

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

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

5 Plaintiffs,)

6 vs.)

) Case No. CIV-97-849-L

7 UNITED STATES OF AMERICA, et al)
 8)

9 Defendants.)

10 REPORTER'S TRANSCRIPT OF PROCEEDINGS
 11 HAD ON DECEMBER 6, 2000
 12 JURY TRIAL
 VOLUME XIII

13 BEFORE THE HONORABLE TIM LEONARD,
 14 JUDGE PRESIDING

15 A P P E A R A N C E S

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 Oklahoma City, OK 73102

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 22 U.S. Department of Justice
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24 COUNSEL FOR THE DEFENDANT UNITED STATES
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 5012 United States Courthouse
 Oklahoma City, OK 73102 - PH. (405)609-5303

6711

DIRECT EXAMINATION OF WILMA TRENTADUE

1 forward and be sworn, please.

2 WILMA TRENTADUE,

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

5 THE COURT: You may proceed.

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

7 Q. (BY MR. SAMPSON) Ms. Trentadue, would you state your
8 full name?

9 A. Wilma Lou Trentadue. It's spelled T-r-e-n-t-a-d-u-e.

10 Q. Ms. Trentadue, where do you live?

11 A. I live in Westminster, California.

12 Q. How long have you lived there?

13 A. Since 61.

14 Q. Where did you live before you moved to Westminster,
15 California?

16 A. We lived in West Virginia.

17 Q. Where in West Virginia?

18 A. Southern part, Elbert, Number 7 Hollow.

19 Q. Number 7?

20 A. But it was Elbert, but everybody -- it was named after
21 mines number 7. That's what they mean.

22 Q. You are Kenneth Trentadue's mother?

23 A. Yes.

24 Q. Where was Kenneth born?

25 A. He was born in Welch, West Virginia. That's where the

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1 hospital was, a few miles from Elbert or Number 7 as they
2 called it.

3 Q. When was your son born?

4 A. December 19, 1950.

5 Q. You have four children?

6 A. Yes.

7 Q. Where did Kenneth fit in with respect to the kids?

8 A. He got along with everybody.

9 Q. I mean -- was he the third boy?

10 A. I am sorry. He was the second.

11 Q. Second oldest?

12 A. Uh-huh.

13 Q. Who was the oldest?

14 A. Jesse.

15 Q. And then Kenneth?

16 A. And then Donna and Lee.

17 Q. Were all the kids born in West Virginia?

18 A. Yes.

19 Q. You moved to -- in 1961 you moved to southern
20 California?

21 A. Westminster.

22 Q. How old was Kenneth at the time?

23 A. Carl was about 14, so he was about 11. He was in the
24 sixth grade. He went to the sixth grade -- I mean 10, and
25 Carl went to high school.

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1 Q. In California?

2 A. Uh-huh.

3 Q. Would you tell the Court and jury about Kenneth growing
4 up in West Virginia when he lived there?

5 A. Where we lived was a mining -- was mines and they had
6 mines, and they were all numbered, but they had names like
7 Elbert and Filbert and where I was born Thorpe Number 4. He
8 wanted to start to school early, so I let him because he --
9 before he was six. He was supposed to be six, but he
10 started before he was six, and he was reading, doing ABC's
11 and got long fine with children and other things.

12 Q. Great kid?

13 A. Very.

14 Q. He started school when he was five?

15 A. Before he was six. Most times they want to you be six.
16 I could have kept him back a year until he was six and next
17 year, but he was only five and he wanted to go and he begged
18 me let him go, and I told him okay and he got to go.

19 MR. SAMPSON: Your Honor, at this time I would like
20 to offer Plaintiff's Exhibit No. 254 which has been provided
21 to opposing counsel. It is a family photo album.

22 MR. BARON: Could we approach, Your Honor?

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

25 MR. SAMPSON: I think it's a separate book, Your

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1 Honor.

2 MR. BARON: Judge, can you work off of this one.
3 It's a separate book.

4 MR. ADAMS: If he doesn't have one, here is one.

5 MR. BARON: Your Honor, I have no objection to a
6 few family photographs going in. I believe this is
7 cumulative and over prejudicial because of the extent of
8 it. That would be my objection and here it is. Well -- if
9 you would like to look at the original, that's fine.

10 THE COURT: What is this back here?

11 MR. ADAMS: That's where he was buried. It was a
12 story where his ashes were sprinkled. It's a little town in
13 Mexico.

14 MR. BARON: I think that is pretty much irrelevant,
15 but obviously they can put some of these things in, but it's
16 a little bit excessive, I think.

17 MR. SAMPSON: Your Honor, basically we put together
18 Kenneth's life until he died to give the jury a perspective.

19 THE COURT: Who is this?

20 MR. SAMPSON: That is the story about the little
21 point where his ashes were spread. It was one of his
22 favorite stories, and that's where they spread his ashes.

23 THE COURT: Whose this article? Does this have
24 anything to do with him?

25 MR. SAMPSON: No, this is his life book. This is

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1 what's left.

2 THE COURT: This is his what?

3 MR. SAMPSON: That was his favorite story, and
4 that's where he wanted to be buried. I asked the family to
5 put together something that would show Kenneth's life and
6 that's what they did, and that's how it ended.

7 THE COURT: So Mr. Baron, I don't know where you
8 are on your objection.

9 MR. BARON: I am sorry?

10 THE COURT: I don't know where you are on your
11 objection.

12 MR. BARON: That it's -- I object to the number of
13 photographs if they were to pare it down if they were to
14 take that article out, I wouldn't have an objection. I
15 think there are too many photographs. I think it's
16 cumulative. I think it's prejudicial in its totality, but
17 obviously they are entitled to introduce some of this, and I
18 think that article is also irrelevant, but I have made my
19 objection. That's all the argument I have.

20 THE COURT: The Court is going to admit the
21 exhibit. The Court is concerned I am trying to figure out
22 the relevance of this -- of this article.

23 MR. SAMPSON: If they have a problem with the
24 article, Your Honor, we will take it out.

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1 MR. BARON: The picture that's already out.

2 THE COURT: I think this and this needs to come
3 out.

4 MR. BARON: We would make clear on the record which
5 one is 97.

6 MR. SAMPSON: By removing that, we are not waiving
7 our rights to enter pictures through Donna.

8 THE COURT: I think you can take 98.

9 MR. BARON: And 99 which is the article.

10 THE COURT: Yes, 97, 98, and 99.

11 MR. ADAMS: Yes, sir.

12 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
13 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
14 HEARING OF THE JURY.)

15 Q. (BY MR. SAMPSON) Ms. Trentadue, I am going to put a
16 couple pictures up on the screen. Can you see the monitor
17 down below?

18 A. Yes.

19 Q. This is -- do you recognize that?

20 A. Yes, that's Elbert, West Virginia. It was a company
21 mining town Number 7. Most everybody called it Number 7.

22 Q. Is your house in that picture?

23 A. It's up above -- my house is up above the angora towards
24 the mountain side, the last mountains just before you get to
25 Filbert. We lived in the last group of houses before you

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24 the mountain side, the last mountains just before you get to
25 Filbert. We lived in the last group of houses before you

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1 get to Filbert.

2 Q. Kenneth was born in this town?

3 A. Not born there. He was born in Welch where they had the
4 hospital.

5 Q. You brought him home to Number 7?

6 A. Yes, I did. I am sorry. I was thinking about Jesse.

7 Q. Let me show you another picture. Do you recognize that,
8 Mrs. Trentadue?

9 A. Yes, that is on Kenneth's second birthday. He is the
10 smallest and Jesse and some friends, neighbor children.

11 Q. And this is Kenneth's second birthday party?

12 A. Uh-huh.

13 Q. How did Kenneth do in school in West Virginia?

14 A. He did good in school. He never had to study, but he
15 made good grades B's and A's. He learned his ABC's before
16 he went to school, so he didn't have to study much to keep
17 good grades.

18 Q. What did your husband do for a living back in West
19 Virginia?

20 A. He run a coal shutter, what they used to cut the blade,
21 go back and cut the coal for the miners to load, and that's
22 what he did. He didn't load it. He just ran the coal
23 shutter.

24 Q. In 1961 you moved to California. Why did you do that?

25 A. Well, work wasn't too good there and my husband already

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- 1 when he was young he developed black lung, and we lived
2 there for 16 years, and I wanted him to move before it got
3 worse which it eventually did. We stayed too long, and I
4 didn't want my sons to go into the mines to make a living.
- 5 Q. When you moved to California, how old was Kenneth?
- 6 A. He was -- it was 1961. He was born in 50, so he was 11.
- 7 Q. Let me show you a picture. Who is that?
- 8 A. Kenneth.
- 9 Q. When was that taken?
- 10 A. Oh, he is about not quite two, just about round two.
- 11 Q. This was in West Virginia?
- 12 A. Uh-huh, at my mother's house.
- 13 Q. After moving to California did Kenny enter school in
14 California?
- 15 A. Yes.
- 16 Q. How did he do?
- 17 A. Did he well at first up to about the 10th grade, then he
18 got on drugs and he messed up his whole life.
- 19 Q. In the 10th grade?
- 20 A. I don't know if it was 10th or if it was 11th for sure.
- 21 Q. Did Kenneth work at school?
- 22 A. He worked at Colonel Sanders things like that.
- 23 Q. Did he participate in athletic activities while he was
24 in school?
- 25 A. Yes, he ran on the track team and when he was -- he was

DIRECT EXAMINATION OF WILMA TRENTADUE

1 a freshman, he ran with the senior guys, Jesse, and the ones
2 in the senior class, and he came in fourth.

3 Q. What happened; did he graduate from high school?

4 A. No, he quit sometime in the 11th. He enjoyed running
5 and he hurt his heel, so he was off about a year. He
6 couldn't run, so he and his one friend joined the army. It
7 was in -- I don't know what part -- he was in the 11th
8 grade.

9 Q. I am going to show you a picture of high school days.

10 A. Yes.

11 Q. What does the "W" stand for on those uniforms?

12 A. Westminster.

13 Q. Is Kenneth in those pictures?

14 A. Yes, he is the smallest one on the front row, and Carl
15 is on the back row right behind the boy next to Kenneth.

16 Q. Just to clarify, your husband's name was Jesse; correct?

17 A. Yes.

18 Q. And Jesse went by Carl?

19 A. I call him Carl. He likes Jesse. When he moved away he
20 took his first name.

21 Q. Where is Jesse in that picture?

22 A. He is right there, the second guy right over from
23 Kenneth not right behind, but the next guy over.

24 Q. Was Kenneth small for his age or was he too young to be
25 in this group?

DIRECT EXAMINATION OF WILMA TRENTADUE

1 A. No, he quit growing when he was about in the 9th grade.
2 You can see how small he is there. And this coach sent me
3 word that he hadn't grown an inch or gained any pounds at
4 all. Every year they check them, so I took him into the
5 doctor, and he took x-rays of his wrists and it said it
6 showed he was supposed to be 5'8" and he gave him whatever
7 they give you for growth hormones back then, and he made the
8 remark and never clarified. He said it has side effects.
9 And I said what are they? And he shut up and didn't tell
10 me. But as soon as Kenneth reached the height of 5'8" I
11 stopped the growth hormone.

12 Q. When did that happen?

13 A. He was about -- let's see, more closely to the 11th
14 grade when he was in the 11th grade or in the 10th. It took
15 about two years for him to grow.

16 Q. You say that Kenneth in the 11th grade joined the army
17 with his friend?

18 A. Yes.

19 Q. How long was he in the army?

20 A. He finished training. I don't know how long that took
21 back in those days.

22 Q. Do you know why he left the army?

23 A. When he signed up, he and his friend were supposed to be
24 together and they promised to send them to the same place.
25 And they didn't obey the rules, so he didn't like it any

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1 more. So he didn't go back when he got furloughed.

2 Q. He was discharged somewhat less than honorable?

3 A. Yes; yes.

4 Q. What happened after Kenneth got back from the army,
5 Mrs. Trentadue?

6 A. That's when he got in trouble and was sent to prison
7 about the robberies, but that was before his drug habit.
8 But I have to say one thing for Kenneth, I could leave
9 change and he never took a thing from our house.

10 Q. Do you need some water?

11 A. I guess. And I know some of his friends they would take
12 their mother's t.v. and sell it to get money for drugs. You
13 could leave change, and he never took a nickel from us.

14 Q. When Kenneth started having problems after he got back
15 from the army, what was his relationship like with you?

16 A. We always had a good relationship. You know I didn't
17 like for him to be on drugs, don't get me wrong, but he
18 always had a way that he, in fact, considering all of us, he
19 was very kind to elderly people, children, and animals which
20 we are to a degree, but not like him.

21 Q. What was his relationship like with your husband?

22 A. Well, it was fine until my husband got very upset
23 because he got on drugs, and then later they patched and you
24 know was friends I guess you would call it. It hurt my
25 husband, because of all the drugs which it did me too.

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1 Q. Kenneth you say went to prison?

2 A. Yes.

3 Q. Do you recall when?

4 A. Not the first time. I know it was -- I should know all
5 this stuff. It's so many numbers. It was in the 80s. I
6 believe he went, but I am not too sure.

7 Q. Do you know where he went?

8 A. The first time he went to Solidarad.

9 Q. Where is that?

10 A. Up in northern California.

11 Q. How long was he there?

12 A. I tell you the truth, I can't remember. I don't know --
13 I want to say five years, but I don't know if that was true
14 or not.

15 Q. Did you ever talk to him when he was in prison?

16 A. Sure, he called me often because I told him to call, and
17 I accepted the calls because I didn't know when he'd write
18 letters if you get them or they give them to you or not
19 maybe so. I didn't know, so he always called when he wanted
20 to, any time he wanted to.

21 Q. Did he seem depressed when he was in prison?

22 A. No, he always had a saying, "If you can't do the time,
23 don't do the crime." He was the type that liked to read, so
24 he just told me one time I asked him, I said, "How do you
25 stand being in prison?"

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1 He said he just after supper or dinner, he said he would
2 just go to his cell and lock himself in and read because he
3 loved to read.

4 Q. Did you ever become aware whether Kenneth had any
5 problems while he was prison?

6 A. No, he never not like -- no. He got along with the
7 guards and then later he was sent to Lompoc.

8 Q. Let me show you a picture and ask if you can tell the
9 Court and jury about how old he was when Kenneth -- when
10 this picture was taken?

11 A. That's with Carmen.

12 Q. Do you know if this was before or after he was in
13 Solidaridad?

14 A. This was after. I think this was after he was in
15 Solidaridad.

16 Q. After Kenneth came back from Solidaridad, did he live at
17 home?

18 A. He did for a while. Then he went -- he went to barber
19 school and got his barber's license, and then he moved
20 away. I was thinking Anaheim is where he was living for a
21 while close to where he worked.

22 Q. Did he work as a barber?

23 A. Uh-huh, yes.

24 Q. Was Kenneth dependent upon you and your husband for
25 financial support?

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1 A. No, he never asked for any money. He had a job and you
2 know -- he had his own money. Kenneth was a person, he
3 wasn't into material things, so it didn't take too much for
4 him to live on. He wasn't never a person that looked
5 forward to having a big fancy car or something like that.

6 Q. Up until the time that Kenneth got back from Solidarad,
7 was he happy?

8 A. Yes. He was happy and when he got out he was -- he was
9 always a happy person to be around because once he made a
10 friend he kept them for life even the friends he made in his
11 childhood. He seemed like he hung onto his friends. He
12 never gave them up.

13 Q. Did Kenneth enjoy his family?

14 A. Yeah, we all had a happy family life.

15 Q. Would you look at the monitor?

16 A. Yes. That's all of us together.

17 Q. Kenneth is in front?

18 A. He is in front with my granddaughter, Jesse's daughter
19 Anna. He is always making faces like when he had his
20 picture taken I used to get angry at that, how he is doing
21 there.

22 Q. He would always do that?

23 A. Most times, yeah.

24 Q. After Kenneth got his barber's license and was out of
25 Solidarad, what did he do?

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1 A. Well, he started -- his wife had a beauty shop, and he
2 was going to work there with her getting supplies and things
3 and his parole officer didn't like that. I could never
4 understand that. He said I don't want you working here, so
5 he had to drive up to L.A. and certain areas and do
6 construction work then.

7 Q. Did there come a time when Kenneth got in trouble again?

8 A. No, he and Carmen were married and he got out of Solidad
9 in '87 and they got married in '88, I believe.

10 Q. Do you remember when Kenneth was in a prison called
11 Lompoc?

12 A. Yes.

13 Q. When was that?

14 A. It was in the 80s and I think he got out in 87. His
15 wife would know more than I know. When you get old, these
16 sort of fade away.

17 Q. After he got out of prison he and Carmen got married?

18 A. Yes.

19 Q. Did you have any frequent contact after this?

20 A. They come up real often when they could. When they
21 lived over at Anaheim, I visit them.

22 Q. Kenneth was still happy?

23 A. Yes.

24 Q. I am going to show you another picture. I don't know
25 who this is that is Kenneth who is the little girl?

DIRECT EXAMINATION OF WILMA TRENTADUE

1 A. That must be his niece -- I mean his wife's niece
2 because that was -- that was one of Carmen's sister's
3 babies.

4 Q. Was the picture taken after he served his time?

5 A. Yes.

6 Q. Do you remember what occasion that was?

7 A. No, I don't. No, I can't say enough to know.

8 Q. Ms. Trentadue, you mentioned that Kenneth liked children
9 and animals and the elderly?

10 A. Yes.

11 Q. Was it unusual, his like of children, was that unusual
12 or was it just a typical?

13 A. I know when he was always kind to Donna and Lee when
14 they were younger. I know when he was a little boy we got
15 up one morning and Donna was a sleepy head and he says to
16 her he couldn't pronounce S's, so we sent him to school and
17 he got over that, and he wanted to say Sweetie Pie, and he
18 said Tweetie Pie and we called her Tweetie Pie.

19 Q. Do you know who that is?

20 A. That is Kenneth with one of -- his wife's sister's
21 child.

22 Q. Looks like he is mugging for the camera again?

23 A. Pardon?

24 Q. Looks like he is making a face at the camera?

25 A. Yeah, he always did that.

DIRECT EXAMINATION OF WILMA TRENTADUE

1 Q. Ms. Trentadue, do you know when Carmen and Kenneth were
2 married?

3 A. '88, March of '88. I remember it was in '88.

4 Q. Up until 1995, Kenneth was not in trouble or in jail to
5 your knowledge?

6 A. No, he had so much -- he had trouble with his parole
7 officer. He got very upset because he got -- he had taken
8 some cold medicine and they thought he had taken some drug,
9 and he -- then the parole officer said he couldn't drink
10 when he went to construction work. Most of the men that
11 work in construction after work they always drink a beer,
12 and he didn't want Kenneth to even do that. And I don't
13 know why he wouldn't let him work at the beauty shop. He
14 wouldn't have to work as a barber. He could go after
15 supplies and clean and things like that, but -- I don't know
16 about that time. I know people my age especially men didn't
17 think it was very manly to work as a hair stylist because I
18 know a friend of ours was from the same town. He had a boy
19 and he went to be a hair stylist/barber and he didn't like
20 it at all.

21 Q. How did your husband feel about Kenneth being a hair
22 stylist?

23 A. He was glad he went and got a license to be a barber.
24 It wasn't like this friend.

25 Q. Was Kenneth employed between the time he got out of

DIRECT EXAMINATION OF WILMA TRENTADUE

1 prison in 1995 to your knowledge; did he work?

2 A. When he got out in 87, he started working in the beauty
3 shop and that's when the parole officer didn't like it, so
4 he went into construction and then he worked construction
5 and when they moved down to near San Diego, he worked for
6 like -- I think it was in cleaning buildings, offices, and
7 things with Carmen's brother, his wife's brother.

8 Q. Did Kenneth and Carmen visit you and your husband?

9 A. Yes, quite often.

10 Q. How often?

11 A. At least twice a month or at least once a month
12 sometimes more, sometimes less, but it was usually twice a
13 month and/or -- and about every other week.

14 Q. You learned in 1994 that you were going to be a
15 grandmother again?

16 A. Yes.

17 Q. How did that happen?

18 A. My grandchildren they are all spaced out. I don't mean
19 that the way it sounded. The oldest one is twenty. She is
20 five years older than her brother, and the next one -- her
21 brother was about 15, my daughter was -- my granddaughter by
22 Donna was 10. And then Vito, he was about five years
23 younger than Andrea, so they are all -- you know -- they are
24 about five years between all of them.

25 Q. This was Kenneth's first child?

DIRECT EXAMINATION OF WILMA TRENTADUE

1 A. Yes.

2 Q. Did he tell you about it when he found out he was going
3 to have a baby?

4 A. Yes.

5 Q. What did he say?

6 A. He was pleased. He seemed to like children. He was
7 always playing with them and he liked children, you know,
8 and he was happy.

9 Q. Was he excited about looking forward to having a child?

10 A. Yes; yes.

11 Q. Kenneth was arrested in 1995 in June; do you recall
12 that?

13 A. Yes.

14 Q. Where was he arrested?

15 A. At the border. His friend's girlfriend wanted to go to
16 Mexico and she had never been there. Instead of her
17 boyfriend, Kenneth took her to show her Tijuana or whatever
18 they went and I guess while he was -- he had I don't know
19 how many times he had been stopped and he was never
20 arrested. At that time he had this friend's truck and they
21 connected them, the friend and the truck with this friend of
22 Ken's, but the friend didn't go because he was on parole or
23 something, so he didn't want to go.

24 Q. Did Kenneth know eventually he was going to have to go
25 back to prison?

DIRECT EXAMINATION OF WILMA TRENTADUE

1 A. He said sooner or later I am going to have to go back
2 and when he found out about the baby, he wanted to get it
3 over with. And when he did get stopped, he was glad because
4 he could get it over with while the baby was young, you know
5 about breaking parole, you know.

6 Q. Now, Kenneth and Carmen lived in San Diego?

7 A. Yes.

8 Q. And he was arrested at the border of Mexico?

9 A. Uh-huh, coming back in, yes.

10 Q. Did you visit him in San Diego?

11 A. Yes, I visited him, but when he was picked up, I went
12 down to visit him and they only let Carmen and my
13 granddaughter Andrea in. They wouldn't let us in. First,
14 they said yes, Donna and me. Then they said no. I couldn't
15 understand that because we always visited him in prison
16 before.

17 Q. When was the last time you saw your son, Mrs. Trentadue?

18 A. It was before he was arrested.

19 Q. Where was it; do you remember?

20 A. No, I don't. But I went down to visit for a weekend,
21 and he was there then. And then I didn't -- it was in June
22 that -- he was picked up about two months before the baby
23 was born, and when I went down to visit, they wouldn't allow
24 me and my daughter in, and I had never had that happen
25 before. His wife went to visit him, but I don't know what

DIRECT EXAMINATION OF WILMA TRENTADUE

1 their problem was.

2 Q. The last time you saw him, what was his mood?

3 A. He was happy about the baby and all that, you know
4 because he talked to him about being -- I didn't like it
5 because he was -- had broken parole and he said sooner or
6 later he would have to pay for it, you know, but he was glad
7 when it did happen. He was glad that -- he didn't tell me
8 that, but he -- and he told me maybe in a phone call, but he
9 didn't tell me in person, no.

10 Q. When Kenneth was incarcerated, did he call you?

11 A. Yes, he always called. I told him he could call any
12 time, you know.

13 Q. Did he always reverse the charges?

14 A. Yes, they do in prison mostly. You have to reverse the
15 charges.

16 Q. When was the last time you talked with your son?

17 A. It was probably before they sent him -- they took a
18 plane load I guess or so many, and he stopped in Phoenix for
19 a night and went onto Oklahoma Transfer Center, and I guess
20 the last time I heard from him was when he was in Oklahoma
21 and I received a call.

22 Q. What day was it; do you recall?

23 A. That was August 20th about --

24 Q. Do you know what time?

25 A. It was -- I remember I had already finished breakfast

DIRECT EXAMINATION OF WILMA TRENTADUE

1 and cleaned the dishes, and I was wiping the counter and the
2 phone was right above, and the phone rang and he just
3 started talking and that puzzled me, but he didn't mention
4 anything to me because I thought well, maybe they just let
5 them call. I didn't know. And usually you always had to
6 accept the charges and that was the last time I ever talked
7 to him.

8 Q. What did he say?

9 MR. HANDLER: Objection, Your Honor hearsay.

10 THE COURT: Be overruled.

11 Q. (BY MR. SAMPSON) What did he say to you?

12 A. He was telling me to make sure -- he wanted Donna to get
13 his papers to see his parole officer about some dates and he
14 asked about Ms. Whipple that lived across the street. He
15 had a stroke and he later died, and he said would I say
16 hello to Ms. Whipple and give her a big hug because she was
17 stressed out about her husband. And then he said -- it was
18 short because he was talking and all at once he said I got
19 to go and hung up the phone, and it was strange to me. No
20 matter if he called you two or three times a day, he would
21 say, "love you," that's how he would sign off.

22 He said, "I gotta go" and hung up, and that puzzled me.
23 But it puzzled me. I thought well, maybe he had to go
24 somewhere, you know, or do something.

25 Q. Mrs. Trentadue, during your life with Kenneth, was he



DIRECT EXAMINATION OF WILMA TRENTADUE

1 who he is being threatened by and they did a strange thing.
2 She did say -- she did say before she said something else.
3 She said he didn't seem to be depressed, so they checked him
4 every 20 to 30 minutes. Then she said a strange thing. She
5 said there may be charges, and I thought being asked to be
6 put in protective custody, I couldn't figure that out where
7 you would have charges. Then she went onto say she wanted
8 my permission. This is the way she stressed it, for
9 autopsy, embalming, and cremation. And she went onto say I
10 don't need your permission for the autopsy, but the
11 cremation, and I was in shock.

12 And I said -- I think I said yes, and I got to thinking
13 I can't give my permission. I said his wife will have to
14 give permission. I said I can't give permission. That is
15 something for his wife to do, and I said I will get in touch
16 with his brother. I didn't say Jesse. I didn't call no
17 name and have him to break the news to Carmen and help her
18 make arrangements. And she got -- her voice got very
19 shrilled, how women do when they get nervous. He doesn't
20 have a brother, in that tone of voice. I said he has a
21 brother. He has two brothers and one sister. The first
22 time she said he doesn't have a brother, I said he has a
23 brother. He has two brothers and one sister. And she went
24 on to say how sorry she was and if I needed her to call her
25 about it. And I took down her phone number, so I could call

DIRECT EXAMINATION OF WILMA TRENTADUE

1 and give it to Jesse.

2 Q. Did you talk to anyone at the Federal Transfer Center
3 after that date?

4 A. No, two people called me. One Jean Norris, I believe
5 her name was. She was working there at the transfer
6 center. She called after several days and that was after I
7 told her Carmen, his wife, would have to give permission.
8 She says when are you going to have the body brought home in
9 a very nasty sort of hateful way. And I told her his wife
10 is making arrangements. And then another lady called a
11 Teresa Sanders. She was asking if there was anything she
12 could do for me. She would work with the chaplain.

13 Q. When did the body come home?

14 A. It came home -- it was about -- it was on a Saturday or
15 Sunday, I think, because we had burial services on the 28th,
16 if I remember correctly. Not burial services, funeral
17 services. It was around the 28th and about the 26th or 27th
18 is when they sent him home.

19 Q. Between the time you found out about Kenneth's death and
20 the time the body came home, did anyone tell you that he had
21 been injured in anyway?

22 A. No, when we went to the funeral home waiting for his
23 body, we looked around and picked out coffins and things,
24 and we took his favorite shirt with us to put on him. We
25 thought we would have to do that. And then it was about an

DIRECT EXAMINATION OF WILMA TRENTADUE

1 hour before his body came from the airport.

2 MR. BARON: Excuse me. Could we approach for
3 moment?

4 THE COURT: Yes.

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

7 MR. BARON: Your Honor, reluctantly, I'm going to
8 have to move to strike a lot of this hearsay testimony as
9 regards to conversation with Ms. Carter and other people at
10 the Federal Transfer Center as it would relate to Mr. Lee.
11 It would be both hearsay and irrelevant to any claims
12 against Mr. Lee, and I ask the jury to be instructed to
13 disregard. Also Mr. Sampson now is going into the funeral
14 services.

15 MR. SAMPSON: I am finished.

16 MR. BARON: That's it.

17 THE COURT: Why didn't you object when it was being
18 offered?

19 MR. BARON: She had the answer out before I could
20 get to my feet.

21 MR. SAMPSON: I didn't intend that.

22 THE COURT: I mean we went through Ms. Carter and
23 several others.

24 MR. BARON: I was trying to get to a point and do
25 it logistically..

CROSS-EXAMINATION OF WILMA TRENTADUE

1 THE COURT: I probably would have sustained. I
2 don't see anything else being prejudicial, but I am going to
3 overrule.

4 MR. HANDLER: The United States did make a hearsay
5 objection to that also.

6 THE COURT: I overruled it.

7 MR. HANDLER: I understand. If he is going to ask
8 her about the injuries, we would object to that.

9 MR. SAMPSON: He said he is through. I wanted to
10 end it right here. Okay.

11 (THE FOLLOWING PROCEEDINGS WERE HAD IN OPEN COURT, WITH
12 ALL PARTIES AND COUNSEL PRESENT, AND WITHIN THE PRESENCE AND
13 HEARING OF THE JURY.)

14 MR. SAMPSON: Pass the witness, Your Honor.

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

16 Q. (BY MR. HANDLER) Mrs. Trentadue, on August 20, when you
17 received the call from Kenneth, what was your telephone
18 number at that time?

19 A. What was my telephone number?

20 Q. Yes, ma'am.

21 A. It is same as it is now. Do I have to give it out? Do
22 you want me to give it now?

23 Q. Yes, please.

24 A. (714)892-0047.

25 Q. You testified on direct that when Kenneth called you, he

CROSS-EXAMINATION OF WILMA TRENTADUE.

1 asked -- he wanted Donna to get his papers, those are parole
2 papers?

3 A. I imagine so or some papers of dates and things like
4 that.

5 Q. And Donna lived near you at that time?

6 A. Two houses below.

7 Q. And Kenneth new were Donna lived, of course?

8 A. Yes.

9 Q. And he also knew Donna's telephone number?

10 A. Yes.

11 Q. Isn't it true that Kenneth called Donna the day before
12 on August 19?

13 A. He called her and Jesse and -- yes, it's true and this
14 was on Sunday morning 9:00 to 10:00 11:00 to 12:00 Oklahoma
15 that he called and started talking and I had been down to
16 Donna's the night before Saturday and she was telling me
17 about his call. And I said I didn't hear from him and I
18 hadn't that Saturday, but Sunday.

19 Q. If I understand you correctly, on August 19, Kenneth
20 called Donna, his sister, and then on the 20th he called you
21 and he wanted you to ask Donna to get him some parole
22 papers; is that correct?

23 A. He said remind her because he had talked to her about it
24 when he called and you know -- to make sure because he said
25 when -- as soon as he found out where he was going because

CROSS-EXAMINATION OF WILMA TRENTADUE

1 he was going to be coming up before the board shortly, you
2 know.

3 Q. Isn't it also true on that same day that you received
4 the call from Kenneth you did not tell Donna that Kenneth
5 had called?

6 A. She came up to the house and I started to tell her and
7 she said she and her husband were cleaning out the garage
8 because he worked on Saturday and the only chance they had
9 was on Sunday and she brought me chilly for lunch and she
10 said I will talk to you later and I thought -- I wasn't -- I
11 was upset how the call came through, but I didn't know what
12 it mean and since he was in the transfer center, I thought
13 we will maybe it was something he had to hurry off to to
14 do. I wasn't worried like we thought he would be safe there
15 and then Monday morning she was the first one I called after
16 the acting warden called me.

17 Q. Now, I believe you also testified on direct that after
18 Kenneth was arrested down by the border he went to Phoenix;
19 isn't that correct?

20 A. No, he was in San Diego for two months. When they got
21 ready to take them to Phoenix, they stopped Phoenix for a
22 night. I guess they picked up other convicts there and come
23 to Oklahoma Transfer Center.

24 Q. Isn't it possible that the call you believe happened on
25 August 20th that you are confusing that call with the call

CROSS-EXAMINATION OF WILMA TRENTADUE

1 you received from Kenneth down in San Diego jail or in
2 Phoenix?

3 A. No, he always reversed the charges, and I remember what
4 I was doing because I had finished breakfast, I cleaned the
5 dishes and I was wiping off the counters and the phone was
6 right above the counter where I was wiping, and it rang one
7 time and I reached up and answered it. And I remember at
8 the time I was expecting him when he started talking for an
9 operator to say if I would accept the charges, but he just
10 started talking. And I didn't think too much of it. It was
11 strange because I thought he would be safe there. I didn't
12 know he was in danger. It sort of bothered me why, but I
13 didn't -- you know I didn't --

14 MR. HANDLER: Pass the witness, Your Honor.

15 THE COURT: Mr. Baron?

16 MR. BARON: No questions, Your Honor.

17 THE COURT: Anything further, Mr. Sampson?

18 MR. SAMPSON: No, Your Honor.

19 THE COURT: Mrs. Trentadue, you may step down and
20 retake your seat. Watch out for that mike.

21 (WITNESS EXCUSED.)

22 THE COURT: Call your next witness.

23 MR. SAMPSON: Donna Trentadue.

24 DONNA TRENTADUE SWEENEY,

25 having been first duly sworn to tell the truth, the whole

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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 11, 2000
JURY TRIAL
VOLUME XVI

BEFORE THE HONORABLE TIM LEONARD,
JUDGE PRESIDING

A P P E A R A N C E S

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DIRECT EXAMINATION OF WILMA TRENTADUE (OUTSIDE JURY)

1 A. That's true. I have depended on my family and my faith
2 and the Almighty.

3 MR. HANDLER: Thank you very much.

4 THE COURT: Anything else, Mr. Sampson?

5 MR. SAMPSON: Nothing further.

6 THE COURT: Mrs. Sweeney, you may step down.

7 THE WITNESS: Thank you, Your Honor.

8 (WITNESS EXCUSED.)

9 THE COURT: Ms. Trentadue, you were previously
10 sworn when you testified and you are under the same oath.

11 THE WITNESS: Sure; thank you.

12 WILMA TRENTADUE,

13 recalled, having been previously sworn to tell the truth,
14 the whole truth and nothing but the truth, testified as
15 follows:

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

17 Q. (BY MR. SAMPSON) Mrs. Trentadue, you have helped your
18 son, and your daughter, both sons and your daughter and your
19 daughter-in-law try to get to the bottom of what happened to
20 Kenneth, haven't you?

21 A. Yes.

22 Q. Tell the Court, if you will, how that has effected your
23 life not knowing.

24 A. Well, at the beginning, we thought if they showed the
25 evidence and where his body had been beaten that they would

DIRECT EXAMINATION OF WILMA TRENTADUE (OUTSIDE JURY)

1 take care of it and it would soon be over, but it just went
2 on and on and on. And my husband was still ill at the
3 time. He later died, and we just wanted justice, you know,
4 the truth. That's what we wanted.

5 Q. Mrs. Trentadue, did you help in having t-shirts made?

6 A. Yes.

7 Q. Let me show you what has been marked as Plaintiffs'
8 Exhibit No. 385, and I have shown it to Defense Counsel.
9 What is Plaintiffs' Exhibit 385?

10 A. This is the shirt I wore when we would go out and make
11 -- oh, I am sorry.

12 MR. SAMPSON: May I approach? I think we lost our
13 wind screen.

14 THE COURT: You may approach.

15 Q. (BY MR. SAMPSON) This is a t-shirt. You wore that
16 shirt?

17 A. Yes.

18 Q. Where did you wear it?

19 A. Washington, D.C., Oklahoma, different places.

20 Q. Why did you wear it?

21 A. Because look at this. It looks like marks on his face.
22 When I saw his wrist, he had like he had been put in
23 shackles, and then he had those three injuries on his head,
24 and he even had bruises on the back of his feet -- I mean on
25 his feet -- bottoms of his feet, I meant to say.

DIRECT EXAMINATION OF WILMA TRENTADUE (OUTSIDE JURY)

1 Q. You wore the t-shirt in Washington, D.C. Oklahoma City,
2 and other places; have you not?

3 A. Yes, I did. I wore one t-shirt in front of the FBI
4 building.

5 Q. That was to try and get people's attention?

6 A. Yes.

7 Q. Mrs. Trentadue, tell the Court how this effects -- the
8 inability to find out what happened to Kenneth effects your
9 everyday life?

10 A. It just makes stress because you can't seem to get any
11 answers from anybody. If they had all the evidence and
12 showed it and showed the truth that he did kill himself,
13 then we could accept it. I could accept it. And I have
14 been stressed out, you know, with my husband's death, and
15 later I developed diabetes and that didn't help any.

16 Q. Mrs. Trentadue, what effect did it have on your husband
17 Jesse, the inability to find out what happened to his son
18 Kenny?

19 A. He wasn't able to go with us, but he wanted. He was
20 very ill, and he just seemed like he got worse after that.

21 Q. Did he talk to you about it?

22 A. Yes.

23 Q. Talk about the government?

24 A. He thought -- he figured we wouldn't get any results,
25 you know.

CROSS-EXAMINATION OF WILMA TRENTADUE (OUTSIDE JURY)

1 Q. Just kind of wrote it off?

2 A. Yeah, he thought like all people say, you're wasting
3 your time. But if I believe in anything, I'll fight to the
4 finish about it.

5 Q. You think you wasted your time?

6 A. No, I don't; I don't.

7 Q. Are you going to quit until you find out?

8 A. Pardon?

9 Q. Are you going to quit doing this until you find out?

10 A. No.

11 Q. Never going to quit?

12 A. No.

13 MR. SAMPSON: I don't have anything further for
14 Mrs. Trentadue.

15 THE COURT: Mr. Handler?

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

17 Q. (BY MR. HANDLER) Mrs. Trentadue, prior to Kenneth's
18 death, your husband had black lung?

19 A. Yes, heart and diabetes.

20 Q. As a result of those illnesses of your husband that
21 caused you to be sad and depressed; is that correct?

22 A. Well, I was sad that he was ill, but at the time he
23 wasn't as bad as he got later. He could go and drive a car
24 and things like that, and he just later he got so he
25 couldn't mostly stay and use the machine that give him

REDIRECT EXAMINATION OF WILMA TRENTADUE (OUTSIDE JURY)

1 oxygen machine.

2 Q. But it's fair to state that prior to Ken's death in
3 1995, you had depression as a result of your husband's
4 illness; is that right?

5 A. I didn't like that my husband was ill, but what really
6 upset me about Kenneth if the evidence had been shown and
7 the cell had been checked and investigated before it was
8 cleaned, then I could accept it, but Kenneth's death made it
9 worse.

10 MR. HANDLER: Move to strike the last answer as
11 nonresponsive.

12 THE COURT: Be overruled.

13 MR. HANDLER: Pass the witness.

14 RECT EXAMINATION

15 Q. (BY MR. SAMPSON) Mrs. Trentadue, was your husband a
16 member of the military?

17 A. Yes, he was.

18 Q. Fought in World War II?

19 A. Yes.

20 MR. HANDLER: Objection, Your Honor, beyond the
21 scope of cross.

22 THE COURT: I'm not sure of the relevance.

23 MR. SAMPSON: Actually, Your Honor, I forgot the
24 estate of Mr. Trentadue is in it, and may not be relevant,
25 and I withdraw it. Thank you.