

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Criminal Action NO. 96-CR-68-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

TIMOTHY JAMES MCVEIGH,

Defendant.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
May 31, 2001  
JAMES R. MANSPEAKER,  
CLERK

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**SUPPLEMENT TO PETITION FOR STAY OF EXECUTION  
(SUBMITTED FOR PUBLIC FILING)**

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Timothy James McVeigh, by and through undersigned counsel, supplements his Petition for Stay of Execution with additional information discovered after the brief was written.

Specifically, the government provided one additional 302 not produced prior to trial or in the recent production of 4,449 pages, with a letter delivered via facsimile on May 30, 2001. The government's letter and the 302 are collectively attached to the under seal version of this supplement as Exhibit A.

Stated simply, the new 302 was produced after its author, former FBI Special Agent Ricardo Ojeda, stated publicly that he believed exculpatory evidence he obtained had been withheld from the defense.

Bottom line, however, is that the 302 was not provided to the defense until now.

Counsel for Mr. McVeigh submits that this critical revelation demonstrates what the FBI has done to withhold exculpatory evidence from the defense. It has chosen to designate such evidence

with another case name or number and thus publicly maintain no “OKBOMB” documents have been withheld.

This revelation concerning the FBI filing system is further evidence of a fraud upon the court and provides further grounds for an evidentiary hearing. Mr. McVeigh prays the court for a stay of the execution, and requests that the court enter a further order directing the government to provide counsel with access to all withheld exculpatory evidence.

Respectfully submitted this 31<sup>st</sup> day of May, 2001.

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ATTORNEYS FOR TIMOTHY McVEIGH

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing **SUPPLEMENT TO PETITION FOR STAY OF EXECUTION (SUBMITTED FOR PUBLIC FILING)** was hand delivered on the 31<sup>st</sup> day of May, 2001, to the following:

Sean Connelly  
Special Attorney to the  
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