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

ESTATE OF KENNETH MICHAEL TRENTADUE,  
by and through its Personal  
Representative, CARMEN AGUILAR  
Trentadue, et al,  
  
Plaintiffs,  
  
vs.  
  
UNITED STATES OF AMERICA, et al  
  
Defendants.

Ex 24

Case No. CIV-97-849-L

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON NOVEMBER 28, 2000  
JURY TRIAL  
VOLUME IX

BEFORE THE HONORABLE TIM LEONARD,  
JUDGE PRESIDING

A P P E A R A N C E S

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Civil Division, Torts Branch  
P.O. Box 888  
Washington, D.C. 20044

COUNSEL FOR THE DEFENDANT UNITED STATES

## DIRECT EXAMINATION OF DR. FRED JORDAN

1 MR. ADAMS: Dr. Fred Jordan, Your Honor.

2 MR. BARON: While Dr. Jordan is coming in, could we  
3 have a very short sidebar?

4 THE COURT: Do you want to handle the sidebar, Mr.  
5 Sampson?

6 MR. SAMPSON: I don't know why, but --

7 THE COURT: Dr. Jordan is here.

8 MR. BARON: We can hold it in abeyance, if  
9 possible.

10 THE COURT: Dr. Jordan, if you would come forward  
11 and raise your right hand and be sworn, please.

12 FRED JORDAN,  
13 having been first duly sworn to tell the truth, the whole  
14 truth, and nothing but the truth, testified as follows:

15 THE COURT: You may proceed.

16 D I R E C T E X A M I N A T I O N

17 Q. (BY MR. ADAMS) Would you please state your name for the  
18 Court and the jury?

19 A. Yes, my name is Fred Jordan.

20 Q. Would you briefly go through your educational background  
21 for us?

22 A. Sure. I graduated from Bowdin College, B-o-w-d-i-n in  
23 Brunswick, Maine in 1962 with a major in biology. And then  
24 from Tufts, T-u-f-t-s University School of Medicine in  
25 Boston in 1966 with an M.D. degree.

1 Mr. Adams.

2 Q. (BY MR. ADAMS) It's my understanding the livor will get  
3 into the smaller extremities of the body first; is that a  
4 fair representation?

5 A. The livor gets into the parts of the body that are  
6 dependent, and if the fingers or toes happen to be  
7 dependent, yes, but it's a pure gravity phenomenon. It's  
8 just as simple as that.

9 Q. Did you find any livor in Kenneth Trentadue's toes or  
10 fingers?

11 A. I did not, no.

12 Q. The livor that you found on Kenneth Trentadue's nose,  
13 could that also be consistent with Kenneth Trentadue laying  
14 dead on his face?

15 A. It could be consistent with him lying dead on his face,  
16 yes.

17 Q. Dr. Jordan, before we broke for lunch, we were talking  
18 about furrow, the ligature mark on Kenneth Trentadue's neck;  
19 do you recall that?

20 A. Yes, sir.

21 Q. Now, I have in front of me some photographs that have  
22 been previously admitted as 510B. I will put those up here  
23 on the monitor. Now, we see a couple of things in this  
24 photograph, Dr. Jordan, and I want to see if I can point  
25 these out and can you tell us what they are. First, I am

## DIRECT EXAMINATION OF DR. FRED JORDAN

1 be primarily on the back. Whichever part of your body is  
2 dependent, whichever part is down that allows gravity to  
3 cause that livor to settle.

4 Q. Dr. Jordan, is it fair statement to say that livor --  
5 you get livor after death?

6 A. Yes.

7 Q. And you noted livor on Kenneth Trentadue's nose,  
8 Dr. Jordan?

9 A. Yes.

10 Q. I am going to show you what has previously admitted as  
11 Defendant's 510B, and I am going to zoom in on Kenneth  
12 Trentadue's nose and ask you if that accurately represents  
13 the livor that you talk about in your autopsy?

14 A. That accurately represents the way the body appeared,  
15 and I believe it does. I am not sure that anybody can  
16 except me can pick that out, but yes. I can see what we  
17 call livor on the nose in this picture.

18 Q. Dr. Jordan, for that livor to appear or for Kenneth  
19 Trentadue to get livor, how would he receive it in his nose?

20 A. Well, just as I described it to you, it settles in  
21 dependent portions. At some period of time after Mr.  
22 Trentadue died, his head or his nose in particular had to be  
23 in a somewhat dependent position like mine is down, so that  
24 blood can drain down into that area and settle in that area.

25 Q. Would his nose have to be touching anything?

## CROSS-EXAMINATION OF DR. FRED JORDAN

1 MR. ADAMS: Pass Dr. Jordan, Your Honor.

2 THE COURT: Mr. Handler?

3 C R O S S E X A M I N A T I O N

4 Q. (BY MR. HANDLER) Dr. Jordan, as the chief medical  
5 examiner for the state for Oklahoma, how many deaths have  
6 you been involved in in determining the cause and manner of  
7 a person's death?

8 A. As medical examiner in Oklahoma? Oh, my goodness.  
9 Well, in a given year, we average -- Oklahoma loses or about  
10 33,000 people die a year in Oklahoma. Of that, about a  
11 third of them are reported to us, so it's about 11,000 a  
12 year. We take jurisdiction in perhaps 9,000 of those. And  
13 so I have been here almost 30 years. Well, that's 270,000  
14 deaths or since I have been chief which is 82 to 92 is what,  
15 ten years, 92 to 2000 is 18 years. I happen to have a  
16 calculator, Mr. Handler.

17 Q. Is it safe to say it's in the thousands?

18 A. Oh, yeah, it's a lot. Thank you. I will keep it out  
19 just in case.

20 Q. I believe on direct examination you testified that in  
21 determining the manner of a person's death whether it be  
22 homicide, suicide, that you don't only rely on the autopsy,  
23 you rely on the investigative findings of a reliable and  
24 competent and trustworthy law enforcement agency; is that  
25 correct?

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## CROSS-EXAMINATION OF DR. FRED JORDAN

1 addressed each and every one of these. Well, they did and  
2 they didn't. They addressed each and every one of the acute  
3 injuries, the real recent injuries, including the bruises on  
4 the bottom of the foot, explaining those as possibly  
5 slipping on the toilet stool in the cell, climbing up and  
6 down to secure the ligature to the air vent up high on the  
7 wall in that cell. I don't know that they addressed the  
8 marks on the arm or some of the other issues, but the main  
9 features of the wounds I think have been addressed either by  
10 me in the experimentation that we did with the toothpaste  
11 tubes at the Oklahoma State Anatomical Division or by the  
12 police in their attempt to reconstruct the scene.

13 Q. And through that investigation by the Oklahoma City  
14 Police Department and your office, you didn't find any  
15 evidence of beating or torture, did you?

16 A. No, there is no evidence to substantiate beating or  
17 torture. Mr. Adams already asked me about beating, and I  
18 hope I made that clear that these blunt force injuries are  
19 nonspecific. You asked about torture and the injury to the  
20 bottom of the foot can be explained by the police scenario.

21 Q. And did you find any evidence that Kenneth Trentadue's  
22 hands or feet were bound by some device?

23 A. No, we actually cut into the ankles looking for that as  
24 we routinely do. And you already hinted at the fact not all  
25 autopsies are done the same way. When you investigate a

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by and through its Personal  
Representative, CARMEN AGUILAR  
Trentadue, et al,  
  
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Defendants.

EX 25

Case No. CIV-97-849-L

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON DECEMBER 1, 2000  
JURY TRIAL  
VOLUME X

BEFORE THE HONORABLE TIM LEONARD,  
JUDGE PRESIDING

A P P E A R A N C E S

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 with that stipulation?

2 MR. SCHLOSSMAN: Yes, Your Honor.

3 THE COURT: Mr. Baron?

4 MR. BARON: Yes, Your Honor.

5 THE COURT: You may proceed.

6 E X A M I N A T I O N

7 (AS READ:)

8 Q. (BY MR. ADAMS) Would you please state your name?

9 A. Keri Michelle Nelson, formally known as Keri Michelle  
10 Hatfield.

11 Q. When you say they were cleaning the trauma room, can you  
12 describe to me what they were doing?

13 A. Yes, sir, they were cleaning up the blood that was on  
14 the floor.

15 Q. What else?

16 A. And the gurney pad.

17 Q. Did there appear to be a lot of blood to you?

18 A. Yes, sir.

19 Q. Did you notice blood anywhere other than on the gurney  
20 and on the floor?

21 A. No, sir.

22 Q. Can you describe to me in type of quantity of how much  
23 blood you saw on the floor?

24 A. What do you mean?

25 Q. Quantity, I'm talking ounces, millimeters, whatever you

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 are comfortable with, liters, gallons, I don't know, just  
2 whatever terminology you're comfortable with, if you can  
3 describe -- just estimate your best estimate of how much  
4 quantity you saw of blood on the floor?

5 A. I can't estimate volume, but I can estimate size.

6 Q. That would be fine.

7 A. I can estimate the size would be around a small plate,  
8 salad plate.

9 Q. Would 8 inches in diameter, would that be a fair  
10 statement?

11 A. Yes, sir.

12 Q. Tell me what you saw when you arrived at the cell. Was  
13 the door opened or closed?

14 A. Closed.

15 Q. Who opened the door?

16 A. The officer.

17 Q. Did you ever see any blood and hair on the wall?

18 A. Below where the stool swings out right over here.

19 Q. On the wall, did you ever see any hair on the wall?

20 A. Yes, sir, right here and at the corner, yes, sir, near  
21 the door.

22 Q. Where else, if any, blood did you see in that room?

23 A. It would have been above the toilet and the air vent and  
24 light.

25 Q. Anywhere else you can recall blood being?

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. No, sir.

2 Q. Can I see just for a minute your diagram?

3 A. Okay.

4 Q. Now, the blood spatters that are here on the wall are  
5 they by the bed; correct?

6 A. Yes, sir.

7 Q. When you say spatter, are you saying that it looked as  
8 though someone had flicked blood on the wall?

9 A. Yes, sir, they were not big, they were just like little  
10 droplets, like pin droplets.

11 Q. Did it have kind of like a spray look to it?

12 A. Yes, sir.

13 Q. Like it had been sprayed on the wall?

14 A. Yes, sir.

15 Q. Did you see any blood in the cell that appeared similar  
16 to Exhibit No. 84?

17 A. What do you mean as?

18 Q. The pattern.

19 A. The pattern and the amount?

20 Q. If you had to dispute the amount or the pattern, I'm  
21 trying to get a visual picture of what you saw. Would this  
22 be a fair picture of what you saw in regards to the blood on  
23 the wall?

24 A. Size of the dots?

25 Q. Yes, ma'am.

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. The amount of the dots?

2 Q. Yes, ma'am.

3 A. The amount is not this much. The size, yes.

4 Q. So we are talking about Exhibit No. 84 now?

5 A. Yes, sir.

6 Q. And you are saying that the amount of the blood is not  
7 fairly represented in Exhibit No. 84 as what you saw on the  
8 wall?

9 A. Yes, sir; no, sir.

10 Q. Are you saying it was more that there wasn't as much  
11 blood as what appears on the black dots on 84 on the wall;  
12 is that what you're saying?

13 A. Yes, sir.

14 Q. Can you if I give you a blue pen, would you be able to  
15 circle what you feel would be an accurate representation of  
16 the amount of blood you saw on the wall that you described  
17 as splatter?

18 A. The wall, that is the bed on it?

19 Q. I am talking about you have described splatter for me;  
20 correct?

21 A. Yes, sir.

22 Q. Appears someone sprayed blood on the wall?

23 A. Yes, sir.

24 Q. Are you saying Exhibit No. 84 accurately represents the  
25 pattern?

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. Yes, sir.

2 Q. But not the amount?

3 A. Yes, sir.

4 Q. So I am asking you, if I give you a blue pen, if you can  
5 circle on Exhibit No. 84 what you feel like would be  
6 accurately and fairly representative amount of blood?

7 A. Yes, sir.

8 Q. I am giving you a blue pen. I am going to ask you to  
9 circle the amount of blood that you think would be a fair  
10 and accurate representation.

11 A. And it would have been scattered throughout the wall.

12 Q. You made a circle at the top of 84, and then you are  
13 saying that would fairly and accurately represent the amount  
14 of blood and the pattern of blood that you saw in the cell  
15 that you eventually cleaned up; correct?

16 A. Yes, sir, almost on the wall, on the bed wall."

17 MR. ADAMS: Your Honor, at this time I would  
18 move for admission of -- Plaintiff's Exhibit No. 243 which  
19 was Exhibit No. 84 in the deposition.

20 MR. BARON: Is Your Honor going to take scissors  
21 to that exhibit or is someone going to do that?

22 THE COURT: Yes.

23 MR. BARON: Subject to the objections that we  
24 made, I see that in this context, I would just proffer on  
25 page 36, lines 12 and 13.

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 THE COURT: I think that ought to be included,  
2 Mr. Adams, with the designation.

3 MR. ADAMS: Okay.

4 THE COURT: The Court will overrule the  
5 objections made to the exhibit. The exhibit will be reduced  
6 to the sizes indicated and the Court would think in interest  
7 of completeness rather than having that one sentence read  
8 that the 12 and 13 also be designated and read.

9 "Q. (BY MR. ADAMS) Ms. Nelson, would you read 12 and 13,  
10 please?

11 A. It was not in a concentrated area as this.

12 Q. Would the area that you have just circled, would that be  
13 an area as big as Exhibit No. 84?

14 A. No.

15 Q. Would it have been bigger?

16 A. Yes.

17 Q. How much bigger?

18 A. The wall.

19 Q. The entire wall?

20 A. Yes, sir.

21 Q. So you saw that much splatter all over the wall in the  
22 bed; correct?

23 A. Not all over the wall, only to a certain height.

24 Q. What height?

25 A. Approximately four feet.

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 Q. Was it below the four feet level?

2 A. Yes, sir.

3 Q. So below four feet on the bed wall down to the floor is  
4 where you saw this pattern?

5 A. Yes, sir.

6 Q. You can answer?

7 A. It would be more like this.

8 Q. I am going to hand you a blue pen and ask if you can  
9 circle what this is. You have circled in approximately the  
10 middle of the page something you believe accurately  
11 represents a blood smear that you saw in the cell; correct?

12 A. Yes, sir.

13 Q. Where did you see what you have circled in Exhibit 85?

14 A. Along this wall.

15 Q. And you are pointing to the door wall, the wall that is  
16 connected to the door that goes over to what you have marked  
17 as the toilet?

18 A. Yes, sir.

19 Q. That's where you saw something, is that accurately  
20 depicted in 85 that you have circled?

21 A. Yes, sir."

22 MR. ADAMS: I would move for admission of  
23 Plaintiffs' Exhibit No. 244 which was Exhibit No. 85 in the  
24 deposition, Your Honor, and we will cut down the previously  
25 folded.

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 Q. There was blood not only on the floor of that cell, but  
2 also on the walls too, would you agree with that?

3 A. Yes, sir.

4 Q. The blood on the walls often appeared as splatter; would  
5 you agree with that?

6 A. Yes, sir.

7 Q. It looks as if someone had taken a paint brush, dipped  
8 it in blood and slung it or flicked that brush and droplets  
9 of blood splattered and stuck to the walls; would you agree  
10 with that?

11 A. Yes, sir.

12 Q. I particularly remember bloody fingerprints around the  
13 alarm button that was located near the door of Kenneth  
14 Michael Trentadue's cell; do you agree with that?

15 A. Yes, sir.

16 Q. Did you ever see any fibers from any ripped sheets?

17 A. No, sir."

18 MR. ADAMS: That would be the conclusion of the  
19 testimony, Your Honor, of Keri Nelson.

20 THE COURT: This appears to be a good time to  
21 take our lunch break, ladies and gentlemen of the jury, and  
22 we will reconvene at 1:15, and I would again advise you to  
23 not discuss the case among yourselves or with others until  
24 you have heard all the evidence.

25 We will reconvene of 1:15 and Mr. Adams what were the

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 numbers of those two exhibits, so Ms. Youngberg can get it  
2 down?

3 MR. ADAMS: Plaintiffs' 243 and Plaintiffs' 244.

4 THE COURT: And they will be redacted to some  
5 extent, Ms. Youngberg. We will be in recess.

6 THE COURTROOM DEPUTY: All rise.

7 (THE JURY WAS EXCUSED FROM THE COURTROOM, AND THE  
8 FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT AND OUT OF THE  
9 PRESENCE AND HEARING OF THE JURY.)

10 THE COURT: The Court will be in recess. Are  
11 there issues other than this we need to discuss? I can't  
12 remember whether we were going to --

13 MR. ADAMS: Your Honor, probably the two issues  
14 that I know are important this afternoon would be the  
15 proffer that we have attached to the filing yesterday  
16 regarding Mr. Baca. The government will have him here this  
17 afternoon, if allowed to testify. And then also we did the  
18 same things in regards to the Arcabasso deposition. We  
19 narrowed it down and filed a proffer that was attached to  
20 the filing yesterday also, Your Honor, and I would ask the  
21 Court if you have an opportunity to review those.

22 THE COURT: Okay.

23 MR. SCHLOSSMAN: Your Honor, as to Mr. Baca, I  
24 think he spent about a total of two to three days waiting  
25 out in the hallway. He is out at the FTC. I have not asked



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IN THE UNITED STATES DISTRICT COURT FOR THE  
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ESTATE OF KENNETH MICHAEL TRENTADUE,  
by and through its Personal  
Representative, CARMEN AGUILAR  
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vs.

UNITED STATES OF AMERICA, et al  
Defendants.

EX 26

Case No. CIV-97-849-L

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON DECEMBER 1, 2000  
JURY TRIAL  
VOLUME X

BEFORE THE HONORABLE TIM LEONARD,  
JUDGE PRESIDING

A P P E A R A N C E S

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 with that stipulation?

2 MR. SCHLOSSMAN: Yes, Your Honor.

3 THE COURT: Mr. Baron?

4 MR. BARON: Yes, Your Honor.

5 THE COURT: You may proceed.

6 E X A M I N A T I O N

7 (AS READ:)

8 Q. (BY MR. ADAMS) Would you please state your name?

9 A. Keri Michelle Nelson, formally known as Keri Michelle  
10 Hatfield.

11 Q. When you say they were cleaning the trauma room, can you  
12 describe to me what they were doing?

13 A. Yes, sir, they were cleaning up the blood that was on  
14 the floor.

15 Q. What else?

16 A. And the gurney pad.

17 Q. Did there appear to be a lot of blood to you?

18 A. Yes, sir.

19 Q. Did you notice blood anywhere other than on the gurney  
20 and on the floor?

21 A. No, sir.

22 Q. Can you describe to me in type of quantity of how much  
23 blood you saw on the floor?

24 A. What do you mean?

25 Q. Quantity, I'm talking ounces, millimeters, whatever you

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 are comfortable with, liters, gallons, I don't know, just  
2 whatever terminology you're comfortable with, if you can  
3 describe -- just estimate your best estimate of how much  
4 quantity you saw of blood on the floor?

5 A. I can't estimate volume, but I can estimate size.

6 Q. That would be fine.

7 A. I can estimate the size would be around a small plate,  
8 salad plate.

9 Q. Would 8 inches in diameter, would that be a fair  
10 statement?

11 A. Yes, sir.

12 Q. Tell me what you saw when you arrived at the cell. Was  
13 the door opened or closed?

14 A. Closed.

15 Q. Who opened the door?

16 A. The officer.

17 Q. Did you ever see any blood and hair on the wall?

18 A. Below where the stool swings out right over here.

19 Q. On the wall, did you ever see any hair on the wall?

20 A. Yes, sir, right here and at the corner, yes, sir, near  
21 the door.

22 Q. Where else, if any, blood did you see in that room?

23 A. It would have been above the toilet and the air vent and  
24 light.

25 Q. Anywhere else you can recall blood being?

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. No, sir.

2 Q. Can I see just for a minute your diagram?

3 A. Okay.

4 Q. Now, the blood spatters that are here on the wall are  
5 they by the bed; correct?

6 A. Yes, sir.

7 Q. When you say spatter, are you saying that it looked as  
8 though someone had flicked blood on the wall?

9 A. Yes, sir, they were not big, they were just like little  
10 droplets, like pin droplets.

11 Q. Did it have kind of like a spray look to it?

12 A. Yes, sir.

13 Q. Like it had been sprayed on the wall?

14 A. Yes, sir.

15 Q. Did you see any blood in the cell that appeared similar  
16 to Exhibit No. 84?

17 A. What do you mean as?

18 Q. The pattern.

19 A. The pattern and the amount?

20 Q. If you had to dispute the amount or the pattern, I'm  
21 trying to get a visual picture of what you saw. Would this  
22 be a fair picture of what you saw in regards to the blood on  
23 the wall?

24 A. Size of the dots?

25 Q. Yes, ma'am.

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. The amount of the dots?

2 Q. Yes, ma'am.

3 A. The amount is not this much. The size, yes.

4 Q. So we are talking about Exhibit No. 84 now?

5 A. Yes, sir.

6 Q. And you are saying that the amount of the blood is not  
7 fairly represented in Exhibit No. 84 as what you saw on the  
8 wall?

9 A. Yes, sir; no, sir.

10 Q. Are you saying it was more that there wasn't as much  
11 blood as what appears on the black dots on 84 on the wall;  
12 is that what you're saying?

13 A. Yes, sir.

14 Q. Can you if I give you a blue pen, would you be able to  
15 circle what you feel would be an accurate representation of  
16 the amount of blood you saw on the wall that you described  
17 as splatter?

18 A. The wall, that is the bed on it?

19 Q. I am talking about you have described splatter for me;  
20 correct?

21 A. Yes, sir.

22 Q. Appears someone sprayed blood on the wall?

23 A. Yes, sir.

24 Q. Are you saying Exhibit No. 84 accurately represents the  
25 pattern?

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 A. Yes, sir.

2 Q. But not the amount?

3 A. Yes, sir.

4 Q. So I am asking you, if I give you a blue pen, if you can  
5 circle on Exhibit No. 84 what you feel like would be  
6 accurately and fairly representative amount of blood?

7 A. Yes, sir.

8 Q. I am giving you a blue pen. I am going to ask you to  
9 circle the amount of blood that you think would be a fair  
10 and accurate representation.

11 A. And it would have been scattered throughout the wall.

12 Q. You made a circle at the top of 84, and then you are  
13 saying that would fairly and accurately represent the amount  
14 of blood and the pattern of blood that you saw in the cell  
15 that you eventually cleaned up; correct?

16 A. Yes, sir, almost on the wall, on the bed wall."

17 MR. ADAMS: Your Honor, at this time I would  
18 move for admission of -- Plaintiff's Exhibit No. 243 which  
19 was Exhibit No. 84 in the deposition.

20 MR. BARON: Is Your Honor going to take scissors  
21 to that exhibit or is someone going to do that?

22 THE COURT: Yes.

23 MR. BARON: Subject to the objections that we  
24 made, I see that in this context, I would just proffer on  
25 page 36, lines 12 and 13.

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 THE COURT: I think that ought to be included,  
2 Mr. Adams, with the designation.

3 MR. ADAMS: Okay.

4 THE COURT: The Court will overrule the  
5 objections made to the exhibit. The exhibit will be reduced  
6 to the sizes indicated and the Court would think in interest  
7 of completeness rather than having that one sentence read  
8 that the 12 and 13 also be designated and read.

9 "Q. (BY MR. ADAMS) Ms. Nelson, would you read 12 and 13,  
10 please?

11 A. It was not in a concentrated area as this.

12 Q. Would the area that you have just circled, would that be  
13 an area as big as Exhibit No. 84?

14 A. No.

15 Q. Would it have been bigger?

16 A. Yes.

17 Q. How much bigger?

18 A. The wall.

19 Q. The entire wall?

20 A. Yes, sir.

21 Q. So you saw that much splatter all over the wall in the  
22 bed; correct?

23 A. Not all over the wall, only to a certain height.

24 Q. What height?

25 A. Approximately four feet.

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 Q. Was it below the four feet level?

2 A. Yes, sir.

3 Q. So below four feet on the bed wall down to the floor is  
4 where you saw this pattern?

5 A. Yes, sir.

6 Q. You can answer?

7 A. It would be more like this.

8 Q. I am going to hand you a blue pen and ask if you can  
9 circle what this is. You have circled in approximately the  
10 middle of the page something you believe accurately  
11 represents a blood smear that you saw in the cell; correct?

12 A. Yes, sir.

13 Q. Where did you see what you have circled in Exhibit 85?

14 A. Along this wall.

15 Q. And you are pointing to the door wall, the wall that is  
16 connected to the door that goes over to what you have marked  
17 as the toilet?

18 A. Yes, sir.

19 Q. That's where you saw something, is that accurately  
20 depicted in 85 that you have circled?

21 A. Yes, sir."

22 MR. ADAMS: I would move for admission of  
23 Plaintiffs' Exhibit No. 244 which was Exhibit No. 85 in the  
24 deposition, Your Honor, and we will cut down the previously  
25 folded.



## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 Q. There was blood not only on the floor of that cell, but  
2 also on the walls too, would you agree with that?

3 A. Yes, sir.

4 Q. The blood on the walls often appeared as splatter; would  
5 you agree with that?

6 A. Yes, sir.

7 Q. It looks as if someone had taken a paint brush, dipped  
8 it in blood and slung it or flicked that brush and droplets  
9 of blood splattered and stuck to the walls; would you agree  
10 with that?

11 A. Yes, sir.

12 Q. I particularly remember bloody fingerprints around the  
13 alarm button that was located near the door of Kenneth  
14 Michael Trentadue's cell; do you agree with that?

15 A. Yes, sir.

16 Q. Did you ever see any fibers from any ripped sheets?

17 A. No, sir."

18 MR. ADAMS: That would be the conclusion of the  
19 testimony, Your Honor, of Keri Nelson.

20 THE COURT: This appears to be a good time to  
21 take our lunch break, ladies and gentlemen of the jury, and  
22 we will reconvene at 1:15, and I would again advise you to  
23 not discuss the case among yourselves or with others until  
24 you have heard all the evidence.

25 We will reconvene of 1:15 and Mr. Adams what were the

## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 numbers of those two exhibits, so Ms. Youngberg can get it  
2 down?

3 MR. ADAMS: Plaintiffs' 243 and Plaintiffs' 244.

4 THE COURT: And they will be redacted to some  
5 extent, Ms. Youngberg. We will be in recess.

6 THE COURTROOM DEPUTY: All rise.

7 (THE JURY WAS EXCUSED FROM THE COURTROOM, AND THE  
8 FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT AND OUT OF THE  
9 PRESENCE AND HEARING OF THE JURY.)

10 THE COURT: The Court will be in recess. Are  
11 there issues other than this we need to discuss? I can't  
12 remember whether we were going to --

13 MR. ADAMS: Your Honor, probably the two issues  
14 that I know are important this afternoon would be the  
15 proffer that we have attached to the filing yesterday  
16 regarding Mr. Baca. The government will have him here this  
17 afternoon, if allowed to testify. And then also we did the  
18 same things in regards to the Arcabasso deposition. We  
19 narrowed it down and filed a proffer that was attached to  
20 the filing yesterday also, Your Honor, and I would ask the  
21 Court if you have an opportunity to review those.

22 THE COURT: Okay.

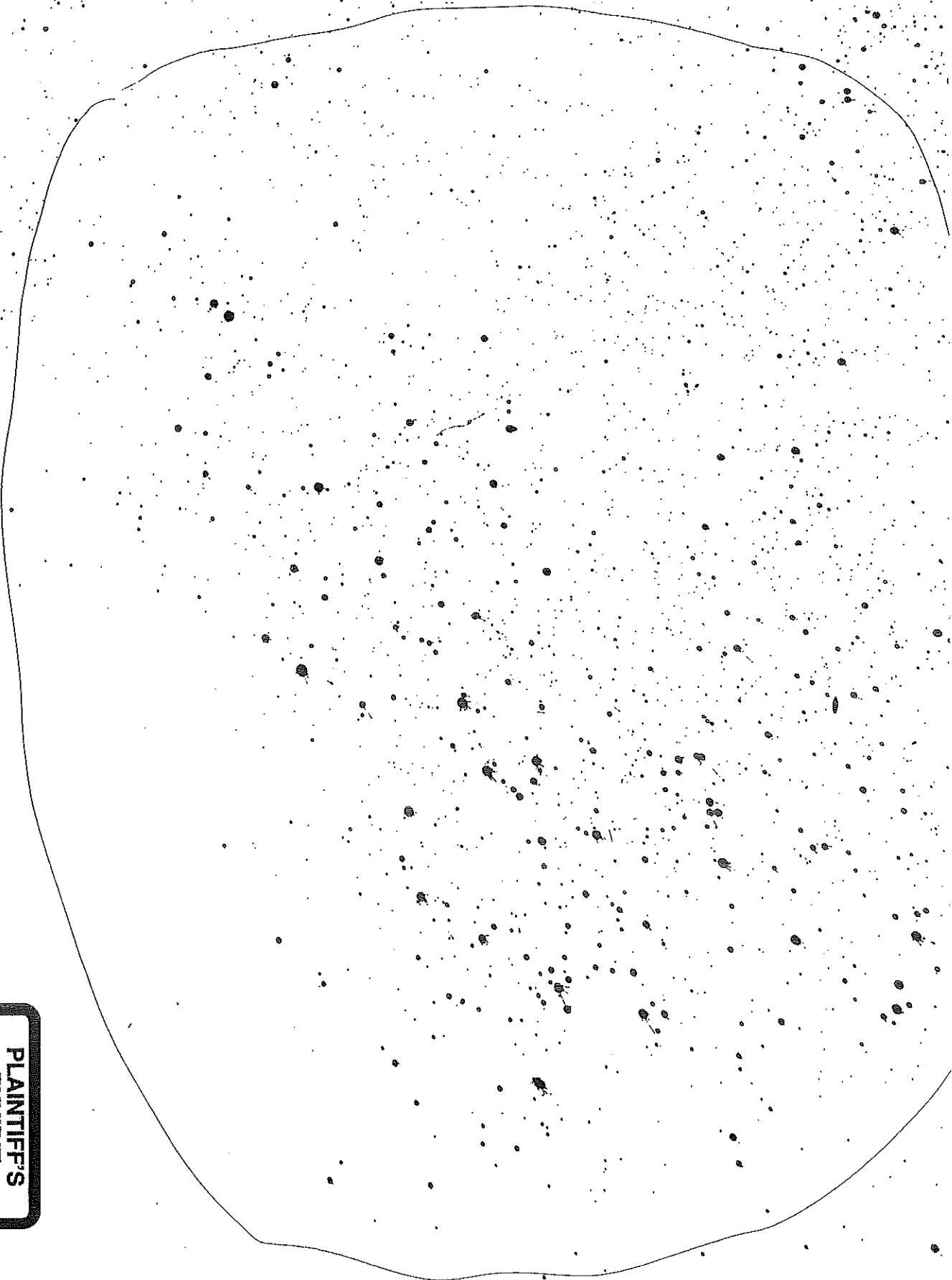
23 MR. SCHLOSSMAN: Your Honor, as to Mr. Baca, I  
24 think he spent about a total of two to three days waiting  
25 out in the hallway. He is out at the FTC. I have not asked

EX 27



PLAINTIFF'S  
EXHIBIT  
244  
97-849-L

EX 28



PLAINTIFF'S  
EXHIBIT  
243  
97-849-L



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

EX 30

## Report of Examination

Examiner Name: Maureen C. Bottrell

Date: August 12, 1997

Unit: Trace Evidence Unit

Phone No.: (202) 324-4403

FBI File No.: 70A-OC-56502

Lab No.: 70728005 S/D BO AN HM

## Results of Examinations:

Debris recovered from specimens Q6 and Q7, shoes, is soil. Because of the limited amount of soil recovered from the shoes, the origin of the soil cannot be determined and only exclusionary comparisons can be performed. Should a potential source of the soil on the shoes be developed, please re-submit the soil from the shoes in addition to the soil from the potential source for comparison.

360



Mr. Gallup

PLAINTIFF'S EXHIBIT  
119  
97-849 L

FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Date: February 5, 1996

To: SAC, Oklahoma City

FBI File No. 70A-OC-56502

Lab No. E-9076

EX 31

Reference: Communication November 17, 1995

Your No. 70A-OC-56502 (SQUAD 5) (P)

Re: UNSUBS;  
VANCE PAUL BROCKWAY - FEDERAL INMATE (DECEASED)  
FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA  
AUGUST 21, 1995;  
CGR - POSSIBLE MURDER

Specimens received: January 11, 1996 in Latent Fingerprint Section

Specimens:

- Q4 and Q5, two tubes of toothpaste
- Q5A, one plastic knife
- Q13, one pencil
- Three paper items
- One inmate account card

70A-OC-56502-319

This report confirms and supplements information furnished telephonically on February 2, 1996.

Six latent fingerprints and one latent impression, which is either a fingerprint or a palm print, of value for identification purposes were developed on the inmate account card, an acknowledgement of receipt of an inmate account card, and an administration detention order which was designated as "A," in the Latent Fingerprint Section.

(Continued on next page)

RG:ald (4)

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USHU08 2716

MAILED 62

FEB 8 1996

Handwritten initials and signatures

SAC, Oklahoma City

February 5, 1996

One latent fingerprint developed on the inmate account card and four latent fingerprints developed on the acknowledgment of receipt of inmate account card, have been identified as elimination fingerprints of KENNETH MICHAEL TRENTADUE, also know as Vance Paul Brockway, FBI #850639G.

The remaining unidentified latent fingerprint is not a fingerprint of TRENTADUE and the latent impression was compared, insofar as possible, with the available fingerprints of TRENTADUE, but no identification was effected.

No palm prints are available here for TRENTADUE to conduct a conclusive comparison of the latent impression.

The result(s) of the other requested forensic examination(s) and the disposition of the specimen(s) will be furnished in a separate report.

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

ESTATE OF KENNETH MICHAEL TRENTADUE, )  
by and through its Personal )  
Representative, CARMEN AGUILAR )  
Trentadue, et al, )

EX 32

Plaintiffs, )

vs. )

Case No. CIV-97-849-L

UNITED STATES OF AMERICA, et al )

Defendants. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON NOVEMBER 15, 2000  
TESTIMONY OF DENNIS WILLIAMS

BEFORE THE HONORABLE TIM LEONARD,  
JUDGE PRESIDING

A P P E A R A N C E S

R. SCOTT ADAMS  
Adams & Associates  
204 North Robinson, 25th Floor  
Oklahoma City, OK 73102

CHARLES P. SAMPSON  
Sutter Axland  
175 South West Temple, Suite 700  
Salt Lake City, UT 84101-1480

COUNSEL FOR THE PLAINTIFFS

PETER E. SCHLOSSMAN  
STEPHEN HANDLER  
U.S. Department of Justice  
Civil Division, Torts Branch  
P.O. Box 888  
Washington, D.C. 20044

COUNSEL FOR THE DEFENDANT UNITED STATES



1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH ALL  
2 PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND  
3 HEARING OF THE JURY.)

4 THE COURT: Be seated, please. Plaintiffs call their  
5 next witness.

6 MR. ADAMS: Dennis Williams.

7 DENNIS WILLIAMS,

8 having been first duly sworn to tell the truth, the whole  
9 truth, and nothing but the truth, testified as follows:

10 MR. ADAMS: Your Honor, before we begin, can I  
11 approach and ask a advisory question. This is going to come  
12 up.

13 THE COURT: Counsel approach.

14 (FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH, WITH ALL  
15 COUNSEL PRESENT, AND OUT OF THE HEARING OF THE JURY.)

16 MR. ADAMS: Your Honor, this is the last officer that  
17 we will be calling that was on the SHU unit at midnight to 8:00  
18 a.m. in the morning that Trentadue's body was found. He was  
19 SHU officer number one that we heard this document 78 that we  
20 have in front of me the diagram of the SHU which was produced  
21 to us by the government approximately a week ago after  
22 pre-trial we amended our 78A to include this was produced by  
23 BOP and I wanted to use this with Officer Williams. It is  
24 going to show along with other exhibits all the records the BOP  
25 had in their possession show Baker and Trentadue in cell 709A

*Charyse C. Crawford, CSR, RPR*

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1 A. I don't know who worked the camera.

2 Q. In any event, some officer was taking video?

3 A. Correct.

4 Q. You go in and help lift up the body and it's cut down;  
5 correct?

6 A. Correct.

7 Q. After that happened, you were able to view the cell;  
8 correct?

9 A. Just briefly.

10 Q. Did you ever see a pencil on the floor?

11 A. I can't remember.

12 Q. Referring back to your deposition --

13 THE COURT: What page, Counsel?

14 MR. ADAMS: Your Honor, I am not going to impeach him  
15 with it.

16 Q. (BY MR. ADAMS) You do not recall seeing a pencil on the  
17 floor; would that be a fair statement?

18 A. I can't remember.

19 Q. Did you ever see any writing on the wall?

20 A. Not that I remember.

21 Q. Now, when you were in the cell first of all you are one of  
22 the ones who helped lift Mr. Trentadue while they allegedly cut  
23 him down; correct?

24 A. Correct.

25 Q. When you were there from his body, did you see any fibers

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1 from any sheets on his body at all?

2 A. No.

3 Q. When you were in the cell getting Mr. Trentadue out and  
4 after Mr. Trentadue left, did you at any time see one thread of  
5 fiber in that cell?

6 A. No.

7 Q. Did you ever see Mr. Trentadue's shoes in that cell?

8 A. I don't recall, no.

9 Q. Let's go back to the exhibits we have been talking about,  
10 the inmate quarters history on Alden Gillis Baker. Mr.  
11 Trentadue and the chart we have there 98A, if I were going to  
12 move an inmate from one cell to another cell in August of 1995,  
13 you as the SHU officer would log that in a cell movement book  
14 or rotation log; correct?

15 A. Correct.

16 Q. And so if, in fact, Mr. Baker moved from cell 709A to any  
17 other cell in the SHU unit or in that institution, you would  
18 have personally if you would have been on duty logged that in  
19 the cell rotation or movement log?

20 A. Correct, if we have one.

21 Q. If you had one?

22 A. Correct.

23 Q. You had one in August of 1995, didn't you?

24 A. A SHU rotation book?

25 Q. A cell rotation log.

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## DIRECT EXAMINATION OF DENNIS WILLIAMS

1 Q. After that happened, you were able to view the cell;  
2 correct?

3 A. Just briefly.

4 Q. Did you ever see a pencil on the floor?

5 A. I can't remember.

6 Q. Referring back to your deposition --

7 THE COURT: What page, Counsel?

8 MR. ADAMS: Your Honor, I am not going to impeach  
9 him with it.

10 Q. (BY MR. ADAMS) You do not recall seeing a pencil on the  
11 floor; would that be a fair statement?

12 A. I can't remember.

13 Q. Did you ever see any writing on the wall?

14 A. Not that I remember.

15 Q. Now, when you were in the cell first of all you are one  
16 of the ones who helped lift Mr. Trentadue while they  
17 allegedly cut him down; correct?

18 A. Correct.

19 Q. When you were there from his body, did you see any  
20 fibers from any sheets on his body at all?

21 A. No.

22 Q. When you were in the cell getting Mr. Trentadue out and  
23 after Mr. Trentadue left, did you at any time see one thread  
24 of fiber in that cell?

25 A. No.

## DIRECT EXAMINATION OF RASONDA CHISHOLM

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT,  
2 WITH ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE  
3 PRESENCE AND HEARING OF THE JURY.)

4 THE CLERK: All rise for the jury.

5 THE COURT: Be seated, please good morning.

6 THE JURY: Good morning, Your Honor.

7 THE COURT: Too warm? Too cool?

8 UNIDENTIFIED JUROR: It's all right.

9 THE COURT: Are you ready to proceed?

10 MR. SAMPSON: Rasonda Chisholm.

11 MR. SCHLOSSMAN: Ready, Your Honor.

12 MR. BARON: Ready, Your Honor.

13 MR. ADAMS: Since we have other witnesses  
14 coming, may I be excused to meet them as they come?

15 THE COURT: Sure.

16 MR. ADAMS: Thank you, Your Honor.

17 RASONDA CHISHOLM,

18 having been first duly sworn to tell the truth, the whole  
19 truth, and nothing but the truth, testified as follows:

20 THE COURT: Just have a seat right over here and  
21 pull the microphone a little closer to you when you are  
22 seated.

23 D I R E C T E X A M I N A T I O N

24 Q. (BY MR. SAMPSON) Would you state your full name and  
25 spell it, please.

## DIRECT EXAMINATION OF RASONDA CHISHOLM

1 A. Rasonda LaJean Chisholm. R-a-s-o-n-d-a  
2 C-h-i-s-h-o-l-m.

3 Q. Ms. Chisholm, are you currently employed?

4 A. No.

5 Q. In August of 1995, were you employed?

6 A. Yes.

7 Q. Who did you work for?

8 A. I worked for Olsteen Kinderly Care which is an agency  
9 that had a contract at the Federal Transfer Center.

10 Q. Were you working at the Federal Transfer Center on  
11 August 21, 1995?

12 A. Yes.

13 Q. What time did you arrive for work that day?

14 A. 7:00.

15 Q. After you arrived at work, did you learn that there had  
16 been an apparent suicide at the institution?

17 A. Yes.

18 Q. What were you asked to do in connection with that  
19 alleged suicide?

20 A. To clean -- help clean the blood, supervise the inmates.

21 Q. In cleaning the cell?

22 A. Yes.

23 Q. Do you recall what time you went to the cell to clean  
24 it?

25 A. Around noon.

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## DIRECT EXAMINATION OF RASONDA CHISHOLM

1 A. Yes.

2 Q. Where did you see blood?

3 A. Right when you walked in the -- there was a metal desk  
4 in front of the bed there. There was blood there,  
5 coagulated blood. And there was a mirror and a toilet seat  
6 and the sink over here to the right of the mirror and to the  
7 left on the wall.

8 Q. You saw blood to the left of the mirror on the wall and  
9 to the right of the mirror on the wall also?

10 A. Yes.

11 Q. Could you describe the blood that you saw to the right  
12 side of the mirror?

13 A. Like smears, you know, smeared down.

14 Q. What was the blood like on the left side of the mirror?

15 A. Seemed like it was splatters, like four splatters.

16 Q. What is a splatter?

17 A. You want me to describe it?

18 Q. Just in your opinion.

19 A. A splatter can take some kind of force to splatter it on  
20 like with a paint brush.

21 Q. And you saw that on the wall to the left side of the  
22 mirror?

23 A. Yeah, on the wall that runs down from where the mirror  
24 would set.

25 Q. If I was standing facing the mirror, would it be on my

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## DIRECT EXAMINATION OF RASONDA CHISHOLM

1 left side?

2 A. Yes.

3 Q. How high above the floor did you see these splatters?

4 A. I think about eye level, about my eye level.

5 Q. And how far to the left of the mirror on the wall were  
6 the splatters?

7 A. Three or four feet.

8 Q. Did you see any clothing in the cell?

9 A. No.

10 Q. No shirt?

11 A. No.

12 Q. No socks?

13 A. No.

14 Q. No pants?

15 A. No.

16 Q. Did you see a library book in the cell?

17 A. No.

18 Q. Did you see as you were cleaning any threads or fibers  
19 on the bed or on the floor anywhere in the cell?

20 A. No.

21 Q. How long were you in the cell?

22 A. 30 minutes or -- I don't remember, 30 or 40 minutes.

23 Q. Did you do any cleaning yourself or was it all done by  
24 the inmates?

25 A. The inmates.

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 with that stipulation?

2 MR. SCHLOSSMAN: Yes, Your Honor.

3 THE COURT: Mr. Baron?

4 MR. BARON: Yes, Your Honor.

5 THE COURT: You may proceed.

6 E X A M I N A T I O N

7 (AS READ:)

8 Q. (BY MR. ADAMS) Would you please state your name?

9 A. Keri Michelle Nelson, formally known as 'Keri Michelle  
10 Hatfield.

11 Q. When you say they were cleaning the trauma room, can you  
12 describe to me what they were doing?

13 A. Yes, sir, they were cleaning up the blood that was on  
14 the floor.

15 Q. What else?

16 A. And the gurney pad.

17 Q. Did there appear to be a lot of blood to you?

18 A. Yes, sir.

19 Q. Did you notice blood anywhere other than on the gurney  
20 and on the floor?

21 A. No, sir.

22 Q. Can you describe to me in type of quantity of how much  
23 blood you saw on the floor?

24 A. What do you mean?

25 Q. Quantity, I'm talking ounces, millimeters, whatever you

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## EXAMINATION OF KERI HATFIELD NELSON (By Deposition)

1 Q. Do you recall ever seeing any fibers on the floor such  
2 as fibers from a torn sheet?

3 A. No.

4 Q. Did you ever even see a torn sheet in that cell?

5 A. No.

6 Q. Did you ever see any articles of clothing in that cell?

7 A. Like sheets?

8 Q. Well, it's not really clothing, but did you see any  
9 sheets in that cell?

10 A. Well, the bed was made.

11 Q. Okay. The bed was made. Did you see any other bedding  
12 or bed sheets?

13 A. Just the one that was on the bed.

14 Q. I will ask this very specifically: Did you ever see any  
15 pants in that cell?

16 A. I don't remember.

17 Q. Did you ever see a t-shirt in that cell?

18 A. Man, I really don't remember.

19 Q. Did you ever see any socks in that cell?

20 A. I don't remember.

21 Q. Did you ever see any shoes in that cell?

22 A. I don't remember that.

23 Q. Do you recall at all or do you have any independent  
24 recollection of seeing or touching or disposing of any  
25 articles of clothing in that cell?

## DIRECT EXAMINATION OF KENNETH FREEMAN

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH  
2 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND  
3 HEARING OF THE JURY.)

4 THE COURT: Be seated, please. Good morning.

5 THE JURY: Good morning.

6 THE COURT: Well, I see none of you have lost  
7 weight. I hope everyone had a good Thanksgiving. Case  
8 number CIV-97-849-L, Estate of Kenneth Michael Trentadue  
9 versus United States of America, et al, Defendants. Counsel  
10 ready to proceed?

11 MR. ADAMS: Yes, Your Honor.

12 MR. SCHLOSSMAN: Yes, Your Honor.

13 MR. BARON: Yes, Your Honor.

14 THE COURT: Plaintiff may call their next witness.

15 MR. ADAMS: Kenneth Freeman.

16 THE COURT: Mr. Freeman, if you will come forward,  
17 please and if you will raise your right hand and be sworn by  
18 the clerk, please.

19 KENNETH FREEMAN,

20 having been first duly sworn to tell the truth, the whole  
21 truth, and nothing but the truth, testified as follows:

22 THE COURT: You may proceed, Mr. Adams.

23 D I R E C T E X A M I N A T I O N

24 Q. (BY MR. ADAMS) Would you please state your name for the  
25 record, please?

## DIRECT EXAMINATION OF KENNETH FREEMAN

1 a sheet would have been torn?

2 A. No.

3 Q. At any time did you ever see any fibers of a sheet  
4 laying anywhere in that cell?

5 A. No, I didn't."

6 Do you recall those questions being asked and those  
7 answers being given?

8 A. — Yes.

9 Q.— Now, if fibers were present, the SIS manual required you  
10 to process it or pick it up?

11 A. In a suicide, I wouldn't have picked it up.

12 Q. I am asking to you refer to Exhibit No. 352.

13 A. Okay. Is that another one that I don't have?

14 Q. Sir, I can get it for you.

15 MR. ADAMS: Your Honor, may I get it for him?

16 THE COURT: You may approach.

17 THE WITNESS: Okay.

18 Q. (BY MR. ADAMS) Are you familiar with Exhibit No. 352?

19 A. I was at the time, yes, sir.

20 Q. What is that?

21 A. It's an SIS manual.

22 MR. ADAMS: Move for the admission of 352.

23 MR. SCHLOSSMAN: Your Honor, may I approach on this  
24 document?

25 THE COURT: You may approach.

## DIRECT EXAMINATION OF TOM BEVEL

1 courtroom.

2 THE COURT: If you step forward and be sworn. If  
3 you would raise your right hand and be sworn by the clerk.

4 TOM BEVEL,  
5 having been first duly sworn to tell the truth, the whole  
6 truth, and nothing but the truth, testified as follows:

7 THE COURT: Just have a seat right here.

8 You may proceed, Mr. Schlossman.

9 D I R E C T E X A M I N A T I O N

10 Q. (BY MR. SCHLOSSMAN) Could you introduce yourself to the  
11 Court and jury.

12 A. Yes, my name is Tom Bevel. The last name is spelled  
13 B-e-v-e-l.

14 Q. Mr. Bevel, how are you employed?

15 A. I am the owner of a company with initials only TBI.

16 Q. What kind of business is that?

17 A. We teach forensic education and also consult on cases  
18 such as this forensic investigations.

19 Q. Where is it located?

20 A. It's in Norman, Oklahoma.

21 Q. How long have you operated TBI?

22 A. Since the early 1980's.

23 Q. Do you have any other jobs?

24 A. Yes, sir. I am adjunct professor with the University of  
25 Central Oklahoma in their master's forensic science program,

## CROSS-EXAMINATION OF TOM BEVEL

1 Q. Now, Mr. Bevel, I am going to show you what you have in  
2 the book in front of you as 535B which is the luminol  
3 picture of the same area we just looked at in a 535A; do you  
4 see that?

5 A. Yes, sir, I do.

6 Q. Do you see the panic button in that photograph?

7 A. Yes, sir, I do.

8 Q. And you see the blue coloring around it?

9 A. Yes, sir, I do.

10 Q. That indicates there was blood there?

11 A. Indicates we have a reaction, could very easily be  
12 blood, yes.

13 Q. I see another reaction?

14 A. Yes, sir.

15 Q. Below that?

16 A. Yes, sir.

17 Q. That's on the left wall as you walk in the cell?

18 A. Yes, sir.

19 Q. And it appears to be what about three or four feet off  
20 the floor?

21 A. Approximately, yes, sir.

22 Q. Mr. Bevel, in your book you write that blood is sticky?

23 A. Certainly can be, yes, as it's drying.

24 Q. Did you see any evidence in this case of any thread or  
25 any fiber that was on Mr. Trentadue's body?

## CROSS-EXAMINATION OF TOM BEVEL

1 A. That I saw, no, sir.

2 Q. Did you conduct any experiments with sheets where you  
3 ripped them up to see if thread came off the sheets?

4 A. I did not, no, sir.

5 Q. Speaking of experiments, we talked about Mr. Reit's  
6 drawing of different types of blood patterns and showing it  
7 to witnesses; do you recall that?

8 A. Yes, sir.

9 Q. And I think you said that that's something you do in  
10 grade school?

11 A. I said using that particular liquid would be something I  
12 may use for a demonstration, yes.

13 Q. But you would agree with me that you could sit down with  
14 a piece of paper and draw what you saw on a wall if you saw  
15 some spatter on a wall you could draw it on a piece of paper  
16 and said this is what it looked like?

17 A. That I could?

18 Q. Yes, sir.

19 A. I think that I could draw something that was there as to  
20 whether or not it perfectly represents I would be careful  
21 there. A photograph would be much better.

22 Q. In your book, you use a number of drawings, sketches of  
23 different types?

24 A. To supplement both verbal and photographically.

25 Q. But you do use drawings to demonstrate?



FEDERAL BUREAU OF INVESTIGATION  
WASHINGTON, D. C. 20535

Report of Examination

Ex 33

Examiner Name: Cary T. Oien  
Unit: Trace Evidence  
Case ID #: 282A-OC-56502

Date: August 11, 1997  
Phone No.: (202) 324-4348  
Lab No.: 70728005 S BO HL

Results of Examinations:

Specimens Q11, Q24.3, Q12.8, Q12.1, Q12.2, and Q12.5 physically match one another at their torn edges. Accordingly, the specimens, at one time, were all one piece of fabric.

Specimens Q12.6 and Q24.1 physically match one another at a torn edge; however, these could not be physically matched to any other item. Specimens Q12.4 and Q12.7 physically match one another at a torn edge; however, these could not be physically matched to any other item. Specimens Q12.3 and Q24.2 could not be physically matched to any other item. These specimens exhibit the same color, construction, and composition as specimens Q11, Q24.3, Q12.8, Q12.1, Q12.2, and Q12.5. Accordingly, these specimens are consistent with having come from the same source as specimens Q11, Q24.3, Q12.8, Q12.1, Q12.2, and Q12.5.

It should be noted that the submitted specimens do not appear to constitute an entire sheet, based on the information on the label on specimen Q24.1 (66" x 96").





7/7/98

INVESTIGATION OF ALLEGATION OF  
MISCONDUCT SURROUNDING THE  
DEATH OF KENNETH MICHAEL TRENTADUE, aka  
VANCE PAUL BROCKWAY (DECEASED);  
AT THE FEDERAL TRANSFER CENTER.  
OKLAHOMA CITY, OK:  
AUGUST 21, 1995;  
ADMINISTRATIVE INQUIRY - NON OPR

EX 34

The writer, SSA Hansford E. "Manny" Tate, was transferred from the New Orleans Division of the FBI and reported to the FBIHQ, CID, Interstate Theft/Government Reservation Crimes Unit on 11/26/95. The captioned matter was an ongoing investigation prior to my arrival in the IT/GRCU. To the best of my recollection at least two notes (summaries) were written on this investigation prior to my arrival. Upon arrival, I had over sight of the Oklahoma City Division and its Interstate Theft and Government Reservation Crimes sub-programs.

During my oversight of the Oklahoma City Division, I drafted at least four notes regarding captioned matter and forwarded them up the chain of approval to the appropriate levels.

12/6/95 Instructed by acting Unit Chief to contact the ASAC OC and inform him that this matter has the Director's personal attention. Communicate with the offices having leads. Do a note today. Advise OC and lead offices that this is to receive priority attention and determine that they agree. Provide periodic updates, once every one and a half to two weeks. On 12/6/95 ASAC OC was advised by Acting Unit Chief Robert Marinaro that this investigation was to be handled in an expedite fashion.

12/7/95 telcal to Laboratory Division, Melissa Smirs, re status on receipt of evidence from Oklahoma City and the time frame in which it will take to analyze the evidence. Per Smirs, it could take as long as 12 weeks to perform some of the tests, i.e. the DNA test. The only problem Smirs found was that there a little confusion in trying to match up evidence with the Electronic Communication (EC). According to Smirs, four different examinations will be conducted and this will take time. Serology and DNA could take as long as 12 weeks. The evidence will go to 1) the Hairs and Fibers Unit, 2) the Serology Unit, 3) to the Latent Fingerprints Unit for examination and 4) Questioned Documents Unit. Some items can go forward. Smirs indicated that the evidence was taken in August 1995 but not sent in until her unit 12/5/95 and into the Lab on 12/1/95.

12/8/95 Section Chief wants to be briefed at noon and again in the evening re the meetings with the Medical Examiner and the OC ASAC so he can provide a briefing for the Director.

USA015 0059

12/8/95 telcal contact with SSA R. L. Hunt re update status on captioned case.

12/14/95 telcal with SSA R. L. Hunt - they are still finding evidence of blood/hairs at the crime scene. It is noted that there have been other people in the facility unit since the inmate's death. Media contacted the OC media rep who provided the standard comment re "no comment on a pending investigation". The Medical Examiner will list in his preliminary report - the cause of death as traumatic asphyxia.

12/15/95 Contact with SSA R. L. Hunt who informed that the Medical Examiner tested the victim's blood for "speed" and other drugs with negative results. The USAO, OC, has decided to get the Civil Rights Section at DOJ involved in this matter.

12/18/95 Telcal to SSA R. L. Hunt - no changes in status of case since Friday.

12/22/95 Contact with SSA R. L. Hunt OC completed polygraphs of 8 people and all tested truthful.

1/5/96 Telcal from SSA R. L. Hunt - advised that the police blood splatter expert advised that there is no indication of outside influence in Brockway's death. Blood trail could have easily been created by self-inflicted wound(s). Polygraphed 9th person this week. All 9 tested truthful. Leads being sent out to a # of field offices for interviews of other inmates where victim was housed in general population before he went into segregation. Medical examiner performed a more thorough liver examination. Found an exceptionally pure caffeine level in the liver. (equivalent of 4 strong cups of coffee or 30 bottles of coke cola) ( would have had to ingest this 1 - 2 hours before his death). DOJ CR Unit called and talked to the USA OC and plans to talk to the Case Agent today.

1/20/96 This matter was transferred to the Civil Rights Unit.

12/3/97 According to FBIHQ automated records, this case was closed.



EX 35

U.S. Department of Justice  
Federal Bureau of Prisons

# Program Statement

OPI: CPD  
NUMBER: 5324.03  
DATE: May 3, 1995  
SUBJECT: Suicide Prevention Program



1. [PURPOSE AND SCOPE §552.40. The Bureau of Prisons provides guidelines for the management of potentially suicidal inmates. While suicides cannot be totally eliminated, the Bureau of Prisons is responsible for monitoring the health and welfare of individual inmates and for ensuring that procedures are pursued to help preserve life.]

Each Warden shall ensure that a suicide prevention program is implemented as directed herein. In addition, Wardens shall regularly discuss the issue of suicide at department head meetings, staff recalls, lieutenants' meetings, etc. to heighten staff awareness about the need to detect and report any changes in inmate behavior that might suggest suicidal intent.

2. PROGRAM OBJECTIVES. The expected results of this program are:

a. All institutional staff who work with inmates will be trained to recognize signs and information that may indicate a potential suicide.

b. Staff will act to prevent suicides with appropriate sensitivity, supervision, and referrals.

c. Any inmate clinically found to be suicidal will receive appropriate preventive supervision, counseling, and other treatment.

3. DIRECTIVES AFFECTED

a. Directive Rescinded

P.S. 5324.01 Suicide Prevention Program (04/24/90)

[Bracketed Bold - Rules]  
Regular Type - Implementing Information

USA004 0085

an emergency basis.]


a. Medical Center Referral. Although a Psychiatric referral may be indicated at any time, the Program Coordinator must consider Medical Center referral after an inmate has been on continued watch for 72 hours.

Consideration for transfer does not mean that a transfer must be initiated, only that special attention shall be directed toward inmates whose emotional condition suggests the need for specialized mental health intervention beyond 72 hours.

b. Consultations. As part of the referral consideration process, it may be beneficial to consult with other mental health resources, MRC staff, or the Regional Psychology Services Administrator. To ensure maximum communication and tracking of suicidal inmates, the Program Coordinator shall notify the Regional Administrator when a suicide watch is begun or terminated and when a formal suicide watch exceeds 72 hours. The Program Coordinator or designee shall document the referral considerations and all actions taken in the inmate's PDS record.

c. Notification to Receiving Institution. It is critically important that other institutions are made aware whenever they are to receive inmates with recent suicidal indications. The Program Coordinator should contact his/her counterpart at holdover points and the receiving institution to alert them to the transfer of a potentially suicidal inmate.

d. SENTRY MDS Assignment. In addition, the Program Coordinator shall ensure that the appropriate SENTRY MDS assignment is made for all inmates placed on and taken off formal suicide watch as follows: when an inmate is officially placed on suicide watch, psychology staff will access SENTRY and perform a PP34 transaction to indicate the date and time the watch began. The assignment used will be "SUIC WATCH." When the inmate is removed from suicide watch, the date and time the watch ends will be entered in SENTRY to close out that assignment.



13. [ANALYSIS OF SUICIDES \$552.49. If an inmate suicide does occur, the Program Coordinator will immediately notify the Regional Administrator, Psychology Services, who will arrange for a psychological reconstruction of the suicide to be completed by a psychologist from another institution.

The scene of the suicide will be treated in a manner consistent with the investigation of an inmate death. All measures necessary to preserve and document the evidence needed to support

subsequent investigations shall be maintained or otherwise adequately recorded.

In the event of a suicide, institution staff, particularly Correctional Services personnel, shall handle the site with the same level of protection as any crime scene in which a death has occurred to ensure that available evidence and documentation is preserved to provide data and support for subsequent investigators doing a psychological reconstruction.

Ordinarily, a psychological reconstruction shall be done by the Regional Psychology Services Administrator. If he/she is unable to do so, it shall be done by the Regional Drug Program Administrator. Any other delegation of a reconstruction must be made by the Regional Director.

The report shall address all the areas listed in the "Guide for the Psychological Reconstruction of an Inmate Suicide" (Attachment F). At the completion of the reconstruction, but prior to filing a written report, the person performing the reconstruction shall inform the Central Office Psychology Services Administrator of the findings. This summary review, typically accomplished via teleconference or teletmessage, shall be shared with other Regional Psychology Administrators and may be used to evaluate the need for program adjustments on a national basis. Upon completion of the written report, copies shall be forwarded to the Central Office Psychology Services Administrator and to the Office of Quality Management, Services Division for inclusion in the Inmate Mortality Review.

14. PROGRAM REVIEW. A continuing analysis of the program's operation is crucial to its long term effectiveness. Each Program Coordinator shall maintain a Suicide Prevention Program file which records each suicide as well as each Suicide Risk Assessment Form, Post Suicide Watch Report (Attachments C and D), and any clinical notes pertinent to the case.

By January 31 of each year, using the format in Attachment G, each Program Coordinator shall prepare an Annual Suicide Prevention Report. The reports shall be sent to the Regional Psychology Services Administrator, who by February 15 shall forward them to the Central Office Psychology Services Administrator. The Bureau-wide data shall be summarized and distributed to all Program Coordinators and Regional Psychology Services Administrators to provide feedback and insight into ways of refining prevention efforts.

\s\  
Kathleen M. Hawk  
Director

USA004 0096

REDIRECT EXAMINATION OF DAVID WEDEKING

1 A. That I said already.

2 MR. SCHLOSSMAN: Objection, Your Honor; asked and  
3 answered, beyond the scope.

4 MR. SAMPSON: Your Honor, may we approach on one  
5 last matter? I'm through questioning this witness, but  
6 there is one other issue we need to talk about very briefly.

7 THE COURT: I think he did ask and answer that  
8 question that you just asked.

9 THE WITNESS: I did all ready, yes.

10 THE COURT: You may approach.

11 (FOLLOWING PROCEEDINGS WERE HAD AT THE BENCH, WITH ALL  
12 COUNSEL PRESENT, AND OUT OF THE HEARING OF THE JURY.)

13 MR. SAMPSON: Some time ago the Court ordered Mr.  
14 Schlossman to produce all of the psychological  
15 reconstructions for hangings over I forget the period of  
16 time. You produced all but Mr. Trentadue, and I think you  
17 said in a letter Mr. Trentadue all of the psychological  
18 reconstruction was not done on. I think we can handle that  
19 by stipulation and we can pull out the letter.

20 MR. SCHLOSSMAN: I said numerous times I would  
21 stipulate. It has nothing to do with this witness it's my  
22 understanding.

23 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH  
24 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND  
25 HEARING OF THE JURY.)

RECORDED  
12/8/95  
mas

FEDERAL BUREAU OF INVESTIGATION  
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

12/08/95  
SMRZ  
ALLEN  
LDU  
LFS

To: SAC, OKLAHOMA CITY

*EX-38*

Date:

FBI File No. <sup>252</sup>~~70A~~-OC-56502 -

Lab No. 51201041 S/D BO AN BA

Reference: Communication dated 11/17/95

Your No. 70A-OC-56502 (P)

Re: UNSUBS;  
VANCE PAUL BROCKWAY - FEDERAL INMATE (DECEASED);  
FEDERAL TRANSFER CENTER, OKLAHOMA CITY, OKLAHOMA  
8/21/95;  
CGR - POSSIBLE MURDER;

Specimens received: December 1, 1995

Specimens:

- Q1 Scissors (1B3)
- Q2 Debris from wall (1B2)
- Q3 Sheet (1B1)
- Q4-Q5 Two (2) tubes of toothpaste (1B8)
- Q6-Q7 Pair of shoes (1B8)
- Q8 Pillowcase (1B8)
- Q9 Washcloth (1B8)
- Q10 Towel (1B8)
- Q11 Bedsheet (1B8)
- Q12 Bedsheet/noose (1B8)

JSA016 1481

*Received @ 10:17 AM 12/8/95 from BO*

3876

Q13 Pencil (1B4)

Q14-Q17 Four (4) photographs of wall bearing handprinting

ITEMS FROM VICTIM

Q18-Q19 Rectal swabs (1B1)

Q20-Q21 Oral swabs (1B1)

Q22 Left hand fingernail scrapings (1B1)

Q23 Right hand fingernail scrapings (1B1)

Q24 Ligature (1B1)

Q25 Boxer shorts (1B1)

K1 Liquid blood samples from BROCKWAY (1B1)

K2 Head hair samples from BROCKWAY (1B1)

K3 Pubic hair samples from BROCKWAY (1B1)


K4 Three page document titled "ACKNOWLEDGEMENTS OF INMATE" bearing handwriting of BROCKWAY

ALSO SUBMITTED

Personal papers and inmate i.d. card (1B5)



51201041 S/D BO AN BA

 Due to the manner in which the hand printing on specimens Q14 through Q17 was prepared and the lack of detail in the submitted photographs, it could not be determined whether the questioned writing was prepared by VANCE BROCKWAY, writer of specimen K4. It is doubtful if this hand printing will ever be identified with hand printing of a known individual.

Photographs are retained.

STATS: 53 BA 5 9

Ex 39

PLAINTIFF'S  
EXHIBIT

709

97-849 L

From: JOHN MABRY  
To: JBOGNER, TKUKER  
Date: 6/4/97 6:00pm  
Subject: TRENTADUE - MISSING PHOTOGRAPHS AND SERIALS

AS A FOLLOW-UP TO OUR MEETING THE OTHER DAY, I ASKED SA LINN ABOUT THE MISSING PHOTOS. HE SAID THE PHOTOS ARE NOT MISSING - WE HAVE THE PHOTOS GIVEN TO US BY THE FTC. THE DISCREPANCY IS THAT DOJ WANTS THE NEGATIVES AS WELL FOR THE GRAND JURY. SA JENKINS SAYS HE NEVER RECEIVED NEGATIVES, ONLY PHOTOS. WHEN THE FTC WAS ASKED FOR THE NEGATIVES, THEY SAID THEY GAVE THEM TO THE FBI. NEITHER THE FBI NOR FTC CAN PRODUCE THE NEGATIVES, AND THERE IS NO RECEIPT OR DOCUMENTATION SHOWING WHO IS CORRECT.

AS FOR MISSING SERIALS, I HAD IA BUSSEY PREPARE A LIST OF WHAT IS MISSING, AND WHAT ACTION HAS BEEN TAKEN TO RECAPTURE THE INFORMATION. I AM FORWARDING A COPY TO YOU. MOST OF THESE ITEMS ARE IN ACS AND HAVE BEEN REPRINTED. IA BUSSEY AND I HAVE YET TO FIGURE OUT IF THESE SERIALS WERE CHARGED OUT AND NEVER RETURNED, OR IF THEY NEVER MADE IT TO THE FILE IN THE FIRST PLACE. FORTUNATELY, DOJ HAS NOT ASKED FOR ANY SERIALS WHICH WE HAVE NOT BEEN ABLE TO PRODUCE, AND THEY ARE NOT AWARE ANYTHING WAS MISPLACED. THE MISSING SERIALS WERE DISCOVERED BY IA BUSSEY AND SA LINN WHEN THEY WERE REVIEWING THE FILES AND THE EFFORT TO REPLACE THESE SERIALS IS SOMETHING THEY INITIATED THEMSELVES.

CC: HIGBONS

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

3 ESTATE OF KENNETH MICHAEL TRENTADUE, )  
4 by and through its Personal )  
5 Representative, CARMEN AGUILAR )  
6 Trentadue, et al, )

Ex 40

7 Plaintiffs, )

8 vs. )

Case No. CIV-97-849-L

9 UNITED STATES OF AMERICA, et al )

10 Defendants. )

11 REPORTER'S TRANSCRIPT OF PROCEEDINGS  
12 HAD ON NOVEMBER 20, 2000  
13 JURY TRIAL  
14 VOLUME VI

15 BEFORE THE HONORABLE TIM LEONARD,  
16 JUDGE PRESIDING

17 A P P E A R A N C E S

18 R. SCOTT ADAMS  
19 Adams & Associates  
20 204 North Robinson, 25th Floor  
21 Oklahoma City, OK 73102

22 CHARLES P. SAMPSON  
23 Switter Axland  
24 175 South West Temple, Suite 700  
25 Salt Lake City, UT 84101-1480

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Civil Division, Torts Branch  
P.O. Box 888  
Washington, D.C. 20044

COUNSEL FOR THE DEFENDANT UNITED STATES

Charyse C. Crawford, CSR, RPR  
United States Court Reporter  
5012 United States Courthouse  
Oklahoma City, OK 73102 - PH. (405)609-5303

## DIRECT EXAMINATION OF STUART LEE

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH  
2 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND  
3 HEARING OF THE JURY.)

4 THE COURT: Good morning.

5 THE JURY: Good morning, Your Honor.

6 THE COURT: Are the parties ready to proceed?

7 MR. ADAMS: Yes, Your Honor.

8 MR. SCHLOSSMAN: Yes, Your Honor.

9 MR. BARON: Yes, Your Honor.

10 THE COURT: Plaintiffs may call their next witness.

11 MR. ADAMS: Call Stuart Lee.

12 THE COURT: Mr. Lee, if you would come forward  
13 raise your right hand be a be sworn.

14 STUART LEE,

15 having been first duly sworn to tell the truth, the whole  
16 truth, and nothing but the truth, testified as follows:

17 THE COURT: You may proceed.

18 D I R E C T E X A M I N A T I O N

19 Q. (BY MR. ADAMS) Would you please state your name for the  
20 Court and the jury?

21 A. My name is Stuart Allen Lee.

22 Q. Mr. Lee, you are a Defendant in this case; correct?

23 A. Yes, I am.

24 Q. Do you presently work for the Bureau of Prisons?

25 A. No, I don't.

Charyse C. Crawford, CSR, RPR  
United States Court Reporter  
5012 United States Courthouse  
Oklahoma City, OK 73102 - PH. (405)609-5303

5436

## DIRECT EXAMINATION OF STUART LEE

1 MR. ADAMS: Can I approach and help him get that  
2 exhibit, Your Honor?

3 THE COURT: Yes.

4 Q. (BY MR. ADAMS) Mr. Lee, are you looking at Exhibit  
5 506I?

6 A. 506I, yes.

7 Q. Could you please tell the Court and jury what that is?

8 A. This is a lieutenant's daily log which is a loose-leaf  
9 type log.

10 Q. This is a log book we have been talking about; correct  
11 or the log we have been talking about?

12 A. Yes, this is a lieutenant's daily log.

13 Q. Now, this particular one is for 8-20 of 1995, a Sunday;  
14 correct?

15 A. Yes, it is.

16 Q. And what all these initials up here are for the warden,  
17 the captain, personnel, chaplain, education, psychologist,  
18 cadre unit, facilities, food service, things of that nature;  
19 correct?

20 A. That is correct.

21 Q. And transferring an inmate from anywhere in the  
22 institution to SHU requires that to be logged in the  
23 lieutenant's log; correct?

24 A. That is correct.

25 Q. In fact, we even have something like that on 7 -- on

## DIRECT EXAMINATION OF STUART LEE

1 8-20-95; correct? Inmate Jamerson being moved from 7F to  
2 SHU?

3 A. Yes, at 5:29 a.m.

4 Q. Now, you know in this case we don't have the  
5 lieutenant's logs from August 14, 1995, the day that Alden  
6 Gillis Baker arrived at the transfer center until this one;  
7 correct? You know that.

8 A. That is incorrect.

9 Q. Where are the other lieutenant's logs for the previous  
10 ten days?

11 A. I do not know.

12 Q. Have you ever seen them?

13 A. No, the logs I generated, but, no.

14 Q. Where are the lieutenant's logs for the previous ten  
15 days?

16 A. I do not know.

17 THE COURT: Excuse me, Counsel. Did you say August  
18 14th to August 20th?

19 MR. ADAMS: Yes.

20 THE COURT: I think that's only six days.

21 MR. ADAMS: We asked for them for a lot longer than  
22 that.

23 Q. (BY MR. ADAMS) Mr. Lee, you know that we do not have  
24 the lieutenant's log from August 14, 1995, until August 20,  
25 1995; correct?

## DIRECT EXAMINATION OF STUART LEE

1 A. No, that is not my knowledge.

2 MR. BARON: I was going to object. That is not  
3 within the purview of Mr. Lee.

4 Q. (BY MR. ADAMS) Have you ever seen in any of the  
5 documents that you have reviewed in this case the  
6 lieutenant's logs for August 14, 1995, 15, 1995, 16 of 1995,  
7 17, 18, or 19 of 1995?

8 A. No, I have not. This is the first time I have been  
9 presented with a lieutenant's log, the first time I have  
10 seen one.

11 Q. You also know that the lieutenant's log is to be  
12 maintained in the institution for ten years; correct?

13 A. That is correct, part of the documentation.

14 Q. After it's in there for ten years, it's supposed to be  
15 sent off to the archives in DC; correct to be archived?

16 A. That would be correct.

17 Q. I am going to ask to you to look at 508D. It should be  
18 in the book in front of.

19 MR. ADAMS: And I move for its admission, Your  
20 Honor.

21 MR. SCHLOSSMAN: No objection, Your Honor.

22 THE COURT: Be admitted 508D.

23 Q. (BY MR. ADAMS) This is --

24 A. Just a moment, please. 508D?

25 Q. D as in dog?

## DIRECT EXAMINATION OF STUART LEE

1 MR. ADAMS: I apologize, Your Honor. May I have  
2 just one moment?

3 THE COURT: Let's speak a little quieter, please.

4 MR. SCHLOSSMAN: Your Honor, the government will  
5 stipulate and Mr. Baron has no evidence to the contrary that  
6 the only lieutenant's logs that have been produced in this  
7 case are August 20 through 21, 1995, but they could not  
8 locate any others, and that would be a stipulation.

9 THE COURT: August 20 --

10 MR. ADAMS: And 21, 1995, and they could not find  
11 any. There are no others to be found, so therefore they did  
12 not produce any.

13 MR. ADAMS: That is correct.

14 MR. BARON: I have no knowledge either way, Your  
15 Honor.

16 Q. (BY MR. ADAMS) Now, Mr. Lee, what we are talking about  
17 there, we are talking about Exhibit 506I. That's the  
18 lieutenant's log that you have already testified about. You  
19 can look through 506I for the Court and the jury and see if  
20 you ever see Alden Gillis Baker being moved from 709A to  
21 anywhere else in that institution?

22 A. I have Exhibit 506I, and I do not see that.

23 Q. You do not see that Mr. Baker -- that it was logged that  
24 he was ever moved; correct?

25 A. That is correct.



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

ESTATE OF KENNETH MICHAEL TRENTADUE,  
by and through its Personal  
Representative, CARMEN AGUILAR  
Trentadue, et al,

Plaintiffs,

vs.

UNITED STATES OF AMERICA, et al

Defendants.

Ex 41

Case No. CIV-97-849-L

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
HAD ON NOVEMBER 16, 2000  
TESTIMONY OF ROGER GROOVER

BEFORE THE HONORABLE TIM LEONARD,  
JUDGE PRESIDING.

A P P E A R A N C E S

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*Charyse C. Crawford, CSR, RPR*

UNITED STATES COURT REPORTER  
5012 UNITED STATES COURTHOUSE BUILDING  
OKLAHOMA CITY, OK 73102 - PH. (405) 236-3980

1 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH ALL  
2 PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND  
3 HEARING OF THE JURY.)

4 THE COURT: Be seated, please. Parties ready to  
5 proceed?

6 MR. ADAMS: Yes, Your Honor.

7 MR. SCHLOSSMAN: Yes, Your Honor.

8 MR. BARON: Yes, Your Honor.

9 THE COURT: Good morning.

10 THE JURY: Good morning.

11 THE COURT: Let's see, I believe Mr. Williams had been  
12 excused.

13 MR. ADAMS: Yes, Your Honor.

14 THE COURT: Plaintiffs next witness?

15 MR. ADAMS: Roger Groover.

16 ROGER GROOVER,

17 having been first duly sworn to tell the truth, the whole  
18 truth, and nothing but the truth, testified as follows:

19 THE COURT: You may proceed.

20 D I R E C T E X A M I N A T I O N

21 Q. (BY MR. ADAMS) Would you please state your name for the  
22 Court and the jury?

23 A. Roger Trent Groover.

24 Q. And how are you employed Mr. Groover?

25 A. I am employed by the Bureau of Prisons.

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1 Q. What did you videotape?

2 A. I videotaped from the time that I told Lieutenant Lee that  
3 I believe the camera to be operating from the time that the  
4 door opened until they removed the body from the cell. And  
5 then Lieutenant Lee then directed me to videotape the cell, and  
6 then after I finished videotaping cell, I turned off the  
7 camera.

8 Q. After the body was removed from the cell, you went back and  
9 videotaped the cell; is that a fair statement?

10 A. Yes.

11 Q. Now, when was the first time you heard that this videotape  
12 did not come out or work?

13 A. I don't recall exactly. There was just kind of a rumor,  
14 kind of a joking about it.

15 Q. Did you hear that about a week later?

16 A. I was -- I am trying to think when they showed it to me. I  
17 think it was about ten days later when they actually, when I  
18 knew when I was showed the tape and it did not basically have  
19 anything on it then that I believe I recorded.

20 Q. Well, after you finished videotaping with the camera and  
21 videotaping the cell, you gave the videotape and camera to  
22 Lieutenant Lee; correct?

23 A. Yes.

24 Q. Now, when you videotaped you videotaped the entire cell;  
25 correct?

- 1 A. I believe I did, yes.
- 2 Q. And some blood had been walked through; correct?
- 3 A. Yes, I believe so.
- 4 Q. The blood was wet?
- 5 A. Yes.
- 6 Q. There was a lot of blood?
- 7 A. I don't know that there was a lot of blood. There was
- 8 blood on the floor.
- 9 Q. Would you say there was ~~quite a bit~~ of blood?
- 10 A. Yes.
- 11 Q. The bed was messed up. It was not made; correct?
- 12 A. The bed had sheets on it that were messed up is what I
- 13 remember, that the sheets were on the bed, and there was like
- 14 kind of like a bundle on the bed.
- 15 Q. The bed was all messed up, wasn't it?
- 16 A. It appeared messed up to me.
- 17 Q. And you even videotaped the bed; correct?
- 18 A. I believe that I did, yes.
- 19 Q. Well, did you take a good look at the bed?
- 20 A. Through the view finder.
- 21 Q. And you videotaped it?
- 22 A. Yes, I believe I did. May I get a drink of water? Is this
- 23 for me?
- 24 THE COURT: Ms. Crawford, could you help him?
- 25 Q. (BY MR. ADAMS) Mr. Groover, when you testified before the

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1 grand jury, you said you saw Kenneth Trentadue hanging in that  
2 cell; correct?

3 A. Yes.

4 Q. In fact, you told the OIG that Mr. Trentadue's feet were  
5 three feet above the floor higher than the sink; correct?

6 A. I don't remember that.

7 Q. Do you recall giving an affidavit to the OIG?

8 A. Yes.

9 Q. Reading from page 15, let me ask if you recall under oath  
10 giving these statements, page 15, Mr. Holland:

11 "Q. Do you believe Lieutenant Lee ---." Let me back up.  
12 Question from Mr. Holland.

13 "Q. How high were his feet? How high was he suspended?"

14 A. I bet his feet were probably three feet off the ground  
15 because they were above the sink up over the sink."

16 Do you recall those questions and those answers being  
17 given under oath; would that be a fair statement?

18 A. Yes.

19 Q. Would you take a look --

20 MR. ADAMS: May I approach, Your Honor?

21 THE COURT: Yes.

22 Q. (BY MR. ADAMS) I am showing you --

23 MR. ADAMS: May I ask a few questions from here, Your  
24 Honor, and return?

25 MR. SCHLOSSMAN: Which exhibit?

1 A. I did not see him suspended above the sink. I saw them  
2 bring the body down from a high position that was well above  
3 the sink when they brought him down and placed him on the  
4 gurney.

5 Q. Well, Mr. Groover, you testified before the grand jury  
6 also, didn't you?

7 A. Yes, I did.

8 Q. And you were under oath at the grand jury, weren't you?

9 A. Yes.

10 Q. Just like you are here today?

11 A. Yes.

12 Q. And do you recall these questions being asked and these  
13 answers being given on page 31, line 12:

14 "Q. But you did actually see the body hanging there?

15 A. Yes.

16 Q. Before it was cut down?

17 A. Yes."

18 Those are the questions and answers you gave under oath to  
19 the federal grand jury; is it not?

20 A. Yes.

21 Q. And you were being truthful?

22 A. Yes.

23 Q. Did you see as you told the grand jury, Mr. Trentadue's  
24 body hanging there?

25 A. No. I made an assumption of responding to the hanging, and

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1 when they brought the body down, I was still outside the cell  
2 with the video camera, and they were bringing the body down  
3 from a very high vantage point to place him on the gurney.

4 Q. Mr. Groover you testified under oath before the federal  
5 grand jury. You testified under oath before the Office of  
6 Inspector General. And you testified under oath in a BOP  
7 affidavit that you saw Mr. Trentadue hanging; correct?

8 MR. SCHLOSSMAN: Your Honor, I object; this has been  
9 asked and answered.

10 THE COURT: Be overruled.

11 THE WITNESS: Yes.

12 Q. (BY MR. ADAMS) Now, you are the individual that videotaped  
13 everything happening in that cell; correct?

14 A. I videotaped from outside the cell, not in the cell.

15 Q. Mr. Groover --

16 MR. ADAMS: May I approach the witness and give him a  
17 copy of his deposition?

18 THE COURT: Yes.

19 Q. (BY MR. ADAMS) Mr. Groover, I am going to have you take a  
20 look at your deposition on page 22 and 23?

21 A. (Indicating.)

22 Q. Mr. Groover, I think we established that you were under  
23 oath on three separate occasions and said that you saw Mr.  
24 Trentadue's body hanging; correct?

25 A. Yes.

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1 Q. The truth is you don't remember seeing Kenneth Trentadue  
2 hanging in that cell, do you?

3 A. No, I do not.

4 Q. The truth is, Mr. Groover, at no time on August 21st of  
5 1995, did you ever see Kenneth Trentadue's body hanging in cell  
6 709A?

7 A. No, I saw them bring the body down from a high position and  
8 place him on a gurney.

9 Q. Mr. Groover, do you recall these questions being asked and  
10 these answers being given in your deposition. Again, when you  
11 were under oath, do you recall these questions being asked and  
12 these answers being given from page 25, line 8:

13 "Q. So it is a fair statement to say that you never saw an  
14 inmate hanging in cell -- is it a fair statement to say that  
15 you never saw an inmate hanging in cell A709?

16 A. Yes.

17 Q. And I am assuming that you went into the cell to  
18 videotape it; correct?

19 A. Yes."

20 Do you recall those questions being asked and those answers  
21 being given while you were under oath?

22 A. Yes.

23 Q. Mr. Groover, you have had an opportunity to look at the  
24 videotape, haven't you?

25 A. Yes.

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1 moved to the gurney?

2 A. I saw the body being placed on the gurney from a high  
3 position when it was brought out and brought down onto the  
4 gurney.

5 MR. BARON: Thank you, I have no further questions,  
6 Your Honor.

7 R E D I R E C T E X A M I N A T I O N

8 Q. (BY MR. ADAMS) Mr. Groover, if you recall Mr. Schlossman  
9 got up here and read a quote out of your deposition when he  
10 began his cross-examination; do you recall that, reading from  
11 page 23?

12 A. Yes.

13 Q. Let's put it in context. Let's go back to page 22, line  
14 15. Actually, go to line 11, do you recall while you were  
15 under oath me asking you these questions and you giving these  
16 answers.

17 "Q. Was anyone hanging in that cell?

18 A. Yes.

19 Q. Who?

20 A. Kenneth Trentadue.

21 Q. Did you see him hanging there?

22 A. I don't remember.

23 Q. Can you not remember if he was hanging there and you  
24 tell me that he is? I mean did you or did you not see Kenneth  
25 Trentadue hanging in that cell?

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1 A. I don't remember.

2 Q. Do you think that would be an event you would remember,  
3 seeing an individual hanging?

4 A. I don't know.

5 Q. Have you seen a lot of people hanging before? Have you  
6 ever in your life witnessed a person hanging?"

7 MR. SCHLOSSMAN: Objection to the question; he is  
8 referring to --

9 THE COURT: Objection overruled.

10 Q. (BY MR. ADAMS) "Q. Have you seen a lot of people hanging  
11 before? Have you ever in your life witnessed a person hanging?

12 A. No, I don't believe so.

13 Q. So it's not an event that you would even recall, seeing  
14 someone hanging in a cell. That is not something you would  
15 recall. Does that make any impression to you at all?

16 A. Yes.

17 Q. Then on August 21, 1995, did you see Kenneth Trentadue  
18 hanging in that cell?

19 A. No."

20 Isn't that a fair representation?

21 A. My assumption he was hanging in the cell after we responded  
22 to the emergency for a hanging body.

23 Q. But you testified to the grand jury, in this deposition, to  
24 the OIG, and to the FBI that you saw him hanging; correct?

25 A. Yes.

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1 Q. And the truth is you never videotaped Kenneth Michael  
2 Trentadue hanging because he never was?

3 MR. BARON: Objection; compound question.

4 THE COURT: Be sustained.

5 Q. (BY MR. ADAMS) Mr. Groover, you never videotaped Kenneth  
6 Trentadue hanging; correct?

7 A. Correct, I did not videotape Trentadue hanging.

8 Q. Because you never saw Kenneth Trentadue hanging; correct?

9 A. I did not see Trentadue hanging.

10 Q. You also told Mr. Schlossman that you could have made an  
11 error; correct?

12 A. Yes, in the videotaping.

13 Q. When you talked to the OIG, to the FBI, and to the federal  
14 grand jury you told everyone of those people under oath that  
15 you believed the camera to be working and you had done nothing  
16 wrong; correct?

17 A. I believe so.

18 Q. This is the very first time you have come forward and even  
19 intimated that you in any way, shape, or form might have made  
20 some kind of error on that evening; correct -- on the early  
21 morning hours?

22 A. I believe so.

23 Q. Now, when you went into the cell and you videotaped the  
24 entire cell, you videotaped everything that you either saw,  
25 blood or anything you thought was important; correct? You were

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