

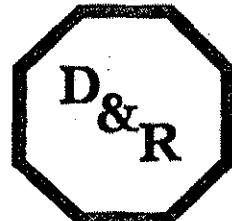
IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

BRYAN P. DONNELLY, )  
vs. )  
Plaintiff, )  
**Condensed** ) CIV. 98-1628-L

JESSE C. TRENTADUE; SUTTER  
AXLAND, P.L.C.; CONDE NAST  
PUBLICATIONS, INC.; ADVANCE  
MAGAZINE PUBLISHERS, INC. and  
MARY A. FISCHER,

DEPOSITION OF FRED JORDAN, M.D.  
TAKEN ON BEHALF OF THE DEFENDANTS  
IN OKLAHOMA CITY, OKLAHOMA  
ON DECEMBER 11, 2002

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## 1 STIPULATIONS

2 IT IS HEREBY STIPULATED AND AGREED by  
 3 and among the attorneys for the respective  
 4 parties hereto that the deposition of FRED  
 5 JORDAN, M.D., may be taken on behalf of the  
 6 Defendants on DECEMBER 11, 2002 in Oklahoma City,  
 7 Oklahoma, by Elizabeth Caudill, Certified  
 8 Shorthand Reporter within and for the State of  
 9 Oklahoma, pursuant to Subpoena and Notice.

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

17 \* \* \* \*

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1                   \*\*\*\*\*  
 2                   FRED JORDAN, M.D.,  
 3 after having been first duly sworn at 9:04 a.m.,  
 4 deposes and says in reply to the questions  
 5 propounded as follows, to wit:

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

9                   DIRECT EXAMINATION

10                  BY MR. NELON:

11                  Q   Would you state your name, please.

12                  A   Fred Jordan.

13                  Q   And that's Dr. Jordan, is it?

14                  A   Yes, it is.

15                  Q   Do you hold an official position with  
 16 the State of Oklahoma?

17                  A   Yes, sir.

18                  Q   And that position is?

19                  A   I'm chief medical examiner for the  
 20 state.

21                  Q   Can you, in very brief terms, describe  
 22 your duties as the chief medical examiner?

23                  A   Yes, sir. In Oklahoma, we have a  
 24 statewide medical examiner system that is  
 25 responsible for deaths as defined by Oklahoma

1 have been here since.

2                  Q   How long have you been the chief  
 3 medical examiner?

4                  A   I was made acting chief in the fall of  
 5 1982 and confirmed as chief in the spring of  
 6 1983.

7                  Q   So in August of 1995, which is one of  
 8 the time periods we are most concerned with here,  
 9 you were the chief medical examiner for the State  
 10 of Oklahoma; is that correct?

11                  A   Yes, sir.

12                  Q   In August of '95, back on August 21st  
 13 of 1995, did you perform an autopsy on a man by  
 14 the name of Kenneth Trentadue?

15                  A   Yes, I did, along with Dr. John Parker  
 16 who was our fellow at that time. And a fellow is  
 17 a licensed physician who has finished training in  
 18 anatomic pathology.

19                  Actually, Dr. Parker was chief resident  
 20 over here at the university. And then we're  
 21 approved by the American Medical Association for  
 22 a one-year training program in forensics. Dr.  
 23 Parker was our fellow or resident at that time,  
 24 and he and I did the autopsy together.

25                  Q   Do you remember approximately or do you

1 statutes in all 77 counties.

2                  We have an office in Oklahoma City that  
 3 basically takes direct responsibility for the  
 4 investigation of deaths in the western two-thirds  
 5 of Oklahoma, and we have an office in Tulsa on  
 6 the campus of the osteopathic college that takes  
 7 responsibility directly for the deaths --  
 8 investigation of the deaths in the eastern  
 9 one-third of the state.

10                  My duties are basically two-fold.  
 11 Number one, I am the supervisor of the system and  
 12 responsible for quality control and quality  
 13 assurance and guidelines and interaction with the  
 14 legislature to obtain the budget to run the  
 15 office. And in addition, I function as a  
 16 forensic pathologist primarily in the central  
 17 division, taking rotation as my other  
 18 pathologists do in case investigation,  
 19 medical-legal autopsies.

20                  Q   Dr. Jordan, how long have you been with  
 21 the medical examiner's office?

22                  A   I came to Oklahoma at the end of June  
 23 of 1972 as an assistant medical examiner and  
 24 assistant professor of pathology at the  
 25 University of Oklahoma Health Sciences Center and

1 have any records to refresh your recollection as  
 2 to when the body arrived here at the medical  
 3 examiner's office?

4                  A   Yes, sir. Referring to my records, our  
 5 files reflect that the body arrived in this  
 6 office at 7:50 in the morning on August 21st,  
 7 1995.

8                  Q   And at approximately what time did you  
 9 perform the autopsy?

10                  A   The autopsy began at approximately  
 11 10:30 in the morning.

12                  (Defendants' Exhibit Number 3 marked  
 13 for identification purposes and made a  
 14 part of the record)

15                  Q   (By Mr. Nelton) Dr. Jordan, let me hand  
 16 you what we've marked for purposes of our  
 17 deposition as Exhibit 3.

18                  Can you identify that document?

19                  A   Yes, sir. Exhibit 3 is a copy of the  
 20 front side of the report of death in Kenneth  
 21 Trentadue. It has been amended. I don't see the  
 22 amendment yet.

23                  Q   If you'll look at the last page --

24                  A   I'm headed there. This exhibit also  
 25 contains diagrams that were made by Dr. Parker

1 and by me at the time of the autopsy, and it  
 2 contains the dictation made at the time of the  
 3 autopsy and microscopic descriptions of some of  
 4 the tissue examined.

5 And the last page of this exhibit,  
 6 which is labeled Defendants' Deposition Exhibit 3  
 7 is an amendment to the report of investigation  
 8 dated February 26, 1996.

9 Q And as best you can tell -- I know  
 10 you've had just a quick glance at that -- but  
 11 does that appear to be a true copy of the autopsy  
 12 report that you prepared with respect to Kenneth  
 13 Trentadue?

14 A Yes, sir. I'm looking to see if all of  
 15 my microscopic exams are here. Yes, sir, it is.

16 Q Okay. As a result of the autopsy, did  
 17 you, as the chief medical examiner, arrive at a  
 18 conclusion as to the cause of Kenneth Trentadue's  
 19 death?

20 A Yes, sir. At that time we felt the  
 21 cause of death was consistent with asphyxia.

22 Q And for our record, what's the  
 23 definition of asphyxia?

24 A Asphyxia in general terms is simply --  
 25 another word for suffocation.

1 to any conclusion as to how the manner of death  
 2 should be classified with enough conviction to  
 3 issue a death certificate at that time.

4 Q What's the difference between cause of  
 5 death and manner of death?

6 A Cause of death is that but for which  
 7 you'd expect a patient to still be alive. The  
 8 thing that actually killed them, not necessarily  
 9 the mechanism.

10 If you had a gunshot wound, for  
 11 instance, the cause of death might be bleeding  
 12 into the chest caused by a perforation of the  
 13 lung caused by a gunshot wound.

14 The mechanism of death is the bleeding  
 15 caused by the perforation of the lung. The cause  
 16 of death is the gunshot wound, itself. So it's  
 17 that condition, whatever it is, but for which  
 18 you'd expect the patient to be alive.

19 The manner of death is how that  
 20 happened. And the State Health Department is  
 21 responsible for death certificates in Oklahoma.  
 22 It limits us to six categories. And those are  
 23 natural death, suicide, accident, homicide,  
 24 unknown, and pending.

25 Q And as of August 21st, 1995, you had

1 Q And can there be numerous reasons why  
 2 one would suffocate?

3 A Yes, sir.

4 Q A number of causes for that?

5 A Yes, sir.

6 Q Could asphyxiation result from a  
 7 hanging?

8 A Yes, sir.

9 Q Can asphyxiation result from  
 10 strangulation of a person by a third person?

11 A Yes, it can, or by a second person.

12 Q As a result of your autopsy in August  
 13 of 1995, did you arrive, on that date, at a  
 14 conclusion with respect to the manner of death?

15 A No, sir.

16 Q And did your autopsy report reflect at  
 17 that time that it was identified simply as  
 18 pending?

19 A Yes, sir.

20 Q What does that term mean in terms of  
 21 the choice that you have to check off on your  
 22 autopsy report as to the manner of death?

23 A Pending just means that at the time of  
 24 the completion of the autopsy, at that stage of  
 25 the investigation, we have not been able to come

1 checked off pending with respect to the manner of  
 2 death; is that correct?

3 A Yes, sir.

4 Q Now, if you would look at the last page  
 5 of the autopsy report, is that dated February 26,  
 6 1996?

7 A Yes, sir.

8 Q And the caption at the top says  
 9 "Amendment to Report of Investigation." What was  
 10 the purpose of this amendment or this document?

11 A Well, the purpose was to take the cause  
 12 of death that was designated on the day of the  
 13 autopsy as consistent with asphyxia and indicate  
 14 that we believe now it was not only consistent  
 15 but that it was due to asphyxia, because by that  
 16 time, toxicology studies had been done and other  
 17 microscopic sections had been done and other  
 18 possible mechanisms had been ruled out.

19 And we did not think it was a natural  
 20 asphyxia due to, for instance, chronic  
 21 obstructive lung disease or acute heart failure,  
 22 but that it was due to trauma, injury.

23 So the cause of death at that time was  
 24 amended to traumatic asphyxia as a definite  
 25 statement of what we believed to be fact.

1 Q Was the manner of death changed also?  
 2 A The manner of death was changed to  
 3 unknown at that time because we'd not been able  
 4 to develop answers to questions that we had  
 5 regarding the investigation.

6 Although the health department gives us  
 7 the option of classifying a death as pending,  
 8 it's assumed that at some point in time we will  
 9 amend that to one of the other five in order to  
 10 allow coding and allow families to proceed with  
 11 insurance issues, for instance, things of that  
 12 nature.

13 Q Let me jump ahead. If you can recall,  
 14 in the fall of 1997, say in November of 1997, was  
 15 the manner of death still identified by your  
 16 office as unknown?

17 A Yes, it was.

18 Q Let's confine our discussion right now  
 19 to the time period between August 21, '95, when  
 20 the autopsy was first done and the end of  
 21 November 1997, a period of a little more than two  
 22 years. And you said that during that time, the  
 23 manner of death was identified either as pending  
 24 or unknown.

25 What factors or conditions prevented

1 several things were going on, that the FBI  
 2 certainly was doing some investigation.

3 Because we didn't have an ongoing,  
 4 active participation with the FBI as far as  
 5 exchange of information went, it was difficult to  
 6 know what stage that investigation was at.

7 It was likely that somehow within the  
 8 Department of Justice, that maybe the Bureau of  
 9 Prisons was doing something. But again, we were  
 10 pretty well out of the loop or felt pretty well  
 11 out of the loop, so we didn't really know what  
 12 was going on.

13 We knew that there was a federal grand  
 14 jury that was looking into the case, so I assume  
 15 that that would be considered -- at least is  
 16 considered by me to be considered part of the  
 17 active, ongoing investigation.

18 At that time, I had no new information  
 19 whatsoever to be able to make me feel comfortable  
 20 in changing the manner of death to anything but  
 21 unknown.

22 Q The autopsy report, Exhibit 3 that we  
 23 looked at, has several pages of pathological  
 24 diagnosis and then some more detailed information  
 25 about external and internal investigation.

1 you from making a determination during that  
 2 two-year plus period as to the manner of death?

3 A I did not feel that we had an adequate  
 4 completed police investigation at that time, that  
 5 that investigation was not available to us.

6 We had done everything that we knew how  
 7 to do from our perspective, but performing the  
 8 autopsy is one part of the function of this  
 9 office that generally is able to determine the  
 10 cause of death.

11 The other function is the more medical  
 12 examiner as opposed to the pathologist part, and  
 13 that is to, in the absence of a coroner system,  
 14 to assimilate all the information that has been  
 15 developed by us and by the police and arrive at  
 16 what we are legally required to do in Oklahoma,  
 17 and that is determine the manner of death. We  
 18 had not sufficient information at that time to do  
 19 that.

20 Q As you understood it, who was  
 21 conducting the investigation? What investigative  
 22 authorities were involved in looking at  
 23 Trentadue's death to assist you in arriving at a  
 24 conclusion of manner of death?

25 A Well, by this time, we knew that

1 Can you put, in layman's terms, at  
 2 least, in general, what condition did you find  
 3 Kenneth Trentadue's body to be in when you  
 4 received it for the autopsy?

5 A If you look, just for the sake of  
 6 trying to keep things organized and as simple as  
 7 possible, if you look at the pathological  
 8 diagnosis, you can see several things that the  
 9 autopsy revealed to us that we thought were  
 10 important.

11 Number one, we saw several recent  
 12 bruises on Mr. Trentadue that were quite  
 13 extensive.

14 The second thing we noticed were  
 15 lacerations. There was a large laceration, which  
 16 is a relatively blunt force injury, to the  
 17 forehead with a big bruise around it. There was  
 18 also a extensive laceration of the right lateral  
 19 neck with a lot of hemorrhage and underlying soft  
 20 tissue damage.

21 The third thing that we split out as an  
 22 important item was a ligature mark of the neck.

23 The fourth thing was the petechiae and  
 24 purpurae of the conjunctiva. These represent  
 25 small and somewhat larger hemorrhages in the

1 whites of the eyes and in the lids, themselves,  
 2 that are generally indicative, in the absence of  
 3 some type of blood disease, of asphyxia, some  
 4 degree of suffocation due to whatever reason.

5 We also noted several acute to recent  
 6 abrasions to Mr. Trentadue.

7 Number seven, we noted and split out  
 8 bilateral acute bruises of the tongue and  
 9 hemorrhage in the muscles of the neck.

10 Q Let me interrupt you. What do those  
 11 injuries tend to indicate?

12 A Well, the bruises in the muscles of the  
 13 neck indicate that there has been trauma applied  
 14 to the neck in some way.

15 The injuries to the tongue could be due  
 16 to any number of things. In the bottom line in  
 17 this case at this point in time they appear  
 18 they're probably somehow related to perhaps some  
 19 agonal seizure activity during the hanging.

20 At that time, however, we see bruises  
 21 of the tongue like that when people have objects  
 22 forced into their mouth and are physically  
 23 suffocated by other people. And so at that time,  
 24 that was a very interesting and important finding  
 25 that had to be explained.

1 Q Okay. At the time you were doing the  
 2 autopsy, did you have any information from the  
 3 Bureau of Prisons as to the bureau's perspective  
 4 as to how and why Trentadue had died?

5 A We never were able to have much  
 6 interaction with the Bureau of Prisons. We  
 7 received a call from them, we sent an  
 8 investigator to the scene. She saw Trentadue's  
 9 body in an infirmary type area.

10 We were then prohibited from viewing  
 11 the -- except through the window, viewing the  
 12 cell in which he allegedly died. Because of  
 13 that, she called her supervisor in this office,  
 14 and he requested that she have the body  
 15 transferred to this office and that she come back  
 16 here.

17 At that time, we asked Marie Carter,  
 18 who was acting warden, to notify the FBI. And  
 19 Marie Carter refused to notify the FBI.

20 From that time on, until perhaps two  
 21 years later, exchange of information with the  
 22 Bureau of Prisons was not much. It was at one  
 23 point hostile and threatening. And we -- we got  
 24 information that -- what little information we  
 25 got initially didn't make much sense.

1 Number seven, we noticed there was an  
 2 acute fracture of the right tip of the hyoid  
 3 bone. The hyoid bone is a small bone in the side  
 4 of the neck. It's a reasonably rugged bone. And  
 5 historically it's associated with strangulation.

6 In this case, it may have been  
 7 fractured due to the hanging or due to the fact  
 8 that Kenneth Trentadue's neck had been cut on the  
 9 right-hand side, forcibly by something -- not a  
 10 knife, something relatively blunt. That's why it  
 11 was called a laceration which is a blunt force  
 12 injury rather than an incision which is a sharp  
 13 force injury.

14 Item number eight indicated older  
 15 contusions, older bruises than the ones that  
 16 appeared to have been inflicted sometime near the  
 17 time of his death.

18 Number nine showed that he had a degree  
 19 of coronary artery heart disease.

20 Number ten showed that he had cirrhosis  
 21 of the liver and an enlarged spleen likely due to  
 22 that cirrhosis, some back pressure within the  
 23 circulatory system.

24 And number eleven showed that he had  
 25 gallstones.

1 To answer your question as directly as  
 2 I can, there wasn't much interaction with the  
 3 Bureau of Prisons. The impression that we got  
 4 was this is a suicide, let's be done with it,  
 5 let's get rid of the body and move on.

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

8 (Mr. Epstein enters the room)

9 Q (By Mr. Nelson) Did Acting Warden  
 10 Carter --

11 A May I clarify that?

12 Q Please.

13 A The question that you asked originally  
 14 was -- would you restate it for me about the  
 15 Bureau of Prisons and our interaction with them?

16 Q I believe my question asked whether you  
 17 had obtained information from the Bureau of  
 18 Prisons as to what its position was the morning  
 19 of the autopsy with respect to how and why  
 20 Trentadue had died.

21 A The impression that we had and a  
 22 subsequent press release that was made by the  
 23 prison indicated that they felt it was a suicide.

24 Q As best you can recall, was that  
 25 information communicated by Acting Warden Carter

1 or someone else at the Federal Transfer Center  
 2 the morning of August 21?

3 A Probably. That's seven years ago.  
 4 Probably Acting Warden Carter.

5 Q Given what you saw in the autopsy,  
 6 especially the bruises, the lacerations on  
 7 Trentadue's body, was your initial impression one  
 8 that those injuries were consistent with a  
 9 suicide?

10 A No.

11 Q At least in terms of a matter of  
 12 initial impression, just looking at the body and  
 13 performing the autopsy, what was your belief as  
 14 to the possible causes -- let me be more precise  
 15 -- the possible manner of his death?

16 A Because of the extensive bruising of  
 17 the body, the cut throat, and the general  
 18 appearance of the body, the fact that he'd died  
 19 of asphyxia, we felt that the death should be  
 20 investigated as a homicide. And that implied  
 21 slow, careful investigation with a very complete  
 22 technical scene investigation to try to explain  
 23 the mechanism of these injuries.

24 Q Dr. Jordan, in your experience in the  
 25 medical examiner's office and especially as chief

1 Q And what are these?

2 A These are pictures of the body.

3 Initially the Department of Justice identified to  
 4 us as Vance Brockway, but then subsequently at  
 5 the behest of the brother, the identification was  
 6 changed to Trentadue, Kenneth Trentadue.

7 Q And the first five pictures, they have  
 8 a Bates number at the bottom, MAF507, 509, 510,  
 9 512, and 513 -- do those photos accurately  
 10 represent how the body looked when it arrived at  
 11 the medical examiner's office?

12 A These photos, I believe, were taken at  
 13 the prison, but they do reflect the appearance of  
 14 the body when it arrived here that morning.

15 Q When the body arrived and it had been  
 16 transported from the Federal Transfer Center, had  
 17 the body been cleaned up in any way?

18 A Didn't appear to be. Our investigator,  
 19 Ms. Gillis, thought the body looked pretty much  
 20 as it had.

21 Q Now, the remainder --

22 A You know, in that process, the process  
 23 of moving this body, obviously you put sheets and  
 24 things on, it's not going to look exactly the  
 25 same as far as this distribution of all this

1 medical examiner, have you performed autopsies on  
 2 people who had hanged themselves?

3 A Yes, many times.

4 Q Would it be, over the years, hundreds  
 5 of them?

6 A Probably.

7 Q Had you ever seen a suicide before with  
 8 injuries such as those that you observed on Mr.  
 9 Trentadue?

10 A No.

11 Q Would it be fair to say that Mr.  
 12 Trentadue, if, in fact, he was hanged, was the  
 13 most bloody and violent hanging you had ever  
 14 seen?

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

17 THE WITNESS: Yes, that's correct.  
 18 (Defendants' Exhibit Number 4 marked  
 19 for identification purposes and made a  
 20 part of the record)

21 Q (By Mr. Nelon) Dr. Jordan, let me hand  
 22 you what we're marking for purposes of our  
 23 deposition record here as Exhibit 4.

24 Do you recognize these photographs?

25 A Yes.

1 blood goes.

2 Q But as far as you could tell, no one  
 3 had made a conscious effort to clean the body up  
 4 and remove blood?

5 A It would have been difficult to do with  
 6 the amount of injury this man had.

7 Q Now, the remaining photographs, one of  
 8 them appears to be of Mr. Trentadue with a blue  
 9 striped shirt on, and then there's a picture of  
 10 the back of his head, underarm and a tattoo. And  
 11 then there's some pictures that appear to be of a  
 12 prison cell.

13 Are you familiar with those  
 14 photographs?

15 A Yes.

16 Q Were those at one time or another  
 17 provided to your office by investigative  
 18 authorities?

19 A Yes. The picture in the blue shirt is  
 20 provided by Mr. Trentadue's brother, Jesse. The  
 21 other pictures may have eventually come through  
 22 the Bureau of Prisons. Probably did. Or  
 23 perhaps, you know, at the behest of the FBI.

24 As I said, the interaction with the  
 25 Bureau of Prisons was virtually non-existent.

1 Q And as part of your official statutory  
 2 duty to determine the manner of death, did you  
 3 examine these photographs and include those in  
 4 your analysis?

5 A Eventually.

6 Q Dr. Jordan, what does the term livor  
 7 mortis mean?

8 A Livor -- well, livor mortis is simply  
 9 the discoloration of the body that occurs after  
 10 death in dependent portions of the body due to  
 11 settling of the blood in those areas.

12 Q Is it just a function of gravity after  
 13 death?

14 A Yes, it is.

15 Q Did you find any condition of livor  
 16 mortis in Kenneth Trentadue?

17 A As I recall, it there was faint  
 18 posterial livor mortis on the back of the body.  
 19 I'm not seeing it as I scan the autopsy report at  
 20 this moment.

21 Q Do you recall finding any evidence of  
 22 livor mortis in Trentadue's nose?

23 A I don't recall. That's come up before,  
 24 but I do not recall.

25 Q If you had testified in the Trentadue

1 speaking, in which it takes for that condition to  
 2 occur?

3 A Livor mortis will usually -- it can set  
 4 up as early as 30 minutes -- yeah, within 30  
 5 minutes, but it usually takes a couple of hours  
 6 before it's very apparent. Depends on how long  
 7 the -- the state of health of the individual, how  
 8 much blood there is present in their body.

9 Anywhere from 30 minutes to a couple of  
 10 hours. Usually by four to six hours, it's quite  
 11 well set up.

12 I have now found in the report that at  
 13 the time we viewed the body, the only note of  
 14 livor made was that it was purple and posterior  
 15 that I can find in the external examination  
 16 protocol without doing a more detailed search.

17 Q In terms of posterior, do you recall  
 18 where on the body?

19 A Just over the back of the body. The  
 20 body was lying flat on our stretcher. It said  
 21 the autopsy began at 10:30, so got in here early  
 22 in the morning. So by the time the body was  
 23 examined for livor, that was present on the back.

24 Q And if, in fact, the body had been on a  
 25 gurney at the Federal Transfer Center on its back

1 versus United States trial that there was livor  
 2 mortis in the nose, would your testimony have  
 3 been correct?

4 A Oh, I'm sure it was what I believed to  
 5 be true. I probably looked at more photographs  
 6 and reviewed before that trial than I have for  
 7 today.

8 Q If, in fact, there were a condition of  
 9 livor mortis in Kenneth Trentadue's nose, what  
 10 would that suggest as far as the positioning of  
 11 his body?

12 A It would suggest that at some time the  
 13 nose had been in a dependent or down position.

14 Q Basically lying on his face or --

15 A Well, or the head hanging down.

16 Q Head hanging down?

17 A As I said, the nose would have been in  
 18 a dependent position.

19 Q But that would have had to have  
 20 occurred after death --

21 A Yes.

22 Q -- for livor mortis to result?

23 A Yes. Livor mortis is a post-mortem  
 24 condition.

25 Q Is there any length of time, generally

1 for a period of time, could that have caused the  
 2 livor you observed posteriorly?

3 A Yes, it could. The investigator who  
 4 went to the scene arrived at the trauma room at  
 5 6:55 in the morning, and she noticed some livor  
 6 apparently on the back at that time, also that  
 7 the jaw was beginning to stiffen with rig, which  
 8 is another post-mortem change.

9 Q Dr. Jordan, let me show a photo. I  
 10 have not yet had a chance to make a copy of this.

11 A May I interrupt you a moment?

12 Q Sure.

13 A In preparing for this deposition,  
 14 because the issue seemed to be quite different, I  
 15 have not totally renewed the -- you know, totally  
 16 renewed my memory on this case. It's seven years  
 17 old.

18 But after having asked -- received your  
 19 question, the external examination does show  
 20 purple livor mortis is present over the nose, and  
 21 there is a pale white line running diagonally  
 22 through the purple livor. I'm sorry.

23 Q And the medical significance of that  
 24 would be the suggestion that, at some point, the  
 25 nose was dependent, it was below other parts of

1 the head?  
 2 A That's correct, and that there was  
 3 something across the nose that caused the thin  
 4 white line to develop, a thin white line being an  
 5 area where livor couldn't set up, because it's a  
 6 gravity phenomenon.

7 Q Is that because there was pressure on  
 8 that point?

9 A The blood vessels are compressed;  
 10 therefore, it doesn't set up in that area.

11 Q Is it possible that that could be  
 12 caused by the nose being face down on the floor?

13 A It is possible.

14 Q But it would have to be face down on  
 15 the floor for 30 minutes, at least, for that  
 16 condition to occur?

17 A Yeah. These are -- yes. I would say  
 18 that's a -- that's a reasonable comment to make.  
 19 Livor mortis is quite variable, but I wouldn't  
 20 expect to see it before that.

21 MR. NELON: Okay. Let me show this  
 22 photograph to Mr. Cook before I show it to the  
 23 witness since we have not yet had a chance to  
 24 make a copy of it.

25 MR. COOK: Okay.

1 stain that's sort of a triangular area here on  
 2 the floor, does that appear to be blood?

3 A It appears to be, but it's a  
 4 photograph. And it certainly is consistent with  
 5 blood, but I can't tell you it is or not because  
 6 we were never allowed in there.

7 Q Do you recall when it was that you  
 8 first saw a photograph of the cell that showed  
 9 this area --

10 A No.

11 Q -- of redness on the floor?

12 A No. It was probably sometime later. I  
 13 know that I met with Special Agent Jeff Jenkins  
 14 and Special Agent Hunt of the FBI-- Hunt -- Neal  
 15 Hunt, on December 8th.

16 And I'm sure we looked at these  
 17 pictures together at that time, because at that  
 18 time, we agreed that if we were really going to  
 19 try to repair the investigative damage that I  
 20 felt had been done by the actions of the  
 21 Department of Justice originally through their --  
 22 through the Bureau of Prisons, that the FBI  
 23 really needed to do a blood -- an analysis of how  
 24 this blood got here, what it means, what its  
 25 pattern is, what it could mean, something that in

1 MR. NELON: We will eventually mark  
 2 this, when we get a copy, we'll mark it as part  
 3 of Exhibit 5A.

4 (Defendants' Exhibit Number 5A marked  
 5 for identification purposes and made a  
 6 part of the record)

7 Q (By Mr. Nelon) Are you familiar with  
 8 that photograph?

9 A Yes, sir.

10 Q And as you understand it, what is that  
 11 photograph?

12 A The photograph is purported to be a  
 13 picture of the cell in which Kenneth Trentadue  
 14 was housed around the time that his body was  
 15 found.

16 And it shows the edge of a shower, and  
 17 it shows a bunk bed with some -- with a white  
 18 sheet with red staining on it, it shows a desk  
 19 that's built onto that bunk bed, and a stool that  
 20 is also attached to this entire unit.

21 And below that it clearly shows some  
 22 red staining of the floor in two different  
 23 colors, and in at least a couple of different  
 24 patterns.

25 Q Dr. Jordan, if I can point to this red

1 any violent scene of a suspicious death would  
 2 ordinarily have been done routinely immediately  
 3 as soon as the police could have secured the  
 4 area.

5 Q Let me digress for just a second. What  
 6 was it that the Bureau of Prisons had done that  
 7 you found was inconsistent with appropriate  
 8 procedure?

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

11 Q (By Mr. Nelon) You may answer.

12 A The -- the Bureau of Prisons notified  
 13 us that there was a death they wanted  
 14 investigated.

15 Now, this prison was opened up around  
 16 the time that the Alfred P. Murrah Building was  
 17 bombed. If the prison had been opened before  
 18 that, it's very likely that we would have  
 19 established communications and a relationship  
 20 with the prison and would have clarified our role  
 21 in any investigation.

22 There is another federal prison in this  
 23 state, and that is in El Reno, Oklahoma. And the  
 24 routine there, although sometimes difficult, was  
 25 if they requested an investigation of a death at

1 the prison, that a local Canadian County medical  
 2 examiner or one of our investigators, Dr.  
 3 Margaret Mehle, M-E-H-L-E, would go. If Margaret  
 4 wasn't available, one of our people could go to  
 5 the prison and do that investigation and  
 6 everything was straightforward.

7 We would assume the same would be true  
 8 at the Federal Transfer Center since this was  
 9 billed at the premier federal prison in the  
 10 United States.

11 However, when we got to the prison, we  
 12 attempted to function the same way as we always  
 13 function on a scene of death where there's a lot  
 14 of blood, particularly in the scene of a death in  
 15 jail where documentation is of paramount  
 16 importance, irregardless of how clear it appears  
 17 to be at the time. And we were precluded from  
 18 doing that.

19 We were not allowed in the room. We  
 20 were -- we requested the FBI be called to assist  
 21 in the investigation. Marie Carter, the acting  
 22 warden, refused. We subsequently notified the  
 23 FBI ourselves. But we were never allowed access  
 24 to this. And to the best of my knowledge today,  
 25 as I sit here, that the FBI -- I don't know --

1 we couldn't do our job. Nor could we get the  
 2 prison to contact the FBI and so we did it  
 3 ourselves.

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

6 Q (By Mr. Nelton) And as you understand  
 7 it, the Bureau of Prisons, sometime very shortly  
 8 after Trentadue's body was removed, actually  
 9 cleaned and sanitized the cell?

10 A They must have.

11 Q Now, let me go back to this picture of  
 12 the cell. Do you recall whether the photograph  
 13 that you were originally provided by federal  
 14 authorities was a picture more like this?

15 A No, I don't recall. And what you're  
 16 doing is cutting off the lower part of the  
 17 picture, lower quarter inch or so. I really  
 18 don't recall.

19 I'm interested in the smear that you've  
 20 already brought to our attention that you asked  
 21 me if I thought it was blood. I don't have a  
 22 direct recollection of that, but it's seven years  
 23 ago, and it's been a very, very difficult  
 24 process.

25 Q Let me show you another picture that we

1 was ever allowed access either to the point that  
 2 they could -- could do the investigation.

3 There was a jurisdictional issue that  
 4 apparently came up. That issue was clarified  
 5 subsequently by Oklahoma State law and signed  
 6 into law by Governor Frank Keating who was  
 7 governor at that time, as an issue of joint  
 8 jurisdiction; that the federal prison apparently  
 9 sits on airport land and the airport is the  
 10 property of Oklahoma City.

11 And so the legislation that was passed  
 12 and that has not been overturned to this date  
 13 indicated that there was, in fact, joint  
 14 jurisdiction in that facility; that the Oklahoma  
 15 City police would be involved, as well as the  
 16 office of the chief medical examiner of the state  
 17 in the investigations of death.

18 And in fact, that is routine now. We  
 19 have absolutely no difficulty whatsoever out  
 20 there now. And if there is a death, the city  
 21 police investigate, the FBI also is able to  
 22 investigate, the prison apparently has some  
 23 investigators that we use as well. But it's all  
 24 very open now.

25 In those days, it was not open, and so

1 will also include in Exhibit 5A which is a  
 2 photograph of Trentadue's body that's similar to  
 3 the ones we've looked at in Exhibit 4.

4 Let me invite your attention to the  
 5 chest area of the body. Is there a significant  
 6 amount of blood on the chest area?

7 A Well, it's significant. It's not  
 8 significant in the fact that it would have caused  
 9 death, but it's certainly significant because it  
 10 indicates a big injury somewhere that would do  
 11 that amount of bleeding.

12 Q And at least the bleeding on the chest  
 13 there, would that be consistent with what you  
 14 would expect if the death resulted from a  
 15 hanging?

16 A A death? No. In hangings, we don't  
 17 usually get any bleeding. But the pattern of the  
 18 blood on that chest looks as if it occurred while  
 19 the victim was more vertical.

20 Q Okay.

21 A But, you know, we don't see all this  
 22 bleeding in hangings. Remember, this man also  
 23 had a cut throat.

24 Q Now --

25 MR. COOK: Object to the answer as

1 non-responsive.

2 Q (By Mr. Nelon) In your professional  
3 opinion, does the pattern of blood that appears  
4 on the chest area in this photograph of Mr.  
5 Trentadue bear some rough correlation to the area  
6 of blood that appears on the floor of the cell in  
7 that other photograph?

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

10 Q (By Mr. Nelon) You may answer.

11 A It certainly appears that it could.

12 Q And if, in fact, just hypothetically,  
13 this spot of blood or this pattern of blood on  
14 the floor of the cell was a result of the  
15 bleeding that you see on the chest of Mr.  
16 Trentadue, would that suggest to you that he was  
17 face down on the cell floor in that position?

18 A Yes, it would.

19 Q Dr. Jordan, let me just show you one  
20 other photograph that will be part of this  
21 exhibit. It's just a different shot, an angle.

22 Have you seen that photograph before?

23 A I don't recall it.

24 Q Does that appear to be the same cell  
25 floor, just from a different angle from the

1 photographs depict?

2 A They appear to depict the ligature mark  
3 left on Mr. Trentadue's neck.

4 Q Let me invite your attention in  
5 particular to -- I don't know what the medical  
6 term would be, but the sort of lateral marks  
7 across the ligature mark, itself.

8 Are those marks significant to you in  
9 any way?

10 A What you are asking about is what we  
11 call a patterned injury. And, yes, they are.  
12 And the vertical -- there's at least one  
13 horizontal component to this patterned injury.

14 But these are also vertical components  
15 closely spaced to each other, and that has to be  
16 caused by the configuration in some way of the  
17 ligature, itself.

18 Q Would those marks, in your opinion, be  
19 consistent with those that could be caused by  
20 plastic handcuffs?

21 A The plastic handcuffs you're referring  
22 to are electrical ties, basically?

23 Q Yes.

24 A Mechanical ties? Yes, sir, they could.  
25

1 previous picture we looked at?

2 A Yes, it does. When you look at the  
3 other objects in the picture, everything appears  
4 to be in the same position. So it does look as  
5 -- it's just a downward extension of the  
6 photographer's angle.

7 MR. COOK: Is there an Exhibit 5?

8 MR. NELON: This is 5A.

9 MR. COOK: Is there a 5 without an A?

10 MR. NELON: No. Then we're going to  
11 have a 5B.

12 MR. COOK: Okay.

13 MR. NELON: Mr. Cook, let me show you  
14 these. We just have these original versions  
15 right now, and we'll make copies for the record  
16 and for you as well.

17 MR. COOK: Is this 5A?

18 MR. NELON: This is all 5A.

19 MR. COOK: Okay.

20 Q (By Mr. Nelon) Dr. Jordan, let me show  
21 you two other photographs. One is simply an  
22 enlargement of the other.

23 Do you recognize those photographs?

24 A Yes.

25 Q And as you understand it, what do those

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

4 MR. NELON: Mr. Cook, we do not yet  
5 have copies of these photographs, but we will  
6 have copies made, and this will be Exhibit 5B.

7 MR. COOK: Okay.

8 (Defendants' Exhibit Number 6 marked  
9 for identification purposes and made a  
10 part of the record)

11 Q (By Mr. Nelon) Dr. Jordan, let me hand  
12 you what we've marked for purposes of our  
13 deposition record here as Exhibit 6.

14 Are you familiar with this document?

15 A I haven't seen this for a long time.  
16 Yes, sir.

17 Q What is that document?

18 A It is a paragraph purporting to be from  
19 Gary L. Gray, public information officer. It's  
20 on US Department of Justice Federal Bureau of  
21 Prison, Federal Transfer Center stationery.

22 It appears to be a press release on  
23 federal inmate death by apparent suicide as  
24 indicated for immediate release on 9-1-95.

25 Q Let me direct your attention to a

1 sentence that's slightly more than halfway down.  
 2 The sentence is "Death has been tentatively ruled  
 3 as suicide by asphyxiation." Do you see that?

4 A Yes, sir.

5 Q In the State of Oklahoma, who has the  
 6 authority to issue a ruling as to cause and  
 7 manner of death?

8 A Either a medical examiner or a court  
 9 after proper hearing.

10 Q As far as you know, in the State of  
 11 Oklahoma, does the federal Bureau of Prisons have  
 12 the authority to make a determination as to the  
 13 manner and cause of death?

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

16 THE WITNESS: I don't know what the  
 17 Federal Bureau of Prisons can do. But in the  
 18 State of Oklahoma, the official death certificate  
 19 is one that is issued by this office in a medical  
 20 examiner case. And that is the only death  
 21 certificate accepted by the Department of Health.

22 Q (By Mr. Nelon) As of September 1, '95,  
 23 had this office ruled Trentadue's death a suicide  
 24 by asphyxiation?

25 A No, sir.

1 occasion that you had had to go --

2 A Yes.

3 Q -- to that cell?

4 A Yes.

5 Q Do you know whether or not Mr. Rowland  
 6 had had occasion to go to the cell before that?

7 A I don't believe any of us had been in  
 8 the cell.

9 Q Did you physically go into the cell?  
 10 Were you given access to the cell to physically  
 11 enter it?

12 A Yes. Yes, we were. What was the last  
 13 thing you said?

14 Q Were you given permission to physically  
 15 access the cell and go into the cell?

16 A At that time?

17 Q At that time.

18 A Yes.

19 Q Did it appear to you that the cell had  
 20 been cleaned from the condition it was in on the  
 21 date of Mr. Trentadue's death?

22 A Yes. It had obviously been cleaned.  
 23 It was totally in order.

24 Q Did it appear to you that the walls had  
 25 been painted over?

1 Q Do you know by whom, if anyone, that  
 2 ruling had been made?

3 A No, sir.

4 Q Dr. Jordan, do you recall an occasion  
 5 -- I believe the date was December 14 of 1995 --  
 6 when you and Mr. Rowland and one or more FBI  
 7 agents -- and I believe there may have been some  
 8 police officers as well -- went to the Federal  
 9 Transfer Center to examine or inspect cell 709A?

10 A Yes, sir.

11 Q December 14th, is that the date --

12 A Yes, it is.

13 Q -- you went there?

14 A Of '95.

15 Q In '95? And just in very general and  
 16 brief terms, what was the purpose of your visit  
 17 to the Federal Transfer Center on that occasion?

18 A To finally get a look at the cell and  
 19 to conduct, as best we could, a scene  
 20 investigation, which is the -- which had not been  
 21 allowed before, but which we felt was necessary  
 22 along the process of trying to find out how Mr.  
 23 Trentadue met his death.

24 Q When you went to the Federal Transfer  
 25 Center -- first of all, was that the first

1 A Yes, sir.

2 Q And Luminol testing was done at that  
 3 time to try to identify where blood may have  
 4 been; is that correct?

5 A Yes.

6 Q As you were leaving the Federal  
 7 Transfer Center or leaving the SHU area where  
 8 cell 709A is, did you overhear any comment by  
 9 employees of the Bureau of Prisons?

10 A Yes.

11 Q And what was said? Was that comment  
 12 directed to you, as you understood it?

13 A Yes.

14 Q And what was that comment?

15 A As I recall it, a guard said, quote, "I  
 16 don't care who they are, they can stick it up  
 17 their fucking ass, this is our turf."

18 Q And what did you understand that  
 19 comment to mean to you?

20 A It was intended as a threat, that they  
 21 didn't -- that the government was bigger than the  
 22 state, the government did not care what the state  
 23 did, they didn't want us there. And regardless  
 24 of what we found, we could stick it up our ass.

25 Q Did you feel personally threatened by

1 that comment?

2 A Oh, I remember one of the police  
3 officers said to me something to the effect that  
4 "I don't think we're going to get out of here  
5 alive." And I said, "I do, because there are too  
6 many people know we're here."

7 And maybe I'm not intelligent enough to  
8 feel -- I'm not used to being threatened by  
9 police. That's not the custom in this country.  
10 Our country, fortunately, has a -- I'm sure this  
11 is not responsive -- but our country doesn't fear  
12 its police. So I was probably more angry than  
13 afraid.

14 I wasn't -- you know, I was -- I guess  
15 -- I guess if you had to pick one word, it was  
16 appalled that that would happen with unified  
17 officers -- uniformed officers who had been  
18 admitted to the prison by the prison authorities  
19 being threatened by the prison guards who  
20 theoretically work for the government of the  
21 United States of America and, as such,  
22 represented the government of the United States  
23 of America.

24 MR. COOK: Object to the --

25 Q (By Mr. Nelon) Do you know the

1 authorities. And there had been a fatality at  
2 that raid. So the lieutenant and I left early  
3 before the rest of the people did to go to that  
4 scene to investigate that homicide.

5 (Defendants' Exhibit Number 7 marked  
6 for identification purposes and made a  
7 part of the record)

8 Q (By Mr. Nelon) Dr. Jordan, let me show  
9 you now what we've marked for our record here as  
10 Exhibit 7.

11 Are you familiar with this document?

12 A Yes.

13 Q Is that your signature on the second  
14 page of the document?

15 A Yes. Yes, it is.

16 Q And this is a memorandum to the Kenneth  
17 Trentadue file you prepared in December of '95;  
18 is that correct?

19 A Yes.

20 Q Let me invite your attention to the  
21 third full paragraph in that document, about  
22 halfway down the paragraph, you say, in part, "It  
23 could not help but occur to me that perhaps the  
24 FBI and the Bureau of Prisons were not expediting  
25 this investigation as quickly as we hoped would

1 identity of --

2 MR. COOK: Wait, wait, wait. Object to  
3 the answer as non-responsive.

4 Q (By Mr. Nelon) Did you know or did you  
5 ever --

6 A No.

7 Q Did you know the identity of the guard  
8 or ever take any act to find out who the guard  
9 was?

10 A No.

11 Q But as you heard it, it came from a  
12 uniformed guard?

13 A Yes, in a little office in that area  
14 near the main corridor. I might add that Special  
15 Agent Linn was there but wasn't there at the time  
16 the remark was made, but also was aimed, as near  
17 as I could tell, at the FBI, as well as at us.

18 Q But as you recall, Agent Linn was not  
19 physically present with you?

20 A I don't think Tom was right there at  
21 the time that happened. We -- at one point in  
22 time -- 10:00 at night, I had to leave, along  
23 with one of the police lieutenants, because there  
24 had been a drug raid in Oklahoma City that was  
25 actually, I think, coordinated with federal

1 occur."

2 Do you see that language?

3 A Yes.

4 Q To what did you have reference in that  
5 sentence?

6 A Well, this was now December 20th. We'd  
7 been there with the FBI, but it just didn't  
8 appear as if we were getting anywhere. And the  
9 memo references the fact that I wanted some  
10 assistance.

11 Q At least so far as you knew and  
12 understood, had the FBI vigorously investigated  
13 the Trentadue death to this point in time?

14 A You know, I really can't answer that.  
15 I can tell you that I met with Hunt and I met  
16 with Jeff Jenkins, who are FBI agents, and with  
17 Tom Linn. And at those times, those people  
18 seemed to be concerned in trying to do the  
19 investigation.

20 But there was a great lack of  
21 communication. So one -- one doesn't know, or I  
22 certainly have no way of knowing, sitting in this  
23 agency doing my job, what's going on in another  
24 investigative agency.

25 Q Would it be fair to say that if the

1 FBI was vigorously investigating the death, it  
 2 was not reporting what it was finding to you?  
 3 A That's correct. But one might -- you  
 4 know, there are two ways to look at that. One is  
 5 that quite often police departments will not get  
 6 back to you until they come to their final  
 7 conclusions because these things are quite  
 8 complicated. And that's a reasonable thought to  
 9 explain that.

10 The other thought is that Tom Linn, in  
 11 particular, and Agent Carver, were very -- at  
 12 that time, I think we had a good personal,  
 13 professional relationship. And I would of hoped  
 14 to have heard a little bit more as we go along  
 15 the line. But they, of course, are responsible  
 16 to their supervisors. I have no way of knowing.

17 Q Would it be fair to say that both your  
 18 office and the FBI were deeply involved and  
 19 extremely busy with the investigation of the  
 20 Murrah bombing at that time?

21 A Can't speak -- well, I can't speak for  
 22 the FBI. I can if we were having coffee, but --  
 23 because we worked so closely with the FBI and the  
 24 ATF during that bombing.

25 But from my impression, yes, the

1 Q Now, let me invite your attention to  
 2 the second page, the first full paragraph of that  
 3 exhibit.

4 In this memo, do you capture and  
 5 reflect your experience at the Federal Transfer  
 6 Center and the comment made to you by the OP  
 7 guard?

8 A Yes.

9 Q And that's what that has reference to  
 10 in this paragraph?

11 A Yes. I wanted the United States  
 12 Attorney's office to be aware of the degree of  
 13 difficulty we were having in receiving  
 14 cooperation from the Bureau of Prisons and the  
 15 Department of Justice.

16 Q Dr. Jordan, who is Jesse Trentadue?

17 A Jesse Trentadue is the brother of  
 18 Kenneth Trentadue, the decedent about whom we're  
 19 having this meeting today.

20 Q And did you, from time to time, have  
 21 communications with Mr. Trentadue?

22 A Yes.

23 (Defendants' Exhibit Number 8 marked  
 24 for identification purposes and made a  
 25 part of the record)

1 FBI was exceedingly busy and working very closely  
 2 with us on the Murrah bombing, and we were  
 3 extremely busy with continuing investigation,  
 4 preparation for trial. And that involved the  
 5 United States Attorney as well, of course.

6 Q Now, the third paragraph in this  
 7 Exhibit 7 refers to communications with Arlene  
 8 Joplin and Pat Ryan and the US Attorney's office;  
 9 is that correct?

10 A Yes, sir.

11 Q And down about four or five lines from  
 12 the bottom, the memo says, "I indicated that I  
 13 felt Mr. Trentadue had been abused and tortured  
 14 and at this point was not sure whether his death  
 15 could be explained as a suicide or whether it  
 16 should be regarded as a homicide."

17 A That's correct.

18 Q I've read that correctly from the memo?

19 A Yes, you've read that exactly correct.

20 Q Do I understand correctly that in this  
 21 memo, you're reflecting that that's what you  
 22 communicated to the US Attorney's office?

23 A That's correct, particularly to Ms.  
 24 Joplin in the United States Attorney's office  
 25 here in Oklahoma City.

1 Q (By Mr. Nelon) Dr. Jordan, let me show  
 2 you what we have marked for our record here as  
 3 Exhibit 8.

4 Are you familiar with that document?

5 A Yes, right.

6 Q Would you describe generally what that  
 7 document is?

8 A Well, Mr. Trentadue basically, I think,  
 9 wanted me to do an Interrogatory for him but put  
 10 it in the form of a letter, Mr. Trentadue being  
 11 an attorney.

12 Q And he submitted questions to you, and  
 13 these are your responses to his questions?

14 A He submitted questions and I answered  
 15 his questions just as I do any family member's  
 16 questions that inquire about the death of one of  
 17 their loved ones.

18 Q And that's your signature on this cover  
 19 letter dated April 4, '96?

20 A Yes, it is.

21 Q And do the answers that you have filled  
 22 in to his questions reflect your professional  
 23 opinions as of April of '96?

24 A Yes.

1 (Defendants' Exhibit Number 9 marked  
2 for identification purposes and made a  
3 part of the record)  
4 Q (By Mr. Nelton) Dr. Jordan, let me hand  
5 you what we have marked for purposes of our  
6 record here as Exhibit 9.  
7 A Are you familiar with this document?  
8 A Yes, I am.  
9 Q What is that document?  
10 A The Exhibit 9 is a letter to Mr. Jon  
11 Epstein making comments with regard to statements  
12 that Mr. Epstein listed as attributed to me  
13 during this three-year period of the  
14 investigation of the death of Kenneth Trentadue.  
15 Q And those particular statements were  
16 extracted from the GQ article in December of '97  
17 that we're litigating over?  
18 A Well, you know, you'd probably have to  
19 ask Mr. Epstein that. But that seems to be a  
20 reasonable conclusion.  
21 Q In any event, those particular  
22 statements, you went through and you commented on  
23 each one of them; is that correct?  
24 A I did, yes.  
25 Q If we went over each of those

1 Jordan, left, and its chief investigator, Kevin  
2 Rowland, had serious misgivings of the  
3 government's handling of the Trentadue case."  
4 That's the statement.  
5 A And then in your letter, you say number  
6 1, a true statement.  
7 A Right. It's a true statement obviously  
8 as pertains to me. And obviously I work very  
9 closely with my chief investigator, and I believe  
10 I can accurately say that is a true statement  
11 from him as well.  
12 Q And then similarly, with respect to  
13 each of the other statements, you have made a  
14 comment about that statement in your letter; is  
15 that correct?  
16 A That's correct.  
17 (Defendants' Exhibit Number 10 marked  
18 for identification purposes and made a  
19 part of the record)  
20 Q (By Mr. Nelton) Dr. Jordan, let me hand  
21 you what we are marking as Exhibit 10. Are you  
22 familiar with this document?  
23 A Yes, sir.  
24 Q And what is Exhibit 10?  
25 A Exhibit 10 is a response to

1 statements and took the time to read each of them  
2 into the record and then asked you to comment,  
3 would your comment be the same today as what was  
4 reflected in your letter?  
5 A Yes. I reviewed them last night and I  
6 reviewed them again early this morning. My  
7 comments would be the same.  
8 Q May I see that for just a moment? And  
9 just by way of example, the very first statement  
10 -- let me as an aside ask: In this particular  
11 exhibit, in this typewritten form here,  
12 computer-generated form, there are some  
13 handwritten numbers over here down the left-hand  
14 column.  
15 A Did you insert those numbers?  
16 A Yes, I did, because I needed a way to  
17 reference them. I certainly didn't want my  
18 secretary to have to reproduce every single one.  
19 In the letter to Epstein, paragraph 2,  
20 I say, "I've taken the liberty of numbering each  
21 specific, quote, statement, unquote, and will  
22 comment on them in the order in which they're  
23 numbered."  
24 Q The statement you've numbered as number  
25 1 says, "From the outset, medical examiner Fred

1 Interrogatories submitted to me completed on the  
2 25th of November.  
3 Q And these were done pursuant to the  
4 statutory process in Oklahoma for your providing  
5 information to parties to litigation?  
6 MR. COOK: Object to the form of the  
7 question.  
8 Q (By Mr. Nelton) You may answer.  
9 A Yes. The law that relates to this  
10 office is quite clear on our action in civil  
11 matters.  
12 (Break from 10:11 to 10:18)  
13 Q (By Mr. Nelton) Dr. Jordan, we're back  
14 on the record after we've taken a short break.  
15 Before I pursue the line of examination  
16 we were on, let me go back. There's just a  
17 couple of things that I'm not sure that I'm clear  
18 on in terms of your answers to earlier questions,  
19 and they're more medical in nature.  
20 You mentioned that part of your autopsy  
21 conclusion was that there was a fractured hyoid  
22 bone; is that correct?  
23 A Yes, sir.  
24 Q And you said, I believe, earlier, that  
25 that was consistent with strangulation; is that

1 correct?

2 A Yes. That's one of the things that can  
3 cause a fractured hyoid bone. It's just  
4 consistent with blunt force pressure to the neck.

5 Q In all the years that you have been in  
6 the medical examiner's office, have you ever seen  
7 an occasion where a hyoid bone was fractured as a  
8 result of a hanging?

9 A I think one, but I can't -- can't say  
10 that with absolute certainty. It is extremely --  
11 it's the exception rather than the rule.

12 But I think I had one once where there  
13 was a hanging that involved a little bit of a  
14 drop, that the body actually went through some  
15 force, and there was a disrupted hyoid.

16 But in general, you don't see many  
17 fractured hyoid bones. That's my best  
18 recollection. I doubt that I could go back  
19 through and pull that case again.

20 But it certainly is possible. But it's  
21 -- you don't see many of them. If you do see  
22 them, they are a signal to you to look for other  
23 types of mechanisms first and rule everything  
24 out.

25 Q And if that bone is fractured, it is

1 significant to you?

2 A Again, like the fractured hyoid, just  
3 implies a fairly considerable amount of force  
4 applied to the neck in order to cause that  
5 hemorrhage.

6 Q Is that an injury that you would  
7 normally expect to observe in a case of a  
8 hanging?

9 A Hanging -- if hanging is done  
10 so-called, you might say properly, if hanging is  
11 done properly, death is virtually instantaneous.  
12 And the mechanism is not entirely known, but it's  
13 probably due to pressure on the carotid artery in  
14 the neck.

15 In those cases, the wound, itself,  
16 almost looks post-mortem. Because the death is  
17 so instantaneous, there's very little, if any,  
18 hemorrhage.

19 If the hanging involves a degree of  
20 asphyxia and doesn't come off as it was intended,  
21 then there can be more muscle hemorrhage from the  
22 body twitches or twists, does not die instantly,  
23 then we see hemorrhage in the neck.

24 Q And would that hemorrhage also be  
25 consistent if the manner of death was

1 because of very significant pressure or blunt  
2 force on that bone?

3 A Right. It's not mysterious. It's a  
4 little U-shaped bone in the neck, and it's fairly  
5 freely movable because it's on tendons. And if  
6 it's fractured, it means that there's been force  
7 applied in a very consistent -- in a very  
8 considerable way in order to break the bone.  
9 It's no more specific than that.

10 Q Part of your autopsy conclusions were  
11 that there was hemorrhage in the strap muscle in  
12 the neck; is that correct?

13 A Yes.

14 Q Where is the strap muscle?

15 A These muscles -- the strap muscles  
16 basically are the series of muscles that you see  
17 on the side of your neck that -- you know, they  
18 kind of stand out if you tense your muscles,  
19 you'll see the voice box in the middle and the  
20 muscles that run from the mandible down here  
21 toward the collarbone. Those are just simply  
22 called strap muscles because they're kind of in a  
23 configuration of a strap.

24 Q And the fact that you observed  
25 hemorrhaging in those strap muscles, how is that

1 strangulation?

2 A Sure. Any blunt force.

3 Q Let me go back to where we were when we  
4 took our break. You were looking at Exhibit 10,  
5 your Interrogatory answers.

6 A Yes, sir.

7 Q And the particular answers that appear  
8 in this document you prepared yourself; is that  
9 correct?

10 A Yes.

11 Q If I were today in this deposition to  
12 go through and ask you each of these  
13 Interrogatories and ask you to respond, would  
14 your response to that question be the same as  
15 what you've put in these Interrogatory answers?

16 A It would be as close as I could get.  
17 This is my honest opinion. It will not be  
18 verbatim, I'm sure.

19 Q But the substance of it would be the  
20 same as in the Interrogatory answers?

21 A Yes, sir.

22 (Defendants' Exhibit Number 11 marked  
23 for identification purposes and made a  
24 part of the record)

25 Q (By Mr. Nelon) Dr. Jordan, let me show

1 you now what we've marked as Exhibit 11. And if  
 2 you'll ignore the handwritten annotations  
 3 scattered around the document for now, they're  
 4 not going to be of concern to us today.

5 Are you familiar with this document?

6 A Yes.

7 Q And what is Exhibit 11?

8 A Exhibit 11 is a consultation report  
 9 sent to Kevin Forder who is a justice department  
 10 lawyer in the civil rights division. And it is a  
 11 consultation by Colonel -- at that time Colonel  
 12 Bill Gormley who was a forensic pathologist at  
 13 the Armed Forces Institute of Pathology in  
 14 Washington.

15 Q Did your office receive a copy of this  
 16 consultation report?

17 A I have seen it, so at some point in  
 18 time it must have found its way here over the  
 19 last seven years.

20 Q You said Colonel Gormley. It's also  
 21 Dr. Gormley; is that correct?

22 A Yes. Bill Gormley who is a forensic  
 23 pathologist who at this time, January 16, 1997,  
 24 he was employed as a forensic pathologist in the  
 25 Armed Forces medical examiner system at the Armed

1 A That's right.

2 Q And if he was in essential agreement  
 3 with that, as you understand it, at least, it  
 4 would be unknown?

5 A It seems reasonable, because it says,  
 6 "We reviewed the provided investigation reports  
 7 and discussed the case with the Department of  
 8 Justice. We are in essential agreement with the  
 9 findings and opinions of the Oklahoma State  
 10 medical examiner." And there's no question I had  
 11 opinions.

12 Q And your opinion at that time was it  
 13 was unknown and he was likely murdered; is that  
 14 right?

15 A Yes.

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

18 THE WITNESS: Yes. My opinion was the  
 19 manner of death was unknown and murder had not  
 20 been ruled out.

21 Q (By Mr. Nelton) Dr. Jordan, prior to  
 22 your involvement in the autopsy and investigation  
 23 of Kenneth Trentadue's death, had you ever had  
 24 occasion to come in contact in an official way  
 25 with Special Agent Tom Linn of the FBI?

1 Forces Institute of Pathology in Washington.

2 Q As you understand it, what role did  
 3 Dr. Gormley play in terms of investigating the  
 4 death of Kenneth Trentadue?

5 A Well, as the report says, it's a  
 6 consultation report on contributor material.

7 Q What does that mean?

8 A Well, in reading Dr. Gormley's AFIP  
 9 diagnosis, he says, "We have reviewed the  
 10 provided investigation reports and discussed the  
 11 case with representatives of the Department of  
 12 Justice. We are in essential agreement with the  
 13 findings and opinions of the Oklahoma State  
 14 medical examiner."

15 Q And as you understand it, did Dr.  
 16 Gormley share your view, in January of 1997, that  
 17 the manner of Kenneth Trentadue's death was  
 18 undetermined or unknown?

19 A Dr. Gormley very wisely doesn't say  
 20 that in this report. You'd have to ask Bill  
 21 that. You can find him at the medical examiner's  
 22 office in Virginia now.

23 Q In January of 1997, your finding and  
 24 opinion as to manner of death was still unknown;  
 25 is that correct?

1 A Oh, gosh. That's a good question. I'm  
 2 sure. Tom Linn used to be a Norman police  
 3 officer, and he was in the FBI for a long time.  
 4 You know, I've been here 31 -- 30 and a half  
 5 years, and I'm sure that Tom Linn and I had met.

6 We don't tend to get involved much with  
 7 the FBI investigations -- in investigations  
 8 because, generally, most prison deaths are not as  
 9 demanding as this one.

10 Indian land deaths in Oklahoma involve  
 11 the FBI, as well as the tribal police and the  
 12 Bureau of Indian Affairs. But most of that  
 13 interaction has been another agent who happens to  
 14 be a Native American, American Indian.

15 But I'm sure that Tom Linn and I have  
 16 known each other for years and periodically have  
 17 worked together. We don't -- we don't interact  
 18 with the FBI very much.

19 Q As best you can recall, when was it  
 20 that you became aware that Tom Linn was involved  
 21 in the FBI's investigation of the Trentadue  
 22 death?

23 A Let's see. My initial contact had been  
 24 with Jeff Jenkins and Neal Hunt. And I guess the  
 25 first time that I -- my best recollection would

1 be when we went with Special Agent Linn and  
 2 Oklahoma City police contingent to the transfer  
 3 center on December 14, 1995.

4 I don't -- in looking at -- of course,  
 5 I have to depend upon my notes on this file in  
 6 order to remember these things. The first  
 7 notation that I have that mentions Tom Linn is  
 8 when we met at the Federal Transfer Center.

9 Q And that was the night you did the  
 10 Luminol testing?

11 A Yes, sir. You know, it's conceivable I  
 12 talked to Tom before that, but most of it was  
 13 with Agent Hunt and Agent Jenkins.

14 Q After Tom Linn became involved in the  
 15 Trentadue investigation, did you ever form the  
 16 impression that he was trying to persuade you in  
 17 some fashion that the death was a suicide?

18 A Oh, I think so. I think that he  
 19 believed it was a suicide and that he was trying  
 20 to do everything that he could to supply me  
 21 information that he was allowed to supply to me  
 22 that enabled -- would enable me to come to a  
 23 conclusion. And we all like to have other people  
 24 come to the same conclusions as we do.

25 But again, I can't tell you upon what

1 Linn with respect to the opinions and possible  
 2 testimony before the grand jury of Dr. Bill  
 3 Gormley?

4 A The only thing I recall about that is  
 5 that I don't -- you know, I don't think -- I have  
 6 the impression that I heard that Dr. Gormley was  
 7 not interested in testifying. I did not talk to  
 8 -- to this day haven't talked to Bill Gormley  
 9 about it directly.

10 Q Did you have any contact or  
 11 communications with Special Agent Linn?

12 A Oh, wait a minute, wait a minute. Let  
 13 me think. This may have been the point in time  
 14 where they wanted me to talk to a Texas Ranger.

15 Q That was my next question, if you had  
 16 any communications with --

17 A Yeah. There was an episode in here  
 18 that somehow related to Linn that wanted me to  
 19 talk to a Texas Ranger because the Texas Ranger  
 20 had apparently -- had allegedly reviewed this  
 21 material. And Dr. Gormley obviously didn't give  
 22 them the opinion that they were looking for.  
 23 That's a conclusion on my part. That's probably  
 24 not -- but Dr. Gormley did not give the  
 25 conclusion that it was a suicide, and so they --

1 that was based, his conclusions. I can't tell  
 2 you upon what his conclusions were based.

3 Q But you had the impression he believed  
 4 it was a suicide?

5 A Yes.

6 Q And he tried to persuade you of that?

7 A Well, he tried to make his point clear  
 8 to me, yes, he did. He tried to persuade me it  
 9 was a suicide. Everybody wanted this to go away,  
 10 get settled. Some of us still feel that way.

11 Q Do you recall an occasion when Agent  
 12 Linn brought notes regarding an interview of an  
 13 inmate named Cornell Thornton?

14 A I have only a vague recollection of  
 15 that. I remember hearing about that, but I don't  
 16 recall if he went over those notes with me or  
 17 with the chief investigator. It's very likely he  
 18 went over those notes with the investigator, and  
 19 I probably popped in and out.

20 But I don't have, in my mind, a direct  
 21 recollection of the content of that but that, in  
 22 fact, we did know that he had interviewed Cornell  
 23 Thornton who apparently held a cell near  
 24 Trentadue.

25 Q Did you have any contact with Agent

1 I was asked to visit with a Texas Ranger.

2 Q Who asked you to visit with the Texas  
 3 Ranger?

4 A I think -- I think -- I think Tom Linn  
 5 did. And I had no interest in that.

6 Q At least as far as your  
 7 understanding --

8 A Not unless the Texas Ranger were a  
 9 board certified forensic pathologist in  
 10 experience, and I gathered he wasn't.

11 Q As far as your impression and  
 12 understanding as to why Agent Linn wanted you to  
 13 visit with the Texas Ranger, what was your  
 14 impression?

15 A I got the impression that the Texas  
 16 Ranger had seen lots of suicides and had seen  
 17 some that were somewhat like this and had,  
 18 perhaps, given -- as another consultant that the  
 19 justice department sought out, given them the  
 20 opinion that, yeah, this looked like suicides  
 21 that he's seen before.

22 Q Did you, in fact, meet with the Texas  
 23 Ranger?

24 A No.

25 Q Why not?

1 A My whole issue was to get this thing  
 2 investigated and get an investigative report into  
 3 my hands so that I could try to come to some  
 4 legitimate conclusion as to what the manner of  
 5 death was. I didn't think the conclusions of a  
 6 Texas Ranger were particularly pertinent.

7 Q Did Agent Linn say anything to you,  
 8 that the Texas Ranger might help you make up your  
 9 mind?

10 A Possibly.

11 Q Did you ever have occasion to have  
 12 communications or contact with Special Agent Linn  
 13 concerning grand jury testimony?

14 A Yes.

15 Q And would you tell us what happened in  
 16 that regard?

17 A Well, that's a -- let me refer to my  
 18 timeline notes, because that's a -- that's a  
 19 complicated issue.

20 We had a subpoena delivered for grand  
 21 jury testimony on October 15th, 1996. On January  
 22, 1997, I met with Mr. Tanner, T-A-N-N-E-R, who  
 23 was an attorney from the justice department, Mr.  
 24 Forder, F-O-R-D-E-R, who was an attorney from the  
 25 justice department, and Special Agent Tom Linn of

1 A Well, Agent Linn representing the  
 2 Department of Justice, not Agent Linn saying, oh,  
 3 I'm going to bring you these transcripts. But he  
 4 brought those to me, I assume, as part of his job  
 5 as an FBI agent being ordered to do so at the  
 6 justice department.

7 Q It was your impression and  
 8 understanding he was acting on orders from  
 9 higher-ups to bring that information to you?

10 A Yeah. It was pretty irregular to me.

11 Q Did you want to see that grand jury  
 12 testimony?

13 A No, I did not. I certainly didn't.  
 14 I'm still -- you know, when the grand jury  
 15 testimony, if it had become public, then I wanted  
 16 to see the testimony because I thought it might  
 17 help bring this to a conclusion. Because my job  
 18 was trying to determine a manner of death of  
 19 Kenneth Trentadue.

20 I didn't know that I might be called  
 21 back before the grand jury, and it seemed to me  
 22 highly irregular. And my attorney, the Oklahoma  
 23 attorney general's office, agreed that, no, you  
 24 shouldn't look at that. This is -- this is not  
 25 an appropriate thing to do.

1 the FBI to discuss the upcoming grand jury. In  
 2 fact, on January 22, 1997, I testified in the  
 3 grand jury.

4 So as I recall discussions in January,  
 5 it was just a review of the case and that the  
 6 grand jury was all our fact-finding operation and  
 7 that -- just as I talk with attorneys a lot, all  
 8 the time, Mr. Forder, I think, was involved in  
 9 that, he just wanted to discuss again to clarify  
 10 my opinions and what it was likely that I was  
 11 going to say at the grand jury if I was asked  
 12 certain questions.

13 That's pretty standard. I mean, that  
 14 happens all the time, though we don't go before  
 15 too many grand juries.

16 Q I'm sorry. When did you testify before  
 17 the federal grand jury?

18 A I believe I testified on January 22,  
 19 1997.

20 Q And just on that one occasion?

21 A That's the only time on a grand jury on  
 22 Trentadue I've testified.

23 Q Subsequent to that time, did Agent Linn  
 24 offer to bring you transcripts of grand jury  
 25 testimony by other witnesses?

1 MR. COOK: Object to the answer as  
 2 non-responsive.

3 THE WITNESS: The -- my attorney in the  
 4 attorney general's office, whose advice I sought,  
 5 advised me, as my attorney, not to receive this  
 6 material and review it.

7 MR. COOK: Same objection.

8 Q (By Mr. Nelon) Did Agent Linn, in  
 9 fact, bring to you grand jury testimony, or  
 10 attempt to?

11 A He brought something, yes. And I never  
 12 did see it. It was purported to be grand jury  
 13 materials.

14 Q Is that what Agent Linn said he was  
 15 bringing to you?

16 A We were having a board meeting of the  
 17 board of medical-legal investigations that's  
 18 responsible for this agency. We were informed he  
 19 was out front, the material was in his car. And  
 20 my attorney happened to be at that board meeting,  
 21 said I'll take care of it.

22 Q Was it your understanding and  
 23 impression that it was grand jury testimony that  
 24 he was offering to deliver?

25 A Yes.

1 Q Was it your understanding and  
 2 impression that that testimony was being offered  
 3 to help you arrive at a conclusion that the death  
 4 was a suicide?

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

7 THE WITNESS: I -- the -- I think the  
 8 information from the grand jury was being offered  
 9 to help me arrive at a conclusion as to what the  
 10 manner of death was.

11 Since I have not seen that information,  
 12 I don't know what -- what way it would have made  
 13 me lean. I do know that the investigative  
 14 material that I was privy to, which was very  
 15 little, just basically comments by the FBI, was  
 16 that they thought it was a suicide.

17 Q (By Mr. Nelton) Dr. Jordan, you said  
 18 earlier that you had known Agent Linn for a  
 19 number of years.

20 Did your relationship with him change  
 21 in any way over the course of yours and his  
 22 involvement in the Trentadue investigation?

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

25 THE WITNESS: I'm sorry to say that it

1 harass you?

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

4 THE WITNESS: I don't think there's any  
 5 question I was harassed by the Department of  
 6 Justice from the very beginning of this, the 21st  
 7 of August when we were denied access to do a job  
 8 we'd been summoned to do.

9 Tom Linn worked for the FBI. The FBI's  
 10 part of the Department of Justice. So you can  
 11 draw your own conclusion.

12 But, you know, my reaction to Tom Linn  
 13 has nothing personally to do with Tom Linn. It  
 14 has everything to do with the stonewalling that I  
 15 believe I received from the federal government.

16 MR. COOK: Object to the answer as  
 17 non-responsive.

18 Q (By Mr. Nelton) From time to time, did  
 19 you communicate the frustration and feelings of  
 20 harassment that you had to public officials  
 21 within the Department of Justice and Congress?

22 A Yes.

23 (Defendants' Exhibit Number 12 marked  
 24 for identification purposes and made a  
 25 part of the record)

1 did.

2 Q (By Mr. Nelton) And in what way did it  
 3 change?

4 A I became very irritated and felt  
 5 harassed by the federal government, and I felt  
 6 that he was a part of that harassment.

7 And it's his job, you know, but I  
 8 didn't -- I just didn't want to see any more of  
 9 Tom Linn. I wanted to see official documents  
 10 when the thing was concluded, the investigative  
 11 documents. I wanted the Oklahoma County grand  
 12 jury to investigate what was going on at that  
 13 time, to investigate this case. I wanted local  
 14 authorities, because by then we had a law that  
 15 said there was joint jurisdiction, and  
 16 particularly I wanted Oklahoma City police to  
 17 investigate the case because I had lost a great  
 18 deal of confidence in the ability of the federal  
 19 government to bring this to any kind of a  
 20 conclusion.

21 MR. COOK: Object to the answer as  
 22 non-responsive.

23 Q (By Mr. Nelton) Did you come to believe  
 24 that Agent Linn was part of a Department of  
 25 Justice effort or campaign, if you will, to

1 Q (By Mr. Nelton) Dr. Jordan, let me show  
 2 you what we have marked as Exhibit 12. Would you  
 3 review and identify that document if you can,  
 4 please.

5 A Yes.

6 Q And what is Exhibit 12?

7 A It's just a supplemental report to the  
 8 file of Kenneth Trentadue on July 1, 1997.

9 Q And that's your handwriting?

10 A It certainly is.

11 Q Now, there appear to be two parts to  
 12 this supplemental report; is that correct?

13 A Yes.

14 Q And the top part refers to a letter  
 15 that you're going to write to Pat Ryan; is that  
 16 right?

17 A That's correct.

18 Q He was, at the time, the US Attorney?

19 A That's correct.

20 Q And the bottom part refers to a  
 21 telephone call to a Mrs. Joplin; is that right?

22 A Right.

23 Q Who is he?

24 A She's an Assistant United States  
 25 Attorney for the Western District of Oklahoma.

1 Q At the bottom of this, if I'm a reading  
 2 it correctly, "I feel it is very likely this man  
 3 was killed."

4 Was that your viewpoint in July of  
 5 1997?

6 A Yes, it was.

7 Q Did you communicate that to Ms. Joplin  
 8 in the US Attorney's office?

9 A Yes, I did.

10 Q And then documented it for the  
 11 Trentadue file in Exhibit 12; is that right?

12 A Yes, sir.

13 (Defendants' Exhibit Number 13 marked  
 14 for identification purposes and made a  
 15 part of the record)

16 Q (By Mr. Nelon) Dr. Jordan, let me show  
 17 you now what we are marking as Exhibit 13.

18 Would you review that document and  
 19 identify it for us if you can?

20 A Yes, sir. This is a letter I wrote to  
 21 Mr. Pat Ryan, the United States Attorney for the  
 22 Western District of Oklahoma, on 1 July 1997 and  
 23 copied to Robert Macy, Oklahoma County District  
 24 Attorney; Janet Reno, US Attorney General; Orin  
 25 Hatch, US Senator; Steve Largent, US

1 scientific conclusions with regard to the death."

2 A Correct.

3 Q Do you still believe that to be an  
 4 accurate statement?

5 A That was an accurate statement at that  
 6 time, it's an accurate statement today.

7 Q The next sentence refers to "Current  
 8 bizarre machinations by the FBI and the  
 9 Department of Justice in regard to the federal  
 10 grand jury."

11 To what did you have reference?

12 A Coming in here one day and trying to  
 13 get us to hand deliver a total file on Trentadue  
 14 to the grand jury, even though we'd met with  
 15 Forder and explained how that was done, that  
 16 could be just simply transferred as a simple  
 17 records transfer.

18 You know, by this time, in July of  
 19 1997, I had already testified before the grand  
 20 jury. I had requested the Oklahoma County  
 21 District Attorney, I'd asked for an Attorney  
 22 General's opinion regarding concurrent  
 23 jurisdiction in the Federal Transfer Center.

24 And I just had -- I had run out of  
 25 ideas as to how in the world to get an

1 Representative from Oklahoma; Tom Coburn, US  
 2 Representative from Oklahoma; Wes Watkins, US  
 3 Representative from Oklahoma; J.C. Watts, US  
 4 Representative from Oklahoma; Ernest J. Istook  
 5 and Frank Lucas, US Representatives from  
 6 Oklahoma.

7 Q Is Exhibit 13 your letter to Pat Ryan  
 8 of July 1 the letter to which you had reference  
 9 in the previous exhibit, your supplemental report  
 10 of the same date?

11 A Yes.

12 Q Now, in this letter, in the second full  
 13 paragraph, you say, in part, "The United States  
 14 government significantly blocked our ability to  
 15 investigate."

16 Do you see that language?

17 A Yes, I do.

18 Q What did you mean by that?

19 A Significantly -- the United States  
 20 government forbid a scene investigation until  
 21 months after the death. Scene investigations are  
 22 an intimate part of any good scientific forensic  
 23 investigation.

24 Q That sentence goes on, "It restricted  
 25 our capacity to completely and successfully draw

1 investigation done in the death of Kenneth  
 2 Trentadue without involving local resources,  
 3 because the Bureau of Prisons seemed to be --  
 4 they seemed to be unresponsive, I guess, if I  
 5 gave my opinion as to what I thought about the  
 6 Bureau of Prisons since I don't believe I've been  
 7 qualified as an expert witness here yet.

8 But I felt it was time for Oklahoma  
 9 City to take care of its problem since the  
 10 federal government hadn't.

11 And I have tremendous respect for  
 12 Mr. Ryan, did at that time and do today, and had  
 13 worked with him closely, obviously on the Murrah  
 14 bombing. As a courtesy, wanted to let him know  
 15 how I felt. And I also wanted our delegation in  
 16 Washington to be well aware of the fact I had  
 17 paid my taxes but didn't seem to be getting much  
 18 for it.

19 MR. COOK: Object to the answer as  
 20 non-responsive.

21 (Defendants' Exhibit Number 14 marked  
 22 for identification purposes and made a  
 23 part of the record)

24 Q (By Mr. Nelon) Dr. Jordan, let me hand  
 25 you what we have marked as Exhibit 14.

1 A Ah, there it is.

2 Q Are you familiar with this document?  
3 And if so, can you identify it for us?

4 A No. It's interesting. You asked me a  
5 question, I think in Interrogatories, whether I  
6 talked with Senator Dargin or not, and I had no  
7 recollection of that. And I didn't find this in  
8 our file.

9 This is in my handwriting. It's a  
10 supplemental report that I'd like a copy of,  
11 actually, if I may, indicating that I had a call  
12 from a Senator Dargin, D-O-R-G-I-N. I still to  
13 this day don't know who that is. And I returned  
14 the call.

15 Q Your handwritten note says, in part,  
16 "Confirmed my feelings that the investigation was  
17 crippled, the decedent was at least beaten. We  
18 haven't found the truth and probably won't." Is  
19 that correct?

20 A That's correct.

21 Q And did you express that opinion to  
22 Senator Dargin?

23 A Yes, I did. I returned this call, and  
24 I believe I talked to him, but I don't recall --  
25 I don't recall talking to him directly, but then

1 A Yes, it is.

2 Q Why did you write this letter?

3 A The -- when I came to Oklahoma a long  
4 time ago, part of the fellowship training that I  
5 had had in Virginia was paid for by a federal  
6 grant.

7 After I came to Oklahoma, I received  
8 notice from the Internal Revenue Service that I  
9 was being audited. And when I reported for  
10 audit, they said that I was in severe arrears  
11 because I had not paid this federal tax-free  
12 grant.

13 I told them that was not my  
14 understanding of the grant and went through  
15 several months with the Internal Revenue Service,  
16 meeting them once a week, being bullied by them.  
17 I actually watched a man be taken out with a  
18 heart attack during that time.

19 At that time in Oklahoma City, they  
20 were doing a -- they were doing a training  
21 session. They had a lot of trainees here, and so  
22 they brought these people in, and in my opinion  
23 let them rough-shod over citizens.

24 I'll never forget sitting there and  
25 hearing them -- seeing an old black man sitting

1 this is a three-year problem with multiple  
2 players.

3 Q And as you understood it, Senator  
4 Dargin was a United States Senator?

5 A Yes. It was a D.C. number. It was a  
6 202 number.

7 Q And what you told Senator Dargin  
8 reflected your views in October of 1997; is that  
9 correct?

10 A That's correct, October 22, 1997.

11 (Defendants' Exhibit Number 15 marked  
12 for identification purposes and made a  
13 part of the record)

14 Q (By Mr. Nelon) Let me show you now  
15 what we have marked as Exhibit 15.

16 A Yes, sir.

17 Q Are you familiar with this document?

18 A Yes, I am.

19 Q And what is Exhibit 15?

20 A It's a letter to the Commissioner of  
21 the Internal Revenue Service in Oklahoma City  
22 asking to be audited in order to protect me from  
23 harassment by the Department of Justice.

24 Q And this is a letter from you to the  
25 IRS?

1 there with a bag of medications and seeing an  
2 IRS agent come out and say "Johnson." Not  
3 Mr. Johnson. And this man said, "Yes, come  
4 back." And he and I had been talking.

5 And he had -- these were medications  
6 that he bought for his wife who'd subsequently  
7 died, and he was trying to take them off his  
8 taxes, and he was being punished for that. Also  
9 being treated with tremendous disrespect by the  
10 federal government.

11 So I decided I'm not going to play this  
12 game. I'm not afraid of the federal government.  
13 When I came to Virginia, it was nice. When I  
14 came to Oklahoma, I found the federal government  
15 didn't seem to be so nice. So I continued to  
16 fight this.

17 At one point in time, I had a subpoena  
18 to testify, I believe up somewhere in  
19 northwestern Oklahoma on a murder trial, and they  
20 said if you go, you're in contempt of this  
21 whatever, which I was in contempt of anyway, and  
22 had to have the judge call them and threaten them  
23 that I was going to this meeting.

24 Following this -- you're restless, Mr.  
25 Epstein, but I want you to understand why I wrote

1 the letter to Mrs. Milner, as I want a jury to  
 2 understand.

3 Following this prolonged episode of  
 4 harassment by the Internal Revenue Service, they  
 5 came to the conclusion I was correct.

6 Following that, I asked them to audit  
 7 me for the previous three years. They said, "We  
 8 can't do that." I said, "Oh, yes, you can." And  
 9 they did, and I got some money back.

10 That was a terrible experience. When I  
 11 came to Oklahoma, I realize this is a different  
 12 -- at that time was a different part of the world  
 13 from the part of the United States that I had  
 14 lived in before. But this was quite an  
 15 experience to me.

16 And I thought, well, it's probably the  
 17 same way. And I don't want the FBI to decide  
 18 that we're going to punish Jordan, or the  
 19 Department of Justice. One of the best ways we  
 20 can punish him is put him through that ordeal  
 21 again with the Internal Revenue Service.

22 And responsive or not, that is why I  
 23 wrote Commissioner Milner and said I want you to  
 24 audit me before they decide to do this in some  
 25 punitive way and try to pull your strings.

1 Were you asked by NBC to do an  
 2 on-camera interview with them for the Dateline  
 3 program?

4 A Yes.

5 Q Let me invite your attention to what is  
 6 numbered as page 9. If you look in the upper  
 7 right-hand corner --

8 A Got it.

9 Q -- you'll see the page number. Down  
 10 toward the bottom, there's a reference to Dr.  
 11 Jordan, an interview, and then some statements  
 12 attributed to you.

13 Did you make those statements on camera  
 14 to NBC Dateline?

15 A You're saying Dr. Jordan in interview,  
 16 semicolon, autopsy report?

17 Q Yes, and then below that there are --

18 A Then there's a statement attributed to  
 19 me?

20 Q Yes.

21 A And that is a correct statement? I  
 22 probably made it. It certainly is true.

23 Q And if that statement appears on a  
 24 videotape of the program, then that would  
 25 accurately reflect what you said; is that

1 Q Were you, in fact, audited by the IRS?

2 A No. They were incensed that -- not at  
 3 me, but they were incensed at the situation. And  
 4 Ms. Milner seemed quite upset -- Ms. Richardson  
 5 seemed quite upset at the way I had been treated  
 6 before and the way the poor old black man, who  
 7 I'm sure is dead by now, had been disrespected by  
 8 the government.

9 Q Dr. Jordan, in addition to  
 10 communicating with public officials within the  
 11 Department of Justice and Congress about your  
 12 feelings about the Trentadue situation, did you  
 13 also go public and make comments to the media  
 14 about it?

15 A Yes, I did.

16 Q Did you have occasion, in April of  
 17 1997, to appear on the NBC Dateline program?

18 A Right. That was aired in April of '97,  
 19 that's correct.

20 (Defendants' Exhibit Number 16 marked  
 21 for identification purposes and made a  
 22 part of the record)

23 Q (By Mr. Nelon) Let me show you Exhibit  
 24 16 which we believe is a transcript of that  
 25 program.

1 correct?

2 A Yes, sir. I'd say that today.

3 Q On page 10 --

4 A And that is a correct statement.

5 Q On page 10, according to the  
 6 transcript, you said, "You can't have a room  
 7 filled with blood as this one apparently was with  
 8 a dead body in it without some kind of noise. It  
 9 doesn't -- it doesn't make any sense. How do you  
 10 split your head open and do it quietly?"

11 Did you make that statement?

12 A I'm sure I did. If not, that's a  
 13 perfectly reasonable statement.

14 Q Have you ever received an explanation  
 15 or been able to satisfy yourself as to how  
 16 Kenneth Trentadue could hang himself with such  
 17 violence without making any noise?

18 A That's a hard -- that's a hard  
 19 question. And Kenneth Trentadue obviously made  
 20 noise, but it would appear that that noise wasn't  
 21 heard, or if it was heard, it was not been  
 22 reported as being heard.

23 Q Okay. Or it was ignored?

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

1 THE WITNESS: I don't know if it was  
 2 ignored or not, because I've never had anybody  
 3 tell me -- if somebody says there was noise and  
 4 we ignored it, I know there was noise. Otherwise  
 5 I don't have any way to know.

6 Q (By Mr. Nelon) But this issue remains  
 7 one of those that is very difficult to explain in  
 8 the context of a purported suicide?

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

11 THE WITNESS: Yes.

12 Q (By Mr. Nelon) And you expressed to  
 13 NBC Dateline as further -- actually, back up on  
 14 page 9, "The man was covered with blood, and  
 15 that's not customary in a hanging."

16 Do you recall making that statement?

17 A I'm trying to find it here. Excuse me.

18 Q Surely. Page 9.

19 A Is that the one we just talked about?

20 Q Yes.

21 A Oh, yes. Yeah, it's the comments we  
 22 just referenced. It's the same comment and the  
 23 answer is the same.

24 I probably made that statement. I have  
 25 no reason to believe this is not an accurate

1 a note to the file, Kenneth Trentadue.

2 Q And this is in your handwriting?

3 A Yes, it is.

4 Q And signed by you?

5 A Yes, it is.

6 Q And this says, in part, "With reference  
 7 to this office, the Dateline program on 11 April  
 8 '97 was completely accurate and gave a good  
 9 overview"; is that correct?

10 A Yes, sir.

11 Q And does that remain your opinion  
 12 today?

13 A Yes. It was my opinion at the time  
 14 when it was fresh. I'm sure it's no different  
 15 today. It gave a good overview of what we knew  
 16 at that time.

17 Q Now, the second part of that  
 18 supplemental memorandum to the Trentadue file  
 19 refers to the fact that you've testified in the  
 20 grand jury and will not have any public comment  
 21 to make until that body is completed and made  
 22 public its conclusions.

23 A Right.

24 Q Why did you write that in this report?

25 A I don't know if you've ever testified

1 transcript. But that statement is true.

2 Q Dr. Jordan, one other. Right at the  
 3 top of page 10 --

4 A On Exhibit 16?

5 Q -- on Exhibit 16, the Dateline

6 transcript, a question was asked of you by the  
 7 reporter, "Is there a plausible explanation for  
 8 the bruising on the underside of his arm?" And  
 9 you inquire back "That he did it himself?" The  
 10 reporter says, "That he did it himself." And you  
 11 say, "No, I think that's been done by someone  
 12 else."

13 Do you see that?

14 A Yes.

15 Q And as best you can recall, that was  
 16 your response to the question from the reporter?

17 A Yes, it is. And it would be today,  
 18 too.

19 (Defendants' Exhibit Number 17 marked  
 20 for identification purposes and made a  
 21 part of the record)

22 Q (By Mr. Nelon) Now let me show you  
 23 what we've marked as Exhibit 17. Are you  
 24 familiar with this document?

25 A Right. It's dated 14 April '97. It's

1 before a grand jury or not, but in general,  
 2 there's an admonition that you are not to discuss  
 3 any testimony, any questions that you made before  
 4 a grand jury outside of that jury room.

5 I don't recall whether they said that  
 6 to me or not, but I'm not new to this area, and I  
 7 felt that was the appropriate, ethical way to  
 8 deal with it.

9 Q Is that because grand jury proceedings  
 10 are supposed to be conducted in secret?

11 A Yes.

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

14 THE WITNESS: Yes, sir.

15 Q (By Mr. Nelon) Did you, from time to  
 16 time, also give interviews to KOKH Fox 25 here in  
 17 Oklahoma City?

18 A I'm sure, right.

19 Q Do you remember talking to reporter  
 20 Phyllis Williams?

21 A Not directly, no.

22 (Defendants' Exhibit Number 18 marked  
 23 for identification purposes and made a  
 24 part of the record)

25 Q (By Mr. Nelon) Let me show you what

1 we've marked as Exhibit 18 which we believe is a  
 2 transcript of a KOKH Fox 25 broadcast on July 3,  
 3 '97. And there's a reference in there to a Fred  
 4 Jordan.

5 Do you recall making the statements  
 6 that appear in this transcript?

7 A Yes. Sounds like me. It sounds like I  
 8 was quite steamed up.

9 Q We won't go over it all because it will  
 10 speak for itself, as will the videotape, but let  
 11 me invite your attention to, there on the first  
 12 page, a statement attributed to you. "I think  
 13 it's very likely he was murdered. I'm not able  
 14 to prove it. I have temporarily classified the  
 15 death as undetermined. You see a body covered  
 16 with blood, removed from the room as Mr.  
 17 Trentadue was, soaked in blood, covered with  
 18 bruises, and you try to gain access to the scene  
 19 and the government of the United States says, no,  
 20 you can't. They continue to prohibit us from  
 21 having access to the scene of his death which is  
 22 unheard of in 1997 until about five months later.  
 23 We went in there and Luminolled. It lit up like  
 24 a candle because blood was still present on the  
 25 walls of the room after four or five months. But

1 By the time that I issued a uniform  
 2 media statement to the press amending the manner  
 3 of death as suicide following five months of work  
 4 by the Oklahoma City Police Department, I had  
 5 come to the conclusion that there was no evidence  
 6 to indicate that it was other than a homicide  
 7 that had been developed at that time or has been  
 8 developed since that time.

9 There was no evidence that I am aware  
 10 of of conspiracy. And my conclusion -- I don't  
 11 know if you want my conclusion or not. My  
 12 conclusion at this point in time, and probably at  
 13 that point in time, was that it was botched. It  
 14 was inefficiency, it was the unit of the  
 15 government that did not know how to do that part  
 16 of its job.

17 And because they didn't want to be  
 18 shown up for having this -- seems odd -- didn't  
 19 want any help, didn't want the thing clarified,  
 20 didn't want it done correctly or didn't know how.  
 21 I can't -- at this point in time, I don't think  
 22 it was -- I don't think it was planned.

23 I don't think it was to cover up except  
 24 to cover up their embarrassment for being the  
 25 leading prison in the United States and not being

1 at that point we have no crime scene, so there  
 2 are still questions about the death of Kenneth  
 3 Trentadue that will never be answered because of  
 4 the actions of the US government. Whether those  
 5 actions were intentional, whether they were  
 6 incompetence, I don't know. It was not easy to  
 7 communicate with the federal government. It was  
 8 botched. Or worse, it was planned."

9 Did you make that statement to KOKH?

10 A Sure did.

11 Q And did that reflect your views in July  
 12 of 1997?

13 A Absolutely.

14 Q Have your views changed since then?

15 A Oh, one always changes views. You'd  
 16 have to take it apart piece by piece. I've come  
 17 to some conclusions with regard to the last  
 18 statement about was it botched or, worse, was it  
 19 planned.

20 Q When did you arrive at a change in  
 21 those conclusions?

22 A I mean, who knows. This is a -- this  
 23 is a process that happened on 21 October and  
 24 didn't get settled until 19 -- in '95, didn't get  
 25 settled, at least on paper, until 1998.

1 able to follow a simple crime scene technique  
 2 that any county sheriff, even in a rural county  
 3 of any state with minimal resources, would do.

4 MR. COOK: Object to the answer as  
 5 non-responsive. I wasn't sure when you were  
 6 finished.

7 THE WITNESS: I'm not really finished.  
 8 I don't know if I'll ever be finished. I hope  
 9 so, though.

10 Q (By Mr. Nelton) But at least back in  
 11 July of '97 when you made this statement on KOKH,  
 12 that statement accurately reflected the views  
 13 that you held at that point in time?

14 A Oh, yes. And much of the -- much of  
 15 the statement still does. Obviously I've come to  
 16 the conclusion that there was no evidence he was  
 17 murdered. Obviously I've changed the  
 18 classification of death.

19 Q But all that happened after the GQ  
 20 article was published; is that correct?

21 A Yes, sir. It happened after the  
 22 Oklahoma City police finished their  
 23 investigation. I would still say it's not easy  
 24 to communicate with the federal government,  
 25 although it's getting better.

1 (Defendants' Exhibit Number 19 marked  
 2 for identification purposes and made a  
 3 part of the record)

4 Q (By Mr. Nelton) Dr. Jordan, let me hand  
 5 you what we've marked as Exhibit 19 which is a  
 6 transcript of another KOKH broadcast, this one on  
 7 July 7th of '97.

8 I just have a quick question. There's  
 9 a statement attributed to you, Fred Jordan, state  
 10 medical examiner, near the top of this  
 11 transcript, "I think it's very likely he was  
 12 murdered."

13 A Yeah. That was some kind of a breaking  
 14 news story, looks like. Yes, I probably made  
 15 that statement, because I certainly have made  
 16 that statement many, many times.

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

20 Q (By Mr. Nelton) Dr. Jordan, let me hand  
 21 you what we've marked as Exhibit 20 which is a  
 22 third transcript from KOKH, this one dated July  
 23 9, 1997. And there are statements in here  
 24 attributed to you as well.

25 Do you recall making these statements

1 what we've marked as Exhibit 21. Are you  
 2 familiar with this document?

3 A Yes.

4 Q What is Exhibit 21?

5 A It's a uniform media statement.

6 Q Was that prepared by you?

7 A Yes.

8 Q And contains your signature at the  
 9 bottom?

10 A Yes.

11 Q Dated October 10, 1997; is that  
 12 correct?

13 A Yes.

14 Q Let me invite your attention to the  
 15 second full paragraph, talking about the federal  
 16 government's refusal to cooperate.

17 And you say, "Their refusal further  
 18 assured that we will never be able to prove to a  
 19 reasonable certainty that Mr. Trentadue hanged  
 20 himself or if another asphyxial mechanism came  
 21 into play."

22 That was your statement in October of  
 23 '97?

24 A Yes. That was a good statement. You  
 25 know, it probably -- I believe that it is

1 to KOKH?

2 A No, huh-uh. I'm sure that if they  
 3 reported it, I did, but I don't recall it. I  
 4 don't have any direct recall of it.

5 Q The very first statement on this  
 6 transcript attributed to you says, "If, in fact,  
 7 Kenneth Trentadue was a suicide -- and I'm not at  
 8 all convinced it was -- it was the bloodiest,  
 9 most brutal suicide I've ever seen in my life,  
 10 and I'm not new at this."

11 Do you recall making a statement like  
 12 that?

13 A Not directly, but I have no problem  
 14 with the statement.

15 Q Dr. Jordan, would that still be a fair  
 16 statement today, that the Trentadue death, if it  
 17 was a suicide, was the bloodiest, most brutal  
 18 suicide you've ever seen in your life?

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

21 THE WITNESS: Yes.

22 (Defendants' Exhibit Number 21 marked  
 23 for identification purposes and made a  
 24 part of the record)

25 Q (By Mr. Nelton) Let me show you now

1 incorrect in the light of today's knowledge in  
 2 that we have a reasonable -- reasonable certainty  
 3 about the manner of death.

4 It's not an absolute certainty, but I  
 5 believe, after the Oklahoma City police did their  
 6 work, that I've come to a reasonable certainty as  
 7 to what happened. But it's not absolute.

8 Q And certainly in October of '97, that  
 9 was your belief, is that correct, as expressed in  
 10 this statement?

11 A It is my belief. And I don't think  
 12 that all the questions can ever be answered to  
 13 this day, at least I still wonder about -- about  
 14 things.

15 And that would have been made much,  
 16 much better if the transfer center had been in  
 17 the same century as the rest of the country with  
 18 regard to death investigation at the time this  
 19 happened.

20 Q In the third full paragraph of this  
 21 uniform media statement, there's a reference to a  
 22 Texas Ranger.

23 A In the third paragraph?

24 Q Yes, sir. Last sentence of that third  
 25 paragraph.

1 A I'm sure -- well, I mean, that's a true  
 2 statement. I mean, you know, I'm asking a  
 3 question.

4 Q And does that question that you pose  
 5 there have reference to the Texas Ranger you were  
 6 testifying about earlier?

7 A Yes. It has reference to the Texas  
 8 Ranger and then an experienced forensic scientist  
 9 employed by the government.

10 Q And that refers to Dr. Gormley?

11 A Correct.

12 Q In the fall of 1997, were you  
 13 interviewed by Mary Fischer in connection with  
 14 her writing of a second article for GQ Magazine  
 15 about the Trentadue death?

16 A Yes.

17 Q Do you recall, was that done in person  
 18 or by phone, or how was the interview done?

19 A I've seen -- I know I've seen Mary a  
 20 number of times. It may have been done in  
 21 person. I'm sure some of it was done on the  
 22 phone. I think I reviewed the article and  
 23 probably talked to her on the phone.

24 Q And did you share your views and make  
 25 comments to Ms. Fischer about your views as the

1 A Yes.

2 Q Dr. Jordan, you have said in several  
 3 contexts, I think the latest of which was in the  
 4 Interrogatory answers that you gave that we  
 5 looked at earlier as one of these exhibits.

6 You said that in your professional  
 7 opinion, Kenneth Trentadue was beaten and his  
 8 injuries were consistent with his having been in  
 9 an altercation; is that correct?

10 A Yes.

11 Q And you still hold that view today?

12 A Yes. Particularly that his indications  
 13 -- that his injuries were received in an  
 14 altercation. Beating probably requires further  
 15 definition.

16 Q The injuries that he suffered in an  
 17 altercation would necessarily have been suffered  
 18 before he was hanged or hanged himself; is that  
 19 correct?

20 A Yes. They were ante-mortem injuries.

21 Q Now, according to Bureau of Prison  
 22 documents and officials, Trentadue was last seen  
 23 in his cell unharmed except for perhaps a blister  
 24 on his heel at 2:38 in the morning and was found  
 25 purportedly hanging in his cell deceased, with

1 Trentadue investigation stood at that time in the  
 2 fall of '97?

3 A Probably did.  
 4 (Defendants' Exhibit Number 22 marked  
 5 for identification purposes and made a  
 6 part of the record)

7 Q (By Mr. Nelon) Let me show you what we  
 8 marked as Exhibit 22. Are you familiar with that  
 9 document?

10 A Yes.

11 Q And what is Exhibit 22?

12 A Exhibit 22 is another supplemental  
 13 report to the file of Kenneth Trentadue dated 18  
 14 September, '97 at 10:45 in the morning.

15 Q And does this reflect that you had --

16 A Maybe it's 19. Well, whatever.

17 Q Mid September of '97 sometime?

18 A Right.

19 Q And does this reflect that you had gone  
 20 over what Ms. Fischer had written and attributed  
 21 to you and discussed quotes with her?

22 A Yes.

23 Q And were you satisfied at the  
 24 conclusion of your conversation with her that she  
 25 had accurately reported what you had told her?

1 the bloody injuries that we've seen in the  
 2 photographs and that you describe in your autopsy  
 3 report. And if he was found at 3:02 a.m., some  
 4 24 minutes after he was last seen unharmed, when  
 5 was he beaten?

6 MR. COOK: Object to the form of the  
 7 question.

8 THE WITNESS: The injuries on Trentadue  
 9 are of varying colors, some of them reddish,  
 10 bluish. Those are acute. They're within 24  
 11 hours of his death.

12 There's also some injuries -- if we go  
 13 back to where we started here a couple hours ago,  
 14 in looking at the anatomic diagnosis, we also  
 15 mention older contusions. And those older  
 16 contusions are on the back of the right hand, on  
 17 the left hand, left upper bicep area, and the  
 18 posterior left arm.

19 Those look older to me by the  
 20 coloration, and they're probably anywhere from 18  
 21 hours to three or four days old. You know,  
 22 assuming that correctly that at the time Kenneth  
 23 Trentadue died, all that stops. You know, it's  
 24 stopped at a moment in time.

25 Q (By Mr. Nelon) Well, recognizing that

1 there are some older wounds and there are some  
 2 more recent wounds, let's just focus on the more  
 3 recent wounds.

4 In terms of time frame, if, in fact, he  
 5 died at 3:02 or sometime shortly before 3:02 when  
 6 he was purportedly found in his cell, if those  
 7 injuries were a result of an altercation, when  
 8 did that altercation occur?

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

11 THE WITNESS: If the evidence shows  
 12 that, in fact, Mr. Trentadue had no injuries  
 13 before he entered the cell, then they occurred  
 14 sometime between the time he entered the cell and  
 15 the time he died.

16 Having said that, I'll say that those  
 17 injuries could be anywhere from a half an hour or  
 18 an hour to nearly a day in age, by simply as a  
 19 pathologist looking at their appearance.

20 Q (By Mr. Nelton) So from a medical  
 21 standpoint, you can time them as being sometime  
 22 between a few minutes to maybe a day before?

23 A Very, very inaccurately but, yes, you  
 24 can just group them in big groups.

25 But the first part of my answer was

1 by federal authorities as to whether Trentadue  
 2 was strip searched when he was placed in cell  
 3 709A?

4 A I don't recall.

5 Q And presumably, whatever the records  
 6 would reflect about the observations made at that  
 7 time, they would reflect the observations; is  
 8 that right?

9 A They're the only people that would  
 10 know.

11 Q Dr. Jordan, were you ever informed by  
 12 federal authorities that they had discovered the  
 13 presence of blood of someone other than Trentadue  
 14 in his cell?

15 A Doesn't ring a bell with me.

16 Q Would that have been a significant fact  
 17 for you to take into account in your analysis?

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

20 THE WITNESS: Well, it -- it would  
 21 certainly be important to explain as to whose  
 22 blood it was, how much it was, where it was.

23 There was a bunk bed in that cell.  
 24 There may have been another prisoner in there  
 25 before Kenneth Trentadue. So there are any

1 predicated on your statement that if, in fact, at  
 2 a certain period of time Mr. Trentadue had no  
 3 injuries. I have no way of knowing. Well, I do  
 4 have a way of knowing. That's not accurate.

5 Q Dr. Jordan, given your medical findings  
 6 and your medical experience as to, at least in  
 7 general and in a range that the time within  
 8 injuries such as what you observed on Trentadue  
 9 occurred or were sustained prior to death, if, in  
 10 fact, BOP documents claim that Trentadue was  
 11 unharmed at 2:38, then he would of had to have  
 12 been beaten sometime just very shortly before he  
 13 was found hanging; is that correct?

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

16 THE WITNESS: If he had -- if, again,  
 17 we can assure ourselves that there were no  
 18 injuries present before 2:38, then I'm not going  
 19 to go to the point to say he was beaten, but I  
 20 will say that he received those injuries after  
 21 that time.

22 Q (By Mr. Nelton) The injuries --

23 A Again, predicated on the fact that,  
 24 quote, there were no injuries, unquote.

25 Q Were you ever provided any information

1 number of ways that that could happen.

2 Q (By Mr. Nelton) But you would want an  
 3 explanation, a thorough investigation?

4 A Not only me. I think any good crime  
 5 scene investigation or any district attorney, any  
 6 US Attorney that was involved in this would want  
 7 -- we want as much information as possible to try  
 8 to derive accurate, unbiased scientific facts  
 9 with regard to what we believe the scene is to  
 10 allow other investigators to proceed further.

11 MR. COOK: Object to the answer as  
 12 non-responsive.

13 MR. NELON: That's all the questions I  
 14 have.

15 CROSS-EXAMINATION

16 BY MR. COOK:

17 Q Dr. Jordan, would you look at what's  
 18 been marked as Defendants' Exhibit Number 3.  
 19 That's the autopsy report.

20 A Right. I have it.

21 Q The last page of that report is an  
 22 amendment to the autopsy report; is that correct?

23 A Yes.

24 Q Was that the only amendment that's been  
 25 done to the autopsy report?

1 A No. There was an amendment after the  
 2 uniform media statement that amended the cause of  
 3 death to suicide.

4 Q What's the date of the amendment that  
 5 you're referring to?

6 A 7-10-98.

7 Q Does that amend the autopsy report to  
 8 amend the manner of death?

9 A Yes. It amends the report of  
 10 investigation to change the manner of death.

11 Q And what manner of death is reported in  
 12 the amendment dated July 10th?

13 A Suicide.

14 Q And does that mean that you concluded,  
 15 with a reasonable degree of medical certainty,  
 16 that the manner of death of Mr. Trentadue was  
 17 suicide?

18 A Yes.

19 Q In February of 1996, did you have the  
 20 opinion that no specific evidence had been  
 21 developed to support ruling Mr. Trentadue's death  
 22 a homicide?

23 A In February of --

24 Q 1996.

25 A I'd have to go -- it's very difficult

1 I've marked as Jordan Plaintiff's Exhibit Number  
 2 1. If I could get you to pass that on.

3 A Pass it on?

4 Q Yes. Thank you.

5 What is Plaintiff's Exhibit Number 1?

6 A Plaintiff's Exhibit Number 1 is a copy  
 7 of a letter written to US Attorney Patrick Ryan  
 8 on February 26, 1996.

9 Q Did you write that letter?

10 A Yes.

11 Q Did you send it to Mr. Ryan --

12 A Yes.

13 Q Let me finish my question. Did you  
 14 send it to Mr. Ryan on or around February 26,  
 15 1996?

16 A Yes.

17 Q You wrote that letter to Mr. Ryan and  
 18 expressed the opinions in that letter after you  
 19 had personally inspected the death scene; is that  
 20 right?

21 A Yeah. The death scene was inspected  
 22 such as it was, on December 14, 1995.

23 Q And you wrote that letter to Mr. Ryan  
 24 after you had completed the autopsy; is that  
 25 right?

1 to know what document you're looking at and what  
 2 dates. But is that -- is that -- I assume you're  
 3 looking at the summary letter written to US  
 4 Attorney for the Western District of Oklahoma  
 5 Patrick Ryan?

6 Q I am looking at that letter, but first  
 7 before I show you that letter, first I want to  
 8 ask you whether or not it was your opinion, in  
 9 February 1996, that there had not been developed  
 10 any specific evidence to support ruling Mr.  
 11 Trentadue's death a homicide.

12 A At that time, yes.

13 Q That was your opinion at that time;  
 14 right?

15 A Yes.

16 Q And in February of 1996, was it your  
 17 opinion that it was most likely that Mr.  
 18 Trentadue's death occurred at his hand either as  
 19 a suicide or as an accident during an altered and  
 20 pathological mental state?

21 A Yes.

22 (Plaintiff's Exhibit Number 1 marked  
 23 for identification purposes and made a  
 24 part of the record)

25 Q (By Mr. Cook) Let me show you what

1 A The autopsy was completed long before  
 2 that, yes.

3 Q And you wrote the letter to Mr. Ryan  
 4 expressing those opinions after you had looked at  
 5 photographs of the death scene provided by either  
 6 the Bureau of Prisons or the FBI; is that right?

7 A I should imagine, yes.

8 Q And you wrote that letter to Mr. Ryan  
 9 after the Luminol testing was done on the death  
 10 scene; is that right?

11 A That's correct.

12 Q Now, prior to the Trentadue autopsy,  
 13 would you agree that you had investigated cause  
 14 and manner of death over thousands of times?

15 A Yes, sir.

16 Q And prior to the Trentadue autopsy, had  
 17 you investigated many, many times the cause and  
 18 manner of death of people who had been hung by  
 19 ligature?

20 A Yes.

21 Q Prior to the Trentadue autopsy, had you  
 22 seen ligature marks around the necks of people  
 23 who had been hanged by bed sheets?

24 A Yes.

25 Q And prior to the Trentadue autopsy, had

1 you investigated deaths of people who had been  
 2 beaten and murdered?

3 A Yes.

4 Q And prior to the Trentadue autopsy, had  
 5 you investigated deaths of people who had been  
 6 manually strangled with objects like ropes or  
 7 cloth?

8 A Yes.

9 Q Is it true that all of the injuries  
 10 that you saw on Mr. Trentadue's body were  
 11 consistent with injuries that were self-  
 12 inflicted?

13 A Not necessarily.

14 Q Do you recall testifying in the case  
 15 Estate of Kenneth Michael Trentadue versus United  
 16 States of America?

17 A Yes, I recall testifying in that.

18 Q Let me read you back a portion of it.

19 "QUESTION: Now, the manner of the  
 20 death of Mr. Trentadue, are the injuries you  
 21 observed on his body, it's true that they were  
 22 consistent with injuries that were  
 23 self-inflicted; isn't that correct?

24 "ANSWER: That was the final  
 25 conclusion."

1 consistent with being self-inflicted?

2 A The acute injuries, yes.

3 Q What are you calling the acute  
 4 injuries?

5 A I'm calling the ones that are fresh  
 6 that we talked about in the autopsy report.

7 Q So the injuries that you noted in the  
 8 autopsy report were, in your opinion, consistent  
 9 with being self-inflicted?

10 A The acute injuries.

11 Q Which injuries in the -- never mind.

12 Did you conduct the autopsy in  
 13 accordance with reasonably accepted standards of  
 14 forensic pathology?

15 A Yes.

16 Q Is it true that you found no evidence  
 17 of beating or torture?

18 A No.

19 Q That's not true?

20 A None substantiated, but there -- we've  
 21 talked about beating several times here today.  
 22 And I don't have any evidence of beating.  
 23 Someone might be beaten with a ball bat or a  
 24 police baton.

25 There are injuries to the hands that

1 Do you recall giving that testimony in  
 2 the trial.

3 A I recall testifying, and that was the  
 4 final conclusion.

5 Q So the final conclusion was that the  
 6 injuries that were on Mr. Trentadue's body were  
 7 consistent with self-inflicted injuries; is that  
 8 right?

9 A The acute injuries, yes. From the  
 10 investigation. You can't -- I have an injury on  
 11 the back of my hand this morning, something that  
 12 occurred last night. I can't tell you how that  
 13 happened. I can tell you because I was there.

14 But that is an acute injury consistent  
 15 with either an accident in the home or fending  
 16 off an assailant. Forensic pathologist can't  
 17 tell you that. That has to be developed by the  
 18 scene reconstruction.

19 But that conclusion -- the conclusion  
 20 was that, based on the investigation by the  
 21 Oklahoma City Police Department, that those  
 22 injuries could have been self-inflicted when one  
 23 looks at the entire context of the investigation.

24 Q And you agree with a reasonable degree  
 25 of medical certainty that those injuries were

1 are older that could be from a fight, there are  
 2 injuries to the left arm that look like  
 3 fingerprint marks that were probably not  
 4 inflicted by the gentleman himself. That's to  
 5 what I'm referring.

6 Q Okay. Let me make sure that we're  
 7 talking about the same thing here.

8 A Okay.

9 Q Isn't it true that you found no  
 10 injuries -- I'm sorry. Let me start over.

11 Isn't it true that you found no  
 12 evidence of a beating or torture?

13 A There's no evidence of a beating.  
 14 There is a bruise on the bottom of Kenneth  
 15 Trentadue's foot that may have been explained by  
 16 him standing on the sink in the process of  
 17 hanging himself.

18 That is also an injury that can be seen  
 19 in victims of torture. It's called falanga. But  
 20 from the investigative evidence in this case,  
 21 there is no indication that that occurred.

22 So in the final conclusion, there is a  
 23 bruise on the bottom of Kenneth Trentadue's foot,  
 24 which is unusual and is not inconsistent with a  
 25 torture practice that is carried on throughout

1 the world. But there is no evidence in Kenneth  
 2 Trentadue that that torture occurred at the hands  
 3 of the United States government.

4 Q I object to the answer as  
 5 non-responsive.

6 A It's your question, Counsel.

7 Q And you didn't answer it.

8 Isn't it true that there is no evidence  
 9 to substantiate beating or torture of Mr.  
 10 Trentadue?

11 A There is no evidence at this point in  
 12 time, at the time the case was finalized, to  
 13 substantiate torture. There is no evidence to  
 14 substantiate beating if you're talking about  
 15 beating with a club, something of that nature.

16 Mr. Trentadue does have injuries on his  
 17 fists that could have occurred in a fight, as I  
 18 testified earlier, from anywhere from 18 hours to  
 19 four days before his death.

20 Now, you haven't defined beating. I  
 21 mean, that's an altercation that can take many  
 22 configurations.

23 Q Let me read you this question and  
 24 answer. "And through that investigation by the  
 25 Oklahoma City Police Department and your office,

1 be ligature.

2 Q So you believe that the ligature was  
 3 the cause of his death?

4 A I believe the cause of his death was  
 5 traumatic asphyxia caused by the ligature, yes.

6 Q Let me ask you to read back this  
 7 portion of your testimony from the Trentadue  
 8 case.

9 "Dr. Jordan, before we move to page 14,  
 10 would it be fair to state that Kenneth Trentadue  
 11 was suspended by the ligature before he died?

12 "ANSWER: There is no evidence that he  
 13 was suspended after, and the ligature itself was,  
 14 I believe, the cause of his death."

15 Did you give that answer in the trial?

16 A Probably did. I'm a little more  
 17 accurate today than I was then.

18 Q So you believe the bed sheet killed  
 19 Mr. Trentadue; right?

20 A I believe the ligature killed him, and  
 21 we don't have anything to indicate it was  
 22 anything besides the bed sheet.

23 Q Okay. And when you make a  
 24 determination regarding the cause and manner of  
 25 death, is that determination based on a

1 you didn't find any evidence of beating or  
 2 torture, did you?

3 "ANSWER: No, there is no evidence to  
 4 substantiate beating or torture."

5 Did you give that answer to that  
 6 question?

7 A Yes, I did. And through the  
 8 investigation, there is not, but --

9 Q Did you find any evidence that Mr.  
 10 Trentadue had been hit by a baton?

11 A No.

12 Q Did you find any evidence that Mr.  
 13 Trentadue's skull was cracked in three places?

14 A No.

15 Q Did you ever tell anybody that Mr.  
 16 Trentadue's skull was cracked in three places?

17 A No.

18 Q Was there any evidence that Mr.  
 19 Trentadue was hung after he died?

20 A There is no evidence to that.

21 Q Based on your autopsy of Mr.  
 22 Trentadue's body, did you conclude that the  
 23 ligature, itself, was the cause of death?

24 A One -- one moment. The cause of death  
 25 is traumatic asphyxia. The mechanism appears to

1 reasonable degree of medical certainty?

2 A Yes, sir.

3 Q And a reasonable degree of medical  
 4 certainty to you means more likely than not; is  
 5 that right?

6 A That's correct.

7 Q Now, when you issued the suicide  
 8 finding in July of 1998, was that under any kind  
 9 of threat by anyone?

10 A No.

11 Q Did you ever have sufficient evidence  
 12 to say with a reasonable degree of medical  
 13 certainty that Kenneth Trentadue was murdered?

14 A No.

15 Q So is it fair to say that the evidence  
 16 of which you were aware was never enough to say  
 17 that it was more likely than not that Mr.  
 18 Trentadue was murdered?

19 A In the final analysis, that's correct.

20 Q Okay. And right now, do you have any  
 21 doubt, based on all available evidence, that the  
 22 death of Kenneth Trentadue should be classified  
 23 as a suicide?

24 A I think that it should be classified as  
 25 a suicide because all the evidence to date

1 indicates that.

2 I will never, however, totally feel  
3 comfortable that I totally understand how Kenneth  
4 Trentadue met his death, but there is absolutely  
5 no reason for me to suspect otherwise at this  
6 point in time.

7 Q Have you ever said that you have no  
8 doubt, based on all available evidence, that the  
9 death of Mr. Trentadue should be classified as a  
10 suicide?

11 A I have no doubt that it should be  
12 classified as a suicide. I say that today, too.  
13 That doesn't mean I don't have doubt. I have no  
14 doubt it should be classified as a suicide.

15 Q Did you come to the conclusion that the  
16 bed sheet killed Mr. Trentadue when you did the  
17 autopsy?

18 A You mean at the time it was originally  
19 done?

20 Q Yes.

21 A No.

22 Q When did you come to that conclusion?

23 A After the -- in 1998 after reviewing  
24 the case with the homicide detectives from the  
25 Oklahoma City Police Department.

1 Q You talked to Ms. Fischer before today.  
2 A Oh, gosh. Probably that -- let's see.  
3 I should imagine '97. I don't remember talking  
4 to you since '97. I may have, but I don't recall  
5 it. I don't recall talking about this case since  
6 that time.

7 (Plaintiff's Exhibit Number 2 marked  
8 for identification purposes and made a  
9 part of the record)

10 Q (By Mr. Cook) I'm going to hand you  
11 what I've marked as Jordan Exhibit Number 2.  
12 Would you give one to Mr. Nelson,  
13 please?

14 A Oh, sure.

15 Q You've got two there.

16 What is Plaintiff's Exhibit 2?

17 A Plaintiff's Exhibit 2 is the uniform  
18 media statement of 10 July 1998.

19 Q And who wrote that statement?

20 A Who worked it?

21 Q Who wrote it?

22 A Who wrote it? I did.

23 Q Is that a statement that you gave to  
24 the media on or about July 10th, 1998?

25 A Yes. We wrote it and released it at

1 Q Do you have any personal evidence  
2 regarding the condition of Mr. Trentadue's body  
3 as of 2:30 a.m. on the day of his death?

4 A Do I have any evidence as to the  
5 condition of that body at the time?

6 Q Yes.

7 A No.

8 Q Okay. So the hypothetical that Mr.  
9 Nel on was asking you earlier about, what if his  
10 body was in a certain condition half hour before  
11 his death, you don't have any personal knowledge  
12 about what condition his body was actually in at  
13 that time, do you?

14 A No, sir.

15 Q Are you a blood spatter expert?

16 A No.

17 Q When you investigate a crime scene that  
18 has blood spatter, do you usually defer to blood  
19 spatter experts to interpret that evidence?

20 A Yes.

21 Q And is that what you did in this case?

22 A Yes.

23 Q When is the last time you talked to  
24 Ms. Fischer before today?

25 A When was the last time what, sir?

1 that time.

2 Q And is that a public announcement that  
3 you were going to amend the autopsy report to  
4 state the manner of death as suicide?

5 A Yes, sir.

6 MR. COOK: That's all I have.

7 REDIRECT EXAMINATION

8 BY MR. NELON:

9 Q Just a few questions. Dr. Jordan, if,  
10 as the medical examiner, you conclude that a  
11 particular injury observed in an autopsy is  
12 consistent with hanging, does the fact that it is  
13 consistent with hanging exclude all other  
14 possibilities as to how that injury was incurred?

15 A Not necessarily.

16 Q So an injury could be consistent with  
17 hanging but it also could be consistent with  
18 beating or torture; is that correct?

19 A Well, here's that word beating again.

20 Q Let me eliminate your discomfort with  
21 that. An injury could be consistent with  
22 hanging, but it could also be consistent with a  
23 blunt force injury other than hanging?

24 A An injury -- we're talking about a mark  
25 around the neck?

1 Q Yes.

2 A -- could be consistent with hanging,  
3 but it also could be consistent with some other  
4 type of injury involving something around the  
5 neck.

6 We look at the patterns and the  
7 positions of those, along with what we find at  
8 the scene to try to draw the conclusion as to  
9 whether it was likely self-inflicted or inflicted  
10 by another individual.

11 Q And a statement that an injury is  
12 consistent with hanging simply doesn't exclude  
13 other possibilities?

14 A Not in and of itself, no.

15 Q You said several times in response to  
16 Mr. Cook's questions that the determination of  
17 suicide as the manner of death made in 1998 was  
18 based on the evidence that was presented to you  
19 from essentially the Oklahoma City Police  
20 Department investigation; is that correct?

21 A Based on that and all the other  
22 information that we had developed over the years,  
23 including, of course -- obviously what we did.

24 Q And I believe you said that there was  
25 no evidence presented to you through the

1 months, two detectives spent five months  
2 interviewing people, traveled to four or five  
3 different states.

4 And I'm trying to answer your question.  
5 I'm trying to not be not responsive. But my  
6 final conclusion was based on sitting in this  
7 room with those detectives going over in detail  
8 that information and comparing and contrasting it  
9 with what we knew.

10 Q And that was done in 1998?

11 A Yes.

12 Q And would it be a fair statement that  
13 there was simply no other official investigative  
14 authority with persuasiveness equal to the  
15 Oklahoma City Police Department that came to you  
16 with contrary evidence?

17 A I've never had another formal report  
18 from any other investigative agency, except I was  
19 sent anonymously a report from the Office of the  
20 Inspector General. But there has been -- nothing  
21 has come to my attention to indicate that -- what  
22 the Oklahoma City police did was not valid.

23 Q Okay.

24 A Now, I will say that in the business  
25 that I'm in, there are lots of people that are

1 investigation that would lead you to a conclusion  
2 other than hanging -- other than suicide; is that  
3 correct?

4 A That's correct. There's been nothing  
5 -- no case is ever closed, but there has been  
6 nothing that has occurred that I'm aware of since  
7 the date of that information to change our  
8 opinion.

9 New evidence would be evaluated if  
10 something came up. But that has not come up. It  
11 stands as it did then as of today.

12 Q And the evidence you talk about is  
13 evidence from an official investigative  
14 authority, such as the Oklahoma City Police  
15 Department?

16 A Yes, sir.

17 Q And by definition, from the Oklahoma  
18 City Police Department investigated and came to a  
19 conclusion of suicide and presented that evidence  
20 to you, that would be the only evidence that you  
21 would have; is that correct?

22 A The only evidence -- yeah. That's a  
23 hard question to answer, but I think I would  
24 answer that question, that the Oklahoma City  
25 police, if I may clarify a little bit, spent five

1 suspicious.

2 I might go to the barber shop, for  
3 instance, and the barber might say to me, I will  
4 never believe that man died of suicide. In fact,  
5 people have accosted me and said, "How could you  
6 say that? It's obvious the man was murdered."

7 One of my neighbors is very upset with  
8 me because of his -- happens to be a pastor --  
9 but has extensive -- the evidence in the forensic  
10 investigation indicates that I'm way out in left  
11 field and said to be murder. And so a number of  
12 people have come to me and said that in an  
13 unofficial capacity.

14 Q Do you consider them unreasonable for  
15 all --

16 MR. COOK: Wait, wait, wait. I want to  
17 object to the answer as non-responsive.

18 THE WITNESS: That's probably true.

19 Q (By Mr. Nelton) Do you consider those  
20 people to be unreasonable because of those  
21 beliefs that they shared with you?

22 MR. COOK: Object to the form of the  
23 question.

24 THE WITNESS: I consider those people  
25 to not have all the information. And this is

1 going to be very non-responsive. But everybody's  
 2 an amateur detective these days. Everybody  
 3 watches CSI and other television shows, and  
 4 everybody has a theory. But I think these people  
 5 just think that I make mistakes like everybody  
 6 else, and they think this is one of them.

7 MR. COOK: Object to the answer as  
 8 non-responsive.

9 Q (By Mr. Nelton) The evidence presented  
 10 by the Oklahoma City Police Department based on  
 11 their investigation in 1998 persuaded you, by  
 12 that small margin of 51 to 49, that suicide was  
 13 the more probable explanation for Kenneth  
 14 Trentadue's death; is that correct?

15 A As Mr. Cook said, is it more reasonable  
 16 than not, that with the information you have,  
 17 that it's a suicide. And that's 51 percent, if  
 18 you will, and the answer is yes.

19 Q Did the evidence presented to you by  
 20 the Oklahoma City Police Department exclude all  
 21 possibilities of other explanations of his death?

22 A Well, not according to my neighbors,  
 23 but they didn't have -- they weren't privy to  
 24 that.

25 The Oklahoma City Police Department --

1 Q Dr. Jordan, in the course of your  
 2 discussions that you talked about with the  
 3 Oklahoma City Police Department, did you also  
 4 have discussions with representatives from the  
 5 DA's office here in Oklahoma County?

6 A Yes.

7 Q And who was that?

8 A Richard Wintory, primarily.

9 Q Would it be fair to say he was sort of  
 10 in charge of that investigation from the DA's  
 11 side?

12 A I believe that's correct.

13 Q Did Mr. Wintory ever express any  
 14 viewpoint that an apology should be offered to  
 15 the Federal Transfer Center people?

16 A Yes.

17 Q And what was your reaction? Or what  
 18 did he say to you in that regard?

19 A Oh, it's just that.

20 Q And what was your reaction to that?

21 A I think that's ludicrous.

22 Q Why?

23 A Because the federal transfer people did  
 24 not cooperate, that they did not assist, they  
 25 were obstructive.

1 and I believe them -- said no one had physical  
 2 contact with Trentadue for 17 hours before his  
 3 death.

4 And that's -- if you trust the people  
 5 that do the investigation, and I did and do, that  
 6 -- you know, the only conclusion I can come to is  
 7 that Kenneth Trentadue died in his cell by  
 8 himself.

9 Q And did the Oklahoma City Police  
 10 Department share with you the source of their  
 11 opinion that no one had contact with Trentadue  
 12 for 17 hours?

13 A Yes, to the extent that they had  
 14 interviewed many different people.

15 Q Okay. But you have no way of knowing  
 16 whether those people told the truth or not in the  
 17 interviews?

18 A Of course not.

19 Q Do you know who those people were that  
 20 were interviewed?

21 A I'm sure it's in the police report, but  
 22 I don't know. I mean, I think they were  
 23 primarily prisoners who were on that particular  
 24 unit at the time Trentadue died and probably some  
 25 of the guards as well.

1 And this -- you know, sympathy needs to  
 2 go to Trentadue's family. Sympathy needs to go  
 3 to us for what we went through for three years.

4 But it was at the hands of the -- you  
 5 know, nobody man-handled -- I didn't tell them to  
 6 stick something in some part of their anatomy.  
 7 Nobody man-handled them, nobody forbade to give  
 8 them information.

9 So I think the -- I must say that, to  
 10 me, that was a political move for which I did not  
 11 have a great deal of respect. The politics I'm  
 12 not sure, but I think time will probably clarify  
 13 that.

14 Q Dr. Jordan --

15 A Remember, this is out of order and will  
 16 be stricken eventually, I'm sure, but remember  
 17 the politicians -- remember that all district  
 18 attorneys are politicians. They're also  
 19 attorneys. They're very ambitious.

20 Q Two strikes and you're out, huh?

21 A I don't think -- three strikes and  
 22 you're out. I don't think there's a district  
 23 attorney around that doesn't want to be governor.

24 MR. COOK: Object to the answer as  
 25 non-responsive.

1 Q (By Mr. Nelton) Dr. Jordan, from all of  
 2 the facts that you have been -- all of the  
 3 information, let me put it that way, all of the  
 4 information that you have been provided from time  
 5 to time through the course of the Trentadue  
 6 investigation, is it your belief that Trentadue  
 7 was involved in a fight sometime within a few  
 8 hours before he died?

9 A I can't -- I can't say that for sure.  
 10 I think that he has indications of finger marks  
 11 on his arm and on his hands that are older than  
 12 probably resulted from some type of restraint or  
 13 a fight.

14 But the acute injuries appear to be  
 15 explainable by the tremendous effort that the  
 16 Oklahoma City police put in trying to  
 17 reconstruct the crime scene, including the blood  
 18 spatter evidence where Tom Bevel took a good look  
 19 at it. Tom is, in my opinion, an outstanding,  
 20 objective scientist.

21 Q And in the absence of evidence from an  
 22 authoritative investigative body to the contrary,  
 23 you were satisfied with the evidence presented by  
 24 the Oklahoma City Police Department?

25 A Yes. As I said before this morning,

1 A Oh, I don't think I can -- I don't  
 2 think I have the wisdom of Solomon to be able to  
 3 answer that question. But if you have another  
 4 hypothesis, I'd be glad to look at it. But that  
 5 hypothesis that the detectives came up with does  
 6 offer a reasonable explanation of what happened.

7 I'm old enough and have been around  
 8 long enough to know there may be another  
 9 explanation, but I haven't thought of it in seven  
 10 years, and this case occurs to me very  
 11 frequently.

12 MR. NELON: No further questions.

13 RECROSS-EXAMINATION

14 BY MR. COOK:

15 Q In November of 2000, had you seen the  
 16 Oklahoma City Police Department report?

17 A In November of 2000?

18 Q I'm sorry. Yes, when you testified in  
 19 the Trentadue versus United States case, had you  
 20 seen the Oklahoma City Police Department report?

21 A I don't think so. I don't think I did.  
 22 That was -- okay. The testimony was on January  
 23 22, 1997; is that correct?

24 Q No. I'm referring to testimony you  
 25 gave in the Trentadue matter on November 28th,

1 the forensic pathologist, in describing lesions  
 2 like the lesion on my hand today, can only go so  
 3 far. It can be any number of things.

4 And you have to take off your forensic  
 5 pathology hat or your medical examiner hat, and  
 6 that involves evaluating a lot of information  
 7 from investigators to see how that fits with the  
 8 medical observations that you've made.

9 As I think I've stated, I had no reason  
 10 to assume anything other than what we have --  
 11 what I have presented to you today at this point  
 12 in time.

13 Q And at this point in time, the Oklahoma  
 14 City Police Department, in its investigation,  
 15 came up with a hypothesis that was satisfactory  
 16 to you to explain the injuries that Trentadue  
 17 suffered?

18 A That's correct. Based on their --  
 19 their interviews and their examination, they came  
 20 up with a hypothesis that was acceptable to me  
 21 based on the limitations that we have in our --  
 22 in our total examination of this death.

23 Q And are you satisfied that that  
 24 hypothesis excludes all other possible  
 25 explanations for his death?

1 2000.  
 2 A Oh. Had I seen -- I'm sorry.  
 3 Q Yes.  
 4 A Had I seen the police report?  
 5 Q Yes.  
 6 A Yes.  
 7 Q And you had conducted the autopsy and  
 8 done all the things that your office could do to  
 9 examine Mr. Trentadue's body; right?

10 A You're talking about the federal trial?

11 Q Right.

12 A Not the grand jury?

13 Q Right.

14 A Yes.

15 Q At that time, after looking at the  
 16 police department report and considering the  
 17 things that you, yourself, observed in the  
 18 autopsy, you testified under oath that there is  
 19 no evidence to substantiate beating or torture;  
 20 is that right?

21 A If you say so, yeah. I don't know if  
 22 they defined beating earlier. I would hope I  
 23 asked them to define beating earlier in the  
 24 testimony, but I don't know.

25 If they defined beating --

1 Q Well, let me read it to you again.  
 2 A You don't need to read it to me.

3 There's nothing wrong in my recent memory. I  
 4 have trouble with the word beating.

5 You know, quite often what happens is I  
 6 ask for a definition of what do you mean by  
 7 beating. I may have, in fact, been beaten down  
 8 myself by the process. So if that transcript  
 9 says I said it then, yes, I said it.

10 MR. COOK: That's all I have.

11 MR. NELON: Dr. Jordan, you have the  
 12 right to --

13 THE WITNESS: Remain silent?

14 MR. NELON: -- read and sign your  
 15 deposition. The right to remain silent expired  
 16 when you started talking.

17 THE WITNESS: I hate to say it, but I  
 18 would like to read and sign this one.

19 (Deposition adjourned at 12:00 p.m.)

20

21

22

23

24

25

1 D & R  
 2 REPORTING & VIDEO, INC.  
 3 Robinson Renaissance  
 4 119 N. Robinson, Suite 650  
 5 Oklahoma City, Oklahoma 73102  
 6 (405) 235-4106  
 7 FAX (405) 235-4115  
 8 CORRECTION SHEET

9 Case Style: Linn vs. GQ  
 10 Reporter: EC  
 11 Witness: FRED JORDAN, M.D.  
 12 Date Reported: DECEMBER 11, 2002  
 13 Attorney: Bob Nelon  
 14 OA: Russ Cook  
 15 Page Line Correction Reason

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1 (ec)

2 \_\_\_\_\_  
 3 FRED JORDAN, M.D.  
 4  
 5  
 6 STATE OF OKLAHOMA )  
 7 ) ss.  
 8 COUNTY OF OKLAHOMA )  
 9  
 10 subscribed and sworn to before me this \_\_\_\_\_  
 11 day of \_\_\_\_\_, 2002.

12  
 13 Notary Public for the State of Oklahoma  
 14

15 My Commission expires: \_\_\_\_\_  
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1 C E R T I F I C A T E

2 STATE OF OKLAHOMA )  
 3 ) SS:  
 4 COUNTY OF OKLAHOMA )

5 I, ELIZABETH CAUDILL, CSR in and for  
 6 the State of Oklahoma, certify that FRED JORDAN,  
 7 M.D. was by me sworn to testify the truth; that  
 8 the above and foregoing deposition was taken by  
 9 me in stenotype and thereafter transcribed and is  
 10 a true and correct transcript of the testimony of  
 11 the witness; that the deposition was taken on  
 12 DECEMBER 11, 2002 at 9:04 a.m. in Oklahoma City,  
 13 Oklahoma; that I am not an attorney for or a  
 14 relative of either party, or otherwise interested  
 15 in this action.

16 Witness my hand and seal of office on  
 17 this 23rd day of December, 2002.

18  
 19 ELIZABETH CAUDILL, CSR, RMR, CRR  
 20 CSR No. 161  
 21  
 22  
 23  
 24  
 25