

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

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TOM M.E. LINN, )  
)  
Plaintiff, )  
)  
vs. ) No. CIV-99-650-F  
)  
ADVANCE MAGAZINE PUBLISHERS, )  
INC., d/b/a THE CONDE NAST )  
PUBLICATIONS, INC.; MARY A. )  
FISCHER, )  
)  
Defendants. )

BRYAN P. DONNELLY, )  
)  
Plaintiff, )  
vs. ) CIV-98-1628-L  
)  
JESSE C. TRENTADUE; SUTTER )  
AXLAND, P.L.C.; CONDE NAST )  
PUBLICATIONS, INC.; ADVANCE )  
MAGAZINE PUBLISHERS, INC. and )  
MARY A. FISCHER, )  
)  
Defendants. )

**Condensed**

DEPOSITION OF KEVIN ROWLAND  
TAKEN ON BEHALF OF THE DEFENDANTS  
IN OKLAHOMA CITY, OKLAHOMA  
ON DECEMBER 11, 2002

**D&R REPORTING & VIDEO, INC.**



ROBINSON RENAISSANCE      MID-CONTINENT TOWER  
119 N. ROBINSON, STE 650      401 S. BOSTON, STE 310  
OKLAHOMA CITY, OK 73102      TULSA OKLAHOMA 74103  
405-235-4106      918-599-0507

1-800-771-1500

[DandR4106@aol.com](mailto:DandR4106@aol.com)

REPORTED BY: ELIZABETH CAUDILL, CSR, RMR, CRR

APPEARANCES

For the Plaintiff Russell A. Cook
Tom M.E. Linn: Attorney at Law
201 Robert S. Kerr
Suite 1600
Oklahoma City, Oklahoma 73102

For the Defendants Robert Nelon
Conde Nast, Advance Jon A. Epstein
Magazine, Mary A. Attorneys at Law
Fischer: 2900 Bank One Center
Oklahoma City, Oklahoma 73102

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and among the attorneys for the respective
parties hereto that the deposition of KEVIN
ROWLAND may be taken on behalf of the Defendants
on DECEMBER 11, 2002 in Oklahoma City, Oklahoma,
by Elizabeth Caudill, Certified Shorthand
Reporter within and for the State of Oklahoma,
pursuant to Subpoena and Notice.

IT IS FURTHER STIPULATED AND AGREED by
and among the attorneys for the respective
parties hereto that all objections, except as to
the form of the question, are reserved until the
time of trial, at which time they may be made
with the same force and effect as if made at the
time of the taking of this deposition.

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CONTENTS

Table with 2 columns: Item, Page Line. Includes Stipulations, Direct Examination by Mr. Nelon, Cross-Examination by Mr. Cook, Redirect Examination by Mr. Nelon, Reporter's Certificate.

DEFENDANTS' INDEX OF EXHIBITS

Table with 2 columns: Item, Page Line. Includes Exhibit 1 - deposition notice, Exhibit 2 - deposition subpoena, Exhibit 3 - 5-30-97 memo to file re: Gormley phone call, Exhibit 4 - 8-8-97 memo to file re: Wade phone call, Exhibit 5 - memo to file re: Wade meeting, Exhibit 6 - Rowland Interrogatories, Exhibit 7 - Vol. I of Rowland testimony given 8-10-98.

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KEVIN ROWLAND,
after having been first duly sworn at 1:38 p.m.,
deposes and says in reply to the questions
propounded as follows, to wit:

(Defendants' Exhibit Numbers 1 and 2
marked for identification purposes and
made a part of the record)

DIRECT EXAMINATION

BY MR. NELON:

Q Would you state your name for the
record, please.

A Kevin Rowland, R-O-W-L-A-N-D.

Q Mr. Rowland, how are you employed?

A I'm the chief investigator for the
central division of the state medical examiner's
office.

Q Can you very briefly and in general
terms describe what your duties are?

A As chief investigator, I supervise all
the death investigators for the western
two-thirds of the state. I have been here 17
years. And I also am in charge of training death
scene investigators, new employees, overseeing
basically the quality control of all -- for the

1 death investigations that the central division  
2 handles. And I do continuing education lectures  
3 for other law enforcement agencies, medical  
4 personnel, and legal personnel as well.

5 Basically one of those things is -- and  
6 all other duties as otherwise assigned, which  
7 entails a lot of things. But that's pretty much  
8 it in a nutshell, overseeing all the death  
9 investigations.

10 Q For how long have you been employed by  
11 the medical examiner's office?

12 A I came to work here December 23rd,  
13 1985, so about two weeks shy of 17 years.

14 Q 17 years. For how long have you been  
15 the chief investigator?

16 A Since July 1st of '93. So it's, what,  
17 coming up on nine years? Has been nine years.

18 Q And you were the chief investigator,  
19 then, in August of 1995; is that correct?

20 A Yes.

21 Q Mr. Rowland, let me invite your  
22 attention to August 21 of 1995. How and when was  
23 it that you had first learned that there had been  
24 a death at the Federal Transfer Center here in  
25 Oklahoma City?

1 where it was, and arrive there?

2 A Yes, she did.

3 Q And did she report back to you what she  
4 learned upon her arrival?

5 A Yes.

6 Q And what was that?

7 A She contacted me after she -- she'd  
8 been there to get an assessment of the situation,  
9 told me that -- basically briefed me on what was  
10 going on at that point and that it was obvious  
11 there was a lot of confusion.

12 She told me that, you know, they were  
13 saying it was a suicide, but she described the  
14 injuries that she'd seen to the body and that she  
15 had some concerns about whether or not it was a  
16 suicide, and also told me at that time that the

17 cell was sealed off, they weren't going into the  
18 cell, they weren't going to let her in, that they  
19 were going to, you know, be processing this later  
20 and, you know, asked me what she needed to do.

21 Q Did you give her any instructions?

22 A Yeah. I had her -- well, at that time  
23 I had her put Marie Carter, who was the acting  
24 warden, on the phone with me.

25 I talked with Ms. Carter briefly trying

1 A It was approximately 6:40 in the  
2 morning when I received a phone call at my house  
3 from one of my investigators, Tammy Gillis.

4 Q And in general terms, what did she  
5 inform you at that time?

6 A She told me that she was heading to the  
7 Federal Transfer Center, that they'd had a death  
8 of an inmate.

9 One, she was asking me if I knew for  
10 sure where the place was and, two, you know, she  
11 was aware at the time we did not handle federal  
12 inmate deaths and wanted advice as to what to do.

13 Q As of that time in August of '95, had  
14 you ever investigated a death at the Federal  
15 Transfer Center?

16 A No, sir.

17 Q So this is the first occasion that any  
18 of you had to be involved in such an  
19 investigation?

20 A Correct.

21 Q You're Ms. Gillis's supervisor? She  
22 reports to you?

23 A Yes.

24 Q Did she, in fact, so far as you know,  
25 go to the Federal Transfer Center, figure out

1 to assess if they were calling the FBI in to  
2 investigate or not. She made it clear that, no,  
3 we investigate our own stuff.

4 And I told her based on what had been  
5 reported to me from my investigator, that it was  
6 my recommendation she call the FBI because she  
7 needed an outside neutral entity to do the  
8 investigation. She still refused, saying that --  
9 that they had their own people to do the  
10 investigation.

11 I asked her if the cell was going to  
12 remain secured. She said yes. I said -- at that  
13 time I told Tammy to go ahead and get the body in  
14 here to the office, I would meet them here at the  
15 office, I would assess the situation and take  
16 further steps from there.

17 Q When you use the pronoun "she" in  
18 reference to she said we would do our own  
19 investigation and so on, that was in reference to  
20 Acting Warden Carter?

21 A Yes.

22 Q To your knowledge, did Ms. Gillis ever  
23 gain access to the cell at the Federal Transfer  
24 Center where Trentadue had been on the morning of  
25 the 21st of August?

1 A She never -- she never was allowed to  
2 enter the cell. She looked through a window  
3 briefly.

4 Q What did Ms. Gillis report to you as  
5 her supervisor about the condition of the body?

6 A She told me that he had -- he had blood  
7 pretty much all over his body, said that he had  
8 some large lacerations to his head, and that he  
9 had cuts on his neck, and that he looked like  
10 he'd been in a -- in a major fight.

11 Q Did Acting Warden Carter have any  
12 explanation, in your conversation with her, as to  
13 the cause of those injuries?

14 A No. The one thing that I was able to  
15 isolate real quickly with Ms. Carter that I was  
16 very clear on was I asked her if any other  
17 inmates had access to Mr. Trentadue. Of course,  
18 at that time they were calling him Brockway.

19 I asked her if they had any access to  
20 him, and she assured me that at no time after he  
21 went into that cell did any inmate have access to  
22 him.

23 Then I told her once again, I said,  
24 well, if no inmates had access to him and he has  
25 got all of this kind of trauma, if it turns out

1 contacted Ms. Carter again, restating that this  
2 man looks like he has been assaulted and that  
3 this death needs to be worked as a homicide and  
4 that she needed to call the FBI, which once again  
5 she refused to call the FBI; so I advised Ms.  
6 Carter that I would be calling the FBI, which I  
7 did at that time.

8 Q And about when that morning did you  
9 call the FBI?

10 A About 8:25 that morning I called and  
11 talked to Supervisory Agent Hunt, advised him of  
12 the circumstances, that this death looked  
13 extremely suspicious, this man looked like he'd  
14 been assaulted, and that the death needed to be  
15 investigated as a homicide and that every inmate  
16 in the cells around should be questioned, as well  
17 as the staff that were on duty, and that I wanted  
18 them to proceed with this and conduct this as a  
19 homicide investigation. And he assured me that  
20 they would.

21 Q Was it your understanding, then, on the  
22 morning of August 21, '95, that the FBI would  
23 investigate?

24 A Yes.

25 Q Mr. Rowland, when was the first time

1 that somebody inflicted that on him, it isolates  
2 it down to being only staff that could have done  
3 it and, therefore, I highly strongly recommend  
4 you call the FBI, because it's your people that,  
5 if anything's wrongdoing, they're going to be the  
6 ones accused, and you should have an outside  
7 entity for your own protection. If nobody's done  
8 anything wrong, have somebody else work it.

9 Q I guess just so our record is clear,  
10 the person who died at the Federal Transfer  
11 Center was originally identified to you as Vance  
12 Brockway; is that correct?

13 A Correct.

14 Q It turned out his real name was what?

15 A Kenneth Michael Trentadue.

16 Q After talking with Ms. Gillis,  
17 reporting back to you from the Federal Transfer  
18 Center and after your conversation with Acting  
19 Warden Carter, what happened next in terms of the  
20 sequence of events with respect to Trentadue that  
21 morning?

22 A Well, when we got the body into the  
23 office, we got him in here about 7:50 in the  
24 morning. I looked at the body as soon as -- as  
25 soon as he was unloaded, and I immediately

1 that you personally went to the Federal Transfer  
2 Center to see the cell in which Trentadue had  
3 been housed?

4 A Let's see. The first time that I went  
5 out there, I think the -- I don't have it on my  
6 -- the first time I went out there, I went out  
7 there with Special Agent Jeff Jenkins from the  
8 FBI. And that was to, one, obtain some records  
9 that day, some medical records, and did go up and  
10 look at the cell.

11 That was -- that would have been  
12 probably in -- in November of 1995, as best I can  
13 remember.

14 Q So some three months after the death?

15 A Yeah. It was -- it was many weeks  
16 later, yeah.

17 Q Did you at any point in time learn that  
18 the cell 709A in which Trentadue had been housed  
19 had been cleaned or sanitized by the Bureau of  
20 Prisons?

21 A Yes. I learned later on, probably --  
22 it was probably a couple of weeks after the  
23 death, that, in fact, the FBI never did go out  
24 there that morning and process and interview  
25 people as I had requested that they do and they

1 assured me they would; that at that point, they  
2 had not done what I thought they were going to  
3 do; and that the only scene investigation  
4 conducted was by the Bureau of Prisons.

5 MR. COOK: Object to the answer as  
6 non-responsive.

7 Q (By Mr. Nelon) As best you can recall,  
8 who was it that informed you that the FBI hadn't  
9 been out and the BOP had cleaned the cell?

10 MR. COOK: Object to the form of the  
11 question.

12 THE WITNESS: It was probably -- as  
13 best I recall, it was -- it was from Jeff  
14 Jenkins, Special Agent Jeff Jenkins that, when he  
15 came over to -- to discuss some things or in one  
16 of our conversations, that he didn't have any  
17 scene pictures because they didn't go out and  
18 process it.

19 Q (By Mr. Nelon) When you say "they,"  
20 you're referring to the FBI?

21 A Yes.

22 Q To your knowledge, did any other  
23 investigative authority, the Oklahoma City Police  
24 Department or the Oklahoma County DA's office or  
25 anybody else, have access to the cell and gain

1 Special Agent Tom Linn, Lieutenant Johnny Kuhlman  
2 from the Oklahoma City Police Department. There  
3 was several other people if you want me to name  
4 those that I know for sure.

5 Jeff Jenkins was there briefly for  
6 awhile from the FBI, and then Lane Taylor,  
7 William Loftis, Max Haynes and Eric Richardson  
8 all from the Oklahoma City Police Department, we  
9 went out there to Luminol the cell.

10 Q And were you escorted up to the cell by  
11 BOP personnel?

12 A Yes, we were.

13 Q What was your purpose for visiting the  
14 cell on that occasion?

15 A We -- our purpose then was to go out  
16 and perform testing called Luminol testing to see  
17 if we could see any evidence of blood spatter,  
18 blood patterns.

19 Luminol fluoresces with blood and  
20 allows you to see things -- you know, see the  
21 presence of blood or blood products even though  
22 they've been cleaned. It's something that you  
23 could see in the dark.

24 Q When you went to the cell on December  
25 14th, other than what you could observe through

1 forensic evidence before the BOP cleaned the  
2 cell?

3 A No, they did not.

4 Q You mentioned a minute ago at one point  
5 going out to the FTC with Special Agent Jeff  
6 Jenkins from the FBI.

7 Did you actually see the cell on that  
8 occasion? You talked about gaining records and  
9 so on. Do you recall whether you saw the cell on  
10 that visit?

11 A I think -- as best I recall some eight  
12 years later, I believe that I did go up there and  
13 -- and briefly look at it, not from any kind of a  
14 forensic standpoint. It was just at that point  
15 just get a -- get a view of where the area was.

16 Q Let me invite your attention ahead in  
17 time to December 14 of 1995. Did you have  
18 occasion on that date to go to the FTC and  
19 inspect cell 709A?

20 A Yes, I did.

21 Q Were you with other people?

22 A Yes.

23 Q Who was in the group that you went  
24 with?

25 A Dr. Fred Jordan from our office, we met

1 the Luminolling of the cell, was there any  
2 evidence of blood or hair or anything else in the  
3 cell at that time?

4 A When we were out there? Yes, there was  
5 blood on the bunk, on the inside of a stool on  
6 the bunk. And I remember we did find -- we still  
7 found some blood -- traces of blood, and that was  
8 with the naked eye there.

9 And then we ultimately took the -- took  
10 the bunk out and secured it as evidence before we  
11 processed the rest of the cell.

12 Q So those are actual collections of  
13 blood still left on the cell that had not been  
14 cleaned; is that right?

15 A Yes.

16 Q Did it appear whether or not the walls  
17 had been painted?

18 A Yes. In fact, I -- I asked if the  
19 walls had been repainted, and they said yes.

20 Q That was somebody from the BOP that  
21 told you that?

22 A Yeah, yes, I'm sorry, somebody from the  
23 Bureau of Prisons.

24 Q Did you, yourself, observe the process  
25 of spreading the Luminol around to see what it

1 might show?

2 A Yes. I assisted with spraying it.

3 Q And what did you observe?

4 A I saw several areas where you could  
5 tell that blood had -- had been on the floor, the  
6 walls.

7 At one time, you also could see  
8 evidence where things had been -- you know, blood  
9 had been cleaned, because of the cleaning agents  
10 will fluoresce briefly -- not nearly as brightly  
11 or as long as the blood products themselves --  
12 but it's able to show you what the -- an area  
13 that you know has been cleaned and swiped.

14 Q I believe at one time I saw a statement  
15 attributed -- I think it was to you -- that the  
16 cell lit up like a Christmas tree with the  
17 Luminol.

18 A Yeah.

19 Q Would that be a fair description?

20 A Yes, sir.

21 Q Did you, in fact, use that expression  
22 at some time?

23 A Yes, I did.

24 Q As a result of applying Luminol, did it  
25 appear to you that there was -- or had been blood

1 ourselves that, you know, if somebody's trying to  
2 kill themselves, why is there blood over near  
3 this panic button, you know. Why, if someone's  
4 trying to kill themselves, why would you -- you  
5 know, why would there be blood over here by this.  
6 It makes you wonder if somebody's not actually  
7 trying to -- trying to get for help, you know.

8 Q Approximately how far away from the  
9 bunk and the metal stool and the other  
10 configurations on that side of the room, how far  
11 away is the panic button from that area?

12 A I would estimate probably four to five  
13 feet at most.

14 Q Okay. Now, cell 709 is in the special  
15 housing unit, the SHU --

16 A Yes, sir.

17 Q -- at the Federal Transfer Center, is  
18 that correct?

19 A Yes.

20 Q As you were leaving the cell and the  
21 SHU, was any comment made that you heard by one  
22 or more of the guards, the BOP guards there?

23 A Yes.

24 Q And what was said, as you recall?

25 A Well, this actually was not as we were

1 on or around what people refer to as the panic  
2 button near the door?

3 A Yes.

4 Q Do you recall whether there appeared to  
5 have been blood on the panic button or was it  
6 just near the panic button?

7 A Just near the panic button. One of the  
8 -- one of the unfortunate things about -- about  
9 Luminol is you don't get good or accurate  
10 readings when you apply Luminol to metal,  
11 especially to stainless steel metal, which the  
12 panic button area was.

13 So we actually didn't -- to my  
14 recollection, I don't recall even spraying the  
15 actual button, itself. The blood that we saw  
16 stopped -- stopped near the button but did not  
17 make it quite all the way to the button, to the  
18 plate, itself.

19 Q Did you form any impression yourself as  
20 to how or why blood may have been near the panic  
21 button?

22 A I found it -- I found it -- it was  
23 troubling. My -- I asked a lot of questions at  
24 that time, you know.

25 We all discussed in -- amongst

1 leaving for the night. This was -- we were, at  
2 the time, taking a -- taking a break.

3 And Dr. Jordan and I were walking down  
4 a hall. And there were several guards in -- in a  
5 little guard's office. And their actual  
6 statements -- the actual statement that Dr.  
7 Jordan and I heard was, as I recall, said, "I  
8 don't give a damn who they are, this is -- this  
9 is our fucking turf," something along those  
10 lines.

11 And, you know, it was obviously  
12 directed at us, because at the time they looked  
13 -- they looked up and just glared right at us,  
14 made no apologies. It was -- they had a  
15 threatening look on their face.

16 Q Do you know the identity of the guard  
17 that made the comment?

18 A No.

19 Q Mr. Rowland, let me show you two  
20 photographs that were part of what we identified  
21 as Exhibit 5A in Dr. Jordan's deposition.

22 Have you seen those photographs before?

23 A Yes, I have.

24 Q And what do those photographs depict?

25 A These were -- these are blow-ups of

1 some Polaroid pictures that were supposed to have  
2 been taken by Bureau of Prisons staff, I believe  
3 Lieutenant Freeman.

4 Q As best you can recall, when did you  
5 first see these pictures?

6 A Long time after the death. When we  
7 actually got -- got these, it would have -- best  
8 I -- in fact, I believe the first time we saw  
9 them was on the night of December the 14th of  
10 '95. I think that's the first time we saw -- we  
11 saw the pictures was out there the night we  
12 performed the Luminol.

13 Q Let me really stretch your memory, but  
14 do you recall whether, when you first saw these  
15 pictures, the picture you saw showed -- and I'm  
16 cropping the lower, you know, inch or so of the  
17 picture.

18 Do you recall whether the picture you  
19 saw was in this form rather than one that showed  
20 the blood on the floor of the cell?

21 A I don't -- I don't recall at this --  
22 that's been so long ago.

23 Q Do you recall ever having any  
24 discussions with Dr. Jordan or FBI agents or any  
25 other investigative authorities about this red

1 stain on the floor here?

2 A Yeah. I recall the -- I recall that,  
3 you know, we discussed it at some point in time  
4 that we have -- we have blood here that's --  
5 that's, you know, lighter, less density, it's  
6 smeared versus a lot of dripping blood, you know,  
7 heavier concentration of older dry blood. And,  
8 you know, discussing, you know, why would we have  
9 this, these areas, the difference in the blood.

10 Q Mr. Rowland, let me have you jump ahead  
11 in time to May of 1997. Did you have a  
12 conversation with Dr. Bill Gormley about the  
13 Trentadue matter?

14 A As far as the date, I'd have to look  
15 through here at my report, but I did have a  
16 conversation with Dr. Gormley. He did call me at  
17 one point in time.

18 Let's see. I'm sure I've got it here.

19 Q Here. Let me help you --

20 A Oh, good.

21 Q -- a little bit here.

22 A It would be faster if you've got it.

23 (Defendants' Exhibit Number 3 marked  
24 for identification purposes and made a  
25 part of the record)

1 Q (By Mr. Nelson) Let me show you what  
2 we've marked as Exhibit 3 to your deposition.  
3 Are you familiar with that document?

4 A Yes, I am.

5 Q And what is that?

6 A It's a copy of the supplemental report  
7 that I -- that I typed that day after -- I  
8 actually typed it the next day -- from phone  
9 conversation I had with Dr. Bill Gormley of the  
10 Armed Forces Institute of Pathology.

11 Q And as you understood it, what is his  
12 role in the Armed Forces Institute of Pathology?

13 A With Armed Forces Institute of  
14 Pathology, one, he is a forensic pathologist, and  
15 they do the majority of the military autopsies.

16 They also do evaluations or re-examine  
17 autopsies performed on, say, American citizens in  
18 other places around the world, things of that  
19 nature.

20 So they're kind of a -- a review place,  
21 and as well as their research. And, you know,  
22 very reputable place.

23 Q Does this memo, to the best of your  
24 knowledge, accurately reflect the substance of  
25 your telephone conversation with Dr. Gormley?

1 A Yes, it does.

2 Q Did he initiate the call or did you?

3 A No, he initiated the call.

4 Q Did he explain to you why he was  
5 calling?

6 A Yes, he did. He originally was calling  
7 to talk to Dr. Jordan. Dr. Jordan was doing an  
8 autopsy at the time.

9 And I've never talked to Dr. Gormley  
10 before, but as often happens, when physicians  
11 call in, they go through me if the pathologists  
12 they're trying to contact aren't available. And  
13 if it's something that I can handle, then it  
14 stops with me. If not, it will go on to that  
15 pathologist. So that's how he ended up being on  
16 the phone with me.

17 Q And did you pass the information that  
18 he provided to you on to Dr. Jordan?

19 A Yes, I did.

20 Q In your conversation with Dr. Gormley,  
21 did he express any opinion to you as to whether  
22 Trentadue had been assaulted?

23 A Well, he said that -- he said that at  
24 the time that he certainly understood why we were  
25 very suspicious about it, that he certainly did

1 have a lot of trauma, and that he agreed with the  
2 fact that, you know, we had -- we had the death  
3 ruled at that time as undetermined on the manner  
4 of death, and that he agreed it was suspicious.

5 Q Your memo says, "Their conclusions was  
6 that the manner of death as unknown was correct  
7 and that they believe the deceased was  
8 assaulted."

9 A Yeah, I guess that -- yeah.

10 Q So that reflects something --

11 A Yeah, that at some point in time he had  
12 been assaulted. Whether or not it was the cause  
13 of death, it certainly looked like he had been  
14 assaulted at some point in time.

15 Q Did the two of you discuss the Dateline  
16 program that had aired the preceding month?

17 A Yes, we did.

18 Q In fact, you were interviewed on camera  
19 for that program, were you not?

20 A Yes.

21 Q What did Dr. Gormley say to you about  
22 that? Had he seen the program, as you  
23 understood?

24 A Yes. He said that after seeing the --  
25 the Dateline show, that he was -- that he was

1 know, that he'd had two different meetings with  
2 the people from the civil rights division and  
3 that they seemed interested in only having him  
4 testify that it's possible that Kenneth Trentadue  
5 committed suicide.

6 And I remember his comment very well.  
7 He said, you know, in this business, we deal with  
8 probabilities. Anything is always possible, but  
9 we deal with probabilities.

10 And that he seemed concerned that all  
11 they wanted him to do is just simply state for  
12 the grand jury that it was possible that he could  
13 have committed suicide.

14 Q As best you can recall, was there  
15 anything that you and Dr. Gormley discussed that  
16 you didn't memorialize in this file memorandum?

17 A No. I think I did a pretty good job of  
18 memorializing it.

19 Q Mr. Rowland, later in 1997, in August,  
20 did you have an occasion or occasions to  
21 interview a former FTC inmate by the name of  
22 George Wade?

23 A Yes, I did.

24 Q As best you can recall, how and when  
25 did you first have any communication with Mr.

1 even more convinced that it appeared that he  
2 might have -- you know, that he was murdered.

3 But, you know, you know, he said,  
4 again, it's, you know -- you can be up here but,  
5 you know, you have to defer to the people who  
6 actually were there and did it. But it certainly  
7 -- in the court of public opinion, it looks like  
8 a murder.

9 Q You said you didn't particularly know  
10 Gormley, but did he, in your conversation with  
11 him, appear to be reasonable and rational?

12 A Oh, absolutely. I only knew him prior  
13 to this by reputation only. And he has a very  
14 good reputation in the forensic -- forensic  
15 pathology field.

16 Q Was it your understanding from talking  
17 to Dr. Gormley that Dr. Gormley either had been  
18 asked or had testified before the federal grand  
19 jury?

20 A He had been asked -- that he had been  
21 asked to testify but, no, that he had not  
22 testified at that time.

23 Q Did he say anything to you as to what  
24 he had been asked to testify about?

25 A He -- he told me that he was -- you

1 Wade?

2 A I just ran across that. Just a moment.  
3 August 20th, 1997, is when I wrote my memo,  
4 but --

5 Q Tell you what, before you get to that  
6 one, let me show you another document. You  
7 pulled that document from your case file; is that  
8 correct?

9 A Yes, I did, uh-huh.  
10 (Defendants' Exhibit Number 4 marked  
11 for identification purposes and made a  
12 part of the record)

13 Q (By Mr. Nelon) Let me show you first  
14 of all what we've marked as Exhibit 4 for this  
15 deposition.

16 Would you take a look at that, please.

17 A Okay. Didn't dig far enough.

18 Q We'll get to August 20 in just a  
19 minute.

20 A Okay. Fine. If it's easier, I'll just  
21 let you hand me the documents like we would in  
22 court. I could spend all day here going through  
23 these things.

24 Q Are you familiar with Exhibit 4?

25 A Yes, sir.



1 Q What is this exhibit?

2 A It's just a -- a memo reflecting the  
3 fact that I'd gotten a call from Jesse Trentadue  
4 and that he wanted me to talk -- talk with a man  
5 who used to be an inmate at the Federal Transfer  
6 Center, and that he wanted to set up a three-way  
7 call for us to talk to the man.

8 Q And this memo was prepared by you; is  
9 that correct?

10 A Yes, it was.

11 Q And signed by you?

12 A Yes.

13 Q And does that accurately reflect the  
14 conversation that you had with Jesse Trentadue  
15 and George Wade on the morning of August 8, 1997?

16 A Yes.

17 Q In general, what did Mr. Wade say in  
18 the course of your conversation with him?

19 A Basically he -- he said he had just --  
20 he'd just learned about the death and the death  
21 investigation and that he -- he said he was -- he  
22 was working in the laundry room that morning and  
23 that he said that -- that a guard came in and  
24 told another inmate to clean up some batons and  
25 flashlights and gloves and things that had blood

1 (Defendants' Exhibit Number 5 marked  
2 for identification purposes and made a  
3 part of the record)

4 Q (By Mr. Nelon) Let me show you a  
5 document we've marked as Exhibit 5 that's dated  
6 August 20.

7 Do you recognize that document?

8 A Yes, I do.

9 Q And what is Exhibit 5?

10 A It is a memo that memorializes the  
11 phone call and subsequent face-to-face meeting  
12 with this former inmate, George Brett Wade, down  
13 at the law offices of Scott Adams.

14 Q Did you personally go to Mr. Adams'  
15 office to meet Mr. Wade?

16 A Yes, I did.

17 Q Did anyone accompany you?

18 A I was met there -- I met that morning  
19 with -- with Mr. Wade and Larry Andrews from the  
20 Oklahoma County District Attorney's office met me  
21 over there and I introduced them so that Mr.  
22 Andrews could interview Mr. Wade.

23 Q And if I'm adding correctly, you met  
24 with Mr. Wade for -- let's see here -- what, an  
25 hour and 15 minutes and then another hour and a

1 all over them, and that the guard told him they  
2 needed to keep their mouth shut. And that, you  
3 know, he -- he had found out about this.

4 He was the one that sought out Mr.  
5 Trentadue and then subsequently wanted to let us  
6 know in his opinion what happened that day.

7 Q Did you form any impression about Mr.  
8 Wade from your conversation with him on the  
9 phone?

10 A No, other than he appeared to be  
11 sincere, that he didn't seem to be seeking out  
12 anything from -- from us.

13 But I, you know, told him that he  
14 needed to talk to the proper authorities, which  
15 would be the district attorney's office at that  
16 point in time.

17 Q Did you have a subsequent communication  
18 with Mr. Wade?

19 A Yes, I did.

20 Q And as best you can recall, when did  
21 that occur?

22 A August 20th, 1997. Oh, sorry. August  
23 13th. This was the 20th before I got it written  
24 up.

25

1 half that afternoon?

2 A Yes.

3 Q So --

4 A I wasn't present in the room the whole  
5 time, but a good portion of that time. But part  
6 -- you know, most of it was primarily for Mr.  
7 Andrews to -- to question him.

8 Q And so for some two, two and a half  
9 hours or something like that, that either you or  
10 Mr. Andrews or both questioned Mr. Wade; is that  
11 correct?

12 A Yes.

13 Q Did Mr. Wade reiterate what he had told  
14 you on the phone earlier that month?

15 A Yes, he did.

16 Q Now that you have had this opportunity  
17 to see Mr. Wade face to face and talk with him,  
18 did you form any impression about his  
19 credibility?

20 A At that time, you know, he seemed to be  
21 -- seemed to be truthful, didn't embellish on  
22 things. And just -- he seemed sincere and -- and  
23 at the time truthful to what he was saying, you  
24 know, to what -- to what he saw that day.

25 Q The middle paragraph of this memo makes

1 reference to handcuffs the guards used and then a  
2 reference to plastic ties that the SORT officers  
3 used.

4 Can you summarize for us what Mr. Wade  
5 was saying about handcuffs or plastic ties?

6 A We were trying to -- trying to  
7 determine what -- what kind of restraint devices  
8 or something that might could make the -- the  
9 cuts that we saw on the neck of Mr. Trentadue.  
10 And that's why the -- the talk about the plastic  
11 ties, the plastic -- what we call plastic  
12 handcuffs, for lack of a better term.

13 And so we had gathered some -- some.  
14 samples from the Oklahoma City police emergency  
15 response team and some that they had seen out  
16 there before because they had done training out  
17 there.

18 And Mr. Wade pointed out what he  
19 believed to be some of the cuffs that were -- you  
20 know, that were used out there which I relate as  
21 a type of plastic tie out there that they use out  
22 there.

23 Q When you say "use out there," are you  
24 talking about at the Federal Transfer Center?

25 A At the transfer center, yes.

1 for a -- for probably a very small period of the  
2 time. Most of the time it was just either myself  
3 and Mr. Andrews or just Mr. Andrews and Mr. Wade.

4 Q And then after that meeting, you  
5 prepared this memorandum a few days later; is  
6 that correct?

7 A Yes, I did.

8 Q And as best you know, this memorandum  
9 accurately reflects what went on in that second  
10 meeting or the second communication with Mr.  
11 Wade?

12 A Yes.

13 Q Mr. Rowland, at our request, did you  
14 prepare answers to certain Interrogatories that  
15 were served on you in connection with litigation  
16 over the GQ article in December of '97?

17 A Yes.

18 (Defendants' Exhibit Number 6 marked  
19 for identification purposes and made a  
20 part of the record)

21 Q (By Mr. Nelson) Let me hand you what  
22 we've marked as Exhibit 6. Are you familiar with  
23 this document?

24 A Yes, I am.

25 Q And are these your Interrogatory

1 Q Mr. Rowland, let me show you what we  
2 marked as Exhibit 5B in Dr. Jordan's deposition  
3 which is a photograph and an enlargement of that  
4 photograph.

5 Have you seen these photos before?

6 A Yes, I have.

7 Q Let me invite your attention -- and I  
8 think Dr. Jordan described it as sort of a  
9 horizontal mark, and then there's some vertical  
10 marks.

11 Did you ever form any impression or  
12 conclusion yourself whether those vertical marks  
13 might be the kind of mark that you would see if a  
14 plastic tie were used?

15 A Yes, I did form an opinion that it's --  
16 it was possible that -- I mean, that -- that you  
17 couldn't rule that out as far as the pattern was  
18 a similar pattern to what was used.

19 Q And these are photographs of the body  
20 of Kenneth Trentadue?

21 A Yes, they are.

22 Q Then after your conversation with Mr.  
23 Wade, Mr. Andrews -- was Scott Adams present  
24 during the whole time or --

25 A No. He was -- he was -- he was present

1 answers?

2 A Yes, they are.

3 Q And that's your signature on page 4?

4 A Yes.

5 Q Also on the last page?

6 A Yes.

7 Q Mr. Rowland, if I were to take the time  
8 in this deposition to go through and read you  
9 each of these questions that are in an  
10 Interrogatory form here, would your answer be the  
11 same as what you swore under oath in this written  
12 document?

13 A Yes.

14 Q In August of 1998, did you have the  
15 pleasure of being interviewed by a couple of  
16 lawyers from the Department of Justice conducting  
17 an investigation into the Trentadue matter?

18 A You may have to be more specific than  
19 that. I talked to a lot of lawyers over the  
20 years with this. Let's see. August of 1998?

21 Q And in particular August 10 and I  
22 believe 11?

23 A Which lawyers?

24 Q I believe -- I don't know if I'm  
25 pronouncing it correctly -- Beauschamp or

1 Beauchamp?

2 A Are you talking about from the Office  
3 of Inspector General?

4 Q Yes.

5 A Okay. Larry Beachum?

6 Q Beachum, is that how it's pronounced?

7 A And Carlos Stefano (sic)?

8 Q Yes.

9 A I don't know if they're lawyers or not.  
10 I know Carlos is not, but, yes, the investigators  
11 for the Office of Inspector General, yes, I did.  
12 Many, many occasions.

13 Q And did they take your sworn testimony?

14 A Oh, yeah, over those -- those two days,  
15 yes.

16 (Defendants' Exhibit Number 7 marked  
17 for identification purposes and made a  
18 part of the record)

19 Q (By Mr. Nelon) Let me show you what  
20 we've marked as Exhibit 7 which is not a complete  
21 transcript but are excerpts that we've used for  
22 other purposes in the litigation.

23 Do you recognize this document?

24 A Yes.

25 Q And before you visited with these

1 Q (By Mr. Nelon) Mr. Rowland, as best  
2 you can recall, when was the first time that you  
3 were aware that Special Agent Tom Linn was  
4 playing some role in the investigation of the  
5 Trentadue death?

6 A I believe it was in December of 19 --  
7 December of 1995 when -- around the 14th of  
8 December.

9 Q In fact, would it be a fair statement  
10 that the first time that Mr. Linn made an  
11 appearance in the Trentadue scene, at least, was  
12 when you went out to the FTC to Luminol the cell?

13 A Yes.

14 Q Had all of your prior contact with the  
15 FBI up to that point been with Special Agent  
16 Jenkins or one of his supervisors?

17 A Yes.

18 Q Mr. Rowland, do you have any personal  
19 knowledge and recollection of any circumstance  
20 where Special Agent Linn brought some notes of an  
21 interview with an inmate named Cornell Thornton  
22 to the medical examiner's office?

23 A I seem to recall that he did, yes.

24 Q Did he bring those to you or did you  
25 look at those notes or have any conversation with

1 investigators from the OIG's office, were you  
2 placed under oath and sworn to tell the truth?

3 A Yes, I was.

4 Q And to the best of your knowledge, the  
5 answers that you gave to the questions posed by  
6 those investigators were truthful answers?

7 A Yes.

8 Q If I were to ask you the same questions  
9 that Mr. Beachum and Mr. Capano asked you about  
10 the Trentadue matter, would your answers be the  
11 same?

12 MR. COOK: Object to the form of the  
13 question.

14 THE WITNESS: As best as my memory  
15 would allow me at this point, yes.

16 Q (By Mr. Nelon) Recognizing, certainly,  
17 that --

18 A Many years have passed.

19 Q -- you might not choose the precise  
20 words, but the substance of the answers would be  
21 the same as what you told --

22 A Yes, they would.

23 Q -- the investigators?

24 MR. COOK: Object to the form of the  
25 question.

1 Agent Linn about it?

2 A Yes.

3 Q And best you can recall, what happened  
4 and what was the reason that Agent Linn was  
5 bringing those notes to you?

6 A I believe it was -- I may be way off  
7 here. I believe that Mr. Thornton had been  
8 interviewed and stated something to the effect  
9 that he had seen Mr. Trentadue jumping -- or  
10 making noise, you know, like he was falling or,  
11 you know, jumping off of the sink onto the floor  
12 during the night.

13 Q Why would that information be of  
14 interest to the medical examiner?

15 A Well, trying to explain the types of  
16 injuries, how he might have gotten injuries to  
17 his head from falling off the sink.

18 Q As best you can recall, did Special  
19 Agent Linn make any representation to you about  
20 the significance of this information?

21 A Well, I know that, yeah, that he --  
22 that he thought it would be important for us to  
23 know that they -- that they had an inmate who was  
24 making -- you know, that allegedly was in a cell  
25 that would have had -- you know, had a line of

1 sight that he could actually see what was going  
2 on.

3 I mean, it was -- it was relevant to  
4 the fact that from the beginning I'd been asking  
5 people, you know, to interview all of these  
6 inmates that were in the -- in the surrounding  
7 cells at the time to see what their stories were,  
8 you know.

9 From the day of the death I was telling  
10 the FBI they needed to do that. It was many  
11 months later, I understand, before it was done,  
12 but --

13 Q Did Agent Linn ever bring you notes  
14 from any other inmate who purportedly knew what  
15 had gone on the night that Trentadue died?

16 A Not that I recall.

17 Q So if the FBI interviewed other inmates  
18 and they gave other stories, he didn't bring  
19 those to the medical examiner's office so far as  
20 you know?

21 A Not that I recall.

22 Q Do you have any personal knowledge  
23 about the involvement of a Texas Ranger in the  
24 Trentadue investigation?

25 A Yes.

1 Dr. Jordan's experience, you know, we'd never had  
2 a death quite like this one.

3 And, you know, it would be very hard to  
4 conceive of anybody having that many deaths like  
5 this, being as unusual and that, you know -- this  
6 Ranger was not involved in this death  
7 investigation, had not been involved in it from  
8 the beginning.

9 It's easy for lots of people to have  
10 opinions when they weren't there, you know. And  
11 it was not going to be of anything -- I don't  
12 need a Texas Ranger to try to explain to me or  
13 try to help me understand why it's possible. We  
14 understand things are possible.

15 What we were trying to get at that  
16 point is the facts as to what actually had  
17 transpired, you know, meaning interview results,  
18 you know, are there allegations trying to find  
19 scientific explanation as to what might have  
20 happened, not somebody recounting cases they've  
21 worked. It's not got a lot of relevance.

22 Q Was it your impression from what Agent  
23 Linn said to you that the purpose of the Texas  
24 Ranger was to try to persuade you it was a  
25 suicide?

1 Q And what's your recollection as to who  
2 this Ranger is and what he was supposed to do?

3 A He was someone that Agent Linn had  
4 spoken to and had shown pictures of Trentadue to  
5 him, and that he allegedly told Agent Linn that  
6 he'd seen, you know, as I recall, between 25 and  
7 35 deaths just like this in the Texas state  
8 prison system.

9 Q Is that what Agent Linn told you --

10 A Yes.

11 Q -- that the Ranger would say?

12 A Yes, told Dr. Jordan and I, as I  
13 recall.

14 Q Did Agent Linn try to arrange a meeting  
15 with the Texas Ranger?

16 A He wanted to set up a meeting with us  
17 to have us hear what this Ranger had to say.

18 Q Did you have any meeting with this  
19 Texas Ranger?

20 A No.

21 Q Why not?

22 A Because at that point in time, you  
23 know, our impression was that, you know, if he's  
24 seen 25 or 35 of these, you missed some homicides  
25 along the way, because between my experience and

1 A Yes.

2 MR. COOK: Object to the form of the  
3 question.

4 Q (By Mr. Nelson) Mr. Rowland, do you  
5 have any personal knowledge and recollection  
6 about an effort by Special Agent Linn to bring  
7 grand jury testimony to Dr. Jordan?

8 A Yes.

9 Q Did you have any personal role or  
10 involvement in that situation?

11 A Yes.

12 Q Would you explain what happened.

13 A Well, I received a call from Special  
14 Agent Linn that he had gotten permission -- or  
15 they had gotten clearance for Dr. Jordan to be  
16 exempted or, what, 6E -- Federal Rule 6E or  
17 something along that line.

18 Anyway, that they would waive it and  
19 allow Dr. Jordan to be able to look at the grand  
20 jury transcripts of all the people that had  
21 testified so that he could see what these  
22 statements had been and see if that would help  
23 him make his decision as to -- as to what the  
24 manner of death would be.

25 And at that point in time, I mentioned

1 it to Dr. Jordan. He said he obviously didn't  
2 have time to go through all of the -- through,  
3 you know, what he figured would probably be  
4 hundreds, if not thousands of pages of grand jury  
5 transcripts when we were as busy as we were at  
6 that time, and that he advised me to contact our  
7 attorney, Patrick Crawley at the attorney  
8 general's office at that time, and let him know  
9 about it, see what he had to say, which I did.

10 I contacted Mr. Crawley, and it was his  
11 opinion that we would not be receiving those and  
12 that, in fact, he was suspicious himself.

13 He told me that he -- he was concerned  
14 about that this would actually, if anything, be  
15 more of a silencing tool on Dr. Jordan because  
16 that if he read those transcripts, he wouldn't be  
17 able to publicly state that I believe it is this  
18 because I've reviewed these transcripts and I  
19 find that these things, these things, you know,  
20 from his testimony, because he would not be  
21 allowed, under the federal rules, to divulge what  
22 he read, what he saw.

23 And so it was his opinion that we would  
24 not be receiving those documents and that he was  
25 going to contact the -- the US Attorney's office

1 from the civil rights division and make sure that  
2 they understood we didn't want these transcripts.

3 Q To your knowledge, did Agent Linn  
4 identify which witnesses it was whose testimony  
5 he wanted Dr. Jordan to review?

6 A I -- I recall that some of them, I  
7 believe, were from -- from guards, from inmates,  
8 things like that.

9 I don't recall specifically who all  
10 that -- that he -- that he said would be in it.  
11 I don't recall right now.

12 Q Was it your impression or understanding  
13 that it would be excerpts of testimony that  
14 someone had selected for Dr. Jordan to review?

15 A Yeah. I know it wasn't going to be  
16 every single person that had testified in front  
17 of the grand jury. I do recall it was -- it was  
18 not that.

19 Q Did Agent Linn say anything to you with  
20 respect to whether this grand jury testimony,  
21 were it reviewed by Dr. Jordan, would persuade  
22 him that it was a suicide?

23 A He felt like it would.

24 Q Mr. Rowland, as best you can, if you  
25 can put yourself back into the mind set that you

1 had in the fall of 1997.

2 This is a few months after you were on  
3 Dateline before the Macy and the  
4 OIG investigations were underway. And let's just  
5 talk more specifically about November of '97 when  
6 the GQ article that we're litigating over was  
7 published.

8 MR. COOK: Object to the form of the  
9 question.

10 Q (By Mr. Nelon) As best you can, put  
11 yourself back in the mind set you had at that  
12 time knowing what you did --

13 A Uh-huh.

14 Q -- at that time. Did you believe at  
15 that time that Trentadue had been beaten or had  
16 been in a fight or an altercation of some kind?

17 MR. COOK: Object to the form of the  
18 question.

19 THE WITNESS: Yes.

20 Q (By Mr. Nelon) Did you believe, in the  
21 fall of 1997, that it was possible that he had  
22 been murdered?

23 A Yes.

24 Q At that time, did you believe that the  
25 federal government had lied to the medical

1 examiner's office and made misrepresentations to  
2 your office about the Trentadue investigation?

3 MR. COOK: Object to the form of the  
4 question.

5 THE WITNESS: Yes, I did.

6 Q (By Mr. Nelon) Did you believe, in the  
7 fall of 1997, that the government had engaged in  
8 a cover-up?

9 MR. COOK: Object to the form of the  
10 question.

11 THE WITNESS: There were -- I believe  
12 that there were certain things that certainly had  
13 been covered up.

14 MR. NELON: One moment.

15 Q (By Mr. Nelon) In connection with her  
16 investigation and writing of what ultimately  
17 turned out to be the article in GQ Magazine in  
18 the December '97 issue, Cover-up in Cell 709A,  
19 did Mary Fischer talk with you about your  
20 knowledge of the facts and circumstances of the  
21 Trentadue investigation?

22 A Yes, she did.

23 Q Did you read the article when it was  
24 published?

25 A Yes, I did.

1 Q And was the article an accurate  
2 representation of the information you conveyed to  
3 Ms. Fischer?

4 A Yes, it was.

5 Q Why did you agree to talk to Ms.  
6 Fischer and give her information about an ongoing  
7 investigation?

8 A Because at the time we felt we weren't  
9 getting the type of cooperation, the type of  
10 information sharing from the federal government,  
11 specifically the -- the FBI.

12 When we are involved in an  
13 investigation, especially the FBI became involved  
14 in this investigation at our request, the federal  
15 grand jury had convened at our request, yet  
16 essentially all of -- the only information we had  
17 gotten was it's a suicide, trust us, you know,  
18 but that's what we believe it is.

19 And the information -- you know,  
20 evidence was not being presented to us or  
21 information shared in the way that it's  
22 customarily shared on any other investigations  
23 that we're involved with.

24 And we, in fact, had been lied to and  
25 lied about. And that we felt we -- because, you

1 it actually furthered and facilitated the  
2 completion of the investigation?

3 A Absolutely.

4 MR. COOK: Object to the form of the  
5 question.

6 Q (By Mr. Nelon) Did you believe you had  
7 accomplished your purpose by going to the media?

8 MR. COOK: Same objection.

9 THE WITNESS: Yes.

10 MR. NELON: No further questions.

11 CROSS-EXAMINATION

12 BY MR. COOK:

13 Q Mr. Rowland, is it true that you agree  
14 with the Oklahoma City Police Department that  
15 Kenneth Trentadue was alone in his cell for the  
16 17 hours preceding his death?

17 A Based on the information they were  
18 given, yes, I believe their findings.

19 Q And, in fact, there is no evidence to  
20 suggest or substantiate that Kenneth Trentadue's  
21 death should be classified as anything other than  
22 a suicide; isn't that correct?

23 A At this time, yes.

24 Q And isn't it also true that you did not  
25 receive any evidence that any correctional

1 know, things had seemed to be stalled and that we  
2 weren't getting the information, it was time to  
3 -- to utilize the media.

4 We were constantly having media inquiry  
5 and, you know, at some point you have to have  
6 some accountability because -- you know, as to  
7 what is going on or as to why is it taking so  
8 long or, you know, when -- when will this thing  
9 be resolved.

10 We felt it was time that, in doing this  
11 interview, would help put the public pressure on  
12 the powers that be to either, one, have -- have  
13 this information be brought to us to get us the  
14 cooperation and assistance that we needed; or,  
15 two, put the pressure on other people to be  
16 involved.

17 We were getting -- we were getting some  
18 inquiry from Congressional people and talk that  
19 they were going to do something, but at that  
20 point, nothing official had appeared to have  
21 started, and so we wanted to -- to basically let  
22 the public know, hey, we're doing all that we  
23 can, but we're frustrated.

24 Q Do you believe that by going public,  
25 for example, in articles like the one in GQ, that

1 officer attacked Trentadue at the Federal  
2 Transfer Center at any time while he was there?

3 A I don't know that at any point in time  
4 he was there? I don't know the answer to that.

5 Q Let me read you some testimony that you  
6 gave in the Trentadue matter in November of 2000.

7 A Okay.

8 Q "And isn't it also true that you did  
9 not receive any evidence that any correctional  
10 officers attacked Trentadue at the Federal  
11 Transfer Center at any point in time while he was  
12 there; isn't that correct?"

13 "ANSWER: Any evidence, correct."

14 A Yeah, evidence. Okay. I didn't hear  
15 that the first time, but as I clarified in my  
16 answer there, I said evidence, yes. There wasn't  
17 any evidence presented to me.

18 Q Okay. So you --

19 A Doesn't mean -- that just means there  
20 was no evidence.

21 Q So you still agree with the testimony  
22 that you gave back in November of 2000 that I  
23 just read to you?

24 A Yes.

25 Q You talked a little bit earlier about

1 going to the cell and conducting Luminol tests.

2 A Uh-huh.

3 Q Are you a blood spatter expert?

4 A As far as a court expert, no. I've  
5 been trained in it.

6 Q When you encounter blood spatter  
7 evidence at a death scene, do you normally defer  
8 to some other blood spatter expert to interpret  
9 that evidence?

10 A Depends on -- depends on what -- what  
11 the issue is at hand. There are certain things  
12 that -- that I encounter during my daily -- you  
13 know, my regular work that I don't need an expert  
14 for interpretation of it.

15 There are some basic things that I'm  
16 quite capable of making those determinations.  
17 But in other complicated issues of reconstruction  
18 and as far as court testimony on it, yes, I defer  
19 that to an expert.

20 Q Would you agree that the blood spatter  
21 evidence that was available from the Trentadue  
22 death scene was such that it needed a blood  
23 spatter expert other than yourself to look at and  
24 interpret?

25 A Yes.

1 taken, the complete cell, every part of the cell,  
2 had that -- had that have been done properly by  
3 trained personnel that day, we would have known  
4 then, we would know now. It would be easy to  
5 reconstruct.

6 So as far as incontrovertible in this  
7 case, I don't believe it can be -- every question  
8 can be answered because it was not properly done.

9 Q (By Mr. Nelon) Would it be a fair  
10 statement that any investigation by the best  
11 expert in the world conducted in 1998 would, by  
12 definition, be compromised because the cell had  
13 been cleaned back in 1995?

14 MR. COOK: Object to the form of the  
15 question.

16 THE WITNESS: It would be -- it would  
17 be compromised.

18 Q (By Mr. Nelon) When you talk about no  
19 evidence of a manner of death other than suicide,  
20 no evidence that there was somebody else in the  
21 cell, are you just relying on whatever  
22 information investigators chose to bring to you  
23 and the medical examiner to support the  
24 conclusion with respect to manner of death?

25 A It's with regard to the available

1 Q Okay. And was that done in this case?

2 A As best that they could. I mean, not  
3 all the evidence was able to be analyzed by an  
4 expert.

5 Q Okay.

6 A It wasn't properly documented.

7 MR. COOK: I object to the last part as  
8 non-responsive, and that's all the questions I  
9 have.

10 REDIRECT EXAMINATION

11 BY MR. NELON:

12 Q Mr. Rowland, from your experience,  
13 could investigators, homicide detectives or blood  
14 spatter experts or whatever arrive at  
15 incontrovertible conclusions about what happened  
16 in Trentadue's cell during the night of August 21  
17 based on an investigation years later?

18 MR. COOK: Object to the form of the  
19 question.

20 THE WITNESS: To have a complete  
21 understanding and be able to, you said  
22 incontrovertible, it would have been -- it would  
23 be possible in this case had everything been --  
24 i.e., the cell, the scene of the death had been  
25 properly documented, photographed, measurements

1 information and evidence that was available to  
2 them and what was made available to us, yes.  
3 It's based on -- based on what is available at  
4 the time.

5 And everyone has opinions and you have  
6 areas that you -- that you have questions about,  
7 but when you're -- you know, you sometimes reach  
8 -- reach your -- just in a lot of deaths, you  
9 know, as far as the manner of death, you may not  
10 always have all of the answers or fully  
11 understand exactly what went on, just as we can't  
12 get inside somebody's mind when they're dead to  
13 know what was -- what was their intent, what was  
14 going through their mind.

15 But we make our opinions based on the  
16 available evidence, what does the scene, what  
17 does the body, what does the history tell us.

18 And so you sometimes, -- just because  
19 you say it's based on the available evidence  
20 doesn't mean you have all the answers, doesn't  
21 mean you know the answer to every question, but  
22 you are making an opinion based on the available  
23 evidence, the totality of the evidence in that  
24 case.

25 Q And so the ultimate conclusion or

1 opinion of suicide was based on the available  
 2 evidence, but are there still questions about  
 3 Trentadue's death?  
 4 A I still have lots of things I don't  
 5 know the answers to. Don't know that I ever will  
 6 or will fully understand.  
 7 MR. EPSTEIN: Can we take a short  
 8 break?  
 9 THE WITNESS: Sure.  
 10 (Break from 2:51 to 2:54)  
 11 Q (By Mr. Nelon) Just a couple more  
 12 questions, Mr. Rowland. Did Agent Linn at any  
 13 time disclose to you that blood which did not  
 14 match Trentadue's blood type was found in the  
 15 cell?  
 16 A No.  
 17 Q Did Agent Linn at any time disclose to  
 18 you that this ligature that the BOP people said  
 19 they had cut to, you know, get Trentadue down,  
 20 did he ever disclose to you that the FBI lab  
 21 found no matching cuts on the ligature?  
 22 A No.  
 23 MR. NELON: That's all the questions I  
 24 have.  
 25 MR. COOK: I have none.

1 CERTIFICATE  
 2  
 3 STATE OF OKLAHOMA )  
 ) SS:  
 4 COUNTY OF OKLAHOMA )  
 5  
 6 I, ELIZABETH CAUDILL, CSR in and for  
 7 the State of Oklahoma, certify that KEVIN ROWLAND  
 8 was by me sworn to testify the truth; that the  
 9 above and foregoing deposition was taken by me in  
 10 stenotype and thereafter transcribed and is a  
 11 true and correct transcript of the testimony of  
 12 the witness; that the deposition was taken on  
 13 DECEMBER 11, 2002 at 1:38 p.m. in Oklahoma City,  
 14 Oklahoma; that I am not an attorney for or a  
 15 relative of either party, or otherwise interested  
 16 in this action.  
 17 Witness my hand and seal of office on  
 18 this 23rd day of December, 2002.  
 19  
 20  
 21 ELIZABETH CAUDILL, CSR, RMR, CRR  
 22 CSR No. 161  
 23  
 24  
 25

1 MR. NELON: Mr. Rowland, as you may  
 2 well know, you have the right to read a  
 3 transcript of your deposition and make changes  
 4 and corrections and indicate your review by  
 5 signature, or you can waive that right.  
 6 THE WITNESS: I'll waive it.  
 7 (Deposition adjourned at 2:55 p.m.)  
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A		B		C
able 10:14 18:12 45:19 46:17 55:3,21	apologies 21:14	back 8:3 11:17 47:25 48:11 53:22 56:13	17:23 22:2	circumstances 12:12 49:20
absolutely 27:12 52:3	appear 17:16 18:25 27:11	Bank 2:7	business 28:7	citizens 24:17
access 9:23 10:17,19,21 10:24 14:25	appearance 40:11	based 9:4 52:17 55:17 57:3,3,15,19,22 58:1	busy 46:5	City 1:17 2:4,7 4:6 6:25 14:23 16:2,8 34:14 52:14 60:13
accompany 32:17	appeared 19:4 27:1 31:10 51:20	basic 54:15	button 19:2,5,6,7,12,15 19:16,17,21 20:3,11	civil 28:2 47:1
accomplished 52:7	apply 19:10	basically 5:25 6:5 8:9 30:19 51:21		CIV-98-1628-L 1:11
accountability 51:6	applying 18:24	batons 30:24	C 1:12 2:1 60:1,1	CIV-99-650-F 1:5
accurate 19:9 50:1	approximately 7:1 20:8	Beachum 38:5,6 39:9	call 3:15,16 7:2 9:6 11:4 12:4,5,9 23:16 25:2,3,11 30:3,7 32:11 34:11 45:13	clarified 53:15
accurately 24:24 30:13 36:9	area 15:15 18:12 19:12 20:11	beaten 48:15	called 12:10 16:16	classified 52:21
accused 11:6	areas 18:4 23:9 57:6	Beauchamp 38:1	calling 9:1 10:18 12:6 25:5,6	clean 30:24
acting 8:23 9:20 10:11 11:18	Armed 24:10,12,13	Beaushamp 37:25	camera 26:18	cleaned 13:19 14:9 15:1 16:22 17:14 18:9,13 56:13
action 60:16	arrange 43:14	beginning 42:4 44:8	capable 54:16	clear 9:2 10:16 11:9
actual 17:12 19:15 21:5 21:6	arrival 8:4	behalf 1:17 4:5	Capano 39:9	clearance 45:15
Adams 32:13,14 35:23	arrive 8:1 55:14	believe 15:12 18:14 22:2,8 26:7 37:22,24 40:6 41:6,7 46:17 47:7 48:14,20,24 49:6,11 50:18 51:24 52:6,18 56:7	Carter 8:23,25 9:20 10:11,15 11:19 12:1 12:6	collections 17:12
adding 32:23	article 36:16 48:6 49:17,23 50:1	believed 34:19	case 29:7 55:1,23 56:7 57:24	coming 6:17
adjourned 59:7	articles 51:25	best 13:12 14:7,13 15:11 22:4,7 24:23 28:14,24 31:20 36:8 39:4,14 40:1 41:3,18 47:24 48:10 55:2 56:10	cases 44:20	comment 20:21 21:17 28:6
Advance 1:6,13 2:6	asked 8:20 9:11 10:16 10:19 17:18 19:23 27:18,20,21,24 39:9	better 34:12	Caudill 1:25 4:7 60:6 60:20	committed 28:5,13
advice 7:12	asking 7:9 42:4	Bill 23:12 24:9	cause 10:13 26:12	communication 28:25 31:17 36:10
advised 12:5,11 46:6	assaulted 12:2,14 25:22 26:8,12,14	bit 23:21 53:25	cells 8:17,18 9:11,23 10:2,21 13:2,10,18 14:9,25 15:2,7,9,19 16:9,10,14,24 17:1,3 17:11,13 18:16 20:14 20:20 22:20 40:12 41:24 49:18 52:15 54:1 55:16,24 56:1,1 56:12,21 58:15	complete 38:20 55:20 56:1
afternoon 33:1	assess 9:1,15	blood 10:6 16:17,18,19 16:21,21 17:2,5,7,7 17:13 18:5,8,11,25 19:5,15,20 20:2,5 22:20 23:4,6,7,9 30:25 54:3,6,8,20,22 55:13 58:13,14	Cause 10:13 26:12	completion 52:2
agencies 6:3	assessment 8:8	blow-ups 21:25	cell 8:17,18 9:11,23 10:2,21 13:2,10,18 14:9,25 15:2,7,9,19 16:9,10,14,24 17:1,3 17:11,13 18:16 20:14 20:20 22:20 40:12 41:24 49:18 52:15 54:1 55:16,24 56:1,1 56:12,21 58:15	complicated 54:17
Agent 12:11 13:7 14:14 15:5 16:1 40:3,15,20 41:1,4,19 42:13 43:3 43:5,9,14 44:22 45:6 45:14 47:3,19 58:12 58:17	assigned 6:6	body 8:14 9:13 10:5,7 11:22,24 35:19 57:17	Caudill 1:25 4:7 60:6 60:20	conceive 44:4
agents 18:9 22:24	assistance 51:14	BOP 14:9 15:1 16:11 17:20 20:22 58:18	cause 10:13 26:12	concentration 23:7
ago 15:4 22:22	assisted 18:2	break 21:2 58:8,10	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	concerned 28:10 46:13
agree 50:5 52:13 53:21 54:20	assured 10:20 12:19 14:1	Brett 32:12	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	concerns 8:15
agreed 4:2,10 26:1,4	attacked 53:1,10	briefed 8:9	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conclusion 35:12 56:24 57:25
ahead 9:13 15:16 23:10	attention 6:22 15:16 35:7	briefly 5:18 8:25 10:3 15:13 16:5 18:10	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conclusions 26:5 55:15
aired 26:16	attorney 2:3 46:7,7 60:14	bring 40:24 42:13,18 45:6 56:22	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	Conde 1:6,13 2:6
allegations 44:18	attorneys 2:6 4:3,11	bringing 41:5	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	condition 10:5
allegedly 41:24 43:5	attorney's 31:15 32:20 46:25	Brockway 10:18 11:12	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conduct 12:18
allow 39:15 45:19	attributed 18:15	Brought 40:20 51:13	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conducted 14:4 56:11
allowed 10:1 46:21	August 6:19,22 7:13 9:25 12:22 28:19 29:3,18 30:15 31:22 31:22 32:6 37:14,20 37:21 55:16	BRYAN 1:9	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conducting 37:16 54:1
allows 16:20	authorities 22:25 31:14	bunk 17:5,6,10 20:9	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	configurations 20:10
altercation 48:16	authority 14:23	Bureau 13:19 14:4	center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	confusion 8:11
American 24:17	autopsies 24:15,17		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	Congressional 51:18
analyzed 55:3	autopsy 25:8		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	connection 36:15 49:15
Andrews 32:19,22 33:7 33:10 35:23 36:3,3	available 25:12 54:21 56:25 57:1,2,3,16,19 57:22 58:1		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	constantly 51:4
answer 14:5 37:10 53:4 53:13,16 57:21	aware 7:11 40:3		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	contact 25:12 40:14 46:6,25
answered 56:8	awhile 16:6		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	contacted 8:7 12:1 46:10
answers 36:14 37:1 39:5,6,10,20 57:10 57:20 58:5	AXLAND 1:13		center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	CONTENTS 3:1
anybody 14:25 44:4			center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	continuing 6:2
anything's 11:5			center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	control 5:25
Anyway 45:18			center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	convened 50:15
			center 2:7 6:24 7:7,15 7:25 9:24 11:11,18 13:2 20:17 30:6 34:24,25 53:2,11	conversation 10:12 11:18 23:12,16 24:9 24:25 25:20 27:10

<p>30:14,18 31:8 35:22 40:25 conversations 14:16 conveyed 50:2 convinced 27:1 Cook 2:2 3:5 14:5,10 39:12,24 45:2 48:8 48:17 49:3,9 52:4,8 52:12 55:7,18 56:14 58:25 cooperation 50:9 51:14 copy 24:6 Cornell 40:21 correct 6:19 7:20 11:12 11:13 20:18 26:6 29:8 30:9 33:11 36:6 52:22 53:12,13 60:11 correctional 52:25 53:9 corrections 59:4 correctly 32:23 37:25 County 14:24 32:20 60:4 couple 13:22 37:15 58:11 course 10:17 30:18 court 1:1 27:7 29:22 54:4,18 covered 49:13 cover-up 49:8,18 Crawley 46:7,10 credibility 33:19 cropping 22:16 Cross-Examination 3:5 52:11 CRR 1:25 60:20 CSR 1:25 60:6,20,21 cuffs 34:19 customarily 50:22 cut 58:19 cuts 10:9 34:9 58:21</p> <hr/> <p style="text-align: center;"><b>D</b></p> <hr/> <p>daily 54:12 damn 21:8 dark 16:23 date 15:18 23:14 dated 32:5 Dateline 26:15,25 48:3 day 13:9 24:7,8 29:22 31:6 33:24 42:9 56:3 60:18 days 36:5 38:14 DA's 14:24 dead 57:12 deal 28:7,9 death 5:21,23 6:1,8,24 7:7,14 12:3,12,14 13:14,23 22:6 26:2,4</p>	<p>26:6,13 30:20,20 40:5 42:9 44:2,6 45:24 52:16,21 54:7 54:22 55:24 56:19,24 57:9 58:3 deaths 7:12 43:7 44:4 57:8 deceased 26:7 December 1:18 4:6 6:12 15:17 16:24 22:9 36:16 40:6,7,8 49:18 60:13,18 decision 45:23 Defendants 1:8,15,17 2:5 3:10 4:5 5:6 23:23 29:10 32:1 36:18 38:16 defer 27:5 54:7,18 definition 56:12 density 23:5 Department 14:24 16:2 16:8 37:16 52:14 depends 54:10,10 depict 21:24 deposes 5:4 deposition 1:16 3:12,13 4:4,16 21:21 24:2 29:15 35:2 37:8 59:3 59:7 60:9,12 describe 5:19 described 8:13 35:8 description 18:19 detectives 55:13 determinations 54:16 determine 34:7 devices 34:7 died 11:10 42:15 difference 23:9 different 28:1 dig 29:17 Direct 3:4 5:9 directed 21:12 disclose 58:13,17,20 discuss 14:15 26:15 discussed 19:25 23:3 28:15 discussing 23:8 discussions 22:24 district 1:1,1 31:15 32:20 division 5:16 6:1 28:2 47:1 divulge 46:21 document 24:3 29:6,7 32:5,7 36:23 37:12 38:23 documented 55:6,25 documents 29:21 46:24</p>	<p>doing 25:7 51:10,22 DONNELLY 1:9 door 19:2 Dr 15:25 21:3,6,21 22:24 23:12,16 24:9 24:25 25:7,7,9,18,20 26:21 27:17,17 28:15 35:2,8 43:12 44:1 45:7,15,19 46:1,15 47:5,14,21 dripping 23:6 dry 23:7 duly 5:3 duties 5:19 6:6 duty 12:17 d/b/a 1:6</p> <hr/> <p style="text-align: center;"><b>E</b></p> <hr/> <p>E 2:1,1 60:1,1 earlier 33:14 53:25 easier 29:20 easy 44:9 56:4 education 6:2 effect 4:15 41:8 effort 45:6 eight 15:11 either 27:17 33:9 36:2 51:12 60:15 Elizabeth 1:25 4:7 60:6 60:20 embellish 33:21 emergency 34:14 employed 5:14 6:10 employees 5:24 encounter 54:6,12 ended 25:15 enforcement 6:3 engaged 49:7 enlargement 35:3 entails 6:7 enter 10:2 entity 9:7 11:7 Epstein 2:6 58:7 Eric 16:7 escorted 16:10 especially 19:11 50:13 essentially 50:16 estimate 20:12 evaluations 24:16 events 11:20 evidence 15:1 16:17 17:2,10 18:8 50:20 52:19,25 53:9,13,14 53:16,17,20 54:7,9 54:21 55:3 56:19,20 57:1,16,19,23,23 58:2 exactly 57:11</p>	<p>Examination 3:4,6 5:9 55:10 examiner 41:14 56:23 examiner's 5:16 6:11 40:22 42:19 49:1 example 51:25 excerpts 38:21 47:13 exempted 45:16 exhibit 3:12,13,14,16 3:17,19,20 5:6 21:21 23:23 24:2 29:10,14 29:24 30:1 32:1,5,9 35:2 36:18,22 38:16 38:20 EXHIBITS 3:10 experience 43:25 44:1 55:12 expert 54:3,4,8,13,19 54:23 55:4 56:11 experts 55:14 explain 25:4 41:15 44:12 45:12 explanation 10:12 44:19 express 25:21 expression 18:21 extremely 12:13 eye 17:8</p> <hr/> <p style="text-align: center;"><b>F</b></p> <hr/> <p>F 60:1 face 21:15 33:17,17 face-to-face 32:11 facilitated 52:1 fact 7:24 13:23 17:18 18:21 22:8 26:2,18 30:3 40:9 42:4 46:12 50:24 52:19 facts 44:16 49:20 fair 18:19 40:9 56:9 fall 48:1,21 49:7 falling 41:10,17 familiar 24:3 29:24 36:22 far 7:24 20:8,10 23:14 29:17 35:17 42:19 54:4,18 56:6 57:9 faster 23:22 FBI 9:1,6 11:4 12:4,5,6 12:9,22 13:8,23 14:8 14:20 15:6 16:6 22:24 40:15 42:10,17 50:11,13 58:20 federal 6:24 7:7,11,14 7:25 9:23 11:10,17 13:1 20:17 27:18 30:5 34:24 45:16 46:21 48:25 50:10,14</p>	<p>53:1,10 feet 20:13 felt 47:23 50:8,25 51:10 field 27:15 fight 10:10 48:16 figure 7:25 figured 46:3 file 3:14,16,17 28:16 29:7 find 17:6 44:18 46:19 findings 52:18 Fine 29:20 first 5:3 6:23 7:17 12:25 13:4,6 22:5,8 22:10,14 28:25 29:13 40:2,10 53:15 Fischer 1:7,14 2:7 49:19 50:3,6 five 20:12 flashlights 30:25 floor 18:5 22:20 23:1 41:11 fluoresce 18:10 fluoresces 16:19 follows 5:5 force 4:15 Forces 24:10,12,13 foregoing 60:9 forensic 15:1,14 24:14 27:14,14 form 4:13 14:10 19:19 22:19 31:7 33:18 35:11,15 37:10 39:12 39:24 45:2 48:8,17 49:3,9 52:4 55:18 56:14 former 28:21 32:12 found 17:7 19:22,22 31:3 58:14,21 four 20:12 Fred 15:25 Freeman 22:3 front 47:16 frustrated 51:23 FTC 15:5,18 28:21 40:12 fucking 21:9 fully 57:10 58:6 further 4:10 9:16 52:10 furthered 52:1</p> <hr/> <p style="text-align: center;"><b>G</b></p> <hr/> <p>gain 9:23 14:25 gaining 15:8 gathered 34:13 general 5:18 7:4 30:17 38:3,11 general's 46:8</p>
---	--	---	--	--

<p>George 28:22 30:15 32:12 getting 50:9 51:2,17,17 Gillis 7:3 9:22 10:4 11:16 Gillis's 7:21 give 8:21 21:8 50:6 given 3:20 52:18 glared 21:13 gloves 30:25 go 7:25 9:13 13:9,23 14:17 15:12,18 16:15 25:11,14 32:14 37:8 46:2 going 8:10,17,18,19 9:11 11:5 14:2 15:5 29:22 42:1 44:11 46:25 47:15 51:7,19 51:24 52:7 54:1 57:14 good 19:9 23:20 27:14 28:17 33:5 Gormley 3:15 23:12,16 24:9,25 25:9,20 26:21 27:10,17,17 28:15 gotten 30:3 41:16 45:14,15 50:17 government 48:25 49:7 50:10 GQ 36:16 48:6 49:17 51:25 grand 27:18 28:12 45:7 45:19 46:4 47:17,20 50:15 group 15:23 guard 21:16 30:23 31:1 guards 20:22,22 21:4 34:1 47:7 guard's 21:5 guess 11:9 26:9</p>	<p>heading 7:6 hear 43:17 53:14 heard 20:21 21:7 heavier 23:7 help 20:7 23:19 44:13 45:22 51:11 hereto 4:4,12 hey 51:22 highly 11:3 history 57:17 homicide 12:3,15,19 55:13 homicides 43:24 horizontal 35:9 hour 32:25,25 hours 33:9 52:16 house 7:2 housed 13:3,18 housing 20:15 hundreds 46:4 Hunt 12:11</p>	<p>inspect 15:19 Inspector 38:3,11 Institute 24:10,12,13 instructions 8:21 intent 57:13 interest 41:14 interested 28:3 60:15 interpret 54:8,24 interpretation 54:14 Interrogatories 3:19 36:14 Interrogatory 36:25 37:10 interview 13:24 28:21 32:22 40:21 42:5 44:17 51:11 interviewed 26:18 37:15 41:8 42:17 introduced 32:21 investigate 9:2,3 12:23 investigated 7:14 12:15 investigation 7:19 9:8 9:10,19 12:19 14:3 30:21 37:17 40:4 42:24 44:7 49:2,16 49:21 50:7,13,14 52:2 55:17 56:10 investigations 6:1,9 48:4 50:22 investigative 14:23 22:25 investigator 5:15,20 6:15,18 9:5 investigators 5:21,24 7:3 38:10 39:1,6,23 55:13 56:22 invite 6:21 15:16 35:7 involved 7:18 44:6,7 50:12,13,23 51:16 involvement 42:23 45:10 isolate 10:15 isolates 11:1 issue 49:18 54:11 issues 54:17 i.e 55:24</p>	<p>43:12 45:7,15,19 46:1,15 47:5,14,21 Jordan's 21:21 35:2 44:1 July 6:16 jump 23:10 jumping 41:9,11 jury 27:19 28:12 45:7 45:20 46:4 47:17,20 50:15 Justice 37:16</p> <hr/> <p style="text-align: center;"><b>K</b></p> <p>keep 31:2 Kenneth 11:15 28:4 35:20 52:15,20 Kerr 2:3 Kevin 1:16 4:4 5:2,13 60:7 kill 20:2,4 kind 10:25 15:13 24:20 34:7 35:13 48:16 knew 7:9 27:12 42:14 know 7:10,24 8:12,19 8:20 16:4,20 18:8,13 19:24 20:1,3,5,7 21:11,16 22:16 23:3 23:5,6,8,8 24:21 26:2 27:2,3,3,4,5,9 28:1,7 31:3,6,13 33:6,20,24 34:20 36:8 37:24 38:9,10 41:10,11,21 41:23,24,25 42:5,8 42:20 43:6,23,23 44:1,3,5,10,17,18 46:3,8,19 47:15 50:17,19 51:1,5,6,8 51:22 53:3,4 54:13 56:4 57:7,9,13,21 58:5,5,19 59:2 knowing 48:12 knowledge 9:22 14:22 24:24 39:4 40:19 42:22 45:5 47:3 49:20 known 56:3 Kuhlman 16:1</p>	<p>lawyers 37:16,19,23 38:9 learn 13:17 learned 6:23 8:4 13:21 30:20 leaving 20:20 21:1 lectures 6:2 left 17:13 legal 6:4 let's 13:4 23:18 32:24 37:20 48:4 lied 48:25 50:24,25 Lieutenant 16:1 22:3 ligature 58:18,21 lighter 23:5 line 3:2,11 41:25 45:17 lines 21:10 Linn 1:3 2:3 16:1 40:3 40:10,20 41:1,4,19 42:13 43:3,5,9,14 44:23 45:6,14 47:3 47:19 58:12,17 lit 18:16 litigating 48:6 litigation 36:15 38:22 little 21:5 23:21 53:25 Loftis 16:7 long 6:10,14 18:11 22:6 22:22 51:8 look 13:10 15:13 21:15 23:14 29:16 40:25 45:19 54:23 looked 10:2,9 11:24 12:12,13 21:12,13 26:13 looks 12:2 27:7 lot 6:7 8:11 19:23 23:6 26:1 37:19 44:21 57:8 lots 44:9 58:4 lower 22:16 Luminol 16:9,16,19 17:25 18:17,24 19:9 19:10 22:12 40:12 54:1 Luminolling 17:1</p>
<hr/> <p style="text-align: center;"><b>H</b></p> <p>hair 17:2 half 33:1,8 hall 21:4 hand 29:21 36:21 54:11 60:17 handcuffs 34:1,5,12 handle 7:11 25:13 handles 6:2 happened 11:19 31:6 41:3 44:20 45:12 55:15 happens 25:10 hard 44:3 Haynes 16:7 head 10:8 41:17</p>	<hr/> <p style="text-align: center;"><b>I</b></p> <p>identification 5:7 23:24 29:11 32:2 36:19 38:17 identified 11:11 21:20 identify 47:4 identity 21:16 immediately 11:25 important 41:22 impression 19:19 31:7 33:18 35:11 43:23 44:22 47:12 inch 22:16 incontrovertible 55:15 55:22 56:6 INDEX 3:10 indicate 59:4 inflicted 11:1 inform 7:5 information 25:17 41:13,20 50:2,6,10 50:16,19,21 51:2,13 52:17 56:22 57:1 informed 14:8 initiate 25:2 initiated 25:3 injuries 8:14 10:13 41:16,16 inmate 7:8,12 10:21 12:15 28:21 30:5,24 32:12 40:21 41:23 42:14 inmates 10:17,24 42:6 42:17 47:7 inquiry 51:4,18 inside 17:5 57:12</p>	<hr/> <p style="text-align: center;"><b>J</b></p> <p>Jeff 13:7 14:13,14 15:5 16:5 Jenkins 13:7 14:14,14 15:6 16:5 40:16 Jesse 1:12 30:3,14 job 28:17 Johnny 16:1 Jon 2:6 Jordan 15:25 21:3,7 22:24 25:7,7,18 35:8</p>	<hr/> <p style="text-align: center;"><b>L</b></p> <p>L 4:1 lab 58:20 lacerations 10:8 lack 34:12 Lane 16:6 large 10:8 Larry 32:19 38:5 laundry 30:22 law 2:3,6 6:3 32:13</p>	<hr/> <p style="text-align: center;"><b>M</b></p> <p>Macy 48:3 Magazine 1:6,14 2:6 49:17 major 10:10 majority 24:15 making 41:10,24 54:16 57:22 man 12:2,13 30:4,7 manner 26:3,6 45:24 56:19,24 57:9</p>

<p>Marie 8:23 mark 35:9,13 marked 5:7 23:23 24:2 29:10,14 32:1,5 35:2 36:18,22 38:16,20 marks 35:10,12 Mary 1:7,14 2:6 49:19 match 58:14 matching 58:21 matter 23:13 37:17 39:10 53:6 Max 16:7 mean 35:16 42:3 53:19 55:2 57:20,21 meaning 44:17 means 53:19 measurements 55:25 media 51:3,4 52:7 medical 5:16 6:3,11 13:9 40:22 41:14 42:19 48:25 56:23 meet 9:14 32:15 meeting 3:18 32:11 36:4,10 43:14,16,18 meetings 28:1 memo 3:14,16,17 24:23 26:5 29:3 30:2,8 32:10 33:25 memorandum 28:16 36:5,8 memorialize 28:16 memorializes 32:10 memorializing 28:18 memory 22:13 39:14 mentioned 15:4 45:25 met 15:25 32:18,18,20 32:23 metal 19:10,11 20:9 Michael 11:15 middle 33:25 military 24:15 mind 47:25 48:11 57:12,14 minute 15:4 29:19 minutes 32:25 misrepresentations 49:1 missed 43:24 moment 29:2 49:14 month 26:16 33:14 months 13:14 42:11 48:2 morning 7:2 9:24 11:21 11:24 12:8,10,22 13:24 30:15,22 32:18 mouth 31:2 murder 27:8 murdered 27:2 48:22</p>	<p>M.E 1:3 2:3</p> <hr/> <p style="text-align: center;">N</p> <hr/> <p>N 2:1 4:1 naked 17:8 name 5:11 11:14 16:3 28:21 named 40:21 Nast 1:6,13 2:6 nature 24:19 near 19:2,6,7,16,20 20:2 nearly 18:10 neck 10:9 34:9 need 44:12 54:13 needed 8:20 9:7 12:4 12:14 31:2,14 42:10 51:14 54:22 needs 12:3 Nelon 2:5 3:4,6 5:10 14:7,19 24:1 29:13 32:4 36:21 38:19 39:16 40:1 45:4 48:10,20 49:6,14,15 52:6,10 55:11 56:9 56:18 58:11,23 59:1 neutral 9:7 never 10:1,1 13:23 25:9 44:1 new 5:24 night 21:1 22:9,11 41:12 42:15 55:16 nine 6:17,17 nobody's 11:7 noise 41:10 non-responsive 14:6 55:8 normally 54:7 notes 40:20,25 41:5 42:13 notice 3:12 4:9 November 13:12 48:5 53:6,22 Number 23:23 29:10 32:1 36:18 38:16 Numbers 5:6 nutshell 6:8</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>O 4:1 oath 37:11 39:2 object 14:5,10 39:12,24 45:2 48:8,17 49:3,9 52:4 55:7,18 56:14 objection 52:8 objections 4:12 observe 16:25 17:24 18:3</p>	<p>obtain 13:8 obvious 8:10 obviously 21:11 46:1 occasion 7:17 15:8,18 16:14 28:20 occasions 28:20 38:12 occur 31:21 office 5:17 6:11 9:14,15 11:23 14:24 15:25 21:5 31:15 32:15,20 38:2,11 39:1 40:22 42:19 46:8,25 49:1,2 60:17 officer 53:1 officers 34:2 53:10 offices 32:13 official 51:20 Oh 23:20 27:12 31:22 38:14 OIG 48:4 OIG's 39:1 Okay 20:14 29:17,20 38:5 53:7,14,18 55:1 55:5 Oklahoma 1:1,17,17 2:4,4,7,7 4:6,6,8 6:25 14:23,24 16:2,8 32:20 34:14 52:14 60:3,4,7,13,14 older 23:7 once 10:23 12:4 ones 11:6 ongoing 50:6 opinion 25:21 27:7 31:6 35:15 46:11,23 57:22 58:1 opinions 44:10 57:5,15 opportunity 33:16 originally 11:11 25:6 outside 9:7 11:6 overseeing 5:24 6:8</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>P 1:9 2:1,1 4:1 page 3:2,11 37:3,5 pages 46:4 painted 17:17 panic 19:1,5,6,7,12,20 20:3,11 paragraph 33:25 part 5:8 21:20 23:25 29:12 32:3 33:5 36:20 38:18 55:7 56:1 particular 37:21 particularly 27:9 parties 4:4,12 party 60:15</p>	<p>pass 25:17 passed 39:18 pathologist 24:14 25:15 pathologists 25:11 pathology 24:10,12,14 27:15 Patrick 46:7 pattern 35:17,18 patterns 16:18 people 9:9 11:4 13:25 15:21 16:3 19:1 27:5 28:2 42:5 44:9 45:20 51:15,18 58:18 perform 16:16 performed 22:12 24:17 period 36:1 permission 45:14 person 11:10 47:16 personal 40:18 42:22 45:5,9 personally 13:1 32:14 personnel 6:4,4 16:11 56:3 persuade 44:24 47:21 phone 3:15,16 7:2 8:24 24:8 25:16 31:9 32:11 33:14 photograph 35:3,4 photographed 55:25 photographs 21:20,22 21:24 35:19 photos 35:5 physicians 25:10 picture 22:15,17,18 pictures 14:17 22:1,5 22:11,15 43:4 place 7:10 24:20,22 placed 39:2 places 24:18 Plaintiff 1:4,10 2:2 plastic 34:2,5,10,11,11 34:21 35:14 plate 19:18 playing 40:4 please 5:12 29:16 pleasure 37:15 point 8:10 13:17 14:1 15:4,14 23:3,17 26:11,14 31:16 39:15 40:15 43:22 44:16 45:25 51:5,20 53:3 53:11 pointed 34:18 Polaroid 22:1 police 14:23 16:2,8 34:14 52:14 portion 33:5</p>	<p>posed 39:5 possible 28:4,8,12 35:16 44:13,14 48:21 55:23 powers 51:12 preceding 26:16 52:16 precise 39:19 prepare 36:14 prepared 30:8 36:5 presence 16:21 present 33:4 35:23,25 presented 50:20 53:17 pressure 51:11,15 pretty 6:7 10:7 28:17 primarily 33:6 prior 27:12 40:14 prison 43:8 Prisons 13:20 14:4 17:23 22:2 probabilities 28:8,9 probably 13:12,21,22 14:12 20:12 36:1 46:3 proceed 12:18 process 13:24 14:18 17:24 processed 17:11 processing 8:19 products 16:21 18:11 program 26:16,19,22 pronoun 9:17 pronounced 38:6 pronouncing 37:25 proper 31:14 properly 55:6,25 56:2 56:8 propounded 5:5 protection 11:7 provided 25:18 public 27:7 51:11,22,24 PUBLICATIONS 1:7 1:13 publicly 46:17 published 48:7 49:24 PUBLISHERS 1:6,14 pulled 29:7 purportedly 42:14 purpose 16:13,15 44:23 52:7 purposes 5:7 23:24 29:11 32:2 36:19 38:17,22 pursuant 4:9 put 8:23 47:25 48:10 51:11,15 P.L.C 1:13 p.m 5:3 59:7 60:13</p>
--	--	---	--	---

<p style="text-align: center;"><b>Q</b></p> <p>quality 5:25 question 4:13 14:11 33:7 39:13,25 45:3 48:9,18 49:4,10 52:5 55:19 56:7,15 57:21 questioned 12:16 33:10 questions 5:4 19:23 37:9 39:5,8 52:10 55:8 57:6 58:2,12,23 quickly 10:15 quite 19:17 44:2 54:16</p>	<p>reflecting 30:2 reflects 26:10 36:9 refused 9:8 12:5 regard 56:25 regular 54:13 reiterate 33:13 relate 34:20 relative 60:15 relevance 44:21 relevant 42:3 relying 56:21 remain 9:12 remember 13:13 17:6 28:6 repainted 17:19 reply 5:4 report 8:3 10:4 23:15 24:6 reported 1:25 9:5 Reporter 4:8 Reporter's 3:7 reporting 11:17 reports 7:22 representation 41:19 50:2 reputable 24:22 reputation 27:13,14 request 36:13 50:14,15 requested 13:25 research 24:21 reserved 4:13 resolved 51:9 respect 11:20 47:20 56:24 respective 4:3,11 response 34:15 rest 17:11 restating 12:1 restraint 34:7 result 18:24 results 44:17 review 24:20 47:5,14 59:4 reviewed 46:18 47:21 re-examine 24:16 Richardson 16:7 right 17:14 21:13 47:11 59:2,5 rights 28:2 47:1 RMR 1:25 60:20 Robert 2:3,5 role 24:12 40:4 45:9 room 20:10 30:22 33:4 Rowland 1:16 3:19,20 4:5 5:2,13,14 6:21 12:25 21:19 23:10 28:19 35:1 36:13 37:7 40:1,18 45:4</p>	<p>47:24 52:13 55:12 58:12 59:1 60:7 rule 35:17 45:16 ruled 26:3 rules 46:21 Russell 2:2 R-O-W-L-A-N-D 5:13</p>	<p>sight 42:1 signature 37:3 59:5 signed 30:11 significance 41:20 silencing 46:15 similar 35:18 simply 28:11 sincere 31:11 33:22 single 47:16 sink 41:11,17 sir 7:16 18:20 20:16 29:25 situation 8:8 9:15 45:10 small 36:1 smear 23:6 somebody 11:1,8 17:20 17:22 44:20 56:20 somebody's 20:1,6 57:12 someone's 20:3 soon 11:24,25 sorry 17:22 31:22 sort 34:2 35:8 sought 31:4 spatter 16:17 54:3,6,8 54:20,23 55:14 special 13:7 14:14 15:5 16:1 20:14 40:3,15 40:20 41:18 45:6,13 specific 37:18 specifically 47:9 48:5 50:11 spend 29:22 spoken 43:4 spraying 18:2 19:14 spreading 17:25 SS 60:3 staff 11:2 12:17 22:2 stain 23:1 stainless 19:11 stalled 51:1 standpoint 15:14 started 51:21 state 4:8 5:11,16,22 28:11 43:7 46:17 60:3,7 stated 41:8 statement 18:14 21:6 40:9 56:10 statements 21:6 45:22 STATES 1:1 steel 19:11 Stefano 38:7 stenotype 60:10 steps 9:16 STIPULATED 4:2,10 Stipulations 3:3</p>	<p>stool 17:5 20:9 stopped 19:16,16 stops 25:14 stories 42:7,18 stretch 22:13 strongly 11:3 stuff 9:3 subpoena 3:13 4:9 subsequent 31:17 32:11 subsequently 31:5 substance 24:24 39:20 substantiate 52:20 suggest 52:20 suicide 8:13,16 28:5,13 44:25 47:22 50:17 52:22 56:19 58:1</p>
<p style="text-align: center;"><b>R</b></p> <p>R 2:1 60:1 ran 29:2 Ranger 42:23 43:2,11 43:15,17,19 44:6,12 44:24 rational 27:11 reach 57:7,8 read 37:8 46:16,22 49:23 53:5,23 59:2 readings 19:10 real 10:15 11:14 really 22:13 reason 41:4 reasonable 27:11 recall 14:7,13 15:9,11 19:4,14 20:24 21:7 22:4,14,18,21,23 23:2,2 28:14,24 31:20 40:2,23 41:3 41:18 42:16,21 43:6 43:13 47:6,9,11,17 receive 52:25 53:9 received 7:2 45:13 receiving 46:11,24 recognize 32:7 38:23 Recognizing 39:16 recollection 19:14 40:19 43:1 45:5 recommend 11:3 recommendation 9:6 reconstruct 56:5 reconstruction 54:17 record 5:8,12 11:9 23:25 29:12 32:3 36:20 38:18 records 13:8,9 15:8 recounting 44:20 red 22:25 Redirect 3:6 55:10 refer 19:1 reference 9:18,19 34:1 34:2 referring 14:20 reflect 24:24 30:13</p>	<p>repainted 17:19 reply 5:4 report 8:3 10:4 23:15 24:6 reported 1:25 9:5 Reporter 4:8 Reporter's 3:7 reporting 11:17 reports 7:22 representation 41:19 50:2 reputable 24:22 reputation 27:13,14 request 36:13 50:14,15 requested 13:25 research 24:21 reserved 4:13 resolved 51:9 respect 11:20 47:20 56:24 respective 4:3,11 response 34:15 rest 17:11 restating 12:1 restraint 34:7 result 18:24 results 44:17 review 24:20 47:5,14 59:4 reviewed 46:18 47:21 re-examine 24:16 Richardson 16:7 right 17:14 21:13 47:11 59:2,5 rights 28:2 47:1 RMR 1:25 60:20 Robert 2:3,5 role 24:12 40:4 45:9 room 20:10 30:22 33:4 Rowland 1:16 3:19,20 4:5 5:2,13,14 6:21 12:25 21:19 23:10 28:19 35:1 36:13 37:7 40:1,18 45:4</p>	<p style="text-align: center;"><b>S</b></p> <p>S 2:1,3 4:1,1 samples 34:14 sanitized 13:19 saw 15:9 18:4,14 19:15 22:8,10,11,14,15,19 33:24 34:9 46:22 saying 8:13 9:8 33:23 34:5 says 5:4 26:5 scene 5:24 14:3,17 40:11 54:7,22 55:24 57:16 scientific 44:19 Scott 32:13 35:23 seal 60:17 sealed 8:17 second 36:9,10 secured 9:12 17:10 see 13:2,4 15:7 16:16 16:17,20,20,23 17:25 18:7 22:5 23:18 32:24 33:17 35:13 37:20 42:1,7 45:21 45:22 46:9 seeing 26:24 seeking 31:11 seen 8:14 21:22 26:22 34:15 35:5 41:9 43:6 43:24 selected 47:14 sequence 11:20 served 36:15 set 30:6 43:16 47:25 48:11 shared 50:21,22 sharing 50:10 she'd 8:7,14 short 58:7 Shorthand 4:7 show 18:1,12 21:19 24:1 26:25 29:6,13 32:4 35:1 38:19 showed 22:15,19 shown 43:4 SHU 20:15,21 shut 31:2 shy 6:13 sic 38:7 side 20:10</p>	<p>sight 42:1 signature 37:3 59:5 signed 30:11 significance 41:20 silencing 46:15 similar 35:18 simply 28:11 sincere 31:11 33:22 single 47:16 sink 41:11,17 sir 7:16 18:20 20:16 29:25 situation 8:8 9:15 45:10 small 36:1 smear 23:6 somebody 11:1,8 17:20 17:22 44:20 56:20 somebody's 20:1,6 57:12 someone's 20:3 soon 11:24,25 sorry 17:22 31:22 sort 34:2 35:8 sought 31:4 spatter 16:17 54:3,6,8 54:20,23 55:14 special 13:7 14:14 15:5 16:1 20:14 40:3,15 40:20 41:18 45:6,13 specific 37:18 specifically 47:9 48:5 50:11 spend 29:22 spoken 43:4 spraying 18:2 19:14 spreading 17:25 SS 60:3 staff 11:2 12:17 22:2 stain 23:1 stainless 19:11 stalled 51:1 standpoint 15:14 started 51:21 state 4:8 5:11,16,22 28:11 43:7 46:17 60:3,7 stated 41:8 statement 18:14 21:6 40:9 56:10 statements 21:6 45:22 STATES 1:1 steel 19:11 Stefano 38:7 stenotype 60:10 steps 9:16 STIPULATED 4:2,10 Stipulations 3:3</p>	<p>Suite 2:4 summarize 34:4 supervise 5:20 supervisor 7:21 10:5 supervisors 40:16 Supervisory 12:11 supplemental 24:6 support 56:23 supposed 22:1 43:2 sure 7:10 16:4 23:18 47:1 58:9 surrounding 42:6 suspicious 12:13 25:25 26:4 46:12 SUTTER 1:12 swiped 18:13 swore 37:11 sworn 5:3 38:13 39:2 60:8 system 43:8</p> <p style="text-align: center;"><b>T</b></p> <p>T 4:1,1 60:1,1 take 9:15 29:16 37:7 38:13 58:7 taken 1:17 4:5 22:2 56:1 60:9,12 talk 25:7 30:4,4,7 31:14 33:17 34:10 48:5 49:19 50:5 51:18 56:18 talked 8:25 12:11 15:8 25:9 37:19 53:25 talking 11:16 27:16 34:24 38:2 Tammy 7:3 9:13 Taylor 16:6 team 34:15 telephone 24:25 tell 18:5 29:5 39:2 57:17</p>

<p>telling 42:9 term 34:12 terms 5:19 7:4 11:19 testified 27:18,22 45:21 47:16 testify 27:21,24 28:4 60:8 testimony 3:20 38:13 45:7 46:20 47:4,13 47:20 53:5,21 54:18 60:11 testing 16:16,16 tests 54:1 Texas 42:23 43:7,15,19 44:12,23 they'd 7:7 thing 10:14 51:8 things 6:5,7 14:15 16:20 18:8 19:8 24:18 29:23 30:25 33:22 44:14 46:19,19 47:8 49:12 51:1 54:11,15 58:4 think 13:5 15:11 18:15 22:10 28:17 35:8 Thornton 40:21 41:7 thought 14:2 41:22 thousands 46:4 threatening 21:15 three 13:14 three-way 30:6 tie 34:21 35:14 ties 34:2,5,11 time 4:14,14,16 7:5,11 7:13 8:16,22 9:13 10:18,20 12:7,25 13:4,6,17 15:17 17:3 18:7,14,22 19:24 21:2,12 22:6,8,10 23:3,11,17 25:8,24 26:3,11,14 27:22 31:16 33:5,5,20,23 35:24 36:2,2 37:7 40:2,10 42:7 43:22 45:25 46:2,6,8 48:12 48:14,15,24 50:8 51:2,10 52:23 53:2,3 53:11,15 57:4 58:13 58:17 told 7:6 8:9,12,16 9:4 9:13 10:6,23 17:21 27:25 30:24 31:1,13 33:13 39:21 43:5,9 43:12 46:13 Tom 1:3 2:3 16:1 40:3 tool 46:15 totality 57:23 traces 17:7</p>	<p>trained 54:5 56:3 training 5:23 34:16 transcribed 60:10 transcript 38:21 59:3 60:11 transcripts 45:20 46:5 46:16,18 47:2 transfer 6:24 7:7,15,25 9:23 11:10,17 13:1 20:17 30:5 34:24,25 53:2,11 transpired 44:17 trauma 10:25 26:1 tree 18:16 Trentadue 1:12 9:24 10:17 11:15,20 13:2 13:18 23:13 25:22 28:4 30:3,14 31:5 34:9 35:20 37:17 39:10 40:5,11 41:9 42:15,24 43:4 48:15 49:2,21 52:15 53:1,6 53:10 54:21 58:19 Trentadue's 52:20 55:16 58:3,14 trial 4:14 troubling 19:23 true 52:13,24 53:8 60:11 trust 50:17 truth 39:2 60:8 truthful 33:21,23 39:6 try 43:14 44:12,13,24 trying 8:25 20:1,4,7,7 25:12 34:6,6 41:15 44:15,18 turf 21:9 turned 11:14 49:17 turns 10:25 two 6:13 7:10 21:19 26:15 28:1 33:8,8 38:14 51:15 two-thirds 5:22 type 34:21 50:9,9 58:14 typed 24:7,8 types 41:15</p> <hr/> <p style="text-align: center;"><b>U</b></p> <hr/> <p>U 4:1 uh-huh 29:9 48:13 54:2 ultimate 57:25 ultimately 17:9 49:16 understand 42:11 44:13,14 57:11 58:6 understanding 12:21 27:16 47:12 55:21 understood 24:11 25:24 26:23 47:2</p>	<p>underway 48:4 undetermined 26:3 unfortunate 19:8 unit 20:15 UNITED 1:1 unknown 26:6 unloaded 11:25 unusual 44:5 use 9:17 18:21 34:21,23 utilize 51:3</p> <hr/> <p style="text-align: center;"><b>V</b></p> <hr/> <p>Vance 11:11 versus 23:6 vertical 35:9,12 view 15:15 visit 15:10 visited 38:25 visiting 16:13 Vol 3:20 vs 1:5,11</p> <hr/> <p style="text-align: center;"><b>W</b></p> <hr/> <p>Wade 3:16,17 28:22 29:1 30:15,17 31:8 31:18 32:12,15,19,22 32:24 33:10,13,17 34:4,18 35:23 36:3 36:11 waive 45:18 59:5,6 walking 21:3 walls 17:16,19 18:6 want 16:3 47:2 wanted 7:12 12:17 28:11 30:4,6 31:5 43:16 47:5 51:21 warden 8:24 9:20 10:11 11:19 wasn't 33:4 47:15 53:16 55:6 way 19:17 41:6 43:25 50:21 weeks 6:13 13:15,22 went 10:21 13:1,4,6,6 15:23 16:9,24 36:9 40:12 57:11 weren't 8:17,18 44:10 50:8 51:2 western 1:1 5:21 We'll 29:18 we're 48:6 50:23 51:22 51:23 we've 24:2 29:14 32:5 36:22 38:20,21 William 16:7 window 10:2 wit 5:5 witness 14:12 39:14</p>	<p>48:19 49:5,11 52:9 55:20 56:16 58:9 59:6 60:12,17 witnesses 47:4 wonder 20:6 words 39:20 work 6:12 11:8 54:13 worked 12:3 44:21 working 30:22 world 24:18 56:11 wouldn't 46:16 writing 49:16 written 31:23 37:11 wrong 11:8 wrongdoing 11:5 wrote 29:3</p> <hr/> <p style="text-align: center;"><b>Y</b></p> <hr/> <p>yeah 8:22 13:15,16 17:22 18:18 23:2 26:9,9,11 38:14 41:21 47:15 53:14 years 5:23 6:13,14,17 6:17 15:12 37:20 39:18 55:17</p> <hr/> <p style="text-align: center;"><b>1</b></p> <hr/> <p>1 3:3,7,12,18 5:6 1st 6:16 1:38 5:3 60:13 10 3:6,16 37:21 11 1:18 3:5 4:6 37:22 60:13 13th 31:23 14 15:17 14th 16:25 22:9 40:7 15 32:25 16 3:20 1600 2:4 161 60:21 17 5:22 6:13,14 52:16 18 3:19 19 40:6 1985 6:13 1995 6:19,22 13:12 15:17 40:7 56:13 1997 23:11 28:19 29:3 30:15 31:22 48:1,21 49:7 1998 37:14,20 56:11</p> <hr/> <p style="text-align: center;"><b>2</b></p> <hr/> <p>2 3:13 5:6 2:51 58:10 2:54 58:10 2:55 59:7 20 29:18 32:6 20th 29:3 31:22,23</p>	<p>2000 53:6,22 2002 1:18 4:6 60:13,18 201 2:3 21 6:22 12:22 55:16 21st 9:25 23 3:15,15 23rd 6:12 60:18 25 43:6,24 29 3:16 2900 2:7</p> <hr/> <p style="text-align: center;"><b>3</b></p> <hr/> <p>3 3:14 23:23 24:2 32 3:18 35 43:7,24 36 3:19 38 3:20</p> <hr/> <p style="text-align: center;"><b>4</b></p> <hr/> <p>4 3:3,16 29:10,14,24 37:3</p> <hr/> <p style="text-align: center;"><b>5</b></p> <hr/> <p>5 3:4,12,13,17 32:1,5,9 5A 21:21 5B 35:2 5-30-97 3:14 52 3:5 55 3:6</p> <hr/> <p style="text-align: center;"><b>6</b></p> <hr/> <p>6 3:12,13,19 36:18,22 6E 45:16,16 6:40 7:1 60 3:7</p> <hr/> <p style="text-align: center;"><b>7</b></p> <hr/> <p>7 3:20 38:16,20 7:50 11:23 709 20:14 709A 13:18 15:19 49:18 73102 2:4,7</p> <hr/> <p style="text-align: center;"><b>8</b></p> <hr/> <p>8 30:15 8-10-98 3:20 8-8-97 3:16 8:25 12:10</p> <hr/> <p style="text-align: center;"><b>9</b></p> <hr/> <p>9 3:4 93 6:16 95 7:13 12:22 22:10 97 36:16 48:5 49:18</p>
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