lisa Jefferson that the plane had
11 been hijacked by three males with knives and one was wearing a
12 bomb.

13 He further reported that there were two men lying in
14 first class on the floor. They appeared to either be injured or
15 dead.

16 Q. Did he report who he thought those people were based upon
17 what a flight attendant had told him?

18 A. Yes. He originally could not see them because the curtain
19 had been drawn between first class and coach, but he reported that
20 a flight attendant, a black female, had confirmed that that was
21 the pilot and the co-pilot lying on the floor.

22 Q. What else did he tell Ms. Jefferson?

23 A. During the conversation Miss Jefferson could hear some
24 commotion in the background, and she could hear Mr. Beamer's voice
25 raise as he said that the plane was going down.

1 Q. Now, at some point did Mr. Beamer indicate to Ms. Jefferson
2 that he and other passengers were going to take back the plane?

3 A. Yes. He told Ms. Jefferson that he and other passengers were
4 going to take the plane back. He said he actually had no choice.

5 The phone call ended by Mr. Beamer asking a question of
6 a nearby passenger, are you ready? And after receiving a
7 response, Mr. Beamer said, "let's roll."

8 Q. And then that ended that conversation, is that right?

9 A. Yes. Ms. Jefferson stayed on the phone until Flight 93 had
10 crashed.

11 Q. Let's go to the next caller, please.

12 Would you tell us who this caller is.

13 A. Sandra Bradshaw was one of the flight attendants on Flight
14 93.

15 Q. And was she married to a pilot?

16 A. Yes, sir, her husband--

17 Q. He wasn't working that day, he was home with the kids, is
18 that right?

19 A. Yes. Her husband Philip worked for USAir as a pilot.

20 Q. Now, could you tell us what phone calls she made. I see the
21 speed dial fixed there. Is that what you spoke of earlier, the
22 direct line to the maintenance department?

23 A. Yes, sir.

24 Q. Can you explain what the calls were, summarizing the relevant
25 calls to the jury that Miss Bradshaw made.

1 A. Yes, from row 33 DEF an unknown flight attendant, later
2 determined to be Sandra Bradshaw, called that speed dial number.
3 She notified the maintenance that the plane had been hijacked,
4 there were terrorists, I am sorry, hijackers in the cabin and on
5 the flight deck.

6 Q. And did she indicate that anybody had been attacked? When
7 she called the maintenance people, did she say that somebody had
8 been injured at that point?

9 A. Shortly thereafter her phone call was transferred to a
10 supervisor. And Sandra updated what was happening on the plane.
11 She said that there were two men with knives had hijacked the
12 plane. One was in the cockpit and the other seemed to be securing
13 first class.

14 She also reported that a flight attendant had been
15 attacked. And she further stated that the plane seemed to be
16 taking a few dives.

17 Q. Now, thereafter did she call her husband at 9:50, about 13
18 minutes before the plane crashed?

19 A. Yes, she made two attempts to contact her husband. On the
20 second attempt she was connected with her husband. And she
21 advised him that the plane had been hijacked by three men who
22 appeared to be Islamic.

23 Q. And did she tell you-- Did she tell her husband anything
24 else about where they were, where the hijackers were in the plane
25 and how they were dressed and their actions and such?

1 A. Yes. Her husband first asked where the plane was located.
2 She looked out, said it was in a rural area and that the sun had
3 been in front of the plane, noting that they were traveling east
4 as opposed to west towards San Francisco.

5 She also advised her husband that the little guy who
6 looked Islamic that was seated in the last row of first class was
7 one of the hijackers, and he was wearing a red band on his head as
8 well.

9 Q. Did she report that a majority of the passengers had been
10 herded to the back of the plane?

11 A. Yes, sir.

12 Q. Did she report that she was going to participate in help
13 taking the plane back?

14 A. Yes, she did.

15 Q. Did she tell him what she was doing and what instrument, I
16 guess, she was going to use as part of the assault upon the
17 hijackers?

18 A. Yes. She told her husband that she was boiling water to
19 throw on the hijackers to assist with the plan to take back the
20 plane.

21 Q. What did she say at the end to her husband?

22 A. She told her husband that she loved him, she loved her kids,
23 she knew she was going to die, and she ended the conversation by
24 saying that she had to go, everyone was running to first class.

25 Q. The next caller, please.

1 Would you tell us who that caller was.

2 A. Yes, sir, this is Thomas Burnett, Jr. Records, airphone
3 records indicate that Mr. Burnett made three phone calls from rows
4 24 A, B, and C and 25 A, B, and C. However, Thomas's wife, Deena,
5 reported that there may have been additional cell phone calls made
6 to her.

7 Q. So, she spoke to her husband repeatedly that day, is that
8 correct?

9 A. Yes, sir.

10 Q. Could you summarize what it is that Mr. Burnett told his wife
11 in those various calls about the events that were occurring on
12 Flight 93.

13 A. Mr. Burnett told his wife Deena that he was on Flight 93 from
14 Newark to San Francisco and it had been hijacked. They, meaning
15 the hijackers, had a bomb and in addition had knifed a passenger.

16 Q. Anything else about what else was going to occur on the
17 plane?

18 A. Well, his wife said that other planes had flown into the
19 World Trade Center. He said he had known this. He said that he
20 heard the hijackers speaking about flying 93 into the ground. He
21 realized it was a suicide mission, that they would have to do
22 something to take back the plane.

23 He told his wife that the hijackers were in the cockpit,
24 they didn't know who was flying the plane.

25 He said that a group of passengers were getting ready to

1 take back the plane, and he said he had to go.

2 Q. The next caller, please.

3 Who is this caller?

4 A. This is CeeCee Lyles. She was a flight attendant for 93.

5 She placed two phone calls, one utilizing the airphone from row 32
6 ABC, and a second she utilized her personal cell phone.

7 Q. And both of those were to her husband, is that correct?

8 A. Yes, sir, in Florida.

9 Q. Okay, we are going to leave that for another witness.

10 If we could move on to the next caller please.

11 Who is this caller, sir?

12 A. This is Marion Britton, she was originally assigned to 12-B.

13 And she placed one airphone call from row 33 ABC to her friend.

14 Q. Okay. And could you tell us, did she report anything of
15 substance other than personal information to her friend about the
16 events that were occurring there on the plane?

17 A. She told her friend that the plane that she was on, 93, had
18 been hijacked.

19 Her friend said, don't worry, they will probably take
20 you to another country. She responded that two hijackers-- I am
21 sorry, two passengers had had their throats cut.

22 The conversation ended when Ms. Britton said that it
23 felt like the plane was turning and going to crash. The friend
24 then heard screaming in the background and the phone disconnected.

25 Q. The next caller, please.

1 Who is this caller?

2 A. This is Honor Wainio. She was an originally seated at 11-F.
3 She placed one airphone call from row 33 ABC to her parents. And
4 she was able to speak to her stepmother, Esther.

5 Q. Okay. And much of that call was personal in nature, is that
6 right?

7 A. Much of the call was personal in nature. She did tell her
8 mom -- I am sorry, her stepmother, that the plane had been
9 hijacked. And she related that she feared she was going to die.
10 She did finish the conversation by saying she had to go, everyone
11 was running towards the cockpit.

12 Q. Okay. You can go back to the chart.

13 By the way, as we see on that, where you just had Marion
14 Britton and Honor Wainio and then we are going to click on an
15 unknown flight attendant, it appeared that at least some of the
16 passengers were sharing the phones with each since they were
17 calling from the same spots, is that right?

18 A. Yes, sir.

19 Q. Would it also be true, Sergeant Guidetti, that others may
20 have tried, but you can only get eight lines out at a time, so
21 they would have been -- they would have been blocked, they would
22 have gotten busy signals, is that right?

23 A. This is, again, an airphone radio, it is an eight channel
24 network. So, only eight calls could be placed simultaneously.

25 Q. Okay. The unknown flight attendant there. You don't know

1 who that caller is, is that right?

2 A. No, sir.

3 Q. But could you report what you do know about that call.

4 A. We see that this call was placed from row 33 ABC using the
5 speed dial option on the phone to contact maintenance. It was a
6 four second call. So, in all likelihood, it didn't connect.

7 Q. Okay, if we could go back. The next person.

8 Who is this caller?

9 A. Waleska Martinez, seated originally at 10-F. She placed one
10 call from row 34 ABC. She attempted to call her roommate's
11 employer in New York City, but the call didn't connect.

12 Q. Okay, the next caller, please.

13 Do you want to tell us about this set of calls.

14 A. Yes. These three phone calls or airphone calls were placed
15 from row 34 ABC. The second call that is listed there at 9:32 of
16 95 seconds, an unknown flight attendant contacted United
17 maintenance, advised that Flight 93 had been hijacked by three men
18 with knives and they had a bomb. And then the phone disconnected.

19 Q. The next caller please. I guess this is the last caller.

20 Who is this caller?

21 A. This is passenger Ed Felt, originally assigned to seat 2-D.
22 On this call he utilized his personal cell phone. At the time
23 when he dialed 911, that phone was received by the Westmoreland
24 County 911 dispatch center.

25 Q. Westmoreland County is a county in the Commonwealth of

1 Pennsylvania that is adjacent to Somerset County, is that right?

2 A. Yes, Westmoreland County is adjacent to Somerset County.

3 Q. So, when the plane was going over this county on its way to
4 where it eventually crashed, when he made the call, it was routed
5 into the local 911 operator, is that right?

6 A. Yes, sir.

7 Q. Could you report what the contents of that conversation were.

8 A. Ed Felt reported to the dispatch center that there was a
9 hijacking in progress, that he was on United Airlines Flight 93.
10 He provided his name and his cell phone number. He also reported
11 he was calling from the bathroom on Flight 93. The phone then
12 disconnected.

13 Q. If we can go back. That indicates the total number of phone
14 calls that you were able to determine that were made from Flight
15 93, is that correct?

16 A. Yes, there is 35 airphone calls and two cellular phone calls.

17 MR. NOVAK: Your Honor, I have no further questions of
18 the witness.

19 THE COURT: All right. Any cross-examination?

20 MR. YAMAMOTO: No questions, Your Honor.

21 THE COURT: All right. Thank you, sir, you are excused
22 as a witness.

23 NOTE: The witness stood down.

24 MR. NOVAK: Judge, that's all we have for today.

25 THE COURT: All right. Then, ladies and gentlemen, I

1 will again give you an early end of the day. Certainly you have
2 earned it. And we will see you back here tomorrow morning at
3 9:30.

4 Please remember my caution about avoiding any media
5 coverage.

6 Counsel, I don't believe there is any other matters we
7 have to take up today, are there? No.

8 MR. SPENCER: No, Your Honor.

9 MR. ZERKIN: No, Your Honor.

10 THE COURT: Then we will just recess court for the day.

11
12 NOTE: At this point the April 11, 2006 portion of the
13 case is concluded.

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18 I certify that the foregoing is a true and
19 accurate transcription of my stenographic notes.

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Norman B. Linnell, RPR, CM, VCE

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1	JOSE ROJAS, JR. DIRECT	3388 3388
2		
3	JOHN THURMAN DIRECT	3397 3397
4	NANCY McKEOWN DIRECT	3415 3415
5		
6	SHARI TOLBERT DIRECT	3431 3431
7	RUI ZHENG DIRECT	3441 3442
8		
9	RAY GUIDETTI DIRECT	3449 3449
10		
11	Government's Exhibit No. P200267 was received	3410
	Government's Exhibit No. P200268 was received	3412
12	Government's Exhibit No. P200269 was received	3413
	Government's Exhibit No. P200271 was received	3418
13	Government's Exhibit No. P200272 was received	3419
	Government's Exhibit No. P200273 was received	3427
14	Government's Exhibit No. P200296 was received	3432
	Government's Exhibit No. P200297 was received	3433
15	Government's Exhibit No. P200302 was received	3434
	Government's Exhibit No. P200299 was received	3439
16	Government's Exhibit No. P200295 was received	3443
	Government's Exhibit No. P200055 was received	3450
17	Government's Exhibit No. P2-57, P2-58 and P2-59 were received	3453
18	Government's Exhibit No. P2-60, P2-61, P2-62 was received	3454
19	Government's Exhibit No. P2-63, P2-64 were received	3455
	Government's Exhibit No. P2-65 was received	3456
20	Government's Exhibit No. P2-66 was received	3456
	Government's Exhibit No. P2-68 was received	3457
21	Government's Exhibit No. P2-69 was received	3457
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