

**EXECUTIVE SUMMARY OF EVIDENCE
REGARDING THE MURDER OF
KENNETH MICHAEL TRENTADUE**

AND

COVER-UP OF THAT CRIME

INTRODUCTION

Shortly after the Oklahoma City Bombing, Kenneth Michael Trentadue was tortured and strangled in an isolation cell at the Oklahoma City Federal Transfer Center (“FTC”). The Department of Justice told his family that Trentadue had hanged himself with a ligature constructed from braided strips of bed sheet. But he was in fact tortured and murdered by agents of the Federal Bureau of Investigation. Trentadue’s murder was related to an FBI sting operation known as “PATCON,” which was an acronym for Patriot Conspiracy. The objective of PATCON was to infiltrate various right-wing groups and incite them to plan attacks against the United States Government so they could be arrested on conspiracy charges before the attacks took place.

Throughout the 1990s, the FBI targeted multiple groups as part of PATCON. At the time of the Bombing, the FBI had in play three operations to blow-up federal buildings with a truck-bomb. Two of the operations were shut down by the FBI, but for some reason, Oklahoma City was not. Whether Oklahoma City was a failed sting-operation or intended matters not, either way it launched a huge effort by the FBI to cover up its involvement.

Trentadue was tortured for information about the Oklahoma City bombing that he did not have, and killed because the FBI mistakenly believed that he was John Doe 2. Trentadue was a perfect match for the description of John Doe 2 that the FBI was circulating at the time of his death. He even had a dragon tattoo on his left forearm that

matched the tattoo of John Doe 2. But Trentadue was not John Doe 2. Trentadue was actually the 169th victim of that terrorist attack.

FACTS

Trentadue was a parole violator (failure to appear) who was supposedly sent from San Diego, California where both he and his parole officer resided to the FTC for a parole revocation hearing.¹ He arrived at the FTC on August 18, 1995. Trentadue was dead two days later. The Federal Bureau of Prisons, FBI and Department of Justice (collectively the “*Government*”) all insist that Trentadue committed suicide and that his wounds were self inflicted. But their explanation for his suicide and brutalized body is simply incredible.

The *Government* claims that on August 20, 1995, Trentadue requested protective custody, was placed in the maximum security portion of the FTC known as the Special Housing Unit or “SHU” where high risk inmates are housed. By requesting to be placed in the SHU, Trentadue would be kept in solitary confinement twenty-four hours a day, deprived of recreational and telephone privileges and fed through a slot in his cell door.

According to the *Government*, Trentadue was placed in the SHU before 8:00 a.m.

¹ Trentadue’s probation officer imposed a no beer drinking requirement. Trentadue appealed that condition, but lost. He then stopped reporting to his probation officer. A warrant was issued for his arrest in 1987. He was arrested in June of 1995, in San Diego, California. During the interim, he was employed, had married, paid his taxes and had a son, his first child, born two month prior to his murder. Trentadue did not expect to serve more than several months for the violation. There was no reason for him to take his own life but, as will hopefully be demonstrated herein, the *Government* had reason to want him dead.

on the morning of August 20, 1995. The SHU guards say that upon admission to the SHU, Trentadue was stripped and inspected for injuries and that “no cuts, bruises or marks of any kind were noticed” except for a small cut on his heel caused by “ill fitting shoes.” Upon his admission to the SHU, Trentadue was also given clean clothes and “new shoes.”² In this *Report*, Trentadue is referred to as “Brockway” which was an alias he had used in the early 1980's prior to his federal conviction. Trentadue never used the name “Brockway” following his conviction. Yet, the FBI believed that his name was “Vance Paul Brockway” a non-existent person. It was weeks after his death that the FBI finally discovered that his name was Trentadue.

SHU guards are required to visually inspect inmates every 20 minutes. The *Government* contends that Trentadue was observed by guards alive, unharmed and in bed at 2:38 a.m. on the morning of August 21, 1995, and that at 3:02 a.m. he was discovered by guards hanging fully suspended from a vent in his cell by a ligature made from strips of bed sheet.³ When discovered, Trentadue’s body was covered in blood with head-to-toe, front-to-back trauma. His throat had been slashed and Trentadue also suffered three massive blows to his head that reputed his scalp exposing his skull. The Oklahoma State

² The *302 Report* of the SHU guard who examined Trentadue is included as Exhibit 1.

³ The guard in charge of the SHU at the time Trentadue’s body was allegedly discovered testified that Trentadue’s feet were actually suspended four inches above the sink from which he had supposedly jumped to hang himself. That guard’s testimony is included as Exhibit 2. But *Government* investigators never asked this guard how Trentadue could possibly hang higher than the object from which he had jumped to hang himself.

Medical Examiner (“Medical Examiner”) documented Trentadue’s extensive injuries on anatomical charts.⁴ The *Government* contends that Trentadue’s injuries, deposits of blood, ultimate hanging and death occurred in quite a short period of time, from 2:38 a.m. at the earliest to about 3:02 a.m., a space of approximately 24 minutes.

The *Government* claims, too, that after the guards last saw Trentadue alive and in bed at 2:38 a.m. he used a pencil to write a suicide note on the wall of his cell, but did not sign that note with his own name. Next, he patiently tore a sheet into strips. Trentadue then supposedly constructed a ligature from those strips of bed sheet. Once that ligature was manufactured, Trentadue re-made his bed, climbed the wall of his cell and tied the bed sheet rope to a metal vent above his sink. Trentadue then tried to hang himself and was momentarily successful, but the bed sheet rope broke. Trentadue then fell, hitting the edge of the sink bruising his anal verge but somehow doing no injury to his buttocks. The impact of his body on the sink caused Trentadue to ricochet across the cell headfirst into the corner of a metal desk at the end of his bunk, producing a major wound to his forehead.

The *Government* claims that the force of that impact caused Trentadue to rotate 180 degrees and to thereafter careen across his cell to smash his head into the wall, creating a second major wound on the right side of his head, leaving blood and hair on the

⁴ Those charts are included as Exhibit 3. The Medical Examiners *Autopsy Report* is included as Exhibit 4.

wall of his cell and tearing extensive areas of skin off of his back. Despite striking the desk with such force, the impact did not disturb the coffee cup or any of Trentadue's papers on the desk.

The *Government* asserts that while unconscious from his two head wounds, Trentadue rolled over on his stomach and bled profusely, depositing large pools of blood on the floor of his cell. When Trentadue regained consciousness, he attempted to get up but struck the back of his head on the metal stool attached to the desk, causing a third major wound on the back of his head. This third blow to his head further dazed Trentadue, who then crawled on all fours, with his clothing smearing the blood on the floor.⁵

The *Government* claims that Trentadue finally got to his feet and staggered around, leaving blood deposits on the walls and floor of his cell. He then stumbled to his bed and laid down to regain his senses. After a while, Trentadue is supposed to have used two plastic toothpaste tubes to cut his throat, leaving blood on his pillowcase, sheet and blanket. When that second suicide attempt failed, Trentadue reconstructed the bed sheet rope and successfully hanged himself. Finally, it is the *Government's* position that Trentadue inflicted all of the trauma upon himself in just 24-minutes without making a sound so that the nearby SHU guards heard nothing.

⁵ The *Government* offers no explanation for the injuries to Trentadue's knuckles and legs.

EVIDENCE OF HOMICIDE

The guards on duty in the SHU at the time of Trentadue's death all swear that he was alone, and that no one entered his cell. In fact, they all swear that the door to Trentadue's cell was never opened from the time he was placed in that cell on the morning of August 20, 1995, until his body was removed after 3:00 a.m. on the morning of August 21, 1995. Despite that testimony, however, there is conclusive evidence that Trentadue was murdered, and that for almost three decades the *Government* has gone to incredible lengths to cover up that crime.

- **Autopsy Results.**

The Medical Examiner noted the following remarkable findings with respect to Trentadue's death: "acute fracture of the right tip of the hyoid bone;" "intramuscular strap muscle hemorrhage;" "petechiae and purpura of conjunctiva;" and a contusion "immediately above the anal verge" without any injury to the surrounding buttocks. These findings support only one conclusion: assault and death by strangulation. This is so because these findings are forensic hallmarks of assault and death by strangulation.

- **Polaroid Photographs.**

A *Government* investigator took 8 Polaroid photographs of Trentadue's body and/or cell before 4:30 a.m. on the morning of August 21, 1995. That investigator did

not, however, photograph the entire cell. Nor did he photograph all of Trentadue's injuries.⁶ Those Polaroid photographs disappeared that morning and were not found until 1998 years after the Grand Jury investigating Trentadue's death had concluded with a "no bill" and after the Medical Examiner had concluded his investigation.⁷ Those Polaroid photographs revealed blood spatter, baton marks, cast off and other incriminating evidence indicating that Trentadue had indeed been murdered, which evidence neither the Grand Jury nor the Medical Examiner saw.⁸

- **35 mm Photographs.**

In addition to the Polaroid photographs, another *Government* investigator took 35 mm photographs of Trentadue's body and cell that morning. The *Government* contends that this investigator only used part of one roll of film to photograph Trentadue's body and cell and that these photographs were taken at approximately 6:30 a.m. on that morning.⁹ The *Government* contends that these 35 mm photographs were taken several hours after the Polaroids, but in the Polaroid photographs supposedly taken hours earlier the blood on Trentadue's body is dry whereas the blood shown on the 35 mm photographs

⁶ These Polaroid photographs are included as Exhibit 5.

⁷ The Polaroid photographs were actually found in the possession of the *Government's* attorneys that were defending it in the Trentadue's family's civil suit. The *302 Report* documenting the discovery of the Polaroid photographs is included as Exhibit 6.

⁸ Enlarged copies of the Polaroid photographs showing this evidence are included as Exhibit 7.

⁹ These photographs are included as Exhibit 8.

is wet.¹⁰

Just as the Polaroids disappeared, the negatives of the 35 mm photographs disappeared on the morning of Trentadue's death and were not found until 1999 after the Grand Jury had concluded and the Medical Examiner had finished his investigation.¹¹ Without those negatives, those investigating Trentadue's death were using second, third and even fourth generation copies of the original photographs which copies were lacking in detail. When the negatives were discovered, however, photographs produced from those negatives showed baton marks, scuff marks and other evidence that had previously not been available to the Medical Examiner or the Grand Jury.¹² The 35 mm photographs have also been scanned onto a computer disk so that the images can be enhanced.¹³

- **Autopsy Photographs.**

The Medical Examiner took only a few photographs prior to his autopsy of Trentadue's body and two of these are of the ligature.¹⁴ One of these photographs, however, is significant because it shows the ligature mark on Trentadue's neck, which the

¹⁰ Included as Exhibit 9, is one of the Polaroid photographs showing the dry blood and one of the 35 mm photographs showing wet blood.

¹¹ Included as Exhibit 10, is the *302 Report* documenting the discovery of the negatives.

¹² Included as Exhibit 11 are copies of the 35 mm photographs showing this evidence.

¹³ Copies of those disks are included as Exhibit 12.

¹⁴ These photographs are included as Exhibit 13.

Medical Examiner described as a complex furrow approximately 5 mm in width.¹⁵ This photograph is significant because it shows cross-tie like impressions in the ligature furrow on Trentadue's neck, which were not produced by a bed sheet ligature. These cross-tie like impressions were created by plastic handcuffs or "flex cuffs."¹⁶

Bureau of Prison policy requires that in the SHU plastic handcuffs, known as flex cuffs, are to be used because metal handcuffs can be used as a weapon, and that policy further provides that the flex cuffs are not to be placed around an inmates neck.¹⁷ The locking mechanism on these flex cuffs is a perfect match for the cross-tie impressions in the furrow on Trentadue's neck.¹⁸ These photographs are also significant because the furrow is basically parallel to Trentadue's shoulders and not sloping upward as one would expect to find in a full suspension hanging.¹⁹

- **FBI Post-Autopsy Photographs.**

The FBI only took 23 photographs of Trentadue's body following the autopsy.²⁰

¹⁵ An enlargement of this crucial photograph is included as Exhibit 14.

¹⁶ Trentadue's family believes that the striated purplish contusion above the ligature mark occurred when the plastic handcuffs were tightened. In other words, as the cuffs were cinched tighter they were pulled down Trentadue's neck leaving that striated contusion.

¹⁷ An example of the plastic handcuffs or flex cuffs used in the SHU is included as Exhibit 15.

¹⁸ Two enlargements of photographs of Trentadue's neck showing this furrow are included as Exhibits 16 and 17.

¹⁹ Trentadue was right handed. It is unlikely, therefore, that he would have slashed his own throat on the right side.

²⁰ These are included as Exhibit 18.

- **Family Photographs.**

The majority of Trentadue's injuries were not photographed by the *Government* or the Medical Examiner. However, when Trentadue's family received his body home, they removed the heavy make-up which concealed his wounds and photographed his injuries.²¹

- **Mortuary Video.**

In addition to photographing Trentadue's injuries, his family also video taped his body.²²

- **Ligature Not Cut.**

The *Government* insist that SHU guards found Trentadue hanging and eventually him cut down. The ligature which Trentadue allegedly used to hang himself consisted of two segments: the strips of bed sheet tied to the vent in his cell that remained after Trentadue was purportedly cut down, and the knotted 23-inch bed sheet noose that was left around Trentadue's neck after he was supposedly cut down. The guard who claims to have cut Trentadue down, said that he cut the noose three to four inches above Trentadue's head and left it around Trentadue's neck.²³ The noose was then turned over

²¹ Those photographs are included as Exhibit 19.

²² That video tape is included as Exhibit 20.

²³ A field investigator for the Medical Examiner's Office went to the FTC on the morning of August 21, 1995, to retrieve Trentadue's body. While there, that investigator spoke with the SHU guards who told her that a FTC's Physician's Assistant had cut Trentadue down, not them. But when she asked the Physician's Assistant who had cut Trentadue down he said that it was the guards. A copy of Field Investigator's testimony is included as Exhibit 21.

to the Medical Examiner. A fabric expert with the Oklahoma State Bureau of Investigation, obtained that noose. He analyzed that noose and discovered that it had not been cut. But the *Government* never told the Medical Examiner about the uncut ligature.²⁴

- **Another Persons Blood.**

An FBI agent involved in the *Trentadue* investigation testified that on the mattress from the top bunk in Trentadue's cell "we found two blood types."²⁵ According to this agent, one blood spot was Trentadue's and the other belonged to an unknown person. When asked why no effort was made to identify the person whose blood was found on that mattress, the agent said "we did not have a suspect to take a sample from." That agent's "no suspect" comment is indeed strange since during his entire stay in the SHU Trentadue was exposed to very few people.²⁶ In addition, there had been a "Visitor's Log," which would have revealed who had access to the SHU the day Trentadue was murdered, but that *Log* disappeared. The *Government* never explained what happened to that *Log*.

- **Liver Mortis.**

The Medical Examiner found *liver mortis* on the tip of Trentadue's nose, but no

²⁴ The fabric experts testimony and *Report* showing no cuts on the noose are included as Exhibit 22.

²⁵ Trentadue was sleeping in the bottom bunk, and the blood-stained mattress on the bottom bunk was destroyed by the *Government* on the morning of August 21, 1995.

²⁶ The agent's testimony about this other blood is included as Exhibit 23.

liver mortis in Trentadue's fingers and/or toes. The Medical Examiner also noted the presence of *liver mortis* in one of the Polaroid photographs taken of Trentadue's body in the FTC infirmary immediately after it had been removed from the SHU.²⁷ The presence of *liver mortis* on Trentadue's nose in this photograph is significant because the *Government* asserts that Trentadue was cut down and immediately placed on his back on a gurney, and taken to the infirmary where he remained lying on his back until the Polaroid photograph was taken. Consequently, the *liver mortis* could not have been produced on Trentadue's nose if he had been lying on his back after he was cut down by guards.

Neither could the *liver mortis* have been produced by Trentadue hanging dead in his cell. This is so because the 24 minutes between when Trentadue was allegedly seen alive and discovered hanging would not have been sufficient time to produce *liver mortis* and, more importantly, had he indeed been hanging *liver mortis* would also have been found in the tips of Trentadue's fingers and toes.²⁸

- **Blood Pattern Evidence.**

There was a panic or alarm near the door to Trentadue's cell which inmates could use to summon guards in case of a medical emergency or other problems. But on the

²⁷ The Medical Examiner's testimony about the *liver mortis* is included as Exhibit 24 and the Polaroid photograph is included as Exhibit 25.

²⁸ The *liver mortis* was clearly the result of Trentadue lying face down in his cell for at least 30 minutes after being murdered.

morning of August 21, 1995, the *Government* ordered inmates to clean Trentadue's cell. The inmates who cleaned that cell were supervised by a member of the FTC's medical staff. This FTC staff member described seeing a bloody hand print on the wall of Trentadue's cell near the alarm button. This witness said that the hand print streaked down the wall as if Trentadue was collapsing toward the floor when that print was made.²⁹ The medical staff member also identified that hand print from among several exemplars shown to her.³⁰ In addition to a bloody hand print, this same FTC staff member observed blood spatter on the wall of Trentadue's cell and identified that spatter from among several exemplars.³¹ Yet, neither the hand print nor the blood spatter was photographed by any of the *Government* investigators.

- **Muddy Shoes.**

Although the *Government* claims that Trentadue had been issued "new shoes" and that he had never left his cell, when Trentadue's body was found there was red mud on his shoes.³² He had obviously been removed from the FTC prior to his death.

- **No Fingerprints.**

²⁹ A copy of this witness' testimony is included as Exhibit 26.

³⁰ A copy of that hand print exemplar is included as Exhibit 27.

³¹ A copy of that blood spatter exemplar is included as Exhibit 28.

³² Photographs of his muddy shoes are included as Exhibit 29. The FBI Crime Lab *Soil Report* concerning those shoes is included as Exhibit 30.

Trentadue's fingerprints were not found on any item in his cell other than his personal papers. In fact, Trentadue's fingerprints did not even appear on the plastic toothpaste tubes with which the *Government* claims he slashed his throat.³³

- **No Sheet Fibers.**

Trentadue was suppose to have torn a sheet into numerous strips to fashion a ligature. Yet, no sheet fibers were found on his body or in that cell.³⁴ The FBI Crime Lab also discovered that when the ligature was disassembled and compared to the sheet remnants in Trentadue's cell, the pieces did not equal an entire sheet.³⁵ The *Government* never attempted to locate the missing portions of that sheet or explain why it was not in Trentadue's cell when he body was discovered. Obviously, that ligature had not been constructed by Trentadue.

- **Caffeine.**

Inmates at the FTC are served coffee with breakfast and Trentadue had breakfast prior to being placed in the SHU unit. SHU inmates have no other source of caffeine since they are not allowed to bring anything with them to the SHU. Yet, the Medical Examiner said that Trentadue had consumed the caffeine equivalent of " 30 bottles of

³³ A copy of the FBI Crime Lab *Fingerprint Report* is included as Exhibit 31.

³⁴ A copy of the witness' testimony about the absence of fiber on Trentadue's body or in his cell is included as Exhibit 32.

³⁵ A copy of the FBI Crime Lab *Report* regarding the missing pieces of sheet is included as Exhibit 33.

coca-cola” within one to two hours before his death.³⁶ No one investigating Trentadue’s death made any attempt to explain either the source of this caffeine or why Trentadue would consume that quantity. But the Medical Examiner said that caffeine is frequently used during torture to increase the victim’s feeling of pain.

EVIDENCE OF COVER UP

The State of Oklahoma shared concurrent criminal jurisdiction with the *Government* over the FTC. Thus, by law the Medical Examiner had control over the death scene which could not be cleaned or destroyed without his approval. On the morning of August 21, 1995, the Medical Examiner’s Chief Investigator was denied access to Trentadue’s cell. Before 8:00 a.m. the *Government* was also told by the Chief Investigator to preserve the death scene and that he intended to call the FBI to process the evidence in Trentadue’s cell. However, despite being told to preserve the death scene and that the FBI was being called to investigate the death scene, the *Government* ordered Trentadue’s cell cleaned. But that was only part of the *Government*’s efforts to cover up Trentadue’s murder; other examples are set forth below.³⁷

- **Investigations.**

³⁶ A copy of the FBI *Report* on Trentadue’s caffeine level is included as Exhibit 34.

³⁷ There are far too many examples of obstruction of justice to mention in this *Summary of Evidence*. In 1995, for example, *Government* policy did not authorize inmate cremation. Yet, the *Government* repeatedly attempted to have Trentadue’s body cremated on the morning of August 21, 1995. The *Government* also made multiple attempts to indict Trentadue’s brother Jesse, who was leading the family’s inquiry into the circumstances of his brother’s death.

Within approximately 24 hours of Trentadue's death, the *Government* completed its first official "*investigation*" concluding that no "prosecutable federal crime had occurred." The *Government* did so even though the Medical Examiner's Chief Investigator had told the *Government*: "[t]hat the authorities at FTC's version of victim's alleged suicide is not consistent with Medical Examiner's report." Approximately one week later, the *Government* issued *Press Release* announcing that Trentadue's death had been "ruled a suicide by asphyxiation" and further stating that "other cuts and abrasions found on . . . [Trentadue's] body would indicate persistent attempts . . . to cause himself serious injury or death." The Medical Examiner was furious when he saw that *Press Release* because he had not completed his investigation and, therefore, had made no determination as to cause and manner of Trentadue's death.

- **No Psychological Reconstruction.**

Government policy required that Trentadue's "suicide" be investigated by a panel of psychologists from other institutions; that a detailed report of the motives and methods of Trentadue's alleged suicide, known as a "psychological reconstruction," be prepared; and that FTC personnel "shall handle the site with the same level protection as any crime scene in which a death has occurred to insure that available evidence and documentation is preserved to provide data and support for subsequent investigators doing a psychological reconstruction."³⁸

³⁸ A copy of the policy requiring that the death scene be preserved is included as Exhibit 35.

Before 8:00 a.m. on the morning of August 21, 1995, the FTC Administration was warned by the *Government* that a psychological reconstruction team had been assembled and was on its way to the FTC to investigate Trentadue's death. The FTC Administration knew that this psychological reconstruction team would be at the institution that very afternoon. Nevertheless, Trentadue's cell was hurriedly "sanitized" or cleaned before that psychological reconstruction team arrived or the FBI could process the scene. Because the scene had been destroyed, no psychological reconstruction was done on Trentadue's death. *The Government* admits that this is the only supposed inmate suicide for which a psychological reconstruction was never done.³⁹

- **Suicide Note.**

The *Government* claims that Trentadue wrote a suicide note on the cinder block wall of his cell with a pencil.⁴⁰ This note supposedly said "my mind is no longer its friend," and was purportedly signed by Trentadue with "Love ya familia" as a farewell to his Mexican-American wife. The *Government* investigators who saw that note on the morning of August 21, 1995, however, said that it was signed "Love Paul." The *Government* did not change its description of the "**Love ya familia**" ending for that note until after it learned that Trentadue never went by his alias Vance Paul Brockway. The

³⁹ A copy of that admission is included as Exhibit 36.

⁴⁰ A photograph of the pencil Trentadue supposedly used to write this note is included as Exhibit 37. The tip of this pencil is not abraded as it would have been had Trentadue used it to write that note on the highly abrasive cinder block walls of his cell.

Medical Examiner's Chief Investigator also saw that note and said that it was signed "Tom." Yet no one will ever know what that note said, how it was signed or whether it was authored by Trentadue since the note was destroyed by the *Government*.

According to the *Government*, Trentadue's cell was a "a secured scene, sealed with crime scene tape within the custody and control of the FBI." When the Medical Examiner's Chief Investigator was finally given access to the crime scene on November 16, 1995, he ordered the *Government* to have the handwriting analyzed. But when he returned to the supposedly secured crime scene on December 14, 1995, the Chief Investigator discovered that although Trentadue's cell was still sealed as a crime scene and secured with "evidence tape," the handwritten note had been painted over. The FBI Crime Lab, left with nothing but photographs of the writing to analyze, reported that: "due . . . the lack of detail in the submitted photographs . . . [it] is doubtful if this hand printing will ever be identified with hand printing of a known individual."⁴¹ The *Government* never explained the destruction of the note.

- **Destruction of Baker Records.**

Alden Gillis Baker was a violent psychopath and suspected serial killer. Baker was so dangerous that extra guards and an Operations Lieutenant were required to move him. The SHU *Admission Log* shows that Trentadue was placed in cell A-709 with Baker on the morning of August 20, 1995. Baker claimed that Trentadue was tortured and

⁴¹ A copy of the FBI Crime Lab *Report* on this writing is included as Exhibit 38.

murdered by guards.⁴² The *Government* claims that Baker was celled in a different part of the institution and thus could not have witnessed Trentadue's murder.

To support its claim that Baker was nowhere near Trentadue, the *Government* relied upon the testimony of guards who swore that Baker was housed in another unit in the institution. Yet, there were records that would have shown Baker's exact location within the FTC at the time of Trentadue's death. One such record was the BP-292 form, which is a daily record kept on each SHU inmate's activities. The BP-292 shows the inmate's cell number. It is a multi-copy form, with copies going into the inmate's central file, to the warden's office and to various other locations within the Bureau of Prisons. It is also a permanent record. Baker's 292's have all disappeared. Moreover, *Government* investigators never attempted to explain why Baker's BP-292's disappeared.

A *Cell Rotation Log* is used to chart inmate cell changes within the SHU. The *Cell Rotation Log* disappeared, too. But according to the FTC Administration, that *Log* was turned over to the FBI prior to its disappearance. This was not the only evidence the FBI lost. A confidential FBI *Memorandum* disclosed that 41 "serials" or pieces of evidence

⁴² Shortly, thereafter, Baker himself was found hanging by a bed sheet rope in his SHU cell. Prior to his death, Baker had been threatened by the guards. Trentadue's family had filed a motion for a court-order to protect Baker, but eight months after that motion was filed and two weeks after Baker's death, it was denied by the federal judge as "moot." Among Baker's personnel effects was a piece of paper on which he had written: "My mind is no longer my friend."

were missing from Trentadue's FBI file.⁴³

Each eight-hour shift at the FTC is presided over by an Operations Lieutenant who must prepare a daily log entry for his or her watch. Inmate movements are recorded in the *Lieutenant's Log*. Consequently, had Baker been moved from that cell prior to Trentadue being placed there, it would have been logged in the *Lieutenant's Log*.

The *Lieutenant's Log* is a permanent record maintained for ten years within the FTC and then sent to the *National Archives*. The *Lieutenant's Log* for two of the three shifts on August 20, 1995, and all three shifts for August 21, 1995, exists. However, the entries for these five shifts are all that exist of the *Lieutenant's Log* for Baker's ten-day stay at the FTC. The *Government* admitted that the pages from the *Lieutenant's Log* for the rest of Baker's stay at the FTC have disappeared.⁴⁴ The *Government* offered no explanation for the disappearance of this crucial evidence. Neither did the *Government* investigate the mysterious disappearance of this evidence.

- **Missing Clothing.**

When Trentadue was locked into cell A-709, he had a t-shirt, pants, socks and shoes. When Trentadue's body was found he was wearing a blood stained t-shirt and blood-stained khaki pants. But when Trentadue's body was turned over to the Medical Examiner on the morning of August 21, 1995, he was wearing only boxer shorts. His bloody clothing had **disappeared**. The *Government* investigators, however, made not

⁴³ A copy of that FBI *Memorandum* is included as Exhibit 39.

⁴⁴ A copy of that admission is included as Exhibit 40.

attempt to locate Trentadue's missing clothing nor did they explain the loss of this evidence.

- **Perjury.**

The *Government* claims that the guards cutting Trentadue down was video taped but that the camera malfunctioned. The guard who supposedly took that video tape testified, however, that he did not video tape Trentadue's body hanging in his cell. This same guard admitted, too, that he never saw Trentadue hanging even though he had previously testified repeatedly to that fact under oath.⁴⁵ Even though this guard had recanted his testimony about having seen Trentadue hanging, the *Government* continued to publically cite that testimony in its official reports as "proof" that Trentadue had committed suicide.

- **Fabricated Administrative Detention Order.**

An inmate's placement in SHU requires an *Administrative Detention Order*. On November 16, 1995, the Medical Examiner's Chief Investigator saw the *Administrative Detention Order* that supposedly transferred Trentadue to the SHU. He said that *Order* was blank showing no reasons or explanation for Trentadue's placement in SHU.⁴⁶

⁴⁵ A copy of that guard's confession to perjury is included as Exhibit 41. This guard also told investigators that Trentadue's feet were suspended above the sink from which he had allegedly jumped to hang himself. But just as with the officer in charge of the SHU who made the same claim about seeing Trentadue suspended above the sink in his cell, no *Government* investigator pressed him to explain how someone can hang themselves above the object from which they step off to complete the hanging.

⁴⁶ The *302 Report* of the Chief Investigators observations of the *Administrative Detention Order* is included as Exhibit 42.

Shortly thereafter, Trentadue's *Administrative Detention Order* disappeared. It was not "discovered" until August 11, 1997, almost two years after Trentadue's death, when two markedly different *Detention Orders* placing Trentadue in the SHU appeared, each stating that Trentadue had requested placement in SHU for personal protection because "other inmates are out to get him."⁴⁷

- **Fabricated Medical Records.**

Immediately following Trentadue's death, the *Government* prepared a "*Suicide Watch Report*" stating that Trentadue had been on suicide watch immediately prior to death.⁴⁸ When faced with the undisputed evidence that Trentadue was not suicidal, the *Government* admitted that the *Report* was false.⁴⁹

- **Fraudulent Transcript.**

Inmate telephone calls are recorded. On August 19, 1995, Trentadue telephoned his brother, Jesse, his sister-in-law, Rita, and his sister, Donna. Trentadue was upbeat during those conversations and even asked his family to send him money to purchase

⁴⁷ Copies of those *Administrative Detention Orders* are included as, respectively, Exhibits 43 and 44. The *Administrative Detention Order* is a multi-copy form. It is a "NCR" or no carbon required form. That is – it is a self-carbon form with the carbon copies attached to the original. Like the BP-292, the original goes into the "inmate central file" with the self carbon copies being distributed to various other units within the Bureau of Prisons. Baker's *Administrative Detention Order* disappeared, both original and copies.

⁴⁸ A copy of that *Suicide Watch Report* is included as Exhibit 45. Trentadue had no history of depression or suicide attempts. Moreover, he and his wife had just experienced the birth of their first child who was barely two months old at the time of Trentadue's death.

⁴⁹ A copy of that admission/confession is included as Exhibit 46.

stamps and other items from the FTC commissary.⁵⁰ Trentadue spoke for 20 minutes with his brother Jesse on the evening of August 19, 1995, and there was nothing alarming or abnormal about that conversation. Earlier that day, Trentadue's sister-in-law had asked him how he happened to be in Oklahoma and Trentadue, who had been flown to the FTC with other prisoners aboard U.S. Marshal aircraft, answered "it's that Jet Age stuff."

The transcription of that conversation between Trentadue and his sister-in-law shows a *Government* facsimile transmission date of September 12, 1995. Yet, exactly six months later, the *Government* was distributing a transcript of that same conversation, only now instead of responding as he had done to the question about how he came to be in Oklahoma, the transcript had been altered to indicate that Trentadue said "it's that AIDS stuff." The fraudulent transcript was circulated by the *Government* to support its contention that Trentadue had committed suicide because he had AIDS.⁵¹

- **Missing Recording.**

Trentadue also placed a call to his mother, Wilma at 12:00 p.m. Oklahoma City time on Sunday, August 20, 1995. This call was placed when Trentadue was supposedly in the SHU. It was an unusual call in that it was direct dial and not collect as the other calls Trentadue had made to his family had been. It was also unusual in that Trentadue suddenly said "I gotta go" and hung up. There is no transcript of that conversation

⁵⁰ Those conversations were transcribed and the transcripts are included as Exhibits 47, 48, and 49, respectively.

⁵¹ The fraudulent transcript is included as Exhibit 50.

because, according to the *Government*, the tape reel for August 20, 1995, “was recycled and taped over.” The loss of that evidence was significant because, as previously noted, it occurred after the *Government* claims that Trentadue was in the SHU where he would not have had access to a telephone. The *Government* contends that call was never made.

- **Harassment of Medical Examiner.**

By December 20, 1995, the Medical Examiner concluded that “Trentadue had been abused and tortured.” That statement appears in a report which the Medical Examiner kept in his official file on the Trentadue case.⁵² On July 1, 1997, the Medical Examiner told a local United States Attorney that it was very likely Trentadue had been “killed.” The Medical Examiner made a note of that conversation.⁵³

On July 3, 1997, the Medical Examiner went on national television stating that:

I think it is very likely he was murdered. I am not able to prove it. I have temporarily classified the death as undetermined. You see a body covered with blood, removed from the room as Mr. Trentadue was, soaked in blood covered with bruises and you try to gain access to the scene and the Government of the United States says no, you can't. They continue to prohibit us from having access to the scene of his death, which is unheard of in 1997, and until about five months later. We went in there and luminoled. It lite up like a candle because blood was still present on the walls of the room after 4 or 5 months. At that point we had no crime scene, so there is still questions about the death of Kenneth Trentadue that will never be answered because of the actions

⁵² A copy of that report is included as Exhibit 51.

⁵³ A copy of that note is included as Exhibit 52.

of the U.S. Government. Whether those actions were intentional, where they incompetence, I don't know it's not easy to communicate with the Federal Government. It was botched, or, worse, it was planned.⁵⁴

The Medical Examiners criticism of the *Government* brought incredible pressure to bear on him so much so that he had concerned for his safety. On August 25, 1997, for example, the Medical Examiner wrote the Internal Revenue Service requesting an audit “to protect myself from retribution” because his work on the Trentadue case was bringing him “into an uncomfortable juxtaposition with the United States Department of Justice.”⁵⁵ On October 10, 1997, the Medical Examiner issued a *Press Release* highly critical of the *Government* for its refusal to allow him access to the scene of Trentadue's death.⁵⁶

Despite the pressure being exerted upon him by the *Government* as a result of his handling of the Trentadue case, the Medical Examiner reached out to Senator Byron Dorgan on October 22, 1997, and told Dorgan that Trentadue “was at the least beaten, we haven't found the truth and probably won't.”⁵⁷ Not surprisingly, the *Government* continued to pressure the Medical Examiner to the point where the Oklahoma Attorney General was forced to intervene. On March 12, 1998, as Assistant Oklahoma Attorney wrote to the *Government* complaining about the harassment of Medical Examiner and his

⁵⁴ A videotape of that interview is included as Exhibit 53.

⁵⁵ A copy of that *Request for a Protective Audit* is included as Exhibit 54.

⁵⁶ A copy of that *Press Release* is included as Exhibit 55.

⁵⁷ A copy of Medical Examiner's notes of that telephone conversation is included as Exhibit 56.

staff. He also accused the *Government* of obstructing justice by “derailing the Medical Examiner’s investigation.”⁵⁸

On July 10, 1998, the Medical Examiner suddenly amended the *Certificate of Death* to list Trentadue’s death as a suicide.⁵⁹ More than four years later, on December 11, 2002, in a deposition given in anticipation of his retirement, the Medical Examiner admitted that Trentadue had been in a fight prior to death, that it was possible Trentadue had been strangled with plastic handcuffs and that he (the Medical Examiner) had been harassed by the *Government*.⁶⁰

- **Confidentiality Protective Order.**

Trentadue’s family sued the *Government* for his death claiming that he had been murdered. During the discovery conducted in that case, *Government* employees admitted

⁵⁸ A copy of that letter is included as Exhibit 57.

⁵⁹ Up until that time, the manner of Trentadue’s death had been listed by the Medical Examiner as “unknown.” Moreover, when the Medical Examiner refused to testify before the Grand Jury that Trentadue’s death was a suicide or that his wounds were self-inflicted, the *Government* attempted to recruit a forensic pathologist from the Armed Forces Institute of Pathology to come to Oklahoma and testify before the Grand Jury investigating Trentadue’s death that Trentadue’s wounds were self-inflicted. That military pathologist refused and informed the Medical Examiner of the *Government’s* attempt to mislead the Grand Jury. A copy of the *Report* documenting this matter is included as Exhibit 58.

⁶⁰ A copy of that deposition testimony is included as Exhibit 60. The Medical Examiners Chief Investigator was also deposed and testified that not only did he believe Trentadue had been murdered but he likewise confirmed that the Medical Examiners Office had never been told that someone’s blood other than Trentadue’s had been found in the cell or that the noose around Trentadue’s neck and had not been cut. A copy of the Chief Investigator’s deposition testimony is included as Exhibit 61.

to perjury and other acts of obstruction of justice.⁶¹ Lawyers from the *Government* immediately requested a federal judge to enter an order precluding Trentadue's family from reporting those crimes either to federal prosecutors or the Senate Judiciary Committee.⁶² A hearing was held on that *Request for the Protective Order* in which the *Government's* lawyers renewed their *Request* for an *Order* prohibiting Trentadue's family from reporting their clients' crimes.⁶³ Thereafter, the federal judge entered an *Order* prohibiting Trentadue's family from reporting crimes committed by *Government* employees involving the cover up of Trentadue's murder to federal prosecutors or the Senate Judiciary Committee.⁶⁴

- **Polygraph Examinations.**

The FTC operates on three shifts: the midnight to 8 a.m. shift, the 8 a.m. to 4 p.m. shift and the 4 p.m. to midnight shift. The guards on the midnight to 8 a.m. shift on August 21, 1995, when Trentadue's body was discovered were polygraphed. Also polygraphed were the guards on the 8 a.m. to 4 p.m. shift on August 20, 1995, when Trentadue was admitted to the SHU. Trentadue's family believes he was murdered on the

⁶¹ One of these people testified that he had been told by *Government* investigators to lie.

⁶² A copy of that *Request* is included as Exhibit 62.

⁶³ A copy of that transcript of the hearing is included as Exhibit 63.

⁶⁴ A copy of the federal judge's decision is included as Exhibit 64. Hoping that prosecuting *Government* employees for perjury would force them to testify truthfully about Trentadue's murder as part of a plea bargain, Trentadue's family brought four separate motions asking to be relieved from that protective order and for permission to report crimes committed by these four *Government* employees, one of whom was an FBI agent. The federal judge denied those motions.

4 p.m. to midnight shift on August 20, 1995.⁶⁵ But the guards from that shift were not polygraphed. Furthermore, the guards from the other shifts who were polygraphed were asked questions that they could truthfully answer without implicating any *Government* employee in Trentadue's murder. Specifically, they were asked "did you participate in the beating of inmate Vance Brockway"; "did you participate in the hanging of inmate Vance Brockway"; and "do you know for sure who did cause the death of inmate Vance Brockway?" Anyone not present at the time of Trentadue's death, could answer these questions "no" and give a truthful answer. The questions were carefully crafted so as not to illicit information concerning the circumstances of Trentadue's death.

- **Crime Scene Video.**

The *Government* retained a well-recognized expert on video/audio authentication to examine the videotape and camera allegedly used by to videotape Trentadue's body and cell on the morning of his death. The *Government* wanted this expert to opine that the camera malfunctioned. The expert reported to the *Government* that: "[t]he camera was working on the date in question, 8/21/95," and that "there is specific evidence of tampering and the testing confirms that visual and audio material was removed (obliterated)."⁶⁶ The *Government* immediately took back the camera and videotape telling

⁶⁵ The time of Trentadue's death is very much in dispute. His family believes tahthe was murdered on the evening August 20 and not on the morning of August 221, 1995, as the *Government* contends. But the Medical Examiner never took a liver temperature to determine an exact time of death.

⁶⁶ A copy of that *Report* is included as Exhibit 65.

that expert not to prepare a final report of his findings.⁶⁷ Then, the *Government* had a retired supervisor of the FBI Crime Lab opine that the tape had not been erased.

- **Suicide Re-enactment Video.**

The *Government* recruited ABC Nightline to film a re-enactment of Trentadue’s “suicide” in his cell at the FTC. The *Government* did so without any notice to Trentadue’s family. The *Government* then sent that video tape to national media outlets telling recipients that: “We trust the enclosed material will assist your organization in correcting the record and presenting a factual update of this story to your audience.”

- **Conflict of Interest.**

In defense of the civil suit brought by Trentadue’s family, the *Government* retained a blood spatter expert to testify that Trentadue’s death was a suicide. Trentadue’s family subsequently learned that this same blood spatter expert had been secretly retained by the *Government* to help write the *Official Report* of its investigation into the circumstances of Trentadue’s death. Needless to say, that *Official Report* adopted the expert’s “suicide” explanation for Trentadue’s death.

- **Official Report of Trentadue’s Death.**

On the eve of his family’s trial in Oklahoma City against the *Government*, the *Government* completed the *Report* of its investigation into the circumstances of

⁶⁷ This expert was so upset by these events that he contacted Trentadue’s family and offered to testify for them at their upcoming trial against the *Government*. But, before the trial, he was found dead, and the cause death still remains a mystery.

Trentadue's death. The *Report* states that *Government* investigators found "no credible evidence that "BOP or FBI officials conspired to cover-up the circumstances surrounding his [Trentadue's] death." Further stating that there were no "prosecutable federal crimes" committed by *Government* employees. That *Report* was immediately placed under seal and remains so to this day. But the *Government* gave a copy to the federal judge who was presiding over the family's civil suit.

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