

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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.)

Case No. CIV-97-849-L

UNITED STATES OF AMERICA, et al)

Defendants.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS
HAD ON DECEMBER 4, 2000
JURY TRIAL
VOLUME XI

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
Switter 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

DIRECT EXAMINATION OF TOM LINN

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

3 THE COURT: You may proceed, Mr. Sampson.

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

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

7 A. Tom, T-o-m; Moon, M-o-o-n; Eng E-n-g; Linn, L-i-n-n.

8 Q. Where do you work, Mr. Linn?

9 A. FBI.

10 Q. What do you do at the FBI?

11 A. I am a special agent.

12 Q. How long have you been a special agent?

13 A. 24 years and a few months.

14 Q. Have you worked in the Oklahoma City office most of that
15 time?

16 A. No, sir, the last ten years.

17 Q. In August of 1995, were you special agent in the
18 Oklahoma City office?

19 A. Yes, sir.

20 Q. What were your responsibilities in that office?

21 A. In August, I was assigned to what we call the major
22 offenses squad violent crimes and major offenses.

23 Q. Anything else? You were responsible for any facilities
24 or installations, anything like that?

25 A. No, sir, I was a firearms instructor.

DIRECT EXAMINATION OF TOM LINN

1 Q. At some point in time were you assigned to investigate
2 the Kenneth Michael Trentadue matter?

3 A. Yes, sir.

4 Q. When was that?

5 A. It was an assignment made, I believe December 10. It
6 was -- the assignment was made on paper December 10 of 95.

7 Q. What was your assigned responsibility in the Trentadue
8 matter?

9 A. At that time, sir, the supervisor instructed me to
10 assist special agent Jenkins with the investigation.

11 Q. Was special agent Jenkins lead on that case?

12 A. Yes, sir, he was the case agent.

13 Q. Did there come a time when you became the case agent?

14 A. Yes, sir.

15 Q. When was that?

16 A. May 20, 96, sir.

17 Q. Agent Linn, after you -- after you were assigned to
18 assist agent Jenkins in the Trentadue matter, what did you
19 do first?

20 A. Initially, sir, I was assigned to reconstruct the death
21 seen as much as possible and to review the evidence.

22 Q. Let's talk about reconstruction of the death seen as
23 much as possible. What did you do to achieve that
24 reconstruction?

25 A. Sir, it's a multifaceted endeavor. First of all, I

DIRECT EXAMINATION OF TOM LINN

1 THE COURT: Be sustained. The question is, does it
2 refresh your recollection as to what?

3 THE WITNESS: Yes, sir.

4 Q. (BY MR. SAMPSON) What type shoes did Mr. Trentadue
5 receive before he went into his cell?

6 A. Based on memory, sir, and this, blue canvas shoes.

7 Q. Were they old or new?

8 A. Well, it describes them as new shoes. Could have been a
9 new issue, sir?

10 MR. SCHLOSSMAN: Objection, Your Honor; move to
11 strike.

12 THE COURT: Be sustained.

13 Q. (BY MR. SAMPSON) Does Exhibit 175 refresh your
14 recollection whether Mr. Trentadue had new or old shoes?

15 A. Sir, I am not avoiding the question. It describes.

16 Q. I am not asking about your recollection.

17 A. Sir, it doesn't.

18 Q. Now, let's go back to Exhibit No. 117. What is Exhibit
19 No. 117, Agent Linn?

20 A. Sir, that is another lab report from the FBI
21 headquarters laboratory and it involves DNA.

22 Q. Did you request this test by the laboratory as reflected
23 in Exhibit No. 117?

24 A. Actually, sir, I don't think I made this request.

25 Q. You don't recall anything about a DNA test?

DIRECT EXAMINATION OF TOM LINN

1 A. Yes, I recall a DNA test, but I don't think I ordered
2 it.

3 Q. Let's talk about the DNA test that you recall. Do you
4 recall whether any items were sent to Washington, D.C. to be
5 tested for DNA?

6 A. Yes, sir.

7 Q. Do you recall what items were sent?

8 A. There was a lot of items. Did you want me to refer to
9 this, sir.

10 Q. The types of items, sir?

11 A. Clothing, sir.

12 Q. What clothing?

13 A. Boxer shorts, shoes, pillow case, wash cloth, towel,
14 sheets, or a sheet, the ligature, noose, and some mattress
15 sampling.

16 Q. What was the purpose of sending these to Washington,
17 D.C. for testing?

18 A. Initially, we sent those to the lab for blood typing to
19 compare the blood or what we believed to be blood on those
20 items, compare the blood types from those samples to Kenneth
21 Trentadue blood type.

22 Q. And then they went on for DNA testing?

23 A. Later, sir.

24 Q. Why is DNA testing important, Agent Linn?

25 A. Normally, DNA tests are very important in identifying an

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

6508

1 assailant, sir, identifying assailants.

2 Q. Of the items sent, when you talk about the items that
3 were sent, was the entire item sent or just a portion?

4 A. I am sorry, sir.

5 Q. Of the items sent to the lab, was the entire towel sent?

6 A. Yes, sir.

7 Q. And the DNA would be done on a bloody portion of that
8 item?

9 A. That is correct, sir.

10 Q. When the results came back, do you know how many
11 individuals were identified by the DNA test?

12 A. Sir, the only direct connection through DNA was Kenneth
13 Michael Trentadue's blood, sir.

14 Q. Do you recall that an unidentified individual's blood
15 was found by the DNA testing?

16 A. Yes, sir; yes, sir. And I was the one that collected
17 the sampling, sir. Would you like an explanation of when
18 and where?

19 Q. Sure. Why don't you tell me?

20 A. Sure. As I recall in examining the cell, once I got
21 involved in the investigation, I observed a mattress located
22 in the cell. I examined it for blood for what I thought
23 might be blood stains, and I found two stains on it that I
24 thought appeared to be similar to blood, so we seized the
25 mattress and then later we cut those sections out along with

1 a control section, a section on the mattress that had no
2 stains on it that we could see and send that to the
3 laboratory for analysis. As I best I recall sir, without
4 referring to notes, the response back from the laboratory
5 was that the blood on one of the stains from the mattress
6 was inconsistent with Kenneth Michael Trentadue's blood.
7 However, I tried to trace the history of that mattress and
8 there are no records pertaining to mattress placement, when
9 it was issued, which cell it was issued to. And also
10 following Kenneth Trentadue's death there were 16 other
11 inmates live in that cell before I seized it. So we have no
12 idea where that blood stain came from, sir.

13 Q. Did you obtain any samples from any other inmates to
14 compare that blood to?

15 A. No, sir, and reason for that is our lab will conduct any
16 DNA examination on suspects. And the laboratory told us
17 repeatedly they are willing to do that all we have to do is
18 send in the sample from a suspect, sir.

19 Q. Did you obtain any blood samples from an inmate named
20 Alden Gillis Baker to send in?

21 A. No, sir.

22 Q. Did you send any samples from any correctional officers
23 to send in?

24 A. No, sir, there was no need to do that, sir.

25 Q. You were aware, Agent Linn, that the records of the

CROSS-EXAMINATION OF TOM LINN

1 toothpaste tube.

2 Q. So in the context of your overall investigation, was
3 that a source of concern for you that there was a lack of
4 fingerprints on the toothpaste tubes?

5 A. No, sir.

6 Q. You were also asked about the lack of fingerprints on
7 the plastic knife. What was your view of that?

8 A. Well, the same applies there, sir.

9 Q. How about on the pencil?

10 A. Again, the same applies.

11 Q. You were asked about a lab report about apparently soil
12 on the bottom of the shoes. Could you explain what
13 relevance that report had in your overall investigation?

14 A. Sir, it had very little relevance again because the
15 inmates walk, travel a path, and we don't know the history
16 of the shoes.

17 Q. You don't know the history of the shoes in relation to
18 Inmate Trentadue?

19 A. I am sorry. Yes, sir.

20 Q. You discussed there was an analysis from a lab report of
21 a section of a mattress. Could you identify where that
22 mattress came from?

23 A. Well, when I found the mattress, it was inside cell A709
24 which is the cell that --

25 Q. Do you know that that mattress that you took the sample

CROSS-EXAMINATION OF TOM LINN

1 from was in cell A709 on August 21, 1995?

2 A. There is a little speculation there. We found two blood
3 types in there. One stain was identical to Kenneth Michael
4 Trentadue's blood types. We would surmise from that point,
5 sir, that the mattress was in the cell on August 21, 1995.

6 Q. Was that the mattress that was pictured in the
7 photographs that you have reviewed that was on the lower
8 part of the bunk bed?

9 A. Sir, I believe it was the mattress that was on the upper
10 bunk bed.

11 Q. What happened to the mattress that Inmate Trentadue was
12 using on August 21st?

13 A. As best I recall, sir, the Bureau of Prisons personnel
14 it had a large presence of blood, so they disposed of it
15 shortly considering it hazardous material.

16 Q. Could another inmate have left blood on that mattress
17 prior to the time Inmate Trentadue entered that cell?

18 THE COURT: Excuse me. Which cell?

19 MR. SCHLOSSMAN: I am sorry. The mattress from
20 which you took the sample.

21 MR. SAMPSON: Same objection, Your Honor.

22 THE COURT: Be overruled.

23 THE WITNESS: Yes, sir, and to take that a step
24 further, we don't know the history of that mattress within
25 the Bureau of Prisons system. It could have been in anyone

CROSS-EXAMINATION OF TOM LINN

1 of the cells in that facility or another facility. Also,
2 following the death of Kenneth Michael Trentadue, there were
3 16 other inmates live in that cell until I seized it
4 December 14, 1995.

5 Q. (BY MR. SCHLOSSMAN) What is the significance of that?

6 A. The significance of it is, sir, that that mattress was
7 composed to a large portion of the inmate population, and
8 that blood stain to identify all the inmates that were in
9 there it would be a difficult task, but the laboratory
10 maintained that stain in case we came up with a suspect.

11 Q. Could you describe the sample, the stain you are talking
12 about that you collected, how large was it?

13 A. Sir, it was smaller than. If you took an eraser on a
14 standard pencil and dabbed it on the mattress, it would be
15 smaller than that both stains.

16 Q. Special Agent Linn, you were asked about whether you
17 collected a blood sample from Inmate Alden Gillis Baker.
18 You testified that you did not. Why not?

19 A. We would have if we would have found any evidence
20 indicating that he was present in the cell with Kenneth
21 Michael Trentadue, if he had an opportunity to and a means
22 to contribute to his death or even assaulting. We were
23 unable to establish that. Again, we didn't consider him a
24 suspect, so we didn't solicit a blood sample from him.

25 Q. You were asked why you didn't collect blood samples from

CROSS-EXAMINATION OF TOM LINN

1 correctional officers. Why didn't you do that?

2 A. Well, there are several reasons, sir. One is the

3 laboratory in Washington at that time was really

4 overburdened with the evidence processing from our Oklahoma

5 City bombing. And they would be willing to process DNA

6 examinations for us if we have a suspect. That is standard

7 operating procedures for our laboratory to conduct

8 comparisons on suspects. It's a lengthy costly process. We

9 did not have a suspect to take a blood sample from.

10 MR. SCHLOSSMAN: Your Honor, may I approach to get
11 an exhibit?

12 THE COURT: Yes.

13 Q. (BY MR. SCHLOSSMAN) Special Agent Linn, you were asked
14 yesterday whether you had reviewed any information
15 indicating the location of Alden Gillis Baker in August of
16 1995. And I believe you testified about a prescription
17 form?

18 A. Yes, sir.

19 Q. Is Exhibit 518C the form you were describing?

20 A. Yes, sir, that was one of the forms.

21 Q. Where does that indicate that Alden Gillis Baker was
22 located on August 20, 1995?

23 A. Well, sir, it doesn't identify the cell, the unique cell
24 number, but it indicates pardon me that on August 20, 1995,
25 Alden Baker was in B range, pod B on the seventh floor on

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

0540