

UNCUFF the Innocent · Daniel Holtzclaw case records

Deposition of Timothy Muzny: pages cited on this site

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1 A -- between the two.

2 Q And how did you come up with that group?

3 A Looking at the information from our Crime
4 Information Unit of the names that were ran by Officer
5 Holtzclaw, taking those names, putting in our Varuna
6 system, and then looking at those names in Varuna to see
7 if they had any kind of a history such as narcotics,
8 prostitution, if they had a whole lot of encounters with
9 the police. And then from there, passed them out.

10 Q Okay. And this is something you did after Jane
11 Ligons reported; correct?

12 A Yes.

13 Q Was it -- at some point Holtzclaw became a
14 suspect in the violation of Ligons; is that correct?

15 A Yes.

16 Q Were there any other suspects as to the sexual
17 assault upon Ligons at any time?

18 A No.

19 Q As to Morris, were any other suspects
20 investigated other than Holtzclaw as to the assault of
21 Morris?

22 A Investigating, no.

23 Q Okay. When you say investigated, what -- are
24 you differentiating that from something else?

25 A I mean, we didn't -- we didn't -- I don't

1 recall looking at anybody else's, you know, AVL or
2 looking at any other police officer besides Holtzclaw --

3 Q Okay.

4 A -- in reference to Morris.

5 Q And when you compiled the list you did that
6 because, I think you testified earlier, you were looking
7 at the MO of the unknown suspect that assaulted Ligons
8 as -- well, strike that.

9 Why again did you look -- why, again, did you
10 look only at prostitutes and those with drug histories?

11 A Because that was the -- that would be the, I
12 guess, the history that you had with Terri Morris.

13 Q Okay. And why did you not consider the fact
14 that Ligons had no such history?

15 A Well, at the -- I mean, Ligons reported
16 immediately and cooperated with the investigation from
17 day one. So I wasn't pulling any kind of a packet and
18 putting a packet together on Ligons. There wasn't any
19 need to.

20 Q Okay. Did anyone assist you in putting the
21 packet together?

22 A Not that I recall.

23 Q All right. Prior to this you testified you did
24 not know Holtzclaw. I am aware of that testimony. But
25 had you ever heard any criticisms of him prior to the

1 this deal.

2 Q Okay. And was that prior to the Holtzclaw
3 investigation?

4 A Oh, yes.

5 Q Okay.

6 A This was probably in '08, '09 -- or it would
7 have been right around the time I got into Sex Crimes.

8 Q Were there any policy changes that you can
9 recall that were made as a result of that investigation?

10 A No.

11 Q And along those lines, as a result of the
12 Holtzclaw investigation were there any policy or
13 procedure changes -- and by that I mean substantial and
14 material changes that were made as a result of what
15 happened in Holtzclaw?

16 MR. SMITH: Object to the form. You can
17 answer.

18 A Not that I recall.

19 Q (By Mr. Jones) With regard to Terri Morris, am
20 I correct that you accompanied Rocky Gregory to the jail
21 to question Terri Morris, I think?

22 A I went with Rocky, yes.

23 Q Why did you go?

24 A So I would have some first-hand knowledge on
25 what was -- on what she said, because I know and knew

1 that I would get asked questions about it, what she
2 said, and also just to have somebody else go with him.

3 Q How did you know you would be asked questions
4 about it?

5 A Because it's an officer involved case with
6 Oklahoma City.

7 Q When you went over there is it fair to say
8 Terri Morris's story substantially changed from what she
9 reported earlier?

10 MR. SOLOMON-SIMMONS: Object to form.

11 A She was willing to talk with us, yes.

12 Q (By Mr. Johnson) Do you recall the first time
13 you laid eyes on her when you got to the jail that day?

14 A No.

15 Q Do you recall if she was handcuffed to a bench?

16 A I couldn't tell you.

17 Q It's fair to say she had been arrested and was
18 in custody at that time; correct?

19 A Yes, she was in custody because she was at the
20 county jail.

21 Q And is it true that you talked to her for a bit
22 with Mr. Gregory, and then you talked to her again and
23 she was recorded?

24 A I don't recall talking to her twice.

25 Q Okay. Do you recall her being recorded on that

1 A I don't recall if -- I don't recall if Rocky
2 would have given her a date or not. That doesn't sound
3 right.

4 Q (By Mr. Jones) Okay. So would you agree that
5 if Rocky did give her a date, that would be improper?

6 A The date that Rocky -- if he gave her a date it
7 would have been the date that she told us something
8 initially happened on the very first time.

9 Q Okay. So if he gave her a date it's fair to
10 say it would have been a date that she initially
11 suggested?

12 A Yes. I don't know what that date was. The
13 initial day that she said that it happened when we --
14 we, meaning the police department, first had contact
15 with her. I don't know what that day was.

16 Q And you would -- and you would agree with me
17 that him suggesting the date she was assaulted to her,
18 if he had never heard of that date before from her that
19 would be improper; correct?

20 A Yes.

21 Q Okay. You say that she chose to change her
22 story, you believe, because she sobered up. Do you have
23 anything you could elaborate on, as to why things like
24 the description of the suspect changed or the location
25 of the attack changed? Is it simply because you believe

1 A I do not think there was a lineup shown to
2 Ligons.

3 Q Did you assist in assembling a lineup to show
4 to Ligons?

5 A I don't believe we were going to show one to
6 Ligons. There wasn't any doubt who she had contact
7 with.

8 Q Okay. And I understand what you're saying, but
9 I do have a reason for my question. Did you take any
10 steps to assemble a lineup for Ligons?

11 A Not that I can recall on that day, no.

12 Q Okay. I have information -- and it may be
13 wrong. But the reason I'm asking is I have information
14 that Det. Davis was unhappy with the lineup you
15 assembled. Does that ring any bells to you?

16 A Just from looking at something today.

17 Q And can you tell me what bell rings or anything
18 about that?

19 A It doesn't ring any bell for me.

20 Q Okay.

21 A The only thing I remember about any kind of a
22 lineup is when you look at the -- there's a piece of
23 paper that says who is in what, A, B, C, D, and so on,
24 that's my writing. Other than that, I don't remember
25 putting one together.

1 Q Okay. And so if I told you that I read
2 something that said the lineup was called off and Davis
3 asked to meet with Deputy Chief Johnny Kuhlman to
4 discuss other options, would you have anything you could
5 tell me about what that line means?

6 A I have no idea.

7 Q Okay.

8 A I mean, with -- in reference to -- in reference
9 to Ligons showing a lineup, we're not going to show
10 somebody a lineup when we've -- when we know who the
11 suspect is or potential suspect is at that time.

12 Q Wouldn't it have been a good idea to show her a
13 lineup with Holtzclaw so she could identify him and
14 strengthen your case?

15 A No.

16 Q And why is that?

17 A I mean, there's a chance that she could -- she
18 would not identify the right person and there wasn't --

19 Q Okay.

20 A And there wasn't any question as far as whether
21 or not he had contact with Ms. Ligons.

22 Q And you're stating that because he had stated
23 that he did, indeed, stop her?

24 A Yeah. I believe that's what he said in his
25 interview.

1 just casual contact.

2 Q Okay. Would a -- you say no one will ever
3 convince you. What about an expert -- an expert in
4 forensic DNA transfer?

5 A No. You can get an expert that will tell you
6 whatever you want.

7 Q All right. The -- strike that.

8 Are you aware as to whether Daniel Holtzclaw's
9 own DNA was found on his pants?

10 A I have no idea.

11 Q Okay. Would you expect to find his own DNA on
12 his uniform pants?

13 MR. SMITH: Object to form. You can
14 answer it.

15 A I don't know if you'd find it on the -- on the
16 inside of his uniform pants by that flap or not. It's
17 probably going to have to do with whether or not you're
18 wearing any kind of undergarments or not. But I don't
19 know.

20 Q (By Mr. Johnson) Okay. Do you have any
21 statement as to whether or not Gardner was a shedder or
22 not?

23 A I have no idea.

24 Q Okay. How about an opinion of whether or not
25 Holtzclaw was a shedder or not?

1 A I do not know.

2 Q Okay. Did you have any other -- other than
3 Morris, did you have any personal contact with any of
4 the accusers?

5 A Not that I know of.

6 Q Okay. Are you aware that there was also
7 unidentified male DNA on Holtzclaw's fly?

8 A No.

9 Q Have you ever heard that?

10 A No, I've never heard that it was an
11 unidentified male.

12 Q Okay. If you heard there was unidentified male
13 DNA on his fly would that cause you to at least consider
14 the possibility that Holtzclaw did not do the assault on
15 Ligons?

16 A That he did not do the assault on Ligons? No.

17 Q Okay. Do you have any -- do you have any idea
18 why there would be unknown male DNA on Holtzclaw's fly?

19 A No.

20 Q Do you have any understanding as to whether or
21 not any of the police officers or detectives you
22 supervised at the time of the Holtzclaw investigation
23 violated any policies or protocols of your department?

24 MR. SMITH: Object to form. You can
25 answer it.

1 A Do I know for sure that they did? Is that what
2 you're asking?

3 Q (By Mr. Johnson) Yes.

4 A No, I don't know for sure that they did.

5 Q Okay. Do you have any -- do you have any
6 idea -- strike that.

7 I guess when you say "for sure," how about let
8 me ask you: Have you ever investigated as to whether or
9 not any of the police officers or detectives under your
10 command, ever investigated whether or not they violated
11 any policies or procedures pursuant to the Holtzclaw
12 investigation?

13 A No.

14 MR. JOHNSON: Okay. Just a couple more.

15 MR. SMITH: Promises, promises Johnson.

16 Q (By Mr. Johnson) What happened to the
17 bundles -- strike that.

18 I know you've answered stuff about this a lot.
19 But going to those packets you distributed to Gregory
20 and Davis, what happened to those after you gave them to
21 them? Did they return them to you or do you know?

22 A I have no idea what happened with them.

23 Q Did you ever see them again?

24 A Not that I know of.

25 Q Okay. Were there any -- was there any other

1 documentation that you created to prepare those packets
2 that you subsequently destroyed?

3 MR. SMITH: Object to the form. You can
4 answer it if you understand it.

5 A Not that I know of.

6 Q (By Mr. Johnson) Okay. Are you aware of any
7 secret hearings that took place in relation to the
8 Holtzclaw case?

9 A A secret hearing?

10 Q Yes.

11 A No.

12 Q Have you ever -- did you testify at the
13 Holtzclaw trial?

14 A Yes.

15 Q Other than the Holtzclaw trial have you ever
16 testified in any other proceedings related to the
17 Holtzclaw investigation?

18 A No.

19 Q Have you ever sat through any formal interview
20 with regard to your conduct pursuant to the Holtzclaw
21 investigation?

22 A Ask the question again.

23 MR. JOHNSON: Can the court reporter read
24 that back?

25 THE REPORTER: Question, "Have you ever