

1 IN THE UNITED STATES DISTRICT COURT
 2 FOR THE WESTERN DISTRICT OF OKLAHOMA
 3 ESTATE OF KENNETH MICHAEL)
 4 TRENTADUE, by and through its)
 5 Personal Representative, CARMEN)
 6 AGUILAR TRENTADUE; VITO MIGUEL)
 7 TRENTADUE, a minor, by and)
 8 through his guardian ad litem,)
 9 CARMEN AGUILAR TRENTADUE;)
 10 CARMEN AGUILAR TRENTADUE,)
 11 individually, and as Personal)
 12 Representative for THE ESTATE)
 13 OF KENNETH MICHAEL TRENTADUE,)
 14 and guardian ad litem for VITO)
 15 MIGUEL TRENTADUE; WILMA LOU)
 16 TRENTADUE; JESSE JAMES)
 17 TRENTADUE; DONNA TRENTADUE)
 18 SWEENEY; LEE FREDERICK)
 19 TRENTADUE; AND JESSE CARL)
 20 TRENTADUE,)
 21 Plaintiffs)
 22 -vs-) No. CIV-97-849-L
 23 UNITED STATES OF AMERICA;)
 24 UNITED STATES DEPARTMENT OF)
 25 JUSTICE; FEDERAL BUREAU OF)
 PRISONS; FEDERAL BUREAU OF)
 INVESTIGATION; KATHLEEN M. HAWK)
 WALLACE H. CHENEY; CHARLES)
 TURNBO; MICHAEL D. HOOD; ROBERT)
 GUZIK; THOMAS R. KINDT; MARIE)
 J. CARTER; KENNETH FREEMAN;)
 STUART LEE; RODNEY DE)
 CHAMPLAIN; BRYAN DONNELLY;)
 CARLOS MIER; JOHN DOES 1)
 THROUGH 10; AND JANE DOES 1)
 THROUGH 4,)
 Defendants.)
 DEPOSITION OF ALDEN GILLIS BAKER
 TAKEN ON BEHALF OF THE PLAINTIFFS
 IN FLORENCE, COLORADO
 ON NOVEMBER 13, 1998
 REPORTED BY: FREDDY D. LEGGETT, CSR

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1 STIPULATIONS

2

3 It is hereby stipulated and agreed by and
4 between the parties hereto, through their
5 respective attorneys, that the deposition of Alden
6 Gillis Baker may be taken on behalf of the
7 Plaintiffs, on November 13, 1998, in Florence,
8 Colorado, by Freddy D. Leggett, Certified
9 Shorthand Reporter and Notary Public within and
10 for the State of Oklahoma, pursuant to agreement.

11 It is further stipulated and agreed by
12 and between the parties hereto, through their
13 respective attorneys that the deposition shall be
14 taken pursuant to the Federal Rules of Civil
15 Procedure.

16 It is further stipulated and agreed by
17 and between the parties hereto, through their
18 respective attorneys, that the time of filing of
19 this deposition is expressly waived.

20

21

1 MR. SCHLOSSMAN: Inform me of how
2 long Mr. Adams and Mr. Sampson were with Mr. Baker
3 before the start of the deposition. I'd like to
4 put that on the record.

5 MR. SAMPSON: We were with Mr. Baker
6 for approximately ten to fifteen minutes before
7 the deposition.

8 MR. SCHLOSSMAN: I'm having a hard
9 time hearing you.

10 MR. SAMPSON: Okay. Well, listen
11 carefully, then. We're doing the best we can --

12 MR. SCHLOSSMAN: Okay.

13 MR. SAMPSON: -- with the facilities
14 that we have.

15 MS. TIMS: Sheila Tims for Marie
16 Carter.

17 MS. GOOCH: And Ambre Gooch for
18 Carlos Mier, both in Oklahoma City, by phone.

19 MR. TILL: This is Peter Till from
20 Short Hills, New Jersey, for the defendant Rodney
21 DeChamplain.

22 MR. SAMPSON: Has Mr. Baker been
23 sworn?

24 THE REPORTER: Yes.

25 DIRECT EXAMINATION

1 ALDEN GILLIS BAKER

2 of lawful age, being first duly sworn, deposes and
3 says in reply to the questions propounded as
4 follows:

5

6 MR. SCHLOSSMAN: I would like
7 everyone in the room to identify themselves for
8 the record.

9 MR. SAMPSON: Chuck Sampson and
10 Scott Adams appearing on behalf of the plaintiffs.

11 MR. BARON: Robert Baron appearing
12 on behalf of Stuart Lee.

13 MR. NANCE: Barry Nance for the
14 defendant Kenneth Freeman.

15 MR. READ: Tom Read, Bureau of
16 Prisons, Jenifer Grundy from the Bureau of Prisons
17 is also present in the room, as is the court
18 reporter, and the deponent, all in the United
19 States Penitentiary in Florence, Colorado.

20 MR. SCHLOSSMAN: Peter Schlossman
21 for the Government in Washington, D.C., by
22 telephone. I am having difficulty hearing. So
23 I don't know if we can move the phone up.

24 MR. SAMPSON: It's as close as it
25 can get, Peter.

1 BY MR. SAMPSON:

2 Q Would you state your full name,
3 Mr. Baker.

4 A Alden Gillis Baker.

5 Q And you're currently incarcerated at USP
6 Florence?

7 A Yes, I am.

8 Q How old are you, Mr. Baker.

9 A Forty-three or forty-four.

10 Q Are you on any medications today?

11 A I'm not on any medications today, but --

12 MR. SCHLOSSMAN: I'm going to jump
13 in here for a second.

14 Tom, can you -- is the phone by
15 Mr. Baker?

16 MR. ADAMS: Yes.

17 MR. READ: Yes, it is, Peter. It's
18 as close as we can get it to him.

19 MR. ADAMS: Go ahead, Mr. Baker.

20 Q (By Mr. Sampson) Go ahead.

21 You're not on any medications today?

22 A As of today, no, sir.

23 Q Mr. Baker, we're here on the Trentadue
24 murder case. Have you read anything in
25 Gentlemen's Quarterly or seen a Dateline program

1 about the Trentadue murder case?

2 A No, I have not.

3 Q Have you read any newspaper articles or
4 seen any news broadcasts about the Trentadue
5 murder case?

6 A No, I can't say that I have.

7 Q Have you received any documents from
8 Jesse Trentadue concerning the murder of his
9 brother?

10 A The only document that I received was
11 this document here, if you want to call it a
12 document.

13 MR. SCHLOSSMAN: Can anyone else on
14 the telephone hear a single thing that Mr. Baker
15 is saying?

16 MR. TILL: I can hardly hear it.

17 MS. TIMS: We can hear it.

18 MR. SAMPSON: We're doing the best
19 we can. There's nothing else we can do. You have
20 counsel here, Peter. We're going to get through
21 this and get on our way. I'll speak as loudly as
22 I can, and we have a good court reporter here. So
23 hopefully, there will be a good transcript.

24 Q (By Mr. Sampson) Mr. Baker, the
25 question was: Have you seen any newspaper

1 should do is read off of some of the things that
2 will refresh -- you know, you're talking about
3 like four and a half years or something, or four
4 years -- to give you an idea what actually took
5 place or what I, you know --

6 Q Fair enough, Mr. Baker. Do you have
7 written documents that will refresh your
8 recollection concerning what happened on the night
9 of the 20th and the morning of the 21st of August
10 1995?

11 A Yes, I do.

12 Q May I mark those as an exhibit?

13 A Yes.

14 Q And then you can read from those.

15 MR. SCHLOSSMAN: Chuck, could you
16 explain to me what documents you're talking about
17 right now?

18 MR. SAMPSON: We have two documents
19 that are handwritten by Mr. Baker that he brought
20 to the deposition here today.

21 MR. SCHLOSSMAN: Okay.

22 MR. SAMPSON: So we will mark the
23 first one as Exhibit 112.

24 (Deposition Exhibit Nos. 111, 112
25 And 113 marked for identification

1 articles or any newscasts concerning the -- no,
2 that wasn't the question.

3 The question was: Have you received any
4 correspondence from Jesse Trentadue?

5 A No, I have not.

6 MR. SCHLOSSMAN: That's better.
7 Thanks.

8 Q (By Mr. Sampson) Mr. Baker, on the
9 morning of August 21, 1995, the plaintiffs allege
10 that Kenneth Trentadue was murdered by Bureau of
11 Prisons guards in Cell 709A at the Federal
12 Transfer Center in Oklahoma City, Oklahoma. Were
13 you at the Federal Transfer Center that day?

14 A Yes, sir, I was.

15 Q Were you housed on the seventh floor,
16 Special Housing Unit, that day?

17 A Yes, sir, I was.

18 Q Do you recall what cell you were in on
19 the 20th and 21st of August 1995?

20 A I was in three different cells.

21 Q Will you describe for the record the
22 first cell you were in and then describe how you
23 were moved and when you were moved.

24 A Maybe -- you know, I want to try to do
25 this the right way. But I think maybe what I

1 and made part of the record)

2 MR. SCHLOSSMAN: Hello.

3 MR. SAMPSON: We're here.

4 MR. ADAMS: We're marking them.

5 Q (By Mr. Sampson) Mr. Baker, I've
6 handed you two sheets of legal yellow paper marked
7 as Exhibit 112 to your deposition. Can you
8 identify that document? What is it?

9 A It's something that I tried to put in
10 words, as best I could, of what I remember.

11 Q When did you do that? When did you
12 prepare that document?

13 A At 2:00 this morning.

14 Q Does that document help refresh your
15 recollection as to the events of August 20 and
16 August 21, 1995, at the seventh floor of the
17 Federal Transfer Center in Oklahoma City?

18 A Yes, sir, it does.

19 Q Using that document to refresh your
20 recollection, will you tell us what you recall
21 having occurred on August 20 and August 21, 1995,
22 on the seventh floor of the Federal Transfer
23 Center.

24 A You know, I'll do that, yeah. But, you
25 know, how about the rest of the things that

1 happened as I passed through the second time when
 2 I was in FTC? Are we going to cover that, too?
 3 Q I will cover that next.
 4 A Do you just want me to go ahead and read
 5 what I put in my own words here?
 6 Q I would like you to tell me what you
 7 recall and refer to that document if you need to
 8 to refresh your recollection. But you may read it
 9 if you want to. Either document, 112 or 113.
 10 Now, I'm going to ask you about 113.
 11 Did you prepare that document?
 12 A Yes.
 13 MR. SCHLOSSMAN: Chuck, I would ask
 14 for a five-minute recess, if I could.
 15 MR. SAMPSON: No. We've only been
 16 going -- I want to get through this initial
 17 section.
 18 MR. SCHLOSSMAN: I can't hear a
 19 thing. It's a little more important that I hear
 20 this than any inconvenience that would be
 21 occasioned by a five-minute recess.
 22 MR. SAMPSON: I want to introduce
 23 this document.
 24 MR. SCHLOSSMAN: I'm going to ask
 25 that we take a five-minute recess.

1 MR. SAMPSON: I'm going to have this
 2 document authenticated, and we will take a
 3 five-minute recess.
 4 MR. SCHLOSSMAN: Okay.
 5 Q (By Mr. Sampson) What is Exhibit 113,
 6 Mr. Baker?
 7 A Exhibit 113 is some of my random
 8 thoughts that I put on paper this morning that
 9 I -- you know, just -- I put down some things that
 10 I remember the most.
 11 Q Now, Mr. Baker, Exhibits 112 and 113
 12 constitute a written record of your recollection
 13 of the events of August 20 and August 21, 1995.
 14 A That's correct.
 15 MR. SAMPSON: Do you want to take
 16 your five-minute recess now, Peter?
 17 MR. SCHLOSSMAN: Thank you, Chuck.
 18 Tom, could you pick up the phone?
 19 MR. READ: Yes. I'm here.
 20 THE WITNESS: When I first became
 21 aware of this, I was in Leavenworth penitentiary.
 22 And when FBI -- Mr. Linn, I think was his
 23 name. I'm not really sure.
 24 MR. SAMPSON: Thomas Linn? Does
 25 that --

1 THE WITNESS: Right. That had came
 2 to see me.
 3 MR. READ: Are we still on the
 4 record?
 5 MR. SAMPSON: We're on the record.
 6 MR. ADAMS: Yes, we're on the
 7 record.
 8 MR. BARON: We have not gone off the
 9 record.
 10 MR. ADAMS: We're still on the
 11 record.
 12 MR. READ: Hang on. Peter, Peter.
 13 I thought we were on recess. They're still on the
 14 record.
 15 MR. ADAMS: Well, we are, but
 16 Mr. Baker was --
 17 THE WITNESS: I'm sorry.
 18 MR. ADAMS: I think it's something
 19 we want on the record.
 20 MR. READ: I thought we had taken
 21 the five-minute recess.
 22 MR. SAMPSON: I'm not asking
 23 questions.
 24 MR. ADAMS: We're not asking
 25 questions. He's making a statement.

1 THE WITNESS: I won't make a
 2 statement.
 3 MR. READ: They weren't asking
 4 questions. But Mr. Baker was making a statement,
 5 and that was going on the record, and I didn't
 6 even hear what it was because I was listening to
 7 you guys.
 8 Can we go off the record?
 9 MR. BARON: Anything that is --
 10 THE WITNESS: Actually, this doesn't
 11 have anything to do with the Trentadue, other than
 12 the I-70 killings that I was being investigated on
 13 in Leavenworth for two and a half years.
 14 MR. ADAMS: We're going to get to
 15 all that, too. We're going to talk to you about
 16 all that kind of stuff.
 17 THE WITNESS: I never knew
 18 Trentadue -- well, I'm not even going to say that.
 19 Let me say that the reason I felt that I was safe
 20 in this whole predicament was because --
 21 MR. SCHLOSSMAN: Hello.
 22 MS. TIMS: Hello.
 23 MR. ADAMS: Go ahead.
 24 THE WITNESS: -- I was being
 25 investigated for the I-70 killings; and when I

1 found out that they tried to stick me in the cell
2 with Mr. Trentadue, I confessed to thirteen other
3 armed robberies in five different states to get
4 out of this system to get ahold of these people.

5 MR. SCHLOSSMAN: Are you on the
6 record now?

7 MR. READ: Yes, they are now.

8
9 Q (By Mr. Sampson) Go ahead and finish
10 your statement, Mr. Baker, while we're waiting
11 for --

12 A And I think that -- I don't even know if
13 you have pictures that the FBI took of me from the
14 waist down of -- bare shot pictures of my hands
15 and everything like that there, but --

16 Q Do you know why they took those pictures
17 of you?

18 A The understanding that I got when they
19 called me from my job was -- I went downstairs and
20 I was talking to an FBI agent. And this FBI agent
21 informed me that I was being investigated -- or
22 there was an investigation being conducted over a
23 murder that happened or a suicide that happened in
24 FTC while I was there.

25 MR. READ: We're all here.

1 and -- after he had talked with me --

2 Q (By Mr. Sampson) Is this at Oklahoma
3 City?

4 A This was at Leavenworth penitentiary.

5 Q Okay.

6 A And it was two gentlemen that was locked
7 up -- they had a lockdown going on -- and they
8 seen me. And my nickname is Monk. Everybody
9 calls me Monk because I stay to myself all the
10 time. And they says, "Monk, what's happening with
11 you?" Because they noticed the FBI agent that had
12 come to see me.

13 And I says, "Man, you're got going to
14 believe this. You know, this is unbelievable."
15 And I went on to tell them in detail of how this
16 guy tried to say that -- he tried to involve me
17 that I had something to do with this man being
18 hurt.

19 And they says, "You're talking about the
20 Mr. Trentadue killing."

21 I says, "Yeah." I says --

22 And I retract one statement where I says
23 that I don't remember anything about it. I then
24 from then on knew through these people that knew
25 of this taking place of this man -- whatever they

1 MS. TIMS: Okay.

2 MR. ADAMS: Just keep going,
3 Mr. Baker.

4 THE WITNESS: And into the
5 interview, he was reading things about where I
6 was, where I was supposed to have been, the
7 medications that they had already -- that I had
8 been taking.

9 And he started reading a report that
10 basically was saying that the people in FTC was
11 trying to involve me. And this is where I stopped
12 him. And I think I said something -- I says,
13 "Wait a minute. You're saying to me is that I had
14 something to do with this man being hurt."

15 And his exact words was, "Basically
16 that's what it was."

17 And I said, "No, that's not true."

18 And I went on to tell him how I've
19 been single celled, black boxed, high security.
20 On the seventh floor, nobody that I knew of had
21 ever been double celled anywhere.

22 And I guess after I told him all
23 this and that there, I still didn't know anything
24 about this. It was neither here or there to me.

25 I was coming up out of the SIS,

1 say happened to this individual.

2 And they went on to have me --

3 Del Raney, which is a very good
4 gentleman. He's been down for thirty-three years,
5 is a real good writ lawyer. And we get together
6 and we converse law and we talk and everything.

7 He says, "Monk, maybe what you should do
8 is put in your own words what happened and sign a
9 document to that, and we'll send it out."

10 And that's what we did. And it went to
11 somewhere in Salt Lake City, Utah, to a Mr. Jesse
12 Trentadue.

13 Q That's where it was addressed, to
14 Mr. Trentadue?

15 A Someone had an address that went to him.

16 And the -- nothing ever prevailed from
17 it. Okay? And I just simply forgot about it, you
18 know.

19 I didn't ever forget about what I seen.

20 Q When did you send this? Do you remember
21 what year you sent these documents?

22 A Well, whenever the person come and
23 interviewed me. I'm sure they have a
24 documentation of it.

25 Q When the FBI came?

1 A I want to say '96, but I'm not really
2 sure, you know.

3 Q Go ahead. I didn't mean to interrupt.

4 A No. And when that happened, you know,
5 at the same time this was going on, they were
6 investigating me of the I-70 killings that
7 happened in Indiana, Missouri, and in Kansas.

8 And I think that there was so much
9 conflict of these FBI and these Profiler people
10 coming and seeing me that everybody was up in the
11 air about what to do with Mr. Baker.

12 And by me staying to myself -- and I
13 sort of seen the way things was happening when I
14 talked with this FBI agent. And I didn't think
15 that it was looking good for me where -- I mean,
16 it don't take a whole lot of ESP to see what
17 this --

18 I don't know what that man said to you
19 or if you've got a tape of it or whatever. And I
20 know that by me being, you know, a convict, a
21 murderer, or what they claim or whatever, my word
22 is not really nothing. But that's not here nor
23 there.

24 I'm here to say what I feel what this
25 man was implying. This man was implying that he

1 when I first went there.

2 And the reason I knew that, because I
3 smoked and somebody had some tobacco under the
4 pillow. And that was the room I was in.

5 You're given fifteen minutes or whatever
6 it is, an hour, or whatever it is, whatever they
7 want to give you, into a holding pen where you go,
8 and you're separate from everyone else. And
9 that's where I met a man named Mr. Trentadue.

10 The only reason that this man sticks out
11 in my mind from that point was because he was from
12 California. And I used to train horses in Los
13 Alamitos. And I've been to California. And he
14 was from California. And that's how I knew he was
15 from California. And that's all.

16 When I was taken back, I was taken to
17 the cell that I had came out of. And over a
18 period of maybe a couple of hours or something, I
19 was taken to another cell.

20 They got name tags that they put on your
21 door of saying who you are, where you're at, and
22 where you're going, I guess. I don't know. And
23 they took my name tag off and they took me down to
24 the hall to --

25 The way that this is located here --

1 wanted me to say that I had something to do with
2 the Trentadue killing.

3 Q Did you?

4 A No, I didn't.

5 Q Do you know how it happened?

6 A Do you want me to go on and -- I'm going
7 to go back to the night -- and I'm not really sure
8 of the times because the medication --

9 That's why I would like to have my
10 medical records looked at, because of the
11 medications that I've been on. I'm sure that, you
12 know, that will testify to itself that -- I can
13 remember seeing things, but I cannot remember
14 actual times sometimes. And the medication that
15 I've been on, sometimes my thoughts run random.
16 And I don't mean to do that, but I'll try to bring
17 you back to where -- you know, actually took
18 place.

19 But let's go back to the night -- no,
20 no. Let's start the day that me and Mr. Trentadue
21 met.

22 Q Okay. Let's start there.

23 A I remember when I was taken on the
24 seventh floor, I was placed in a cell, which I
25 never knew the number, which now I knew was 709,

1 MR. ADAMS: And let me mark that.

2 MR. SAMPSON: It has been marked as
3 111.

4 Q (By Mr. Sampson) You have that in front
5 of you now. Let me orient you to -- Exhibit 111
6 is a depiction of the Pod A, Pod B, and Pod C of
7 the seventh floor SHU unit.

8 I have another copy with some
9 highlighting on it. And Cell 709A is marked on
10 the original of Exhibit 111. So if you would like
11 to create your own markings on there to show us
12 which cell you were taken to --

13 A I don't know what cell I was taken to,
14 but I knew that I was taken down a corridor and
15 put in a cell where I could see down the hallway.
16 So -- it was the furthest from there. So I would
17 say it was one of these two cells here.

18 Q Will you just put an X --

19 A When they took me to this cell, they
20 took my handcuffs off. And you have to reach your
21 hands out the slot. And the man put my name tag
22 on the thing to take my cuffs off.

23 When he shut the bean hole, he did not
24 take the tag off of the slot, and the name tag
25 fell in there.

1 Now, I was given some medication prior
 2 to that, which makes me rest. And I missed my
 3 foods and stuff like that there, which really
 4 didn't matter. But there was no name tag on the
 5 cell that I was in.

6 I was eventually moved from that, but
 7 that was like 2:00, 3:00 in the morning, somewhere
 8 around in the early morning before it started
 9 getting light. And I was taken to another section
 10 somewhere else.

11 Q Another pod --
 12 A Right.
 13 Q -- of the SHU unit?
 14 A Now, Mr. Trentadue -- sometime during
 15 the evening you're allowed to make phone calls.
 16 And I remember the voice of trying to get a phone
 17 to talk to his wife or something, or to make a
 18 phone call. And this went on for a period of time
 19 when the guards come by.

20 They knew that I was in there. They had
 21 to know I was in there. I mean, I never knowed
 22 them to look in the cell to see me in there, but,
 23 you know, I'm sure they knew I was in this cell.
 24 I mean, there was other people there, too. You
 25 know, you can hear them talking and stuff like

1 that there.

2 Q From your cell where they moved you, the
 3 second cell you were in, you could see down the
 4 hallway toward 709A?
 5 A I could see down the corridor to the
 6 other end, to the other corner.

7 Q Okay.
 8 A I'll tell you what. Let me just go
 9 ahead and read this.

10 Q Go ahead and read it.
 11 A This is what I wrote last night, I put
 12 together in a little bit of my words here.

13 Q You're reading 112, the yellow --
 14 A Okay.

15 "Mr. Trentadue actually wanted to call
 16 his wife to find out if she was well." And I
 17 guess, you know, about a baby or something like
 18 that there.

19 "The officer, as I recall, was being
 20 very indignant and erratic. And this had
 21 escalated to an ugly type of situation to where
 22 there was words exchanged between an inmate and an
 23 officer. I think at some point, Mr. Trentadue was
 24 told to cuff up."
 25 Now, usually when you have a situation

1 where -- in this hate factor kind of a system
 2 here, where you have officers that take their job
 3 to a limit more beyond a limit, what they -- you
 4 know, it doesn't matter if you're right or wrong
 5 in some instances.

6 But anyway, the man was told to cuff up,
 7 I believe. And he never cuffed up.

8 And somewhere during that time there,
 9 you have people come in suits. And what they do
 10 is they're trained to stand by the door holding to
 11 each other's back to rush into the cell to bring
 12 you out bodily.

13 Q Now, what kind of suits are you talking
 14 about? Body armor with helmets and --
 15 A We call them goon suits. But actually,
 16 I guess the exact word would be the sort of
 17 definition, the term of riot gear.

18 Q And there were three of these?
 19 A I'll say three or four because I really
 20 don't remember.

21 Q What happened next? What did you see
 22 next?
 23 A I didn't see anything. I heard.
 24 Q Okay.
 25 A I heard a lot of scuffling going on. I

1 heard a lot of beating going on, a lot of clashing
 2 going on. And over a period of time when a man is
 3 being hurt, you know, there gets to be a point to
 4 where there's a plead going on. And that's sort
 5 of what I heard.

6 And I remember a Native American. This
 7 is why I remember. Because when I went back the
 8 last time, I remember a Native American took me
 9 back up to the seventh floor. And I remember that
 10 this was a man that came out, was a Native
 11 American. I remember a name badge that come and
 12 got me and took me to another section of the
 13 floor.

14 I know at one point, I was not on the
 15 airport side. Then the next morning when I woke
 16 up -- or not when I woke up, but when I -- the
 17 lights I could see was like a runway. So I was in
 18 another section or the side of another building,
 19 on the same floor.

20 I don't know the man's name. But I
 21 memorized a D-e, like a French name, like a
 22 foreign name.

23 Q DeChamplain? Does that sound familiar?
 24 A Maybe if I could see the word. I don't
 25 know. But I remember a foreign name. I remember

1 a D-e, and a name goes beside it. A "D," a little
2 "e," and a capital letter. And I remembered that.
3 Because this man was really indignant to me.
4 That's why I remember that.

5 Q Was he one of the men that went in the
6 cell the night before? Did you see him go in that
7 cell?

8 A I seen three officers go in the cell
9 suited up. I seen an officer with a Native
10 American haircut, of an Indian. It looked like an
11 Indian to me.

12 Q Was he tall?

13 A When you say tall -- I would say maybe
14 about the size of that gentleman there or maybe
15 you. I mean, you know -- you know, I mean, not a
16 kind of a height that would stand out to be
17 really, really tall.

18 But I knew that this individual was in
19 there because I remember the ponytail. I remember
20 the Indian haircut.

21 Q Okay. What else?

22 A Okay. After the -- went on, there was
23 some -- you know, like when you have inmates
24 together and you have a beating going on like
25 that, or whatever, you're going to have some

1 faint moaning coming from down the corridor. And
2 it was like someone was moaning. I mean, like a
3 moaning sound, and which didn't last very long,
4 and then it stopped.

5 Now, somewhere along the line, the shift
6 changed. I remember some people coming by and
7 some people going back in the cell. Over a period
8 of time, I would say was a while there was some
9 ripping of -- like it sounded like sheets, or some
10 ripping sound. And I knew then something was
11 wrong, man, you know. I knew then something was
12 wrong.

13 But when they actually noticed me
14 standing away from the cell looking, that's when
15 this guy, this officer, the D-e that I remember on
16 the name tag, told me to cuff up and took me
17 somewhere else.

18 I knew that there --

19 I remember, too, before -- as it was
20 getting light, that there was a lot of movement on
21 the floor.

22 The part about "My mind is no longer my
23 friend" --

24 Q Yes.

25 A -- I can't say for sure, but I think

1 retaliation from people, you know. And you can
2 hear people in cells, you know, being indignant to
3 the people, telling them, you know, to get the
4 P.A., blah, blah, you know.

5 I don't want to really say what I really
6 want to say, but --

7 Q Did you hear the guard say, "Go get a
8 fucking P.A."?

9 A No, I don't remember that.

10 I remember -- this is what I remember.
11 I remember people coming out. I remember blood
12 all over them. I remember speckled blood on them.
13 I remember a man holding his face like this
14 (indicating) or something like that.

15 Q Can you describe what he looked like?

16 A It was a white officer. It was a white
17 officer.

18 Q He was holding his nose?

19 A He was holding his face under the
20 shield.

21 Q Okay.

22 A After everything quieted down -- and I
23 would say probably roughly about forty-five
24 minutes or so maybe. I don't know. You know, I'm
25 not really sure on time -- but you could hear a

1 somebody wrote that on the wall. And the reason I
2 say that is because when one of the officers came
3 out, his back was to me, but he was walking around
4 the other way, he was flipping a thing out. And I
5 thought I heard someone say like, you know, "Fuck
6 'em. "Let God sort them out," or something like
7 that. And I thought I heard an officer say, "Why
8 didn't you write that?"

9 Q Do you remember anything else,
10 Mr. Baker?

11 MR. SCHLOSSMAN: Chuck.

12 MR. SAMPSON: Yes.

13 MR. SCHLOSSMAN: It's Peter again.
14 I'm having some significant difficulties hearing.
15 Could I take another break and get on the phone
16 with Tom Read for just a minute or two?

17 MR. SAMPSON: Sure.

18 (Off the record)

19 Q (By Mr. Sampson) Mr. Baker, let me ask
20 you a couple of specific questions now.

21 When they moved you from Cell A709 to
22 the cell where your name tag fell down on the
23 floor, the magnetic tag, did you take all of your
24 personal belongings with you, your toothbrush,
25 your toothpaste?

1 A Yes, I did.
 2 Q That did go with you?
 3 A Yes, I did.
 4 Q Do you recall how long after you met
 5 Mr. Trentadue in the yard --
 6 MR. SCHLOSSMAN: I apologize. I
 7 can't hear anything.
 8 Q (By Mr. Sampson) Do you remember how
 9 long after you met Mr. Trentadue in the yard that
 10 you were taken to the new cell?
 11 A Roughly an hour or so maybe. I'm not
 12 sure of the time.
 13 Q After -- the records in this case show
 14 you were taken from the FTC on August 24th and
 15 taken to Leavenworth.
 16 Between the time you witnessed what you
 17 witnessed on the seventh floor with Mr. Trentadue
 18 and the time you left the FTC, did any employees
 19 of the FTC talk with you about what you saw?
 20 A Not then.
 21 Q When was the first time someone spoke
 22 with you about what happened at the FTC that
 23 night?
 24 A When the FBI people come and seen me.
 25 Q And that was at Leavenworth?

1 A Right.
 2 Q And they told you that you were being
 3 implicated or that you were being accused of
 4 having something to do with hurting Mr. Trentadue?
 5 A That's right.
 6 Q Did you tell the FBI what you've told us
 7 here today?
 8 A No, I did not.
 9 Q Why not?
 10 A Because at the time, I seen the way that
 11 it was going, and I didn't want to get involved
 12 with what really was going down.
 13 And then after I found out through
 14 people on the yard what actually happened to this
 15 man, I figured that I would come forward now and
 16 say what I wanted to say.
 17 But it goes a little bit deeper than
 18 that, I guess. You know, from being in the prison
 19 over the years and everything like that there, the
 20 way, you know, you're treated sometimes, it just
 21 takes a lot to try to find peace of mind, to not
 22 want to hate.
 23 Q When was the next -- and it was after
 24 that meeting that you wrote two documents to send
 25 to Mr. Jesse Trentadue?

1 A No. I never wrote them. I signed them.
 2 Q Okay. You signed them.
 3 A Right.
 4 Q They were written by Mr. Del --
 5 A Del Raney.
 6 Q And he wrote those based on what you
 7 told him, though?
 8 A Exactly right.
 9 Q And then you signed them and sent them
 10 to Jesse Trentadue or caused them to be sent to
 11 Jesse Trentadue?
 12 A I put them in the mail.
 13 Q When was the next time anyone spoke with
 14 you about the Trentadue matter?
 15 A The next time, a Mr. --
 16 Q Holland?
 17 A Yeah. Give me his card here.
 18 Q Yes. Here's his card.
 19 A It was a Mr. Holland. And he spoke with
 20 me here.
 21 But maybe I should back up a little bit.
 22 I was moved from Leavenworth for disciplinary
 23 reasons with an officer, with a confrontation I
 24 had with an officer there.
 25 And when I went back to FTC, I was

1 transferred to come here, I was taken back up on
 2 the seventh floor. This is where I really
 3 remembered the Indian guy because he was the one
 4 that took me up on the floor.
 5 Q And he had a ponytail?
 6 A Right. He had a ponytail then, and he
 7 had a ponytail a couple of years later.
 8 There was some things that -- I had had
 9 a run-in with an officer -- well, I didn't have a
 10 run-in, but I mean, it was just the way you're
 11 treated. And I said something to -- you know,
 12 like -- you know, like, "You beat this guy to
 13 death," because I know a little bit about now what
 14 was going on, and I knew that this guy died.
 15 And from the looks at him, you could
 16 tell that he never really hung himself, committed
 17 suicide. And from what I seen when he went in on
 18 him, I already knew --
 19 And I knew these people -- I knew these
 20 people was the cause of this man's death. And I
 21 couldn't hold it in. And I started running my
 22 mouth about it.
 23 And there was another gentleman that
 24 went there with me which is in this institution
 25 right now.

1 And as I started running my mouth, they
2 had some people come up on the floor and look in
3 my window and everything like that. And the
4 medication that they started giving to me, I never
5 ate. I would eat my bread or my fruit. I
6 wouldn't eat anything that was mixed because I
7 didn't know then how deep involved I was --
8 whatever mess I was in, you know, from running my
9 mouth.

10 And seven or eight days or six days or
11 seven days, in an afternoon, they had come to my
12 cell and told me to cuff up, that they had some
13 people out in the front that wanted to see me.

14 And I told this individual that was with
15 me -- you know, I says, "Look here, man. They're
16 taking me out of this cell. They don't have any
17 reason to take me out of this cell, not unless
18 they put me on a plane and transfer me or if I
19 want to go to recreation. Any other reason, they
20 would not have a reason to take me out of this
21 cell."

22 And I told him if something that I
23 didn't come back, it had to do with what happened
24 in this case that we're speaking of.

25 I was taken in the front to a

1 and interviewed the body.

2 The other person was -- he was a
3 detective of some kind.

4 Q That's what they claimed to be?

5 A That's what they claimed to be.

6 Q Now, did this occur at the FTC in
7 Oklahoma City or at Leavenworth?

8 A No. This occurred prior to me coming to
9 this institution here.

10 Q So at the FTC?

11 A That's correct.

12 Q Okay.

13 A And why I was in there, they were
14 showing me how a man could hang himself from two
15 feet -- from where the file cabinet was.

16 Now, I've cut my own throat. I pray for
17 death every night. So I mean, you know, like, you
18 know, if there was any kind of a way a man could
19 kill himself in that cell, I would find it. I
20 think that I would find it.

21 I mean, you know, if you look at my
22 pictures in my jacket, I mean, I've lost enough
23 blood in places where I actually should have been
24 dead already. I should have bled to death. And
25 that's what I wanted to do in the beginning,

1 lieutenant's office. And there was a gentleman
2 with a yellow and brown T-shirt that said
3 "Oklahoma City Sheriff's Department."

4 There was another gentleman there that
5 he had the same kind of shirt, but he had had it
6 open with a shirt over it.

7 In other words is what it made me to
8 look at when I went in, that these people were
9 from the Oklahoma City Sheriff's Department.
10 That's what anybody would -- I mean, you know.

11 Now I've been in front of enough FBI
12 agents to know as soon as you go in, the first
13 thing they do is they flash their credentials.
14 And these people never did that.

15 They started asking me about what I knew
16 and why I was running my mouth about this and
17 about that.

18 At that time, I says, "Well, you know --
19 I mean, you know, you killed this guy up here, you
20 know. You beat this guy to death, you know. And
21 I was running my mouth on that. And they were
22 laughing, blah, blah, blah.

23 The one man said that he was a medical
24 examiner and he actually seen the body and he was
25 the one from the police department that come up

1 anyway, you know. And it was utterly impossible.

2 Not only that, if they do give you a
3 razor blade to shave with up there, they look at
4 the blade when you give it to them and when you
5 take it back. Okay?

6 And they went on and went on and to a
7 point I says, "Look here, man. If I got anything
8 else to say, you know, take me back to my cell,
9 I'll say it if they ever take me in a court of
10 law."

11 And at that point, you know, I got up,
12 and the other officers that was out there escorted
13 me back to my cell.

14 And I told the individual -- I says,
15 "Man, you're not going to believe this here, man,
16 you know." And I got to talking about what I just
17 went through.

18 There's an old convict thing like if you
19 get moved out, you know, like, you know, sort of
20 have an answer for where you've been, what you
21 said. You know, I mean, that's an old convict
22 way. And it's always stuck with me.

23 Q You want to make sure the other people
24 know where you --

25 A Exactly right.

1 Well, about two or three days later --
 2 they push your food up on the floor. And I looked
 3 out the window. And I'm not very good on names;
 4 but a face, I'll never forget. And I looked at
 5 this face, and a BOP suit, was the same man that
 6 was telling me that he was a medical examiner and
 7 he come to talk with me.

8 So I seen him coming in the thing, and
 9 he was going around the corner. And I said, "Hey,
 10 man. Come here."

11 And he walked up to me and looked.

12 And I says, "Man, you know, you're the
 13 same person that was out there with this
 14 Sheriff's T-shirt on, and now you're here with a
 15 BOP T-shirt -- BOP suit on. You're the same one
 16 talked to me."

17 And he snickered and he walked down the
 18 hall.

19 And that's what I told the individual.
 20 "Hey, man. Check this out. This is the guy that
 21 was impersonating a cop, and now he is a guard."

22 And it was a couple of days later or
 23 whenever, I came here. And as soon as I got here,
 24 I was given this letter. And this was the letter
 25 that said something about to call this number.

1 Q Right.

2 A And the counselor was good enough to let
 3 me make this call. And what I wanted to do was,
 4 is I wanted to let this man know that these people
 5 had come and seen me in this facility and that --

6 You know, I know that -- you know, got
 7 to tape information. But the person before I got
 8 on the phone explained to the attorney at the
 9 office that, you know, "Mr. Baker has a way of
 10 exaggerating things. Mr. Baker is paranoid
 11 schizophrenic."

12 MR. READ: Chuck, could we identify
 13 the envelope he is referencing?

14 MR. SAMPSON: It's an envelope from
 15 Hughes, Artus & Goodwin, lawyers in Oklahoma City,
 16 Oklahoma. It's addressed to Mr. Baker at
 17 Leavenworth. The postmark on it is May 6, 1988.

18 MR. BARON: Could you just put an
 19 exhibit sticker on it and mark it, so that we
 20 could get a copy of it for the record.

21 THE WITNESS: After I got a person
 22 on the phone -- I don't know if it was a Mr. Allen
 23 or somebody at this firm sat there, and I was
 24 speaking with this individual on the phone.

25 And I was trying to explain to him

1 that over a period of a year or so, that I have
 2 sent letters, and I don't know why they never got
 3 them -- which I know why they never got them --
 4 but they never received anything.

5 And he went on in detail to tell me
 6 do I remember the person that left with me, that
 7 went to Leavenworth with me, that was murdered the
 8 day we got to Leavenworth.

9 Now, I remember that I got to
 10 Leavenworth on a Thursday, because it was on a
 11 Friday at 9:00 in the morning in the SHU in
 12 Leavenworth that an inmate was almost completely
 13 decapitated in the SHU. Now, I don't know if
 14 that's what they were speaking on or whatever.

15 This is how I knew that he says do I
 16 know about another individual that was up on the
 17 seventh floor that was killed in Leavenworth. And
 18 when I heard that, I didn't really know --

19 I was glad that -- the way that I
 20 seen things going, that I never really, you know,
 21 implicated myself in a lot of things other than
 22 what these people told me and what these people --

23 Then Mr. Holland comes and sees
 24 me --

25 Q (By Mr. Sampson) When did Mr. Holland

1 come and see you?

2 A I don't know.

3 Q Where was it? Here?

4 A It was here in this institution.

5 Q Okay.

6 A Mr. Holland wants to know -- "Mr. Baker,
 7 we know that you didn't have anything to do with
 8 the killing of this man. What we want to know
 9 is" -- and I don't remember a lot of what this man
 10 asked me. But basically what he was wanting to
 11 confirm was my whereabouts and where they put me.

12 And I told the man that they put me in
 13 another cell. They did put me in another cell.
 14 They put me in two different other cells.

15 And there was other man, by the way, and
 16 a woman that came here. And I don't know who they
 17 are, because they never left me a card. And what
 18 they wanted to know is -- "Look. We're willing to
 19 forget this."

20 And I says, "Look here, man. I'm burnt
 21 out on this. You know, like I'm dealing with a
 22 lot of things in my on case right now, you know,
 23 and I don't want to deal with this, you know."

24 And he says, "Look. The only thing we
 25 what we want to do is, is take a handwriting

1 analysis."

2 And I says, "Man, you know, like, what
3 do you want to do that for?"

4 He says, "We want to take a handwriting
5 analysis, and we can clear this up right now, and
6 it will be no more about it."

7 I said, "Okay, man. Whatever."

8 And this is when they had me write "My
9 mind is no longer my friend."

10 And they took my handwritings and they
11 left. And I've not heard anything else about it
12 until you people came up here.

13 Q Have you talked to any officers from the
14 Oklahoma City Police Department here at this
15 facility?

16 A Now, when you said Oklahoma City
17 police -- this says here "Department of Justice,
18 Office of Inspector General, Oklahoma City."

19 To answer your question, did I speak
20 with a Sheriff's Department, no. I mean, no one
21 never identified himself to me as an Oklahoma
22 sheriff or an Oklahoma -- other than the cards
23 that they gave me.

24 Q Have you seen any photographs of
25 Mr. Trentadue?

1 A Yes, I did. I seen photographs of
2 Mr. Trentadue the day that the FBI agent talked
3 with me.

4 Q So the FBI agent showed you those
5 photographs?

6 A Yes, he did.

7 Q Have you received photographs from any
8 other source, other than the FBI agent, of
9 Mr. Trentadue?

10 A I never knew any other photographs
11 existed.

12 Q Have you spoken with anyone in the world
13 or received any documents from anyone that
14 indicated Mr. Trentadue was from California, other
15 than your conversation with him?

16 A Other than the conversation -- you know,
17 like when you're on the yard, people say, "Hey,
18 man, where are you going? Where are you from?"
19 Blah, blah, blah. You know, he said California.

20 And I said, "I live right off" -- at
21 that time, I think I lived on Beach Boulevard or
22 somewhere right there right of Los Alamitos. And
23 I was training horses in Los Alamitos.

24 And this man got to talking. And that's
25 the only conversation I had with this man.

1 Q And during that conversation, he told
2 you that he had a wife and a baby in California?

3 A He told me that he was either expecting
4 a baby or had a baby or something like --

5 The reason I say that is because he
6 tried to get a phone call to talk to his wife, and
7 it was about a baby.

8 Q Have you heard that from any other
9 source, that he had a wife and a baby in
10 California?

11 A I never really needed to -- I mean, it
12 wasn't important to me, I mean, you know.

13 No, I never seen anything. I never read
14 anything. I never really knew anything really
15 existed other than -- now, I've heard that there
16 was people that had said things --

17 There was a lot of people that knew
18 about this. I'll put it that way, you know, in
19 the system and in other parts of the system here.

20 So, evidently, there must have been
21 something wrote about it or something was
22 discussed.

23 Q You don't recall any -- have an
24 independent recollection of learning that
25 Mr. Trentadue was from California, had a wife and

1 a baby, except based on your conversations with
2 him?

3 A Other than him trying to get a phone
4 call, wanting to speak to his wife, and I remember
5 about a baby. That's all I remember now, you
6 know.

7 Q Tell me when you were -- did you see
8 Mr. Trentadue removed from the cell before you
9 were moved over to the B pod?

10 A No. No. I was taken over there after I
11 had seen them go in and I had seen them come out.
12 And that was late. And they had seen me from afar
13 standing up. And that's when this guy come and he
14 took me away from there and took me somewhere else
15 and put me in another cell.

16 Q Do you recall if any other inmates on
17 the seventh floor were moved at the same time you
18 were moved?

19 A I know that there was some other people
20 moved. But then again, you don't know if they're
21 leaving -- if they're going on flights, going out
22 of the institution, because they come and get you
23 early.

24 Now, whether these other people went
25 into another cell, I can't say. I don't know.

1 I know that they come and get you early.
 2 And you go down, you wait, you get a flight out,
 3 you go to where you're going.
 4 Q When was the first time you heard that
 5 Mr. Trentadue was dead?
 6 A When I was in Leavenworth.
 7 Q Shortly after you arrived at Leavenworth
 8 or quite a while after --
 9 A After I was talking with this FBI agent.
 10 Q Up until the time you talked --
 11 A I didn't know anything about it, other
 12 than what happened when I was on the seventh
 13 floor.
 14 Q But you didn't know he had been killed
 15 when you were on the seventh floor.
 16 A I didn't even know who a Mr. Trentadue
 17 was.
 18 MR. SAMPSON: I don't have anything
 19 else, Mr. Baker. Thank you.
 20 MR. BARON: Okay. What order are we
 21 going to take?
 22 MR. READ: I'll go first.
 23 CROSS EXAMINATION
 24 BY MR. READ:
 25 Q Mr. Baker, my name is Tom Read, and I'm

1 representing the Government. Right now, I have
 2 just a couple of questions. And I wanted to
 3 clarify and make sure that I understand what you
 4 remember.
 5 Do you remember what medications you
 6 were on?
 7 A Yes, I do, some of the medications. I
 8 don't remember all of them.
 9 Q Could you tell me the ones that you do
 10 remember?
 11 A Yes. Zolof. Prozac. Haldol. Now,
 12 I'm not saying all at one time. This is over a
 13 period of the years since I've been in the Bureau
 14 of Prisons, from the Butner -- from Butner to
 15 Fairton, where they held me until -- they
 16 immediately took me from there to Lewisburg. From
 17 Lewisburg, I was given different medications.
 18 It seemed like my medications would
 19 change when they wanted them to change.
 20 Q When who wanted them to change?
 21 A When the psychiatrist come and seen me
 22 and wanted to change.
 23 Q So let me clarify. You said, I believe
 24 earlier, that you've been in the federal system
 25 since -- since when?

1 A In the federal system since '91 or --
 2 right at the end part of '91.
 3 Q Have you been on some sort of medication
 4 the entire time?
 5 A I cut my throat in Ferryton, and I
 6 was -- they never wanted to keep me there. So
 7 they flew me to -- by the order of the Judge to
 8 Ferryton, North Carolina, to see if I was
 9 competent to stand trial in bank robberies.
 10 Q And do you remember being in the FTC in
 11 Oklahoma City in August of 1995?
 12 A Yes, I do.
 13 Q Do you remember what medication you were
 14 on at that time?
 15 A No, I don't.
 16 Q Do you remember how long you were in the
 17 FTC during that time period?
 18 A No, I don't.
 19 Q Where had you been just prior to that?
 20 A To Lewisburg. And they -- I was
 21 disciplined from Lewisburg for attempt to kill
 22 a warden, is what I was -- left there for.
 23 Q So you went from the USP in Lewisburg --
 24 A Right.
 25 Q Is that correct? -- to the FTC?

1 A Right.
 2 Q And from the FTC, you went where?
 3 A I went to Leavenworth.
 4 Q And after that?
 5 A There was an incident that happened with
 6 a guard that got me really paranoid. And he was
 7 taking away all of my law work. He would come up
 8 and search my cell periodically. And I started to
 9 stalk him and things like that there. And I had a
 10 feeling that he was -- I just had a feeling that
 11 this guy was wanting to do something wrong to me.
 12 And I took a few days stalking.
 13 And the day that they locked me up is
 14 when I tried to get him in a back room to get me
 15 some trash bags. And he knew something, and he
 16 just sensed it. And he hit the -- and they locked
 17 me up.
 18 Q And that was in Leavenworth?
 19 A Yes, that was --
 20 Q Immediately after the FTC?
 21 A No, sir.
 22 Q I mean, you were in the FTC, then you
 23 went to Leavenworth, and then this occurred in
 24 Leavenworth?
 25 A Okay. You understand that I got -- that

1 they took me to Leavenworth from Lewisburg. There
 2 was an attempted escape, and I was a part of it.
 3 Q Okay.
 4 A And that if it didn't work out, someone
 5 was going to stab the warden, and that was
 6 supposed to have been me. The reason I know this
 7 is because Captain John and Warden True called me
 8 one day and explained that that's why -- the
 9 reason that I was there, basically.
 10 Q Okay.
 11 A I mean, he didn't say the words, but it
 12 had to do with the warden in Lewisburg.
 13 Q Okay.
 14 A I was taken to Lewisburg. I spent a
 15 couple of years in Lewisburg. Then I went to FTC.
 16 Then I went to Leavenworth. Then I went back from
 17 Leavenworth to FTC. Then I came here.
 18 Q So when you went to the FTC for the
 19 second time, you were there in transportation?
 20 A Yes, sir. That's correct.
 21 Q And you came here to Florence?
 22 A That's correct.
 23 Q Do you remember how long you were in
 24 Leavenworth, approximately?
 25 A Maybe two and a half years, two years.

1 Q Okay.
 2 A No. Two and a half years, because I
 3 worked eighteen months in Unicorps.
 4 Q Do you remember what medication you were
 5 on in Leavenworth?
 6 A My dosage of Prozac was taken up to
 7 120 milligram a day. And when the psychiatrist
 8 never came, that messes with your head, man. I
 9 mean, when they put you on it, then they take you
 10 off of it, you do have a things to become -- you
 11 don't want to speak to anyone. You know, you
 12 do -- you have a violent tendency, you know. And
 13 I was taking Prozac. I was taking Lithium.
 14 This is why I wanted my medical jacket
 15 to be reviewed, because I don't remember all the
 16 medications that I've been taking.
 17 I was taking so many medications at one
 18 time that the medical personnel says that they had
 19 messed my medications up so bad that they was
 20 giving me medications that I shouldn't have been
 21 taking all at the same time.
 22 Q When you were in the FTC in Oklahoma the
 23 first time --
 24 A Can I ask a question? Is there a way I
 25 can use a bathroom?

1 Q Sure.
 2 A I mean, is it possible?
 3 MR. READ: When I say that -- I said
 4 sure very quickly. Is that possible or --
 5 We can go off the record, if it's
 6 all right, for a break.
 7 MR. BARON: Go ahead and mark that
 8 envelope, Freddy.
 9 MR. READ: Yes, if we can, please.
 10 (Deposition Exhibit No. 114 marked
 11 for identification and made part of
 12 the record)
 13 (Short break)
 14 MR. READ: Is everyone here now?
 15 MS. TIMS: I'm here.
 16 MR. SCHLOSSMAN: I'm here.
 17 Q (By Mr. Read) Mr. Baker, when you were
 18 in the FTC, you stated that you were in the SHU
 19 unit; is that correct?
 20 A I was taken directly to the seventh
 21 floor.
 22 Q When you first got to the FTC?
 23 A That's correct.
 24 Q That's because of your security?
 25 A That's correct.

1 Q How did you meet Mr. Trentadue?
 2 A I met him in the -- like I don't know
 3 who he was. I'm saying I met a person from
 4 California, because he knew I was California. And
 5 it was out in the pens.
 6 Q It was out in --
 7 A Where you walk around in the yard there.
 8 Q The recreation yard in the Special
 9 Housing Unit?
 10 A That's correct.
 11 Q Okay.
 12 A They take four or five people out at a
 13 time. And you walk around, and people talk out
 14 there.
 15 Q Did he introduce himself to you?
 16 A No. But the reason that I knew who he
 17 was is because when I seen the picture that they
 18 showed me -- that the FBI agent showed me, that
 19 that was the same man I had talked with.
 20 Q Could you describe him for me, please?
 21 A I want to say he looks like a Mexican
 22 type of an individual. But, you know, he could be
 23 a Morman, as far as I'm concerned. I don't really
 24 know.
 25 He looked of a South American descent.

1 But I mean, when I seen the picture, I seen it
 2 from the autopsy or from the bed or wherever the
 3 guy was at.

4 Q When you say he's from South American --
 5 A I'm saying -- what I'm saying is the guy
 6 had like dark hair, but he looked like of Mexican
 7 descent or, you know -- in other words, he didn't
 8 look like a white American man.

9 Q Okay.
 10 A You know what I'm saying.
 11 Q So he had a dark complexion?
 12 A Yes.
 13 Q Okay.
 14 A Darker skin. Maybe that's what I should
 15 have said.
 16 Q Darker skin and dark hair?
 17 A Yes.
 18 Q How tall was he?
 19 A About my size.
 20 Q Slender?
 21 MR. ADAMS: For the record, how tall
 22 are you, Mr. Baker?
 23 THE WITNESS: I don't know.
 24 MR. ADAMS: That's fair enough.
 25 THE WITNESS: Five seven, five

1 eight.

2 Q (By Mr. Read) Was he slender?
 3 A Maybe 170; 160, 170 pounds. About my
 4 size.
 5 Q Is that what you weigh?
 6 A No. I weigh about 175.
 7 Q So he was roughly equivalent to you in
 8 terms of size and shape?
 9 A Yes.
 10 Q And when you talked in the recreation
 11 area on the Special Housing Unit, the
 12 conversation -- how long was the conversation?
 13 A Well, the reason I know when they took
 14 me out of my cell and they put him in my cell
 15 where I was at is because I left some cigarette
 16 tobacco. And --
 17 No, no. I'm sorry. I took the
 18 cigarette tobacco, and I was trying to find a
 19 light. And after I found that I couldn't try to
 20 get any kind of word down there, I kept the
 21 cigarette tobacco and --
 22 As a matter of fact, when I left, I left
 23 the cigarette tobacco and the papers under the
 24 pillow. And that's how I knew that this guy was
 25 the same guy I talked to in the yard that --

1 Why they put him in that cell and made
 2 me take my stuff out and put me in another cell, I
 3 don't have any idea.

4 Q Can we talk about that just for a
 5 minute?
 6 A Okay.
 7 Q What we've marked as Exhibit 111 is a
 8 diagram of the Special Housing Unit.
 9 And you say you were in which cell
 10 initially?
 11 A If this is 709 and this is the cell that
 12 I was in -- I was taken to the furthest part of
 13 the corridor here to where I could still see down
 14 the hall. So it had to be one of these cells
 15 here, which it had to be the corner cell to where
 16 I could see.
 17 So, evidently, it was that cell right
 18 there, whatever cell that is.
 19 Q And the recreation pens are where on
 20 this diagram?
 21 A I'm going to just take a rough guess
 22 here, because these look like little dog pens here
 23 to where they would put people. So I'm going to
 24 say that they're maybe right there.
 25 MR. ADAMS: He's indicating -- I

1 don't know if you want to do that for the record,
 2 Mr. Read. But he's indicating --

3 THE WITNESS: I'm indicating these
 4 little marks here that looks like where they take
 5 you and they put you in to walk around in a cage.
 6 MR. READ: I was actually going to
 7 give him a pen and --

8 Q (By Mr. Read) If I give you a pen,
 9 would you mark "R" by where you think those were,
 10 "R" for recreation?
 11 A Okay.
 12 (Witness complies)
 13 Q Okay. Thank you.
 14 Now, when you first got to the FTC, they
 15 took you to the Special Housing Unit. And on one
 16 day, they took you to the recreation area?
 17 A That's correct.
 18 Q And when you were in the recreation
 19 area, they put someone else in your cell?
 20 A No.
 21 Q Then could you explain exactly how that
 22 all happened?
 23 A When I came back from the recreation,
 24 they put me in the cell. And over a period of
 25 maybe an hour or so, I'm not really sure how long,

1 they told me to pack my stuff up. And they took
2 and handcuffed me, and they took me to the end of
3 the cell. Right here.

4 They took my handcuffs off -- they put
5 me in the cell, put my property down, opened the
6 thing, took my handcuffs off. The guy that took
7 my tag put it on the thing, shut the door, and it
8 fell in front of me.

9 Q When, then, did you meet this individual
10 in the recreation area?

11 A In the morning time.

12 Q Was that the following morning?

13 A No, no. In the morning time that they
14 had took me out of the cell when they took me to
15 recreation.

16 Q So he was already in the Special Housing
17 Unit and was in the recreation area?

18 MR. ADAMS: Object to the form.

19 MR. SAMPSON: Yes. I don't -- I
20 think that misstates the witness' testimony.

21 Q (By Mr. Read) You said that you were in
22 Cell 709, and they took you to the recreation area
23 in the morning?

24 A Right.

25 Q When did you meet Mr. Trentadue, then?

1 A I seen Mr. Trentadue in the pen. That's
2 where we talked.

3 When I came back and they put me out of
4 the cell, they took me down here.

5 Q Okay.

6 A When they brung him back, they put him
7 in that cell.

8 Q So you're saying, then, this
9 conversation occurred --

10 A The same individual that I talked to out
11 on the yard was the same individual that went into
12 that cell.

13 Q Okay. And you --

14 A I believe that's what you want.

15 Q It is. And the only time -- what I'm
16 really trying to get at is when you were in the
17 recreation area together with him to talk.

18 A It wasn't really talk. I'm saying, you
19 know, like you say, "Hey, you know, what are you
20 doing?" And, you know, you say a few words. And
21 you know, that's about it. I mean, I didn't have
22 any lengthy conversation.

23 I don't have a lengthy conversation --
24 this is probably the most conversation I've had in
25 months with anybody.

1 Q Okay.

2 A You know. So I'm saying -- you know,
3 it's like a -- you know, "How are you doing?
4 Where are you from? Where you going?" You know,
5 basically something like that, you know.

6 Q When you spoke to him, however briefly
7 it may be, at the recreation area, do you know
8 which cell he was in at that time?

9 A I don't even know if he was ever in a
10 cell. You know, I seen where the man was put in
11 this cell.

12 Q Okay.

13 A So I'm saying if he -- if he was in
14 another cell or whatever. I know that I was
15 taking my stuff out, they put me down here, and
16 they put him in that cell.

17 Q But he was already in the recreation
18 area when you got there that morning?

19 A I remember when I looked up and I seen
20 him and we were talking. I can't say that they
21 brung him out before I was out there or if they
22 brung him out after I was out there. To be honest
23 with you, I don't -- I really can't remember.

24 Q Okay. And that's fine.

25 Q Okay. And when you had this

1 conversation with him, he didn't really introduce
2 himself or --

3 A No. Nobody really ever introduces
4 themselves. I mean, you know, it's like, you
5 know, "Hey. What's happening? Where are you
6 going?" You know. If somebody knows somebody on
7 the line, you know. Basically penitentiary talk.

8 I mean, it was not nothing -- you know,
9 a lengthy thing, because --

10 I had the big pen in the back, as a
11 matter of fact. I was walking back and forth.
12 And it was -- watching the sun, listening to the
13 planes. And I was walking back and forth.

14 And there was some pens right beside me,
15 and I was talking to a couple of people, you know,
16 just saying hello. You know, when you say, "Hey.
17 What's happening? Where are you going?" You
18 know.

19 Q Do you remember how many people were out
20 at that time, how many inmates were in the
21 recreation area?

22 A They were bringing them out and they
23 were taking them out. In other words, what I'm
24 saying is, you know, like they will put you in,
25 come and cuff up another one, take him out, bring

1 someone else in, put him in, you know.

2 And you've got your allotted time. They
3 come and get you and they take you out. And when
4 they take you where you've got to go, they come
5 back and they put somebody else in your pen where
6 you was at.

7 So it was a constant flow of people
8 going in and out.

9 Q How long was the allotted time
10 generally?

11 A Well, usually when you're locked up like
12 that, they only want to give you an hour. You
13 know, you might find you a hack that's, you know,
14 got a little compassion to himself, I guess, and
15 might give you a little bit more time, you know,
16 whatever, you know.

17 I mean, they forget. It's not basically
18 right on the hour every hour. But it's usually
19 close enough, you know.

20 Q Do you have any idea how many people
21 were in the Special Housing Unit at that time?

22 A You mean that was on that floor?

23 Q Yes.

24 A No, I don't. I know that there was --
25 you know, you could hear talk all the time. So I

1 mean, there was a lot -- there was a few people up
2 there besides me.

3 Q Did you have conversation with anyone
4 else when you were in the cell?

5 A Yes. I tried to get the orderly to give
6 me a match. And, you know, it was like I might as
7 well had asked a hack to give me a match. And he
8 cut out. And I seen, well, you know, this is --
9 you know.

10 So I sat down and I read a book. And my
11 medication kicked in. And the next thing I knew,
12 it was after supper time.

13 Q Could you describe that orderly?

14 A No.

15 Q Was he black or white or Hispanic?

16 A I mean, you're asking me a question,
17 honestly, to try to answer, and I really can't do
18 that, because, I mean, it's over a period of time,
19 and I don't know. I honestly can't say if he was
20 white or black or Mexican or whatever.

21 Q After you were on the recreation yard,
22 you stated that they moved you to a cell that you
23 had marked here on the diagram down at the end of
24 the corridor.

25 A That's correct.

1 Q Did you see the officers put

2 Mr. Trentadue into Cell 709?

3 A No, I never -- I seen an individual in
4 the cell that was the same individual I was
5 talking to that when I seen the picture the FBI --
6 was Mr. Trentadue.

7 I tried to get to see if there was some
8 matches, which I gave up, because there was no way
9 I could get a mule all the way down there.

10 A mule is you take a sheet, you tie your
11 soap, and you sling it out there and, you know,
12 you try to get whatever it is to get in. And I
13 seen that was a worthless cause.

14 And when I seen that the orderly didn't
15 want to give me a match, I laid down and I read.

16 And he was put in that cell.

17 Q Do you have any recollection as to what
18 time of day that was?

19 A I was given my medication right before I
20 went out. And I --

21 I'm sorry. I didn't understand the
22 question there.

23 Q Do you have any idea as to what time of
24 day it was when Mr. Trentadue was placed in
25 Cell 709A?

1 A After he was brung out of the pen, I
2 would reckon, whenever they brung him in from the
3 pen where he was at.

4 Q I mean, do you have any idea what time
5 of day you all were in this recreation --

6 A Oh, I'm sorry. I'm sorry. It was in
7 the morning. I would say around 9:00, somewhere
8 around in there, you know, like in the 10:00 --
9 you know, before -- it was before lunch.

10 Q It was before lunch?

11 A Yes.

12 Q Do you remember what day of the week
13 this was?

14 A No.

15 Q Were you served breakfast that morning?

16 A Yes.

17 Q So it was between breakfast and lunch on
18 the day this occurred?

19 A Wait a minute. Let me see if I
20 understand the question that you're asking me.
21 You're asking me between breakfast and lunch we
22 was moved and he was put in that cell and I was
23 taken out, put in another cell?

24 Q That's what I'm asking you.

25 A That's correct.

1 Q So you remember breakfast, you remember
2 lunch. In regard to the other things --

3 A No, I don't remember lunch.

4 Q On, you don't remember?

5 A No. I was -- you know, the question you
6 asked me was between breakfast and lunch, was I
7 taken here and did he go in there. That's
8 correct.

9 Do I remember lunch, no. I don't
10 remember lunch and I don't remember dinner.

11 The medication that I was on, it knocked
12 me out like an elephant. And I woke up, and it
13 was already past supper.

14 Q So you didn't get any supper, then, and
15 the evening meal?

16 A I didn't get any lunch, either. That's
17 correct.

18 Q Do you have any idea what time it was
19 when you woke up?

20 A No.

21 I knew that it was after supper, because
22 they feed early up there. You know, I mean, like
23 they feed you in the afternoons, you know, like
24 real early. And you know, it was getting dark.

25 Q You said you saw three or --

1 A And there was a long field there, I
2 mean, where you could see people on the cement.

3 Q How long after you woke up in the cell
4 that you've marked here at the end of the corridor
5 did you see the three or four staff members go
6 into Cell 709A?

7 A It was late. It was in the evening
8 hours, the late evening hours. I would say, if
9 you want me to give a time --

10 Q Just an approximation, if you know.

11 A I would say probably 11:00, 12:00 --
12 11:00 -- 10:00, 11:00, maybe, in the evening,
13 maybe later, maybe earlier. I'm not really sure,
14 because you don't got any time there.

15 And like time like that, really -- you
16 look up, and it's daylight, you know, and like
17 that there.

18 You know when a certain chow line comes
19 around. But when you sleep and you wake up, you
20 know, like you're disoriented. You know, when
21 you're in a place where you can only see like
22 certain walls in front of you and you look down a
23 corridor, and you don't really know the time.

24 But I would say -- I would say it was
25 late, almost the change of shifts maybe. I'm not

1 A I'll tell you something else. I'm
2 sorry.

3 Q Okay.

4 A There was a road from the window that I
5 looked, a road that you could see cars going up
6 and down on, and some trees with like a meadow
7 there.

8 Q Now, which cell was that that you could
9 see this from?

10 A The cell that I could see the road and
11 everything like that?

12 Q Yes. Are you talking about the cell
13 that they moved --

14 A I could see it from this cell here.

15 Q From 709A?

16 A Right. I remember that.

17 Q Could you see the same thing from the
18 cell they moved you to next?

19 A It doesn't really ring a bell whether it
20 was or not, because -- I remember seeing it there.
21 I remember seeing it right there in that cell. I
22 remember a road where you could see cars going up
23 and down on. And I remember there was a meadow
24 there.

25 Q Okay.

1 sure about that, either. But I know that it was
2 late. I'll say it was late.

3 Now, when you say the three individuals,
4 are you talking about when they first went in the
5 cell?

6 Q How many times did you see people go
7 into the cell?

8 A Twice.

9 Q What did you see the first time?

10 A I seen three people suited up and went
11 into the cell.

12 Q And by "suited up" --

13 A And when I say that they went into the
14 cell -- do you want me to answer?

15 Q Oh, sure. Sure. Yes.

16 A When they went into the cell, they
17 opened the cell, and they was holding each other.
18 They went into the cell like that. And that's
19 when the ruckus happened. And that was late in
20 the evening.

21 Q Did they have uniforms on?

22 A Yes.

23 Q What color were those uniforms? Do you
24 remember?

25 A Like a dark blue maybe, or a black. It

1 was like a riot gear. I mean, you know, it's the
2 same kind of riot gear that they use --

3 But they'd usually take a video camera
4 when they did it in Lewisburg. When they would
5 rush in on you, they would have a captain or
6 someone there. And when they opened the door,
7 they had a video camera videoing it as they would
8 do it.

9 And that's what I thought was weird
10 about it, too, because they never had an SIS come
11 up, they never talked to anybody, and they never
12 had any video there that was videoing it from the
13 outside. They all went in the cell.

14 Q Is that when you saw somebody's name
15 plates?

16 A No. It was later. But it was the same
17 individual that went in that cell.

18 Q And how do you know it was the same
19 individual?

20 A I mean, when you see the people --
21 that's a good question. But I just knew that they
22 were the same people.

23 Q Did they have helmets on?

24 A They had a shield on, you know, which
25 you could see a face, but couldn't see it as good

1 as -- you know.

2 But it was the same individual that took
3 me out of that cell and took me to another part of
4 that section of the jail. And he was the one that
5 had D-e and it could have been C. I'm not sure.

6 Q That was the first time they went in.
7 And --

8 A Wait a minute. You mean when they come
9 and took me out?

10 Q No, no, no. We were talking -- I asked
11 you about the first time they went in. You said
12 they came in a second time.

13 A Right.

14 Q Did they also have the uniforms on the
15 second time?

16 A No, they did not.

17 Q What did they have on the second time?

18 A The clothes normally that an officer
19 would wear.

20 Q Which would be in Oklahoma --

21 A Darker -- well, you know, like you've
22 got two different kinds of suits that officers
23 wear in here. And they're grays.

24 And they were like dark -- I would --
25 you know, like -- you want me to give a color. I

1 would say it either was the same color grays that
2 they wear or a darker color. But it was the same
3 color that they had on when they went in, only
4 that they had shields and stuff in front of them.

5 Q The first time or the second time?

6 A The same clothes.

7 Q Same clothes?

8 A Only not with the riot gear.

9 Q Did you ever see the inmate going in or
10 out of that cell at all, to Cell 709A?

11 A I seen him when he went in.

12 Q You saw him when he went in?

13 A Yes, sir, I did.

14 Q And you saw three or so staff members go
15 in twice?

16 A Right. Over a period of time.

17 Q Over a period of time.

18 A Right.

19 Q All in the same evening?

20 A Yes, sir, I did.

21 Q Okay.

22 A Evening, now? In the early morning
23 hours, now. It wasn't -- this was later.

24 Q Did you see anyone else go into that
25 cell?

1 A Well, you know, like when you hear
2 people walk?

3 Q Yes.

4 A You know, you know when one man is
5 making a round. But when you hear more than one
6 person, you'll look and see what's -- you know, I
7 mean, you'll look and see what's happening. And
8 that's when I got up and I looked. And that's
9 when I seen three other officers go into that
10 cell.

11 Q Did you ever hear --

12 A Three or four. I'm not sure, you know.
13 I think that's what I said, stated it was three or
14 four. I'm not really sure.

15 Q I believe you stated three or four.

16 A Right.

17 Q You just stated you could hear people
18 walking around.

19 A Sure.

20 Q And did you ever hear anything else that
21 would indicate that other people had gone into
22 that cell?

23 MR. ADAMS: What time frame? I'm
24 kind of --

25 MR. READ: Anytime that evening.

1 Anytime other than the two times that he's already
2 talked about.

3 THE WITNESS: The only two times
4 that I seen them go in and go out, and then I was
5 taken away from that area and I was taken to
6 another section.

7 So to answer your question, no, I
8 never seen anybody else go in and out.

9 Q (By Mr. Read) In relation to the time
10 that you were taken out, you've stated that in the
11 evening, the first time people went in; it was the
12 early morning, the second time when people came
13 in. Right?

14 MR. READ: Ms. Grundy had to go to a
15 meeting. And so he's just coming in because there
16 needs to be a staff person in here. Okay?

17 MR. ADAMS: Can you identify the
18 staff person?

19 MR. READ: Sure.

20 MR. DUPONT: Yeah. I'm Larry
21 Dupont, paralegal.

22 MR. ADAMS: For the BOP?

23 MR. DUPONT: Uh-huh.

24 MR. READ: Here at this facility.
25 That's just part of the requirement.

1 I mean, you know, I'd sit back and I would listen,
2 you know, to what was being talked. So there was
3 other people there.

4 Now, when they took me out of my cell
5 and put me in another cell, yes, there was other
6 people -- you could hear doors opening and
7 closing. But it was the same time that they
8 usually come and get people to take out on
9 flights.

10 So to say that these people were taken
11 to another cell, I can't truthfully say they were
12 put in another cell. I don't really know. Maybe
13 they were, maybe they weren't. Because I really
14 don't know.

15 I know there was a lot of commotion on
16 the floor. I know there was a lot of commotion on
17 the floor all the way up for a while.

18 Q The three cells that you were in during
19 that day, were they all roughly the same?

20 A Oh, wait a minute. I remember
21 something, being as you said that.

22 Q Okay.

23 A I remember some orderly or something
24 like that there was talking to another person in a
25 cell and was saying that they was putting

1 Q (By Mr. Read) So going back, now -- and
2 you said you didn't hear anyone else go in or out.

3 When in relation to the second time,
4 which you say was early morning -- how much later
5 were you taken out of that cell?

6 A It was right before -- I would say maybe
7 two or three hours before daylight, because I
8 never went back to sleep.

9 Q And that would have been before
10 breakfast the next day?

11 A Right. I got my breakfast the next day.

12 Q You got your breakfast in the new cell?

13 A Which I don't know what that number was.

14 Q I believe you stated you were aware of
15 other people being moved from their cells at that
16 time?

17 A I was aware of people talking. I was
18 aware of people talking about, "Hey, man. Why
19 don't you get some a med" -- a P.A. or whatever up
20 there, things like that there. Normal talk when
21 you see somebody getting rushed like that. They
22 go in and they beat your ass, and they come out,
23 and they go on about their business.

24 You know, and you -- you know, you talk.
25 I mean, you know, I mean, me, I never talked. But

1 something up on the cell, now that I remember.
2 That was new to me.

3 Q Okay. Now, I'm not sure I understood
4 what you just told me.

5 A In other words, they were securing the
6 cell, like they was putting something up on the
7 cell where they didn't want nobody to walk in, you
8 know, like a crime scene cell or something like
9 that, you know, like they would do to secure a
10 cell where they didn't want nobody to go in.

11 Q And who was doing this?

12 A I don't know. I mean, I remember
13 something to that a accord. And I just, you
14 know -- I listened to --

15 Q Do you remember when that was?

16 A It was in the morning.

17 Q Right before you got moved or --

18 A After breakfast.

19 Q After breakfast?

20 A Right.

21 MR. ADAMS: To clarify for the
22 record, then -- I just don't want to -- is this
23 when you're over in the other --

24 THE WITNESS: Right.

25 MR. SAMPSON: He didn't see it.

1 MR. ADAMS: You didn't see it? It
2 was when you were over in the other pod?
3 THE WITNESS: Right.
4 MR. ADAMS: And you hear this?
5 THE WITNESS: Right. The orderly
6 comes by and, you know, like he talks to people.
7 MR. ADAMS: That's why I was
8 confused. So it's when you're in the other pod,
9 an orderly comes by and tells you that? Okay.
10 THE WITNESS: No. He didn't come by
11 and told me. I'm saying this is what I heard him
12 tell someone else.
13 Q (By Mr. Read) And that was after
14 breakfast?
15 A Yes, sir.
16 Q The three cells that you were in, were
17 they all laid out the same way, during that one
18 day we've been talking about?
19 A I will say one thing, that the cell that
20 I was in here, 709 cell, I was only there for a
21 day.
22 Q Okay.
23 A And for the amount of time that I was
24 here (indicating) was not even a day.
25 All the rest of my time I spent over

1 there (indicating) until I left and I went to
2 Leavenworth. And I don't know how much time that
3 was.
4 Q I have one question about that. Was
5 709A the first cell that you were in when you got
6 to the FITC?
7 A Yes, sir, it was.
8 Q And you only were there one day?
9 A I wasn't there -- I got there in the
10 afternoon, and they moved me that morning.
11 Q Could you describe what was in 709A for
12 me, please?
13 A Describe?
14 Q Well, I mean, how it was laid out.
15 A Okay. Can I stand up like I'm walking
16 in a cell?
17 Q Would you like to draw it?
18 MR. SAMPSON: I have a diagram that
19 you maybe can use.
20 THE WITNESS: No, no. No, no. I
21 could draw it perfectly fine, because one cell is
22 almost like another cell.
23 Q (By Mr. Read) And that's part of the
24 question. If you wouldn't mind drawing that,
25 please.

1 A Okay. Let's say, for instance, that's
2 the hallway and this is the cell. I mean this is
3 the cell door.
4 Q Do you mind if I stand up and look over
5 your shoulder?
6 A Sure.
7 Q Okay.
8 A Like, say, this is the cell. We're
9 walking the door.
10 Q Yes.
11 A Okay. No. I'm sorry. No. Let me do
12 it another way to make it a little bit more
13 explanatory.
14 Let's say that's the cell, 709A. And
15 when you walk in --
16 You know, the question that you're
17 asking me, in each cell, sometimes the commode
18 would be over here, and sometimes the commode is
19 over here.
20 Q Do you remember how it was 709?
21 A To answer truthfully, no. But I know
22 when you walk in, the bed is over here, and the
23 commode is over here.
24 In 709 when you walked in, the commode
25 would be over here, the bed would be over there,

1 the little window would be in the back.
2 So to answer your question honestly how
3 the cell really was, no, I can't say the bed was
4 here and the commode was over here and the table
5 and the desk was here.
6 Q Would you draw the cell -- which cell do
7 you remember the most that you are sure about?
8 A Okay. As soon as you walk in, the -- as
9 soon as you walk in the cell, you've got the
10 little desk there where you pull out the thing
11 where you can sit down.
12 Over here would be the commode.
13 In the back would be the shower.
14 There would be like the -- you know,
15 your toilet facility.
16 And the bed would be hooked right onto
17 the little table there in the front.
18 And the window would be in the back.
19 And the shower would be either to your
20 left or your right.
21 Q If you would, just draw that real
22 quickly the way that you just explained it.
23 MR. ADAMS: I think what he's
24 saying, though, is he can't do that. I think he's
25 telling you everything is --

1 THE WITNESS: Well, I'm trying to
2 give you the way the cell is hooked up. But for
3 709 --

4 See, here's what I'm saying is like
5 if you go in one cell, the bathroom could be over
6 here. Wherein, if you walk into another cell, the
7 way that they've got the architect of the building
8 and the way that they've got it, where the
9 plumbing and everything like that there would be
10 in another way. I would think that that's the way
11 it was.

12 And to actually say that the commode
13 was over here and the chair and the bed was
14 straight out there, I don't know. And then again,
15 the bed could have been right in the middle.

16 You know, I remember, you know, the
17 bed being, you know --

18 But to answer your question
19 honestly, how it looked in the cell now after all
20 of this time, I can't honestly say that.

21 Q (By Mr. Read) Okay. And that's all
22 right. It's been a number of years. You're
23 right.

24 A In that particular cell.
25 Now, the last cell that they put me in,

1 Q (By Mr. Read) You said you were moved
2 to this cell that you stayed in --
3 A Okay. Okay. Now I understand what you
4 mean.

5 Q -- before breakfast.

6 A Right. Yeah. Okay.

7 Q After breakfast -- we'll say from the
8 time you got in that cell for the rest of that
9 day, did you hear anything else unusual?

10 A When they moved me from this cell, it
11 was still dark.

12 Q Okay.

13 A But it was like maybe 2:00, 3:00 in the
14 morning, maybe, somewhere around that time. I'm
15 not really sure. It was almost where it was dawn,
16 coming up dawn. That's when they moved me from
17 here to here.

18 Okay. Now, when they came out of this
19 the last time, instead of them going this way,
20 they came this way. That's why I remember the
21 Indian. That's why I remember the other guy that
22 came and cuffed me up, because I seen him.

23 Okay. When they seen me, they seen me
24 standing and looking. And there was no name tag
25 on my door. And then that's when the one guy told

1 when you walk in, the table is right there, you
2 pull out the thing, the shower is in the back.
3 And that cell where I was at the last time, the
4 commode was on my left.

5 Q You stated that you stayed the rest of
6 your time in the FTC in the cell that you were
7 finally moved to --

8 A In the third cell.

9 Q In the third cell.

10 A And the third move where they moved me;
11 right.

12 Q Okay.

13 A And that was where you could look at the
14 runway and everything like that, wherever that
15 was, whatever side of the building that was.

16 Q You could see the runway from that cell?

17 A Right.

18 Q The rest of that morning right after you
19 were moved, did you hear anything unusual?

20 A What do you mean? I'm not sure I
21 understand the question.

22 MR. SAMPSON: Which morning does he
23 move?

24 MR. SCHLOSSMAN: The morning that he
25 was moved from the cell right here --

1 me to cuff up and I went over there.

2 This is after I heard -- this was --
3 there was a -- maybe I should clarify something
4 here.

5 There was a period of time after I heard
6 a faint moan from this -- down in this corner that
7 I'm positive had come from that cell, and then it
8 stopped. And there was a period of time that --
9 when they came back around. And they looked in.

10 And I'm not sure if it was one or two,
11 but they went in the cell. They came back and
12 then went in the cell.

13 They stayed in there for a period of
14 time. The guy came out pulling off like a Platex
15 glove that had blood on it. And that was the same
16 time that I heard like sheets being ripped.

17 Q Now, the time that you're talking about
18 just now, was that the second time or was this a
19 third time?

20 A No. No.

21 Q Okay.

22 A After they came out, they left. And
23 then when they come back down, they had seen me.
24 And that's when they took me over to another cell.

25 Q Let me ask you the question again. In

1 the evening after you were moved from 709 to this
2 cell --

3 A When you say the evening, it could have
4 been in the morning.

5 Q No, no, no. I'm talking about right
6 after the first time you saw people go in. You
7 said that was in the evening.

8 A Okay. I'm sorry. I'm confused. And I
9 think that you wanted me to give you a definite
10 time whether it was either in the morning, in the
11 a.m., or in the p.m. That's why I'm getting
12 confused. I'm sorry.

13 Q We're trying to clarify everything we
14 can. So that's okay.

15 A Okay.

16 Q Let's make sure we all understand
17 ourselves.

18 You testified that you were in cell
19 709A; you went to recreation?

20 A Uh-huh.

21 Q You met who you later found to be
22 Mr. Trentadue?

23 A Uh-huh.

24 Q You were asked to get all your property
25 out of that Cell 700 --

1 the rest of the evening until you were moved to
2 the third cell somewhere else?

3 A That's correct.

4 Q I mean that's what you had stated
5 before, and I just want to make sure that's --

6 A That's correct.

7 When I say I didn't -- when they come
8 and found me and they seen me in the cell, then,
9 right, that's when they took me over there. And
10 that was -- within a few hours, it was daylight.

11 MR. READ: Can I get about a
12 three-minute break and talk to these folks on the
13 phone?

14 MR. ADAMS: Sure.

15 MR. READ: Off the record, please.

16 (Off the record)

17 MR. READ: We're back on the record.

18 Q (By Mr. Read) I just wanted to clarify
19 a few things that we've already discussed.

20 The first time that you saw staff
21 members going into the cell in the riot gear, do
22 you remember how long they were in the cell?

23 A This would only be -- this -- you know,
24 without having any kind of time frame other than
25 just giving you a good guess of time, I would say

1 A Which I didn't know it was
2 Mr. Trentadue. But that's who it was that was in
3 that cell, that they took and put in that cell.

4 Q And then you were moved, after you got
5 your property, down to this cell?

6 A Exactly right.

7 Q And you've stated that in the evening,
8 you saw three to four in riot gear --

9 A Go in --

10 Q -- go in?

11 A Right.

12 Q And then you had also testified that
13 there was a second time that you saw people go in
14 without riot gear?

15 A Right.

16 Q The time you just spoke of, when someone
17 was pulling a bloody glove off, was that another
18 time, which would make three times?

19 A No. That was the -- the second time
20 they went in and when they came out, that was the
21 time when they come out and they was pulling some
22 stuff off of their hands.

23 Q So that was the second time?

24 A Right.

25 Q And then you haven't heard anything else

1 twenty-five to thirty minutes.

2 Q And you said that you heard noises
3 during that time?

4 A Yes. People was being beaten.

5 Q Would you describe that, what you heard?

6 A You take and put four or five men in a
7 cell, and there's a lot of hostility going on, and
8 there's a lot of beating going on.

9 From being at the angle where I was, I'm
10 sure that I didn't hear exactly all of it. But I
11 heard enough of it to know that there was a
12 physical violent consertation (sic) going on in
13 there.

14 Q Could you describe exactly some of the
15 sounds that you heard, if you remember that.

16 A Well, people fighting. When you're
17 fighting, you tend to make noises.

18 I'm sure that there was words being
19 changed. But to be able to quote to you the words
20 that I heard -- I know that there was words. I
21 know that, you know, there was a period of time
22 where you could hear someone pleading, you know,
23 to stop, you know.

24 Q So you heard someone saying "Stop"?

25 A Well, I'm saying, you know -- well, you

1 know, like pleading to -- you know what I'm
2 saying? Like, you know, "Hey, man. Like, enough
3 is enough." You know what I'm saying?

4 I mean, you know, did I hear him
5 actually -- someone say "Stop"? No.

6 I'm saying you heard a lot of words.
7 And for me to say exactly the words that I heard,
8 to be truthful -- you know, and the only thing I
9 could say is a lot of voices. But a pleading of
10 someone, you know, like saying "Hey, man. That's
11 enough."

12 Q Going to the diagram again -- and you've
13 marked that you were in one of these cells where
14 the window was such that you could look straight
15 down the hall --

16 A Okay.

17 Q I mean, that is what you testified to?

18 A Right.

19 Q Could you approximate the distance down
20 that hall?

21 A This would be just an approximation
22 of -- I would say maybe thirty-five to forty feet.

23 Q And you also had stated earlier that you
24 saw a number of people coming in and going out of
25 the recreation area, so there were some other

1 inmates that were on the range. And then I
2 think --

3 A No.

4 MR. SAMPSON: I'm going to object to
5 that.

6 THE WITNESS: No. That's not what
7 I -- I says that they would take people in and out
8 periodically when their time is up.

9 Q (By Mr. Read) Well, then you also
10 testified, I think, that you heard other noise on
11 the range, that there were other inmates on the
12 range.

13 A That's correct.

14 Q So you had heard other inmates here.

15 During the time that you were hearing
16 this noise and you were all the way at the end of
17 the hall, did you hear reaction from these other
18 inmates in their cells?

19 A Well, the way that you hear, it could
20 come from this cell, it could come from that cell.
21 And when you hear loud noises, it could come from
22 over in one of these cells. You know, you can
23 hear talking all the way through the thing, you
24 know.

25 But, yes, there was talking, and it was

1 close. Now, was it in this cell and this cell?
2 You know, you know it was in this area. You know
3 what I'm saying? Like that there.

4 But I'm saying what I heard came from
5 this area. When you asked me did I hear anything
6 when they went in. Yes, because I was close
7 enough to know when they left and everything got
8 quieted, you could hear someone in pain. And it
9 stopped after a while.

10 Q And what were they saying when they were
11 in pain?

12 A They were just like moaning, like
13 moaning, I mean like somebody in pain, I mean like
14 moaning. You know what I'm saying?

15 Q And you heard that down here?

16 A Yes, I did.

17 Q Did you hit your panic button or do
18 anything?

19 A No. No.

20 Q Did any of the other inmates -- I mean,
21 did you hear them yelling or making any noise,
22 other than what you heard from this cell?

23 A I heard people talking about they should
24 get the P.A. and all that there, and it was fucked
25 up on what they did, blah, blah, blah.

1 But as far as do I know anybody that
2 pushed their panic button or was trying to request
3 for somebody to get help, I don't know if they did
4 or not.

5 Because I mean, it's not like I stood up
6 there and stayed and watched an empty corridor. I
7 only looked when I heard noises and I seen people
8 coming in and out or around the corner or
9 whatever. I would look, you know.

10 Q Do you remember how tall, by chance, the
11 staff members were that went in in the riot gear?

12 A Do you want me to guess?

13 Q Yes. Your best estimate.

14 A I would say maybe some of the average
15 individuals or people that I seen were at the
16 height of maybe this man, this man, and this man.

17 Q Which --

18 A -- would be -- and it could have been
19 some about your height.

20 I mean, you know, you're asking me a
21 question which over a period of time, you know, I
22 don't remember.

23 But I'm saying, to give you
24 approximately size, would be between not so much
25 as you as these three individuals here.

1 Q Well, so we're saying somewhere between
2 maybe five eight and six foot?

3 A No. I would say a little bit taller
4 maybe. I don't know.

5 Are you taller than five eight?

6 MR. ADAMS: I think so. Not much,
7 though.

8 THE WITNESS: I'm saying, you
9 know -- because if I'm saying five eight, that
10 would be me. And I think each and every one of
11 these gentlemen is taller than me.

12 Q (By Mr. Read) So they were taller than
13 five eight but not as tall as, say, six two?

14 A Six two -- I don't -- you know, if you
15 told me a man was walking down and he was six two,
16 then I would have to take your word that he was
17 six two.

18 Q Okay.

19 A Okay? I mean, I'm -- respectfully
20 answering a question that I can do truthfully,
21 that I'm saying within the size of these three
22 individuals here.

23 Q At least Scott faired better on this
24 description than yesterday.

25 Just to clarify -- I have a couple more

1 mail.

2 I've never had any monies sent to me,
3 other than the legal work that I would do for
4 individuals here that would, you know, like send
5 me money for like cigarettes and coffee. That was
6 my little hustle. Besides that, no.

7 I've never had a visit, I've never made
8 a phone call, anything like that.

9 Q So I think that's a no, that you haven't
10 had any contact with Jesse Trentadue?

11 A Or anyone else, other than FBI agents
12 and law enforcement officials.

13 Q And then this letter that came in here
14 that we marked as Exhibit 114?

15 A Well, I'm saying legal mail. When I
16 said legal mail, I'm saying legal mail in the
17 sense that legal mail from attorneys that would
18 either correspond with me on cases that they
19 were -- I was dealing with or legal mail of a
20 letter like this, from an office in Oklahoma City
21 of an attorney.

22 Q In the fifteen or twenty minutes that
23 you talked with Mr. Adams and Mr. Sampson, what
24 kind of conversation did you have?

25 A Okay. Mr. Adams and Mr. Sampson.

1 questions -- one, have you had any conversations
2 with Jesse Trentadue at all?

3 A I had a conversation with a man that
4 matches the description of Mr. Trentadue in the
5 pen where we talked and just kicked it, other than
6 "Where are you from? Where are you going?" Blah,
7 blah, blah.

8 Q Let me clarify. Jesse Trentadue --

9 MR. ADAMS: I think you mean Kenny
10 Trentadue. He's talking about Jesse.

11 Q (By Mr. Read) Jesse Trentadue is his
12 brother.

13 A Oh, I'm sorry.

14 Q That's okay.

15 Jesse Trentadue is Ken Trentadue's
16 brother.

17 A Okay. Have I ever heard -- I've never
18 heard this man's voice in my life.

19 Q Okay. That's -- Just clarifying.

20 And you've never had any correspondence?

21 A Well, a lot of my -- well, I don't
22 like --

23 Number one, I've been in the system for
24 eight years. I've never wrote a letter out. I've
25 never had a letter come in to me other than legal

1 Q Those two gentlemen. You talked with
2 them about fifteen minutes before -- or twenty
3 minutes before we started the deposition.

4 A Okay. This is what we stated.

5 They come in and they wanted to speak
6 with me, just like all the other people wanted to
7 speak with me.

8 And I explained to them what I put down
9 in my words and what I knew, and I gave it to
10 them, which also I spoke that what I was about to
11 say, I felt that what I'm already saying now, that
12 my life -- I feel that my life is put in jeopardy
13 by me saying what I'm saying.

14 And the reason that I say that is
15 because no one is exempt in here in this prison,
16 or any other prison for that matter, to where if
17 something wants to be done to you, it can be done.

18 It don't have to be done by a BOP
19 officer. It could be done with a BOP officer
20 giving someone seven grams of heroin, to a gang
21 member, and saying "Take care of this." That's
22 been done.

23 To give you an example, there was an
24 inmate, an Indian, was on the yard here that
25 struck an officer that had a confrontation with

1 him. He was taken over to the SHU and put in a
2 cell with an individual that doesn't like Indians.

3 And they knew that as soon as they put
4 him in there, that he was going to either get beat
5 to death or he was going to beat the other guy to
6 death. They put him in there on purpose, just out
7 of retaliation from what he did to that guard.

8 To give you another scenario of how
9 things happen, me and this person might not like
10 the way that we look, or I might have said
11 something to him that he felt that I disrespected
12 him in a kind of a way. And after days and days
13 and days building up over this here and you become
14 like -- it's like a hate factor in here, you might
15 not like me.

16 Well, there ain't nothing that you can
17 do to me. But you might go to your next friend;
18 and eventually, he's going to find something to
19 cover you on whatever you wanted him to do against
20 me.

21 I mean, the scenario can go on and on.
22 I mean, it's -- you know, you're not exempt.

23 The only way I would feel safe right
24 now, at this moment, to be honest with you --
25 I've held this information for three

1 every place.

2 What I was trying to do was get out of
3 the BOP.

4 Q Do you feel --

5 A Here's the only place that I would feel
6 safe right to this day is that they put me in ADX
7 under a camera that's twenty-four hours, and that
8 there, I would feel that I'm under a camera, and
9 they can watch me, whatever they want to do.

10 It's not going to matter if they take me
11 out of here now and put me in the SHU, because
12 they're three deep in there. You know, they're
13 going to do what they want to do. They could put
14 you anywhere they want to put you. You know, they
15 could put me --

16 Really, you know, I'm to a point -- you
17 know, I'm really to a point now where I don't
18 really care, you know. If it comes quick, fine,
19 you know, because it doesn't really matter to me
20 anymore.

21 You know, when you get to a point to
22 where a man is going to take a life, he's
23 suicidal, homicidal, whatever, and it's got to a
24 point to where he just gives up and he don't
25 really care anymore, it doesn't really matter.

1 years. The only reason I've held it is because I
2 knew when I first talked to that FBI agent that
3 something was wrong. And I knew that they was
4 trying to pin the murder on me. Okay?

5 But at the same time, they were
6 investigating me on serial killings, on the I-70
7 murders. This is well documented anywhere in the
8 BOP where these people have seen me. It went on
9 for two years or more. And they actually had my
10 car at two killings that actually took place. But
11 why they gave it up, who knows why they gave it
12 up.

13 But at the same time, I was trying to
14 find ways to get out of this BOP. I was to the
15 point to where I had thirteen other states coming
16 to me, you know, that was wanting me for
17 robberies, assaults, you name it.

18 I mean, I was on a complete rage. I
19 went off on the edge. I did everything in my
20 power, and I couldn't stop. Okay?

21 And I remembered places where I'd been,
22 things that I did. I went to the SIS, I said,
23 "Call this." They gave me a map. "I did dirt
24 here. I did dirt there. I did dirt there. I did
25 dirt there." They called, and they confirmed it

1 You know, I just hope if they do it,
2 that they do it the first time and, you know, it's
3 over with.

4 But yes, this was -- to get back to your
5 conversation as I run random, the things that we
6 talked about was about my safety after I had to
7 say what I wanted to say.

8 Do you want the answer from what I
9 heard, or is that all that you want to do?

10 Q Well, I mean, I can tell you that we're
11 concerned --

12 MR. SAMPSON: Mr. Read is the man we
13 talked to about your safety.

14 Q (By Mr. Read) That's what I was going
15 to say, actually. I just wanted to say if you
16 have any questions regarding your safety, we can
17 take the appropriate measures that

18 A Well, you know, like -- you know, it's
19 like -- it would be like a double prong right now,
20 because like by me coming in here and saying what
21 I'm saying and then be chastised by being thrown
22 in the hole with three or four other people,
23 because I'm on psych cell status. I don't get
24 along. I get very paranoid around people.

25 And I'm sure any officer -- Officer Fox,

1 several officers in here -- I stay in my house.
2 They lock my door when I come from chow if I don't
3 want to go out anymore.

4 I used to be on a two-hour watch here
5 where every two hours, you have to check in, you
6 know, which over a period of five years, you have
7 to get up every two hours or be disciplined
8 because -- some of them don't discipline you. But
9 luckily, I got off of that.

10 But no, it doesn't matter now. I mean,
11 you know, but to put me in the SHU or anywhere
12 else like that there, it's not going to solve the
13 problem. So I would rather be right where I'm at
14 until whatever. I said what I said. I got it off
15 my chest. And let be where let be.

16 Q Mr. Baker.

17 A Right. I understand.

18 Q Let me tell you one thing.

19 A Okay.

20 Q Okay. Mr. Dupont is part of the legal
21 staff here. Ms. Grundy, who was in earlier, is
22 part of the legal staff.

23 A I understand.

24 Q They know exactly how to get in touch
25 with me. They also are very aware of whatever

1 right. This is supposed to be testimony for a
2 lawsuit. And I was kind of hoping maybe we could
3 get back on that track.

4 MR. READ: Yes. And that was all --
5 we just needed to get that resolved.

6 I don't have any further questions.

7 MR. BARON: I have about two
8 questions -- or two areas of questions.

9 CROSS EXAMINATION

10 BY MR. BARON:

11 Q You told us about a person named Del
12 Raney.

13 A Right.

14 Q How do you spell his last name?

15 A I don't have any idea.

16 Q Do you know where he is now?

17 A No, I don't.

18 Q Where was he when you had con --

19 A At Leavenworth.

20 Q At Leavenworth?

21 A Yes, sir.

22 Q And about what year was that?

23 A I'm going to say '96, at the same time,

24 because this was right around a period of days

25 after this individual come and seen me.

1 procedures. If you have any concern in the
2 future, if you would just please contact them,
3 they get ahold of me, or whatever, we will take
4 whatever measures to keep your safety.

5 And I understand exactly what you're
6 talking about, that you don't want to go into the
7 Special Housing Unit now while your safety is
8 being investigated. That is standard procedure.
9 I do understand that. And we will not make any
10 referral at this point.

11 A Okay. I said what I said.

12 Q Okay. But I'm saying if you have some
13 concerns in the future, if you would contact them
14 or -- and they'll get ahold of me. And we'll take
15 whatever measures are necessary.

16 MR. BARON: Well, I'm hoping --

17 MR. SAMPSON: Mr. Baker, let me say
18 something, too. You can contact Scott or me, and
19 we will contact Mr. Read, too.

20 MR. READ: That's true.

21 MR. SAMPSON: Did you want to say
22 something, Bob?

23 MR. BARON: Yes. But I won't.

24 MR. SAMPSON: What happened?

25 MR. BARON: No. That's quite all

1 Now, let me clarify something, too.
2 There was another individual -- there was two
3 individuals that when I came up had seen me leave
4 with an FBI agent. And they said, "Monk, what's
5 happening with this?"

6 I says, "Man, you're not going to
7 believe this."

8 Okay. And we got to talking.

9 Q Time out for just one second.

10 A Okay. I was trying to get to --

11 Q I know. And I don't mean to interrupt
12 you, but I'm trying to put a date on when that
13 happened. And I think I can help you if you'll
14 bear with me --

15 A It was the same date that the FBI
16 officer come and seen me that it escalated from
17 there. Within the next four or five days,
18 everything was supposed to have been put together.

19 MR. SAMPSON: January 10, '97, is
20 when your 302 was completed by -- or the
21 investigation on 1-10-97, FBI, Leavenworth,
22 Kansas.

23 Does that help?

24 THE WITNESS: Yeah. And who was
25 that?

1 MR. SAMPSON: It was an agent named
 2 Frederick Hillman.
 3 Q (By Mr. Baron) Does that sound about
 4 right, January of '97, you were in Leavenworth and
 5 that's the first time the FBI agent came to see
 6 you?
 7 MR. SAMPSON: Feel free if you want
 8 to read that.
 9 THE WITNESS: I don't know if that
 10 was the same report. But yeah. Basically, yeah,
 11 that sounds about right.
 12 Q (By Mr. Baron) So it's about January of
 13 '97, the FBI agent comes to see you?
 14 A Right.
 15 Q That's the first time anybody comes to
 16 talk to you about Trentadue?
 17 A That's correct.
 18 Q And that's when you talked to Del Raney
 19 and the other person that you were starting to tell
 20 me about before I interrupted you?
 21 A Right. That's correct.
 22 Q Do you remember the name of the other
 23 person that talked to you?
 24 A No, I don't.
 25 Q Now, is it your testimony that up to

1 man named Trentadue.
 2 Q Now, you've told us about all the
 3 different times that you've been interviewed by
 4 the FBI and the other agencies; is that correct?
 5 A That's correct.
 6 Q But at no time have you told anyone what
 7 you've told us here today?
 8 A That's correct.
 9 Q Now, you gave two written documents --
 10 and those are there. One is on yellow paper and
 11 one is on white paper. And you wrote both of
 12 these last night; is that correct?
 13 A That's correct.
 14 Q Now, would you look at the one that's on
 15 white paper. And that's marked Exhibit 113. And
 16 that's three pages long; is that right?
 17 A Yes, that's correct.
 18 Q Would you look on the second page, Item
 19 No. 4. Would you read that paragraph out loud for
 20 us, please?
 21 A "The timing is very wrong. S. Lee,
 22 round officer, was night shift, 12:00 midnight to
 23 8:00 a.m. Trentadue was rushed and beat on or
 24 before the third shift left and had already died
 25 hours before. The staged suicide was done prior

1 that time, up until the FBI agent came to see you
 2 in January of '97, you had not read the article in
 3 GQ? Is that correct?
 4 A What is GQ? I mean --
 5 Q GQ is a magazine.
 6 A Okay.
 7 Q You had not seen the magazine article
 8 about Trentadue; is that correct?
 9 A Yes, that's correct.
 10 Q You had not seen anything on TV about
 11 Trentadue; is that correct?
 12 A A Lot of times, I was locked up --
 13 that's correct -- where there was no TV. That's
 14 correct.
 15 Q But you never did see anything?
 16 A No.
 17 Q And you never did hear any talk among
 18 the inmates about Trentadue up to that time?
 19 A Yes, I've heard talk among inmates about
 20 what happened to a man named Trentadue.
 21 Q Now, did you hear that talk before
 22 January of '97?
 23 A This was after I was interviewed.
 24 Q It was after January of '97?
 25 A That's correct, because I never knew a

1 to the shift change."
 2 That was my own thoughts of what I
 3 thought happened.
 4 Q Now, I'm not sure that I follow you as
 5 to what you mean by the third shift. And that's
 6 what I want to ask first.
 7 A Okay.
 8 Q What time is the third shift?
 9 A The first shift is from midnight until
 10 8:00. The second shift is from midnight to 8:00
 11 to -- 8:00 to 4:00. The third shift -- well, I'm
 12 sorry.
 13 Q But --
 14 A No, no. No, no. I'm sorry. Hold on.
 15 Q Okay.
 16 A The first shift is from 1:00 to 8:00.
 17 The second is from 8:00 to 4:00. The third shift
 18 is from 4:00 to 12:00.
 19 Q Is that p.m.?
 20 A On third shift?
 21 Q Yes.
 22 A From p.m. -- 4:00 p.m. until 12:00 p.m.
 23 Q 12:00 midnight?
 24 A 12:00 midnight.
 25 Q So the first shift, then, would have to

1 be from midnight to 8:00 a.m.?
 2 A That's correct.
 3 Q The second shift would be from 8:00 a.m.
 4 to 4:00 p.m.?
 5 A That's correct.
 6 Q And the third shift would be from
 7 4:00 p.m. to midnight?
 8 A That's correct.
 9 Q So what you're saying is that Trentadue
 10 was beat on and all of this stuff happened,
 11 according to your memory and testimony, during the
 12 shift which you've just called the third shift,
 13 which would be the 4:00 p.m. to midnight shift?
 14 A Okay. Let me --
 15 Q Is that what you're telling us?
 16 A This is what I'm saying. When I says
 17 this here, when I says all this here happened
 18 here, I'm saying that this man, I felt in my mind,
 19 was deceased and this was staged at this time.
 20 Okay. I'm not saying that it actually
 21 stopped. I'm saying that there might have been
 22 the time where the shift changed and they happened
 23 to look and they seen this man hanging, and then
 24 that's when they went and says, "Hey. This man
 25 has committed suicide."

1 So I'm saying it's between the third and
 2 the first shift.
 3 Q So you're saying this happened on the
 4 third shift; in other words, between 4:00 p.m. and
 5 midnight?
 6 A Right.
 7 Q So in your best opinion, this all
 8 happened and he was, by your testimony, hung up
 9 before the shift change that occurs at midnight?
 10 MR. SAMPSON: I'm --
 11 MR. BARON: Just a minute, Chuck.
 12 MR. ADAMS: He can make his
 13 objection.
 14 MR. SAMPSON: Bob, just let me make
 15 an objection. You were done, weren't you?
 16 Weren't you done with your question?
 17 MR. BARON: No. He was giving an
 18 answer.
 19 MR. SAMPSON: Well. I was going to
 20 object.
 21 MR. BARON: You're objecting to my
 22 question?
 23 MR. SAMPSON: Yes.
 24 MR. BARON: Okay. Don't make a
 25 suggestive objection.

1 MR. ADAMS: He can do whatever --
 2 Make whatever record you need to
 3 make, Chuck.
 4 MR. SAMPSON: Well, I think you're
 5 misstating the witness' testimony, Bob. He just
 6 testified that -- well, I object to the form,
 7 misstating the witness' testimony.
 8 MR. BARON: All right. That's fine.
 9 Q (By Mr. Baron) Now, I don't want to
 10 misstate what you've testified to. So let's go
 11 from this paper that you've written.
 12 A Okay. Can I -- I don't have a clock.
 13 Q Right. I understand.
 14 A Okay? So I'm going by just the
 15 different faces that I see that goes around.
 16 So when I say the third shift, I'm
 17 saying it was late, early morning. When I'm
 18 saying that it was done and they come and got me,
 19 I'm saying then it was on the first shift, early
 20 morning.
 21 The time frame, actually, I can only say
 22 it was the third and the first shift that
 23 everything took place.
 24 Q Well, on this paper, you say: "The
 25 staged suicide was done prior to the shift

1 change."
 2 Did you mean that?
 3 A Yes, I meant that.
 4 Q I understand you don't have a wristwatch
 5 when you're in the SHU.
 6 A Right.
 7 Q And you don't have a clock on the wall
 8 of your cell.
 9 A I'm saying when they went in and when
 10 they came back --
 11 Q Let me finish. Let me finish my
 12 question.
 13 MR. SAMPSON: Let the witness
 14 finish, please.
 15 MR. BARON: I haven't finished the
 16 question.
 17 MR. ADAMS: Well, because you're not
 18 letting him finish his answers. And you're trying
 19 to misrepresent what he says.
 20 THE WITNESS: No, no. I'm sorry. I
 21 interrupted him.
 22 MR. BARON: Let's not fight about
 23 this. We've been at this too long.
 24 MR. ADAMS: Well, be fair about it,
 25 then, Bob. The guy is trying to be honest and

1 trying to answer your questions.
 2 MR. BARON: Well, let me ask them,
 3 then, Scott.
 4 MR. ADAMS: Then ask them.
 5 MR. BARON: Well, thank you.
 6 MR. ADAMS: You're welcome.
 7 Q (By Mr. Baron) Do you have a wristwatch
 8 when you're in SHU?
 9 A I've never owned a wristwatch in the
 10 penitentiary.
 11 Q And you don't have a clock in the
 12 penitentiary on the wall, either, do you?
 13 A Not where you're at, no.
 14 Q So the way you tell time -- tell me if
 15 I'm right or wrong. The way you can at least get
 16 an idea as to time is shift change?
 17 A That's exactly right.
 18 Q And so you know that -- when you see
 19 different faces, you know there's been a shift
 20 change?
 21 A Right.
 22 I would like to clarify that just a
 23 little bit more.
 24 Q Please do.
 25 A There was a lot of people on that floor

1 at that night. So that is going to make your time
 2 frame of trying to say the third or first shift --
 3 because you're going to have people from SIS come
 4 up. You're not going to know if they was part of
 5 the shift change. You're don't know if they was
 6 on the last shift change. So there's different
 7 faces there. So that --
 8 In other words, this here which is
 9 stated to -- I'll say that this was an inaccurate
 10 statement on my part because I could not really
 11 say that that was the third shift or the first
 12 shift, because there was a lot of faces that night
 13 on the floor.
 14 So --
 15 Q You do remember --
 16 A -- to answer it honestly --
 17 Q You do remember SIS coming up and
 18 investigating?
 19 A No. No, I don't. I said SIS like
 20 people just coming up --
 21 I'm sure there was a part of SIS
 22 probably come up. Maybe they did. Maybe they
 23 didn't. I don't know. You know.
 24 I guess the point that -- what I was
 25 trying to say is there was other officers on the

1 floor. Whether they was on the third shift or on
 2 the first shift, I don't have any idea of knowing.
 3 So what I'm saying is that when I made a
 4 statement here that I feel that they staged the
 5 suicide, in my mind, I'm feeling that it was
 6 before the shift changed because they wanted the
 7 man on the next shift to see the man hanging to
 8 confirm that the man actually hung himself. I'm
 9 saying that was what I'm thinking.
 10 Now, I'm not saying that was necessarily
 11 true. That's an incorrect statement on my part,
 12 because I don't really know if the shift changed
 13 or not.
 14 Q Well, who's S. Lee?
 15 A S. Lee is a man that -- this paper that
 16 I had --
 17 MR. SAMPSON: Which paper are you
 18 referring to?
 19 MR. BARON: The paper that he wrote,
 20 Exhibit 112.
 21 THE WITNESS: No, no. No, no. It's
 22 another paper that the other attorney give me in
 23 Oklahoma City.
 24 Q (By Mr. Baron) What other attorney is
 25 that?

1 A This attorney right here, the paper that
 2 this came in.
 3 And I'll show you how I came to that
 4 logic.
 5 Q Hughes, Artus & Goodwin?
 6 A No, no. It's in this jacket. One of
 7 these jackets of paper that this man gave me, it's
 8 on this desk here.
 9 MR. READ: What was in that?
 10 THE WITNESS: That's what I'm trying
 11 to show you.
 12 MR. READ: That's what you're
 13 looking for?
 14 THE WITNESS: Right.
 15 Q (By Mr. Baron) Did you give that to
 16 Mr. Adams and Mr. Sampson this morning?
 17 A There's a paper right here. Here it is
 18 right here, isn't it?
 19 MR. SAMPSON: Oh, there it is. Is
 20 that it?
 21 THE WITNESS: No.
 22 There's a paper that has a list from
 23 this man's office. It's on this table.
 24 I'll show you how I come to the
 25 logic of what you just asked me.

1 MR. SAMPSON: Can we take a break?
 2 Freddy has to change paper.
 3 MR. BARON: Okay.
 4 (Off the record)
 5 THE WITNESS: Ever what he's just
 6 asking.
 7 Q (By Mr. Baron) Mr. Baker, bear with me
 8 a second. I have to do this a certain way. Okay?
 9 A Okay.
 10 MR. BARON: Fred, let's have an
 11 exhibit marker, please. And that will be
 12 Exhibit 115.
 13 (Deposition Exhibit No. 115 marked
 14 for identification and made part of
 15 the record)
 16 Q (By Mr. Baron) Now, bear with me for a
 17 second, Mr. Baker, okay, because I have to go
 18 through this a certain way.
 19 A All right.
 20 Q The court reporter has just marked
 21 Exhibit 115. And this is a piece of paper that
 22 Mr. Sampson just took out of -- strike that --
 23 Mr. Adams just took out of his briefcase; is that
 24 right?
 25 A Right.

1 Q That's the paper that came in the
 2 envelope that is marked as Exhibit 114; is that
 3 correct?
 4 A That's correct.
 5 Q And did you give this paper to
 6 Mr. Sampson and Mr. Adams while they were visiting
 7 with you before the deposition began today?
 8 A It was all looked at and given back to
 9 me. And somehow or another, I guess that they --
 10 MR. ADAMS: Well, remember, you had
 11 this order.
 12 I'll just explain it. He had the
 13 order like this.
 14 Remember we tried to give you this,
 15 and you said, "No. I don't need that" and gave it
 16 back --
 17 THE WITNESS: Right. And this was
 18 all in the same envelope.
 19 MR. ADAMS: I threw it back in the
 20 briefcase, and I just found it.
 21 THE WITNESS: Right.
 22 MR. ADAMS: There's not anything
 23 secret to it, Bob. It's not any big deal. You're
 24 more than welcome to --
 25 MR. BARON: Do you mind if I look at

1 it?
 2 MR. ADAMS: No.
 3 THE WITNESS: Sure.
 4 (Mr. Baron reviews document)
 5 Q (By Mr. Baron) Okay.
 6 A Now, I think I can explain the logic
 7 behind the reason that you're asking me about this
 8 No. 4.
 9 Q Yes. Please do.
 10 A Can I start over again?
 11 Q Sure.
 12 A Last night when I was looking at this
 13 letter --
 14 Q And we have to refer to the letter as
 15 Exhibit No. 115.
 16 A Exhibit No. 115.
 17 There's -- on Page 1 and 2 is a list of
 18 the rounds and different things that
 19 supposedly (sic) happened at a time frame when
 20 Mr. Trentadue was killed.
 21 By me looking on here last night, I was
 22 trying to cipher in my mind a time frame of when I
 23 actually testified to of it being the third shift
 24 or the first shift.
 25 Now, my writing again -- let me reread

1 it again.
 2 Okay. I says here: "The timing is very
 3 wrong. S. Lee" --
 4 Can I see this just a second?
 5 It says here on this paper, on
 6 Exhibit 115, "S. Lee, 8-21, 0305," which means
 7 3:05 in the morning.
 8 Okay. Now, I stated here: "The timing
 9 is very wrong."
 10 S. Lee, which they say he was a round
 11 officer or an officer -- emergency -- officer -- I
 12 said round officer -- was not --
 13 Okay. "The timing was very wrong.
 14 S. Lee, round officer, was night shift between
 15 12:00 midnight to 8:00 a.m."
 16 And if you look on here, he had to come
 17 on at 12:00 in the evening and work until 8:00.
 18 Why would he be there at 3:05 in the morning?
 19 That's -- I come to that logic.
 20 "Trentadue was rushed and beat on or
 21 before the third shift." Let me read it how I
 22 said it. "Was rushed and beat on before the third
 23 shift left."
 24 Okay. I'm saying that this happened,
 25 the consertation (sic), everything started, I'm

1 saying in my mind, around the third shift. And I
2 believe that he was already dead and the other
3 people came in prior to the shift change.

4 Now, that's an inaccurate statement, the
5 last sentence, because I'm not sure the time or
6 whatever. What I was trying to do is look at this
7 time here at 0305, and I tried to estimate a time
8 of when it was either the third shift or the
9 second shift -- or the first shift.

10 So I messed up.

11 Q Would it be fair for me to say that you
12 don't know personally who S. Lee is?

13 A No, I don't know who S. Lee is at all.

14 Q You've never seen him or talked to him
15 in your life?

16 A No. I'm going by the time on the shift
17 that says that he was on that floor at 3:05 in the
18 morning. And I'm saying that Mr. Trentadue had
19 already gave his last moment hours before that,
20 and I felt that he was already dead, because the
21 officers already went in and went out.

22 Q So the only time in your --

23 A And then I was taken out and put in
24 another cell.

25 Q So the only time in your life you've

1 That's not to say that that's a true document
2 itself, either.

3 Okay. I'm sorry.

4 MR. SAMPSON: I have a lot to say
5 about 115.

6 Q (By Mr. Nance) When you went to
7 Oklahoma City, the FTC, the Federal Transfer
8 Center, and you were taken to the seventh floor,
9 you had come from Lewisburg; right?

10 A No. I came from -- which -- the first
11 time?

12 Q The first time.

13 A From Lewisburg; that's correct.

14 Q When you flew in from Lewisburg, you
15 were taken up to the SHU, or the seventh floor --

16 A Right.

17 Q -- from the plane?

18 A High maximum cell, yes.

19 Q And you were taken to what's been
20 identified as Cell 709.

21 A That's correct.

22 Q How many hours or how long were you in
23 that cell before they moved you down the hall?

24 A Well, they took me in there in the
25 evening. I spent the night in the cell. The next

1 ever seen or heard the name S. Lee is in
2 Exhibit 115?

3 A That's exactly right.

4 MR. BARON: Thank you. I have no
5 further questions.

6 THE WITNESS: Now, it's not just so
7 much as the name S. Lee as it is the time of the
8 shift change -- I mean as the time of the shift.

9 MR. BARON: You're next, Barry.

10 MR. NANCE: Okay.

11 CROSS EXAMINATION

12 BY MR. NANCE:

13 Q Hopefully, I'll just have a few. I know
14 we've gone longer than what we said just about
15 thirty-five minutes ago.

16 I wanted to go back through, because I
17 know we've shuffled around a little bit. I just
18 want to go back through the timing just real
19 quickly.

20 A Okay. Can I ask you a question first,
21 please?

22 Q Go ahead.

23 A Okay. What I'm saying is that's not to
24 say that Exhibit 115 is the exact time that
25 everything took place on the seventh floor.

1 morning, I went to rec. I came back from rec, and
2 I was moved between the breakfast and the lunch,
3 which I testified earlier that I don't remember
4 eating lunch or supper in the other cell that they
5 moved me to.

6 Q So you stayed there just in that cell
7 one night?

8 A That's exactly right.

9 Q Then you went to the rec area the next
10 morning?

11 A Right.

12 Q After breakfast?

13 A Right. Because the plane got in in the
14 afternoon, you know. So I spent the night in that
15 cell.

16 Q That's when you talked to someone that
17 you think may have been Kenneth Trentadue?

18 A The only reason that I say that may have
19 been at that time -- because I never knew
20 Mr. Trentadue -- when I was shown a picture that
21 was Mr. Trentadue, that was the same individual
22 that I spoke with that went into 709.

23 Q So then you moved down to the cell down
24 the hall from that cell --

25 A That's right.

1 Q -- from 789?
 2 Stayed there that night?
 3 A Partially, because I was moved before
 4 the morning, before it got daylight.
 5 Q You were moved prior to breakfast or
 6 after breakfast was served?
 7 A Prior to breakfast.
 8 Q And then you moved to the other pod, the
 9 third cell you were in in Oklahoma City on that
 10 trip?
 11 A If that's where they said they moved me.
 12 But I don't know --
 13 Q You moved to a third cell?
 14 A Right. I moved to a third cell.
 15 Q Did you stay in that cell until you were
 16 shipped out to Leavenworth?
 17 A Exactly right.
 18 Q When you were talking to the gentleman
 19 in the yard outside on that morning, did he
 20 talk -- what was your conversation, everything you
 21 can recall about your conversation?
 22 A Well, when you say a conversation, if
 23 you want to call it a conversation. "Hey, where
 24 are you from? Where are you going?"
 25 You know, I can't remember word for word

1 that, you know, I was given an order to be -- I'm
 2 sorry.
 3 I was supposed to come in here under a
 4 court order to say actually what it was that I
 5 seen. And I figured this is the best time at all
 6 to get it all out.
 7 And I sat down last night -- I've been
 8 up since 5:00 yesterday morning. And I sat up all
 9 night trying to piece it together to the best of
 10 my knowledge over a period of so -- three or four
 11 years and the medications I've been on, to try to
 12 put it as best as I possibly can recall it.
 13 Q You may have been asked this question
 14 before, so I apologize. Did you ever write down
 15 similar to what you did last night for any agent
 16 of the Federal Bureau of Investigation?
 17 A No, sir, I did not. This is the first
 18 time --
 19 Q Were you ever called before any grand
 20 jury in the Western District of Oklahoma?
 21 A No, sir, I was not.
 22 Q Were you ever questioned by any FBI
 23 agent or governmental agent about who you saw,
 24 whatever time it was, go into Mr. Trentadue's
 25 cell?

1 what I said to him and what he said to me. Only
 2 thing that I can really pick up in my mind is that
 3 he was from California, and I used to train horses
 4 in Los Alamitos, California. Okay. So that's
 5 what stuck.
 6 Q Do you remember talking to him about why
 7 he was in SHU?
 8 A No.
 9 MR. NANCE: That's all my questions.
 10 Thank you.
 11 MR. BARON: Is there anyone on the
 12 telephone?
 13 MR. READ: People on the phone, do
 14 you have any questions?
 15 MR. TILL: I have a question. Peter
 16 Till.
 17 Can the witness hear me? Am I
 18 projecting enough?
 19 MR. ADAMS: You're doing fine.
 20 THE WITNESS: Yes, sir.
 21 CROSS EXAMINATION
 22 BY MR. TILL:
 23 Q Sir, what prompted you to write down
 24 your notes last night prior to today?
 25 A What prompted me to? Well, I figured

1 A If I was, I don't remember.
 2 Q Is it your position that you did not
 3 disclose any of the information that you've
 4 articulated today because of a fear for your own
 5 safety?
 6 A Excuse me. I don't understand the
 7 question.
 8 Q Did you not tell anybody about this
 9 because of a fear for your own safety until today?
 10 A That's correct.
 11 Q And correct me if I'm wrong. You're
 12 really at a point now where you don't really care
 13 about what could possibly happen to you as a
 14 result of giving this information?
 15 A I look at it -- you know, that's a
 16 twofold answer there. But I guess the answer
 17 short and simple is that I said what I said, I
 18 seen -- I seen and I said what I said to be what I
 19 seen. And I'm burnt out on it. I'm through with
 20 it. I thought this was over months ago. And
 21 there it is. And that's the way that it is, yes.
 22 You're correct.
 23 Q You just said you thought this was over
 24 months ago.
 25 A That's correct. And the reason that I

1 say that is because the last person -- it wasn't
2 Ronald Holland. It was another government
3 official that come and seen me and told me about
4 "My mind is no longer my friend" and told me to
5 write this out and by me giving a handwriting
6 analysis, that this is it, it's through, it's over
7 with, I'll never be called back on this anymore.

8 Q Did you ever know another inmate at the
9 Federal Transfer Center when you were there in
10 August of 1995 named Nick Arcabasso? (Phonetic)

11 A No, I don't know that name.

12 Q When you were -- on the afternoon of
13 August 20th, you testified earlier -- and I
14 apologize if someone else asked you this
15 question -- that you awoke after supper. Is that
16 what you said before?

17 A I'm saying it was after supper because
18 supper obviously had already been fed and that it
19 never came around. So yes, I'm saying it was
20 after the supper meal.

21 Q Now, I don't know if you know this, but
22 I'll identify again for you that I represent a
23 former Bureau of Prisons guard.

24 A No, I didn't know that.

25 Q About certain guards before --

1 A I'm sorry. I can't hear you.

2 Q You spoke of someone's name with a "D,"
3 the letter D as in dog; is that correct, sir?

4 A Yes.

5 Q And what is your recollection of seeing
6 a name with the letter D?

7 A Because this was the person that took me
8 out of the second cell and put me in the third
9 cell.

10 Q Now, how is it -- what observation after
11 that person took you out and put you in another
12 cell did you make of this person whose name you
13 recall begins with the letter D?

14 A I think the question you're asking me is
15 how I remember the D-e. Is that what you're
16 asking me, how I remembered it?

17 Q That's a fine question. How do you
18 remember the letter D on a name?

19 MR. SAMPSON: I'll object to the
20 form --

21 THE WITNESS: I remember the D-e
22 because the way the person addressed me, I looked
23 at the name tag because I knew that if I ever
24 remembered the person and seen him again -- and I
25 remember that he was in that cell. And I remember

1 that if anything come up like it did today, I
2 would remember something about that individual.
3 And I remembered a foreign name or a French name
4 that started with D something.

5 Q (By Mr. Till) Did that gentleman
6 have -- did you describe that gentleman as having
7 a ponytail?

8 A No, I did not. I'm saying that there
9 was a Native American there that was -- had a
10 ponytail. There was another individual there that
11 was a Native American. He was the same individual
12 that took me up the last time I was there.

13 Q The gentleman who you've identified as
14 having a name tag with a letter D on it, was that
15 person a Native American, as well? Are they one
16 and the same person?

17 A No, they weren't.

18 Q Is it your testimony that you could not
19 see what went on in a cell that you believe was
20 occupied by Mr. Trentadue?

21 A Yes, that's my answer for the simple
22 fact is the only thing that I could do was hear.
23 And I knew a man was getting beat. That was my --
24 I think my testimony.

25 Q You testified that the persons who went

1 into the cell were wearing helmets with visors?

2 A Right. And one was a Native American.
3 And the other person that came out of the cell the
4 second time was the same person that went in the
5 first time was the same person that took me out of
6 the second cell and put me in the third cell. The
7 only way that I can remember that individual, he
8 had a D-e and another word that went it.

9 Q In other words, he was wearing a name
10 tag on the outside of his riot gear?

11 A I'm sorry?

12 MR. SAMPSON: I'm going to object to
13 the form, Peter.

14 THE WITNESS: In other words, he was
15 wearing a name tag? Is that the question you're
16 asking me?

17 Q (By Mr. Till) Yes. Was he wearing a
18 name tag, if you can recall, on the clothing that
19 you described earlier, I think, as riot gear?

20 MR. SAMPSON: I think you --

21 THE WITNESS: No, no. No, no. I'm
22 sorry. I'm saying that the riot gear that I seen
23 happened before this person came to my cell. The
24 time that he come to my cell, he never had any
25 riot gear on.

1 Q (By Mr. Till) Then let me ask you, how
2 you are you able to identify that person as being
3 one of the people in the riot gear that went in
4 the cell?

5 A Because he looked identically like the
6 person that came and took me out of the second
7 cell and took me to the third cell.

8 Q Did you have any discussions with
9 Mr. Sampson or Mr. Adams this morning --

10 A Oh. I'm sorry. There -- the next time
11 that I seen -- do you remember me testifying that
12 I seen someone holding their face?

13 Q I'm sorry, sir. I couldn't hear you.

14 A Where someone was holding their face
15 coming out of the cell? I believe that this was
16 the same man that had marks on his face. So I
17 mean, why I'm saying that, this man was marked, I
18 believe, on his face.

19 Q Was this gentleman that you're
20 describing a Native American?

21 A There was a Native American, yes, sir.

22 I'm saying that the person that came and
23 got me had marks on his face, too. That's what
24 I'm saying. That's what also led me to believe
25 that he was in the riot gear and went in with the

1 question?

2 A Please. My mind was somewhere else.
3 I'm sorry.

4 MR. SAMPSON: And take the bullets
5 out of it this time.

6 Q (By Mr. Till) Did you look at any list
7 or piece of paper that concluded that the
8 gentleman with the letter D in his last name was
9 in fact on or off duty during the entire matter
10 that --

11 A Okay. Now I think I understand your
12 question.

13 The only time that I ever seen that name
14 was the time that this individual come and took me
15 and cuffed me and took me to another place.
16 Therefore, I couldn't have got the name on the
17 paper that is here because I don't see the name on
18 here.

19 So the D-e that I stated to in my
20 testimony, how I can remember that individual that
21 I know that went in and out of the cell was by his
22 face being marked, and I remember the D-e with a
23 capital letter that could have been a "C" or a "G"
24 or something like that there.

25 And I always wanted to remember that

1 other gentlemen that went in the cell.

2 Q Did you ever before today determine the
3 names or identities of any of these Jail
4 officials?

5 A I made a weak attempt at it on a paper
6 that is marked Exhibit 115 that has names, that
7 stated that this was actually what happened on the
8 time of the -- of the -- that the days between
9 8-20, 11:25 to 11:45 through to 8-22, 9:15 to
10 0925.

11 And this was a paper that was
12 supposedly (sic) have been a document that came
13 from the seventh floor of who was on, who was off,
14 the times, and everything.

15 And I stated a poorly job of making a
16 name out.

17 I tried to do that to try to put the
18 time frame when I seen everything was going down
19 between the third and the first shift.

20 Q Did you ever determine, from your
21 inquiry about who was on duty and who was off
22 duty, whether the name that you were barely able
23 to remember beginning with the letter D was one of
24 the people who was either on or off duty?

25 Would you like me to rephrase the

1 individual for the simple fact is of the words
2 that we had and the way that he treated me to the
3 other cell. That's why I tried to remember the
4 name of that, and also that he was a part of being
5 in on the involvement that happened in 709A.

6 Q And Mr. Baker, am I correct in saying
7 that your movement from one cell to another was
8 after you had awoken?

9 A I'm sorry. I don't understand your
10 question.

11 MR. ADAMS: There's been more than
12 one cell movement here. You're going to have to
13 be more specific.

14 THE WITNESS: No, no. I'm saying I
15 don't --

16 Q (By Mr. Till) -- listen.

17 A Okay.

18 Q You had been asleep for quite some
19 period of time?

20 A Right.

21 Q And that you went ahead --

22 A -- and woke up.

23 Q -- and you woke up?

24 A That's correct.

25 Q And that the way you were able to tell

1 approximately what time you woke up, you knew that
2 feeding was over. Is that correct, sir?

3 A I knew that supper had come around. So
4 what I'm saying is I woke up after supper; that's
5 correct.

6 Q And that this person was on duty,
7 according to your testimony, after supper had come
8 around?

9 A That's correct, sir.

10 Q Did anyone ever tell you this gentleman
11 with the letter D for a last name was, in fact,
12 not on duty at that time?

13 A I don't know if he was on duty or not,
14 sir. I'm saying that he was on there -- he was on
15 that floor at that specific time that I've stated
16 in the record.

17 Q Had you ever seen this gentleman prior
18 to this date?

19 A No. The only gentleman that I ever seen
20 twice, I'm going to the FTC, was a Native American
21 Indian that had a ponytail that took me up the
22 first time that I went through and when I came
23 through two years or so later took me up on the
24 floor the second time. And I knew he was the same
25 individual that was in the carceration (sic) that

1 I seen the first time when they went into 709A.
2 That's the only individual --

3 Q The gentleman with the last name, did
4 you ever see him again after that date?

5 A Which date are you referring to? I'm
6 not sure what date you're referring to. Are you
7 talking about the date the last time I've been
8 there or the date that I seen him go out of the
9 cell? I'm not sure of your question.

10 MR. SAMPSON: Are we talking about
11 the Native --

12 MR. TILL: I'll try it again.

13 THE WITNESS: Okay.

14 MR. SAMPSON: Are we talking about
15 the Native American or --

16 MR. TILL: -- of the cell.

17 MR. SAMPSON: -- the D-e-C?

18 MR. TILL: This particular
19 corrections officer who has the last name
20 beginning with the letter D.

21 MR. SAMPSON: -- e-C.

22 Q (By Mr. Till) Did you ever see him
23 again after that date?

24 A The date that he took me out of the cell
25 and put me in another cell, that's the last time I

1 seen that individual. That's correct.

2 Q Now, here's the next question. Did you
3 ever have a conversation with that corrections
4 officer after that date?

5 A Well, logic -- well, I'm not even going
6 to go there.

7 No. No, I did not.

8 Q Did you ever receive any correspondence
9 from that corrections officer?

10 A I've never received any correspondence
11 from any BOP officer.

12 Q Were you ever shown a photograph by
13 anyone of any of the corrections officers who you
14 have testified about today on that floor that day?

15 A No, I have not.

16 Q Were you ever shown a composite sketch
17 of either -- for any of the those corrections
18 officers that were alleged to be on that floor
19 that day?

20 A Again, no, I have not.

21 Q Were you ever taken to a hospital on the
22 night of August 20th or on August 21st?

23 A No, I was not.

24 Q Do you have a recollection as to what
25 hospital the FTC has an affiliation with in

1 Oklahoma City?

2 A Well, I was brung in on a plane. I was
3 taken to the seventh floor. I was put in three
4 different cells. And that's where I stayed until
5 I left.

6 So therefore, the only injury place
7 where I would understand is where I came in is
8 where they took me to the infirmary, asked me
9 about my violence, about my suicidal attempts and
10 this and that. And I went up there. And I never
11 went to another -- seen another infirmary other
12 than my medication being passed to me up on the
13 seventh floor.

14 MR. TILL: Thank you, sir. I have
15 no other questions.

16 THE WITNESS: Thank you.

17 MR. SAMPSON: Mr. Baker -- oh. I
18 guess we have more people on the phone.

19 MR. READ: Sheila?

20 MS. TIMS: I think Ambre has some
21 questions.

22 MS. GOOCH: Hello.

23 MR. SAMPSON: Go ahead, Ambre.

24 CROSS EXAMINATION

25 BY MS. GOOCH:

1 Q Mr. Baker, what sentence are you
2 currently serving?
3 A Excuse me? I'm sorry? I didn't hear
4 the question.
5 Q What are you in prison for right now?
6 A Bank robbery.
7 Q What's your sentence?
8 A I'm not sure. I don't even know.
9 Q How many other felony convictions do you
10 have?
11 A I'm wanted in thirteen states. I've
12 been tried in three states. I've got 120 years in
13 Maryland. I've got eighty-five years in
14 Pennsylvania. I've got five or six other states
15 that want me. And I've had recent detainers come
16 in within the last month.
17 Q Now, with regard to Maryland, what did
18 you receive 120 years for?
19 A Rape, robbery, armed robbery, assault,
20 car jacking or something of that sort. It's so
21 much, I don't remember.
22 Q What about Pennsylvania?
23 A Again, I don't remember. Assault,
24 robbery. It had to be somewhere along the lines.
25 Q How many times have you tried to commit

1 suicide?
2 A Which time are you referring to? Are
3 you just asking me when I attempted to cut myself?
4 MR. ADAMS: No. She's asking you
5 how many times.
6 THE WITNESS: Twice.
7 Q (By Ms. Gooch) And when was that?
8 A One was in 1992. And I'm not sure of
9 the other year. It could be '96 or '97.
10 Q Have you tried to commit suicide in any
11 other way?
12 A Other than cutting my throat? No,
13 ma'am.
14 Q What prisons were you in on these times
15 that you tried to cut yourself?
16 A Prisons is where I've been? Is that the
17 question you're asking me?
18 MR. ADAMS: What prisons were you
19 in?
20 MR. READ: She wants to know what
21 facilities you were in when you cut yourself.
22 THE WITNESS: Okay. I'm sorry.
23 Fairton, New Jersey, was the first
24 time. And that was in 1991 or '92.
25 And Leavenworth was the second time,

1 was in 1997 or '96. And I really wasn't
2 attempting to commit a suicide. A person checked
3 in on me for an amount of money. And I cut my
4 throat hoping to get to the SHU to kill this
5 person. And it turned -- backfired on me. They
6 took me and strapped me up and put me to another
7 place.
8 And there's documentation on that,
9 too, through SIS.
10 Q (By Ms. Gooch) What did you use to cut
11 yourself with each time?
12 A A razor blade.
13 Q Where did you get the razor blade?
14 A Out of the razor.
15 Q Where did you get the razor?
16 A Either off of the commissary or from the
17 clothing house that issues razors.
18 MS. GOOCH: I have no further
19 questions.
20 MR. SCHLOSSMAN: Could you put Tom
21 on the phone for me?
22 MR. READ: Yes, sir.
23 (Off the record)
24 MR. READ: Is everybody still there?
25 MS. GOOCH: Yes, we're still here.

1 MR. READ: Okay.
2 REDIRECT EXAMINATION
3 BY MR. SAMPSON:
4 Q Mr. Baker, I just have a few more
5 questions.
6 A All right.
7 Q Hopefully, they won't take long.
8 Are you positive that the person you saw
9 in the photograph that was shown to you by the FBI
10 agent is the same person that you saw in the yard
11 at the SHU unit?
12 A Yes, sir, I am.
13 Q We have records from the SHU unit,
14 Mr. Baker, that indicate that you were put in
15 Cell 709A on August 14th, and you left from the
16 B pod on August 24th. The killing occurred on the
17 morning of August 21st.
18 Could your recollection be hazy on how
19 long you spent in Cell 709A?
20 A Yes, it could have.
21 Q And you indicated --
22 A I'm saying any -- as far as the time of
23 any of this, the time length could be anywhere,
24 because I was under medication. And I'm given an
25 approximate time what I feel it could have been.

1 So, yes, it could have been different.

2 Q Do you have any doubt that the day you

3 were moved from Cell 709A is the same day that the

4 guards went into Cell 709A after Mr. Trentadue?

5 A It was the same day. I have no doubt at

6 all.

7 Q Now, you indicated that Cell 709A had a

8 view of a meadow and a road and a grove of trees

9 or something like that? Is that your recollection

10 of Cell 709A?

11 A Right. A tree line; some fields;

12 looking off in the distance, a road.

13 Q You sounded like you liked that view?

14 A Well, I remember the view.

15 Q Okay.

16 A You know, there's another thing I would

17 like to bring up. You know, we're talking about a

18 man here that I've only seen one time. And this

19 picture was shown to me three years ago, and I've

20 never seen another picture.

21 So I would like to know is maybe what

22 we're talking about might not even be the same

23 individual that we're talking about, because I've

24 never seen another picture.

25 Q Well, I've got some pictures I can show

1 you, Mr. Baker. Unfortunately, I think they're

2 photographs of Mr. Trentadue after he's dead. But

3 let me show you a photograph. I'll have it

4 marked.

5 At least -- oh. I do.

6 MR. SAMPSON: Let's have this one

7 marked.

8 THE WITNESS: That's the same

9 photograph.

10 MR. SAMPSON: Let me get it marked.

11 We'll go on the record.

12 (Deposition Exhibit No. 116 marked

13 for identification and made part of

14 the record)

15 MR. BARON: That's the same one that

16 you've already seen?

17 THE WITNESS: Not the identical

18 photograph, but basically the same description of

19 the individual that's in the photograph.

20 Q (By Mr. Sampson) The photograph has

21 been marked as Exhibit 116. Is that the

22 individual that you saw in the yard at the FTC on

23 August 20, 1995?

24 A That's correct.

25 Q And is this the same gentleman that went

1 into Cell 709A after you were moved out?

2 A That's correct.

3 Q How long has it been since you've taken

4 any psychotropic medication, Mr. Baker?

5 A I quit taking medications here because

6 after everything came down and people started

7 writing to me about this here and everything like

8 that there, I wanted to make sure that I wasn't

9 taking any more liquid medication because, you

10 know, I didn't know, you know. You know, who the

11 hell knows?

12 MR. SAMPSON: That's all we have,

13 Mr. Baker. Thank you.

14 We need to make a record on

15 Exhibit 115.

16 MR. ADAMS: I want to make a record

17 on 115 real quick. 115 is a letter from Hughes,

18 Artus & Goodwin. Carl Hughes, under my request,

19 was asked to look into a couple of matters for me

20 me when I was in a trial. This letter was

21 generated by him. He does not represent the

22 Trentadue family. He has never represented the

23 Trentadue family. He sent this letter out without

24 me ever seeing this letter.

25 After this went out, I instructed

1 him to send no further letters in regards to the

2 Trentadue matter. To my knowledge, there have

3 been no other letters.

4 MR. SAMPSON: And I've never met

5 Mr. Hughes. I've never seen this letter. And to

6 my knowledge, he has no connection with this case

7 whatsoever.

8 MR. ADAMS: And he's never had any

9 contact that I'm aware of with any of the

10 Trentadue family.

11 MR. BARON: Could we do one other

12 thing while we're making the record on this?

13 And Chuck, I know you didn't intend

14 to withdraw Exhibit 116 from the record.

15 MR. SAMPSON: Oh, did I take that?

16 No, I didn't intend to do that.

17 MR. BARON: There is the other piece

18 of paper that was in the envelope which is marked

19 Exhibit 114.

20 MR. SAMPSON: I don't think that was

21 in the envelope, Bob. That was --

22 MR. ADAMS: That wasn't in the

23 envelope.

24 MR. SAMPSON: That's what I was

25 going to ask about before. That was an order.

1 MR. ADAMS: Yes. That was an order
2 that we had.
3 MR. BARON: Could we mark that?
4 MR. ADAMS: For what purpose?
5 MR. BARON: I'll explain it to you
6 in a second.
7 MR. ADAMS: Well, I know why you're
8 wanting it marked. But I don't think there's any
9 need for it.
10 MR. READ: I don't even know where
11 it is now, unless it's back over there.
12 Here it is. Is this it?
13 MR. BARON: Yes.
14 Would you mark this?
15 (Deposition Exhibit No. 117 marked
16 for identification and made part of
17 the record.
18 RE-CROSS EXAMINATION
19 BY MR. BARON:
20 Q So as I understand it -- and somebody
21 correct me if I'm wrong -- Exhibit 115 came in the
22 letter that was marked -- in the envelope that was
23 marked Exhibit 114, and Exhibit 117 is unrelated
24 to 114 and 115. Is that right?
25 A That's correct.

1 Q Now, Exhibit 117 has a couple of names
2 written on it, Greg Buckley and an inmate number
3 on the first page, and George Harney and an inmate
4 number on the cover page.
5 A Okay.
6 Q What are those?
7 A These is -- okay. When I was leaving
8 last night, I didn't know what my destination
9 would be after this morning when I came up here.
10 And these is just individuals that I figured that
11 I had a legal documentation that will go with me
12 anywhere.
13 I wasn't thinking that this would be in
14 an exhibit. And I had then write their name here
15 so I could keep in touch with them if I went
16 somewhere else.
17 MR. READ: Let me just understand.
18 They assist you with some legal work?
19 THE WITNESS: No. That's not what I
20 said.
21 MR. READ: Okay.
22 THE WITNESS: What I said is that
23 this legal work will travel with me wherever I go.
24 Okay?
25 MR. ADAMS: He's saying the

1 document.
2 THE WITNESS: I'm saying is when I
3 came up here today, I was not sure what was going
4 to happen to me. Okay? I wasn't sure that if I
5 was going to put in the SHU to take to Colorado,
6 Oklahoma, if I was going to come up here after you
7 talked with me, be taken somewhere.
8 And I knew that this document,
9 before it became Exhibit 117 -- I had two
10 individuals put their names on this copy, and I
11 was going to keep it for my own personal use that
12 doesn't have anything to do with this matter other
13 than their names is on here and it would travel
14 with me where I went.
15 Q There's just one other question --
16 MR. SAMPSON: Shall we withdraw 117
17 now so that -- mission accomplished?
18 MR. BARON: Yes. Just so -- I'd
19 like to get a photocopy of it. And then you can
20 have it back.
21 THE WITNESS: Okay.
22 MR. BARON: We'll work that out.
23 MR. READ: I just have honestly one
24 question, and I think we're through.
25 RE-CROSS EXAMINATION

1 BY MR. READ:
2 Q You described in the first group of
3 staff that went in -- that you witnessed go into
4 Cell 709A the evening before you heard the
5 moaning, that when they came out, one person was
6 holding his face, and you made a motion like up
7 around your nose.
8 Was there more than one person that was
9 holding their face or that you saw any marks on
10 their face, or was there just one person?
11 A The only person that got close to me was
12 this one individual that I seen marks on his face.
13 Now, when someone come out holding their
14 face like that there (indicating), it could have
15 been either one of the individuals that went in
16 there, you know, because their back was to me.
17 MR. SCHLOSSMAN: Do you want to
18 describe those marks, what they looked like?
19 THE WITNESS: They were just marks
20 like someone had been in a fight. I mean, in
21 other words, it was marks --
22 MR. SCHLOSSMAN: Bruise -- what --
23 describe them.
24 THE WITNESS: There was marks like
25 someone had been in a fight, just marks, like

1 scratches, maybe a little bit worser than
 2 scratches, but something to stand out -- that
 3 stood out on this individual that had D-e on --
 4 MR. SCHLOSSMAN: Where on the
 5 person's face were they?
 6 THE WITNESS: I just noticed them on
 7 his face. To pinpoint exact spot, maybe his
 8 forehead, his nose, you know, like the bridge of
 9 his nose, or, you know, somewhere around the
 10 center of the face. When you look at an
 11 individual, the first thing that comes -- that you
 12 see would be the center of the face.
 13 Q (By Mr. Read) And that was under the
 14 face shield?
 15 MR. SCHLOSSMAN: A visor?
 16 THE WITNESS: No. This was not no
 17 visor on him when he come and cuffed me up and I
 18 went to another cell.
 19 Q (By Mr. Read) So you saw those marks
 20 when he came to get you?
 21 A Right. That's exactly what I'm saying.
 22 Q You didn't see then when that person was
 23 down at the other cell?
 24 A No, I did not.
 25 MR. READ: I don't have any further

1 questions.
 2 Read and sign, or what are we going
 3 to do?
 4 MR. ADAMS: Mr. Baker, you have the
 5 option -- you have two options now. We're
 6 finished with this deposition. You have the
 7 option to receive a copy of the deposition to read
 8 it and review it for its accuracy.
 9 You can change answers. There's a
 10 procedure to go through to do all that. And then
 11 you sign it and send it back. And you have thirty
 12 days to do that.
 13 Or you can trust that this court
 14 reporter did it all correctly and waive that.
 15 THE WITNESS: I would rather read it
 16 and see what I said and sign it.
 17 Can I ask a question?
 18 MR. ADAMS: Sure.
 19 THE WITNESS: Could I use a paper if
 20 I have any inaccuracies that I feel that I've
 21 made?
 22 I'm sorry. Let me put it another
 23 way. What is the reason for me reading it and
 24 signing it --
 25 MR. SAMPSON: You can change --

1 THE WITNESS: Wait a minute. Wait a
 2 minute.
 3 MR. ADAMS: There's an eratta page.
 4 You can change your -- there's an errata page that
 5 is attached to the deposition.
 6 MR. READ: There's a page to do
 7 exactly what you're talking about if there's a
 8 mistake. It's called an errata page. It's on the
 9 front. And you do that and you make whatever
 10 changes you need to to make it correct.
 11 THE WITNESS: Okay.
 12 MR. SAMPSON: And then you send it
 13 back.
 14 MR. ADAMS: Would you prefer that we
 15 send that to the legal counsel here for then to --
 16 THE WITNESS: No. I would rather
 17 read it myself.
 18 MR. READ: If you send it to him, if
 19 you want it to be legal mail so that -- what you
 20 need to do is you need to have it addressed, as
 21 you guys know, "Legal mail opened only in the
 22 presence of the inmate."
 23 THE WITNESS: Which really they
 24 don't -- they don't really abide by that anyway,
 25 but --

1 MR. ADAMS: Okay. We'll take care
 2 of it. We know where to find you, and we'll --
 3 MR. BARON: The deposition is
 4 closed.
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Alden Gillis Baker

STATE OF _____ }
COUNTY OF _____ } SS:

Subscribed and sworn to before me this
_____ day of _____ 1998.

Notary Public for the State of Oklahoma
My Commission Expires: _____

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CERTIFICATE

STATE OF OKLAHOMA }
COUNTY OF OKLAHOMA } SS:

I, Freddy D. Leggett, CSR and Notary
Public for the State of Oklahoma, certify that
Alden Gillis Baker was by me sworn to testify the
truth; that the deposition was taken by me in
stenotype and thereafter transcribed by computer
and is a true and correct transcript of the
testimony of the witness; that the deposition was
taken on November 13, 1998, at 9:35 a.m., USP
Florence, Colorado; that I am not an
attorney for or a relative of either party, or
otherwise interested in this action.

Witness my hand and seal of office on
this 16th day of November 1998.

FREDDY D. LEGGETT, CSR

OKLAHOMA CSR NO. 910

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