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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.) 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

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1 may be a witness in this matter. You may be excused.

2 THE WITNESS: Okay. Thank you.

3 (WITNESS EXCUSED.)

4 THE COURT: Call your next witness.

5 MR. ADAMS: Kevin Roland, Your Honor.

6 KEVIN ROLAND,

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

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

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

11 Q. (BY MR. ADAMS) Please state your name for the Court and
12 jury.

13 A. Kevin Roland.

14 Q. How are you employed, Mr. Roland?

15 A. I'm currently the chief investigator for the State
16 Medical Examiner's Office in Oklahoma City.

17 Q. Can you tell the Court and jury what you do as a chief
18 medical investigator for the ME's Office here in Oklahoma
19 City?

20 A. Well, my responsibilities are to supervise all the death
21 investigations that come under our jurisdiction. I
22 supervise approximately 15 field investigators, oversee all
23 of the reports that come in from our county medical
24 examiners which are physicians in the state, which is
25 roughly 350 active physicians that do case investigations

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1 for us.

2 I am responsible for the training of all of the
3 investigators not only the hiring, but the continuing
4 education training. I am responsible for basically all of
5 the either getting them into schools, doing some lectures to
6 them, teaching mechanisms, and keeping up to date on the
7 current forensic aspects, science, and things of that
8 nature. I am responsible for supervising the clinical
9 training of physicians and law enforcement people, college
10 students that criminal justice majors, forensic science
11 majors that do clinical rotations through our office, and I
12 supervise their training as well.

13 And I am also responsible for providing a lot of
14 continuing education training for law enforcement for the
15 legal profession, for the medical profession as well. And
16 basically, I supervise all of the operations, daily
17 operations of all the deaths that are reported to the
18 medical examiner to see to it that all investigative
19 information is obtained and give him direction and guidance
20 on further follow-up investigations.

21 Q. Now, did you also hold the position of chief
22 investigator for the medical examiner's office in August of
23 1995?

24 A. Yes, I did.

25 Q. Can you tell the Court and jury what your background is

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1 in regards to being qualified to be the chief investigator
2 for the Medical Examiner's Office?

3 A. I went to work at the Medical Examiner's Office in
4 December of 1985 after having spent approximately three
5 years working in the funeral industry and had a lot of
6 affiliation and interaction with the Medical Examiner's
7 Office. I was hired there as a pathology assistant. The
8 pathology assistant's job is that they assist the doctors on
9 the examinations of the body, assist on the autopsy,
10 actually be the one that makes the incisions, removes the
11 organs for the doctors, did the X-ray examinations,
12 responsible for helping of the collection of evidence from
13 the bodies in conjunction with the pathologist, was also
14 responsible for doing -- preparing the microscopic tissue,
15 the scientist called histology.

16 I did that at the Medical Examiner's Office for two
17 years, and then I was promoted to an investigator's
18 position. During that time I had received my basic
19 emergency medical technician certificate, passed the
20 national registry because that's very important for what we
21 do in that we have a lot of interaction with emergency
22 departments, with paramedics, and we need have that
23 knowledge to understand the differences and things that
24 happen to a body in an emergency situation, so that we can
25 try to be familiar with those procedures and see how they

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1 may effect what we are observing on the body. I was an
2 investigator responsible for taking death calls where when a
3 death was reported we would first have to determine does the
4 circumstances of this death meet our statutory obligations,
5 our statutory authority. Death is only a medical examiner
6 case if it falls under the statutory guidelines as what we
7 are authorized to investigate.

8 Upon making that determination if it is one that we are
9 involved in, then an investigator will, if it's outside of a
10 hospital setting, we will respond to the scene here in the
11 metropolitan area. If it's at a hospital under certain
12 circumstances we will go to the hospital, examine the body.
13 Then go to the scene to see where the death where the
14 incident began to try and follow through and account for
15 everything that happened to the body.

16 We are also --- investigator is responsible for even in
17 cases where the jurisdiction is declined, we are responsible
18 for trying to coordinate with the physicians that should be
19 certifying the death, answering questions they may have
20 because oftentimes they are not sure themselves why it's not
21 a medical examiner case. So there is daily education that
22 goes on there.

23 An investigator works closely with the law enforcement
24 agencies. We go to the scene. We obtain information from
25 them as to what they know at that point in time about the

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1 circumstances.

2 We also will examine the scene itself and examine the
3 body, try to determine how the body and the scene, what is
4 significant, what's not significant, what type of
5 interactions that this person had with this environment to
6 where they came from. And so we make preliminary diagnosis,
7 preliminary interpretations. In cases, we are quite often
8 the ones that give guidance as to whether or not it's a
9 homicide, appears to be a homicide, or appears to be a
10 suicide.

11 We help the law enforcement decide which direction to
12 take. We obtain evidence from the body, trace evidence. We
13 help collect obviously lots of history about the person. We
14 also -- periods of time we used to do a lot of photography
15 then we didn't. We are back to doing that now, but
16 basically seeing to it, overseeing that the scene is
17 documented well, that the scene is worked thoroughly. Then
18 we prepare the case reports for the pathologist and all the
19 paperwork in that, giving them the history. We assist the
20 pathologist in the collection of further evidence at
21 autopsy.

22 We're responsible for communicating with all the law
23 enforcement agencies and other entities and family members
24 and funeral homes and things of that nature in trying to get
25 the case to it's final destination.

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1 Q. If you could, Mr. Roland, would you explain to the Court
2 and jury your training and/or experience that qualifies you,
3 what have you been to in regards to seminars, training and
4 experience that qualifies you to be the chief medical
5 examiner for the State of Oklahoma?

6 A. Chief investigator.

7 Q. Chief investigator.

8 A. Don't want to step on Dr. Jordan's toes.

9 Q. I don't either.

10 A. First of all, you can't get any kind of degree that
11 prepares you to be a -- a medical legal death investigator.
12 There are no degreed programs in the country that you
13 graduate with that type of degree that you are automatically
14 qualified to be a medical legal death investigator. Most of
15 what we do is something you get types of training that
16 prepare you such as the -- we'll do blood pattern analysis
17 schooling. We go to homicide investigations school. We go
18 to technical investigations schools, a lot of on-the-job
19 training. Most of it -- it's a continuous clinical type
20 setting, clinical learning process where you are observing
21 wounds. You are observing injuries and things on bodies,
22 and you are being taught by a forensic pathologist.

23 Outside being a forensic pathologist, everything else
24 for lay people is pretty much on the job. I have been to
25 numerous types of homicide investigation schools,

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1 sexual-related homicides, child abuse investigations, child
2 death investigations, investigations of natural deaths,
3 suicide investigation schools. And there has been so many
4 over the years, it's hard to recall them all, but well
5 rounded and complete learning, and not only being trained by
6 law enforcement and different agencies and discipline such
7 as social workers that have expertise in certain areas.
8 There is a lot of what we do is you are learning on the job
9 under the supervision of a forensic pathologist.

10 Q. Are you certified by any boards or agencies or anything
11 like that?

12 A. Yes, I am a board registered medical legal death
13 investigator by the American Board of Medical Legal Death
14 Investigations. They are affiliate of the National
15 Association of Medical Examiners. This board registry is
16 something that was just developed to where death
17 investigators can get national certification, national
18 registration in our field for recognition. This is
19 something that just started two years ago.

20 Q. Are you presently involved with that organization in any
21 way in regards to certifying other death investigators?

22 A. Yes, after completing the initial registry examination,
23 I was told I scored the second highest in the nation, so
24 they asked me to write 40 advance certification questions
25 for the upcoming certification event. They will start

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1 giving that this spring. I have also been to the National
2 Institute of Justice Train the Trainer Academy for the
3 National Institute of Justice guidelines on death scene
4 investigations. And currently there are only eight of us in
5 the United States that has so far been through this
6 schooling and certified in the medical legal death
7 investigation.

8 Q. Outside of your of your duties as chief investigator for
9 the State of Oklahoma, do you teach any classes at OU or any
10 other colleges or universities?

11 A. Yes, sir.

12 MR. HANDLER: I am going to object. None of this
13 is relevant. Mr. Roland has not been designated as an
14 expert.

15 THE COURT: Be sustained. Move on.

16 Q. (BY MR. ADAMS) Mr. Roland, can you tell the Court and
17 jury in regards to the Medical Examiner's Office what is the
18 ultimate conclusion that the Medical Examiner's Office is
19 trying to come to in regards to viewing a body, scene, and
20 what else does that comprise of?

21 A. Our bottom line that we are trying to seek out is we are
22 trying to seek out and determine the cause and manner of
23 death. That is our statutory obligation.

24 Q. To come to that conclusion, what components or issues do
25 you as an investigator deem to be important to come to those

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1 types of conclusions?

2 A. Well, in every death we want to try to do a complete
3 scene investigation. You want to do -- to obtain as much
4 information, history, as much investigative information
5 about the deceased, about the circumstances leading up to
6 the death, and then we have our autopsy examination. And in
7 the end, you have to take these different areas. You have
8 to have your history and circumstances. You have to have
9 your scene investigation, and then your autopsy. And you
10 take all of these findings together to reach your final
11 conclusion.

12 Q. Now, are you the one that actually determined the cause
13 and manner of death or is that done by someone else?

14 A. That is done by a pathologist.

15 Q. Are you considered the ears and eyes of the pathologist?

16 A. Yes.

17 Q. Mr. Roland, were you the chief investigator -- I think
18 you already testified in August of 95?

19 A. Yes.

20 Q. Do you ever recall receiving a phone call or information
21 about their being circumstances at the Federal Transfer
22 Center on August 21, 1995?

23 A. Yes.

24 Q. When did you first learn about anything happening at the
25 Federal Transfer Center?

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1 A. Approximately 6:30 in the morning of the 21st.

2 Q. How did you learn about this? Tell us what happened.

3 A. I received a call from my investigator Tammi Gillis
4 telling me she was on her way to the Federal Transfer Center
5 to investigate a death.

6 Q. That was about 6:30 a.m. on August 21, 1995?

7 A. Yes.

8 Q. What is the next information or contact you had
9 regarding anything happening at the Federal Transfer Center?

10 A. Approximately 7:15, I received a second call from Tammi
11 Gillis stating she was at the transfer center and needed to
12 talk to me.

13 Q. Did you talk to her then?

14 A. Yes, I did.

15 Q. What actions did you take after that phone conversation
16 with Ms. Gillis?

17 A. Well, at the time that we talked she explained to me --

18 MR. BARON: Objection; hearsay, Your Honor.

19 MR. HANDLER: Objection; hearsay.

20 THE COURT: Be sustained.

21 Q. (BY MR. ADAMS) If you can, what did you tell Ms. Gillis?

22 A. I told her that since they were going to leave the cell
23 secure, go ahead and bring the body to the office. I would
24 look at the body there, and we would make further decisions
25 at that time.

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1 Q. And did the body arrive there at the Medical Examiner's
2 Office?

3 A. Yes, sir.

4 Q. For purposes of the Court and jury, where is that
5 located?

6 A. At 901 North Stonewall in Oklahoma City.

7 Q. Is that kind of over by the state capitol complex, all
8 those areas?

9 A. Yes, sir.

10 Q. Were you present whenever the body arrived?

11 A. Yes, I was.

12 Q. Approximately what time was that?

13 A. It was approximately 7:50 in the morning.

14 Q. On August 21, 1995?

15 A. Yes, sir.

16 Q. Tell the Court and jury what you did when the body
17 arrived.

18 A. When the body arrived, I went and did a preliminary
19 examination looking at the body to make my observations.

20 Q. What is a preliminary examination?

21 A. Well, at that point I wanted to look at the overall body
22 to see, to make some observations based on some things that
23 Tammi had told me. I wanted to see the body for myself. I
24 looked at the body. I looked at the amount of blood on the
25 body. I looked at some injuries to the body to see if I had

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1 some of the same observations that she had relayed to me on
2 the phone.

3 Q. What were your observations of the body?

4 A. Well, I saw that the body, first of all, had a large
5 amount of blood on the body. There was bruising to the
6 knuckles. There was large lacerations to the neck. There
7 were petechial hemorrhages on the body around the eyes and
8 around the cheeks, and that was my initial observations.

9 Q. What did all those things tell you?

10 MR. HANDLER: Objection, Your Honor; calls for
11 expert opinion.

12 MR. BARON: Same objection, Your Honor.

13 MR. ADAMS: He is the chief investigator, Your
14 Honor, and this during the scope and course of employment.

15 THE WITNESS: I can answer that for you, Judge.

16 THE COURT: You don't need to answer.

17 MR. BARON: Your Honor, they are attempting to
18 impeach his superior who they called as their expert witness
19 through this witness.

20 MR. ADAMS: I certainly am not attempting to
21 impeach his superior.

22 THE COURT: I didn't ask Mr. Baron. I didn't ask
23 Mr. Handler. I asked Mr. Adams is he listed as an expert
24 witness.

25 MR. ADAMS: He is not, Your Honor.

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1 THE COURT: Objection sustained.

2 Q. (BY MR. ADAMS) After observing the body, what did you
3 do?

4 A. I then called Acting Warden Marie Carter.

5 Q. For what purpose?

6 A. To explain to her my concerns about the body and to ask
7 her if they were going to call the FBI to investigate.

8 Q. Tell the Court and the jury what you told Acting Warden
9 Marie Carter on August 21, 1995?

10 A. I told her that despite her not wanting to call the FBI
11 that I was calling the FBI.

12 MR. HANDLER: Objection, Your Honor; calls for a
13 hearsay response.

14 MR. BARON: Objection.

15 THE COURT: Sustained. Jury disregard.

16 Q. (BY MR. ADAMS) Mr. Roland, I don't want you to testify
17 what Ms. Carter told you. What did you tell Ms. Carter
18 without interjecting anything?

19 A. I am sorry. I was quoting word for word what I said. I
20 am sorry.

21 Q. Did you tell Ms. Carter what you were going to do, if
22 anything?

23 A. Yes.

24 Q. What did you tell her?

25 A. I told her I was going to call the FBI.

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1 Q. After that phone conversation, what did you do?

2 A. I called the FBI.

3 Q. Who did you talk to at the FBI?

4 A. Supervisory Special Agent Hunt. I believe his name was
5 Richard Hunt.

6 Q. What was the purpose of calling Richard Hunt?

7 A. I called him to tell him that I felt that the FBI needed
8 to go out and investigate this death and investigate the
9 scene.

10 Q. Why?

11 MR. HANDLER: Objection; calls for expert opinion.

12 MR. ADAMS: It does not call for expert opinion.

13 THE COURT: Objection will be overruled.

14 Q. (BY MR. ADAMS) Why?

15 A. Because I felt that the scene, number one, needed to be
16 thoroughly documented. I had worked with the FBI in the
17 Oklahoma City bombing, worked very closely with their
18 evidence people. I knew that they knew how the process a
19 crime scene. And that I felt that they needed to have their
20 investigators go out, and I specifically told Mr. Hunt that
21 they needed an independent agency investigating this death,
22 in my opinion.

23 Q. Why did -- did you go out to the Federal Transfer Center
24 after relaying this information to Special Agent Hunt?

25 A. No, I did not.

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1 Q. Why not?

2 MR. HANDLER: Objection; calls for hearsay
3 response.

4 MR. ADAMS: Why he did not go out there.

5 THE COURT: Objection will be overruled.

6 THE WITNESS: I did not go out there for several
7 reasons, one of which was that with the body having been
8 gone that the documentation at the scene is worked properly
9 and photographed and diagramed and sketched that that
10 information that was there in the scene would be available
11 to us for review later. And two, I was very deeply involved
12 and had meetings scheduled that morning. We were working on
13 the aftermath of the Oklahoma City bombing, and we were in
14 the process of trying to get the unidentified leg
15 identified, and trying to get part of the all of the case
16 files and all of the information gathered together for the
17 judicial proceedings involving the Oklahoma city bombing.

18 Q. (BY MR. ADAMS) Now, after that phone call with Special
19 Agent Hunt, what did you do next in regards to this matter?

20 A. That afternoon I did briefly see the FBI technicians who
21 came over to the office to process Mr. Trentadue's body.

22 Q. And who was that that you saw?

23 A. I saw Special Agent Neal Hunt and another Agent Felicia
24 and I am -- last name Mutual or something like that. I
25 can't remember her last name was present, and while they

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1 were processing the body I talked to them briefly.

2 Q. Is this while the autopsy is going on or after the
3 autopsy?

4 A. This is after the autopsy.

5 Q. Were they there for any purpose?

6 A. To photograph the body, to pick up the evidence that we
7 had collected and submitted, and to take fingerprints of the
8 body.

9 Q. What evidence did they pick up from the Medical
10 Examiner's Office on August 21, 1995?

11 A. Bear with me just a moment here. They picked up left
12 and right nail clippings, scalp hair, pubic hair, boxer
13 shorts, a ligature, a sheet, four tubes of blood, oral swab
14 and a rectal swab.

15 Q. Did they take that with them on August 21, 1995?

16 A. Yes, they did.

17 Q. What is the next contact with anyone that you had
18 regarding this matter?

19 A. On August 22, the following day, I received a phone call
20 from Special Agent Jeff Jenkins of the FBI.

21 Q. Who is Special Agent Jeff Jenkins of the FBI?

22 A. He identified himself as the agent that had been
23 assigned this case.

24 Q. Did you have any conversations with him about this case?

25 A. Yes, I did.

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1 Q. Can you briefly tell us what you told Special Agent
2 Jenkins?

3 A. I told him that this death needed to be worked as a
4 homicide, that he needed to see to it that they interviewed
5 everybody involved, and just to work it like a homicide.

6 Q. And after this -- this would have been on the 22nd of
7 August of 1995?

8 A. Yes.

9 Q. What is the next thing you recall happening in regards
10 to this particular case?

11 A. On August 28, I received a phone call from Jesse
12 Trentadue.

13 Q. What was the purpose of that phone call?

14 A. He called to let me know that the name that we had on
15 the death certificate was incorrect, that he was requesting
16 that we change the name to Kenneth Trentadue, and to tell me
17 about his concerns about the injuries to the body.

18 Q. What name did you have the body under?

19 A. We received the body as Vance Paul Brockway.

20 Q. So there was a phone call requesting that it be changed
21 to Kenneth Trentadue. Did you, in fact, confirm that change
22 or have the death certificate change?

23 A. Yes.

24 Q. Was there any animosity or anything going on in regards
25 to that conversation with Mr. Trentadue?

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1 MR. HANDLER: Objection; not relevant.

2 THE COURT: Be sustained.

3 Q. (BY MR. ADAMS) What else -- anything else about the
4 conversation that you had with Mr. Trentadue other than what
5 you told us?

6 MR. HANDLER: Objection; calls for hearsay.

7 MR. ADAMS: I'm talking about what he said, Mr.
8 Roland said.

9 THE WITNESS: I told Mr. Trentadue we would be
10 doing everything possible to try to find out what happened
11 to his brother and that we would be available to talk to
12 him.

13 Q. (BY MR. ADAMS) What is the next think you recall
14 happening in regards to the Trentadue case?

15 A. On September 1st --

16 THE COURT: What year?

17 THE WITNESS: I'm sorry. 1995. Jesse Trentadue
18 came to our office.

19 Q. (BY MR. ADAMS) Was that an expected visit?

20 MR. BARON: Your Honor, I am going to enter general
21 objection as to relevance as to Mr. Lee. We are getting far
22 field.

23 THE COURT: What relevance to Mr. Lee does it
24 have?

25 MR. ADAMS: He is getting ready to testify about

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1 some items that he received from Mr. Trentadue that go back
2 to --

3 THE COURT: Objection will be overruled if we can
4 tie it up.

5 MR. ADAMS: I will tie it upright now, Your Honor.

6 Q. (BY MR. ADAMS) Did Mr. Trentadue bring anything with him
7 on this visit on September 1, 1995?

8 A. Yes, he did.

9 Q. What did he bring?

10 A. He brought along some photographs of the body that they
11 had taken at the funeral home, and he brought along some
12 letters that Kenneth Trentadue had written to family
13 members.

14 Q. And did the photographs that he produced to you, were
15 those important to you?

16 A. Yes, they were.

17 Q. How were they important to you?

18 MR. BARON: Objection, Your Honor; he's not an
19 expert witness. He can't testify as to what the medical
20 meaning of these photographs would be. In addition, I guess
21 they are continuing trying to impeach their own expert
22 witness Dr. Jordan.

23 MR. HANDLER: Same objection, Your Honor; in
24 addition, we have objection to the photographs in a motion
25 in limine.

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1 MR. ADAMS: I am laying the foundation, Your Honor,
2 is what I am trying to do.

3 THE COURT: Foundation for what, Mr. Adams?

4 MR. ADAMS: That he received these photographs.
5 They were important to him in regards to him being the chief
6 investigator.

7 THE COURT: Objection will be overruled.

8 Q. (BY MR. ADAMS) Did you receive some photographs, Mr.
9 Roland?

10 A. Yes.

11 Q. Were they important to you as chief investigator?

12 A. Yes.

13 Q. I am going to ask to you refer to Plaintiffs' Exhibit
14 No. 297D.

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

16 THE COURT: You may approach.

17 MR. HANDLER: Your Honor, the United States has an
18 objection to Exhibit No. 297. We filed a motion in limine
19 regarding these photographs that they do not accurately
20 depict the condition of the body while it was in the custody
21 of the Federal Transfer Center.

22 THE COURT: Counsel approach.

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

25 THE COURT: Who took these photographs?

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1 MR. ADAMS: The photographs were taken by the
2 family when the body was returned to California. The reason
3 why this is important, Your Honor, is Dr. Smialek testified
4 that he reviewed these photographs and he saw no other
5 injuries other than what Dr. Jordan noted. Kevin Roland
6 will testify that these are very important to him and were
7 important to him in the investigation because after
8 embalming and after time bruises become definite and
9 definitive and they see in the photographs that they could
10 not see in the autopsy.

11 They were important to him in the investigation and he
12 maintained them in his case file and he had requested them
13 from Mr. Trentadue and he received them from Mr. Trentadue,
14 but it is something that they used and considered in his
15 investigation.

16 MR. HANDLER: Your Honor, the only person -- Kevin
17 Roland testified the only person who makes a determination
18 of cause and manner of death and regarding injuries is
19 Dr. Jordan. They had Dr. Jordan on the stand. Kevin Roland
20 would be used in this manner to describe injuries that
21 Dr. Jordan did not find on autopsy or missed, and they can't
22 use this man as an expert, plus the facts that these
23 photographs do not accurately depict the condition of the
24 body.

25 The body went through an embalmer -- embalming from a

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1 funeral service. They applied makeup, and the family
2 scrubbed off all the makeup and presented the photographs to
3 Roland. Jordan put significance on the photographs in
4 direct testimony. They could have asked. Now they are
5 trying to get through Kevin Roland which is improper.

6 MR. BARON: Your Honor, I join in that they're
7 trying to back door some photographs that have no relevance
8 to the case that they have produced because. They have to
9 be interpreted by an expert medical doctor, not someone who
10 is not an expert witness and does not have a medical degree,
11 and by his own testimony could not do that.

12 Further, it goes that they are trying to use this
13 witness to impeach Dr. Jordan, their own expert witness.
14 They are highly prejudicial and inflammatory. I don't know
15 if Your Honor has seen these photographs, but they are very
16 inflammatory.

17 MR. ADAMS: Your Honor, this is the chief
18 investigator. He is the eyes and ears of Dr. Jordan and
19 anything he gathered up in regards to this investigation
20 certainly should be admissible.

21 Dr. Jordan and Dr. Smialek -- Dr. Smialek particularly
22 testified there are no injuries in this photograph that were
23 not depicted on the autopsy. All this is it gives the --

24 THE COURT: Mr. Adams, why didn't you ask the
25 expert about the photographs if it figured into his

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1 decision? Why didn't you ask that?

2 MR. ADAMS: First of all, I didn't -- I don't know
3 that Dr. Jordan ever saw these.

4 THE COURT: Why didn't you ask him?

5 MR. ADAMS: Well, Your Honor --

6 THE COURT: You are trying to make an expert out of
7 this witness sounds to me like.

8 MR. ADAMS: He is a fact witness, Your Honor.

9 THE COURT: He is not a fact witness. You are
10 asking his opinion on what these photographs showed up.

11 MR. ADAMS: No, I'm not asking him his opinions. I
12 am asking is this what he received in his investigative
13 material and did he rely. I'm not asking, what your
14 opinions about the injuries or this injury. I am not asking
15 him that.

16 THE COURT: You told me that he was going to
17 testify regarding what these bruises that showed up later
18 and all this meant.

19 MR. ADAMS: No, he is going to testify that the
20 reason why these are important is because as time passes
21 that the bruises become more definitive and that's why they
22 are important to him as chief investigator. He is not going
23 to give conclusions about how they happened.

24 THE COURT: Why didn't you ask Dr. Jordan what the
25 importance of these photographs were if he saw them or

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1 considered them? I am having difficulty understanding what
2 the relevance of them are if Dr. Jordan looked at them. He
3 was your expert.

4 MR. ADAMS: Your Honor, actually he was a fact
5 witness also. I mean he was not designated by us as an
6 expert. He was a fact witness.

7 THE COURT: You asked his opinion on a lot of
8 stuff.

9 MR. ADAMS: I know. They didn't object.

10 THE COURT: They did. The Court treated him as
11 expert.

12 MR. ADAMS: And he should be, Your Honor, I'm just

13 --

14 THE COURT: I'm having difficulty what you are
15 asking this witness is why this is important that he show
16 up. If you want to just get the photographs introduced, you
17 can do that through whoever took them, and then the Court
18 will decide whether they have any relevance or more
19 prejudicial or probative and what relevance they do have.

20 MR. ADAMS: I think -- just so I'm clear, Your
21 Honor, he is the chief investigator. He is the eyes and
22 ears of Dr. Jordan, and they were important to him.

23 THE COURT: Then they should have been important to
24 your expert, Dr. Jordan.

25 MR. ADAMS: To Dr. Jordan, I can't answer that

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1 question, why that particular question wasn't asked.

2 THE COURT: He was your expert. You are asking
3 this person to render expert opinions. It sounds to the
4 Court
5 like --

6 MR. ADAMS: I'm not asking him that, Your Honor.
7 I'm not asking him to draw opinions or conclusions.

8 THE COURT: If you ask why they were important,
9 this is going to give an opinion.

10 MR. ADAMS: He is a fact witness.

11 THE COURT: That is not fact. That is opinion.

12 MR. ADAMS: They are important to him because they
13 show injuries. They show more definitive injuries. That is
14 not opinion. How is that?

15 THE COURT: Show what?

16 MR. ADAMS: Show the injuries are more defined.
17 That's why they are important to him.

18 THE COURT: There has been all kinds of testimony
19 regarding numerous injuries, Mr. Adams.

20 MR. ADAMS: What he will say the reason they are
21 important to him is because the bruising becomes more
22 definitive with time.

23 THE COURT: Then he is giving a medical opinion.

24 MR. ADAMS: He is not. It is what he observes. It
25 is what he observing, not that it's an opinion. It's what

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1 he is observing.

2 THE COURT: I am going to sustain the objection. I
3 think you are trying to qualify him as an expert, and
4 Dr. Jordan was the one to ask all of those opinions to, Mr.
5 Adams.

6 MR. ADAMS: Well --

7 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
8 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
9 HEARING OF THE JURY.)

10 Q. (BY MR. ADAMS) Mr. Roland, what, if anything, did Mr.
11 Trentadue give you on September 21, 1995?

12 A. He gave me photographs and letters from Kenneth
13 Trentadue to family members.

14 Q. That Kenneth Trentadue had written?

15 A. Yes, sir.

16 Q. What did you do with the photographs and letters that
17 Mr. Trentadue provided to you?

18 A. I reviewed them and then gave them to Dr. Jordan.

19 Q. Did you have any other conversations with Mr. Trentadue
20 on September 1, 1995?

21 A. We discussed his concerns about the case.

22 Q. I am not asking what he told you. I am just saying -- I
23 am asking first question is were there any other
24 conversations on September 1, 1995, other than what you told
25 us about him providing the photographs and letters. I am

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1 assuming there are conversations that go along with that,
2 but anything else?

3 A. I called and spoke with Special Agent Jenkins.

4 Q. What was the purpose of that phone call?

5 A. To let him know that I had met with Mr. Trentadue
6 because he told me that he had already met with Special
7 Agent Jenkins that day and to set up a meeting with Mr.
8 Jenkins for a later date.

9 Q. Now, after that conversation with Mr. Trentadue and with
10 Mr. Jenkins, did you eventually go out to the Federal
11 Transfer Center?

12 A. Yes.

13 Q. What day did you go out to the Federal Transfer Center?

14 A. I believe the first time that I went to the Federal
15 Transfer Center was on November 16, 1995.

16 Q. And what was the purpose of for you going to the Federal
17 Transfer Center on November 16, 1995?

18 A. To one, inspect the cell, number 2, to also try to
19 obtain records that I had been trying to get about Mr.
20 Trentadue.

21 Q. What records were you attempting to get in regards to
22 Kenneth Trentadue?

23 A. I was trying to obtain any medical history, any
24 psychological history, basically any type of records that
25 could help give me a time line and other things about the

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1 history of Kenneth Trentadue from the time he was brought
2 into custody this time up until the time his death.

3 Q. Is that important to you?

4 A. Yes, it is.

5 Q. Had you ever requested them on any other occasions?

6 A. Every occasion that I worked an in-custody death.

7 Q. And did you -- so your purpose on November 16, 1995 was
8 to pick up medical records regarding Kenneth Trentadue?

9 A. Yes.

10 Q. Anything else you were doing out there on that day?

11 A. To inspect the cell.

12 Q. And who was out there with you?

13 A. Special Agent Jenkins met me, Captain Sheffer, and
14 Lieutenant Freeman, and Ann Tran, their attorney.

15 Q. The attorney for who?

16 A. For the Federal Transfer Center.

17 Q. What were you going to do? Were you going to view the
18 cell?

19 A. Yes, sir.

20 Q. For benefit of the Court and jury, what floor is the
21 cell located on?

22 A. I believe it's the seventh floor.

23 Q. Did you go up to the cell?

24 A. Yes, sir.

25 Q. Did you say anything to any of the individuals on your

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1 way up to the cell?

2 A. Yes, I did.

3 Q. What?

4 A. I was expressed my concerns about trying to explain some
5 of the injuries to Mr. Trentadue's body. I was discussing
6 some of the theories I had heard talked about as to how some
7 of these injuries may have occurred, and I was asking
8 questions.

9 Q. Now, prior to going up to the cell on November 16, 1995,
10 were you given or shown any paperwork there at the Federal
11 Transfer Center?

12 A. Not prior to that date, no.

13 Q. On that day prior to going to the cell, had you seen any
14 paperwork yet?

15 A. No, sir.

16 Q. Now, tell the Court and jury when you arrived at the
17 cell, what you saw? First of all, was it secured?

18 A. Just locked.

19 Q. Was there any crime scene tape on it?

20 A. No, sir.

21 Q. Tell the Court and jury what you saw.

22 A. We walked into the cell. The cell was relatively
23 clean. There was a mattress on the bunk, things like that.
24 They showed me some writing on the wall.

25 Q. Now, what was your understanding in regards to whether

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1 or not anyone else had occupied that cell since August 21,
2 1995, until November 16 of 1995?

3 A. They told me that -- I asked specifically that and was
4 told that numerous inmates had been in there somewhere I
5 just recall it was in the teens.

6 Q. So you said that you noticed or they pointed out some
7 writing on the wall?

8 A. Yes.

9 Q. Can you tell the Court and jury what it said?

10 A. Something to the effect of my mind is no longer its
11 friend. It looked like to me at the bottom, looked like Tom
12 Linx.

13 Q. Tom what?

14 A. Linx, L-i-n-x.

15 Q. Did you request or advise anyone to do anything regards
16 to that writing?

17 A. Yes.

18 Q. What did you do?

19 A. I asked Special Agent Jenkins if he would see to it that
20 it was photographed again, and to have their handwriting
21 experts try to analyze it.

22 MR. BARON: Your Honor, without being repetitious I
23 would like to object as to relevance as to Mr. Lee. It's
24 getting a bit beyond and far.

25 THE COURT: Be overruled.

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1 Q. (BY MR. ADAMS) And did -- was that actually
2 photographed?

3 A. Yes, it was.

4 Q. Do you have a picture of that photograph?

5 A. Yes, I do.

6 MR. ADAMS: May I approach the witness, Your
7 Honor?

8 May we approach?

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

11 MR. ADAMS: Your Honor, I found this out yesterday
12 when I was visiting with Mr. Roland and talking about his
13 testimony. He has a photograph of the writing on the cell
14 that has never been provided to us taken by the FBI. We
15 repeatedly requested for him to have all photographs taken
16 during the investigation. We have never seen the
17 photographs. It doesn't have any blood. The blood had been
18 removed.

19 MR. SCHLOSSMAN: I can show you that photograph. I
20 believe we have that in our exhibit book. Would you like me
21 to get that?

22 THE COURT: What's the number?

23 MR. SCHLOSSMAN: I'm not sure. I'm going to have
24 to quickly review.

25 MR. HANDLER: Could I see it? I think it was

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1 produced.

2 MR. ADAMS: I have never seen it.

3 MR. SCHLOSSMAN: It's pretty substantial allegation
4 to make without checking out to it.

5 MR. ADAMS: I object.

6 THE COURT: It's in their exhibit book. You were
7 furnished all their exhibits.

8 MR. ADAMS: Yes, Your Honor. I withdraw.

9 THE COURT: You want to introduce that exhibit.

10 MR. ADAMS: Yes, Your Honor, I do.

11 MR. HANDLER: The allegation about the blood we
12 already have evidence that the cell was cleaned.

13 MR. SCHLOSSMAN: I think we need the FBI
14 photographer that took this picture.

15 MR. ADAMS: I don't object to it. I'm wanting to
16 get it in. It's their exhibit.

17 THE COURT: Okay, it's Defendant's what?

18 MR. ADAMS: 509B.

19 THE COURT: It will be admitted. Mr. Adams, I
20 would just say for the record throughout this case there has
21 been a lot of comments and allegations made, and you need to
22 be careful before you make those kind of statements.

23 MR. ADAMS: I agree, and I apologize to the Court
24 and Mr. Schlossman.

25 THE COURT: The Court has tried to ask Counsel and

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1 warn Counsel throughout this case for the last four years
2 that they need to be more responsible in their allegations,
3 particularly as it relates to their fellow officers of the
4 Court. I would say this is another example that causes the
5 Court some concern.

6 MR. ADAMS: It is, Your Honor. I apologize and I
7 apologize to Mr. Schlossman.

8 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
9 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
10 HEARING OF THE JURY.)

11 Q. (BY MR. ADAMS) Mr. Roland, I am going to show you what
12 has been admitted as Exhibit No. 509B and ask you if this is
13 the photograph that you saw on November 16, 1995?

14 A. Yes, it is.

15 Q. Now, you testified that you requested the FBI to get the
16 handwriting expert to look at this to see if they could
17 determine who wrote it?

18 A. Yes.

19 Q. Now, we will come back to that in a minute. After --
20 anything else you noticed in the cell while you were up
21 there on November 16, 1995 regarding the Trentadue case?

22 A. Regarding the Trentadue case, no, other than I just made
23 observations of the entire cell.

24 Q. Okay, now, did you -- what did you do then; did you go
25 back downstairs?

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1 A. Yes, sir.

2 Q. Were you given any paperwork when you went back
3 downstairs?

4 A. Yes.

5 Q. What?

6 A. I was handed a file that I requested to look through to
7 and see what records that I may need copies of. Also
8 requested to see his order of detention or request for
9 special housing detention.

10 Q. What file were you given to look at on November 16,
11 1995?

12 A. I was handed -- I was handed what appeared to me to be
13 an original file from Ann Tran for me to look at.

14 Q. What specifically in the file were you looking for?

15 A. I was looking for medical records, any type of
16 laboratory testing, psychological history, and the detention
17 order.

18 Q. What were you looking for the detention order?

19 A. Because at that time I still didn't have an answer in
20 trying to obtain as much history, trying to find out why Mr.
21 Trentadue was in the Special Housing Unit, and I wanted to
22 see what their detention order stated for a reason.

23 Q. In the file, did you see an administrative detention
24 order?

25 A. Yes, I did.

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1 Q. On the administrative detention order that you saw on
2 November 16, 1995, would you tell the Court and jury what
3 was the reason for Mr. Trentadue being in the SHU unit?

4 MR. HANDLER: Objection, Your Honor; not relevant
5 and lack of foundation. It also calls for a hearsay
6 response.

7 THE COURT: Is that detention order in evidence
8 yet?

9 MR. ADAMS: I'm sorry.

10 THE COURT: Is it in evidence yet?

11 MR. ADAMS: I don't know if this one is. He's
12 going to testify what it said, what he read on that day,
13 what he saw.

14 THE COURT: What is the exhibit number?

15 MR. ADAMS: We have a couple of them, Your Honor,
16 but the exhibit is Plaintiffs' Exhibit No. 1.

17 THE COURT: That has been admitted, hasn't it?

18 THE COURTROOM DEPUTY: Yes.

19 MR. ADAMS: I am trying to give -- it is not going
20 to be the same.

21 THE COURT: What's the one you have that's
22 different?

23 MR. ADAMS: It doesn't have a reason on there. Do
24 you have an exhibit?

25 MR. BARON: Does it have an exhibit number?

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1 MR. ADAMS: The one he saw?

2 THE COURT: Yes.

3 MR. ADAMS: I don't know what he saw. It's not one
4 I have ever seen.

5 MR. HANDLER: Lack of foundation.

6 MR. ADAMS: I can clear it up this way, Your Honor.

7 THE COURT: What?

8 MR. ADAMS: I can clear it up with a couple
9 questions.

10 THE COURT: Okay.

11 Q. (BY MR. ADAMS) Did you see the original administrative
12 detention order on November 16, 1995?

13 A. Yes.

14 Q. I am going to show you what has been previously marked
15 and received into evidence as Plaintiffs' Exhibit No. 1.

16 MR. BARON: Objection; lack of qualification. He
17 is not a questioned document examiner. He is not listed as
18 an expert.

19 THE COURT: He can testify as to what he saw as a
20 fact witness.

21 MR. BARON: That's true. Mr. Adams asked him if he
22 saw the original.

23 THE COURT: That's correct.

24 MR. BARON: That's the problem that I have.

25 THE COURT: I understand. That objection will be

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1 sustained. Mr. Adams, you need to rephrase the question.

2 He doesn't know if it was the original or some other.

3 Q. (BY MR. ADAMS) What did you see? Did you see an
4 administrative detention order or November 16, 1995?

5 A. Yes, I did.

6 Q. Were you told whether it was a copy or original or
7 anything like that?

8 MR. HANDLER: Objection.

9 MR. ADAMS: Not offered for the truth of the matter
10 asserted, but state of mind.

11 MR. BARON: Objection; hearsay and relevance.

12 THE COURT: Be overruled.

13 THE WITNESS: What I was shown was purported to me
14 to be the original documents.

15 THE COURT: By whom?

16 THE WITNESS: By Ann Tran, the attorney for the
17 Federal Transfer Center.

18 MR. BARON: Objection; hearsay.

19 THE COURT: Be overruled.

20 Q. (BY MR. ADAMS) Mr. Roland, what you saw on November 16,
21 1995, did it have the reason of why Kenneth Trentadue was up
22 in the SHU unit?

23 A. No, it did not.

24 Q. I am particularly pointing to the highlighted portion of
25 Plaintiffs' Exhibit No. 1 where it talks about Vance

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1 Brockway going to the SHU unit. Was any of that typed on
2 the administrative detention order that you saw on November
3 16, 1995?

4 A. No, it was not.

5 Q. Now -- anything else? Did you retrieve the medical
6 documents that you wanted out of that file?

7 A. Yes, I did.

8 Q. After you reviewed the administrative detention order
9 that you testified about, what did you do, if anything, at
10 the Federal Transfer Center?

11 A. I left at that point.

12 Q. Did you again return to the Federal Transfer Center
13 sometime within about three weeks?

14 A. Yes, I did.

15 Q. On what day?

16 A. I returned on two occasions on December 14th.

17 Q. What year?

18 A. I'm sorry. 1995.

19 Q. On December 14, 1995, why did you go to the Federal
20 Transfer Center and who went with you?

21 A. The first time I went out I went out that morning to
22 obtain some samples of some cleaning agents that were used
23 to clean the cell. I was met out there at that time by
24 Special Agent Jenkins. I picked up the cleaning agents and
25 then I returned and went to the Oklahoma City Police

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1 Department.

2 Q. Explain to the Court and jury why you went to go get the
3 cleaning agents that were used to clean the cell?

4 A. We were planning that afternoon to go into the cell and
5 to process the cell with a chemical called luminol. Luminol
6 is a chemical that will help detect the presence of blood
7 and certain cleaning agents do react with the luminol
8 chemical, and we felt it necessary to do a test of some
9 areas cleaned in the lab with those cleaning agents to see
10 how they react to the luminol, so we would know if they did
11 react or not.

12 Q. And anything else about the first trip, is that all that
13 you did?

14 A. That's all we did.

15 Q. On the second trip to the Federal Transfer Center on
16 December 14, 1995, what was the purpose of you going out
17 there and who went with you?

18 A. I went out there with Dr. Jordan, our chief medical
19 examiner, several people from the Oklahoma City Police
20 Department, Lieutenant Johnny Kuhlman, Elaine Taylor who is
21 a forensic serologist, some of their technical
22 investigators, and Special Agent Jenkins and Special Agent
23 Tom Linn of the FBI.

24 Q. And do you recall approximately what time you arrived on
25 the second occasion just approximately?

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1 A. Approximately two or three in the afternoon around
2 two-ish.

3 Q. Did you all proceed up to the cell?

4 A. Yes, we did.

5 Q. Did you enter the cell on the second occasion on
6 December 14, 1995?

7 A. Yes.

8 Q. On that day on December 14, 1995, had anything been done
9 to the cell since you had been there in November of 1995?

10 A. First observation was there was evidence tape on the
11 door. We went into the cell, and it appeared the cell had
12 been painted.

13 Q. The writing that you testified that you saw back in
14 November of 1995, did you see that on the cell wall in
15 December of 1995?

16 A. No, I did not.

17 Q. And you said that you testified that you believed that
18 the cell had been painted?

19 A. Yes, sir.

20 Q. So then what did you do, if anything with regards to the
21 luminol testing?

22 MR. HANDLER: May we approach?

23 MR. BARON: Objection. I was going to make the
24 objection from here, but I guess he wants to approach.

25 MR. HANDLER: Your Honor, I believe we are getting

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1 to expert testimony or about to testify about the luminol
2 of the cell showing to get expert opinions from this
3 witness.

4 THE COURT: Objection will be overruled. You need
5 to lay some foundation, Mr. Adams.

6 MR. BARON: I was going to go to relevancy as to
7 Mr. Lee. There is no suggestion that Mr. Lee had anything
8 to do with this.

9 THE COURT: The objection will be overruled.

10 Q. (BY MR. ADAMS) Mr. Roland, have you been at any of the
11 seminars and schoolings that you've been to, have you been
12 trained in regards to luminol, what it is, what it does?

13 A. Yes, I have.

14 Q. Have you done any luminol testing prior to December 14,
15 1995?

16 A. Several times.

17 Q. Now, on this particular occasion, what, if anything, did
18 you do in regards and tell the Court and jury how it works,
19 what do you do to do the luminol testing?

20 A. Well, the first thing we did was began by taking
21 complete photographs of the cell, the outside of the cell,
22 everything on the interior of the cell, the technical
23 investigators did all of their photography and did some
24 diagrams and measurements of everything inside the cell.
25 Then we proceeded to cover up the windows with a dark paper

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1 to try to prevent any outside light at that time, and to get
2 all of the other areas of where light could come in from
3 covered up.

4 Because when you do luminol, you need to do it in total
5 darkness because what happens is when you start spraying the
6 luminol, the liquid, it will then when it comes in contact
7 with certain chemicals or agents such as blood, the design
8 is that it will fluoresce blood droplets, even if they have
9 been cleaned. You show the presence of blood, if it had
10 been there at some time in the past.

11 Q. And did you do all of those things on December 14,
12 1995?

13 MR. HANDLER: Your Honor, could we approach?

14 THE COURT: Counsel approach.

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

17 MR. HANDLER: Your Honor, Counsel is going to ask
18 Kevin Roland whether or not the luminol reacted if it
19 reacted, and what he saw and that is clearly expert
20 testimony. He has not been designated as an expert on this
21 issue. He is going to testify where the blood was, where it
22 wasn't. He's going to say whether it looked like a
23 Christmas tree. That is expert testimony. He has not been
24 designated as an expert on the blood issues in the cell.

25 MR. ADAMS: Your Honor, he has been designated to

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1 testify about his findings. I am not going to get into a
2 big detail with him. I'm going to ask about luminol on one
3 particular area about what the reaction, if any, did it have
4 and what happened in the cell.

5 THE COURT: Let me ask a question. Whose the
6 Oklahoma City police officer that you have?

7 MR. HANDLER: Tom Bevel is the expert on this
8 issue.

9 THE COURT: What?

10 MR. SCHLOSSMAN: He was there.

11 MR. HANDLER: He was there during this test.

12 THE COURT: And you are objecting to his
13 testimony?

14 MR. ADAMS: Yes, sir.

15 THE COURT: What grounds?

16 MR. ADAMS: What was our objection on Bevel?

17 MR. SAMPSON: He did the work as a member of the
18 Oklahoma City Police Department. He was designated as an
19 expert. You may recall this. We tried to take his
20 deposition, and so we have objected. It wasn't disclosed to
21 us.

22 MR. HANDLER: He was always an expert on blood
23 spatter.

24 MR. SCHLOSSMAN: Blood, you have interaction, and
25 you have luminol.

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1 THE COURT: If he is not an expert, I don't want to
2 get in this.

3 MR. ADAMS: I think they are trying to do a lot
4 than I plan on doing. I don't intend to get into intent,
5 whether the reactions in a particular area, was there
6 reaction, not, what it all means.

7 MR. BARON: Reaction is expert.

8 THE COURT: Mr. Adams, you need to list your
9 experts as experts, and he is an investigator and he made
10 certain decisions and he did certain things like Mr. Bevel.
11 That's why I asked if he was listed as an expert. I am
12 going to let you go a little bit. I am going to overrule,
13 but let's keep it to fact issues, and you are on the
14 borderline or beyond it probably.

15 MR. ADAMS: Okay.

16 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
17 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
18 HEARING OF THE JURY.)

19 Q. (BY MR. ADAMS) Mr. Roland, we were talking about you
20 made the cell dark. Luminol was sprayed in that particular
21 cell; correct?

22 A. Yes.

23 Q. In that regard, then what happens are photographs taken?

24 A. Yes, sir.

25 Q. And what will a photograph show that was taken in the

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1 cell when it's totally dark?

2 A. You will see just the items, the areas that fluoresce,
3 that glow in the dark.

4 Q. Now, in that cell in 709A that's the cell that you are
5 luminoling; is that correct?

6 A. Yes.

7 Q. Is there a panic button or alarm button in that cell?

8 A. Yes, sir.

9 Q. Can you tell the Court and jury where that is located in
10 that cell?

11 A. It's near the door going out the cell.

12 Q. Now, in your investigation, did you also receive any
13 photographs that were reportedly taken by Lieutenant Freeman
14 on August 21, 1995?

15 A. Yes.

16 Q. Is that alarm button or panic button depicted in any of
17 those photographs?

18 A. No, it's not.

19 Q. Now, in regards to the luminol testing, could you
20 explain to the Court and jury what the alarm button or panic
21 button how big it is and what it's made of?

22 A. It's roughly -- the metal plate that is around it is
23 roughly four or five inches, kind of square rectangular type
24 shape as I recall.

25 Q. Is it metal?

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1 A. Yes, it is.

2 Q. And will the luminol if there had been blood on the
3 metal and cleaned off, will it react to that?

4 MR. HANDLER: Objection, Your Honor.

5 MR. BARON: Objection, Your Honor

6 MR. HANDLER: Calls for expert opinion.

7 MR. ADAMS: I can ask it another way.

8 Q. (BY MR. ADAMS) Was there any reaction in the luminol
9 test on the metal pad or button, the alarm button?

10 MR. HANDLER: Same objection.

11 MR. BARON: Objection.

12 THE COURT: Be overruled.

13 THE WITNESS: We did spray the actual metal plate
14 itself.

15 Q. (BY MR. ADAMS) Why?

16 A. Metal will give you a false reaction.

17 MR. ADAMS: Your Honor, I would move into another
18 area for 15 or 20 minutes, and I didn't know if it would be
19 a good time for the Court or do you want me to keep going?

20 THE COURT: Oh, we will take a lunch break. I
21 assume there will be some cross-examination, Mr. Handler?

22 MR. HANDLER: Yeah, maybe 20 minutes.

23 THE COURT: Ladies and gentlemen of the jury, we
24 will recess for lunch at this time and we will reconvene at
25 1:15, and I would again remind you of the same admonitions

DIRECT EXAMINATION OF KEVIN ROLAND

1 of not discussing the case with anyone or reaching any
2 conclusions until you have heard all of the evidence. We
3 will be in recess until 1:15.

4 All rise while the jury exits.

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

8 THE COURT: Mr. Roland, you are not to discuss the
9 testimony you have given here with any other person who may
10 be a witness in this matter. We will be in recess.

11 On an unrelated matter, Counsel, the Supreme Court has
12 issued its ruling in the presidential race.

13 We can go off the record.)

14 (AN OFF-THE-RECORD DISCUSSION WAS HAD.)

15 (A RECESS WAS HAD, AFTER WHICH THE FOLLOWING PROCEEDINGS
16 WERE HAD IN OPEN COURT, WITH ALL PARTIES AND COUNSEL
17 PRESENT, AND WITHIN THE PRESENCE AND HEARING OF THE JURY.)

18 THE COURT: Be seated, please. You may proceed,
19 Mr. Adams.

20 Q. (BY MR. ADAMS) Mr. Roland, you testified before we broke
21 that the second time you went up to the cell you conducted
22 luminol testing with some other individuals; do you recall
23 that?

24 A. Yes.

25 Q. After that was conducted, did you depart the Federal

DIRECT EXAMINATION OF KEVIN ROLAND

1 Transfer Center?

2 A. Yes.

3 Q. Did you ever have an occasion to go back out there
4 regarding Kenneth Michael Trentadue?

5 A. After the luminoling, I don't believe I went back out
6 there again.

7 Q. At some point in time did the Oklahoma City Police
8 Department become involved in the investigation of Kenneth
9 Michael Trentadue?

10 A. Their crime scene unit, their technical investigations
11 unit did assist then and the homicide division became
12 involved later.

13 Q. Do you recall when the homicide division became
14 involved?

15 A. Not specifically when. I want to say it was probably
16 around 1997, I think.

17 Q. Did you interact or work with the Oklahoma City Police
18 Department?

19 A. Yes, I did.

20 Q. Who with the Oklahoma City Police Department did you
21 work with?

22 A. Detective Randy Scott and Detective Gary Eastridge.

23 Q. What did you do with regard to this investigation; what
24 did you do?

25 A. Well, our first meeting with them was to brief them on

DIRECT EXAMINATION OF KEVIN ROLAND

1 our concerns about the case, what we knew about the case and
2 about information that we wanted to try to learn some
3 answers to, and so we talked about that. As they developed
4 information, developed investigative findings, we have
5 corresponded quite frequently.

6 Q. Did you correspond with the Oklahoma City Police
7 Department more particularly Detectives Eastridge and Scott?

8 A. Yes, I did.

9 Q. Did you also have meetings with them?

10 A. Yes, I did.

11 Q. Discussing this case?

12 A. Yes, I did.

13 Q. At some point in time did Dr. Jordan -- first of all,
14 let me back up and ask you this. On the autopsy, at some
15 point in time was that amended, the autopsy report?

16 A. Yes, it was.

17 Q. Do you recall when that was?

18 A. I can look at it and see. The final amendment?

19 Q. Yes, sir.

20 A. The final amendment actually the copy I have doesn't
21 have the final amendment. I think it was in 1998.

22 Q. Were you present with the Eastridge and Scott and
23 Dr. Jordan when that decision was made?

24 A. Yes.

25 Q. At any time in this particular case in the Trentadue

DIRECT EXAMINATION OF KEVIN ROLAND

1 case I am going to show you what has been introduced and
2 marked in evidence as 477 and ask, have you ever been told
3 that any blood in the cell on August 21, 1995 appeared as
4 Plaintiffs' Exhibit No. 477.

5 MR. HANDLER: I am going to object to the lack of
6 foundation.

7 THE COURT: Be sustained.

8 Q. (BY MR. ADAMS) Have you ever seen any photographs --
9 first of all, did you ever receive any photographs that
10 purportedly Lieutenant Freeman took on August 21, 1995?

11 A. Yes.

12 Q. I am going to ask you to look at the Exhibit 510B and
13 ask if that represents all the photographs you received as
14 the chief investigator in this case?

15 A. It's three photographs that I am not sure I have ever
16 seen.

17 MR. ADAMS: May I approach the witness, Your
18 Honor?

19 THE COURT: You may approach.

20 Q. (BY MR. ADAMS) Mr. Roland, you picked out photographs
21 510B the photographs that Lieutenant Freeman took October
22 21, 1995, three photographs you don't believe you have seen
23 before. Do you have a specific recollection of seeing these
24 photographs before?

25 A. One in particular I know I have never seen before. The

DIRECT EXAMINATION OF KEVIN ROLAND

1 other two, I am not certain.

2 Q. I am going with the one you know you have never seen
3 before. Would that be the one depicting the body or the one
4 of the cell?

5 A. The one of the cell.

6 Q. I am placing on the monitor the photograph you are
7 positive you know you have never seen before. Is this the
8 photograph that you know you are positive that you have
9 never seen before?

10 A. Yes, sir.

11 Q. How do you know that?

12 A. Well, the area of blood over it would be to the bottom
13 left of the screen in that area there, I have never seen
14 that area of blood before that showing that entire area
15 there.

16 Q. Is that significant to you in any way?

17 A. Yes, it is.

18 MR. HANDLER: Objection, he is asking for expert
19 opinion.

20 THE COURT: I don't think we are quite there yet,
21 Mr. Handler. Objection overruled

22 Q. (BY MR. ADAMS) Is that significant to you, Mr. Roland?

23 A. Yes, it is.

24 Q. On the other two, you just don't recall?

25 A. I just don't recall.

DIRECT EXAMINATION OF KEVIN ROLAND

1 Q. Also in front of you is Exhibit No. 510A. Mr. Roland,
2 those have also been admitted, and I'm going to represent to
3 you those were Polaroids taken by Lieutenant Lee on August
4 21, 1995. Have you ever seen those Polaroids before?

5 A. No, I have not. I have not seen these.

6 Q. Now, in regards to your meetings with Detectives Scott
7 and Eastridge, were you ever told at any time there was any
8 blood spatter or cast off in the cell?

9 MR. HANDLER: Objection; calls for hearsay.

10 THE COURT: I'm not sure. Told by whom?

11 MR. ADAMS: By Randy Scott or Eastridge, the
12 Oklahoma City detectives.

13 MR. HANDLER: Calls for hearsay.

14 THE COURT: The objection will be sustained.

15 Q. (BY MR. HANDLER) Have you seen any photographs at all
16 that depict that you testified to that has the alarm or
17 panic button?

18 A. Are you talking about -- at the date of death or what?

19 Q. That was a very poor question. In the Exhibit 510B the
20 Freeman photographs, do you see the portion of the cell in
21 those photographs that depicts the alarm or panic button in
22 cell 709A?

23 A. No, I do not.

24 Q. In the Lee Polaroids, the other exhibits, all the
25 Polaroids, do you see any photographs that depict a portion

CROSS-EXAMINATION OF KEVIN ROLAND

1 of the photograph that depicts the alarm or panic button in
2 it?

3 A. No, I do not.

4 Q. In your investigation, what was your understanding --
5 was Mr. Trentadue hanging or not hanging in the cell when he
6 was found by the guards?

7 A. He was hanging.

8 Q. What is your understanding how he was removed or taken
9 down from that particular -- in the hanging?

10 A. That he was cut down.

11 Q. Have you ever seen any reports or talked to anyone
12 regarding any analysis of the fabric that was around Mr.
13 Trentadue's neck?

14 A. I have been told about the analysis.

15 Q. By who?

16 A. By Detectives Scott and Eastridge.

17 Q. Was it regarding whether or not there were stress
18 fractures or whether or not there was a cut in the
19 ligature?

20 MR. BARON: Objection; leading and hearsay. These
21 people --

22 THE COURT: Be sustained.

23 MR. BARON: These people --

24 THE COURT: Be sustained.

25 Q. (BY MR. ADAMS) Have you ever seen any analysis or

CROSS-EXAMINATION OF KEVIN ROLAND

1 reports whether or not there were any fingerprints on the
2 tube of toothpaste or the plastic knife in Kenneth
3 Trentadue's cell?

4 A. I have seen reports.

5 Q. Did you use those or did you divulge that information to
6 Dr. Jordan in regards to coming to the conclusion to the
7 cause and manner of death?

8 A. Yes.

9 Q. What were the results of any fingerprints on the tubes
10 of toothpaste or the plastic knife in the cell?

11 A. I don't recall specifically at this time.

12 Q. Do you recall whether or not you saw any documentation,
13 under your direction you testified that you asked the FBI
14 agent to conduct a handwriting analysis on the writing on
15 the wall in cell 709A; do you recall that?

16 A. I recall asking them to do that.

17 Q. Do you know whether that was completed or done?

18 A. By the FBI, I am not aware of them doing that.

19 Q. I am going to ask you to look at Exhibit No. 120 in the
20 exhibit book.

21 MR. ADAMS: May I approach, Your Honor, to assist
22 the witness?

23 THE COURT: Yes.

24 MR. HANDLER: Your Honor, the United States has a
25 hearsay objection to this exhibit.

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 MR. BARON: I am waiting for it to come up on my
2 computer, Your Honor.

3 MR. ADAMS: I'm sorry.

4 THE COURT: They have a hearsay objection.

5 MR. ADAMS: I want to see if that refreshes his
6 memory in regards to that analysis. I wasn't going to offer
7 it yet.

8 Q. (BY MR. ADAMS) Mr. Roland, I asked you to look at the
9 second page of Exhibit No. 120, and I am on the wrong
10 exhibit, Mr. Roland, and I apologize for that. It's the
11 third page -- it's the second page of 120. Do you see that
12 paragraph there on the second page of Exhibit No. 120?

13 A. Yes.

14 Q. To yourself, would you read the last sentence and see if
15 that refreshes your memory as to whether or not a
16 handwriting analysis was completed by the FBI of the writing
17 on the wall?

18 A. Second page on 120?

19 Q. Look at the third page.

20 A. Okay, I'm sorry. I don't think we are on the same page.
21 You said with regard to handwriting. Okay, I see where we
22 are.

23 MR. HANDLER: Your Honor, we would like to
24 interpose an objection; lack of foundation whether or not he
25 saw any of these reports.

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 THE COURT: Be sustained.

2 Q. (BY MR. ADAMS) Have you ever seen Exhibit No. 120
3 before?

4 A. I can't tell you for sure that I have seen it.

5 Q. Would it be important to you to know whether or not the
6 handwriting was to be able to be identified as Kenneth
7 Michael Trentadue's or not?

8 A. Yes.

9 Q. Now, are you aware of any DNA testing ever being done on
10 the contents found in cell 709A?

11 A. Yes.

12 Q. Do you know what the results of those DNA analysis, what
13 it is.

14 MR. HANDLER: Objection; calls for a hearsay
15 response; lack of foundation.

16 THE COURT: Be sustained. Need some foundation.

17 MR. ADAMS: That's what I was trying to get to
18 whether or not he knew what the results were. I didn't ask
19 him whether or not he knew what they were.

20 Q. (BY MR. ADAMS) Mr. Roland, are you aware of any analysis
21 done on any of the items removed from cell 709A?

22 A. Yes.

23 Q. Are you aware of a mattress being submitted for testing
24 out of cell 709A?

25 A. Yes.

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 Q. Did you review the report in your investigation in
2 regards to what the analysis showed or what it concluded?

3 MR. HANDLER: Objection; calls for a hearsay
4 response.

5 THE COURT: Whether he viewed the report or not
6 doesn't call for hearsay. What the report says calls for is
7 hearsay. Objection will be overruled.

8 THE WITNESS: I don't believe I have seen some of
9 the reports.

10 Q. (BY MR. ADAMS) Would it be important to you to know
11 whether or not someone else's DNA was found in cell 709A?

12 A. Yes, it would be.

13 Q. Were you ever allowed to see or inspect the physical
14 evidence from A709 or 790A?

15 MR. BARON: Objection; relevance.

16 THE COURT: Be overruled.

17 THE WITNESS: A couple of the items, yes.

18 Q. (BY MR. ADAMS) What couple -- what items were you
19 allowed to view or inspect?

20 A. A plastic toothpaste tube, and I believe what would be
21 two tubes of toothpaste and a plastic knife.

22 Q. Anything else?

23 A. Other than the ligature?

24 Q. That was purportedly around his neck.

25 A. Yes, sir.

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 Q. Did you as the investigator review any records regarding
2 Alden Gillis Baker?

3 A. No, I did not.

4 MR. ADAMS: May I have just one moment, Your Honor?

5 THE COURT: Yes.

6 MR. ADAMS: Pass the witness, Your Honor.

7 THE COURT: You may cross-examine. We need to stay
8 in the same order.

9 MR. BARON: We decided to change the order.

10 THE COURT: We need to stay in the same order.

11 MR. BARON: I am sorry, Your Honor I thought this
12 would be more efficient.

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

14 Q. (BY MR. HANDLER) Mr. Roland, you testified on direct
15 examination that the Oklahoma City Police Department was
16 investigating the death of Kenneth Michael Trentadue;
17 correct?

18 A. Yes.

19 Q. You also -- you had a good relationship with the
20 Oklahoma City Police Department; is that right?

21 A. Yes, sir.

22 Q. In fact, you had worked with them on thousands of cases
23 before that; is that right?

24 A. Correct.

25 Q. And as far as you know they provided you with

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 information that they gathered during their investigation of
2 Mr. Trentadue's death; is that right?

3 A. Yes.

4 MR. ADAMS: Leading, Your Honor.

5 THE COURT: Cross-examination.

6 THE COURT: Objection will be overruled.

7 Q. (BY MR. HANDLER) They answered openly all the questions
8 you had with regard to your investigation of the death; is
9 that right?

10 A. Yes.

11 Q. Isn't it also true that you agree about with the
12 Oklahoma City Police Department that Kenneth Trentadue was
13 alone in his cell for the 17 hours preceding his death?

14 A. Yes.

15 Q. And you have no reason to question the evidence that the
16 Oklahoma City Police Department presented to you and the
17 Medical Examiner's Office with regard to the cause and
18 manner of Mr. Trentadue's death; is that correct?

19 A. Could you restate that, please?

20 Q. You have no reason to question the evidence that the
21 Oklahoma City Police Department presented to you and the
22 Medical Examiner's Office with regard to the cause and
23 manner of Kenneth Trentadue's death?

24 A. Not at the time, no, sir.

25 Q. And in fact, there is no evidence to suggest or

CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 substantiate that Kenneth Trentadue's death should be
2 classified as anything other than a suicide; isn't that
3 correct?

4 A. Yes.

5 Q. And isn't it also true that you did not receive any
6 evidence that any correctional officers attacked Trentadue
7 at the Federal Transfer Center at any point in time while he
8 was there; isn't that correct?

9 A. Any evidence; correct.

10 MR. HANDLER: No further questions, thank you.

11 THE COURT: Now, Mr. Baron?

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

13 Q. (BY MR. BARON) I take it that you and Dr. Jordan have a
14 lot of confidence in and respect for the Oklahoma City
15 Police Department homicide squad; is that correct?

16 A. Yes.

17 Q. Also you have worked a lot with the FBI, haven't you?

18 A. Yes.

19 Q. In particular with regard to the Oklahoma City bombing;
20 is that correct?

21 A. Correct.

22 Q. And you know that the FBI has a technical unit that can
23 investigate a crime scene?

24 A. Yes, sir.

25 Q. And you would -- if that unit were activated rely on the

REDIRECT EXAMINATION OF KEVIN ROLAND

1 information that they furnished you?

2 A. Yes.

3 Q. Now, speaking of information being furnished to you, did
4 you ever at any time tell the Trentadue family or their
5 lawyers don't present any information to us?

6 A. To who?

7 Q. To you?

8 A. No, I did not.

9 Q. Now, you received everything that they presented to you,
10 didn't you?

11 A. Yes.

12 Q. And you considered it to the best of your ability,
13 didn't you?

14 A. Yes.

15 Q. You were courteous to them. You were sympathetic to
16 them, and you received any and all information they provided
17 to you; is that correct?

18 A. Correct.

19 Q. And in fact, didn't you receive a number of items that
20 they had obtained through discovery in this litigation?

21 A. Yes.

22 Q. And to your knowledge, they didn't withhold anything
23 from you, did they?

24 A. Not to my knowledge.

25 Q. They wouldn't have any reason that you know of, would

REDIRECT EXAMINATION OF KEVIN ROLAND

1 they?

2 A. No.

3 Q. Now, talking about death scenes, would it be fair to say
4 that your preference is that a death scene particularly in a
5 violent or unusual death be left and undisturbed until you
6 arrive on the scene?

7 A. Yes.

8 Q. In fact, in hanging deaths, oftentimes you will arrive
9 and the body is still hanging; isn't that correct?

10 A. Yes.

11 Q. In fact, as an investigator, you prefer it that way,
12 don't you?

13 A. Yes, if they're dead, yes.

14 Q. Absolutely. Because it allows you to conduct an
15 investigation more thoroughly; isn't that correct?

16 A. Yes.

17 Q. Now, under Oklahoma law as you understand and teach it
18 in these courses you were telling us that you teach, could a
19 physician's assistant pronounce someone dead?

20 A. Yes.

21 Q. Under Oklahoma law as you understand it and teach it,
22 what is the requirement as to who can pronounce someone
23 dead?

24 MR. ADAMS: Your Honor, I object. He is asking for
25 legal conclusions and also beyond the scope.

REDIRECT EXAMINATION OF KEVIN ROLAND

1 THE COURT: That will be sustained.

2 Q. (BY MR. BARON) Do you teach Oklahoma law in courses that
3 you provide to various law enforcement entities that you
4 have testified about?

5 MR. ADAMS: Your Honor, I object. I tried to get
6 into these and it was sustained. I object.

7 THE COURT: Mr. Baron, you objected to any
8 testimony regarding -- this is beyond the scope also.

9 MR. BARON: I was trying to.

10 THE COURT: I understand what you are trying to
11 do. The Court is going to sustain the objection.

12 MR. BARON: All right, then I will move on.

13 Q. (BY MR. BARON) Is it fair to say that you probably
14 talked to Jesse since his brother's death, Jesse Trentadue,
15 80 to 100 times, maybe more?

16 A. Sure.

17 MR. BARON: Your Honor, I will pass the witness.

18 MR. ADAMS: Your Honor I need to approach very
19 briefly.

20 THE COURT: Okay. Counsel approach.

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

23 MR. ADAMS: Your Honor, I was not allowed to ask
24 Mr. Roland his opinions because we did not -- Mr. Handler
25 got up and said there is no reason to classify anything

RE-CROSS-EXAMINATION OF KEVIN ROLAND - By Mr. Baron

1 other than a suicide and I think that opens the door to
2 allow me to get in the evidence that has been presented in
3 this court, a number of things of all the records of Alden
4 Gillis Baker, of the cuts in the noose, and a number of
5 other things I can list for the Court.

6 I think it's clearly opened the door when he asked that
7 question for me to be allowed to go in and ask Mr. Roland if
8 these things would be significant reason that he could go
9 back and change the cause and manner of death. They have
10 opened the door.

11 MR. HANDLER: Your Honor, I asked him in the
12 beginning should this be investigated as a homicide, and I
13 asked him that question, and Roland is not the person that
14 makes the decision in this state about someone can be
15 certified -- that the manner and cause of death.

16 THE COURT: Why did you go into that, Mr. Handler?

17 MR. HANDLER: They presented him as a witness that
18 this should be investigated as a homicide and asked
19 questions whether it was significant. Things are
20 significant in an investigation leading the impression that
21 it should be ruled as a homicide and not a suicide. I am
22 presenting evidence that this witness has no reason to do
23 that.

24 MR. ADAMS: Your Honor, I stayed away from the
25 cause and manner on purpose because Your Honor didn't want

DIRECT EXAMINATION OF MODESTO BACA

1 me to. When I tried to get into things, I was prevented
2 from doing it. They asked if there was any reason it should
3 be changed, cause and manner and they did it on purpose.
4 They opened the door to allow their reasons to change.

5 MR. HANDLER: He asked whether or not he worked
6 with the OCPD regarding the cause and manner of death and I
7 was following up that he had no reason to question their
8 evidence.

9 MR. BARON: Your Honor, I would like to back pedal
10 that any door Mr. Handler may or may not have opened, and I
11 don't agree that he has opened it, but it certainly would
12 not open any door as to me. This man is not an expert. He
13 was not listed as an expert.

14 THE COURT: I understand that, and I kept both you
15 and Mr. Adams from trying to make him an expert. The Court
16 is concerned when Mr. Handler asked that one question too
17 many if he knows of any reason -- I don't recall the exact
18 way it was phrased, but any reason why.

19 MR. ADAMS: He should be classified as anything
20 other than a suicide, and I think that opens the door quite
21 frankly.

22 THE COURT: Ms. Crawford, can you go back and find
23 that question?

24 (THE REPORTER READ BACK: "Q. And in fact, there is no
25 evidence to suggest or substantiate that Kenneth Trentadue's

DIRECT EXAMINATION OF MODESTO BACA

1 death should be classified as anything other than a suicide;
2 isn't that correct?")

3 MR. BARON: Your Honor, I would object. There was
4 no objection to that question.

5 THE COURT: Why would he object? Why wouldn't he
6 let Mr. Handler open this issue to the whole issue?

7 MR. HANDLER: Even if I were to open and ask
8 opinion questions, he is still not designated. He still
9 can't give opinion testimony. He can't say, yes, I would
10 change the manner of death to homicide.

11 MR. ADAMS: Judge, he asked the question, and I can
12 ask the witness -- go back and ask if these things would
13 help him reclassify.

14 THE COURT: I am not going to ask him that. I am
15 going to let you ask him what he didn't have. I am not
16 going to let you ask him whether that would change his
17 opinion I would ask. Mr. Handler, you asked one question
18 too many. So I am going to let him get into it.

19 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
20 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
21 HEARING OF THE JURY.)

22 THE COURT: Sometimes modern technology takes
23 longer than prior technology, but we had to go back and
24 review some questions and her little machine with all the
25 dots on it, which only she can interpret for us.

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

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DIRECT EXAMINATION OF MODESTO BACA

1 Mr. Adams, you may proceed with redirect examination.

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

3 Q. (BY MR. ADAMS) Mr. Roland, I am going to show you what
4 has been introduced as Plaintiff's Exhibit No. 477. Have
5 you ever been told by anyone whether or not something such
6 as that appeared in Kenneth Michael Trentadue's cell on
7 August 21, 1995.

8 MR. HANDLER: Objection; lack of foundation.

9 MR. BARON: Objection; hearsay and lack of
10 foundation.

11 THE COURT: Overruled.

12 THE WITNESS: No, I have not been told about that.

13 Q. (BY MR. ADAMS) I am going to show you what has been
14 marked and introduced as Exhibit 478, have you ever been
15 told anything like that appeared in Kenneth Michael
16 Trentadue's cell on August 21, 1995?

17 A. No, I have not.

18 Q. I am going to show you what has been marked as
19 Plaintiffs' Exhibit No. 243 and ask you whether or not you
20 were ever told anything like that appeared in Kenneth
21 Michael Trentadue's cell on August 21, 1995?

22 A. No.

23 Q. Have you ever been told that the ligature around Kenneth
24 Michael Trentadue's neck had no cuts in it?

25 A. No, I have not.

DIRECT EXAMINATION OF MODESTO BACA

1 Q. Have you ever been told that the SHU log books at the
2 Federal Transfer Center show Alden Gillis Baker in cell
3 A709?

4 A. I have heard that.

5 Q. Have you ever heard those log books never show Alden
6 Gillis Baker coming out of that cell?

7 A. I have heard that.

8 Q. Have you also heard that Alden Gillis Baker, all of his
9 records showing his incarceration at the Federal Transfer
10 Center including his administrative detention order his
11 BP292s are lost, gone, or destroyed?

12 A. I wasn't aware of that.

13 Q. Is that important to you?

14 A. Yes, it is.

15 Q. Have you ever been told that Kenneth Michael Trentadue's
16 fingerprints were not found on the knife or the toothpaste
17 tube?

18 A. I seem to recall that.

19 Q. Is that important to you?

20 A. Yes.

21 Q. Have you ever been told that the FBI crime lab could not
22 identify the note as being written by Kenneth Michael
23 Trentadue, the one you viewed in the cell?

24 MR. BARON: Objection, hearsay; not best evidence.

25 THE COURT: Be overruled.

DIRECT EXAMINATION OF MODESTO BACA

1 THE WITNESS: I have been told that

2 Q. (BY MR. ADAMS) Have you ever been told that the FBI
 3 crime lab found DNA evidence in cell A709 that did not
 4 belong to Kenneth Michael Trentadue; have you ever been told
 5 that?

6 A. No.

7 Q. Is that important to you?

8 A. Yes.

9 MR. ADAMS: Pass the witness, Your Honor.

10 THE COURT: Anything further, Mr. Handler?

11 MR. HANDLER: No, Your Honor.

12 THE COURT: Mr. Baron, recross examination.

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

14 Q. (BY MR. BARON) Do you know whether all of this
 15 information was furnished to the Oklahoma City Police
 16 Department homicide squad?

17 A. I can't say if it was or not.

18 Q. Do you know for any reason if this information was
 19 produced during this lawsuit which has been going on for all
 20 these many years that Jesse Trentadue or lawyers didn't give
 21 it to?

22 MR. ADAMS: Your Honor, I object.

23 THE COURT: That will be sustained.

24 Q. (BY MR. BARON) Did this information come to you from Mr.
 25 Trentadue or his lawyers at any time?

DIRECT EXAMINATION OF MODESTO BACA

1 A. I have heard from of it, yes.

2 MR. BARON: No further questions, Your Honor.

3 THE COURT: Anything further?

4 MR. ADAMS: No, Your Honor.

5 THE COURT: Mr. Roland, you may be excused and the
6 Court would advise you that you are not to discuss the
7 testimony you have given here today with other persons who
8 may be a witness in this matter.

9 (WITNESS EXCUSED.)

10 THE COURT: Call your next witness.

11 MR. SAMPSON: Modesto Baca.

12 MODESTO BACA,

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

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

16 Q. (BY MR. SAMPSON) Would you state your full name an spell
17 it.

18 A. My name is Modesto LeRoy Baca, M-o-d-e-s-t-o L-e-R-o-y
19 B-a-c-a.

20 Q. Where do you work, Mr. Baca?

21 A. I work at the Federal Transfer Center.

22 Q. In what capacity?

23 A. I am the computer services manager.

24 Q. In 1995, did you work at the Federal Transfer Center?

25 A. Yes, I did.