

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JANNIE LIGONS, SHANDAYREON HILL,)
TABATHA BARNES, TERRI MORRIS,)
SYRITA BOWEN, CARLA JOHNSON,)
KALA LYLES,)

Plaintiffs,)

-vs-

) CASE NO. CIV-16-184-HE

CITY OF OKLAHOMA CITY, a)
municipal corporation,)
DANIEL HOLTZCLAW, BILL CITTY,)
BRIAN BENNETT, ROCKY GREGORY,)
JOHN AND JANE DOES, all in)
their individual capacity,)

Defendants.)

VIDEOTAPED VIDEOCONFERENCE DEPOSITION OF

CAMPBELL ANDREW RUDDOCK

TAKEN ON BEHALF OF THE DEFENDANTS

IN OKLAHOMA CITY, OKLAHOMA

ON MARCH 21, 2019

REPORTED BY: TRENA K. BLOYE, CSR

1 A P P E A R A N C E S

2

3 No appearance on behalf of the plaintiffs.

4

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6 and Rocky Gregory:

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Kathryn Thomas

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S T I P U L A T I O N S

IT IS HEREBY STIPULATED AND AGREED BY and
between the parties hereto, through their respective
attorneys, that the videotaped videoconference
deposition of CAMPBELL ANDREW RUDDOCK may be taken on
behalf of the Defendants on the 21st day of March, 2019,
in Oklahoma City, Oklahoma, by Trena K. Bloye, Certified
Shorthand Reporter for the State of Oklahoma, by
agreement pursuant to the Federal Rules of Civil
Procedure.

* * * * *

1 CAMPBELL ANDREW RUDDOCK,
2 after having been first duly sworn at 9:00 a.m., deposes
3 and says in reply to the questions propounded as
4 follows, to wit:

5 DIRECT EXAMINATION

6 BY MS. ZELLNER:

7 Q State your full name for the record and spell
8 your last name, please.

9 A My name is Campbell Andrew Ruddock. Last name
10 is R-u-d-d-o-c-k.

11 Q Have you ever given a deposition before?

12 A No. This is the first time for me.

13 Q All right. So I'm sure your attorney went over
14 some general rules with you. This is a federal
15 deposition so he will make objections along the way,
16 particularly to the form of questions. But unless he
17 instructs you not to answer, you have to answer after
18 the objection is made. Is that clear?

19 A Yeah, that sounds -- sounds good.

20 Q Okay. And the second thing is that if you
21 don't understand a question I ask you, you want me to
22 rephrase, I will do so. Third thing is if a question is
23 pending you have to answer the question before we take a
24 break, but you can take breaks whenever you want to.

25 A Oh, okay.

1 Q Does that make sense to you?

2 A Yeah, sounds clear.

3 Q Is that clear?

4 A Yeah.

5 Q Okay. The last thing is we need to try,
6 because the court reporter is transcribing what you say,
7 not to speak over each other. So even if you anticipate
8 my question, let me ask the entire question before you
9 respond. Is that clear to you?

10 A Yep, clear.

11 Q All right. And then you'll have to make all of
12 your answers audible, so you can't say uh-huh or shake
13 your head or do anything like that. You have to give
14 clear, audible answers.

15 A Yeah.

16 Q Do you understand that?

17 A Yeah. As long as my accent isn't a problem, we
18 can do that.

19 Q Yeah. I can understand you.

20 A Okay.

21 Q All right. Tell me, what's the highest level
22 of your education?

23 A So I have a master's degree in forensic
24 science.

25 Q And where did you obtain the master's degree

1 from?

2 A It was from Kings College in London.

3 Q And did you get a bachelor's degree from the
4 University of Glasgow?

5 A Yes, I did, and that was in parasitology.

6 Q What year was -- yes. What year was that, the
7 bachelor's?

8 A I graduated in 1999.

9 Q Okay. And then what year did you complete the
10 master's degree?

11 A 2000.

12 Q How many years did the master's degree take you
13 to complete?

14 A One year.

15 Q And then what was your -- I want to know a
16 little bit about your job history after the master's
17 degree. So where were you first employed?

18 A So the first job I had after graduating, I
19 worked for the Forensic Science Service in Birmingham,
20 England, and I was employed there as an assistant
21 forensic biologist, and worked there --

22 Q How long were you employed there? How long
23 were you employed there?

24 A Between six months and a year.

25 Q Okay. And why did you leave?

1 A Basically I immigrated to America.

2 Q Are you currently a U.S. citizen?

3 A Yes, I am.

4 Q And when did you become a U.S. citizen?

5 A 2007.

6 Q Continue with your job history. So you were --
7 you had that job for six months to a year. And then
8 what was your next employment?

9 A So when I came to the states I was employed in
10 Dallas, Texas for a company called Orchid Cellmark,
11 which is a private forensic lab. I worked there for --
12 from 2001 until 2003. And my responsibility there was a
13 DNA analyst.

14 Q And then when did you leave -- you left work at
15 Cellmark in 2003?

16 A Yeah, October 2003. And I came to work for the
17 Oklahoma City Police Department.

18 Q And what was your job title at the Oklahoma
19 City Police Department?

20 A So I started off as a forensic scientist 1.

21 Q What is your current job title?

22 A Currently I'm the DNA manager.

23 Q Explain to me, as the DNA manager at the
24 Oklahoma City -- it's the Oklahoma City Crime Lab. Is
25 it part of the law enforcement?

1 A Yeah. So it's part of the police department --
2 the police department, Oklahoma City Police Department's
3 laboratory.

4 Q Let me just ask you a general question. So
5 being in a crime lab that's part of the Oklahoma City
6 Police Department, does that pose any -- in your mind
7 does that pose any particular ethical obligations that
8 you have as a scientist?

9 A No, not really. I mean, it's fairly standard,
10 a lot of small local labs, the police department will
11 have their own lab. I'm sure you're aware we have to
12 prescribe to government bodies. We're accredited by
13 ANAB, so we have to follow their guidelines which
14 involves ethics. Really, all it means is the police
15 department are our one and only customer. Whereas state
16 labs, they might have many agencies, they have many
17 different customers. We just have one customer. But as
18 far as the work that's done, it's to the same standards
19 that have to be approved and accredited.

20 Q And I'm specifically talking about any issues
21 with impartiality because you are in a law enforcement
22 setting. So just tell me how you personally have dealt
23 with that, separating and being impartial.

24 A Well, I guess first of all, the lab is in a
25 separate building, so most of the investigations go on

1 in a separate building. We are -- the detectives are
2 our customers, so they will send request for analysis to
3 us. We get very little information most of the time on
4 these requests.

5 So we're just receiving the evidence gathered
6 on a request and going through the DNA work on it. So
7 the DNA world kind of exists in its own testing bubble.
8 We don't really have too much interaction with the
9 actual investigation. So I feel like that keeps us
10 separate to concentrate on the science.

11 Q And I'll come -- come back to your specific
12 involvement. But do you see yourself as working for the
13 Oklahoma City Police Department?

14 A I've --

15 Q Are you working for them?

16 A I view myself as working for the City of
17 Oklahoma City. That's who I'm employed by and that's
18 who I consider my employer.

19 Q And you said that -- you made the comment that
20 your interaction with the police department on a
21 particular case is somewhat limited. Is that what you
22 said or -- I'm using my own word, but is that what you
23 mean?

24 A That's correct, yes, limited. Obviously,
25 there's certain aspects that we need to know to allow us

1 to do the job. You know, we need to know what the case
2 number is, the nature of the crime, what items are you
3 interested in having DNA testing on. We'll have
4 interactions with the detectives. Are these items
5 viable for DNA tests and can you supply reference
6 material. Those kinds of things would be our
7 interactions with them.

8 Q Between you and the police, you know, officer
9 that's in charge of the police investigation, who
10 decides which items will be DNA tested?

11 A So that's usually directed by the investigating
12 officer. So they will -- when they submit requests they
13 will give a list of items that they are interested in
14 DNA testing.

15 If we get the items brought across the lab and
16 we notice there is additional items that we think are,
17 while they are DNA testing, we then contact them and
18 say, "Would you like this item tested, too?" But,
19 again, we don't really have as much knowledge of the
20 incident around the crime, so a lot of times we have to
21 contact them to find that information out.

22 Q Okay. Anything else you can think of in
23 interacting with the police officer that's in charge?

24 A No. That's really the main -- the main reasons
25 why we would be in contact with them.

1 Q I notice that you said that you find out the
2 case number and then you said the nature of the crime.
3 Do you make an assumption when the evidence is given to
4 you to test that there is, in fact, a crime that has
5 been committed?

6 A I guess not really. I mean, I consider myself
7 a biologist. So, like, my job really isn't to
8 investigate crime. My job is you're asking me is a DNA
9 on this, who does it match, who does it not match, can I
10 even test it. Those are really what I'm interested when
11 I'm working a case.

12 Now, there are some aspects, for example, I
13 need to know that you're investigating a sexual assault
14 to prompt me to look for seminal fluids, that kind of
15 thing. But we don't really need a whole bunch of
16 information to do what we do in the lab.

17 Q Okay. And have you had occasion where you've
18 tested items that have been given to you on an alleged
19 sexual assault and you find absolutely no evidence of a
20 sexual assault?

21 A Oh, yeah, all the time. I mean, we don't --
22 our job is not to prove or disprove a sexual assault.
23 Our job is can we -- are there biological fluids here
24 and who can we associate them to. So that's really
25 where we begin and end in the process.

1 Q And you would agree with me that there can be
2 biological fluids present on items of evidence and it
3 does not mean that a crime has occurred; correct?

4 A Yeah. I would agree with that, yeah.

5 Q Okay. How many reviews -- well, let me -- on
6 your background, let me just go back a little bit.

7 Have you, yourself, published articles in
8 journals?

9 A I haven't published any articles. I did author
10 two chapters in a textbook.

11 Q And is -- what's that? Is it called "The Guide
12 to Forensic DNA Profiling"?

13 A Yes, I believe so. I wrote a chapter on PCR
14 and another chapter on DNA extraction.

15 Q Okay. Do you have -- do you know the year that
16 you published those articles?

17 A Maybe -- I'm not sure, to be honest. I think
18 maybe 2015 or '16.

19 Q You're familiar with the analyst, Elaine
20 Taylor; correct?

21 A Yes.

22 Q And for how many years -- so you were her
23 supervisor while you were at the DNA lab as the DNA
24 manager?

25 A Yeah. So when I first started at the lab she

1 was -- she was a senior scientist. I started at a
2 junior level. But eventually I progressed to forensic
3 scientist 2 and promoted to DNA manager, so ultimately I
4 ended up as her supervisor.

5 Q Do you know about what year you became her
6 supervisor?

7 A 2011.

8 Q How many reviews of Elaine Taylor's expert
9 witness testimony have you conducted?

10 A I'm not really sure. I'd probably estimate it
11 around ten or a dozen.

12 Q And over what period of time did you conduct
13 those reviews?

14 A That would be between 2011 and up until her
15 retirement.

16 Q When is the last review that you conducted of
17 Elaine Taylor's expert witness testimony?

18 A I believe the last one I did a review on was
19 this one in question. I was -- yeah, I think that was
20 the last one.

21 Q So you conducted a review of her testimony on
22 the Daniel Holtzclaw case?

23 A So from -- when I say review, we have two
24 options available to us when we review. We can either
25 go in person and witness the testimony, and that counts

1 as a review for us; or we can request a transcript,
2 review the transcript, and that also counts as a review.

3 Q And with the Elaine Taylor expert witness
4 testimony on Holtzclaw, did you do one or the other or
5 both of those?

6 A I was present for one of her days of testimony.
7 She testified two days and I was present for one of
8 them.

9 Q And after you heard her testimony did you write
10 up a written review of her testimony?

11 A No. I believe we just talked about it. That's
12 fairly -- so when I do those in-person reviews,
13 normally what I do is I'll come back, I'll talk to the
14 analyst, we will discuss the testimony. And that's how
15 the review was handled at that time.

16 Q And what was your assessment of her expert
17 witness testimony in the Holtzclaw case?

18 MR. SMITH: At which time?

19 MS. ZELLNER: Either time, any and all.

20 MR. SMITH: Okay. Well, I --

21 MS. ZELLNER: Her trial testimony.

22 MR. SMITH: Understood. But as I have
23 told you previously, we are not getting into his review
24 afterwards. That's a personnel --

25 MS. ZELLNER: All right. Right. Yeah,

1 we won't get into the personnel part of it. I'm just
2 talking about the review on the scientific testimony
3 given.

4 MR. SMITH: Well, I understand. But that
5 was part of his personnel investigation. He did it --
6 he was there once when she testified and he reviewed her
7 transcript. Do you want to differentiate which one
8 you're asking or what do you want? Because we're not
9 going to talk about --

10 MS. ZELLNER: Well, I want him to --

11 MR. SMITH: Go ahead.

12 MS. ZELLNER: We're not going to talk
13 about -- we're not going to talk about. Can you -- let
14 me ask him.

15 Q (By Ms. Zellner) Can you separate your review
16 from the personnel assessment review from just her basic
17 testimony at the trial about the scientific conclusions
18 that she told the jury? Can you separate the two?

19 A I mean, I can recall some of the things we
20 discussed when we came back.

21 Q Can you tell me some of those?

22 A So there was a couple of points in the
23 testimony I felt could have been explained clearer. One
24 of those was I was quite concerned about the statistics.
25 That's normally one of the more complicated things any

1 analyst has to testify to. And I thought those were --
2 I just expected they could have been conveyed with a bit
3 more clarity. So that was one of the things that I
4 spoke to Elaine that we maybe worked on presenting
5 statistics.

6 Q With regard to the statistics did you find her
7 testimony confusing about the stochastic levels or what
8 was it precisely?

9 A Yeah. I thought the presentation was a little
10 confusing on that. I just felt from a jury's
11 perspective it could maybe have been a lot cleaner and
12 clearer. You know, there's always something on
13 testimony that each one of us can work. It's an ongoing
14 skill set to kind of improve how you communicate these
15 concepts. So, yeah, I definitely felt that was
16 something that we could work on.

17 Q Did you -- with the statistical presentation
18 that was given to the jury did you feel, as a DNA
19 scientist did you feel that it was accurate? So
20 Taylor's statistical representations to the jury, were
21 those accurate?

22 A Yeah, the statistic -- the numerical value that
23 was reported was correct. My lack of clarity came in
24 what does that statistic mean. You know, we're talking
25 about a large number. Did you convey how we get that

1 number in a sense that was clear that somebody who's not
2 a scientist could understand it. That's what I felt
3 could have been clearer.

4 Q Did you feel that her conclusions about the
5 statistical information given to the jury were
6 erroneous?

7 A No. Again, the statistics were reported in her
8 report and that she testified to were correct.

9 Q Okay. But were her conclusions -- I know she
10 gave numbers, but were her conclusions correct, what she
11 gave the jury?

12 MR. SMITH: And you're limiting that to
13 that first review; right?

14 MS. ZELLNER: Yes.

15 A I believe in that first review all we discussed
16 was the statistics and stochastic explanations. I don't
17 recall in that review mentioning any conclusions. I
18 mean, it was a --

19 Q (By Ms. Zellner) Do you think that -- I'm
20 sorry.

21 A Sorry. I was just going to say, it was a
22 lengthy testimony. I would end with kind of a focus on
23 how the statistics were presented, because I knew that
24 was something that was complicated to explain in such a
25 large case. So my focus really was on the statistical

1 explanation.

2 Q Okay. Did you talk to her -- so that was, you
3 know, your input to her about the statistical
4 information she gave the jury. Did you feel that she
5 understood stochastic levels, thresholds --

6 A I was --

7 Q -- from that testimony?

8 A I was concerned that it was something we should
9 probably clear up. I felt like it was -- it came across
10 as confused.

11 Q Okay.

12 A Just really in terms of how are you explaining
13 what stochastic threshold is and why do we have one in
14 place.

15 Q Did you take some remedial measures to get her
16 to better educate herself about stochastic levels? How
17 did you deal with that problem specifically?

18 A I believe we talked about it moving forward on
19 casework. I'm not sure -- I just can't recall if we
20 discussed any papers. I know we talked about it at
21 length with subsequent casework. You know, any time we
22 get profiles it's a good learning tool to kind of help
23 explain some of those concepts. So that was an ongoing
24 thing we'd talk about during case review.

25 Q Do you feel like she understood allelic

1 dropouts?

2 A I definitely feel like she didn't explain
3 allelic dropout well, or maybe we needed to work on some
4 of the nuances of stochastics and allelic dropout.

5 Q But when you sat there in the courtroom and you
6 listened to her testimony, which was, you know, making
7 certain conclusions about the evidence, you concurred
8 with the conclusions she had drawn even though her
9 testimony about the stochastic level and the allelic
10 dropouts was unclear, you agreed with the conclusions?

11 A As far as I can recall from that first time I
12 was present in the courtroom, as I stated, my focus was
13 mostly on how she was presenting the statistical things.
14 Um, I think it felt like some of it was a little
15 confusing. She maybe got to the point of explaining
16 what stochastic was, but it wasn't not clear how she got
17 there to me from what I can recall.

18 Q Do you think the jury would have been confused
19 hearing it?

20 A It's possible. I certainly felt --

21 Q And when a jury -- when a jury is confused
22 about scientific data you would agree with me there is
23 always the possibility that they are going to reach the
24 wrong conclusion, correct, in their verdict?

25 MR. SMITH: Object to form.

1 Q (By Ms. Zellner) Over the objection you can
2 answer.

3 A I mean, I guess it's hard for me to put myself
4 in a juror's position. I mean, logically, if it sounds
5 confusing, yes, there is a possibility, you know, other
6 people are going to find it confusing, too. As a -- I
7 think it's a big concept to grasp in a short period of
8 time of time if you don't know anything about molecular
9 biology, certainly.

10 Q Do you know who Peter Gill is?

11 A Yes.

12 Q What do you -- what do you know about Peter
13 Gill?

14 A He is a highly regarded member of the
15 community. He's published a lot of work. I certainly
16 remember reading a lot of his papers in my seminal days.
17 And I -- actually, I believe he was employed at the FSS
18 at the same time I was.

19 Q So you would agree with me, I mean, he's a
20 renowned DNA scientist?

21 A Absolutely, yes.

22 Q And have you reviewed his work on the Daniel
23 Holtzclaw case?

24 A Could you clarify "his work"? I'm not sure
25 what you --

1 Q Have you reviewed -- he filed an Amicus brief.

2 Have you reviewed that?

3 A I'm not sure if that falls under --

4 MR. SMITH: Okay. It sounds like I need
5 to talk to him. Do you mind if we take a break?

6 MS. ZELLNER: Sure.

7 VIDEO OPERATOR: Off the record.

8 MS. ZELLNER: No, not at all. Go ahead.

9 MR. SMITH: Thank you.

10 (A break was had.)

11 VIDEO OPERATOR: Okay. This begins part
12 2 and we are back on the record.

13 MR. SMITH: Can you read the question,
14 please.

15 THE REPORTER: Question, "Have you
16 reviewed -- he filed an Amicus brief. Have you reviewed
17 that?"

18 MR. SMITH: Ms. Zellner, he reviewed the
19 brief as part of the review that he was asked to do of
20 Ms. Elaine Taylor's testimony and I'm going to object
21 and instruct him not to answer.

22 MS. ZELLNER: All right. Well, let me
23 just -- I want to ask a followup question to that.

24 Q (By Ms. Zellner) So Peter Gill and five other
25 scientists have reviewed the DNA documents and testimony

1 of Ms. Taylor in Daniel Holtzclaw's trial and published
2 their conclusions in a report on "Scientific Issues in
3 the Case of Oklahoma Verse Daniel Holtzclaw By an
4 International Panel of Forensic Experts." That was
5 released on July 25th, 2017.

6 My question to you is have you -- I'm not
7 asking you to tell me your assessment of the this
8 report, but have you, in fact, at some point reviewed
9 that report on the scientific issues in the Daniel
10 Holtzclaw case?

11 A Is this report the same as the Amicus brief?
12 Is that the same document you're talking about?

13 Q Yes, yeah.

14 A Yes, I believe I have looked at that document.
15 I have looked at the Amicus brief. I just can't
16 remember who authored it. But I --

17 Q Peter Gill authored it.

18 A Okay.

19 Q So when you reviewed that did you have any
20 criticisms of the work that Peter Gill had done?

21 MR. SMITH: Okay. I'm going to tell him
22 not to answer that, because his criticisms was of
23 Elaine's testimony, and Elaine Taylor, that's part of a
24 personnel investigation. As I told you the court of --
25 the District Court of Oklahoma County has reviewed that

1 given us, one, a gag order, and, two, said it wasn't
2 exculpatory. And the Court of Criminal Appeals of
3 Oklahoma has affirmed that and I have given you both
4 those orders. They have also held it was a personnel --

5 MS. ZELLNER: Yes. And I --

6 MR. SMITH: Let me finish.

7 MS. ZELLNER: Go ahead.

8 MR. SMITH: They have also held that was
9 a personnel investigation and the City has not released
10 it. Go ahead. You can ask your questions.

11 MS. ZELLNER: Well, let me just respond
12 to that.

13 MR. SMITH: Okay.

14 MS. ZELLNER: You have instructed him not
15 to answer, so I'm not gonna sit here and waste time
16 going around in a circle with you because he's not going
17 to answer. But I want it to be clear on the record that
18 he has reviewed Peter Gill's Amicus brief, and I think
19 he's answered that question. So we'll -- we'll move on,
20 because that's obviously going to be an issue at a
21 different point.

22 Q (By Ms. Zellner) All right. Let's go back to
23 the Elaine Taylor testimony that you said that you, you
24 know, watched and listened to at the trial. So other
25 than the statistical shortcomings of that testimony was

1 there anything else in her testimony that you found
2 subpar or deficient or that you wanted to correct?

3 MR. SMITH: Again, are you talking about
4 right after the testimony or are you talking about based
5 on his review?

6 MS. ZELLNER: Absolutely.

7 MR. SMITH: Okay.

8 MS. ZELLNER: Yeah, I'm talking about
9 right after the testimony.

10 THE WITNESS: I believe we also discussed
11 trace DNA and just, really, the complexities of trace
12 DNA.

13 Q (By Ms. Zellner) Tell me about the complexities
14 of trace DNA.

15 A Well, I'm sure you're aware, one of the biggest
16 problems with trace DNA is you can recover DNA from an
17 item, but it's difficult to tell, you know, how did it
18 get there, how long has it been there for, what did it
19 actually come from. We're very limited in what we can
20 actually say about some forms of DNA. Like we can say
21 we got DNA from this individual, but how it was
22 transferred there or what it actually came from is a
23 difficult topic for us to say with much certainty.

24 Q And what was it specifically that caused you to
25 have this discussion with Elaine Taylor about trace DNA

1 after her testimony in the Holtzclaw trial?

2 MR. SMITH: Object to form. And I'm not
3 instructing him not to answer. It's just object to
4 form. You can answer.

5 Q (By Ms. Zellner) Over the objection.

6 A If I recall correctly my personal belief on the
7 contact DNA is it's very important to kind of explain
8 both sides of the -- you know, if we don't know how it
9 got there it's equally as possible to say this could be
10 how it's deposited, this could not be how it's
11 deposited. We just don't know scientifically.

12 So I think we talked about the kind of nuances
13 of when you're explaining that information to make sure
14 it's kind of weighted clearly. You know, how something
15 got there as opposed to how it didn't get there is kind
16 of weighted equally. We just don't have data for that.

17 Q And what was it that Elaine Taylor said that
18 caused you to talk to her about explaining both sides of
19 how trace or transfer DNA might end up on an item of
20 evidence?

21 A Actually, I can't recall other than I believe
22 it was because I felt like there was some confusion as
23 to how it was presented.

24 Q What was your understanding of any DNA evidence
25 that was presented at Holtzclaw's trial that was

1 incriminating to him? What was the DNA evidence that
2 was presented?

3 A I believe what was presented was there was a
4 DNA profile from one of the victims on a zipper of a
5 pair of pants.

6 Q That belonged --

7 A Yeah. So the officer's pants had the DNA
8 profile of one of the victims on the pants. I know
9 we --

10 Q So --

11 A We tested numerous items in the case. And as
12 far as I can recall that was the only one that had
13 anything of kind of a value that we could compare and do
14 a match on.

15 Q Okay. And so the DNA that was on Daniel
16 Holtzclaw's pants, you said it was on a zipper and it
17 was of one of the victims; correct?

18 A Yeah. Actually, I think it was multiple swabs
19 from the pair of pants, so I think it was four different
20 swabs we're talking about. I can't remember how many of
21 those swabs had the profile on it, what the numerical
22 breakdown of them was, but that was the -- that was my
23 understanding of -- that was all the evidence we really
24 had that we could compare.

25 Q Was the location of the DNA of the -- one of

1 the victims, was it on the zipper of Holtzclaw's pants?

2 A I can't recall if it was a zipper or the zipper
3 fly portion, but it was from around the zipper area.

4 Q So when you talked to Elaine Taylor about
5 transfer DNA were your comments based upon her testimony
6 about the DNA profile found on Holtzclaw's pants?

7 A No. I think when I talked to her after her
8 testimony it was kind of a generalized concept of, you
9 know, when we have trace DNA make sure you weigh it
10 properly both sides. It's a complicated situation.

11 My own experience is contact DNA for us when we
12 testify is probably the most common question we get
13 asked about. It's one of the most challenging things
14 for all of us as analysts testifying to, so we're
15 definitely focused on continuing to educate ourselves on
16 it and make sure we're presenting it in an appropriate
17 fashion.

18 Q Was it after Taylor testified that you
19 recommended to the staff that they read a certain
20 article or become familiar with a certain article? I
21 think it's from Meakin and Jamieson.

22 A That particular article, actually before Elaine
23 testified I made a point of giving that article to all
24 the staff in the lab. I felt it was a very good, strong
25 paper to return to if you're asked any questions about

1 contact DNA in general. So I --

2 Q And did you find -- since Taylor had the
3 article before she testified, was her testimony
4 consistent with the findings in the article?

5 A I think the best way for me to describe that
6 would be I felt like it was a little confused.

7 Q So explain to me -- let's talk about transfer
8 DNA or contact DNA. Does finding someone's DNA profile
9 on, say, an officer's pants when the officer has stopped
10 the person in a traffic stop or whatever, does that
11 indicate there has been a crime committed?

12 A No. I mean, all that means is we recovered
13 this person's DNA from this item. And that's pretty
14 much what we're limited to say. Unless, of course, you
15 know, if it's blood and we can identify blood then we
16 can say the DNA profile, blood.

17 But just in general if we get a swab from --
18 that's perceived to be a contact swab all we can say is
19 we recovered DNA from this item.

20 Q And would you -- I mean, would you agree with
21 me there could be a totally innocent explanation for the
22 DNA in the Holtzclaw case being on Daniel Holtzclaw 's
23 pants?

24 MR. SMITH: Object to the form. You can
25 answer it if you understand it.

1 MS. ZELLNER: Over the --

2 A Yeah. I mean, I would certainly say that when
3 you're talking about a trace profile, there are multiple
4 explanations of how that could get there. We have no
5 scientific data to support any one of them. So, yeah,
6 certainly any explanation you can give, you have to
7 entertain it's possible.

8 Q At the time that the testing was done on
9 Holtzclaw's pants was there any test done in the
10 Oklahoma City crime lab for vaginal fluid?

11 A No, we have never tested for vaginal fluids.

12 Q And are you aware of any tests that were done
13 prior to the Holtzclaw trial for vaginal fluid in other
14 labs? I'm talking about the Dane stain test, lugols.
15 Were you aware of those tests?

16 A So I'm aware of them as tests, but it's my
17 understanding they are non-specific for vaginal fluid.
18 There's publications that exist that show -- although
19 they've been used to test for vaginal fluid, they can't
20 say that vaginal fluid is the only cellular material
21 that tests positive under those tests. So in that
22 regard it's more of a presumptive test as opposed to
23 conclusive.

24 Q So what you're saying is at the time of
25 Holtzclaw's trial there was no definitive test for

1 vaginal fluid anywhere in the country as far as you
2 know?

3 A I don't know about that. I know in our lab we
4 definitely didn't have any tests for it.

5 Q And did you agree with Elaine Taylor's
6 testimony that this DNA profile could have come from
7 vaginal fluid?

8 A It's one of many possibilities. It's
9 definitely not the only possibility, but it's possible.

10 Q Did she overstate that the vaginal fluid
11 created the DNA profile?

12 MR. SMITH: Object to the form. Limited
13 to your recollection of your talking to her after her
14 testimony.

15 A I remember Elaine stating vaginal fluids and
16 stating biological fluids. That was a part that, for
17 me, was confusing.

18 Q (By Ms. Zellner) When you say confusing, are
19 you using that word synonymously with incorrect?

20 A No. Because I feel like in stating it came
21 from a biological fluid, that's correct, it did come
22 from a biological fluid. In stating it's vaginal fluid,
23 personally I feel like that's an assumption. So
24 vaginal --

25 Q Explain that.

1 MR. SMITH: Can you let him --

2 MS. ZELLNER: Okay. Yeah. It was a lag
3 there. Go ahead.

4 MR. SMITH: Okay.

5 A Yeah. So I mean, personally I believe it's a
6 nuance. I mean, a biological fluid does describe
7 contact DNA appropriately. Vaginal fluid, yes, it's one
8 of the possibilities that biological fluid was deposited
9 there, but it's not the only possibility.

10 Q (By Ms. Zellner) But isn't it correct that you
11 can have transfer DNA from epithelial cells. It doesn't
12 have to come from a bodily fluid?

13 A Yeah. An epithelial cell to me is a bodily
14 fluid. Basically, any cell that contains DNA I make the
15 argument is a bodily fluid, a biological fluid. We just
16 can't state the cellular origin of that DNA profile.

17 Q Do you have any scientific support for that
18 statement you just made, that an epithelial cell is also
19 categorized as a bodily fluid?

20 A No. I mean, I guess -- I mean, if you're going
21 to be technical an epithelial cell is cellular material.
22 I mean, your body contains epithelial cells,
23 so that's -- is an epithelial cell a fluid? No, an
24 epithelial cell is not fluid. But as a component of a
25 body, yes.

1 Q So it's just part of your body, but it's not a
2 fluid.

3 A Yeah, I would stay that's definitely a more
4 correct statement.

5 Q Because name for me the bodily fluids
6 that can -- in 2015 that the Oklahoma City crime lab
7 could test for? I mean, obviously they can test semen;
8 right?

9 A Yeah. So, I mean, it's very basic. We could,
10 at that time, test for seminal fluids and blood. That
11 was the only serology testing we could do.

12 Q And you could not test for epithelial cells?

13 A That's correct.

14 Q What about saliva?

15 A At that time we -- we didn't have -- we run
16 competency tests that are have a protocol for saliva.
17 And that was taken off line.

18 Q How did that -- I mean, what was the rationale
19 for not being able to test for saliva at that point in
20 time in 2015?

21 A Well, the rationale is the only tests we had
22 for that was a amylase test.

23 Q Right.

24 A So you make the amylase plate. Again, amylase
25 isn't specific for saliva. So there is other -- other

1 things will give a positive test on an amylase plate,
2 which was the only test we had at the time.

3 And then with science advancing and more and
4 more people want trace DNA and contact DNA, when we're
5 talking about limited, kind of collection on a swab of
6 evidence, sometimes you have to make a call what's more
7 important here. Is it more important that we develop a
8 DNA profile or is it more important that we test that it
9 could possibly be saliva. Because those decisions, you
10 know, are going to play into how much sample you
11 actually have.

12 So I feel like to pursue a swab to get a DNA
13 profile is more information than a presumptive test for
14 saliva. So that would be why we go forward with DNA
15 testing.

16 Q With the amylase test, would that have
17 destroyed, then, or consumed -- I'm assuming that's what
18 you're saying, it would have consumed some of the
19 sample; right?

20 A Yeah. Yeah, absolutely.

21 Q So was that your decision just to proceed ahead
22 with the profile to try to get a full profile, or was
23 that Elaine Taylor's decision?

24 A I believe it was Elaine's. Because if I recall
25 correctly the original strategy behind testing was to

1 develop -- attempt to recover any trace DNA that was
2 there. So if that is the concept going in to recover
3 any trace DNA, DNA testing as a first point, yeah, would
4 be the same way I would approach it.

5 Q And you're aware that there are still -- there
6 was DNA left over, because there is four frozen samples
7 from that DNA testing. So there was DNA left; correct?

8 A I'd probably have to look at the file on that.
9 But, yeah, that's possible. I think at the time we were
10 retaining extracts.

11 Q But I want to clarify that. Were you involved
12 in the decision not to do the amylase test? I mean, you
13 were the manager, right, at that point?

14 A If I recall it might have come up with Elaine
15 discussing an amylase test. But, again, we don't have
16 the test and policy. We're not competency tested in
17 amylase anymore, so it's not really an option to do that
18 test. We took it off line and didn't have it.

19 Q So when your lab doesn't have a particular
20 test -- let's say you don't have YSDR testing, but
21 you've got a potential sexual assault and you're trying
22 to get a DNA identity or profile, have you ever sent
23 samples out, say, to Orchid Cellmark, would you have
24 ever done that, when you don't have the test but they
25 would have the amylase test?

1 A So usually when we send -- we have sent stuff
2 out to other labs. The two instances -- excuse me --
3 the two instances where that happened would be for YSDR
4 testing that we didn't have or for mitochondrial testing
5 for bones. That's really the only times we send
6 something out for additional tests.

7 Q Okay. So you were involved in the decision to
8 proceed ahead with trying to get the DNA profile; right,
9 on the Holtzclaw case?

10 A Honestly, I can't fully remember.

11 Q Well, within the lab hierarchy were -- were the
12 lab analysts such as Elaine Taylor, who was your
13 subordinate, were they required to consult with you
14 before they made decisions about consuming swabs or
15 doing testing or any of that or were they not?

16 A So everybody in the lab that's trained as a
17 forensic scientist is more than capable of making their
18 own decisions on what is best for testing. The only
19 time, really, I would be involved is if it's something
20 they think is complex they might want to run it by a
21 second set of ears. If you are talking about consuming
22 a swab, obviously, we try and retain what we can in
23 cases in a defensive testing.

24 Our approach for an item of evidence is if we
25 take one swab from that, the original item is still left

1 to be retested. So within the lab we can consume that
2 one swab. If we only have one swab that was collected
3 elsewhere, well, we need to pursue a consumption order
4 on that from the legal system. And sometimes those go
5 through me, sometimes the analyst will pursue it on
6 their own. But they definitely know that's a stopping
7 point to seek approval. But, yeah --

8 Q So if there -- if --

9 MR. SMITH: Yeah. He was still talking.

10 MS. ZELLNER: Yeah, sure.

11 A Sorry. Just back to your original question,
12 for most of the times the analysts make the ability on
13 what they test. They are well qualified to do that.

14 Q (By Ms. Zellner) And do you think that Elaine
15 Taylor at that time was well qualified?

16 A Elaine was a seasoned analyst who tested all
17 kinds of cases for many years. So, yeah, I believe that
18 Elaine was qualified to identify the samples to take on
19 for DNA.

20 Q As the DNA manager had you ever reviewed her
21 transcripts from undergraduate or graduate school? Did
22 you ever look at her grades in molecular biology and
23 biochemistry?

24 A When I first was hired as DNA manager, yes, I
25 reviewed everybody's transcript and their educational

1 requirements.

2 Q Was there anything in Elaine Taylor's
3 transcripts, her grades that caused you any concern?

4 A She had all the requirements to do the job as
5 outlined by the QAS, so I had no concerns about her
6 educational qualifications.

7 Q So she had taken certain coursework. But were
8 you concerned about how well she had handled that
9 coursework, what her grades were?

10 A I can't really remember anything in detail
11 about Elaine's specific coursework other than she had
12 all the molecular biology, population genetics. All the
13 things that were required to do the job, she had.

14 Q So would it be fair to say you were more
15 concerned with whether she had actually taken the
16 courses than how well she did in the courses?

17 A Yeah, that's correct. The review is,
18 basically, do you have the required prescribed courses
19 to do this job. As far as what grade you got, I didn't
20 really look at that.

21 Q Let's go back on the amylase testing. So I'd
22 represent to you, just assume for purposes of my
23 question, there are four frozen samples left of the DNA
24 that produced the profile. You would agree we with me
25 that amylase testing could be done on those frozen

1 samples, or at least attempted; correct?

2 A No, they couldn't be attempted on those. If
3 those samples are still around they would be DNA
4 extracts. So at that point I think it's too late to do
5 an amylase test and extract DNA. I think you'd have to
6 go back to the original item and attempt an amylase on
7 the actual item.

8 Q Is the -- are you -- is the lab now amylase
9 proficient? Do you do amylase testing now?

10 A No, no amylase testing.

11 Q So how many -- do you know how many labs in the
12 United States are sufficiently qualified to do amylase
13 testing?

14 A No. I don't actually know -- I don't know
15 anybody personally that's doing amylase testing. I
16 think the field has kind of followed the trend of
17 attempting DNA. Because we're looking at a lot of
18 low-level complex mixtures that require, kind of, the
19 maximum input sample. So I think the information gained
20 from DNA has taken over from the presumptive nature of
21 serology testing to some extent.

22 Q Well, are you aware that there have been
23 significant developments in vaginal fluid testing?

24 A I was aware of a product called ParaDNA. I
25 think it was based in using MRNA to attempt to do that.

1 But I think that product is no longer being made. We
2 actually tried to buy that on a grant last year and I
3 was told it wasn't available.

4 Q Are you aware of non-destructive vaginal fluid
5 testing that's being done now in the United States?

6 A No.

7 Q Okay. And if that testing were peer reviewed
8 and found to be reliable you would certainly agree with
9 me that that testing ought to be attempted on the
10 remaining evidence, DNA evidence on the Holtzclaw case;
11 correct?

12 MR. SMITH: Object to the form. You can
13 answer it if you understand it.

14 A I mean, certainly if there is a peer-reviewed
15 agreed-upon test, and there is a desire to have that
16 item tested with that technology -- I mean, we can't do
17 it in our lab -- but, certainly, I think it should be
18 made available for that testing.

19 Q (By Ms. Zellner) So going back to Elaine
20 Taylor's testimony at the trial, she testified about the
21 lubrication abilities of a 17-year-old. Do you remember
22 that testimony?

23 A Vaguely.

24 Q Right. Do you think that a scientist
25 testifying about the biological capability of a

1 17-year-old to produce lubrication is within the realm
2 of that scientist's expertise?

3 A No. No, I don't. As a DNA analyst we're
4 really encapsulated within DNA, our ability to get a
5 profile from DNA. I would kind of look on that as more
6 anecdotal or medical related as opposed to a DNA
7 analyst.

8 Q And if that's anecdotal or medical would that
9 be beyond the purview of what a scientist should be
10 testifying about?

11 A It's definitely not something I would include
12 in the testimony.

13 Q And so when you heard that testimony did you
14 also discuss that with Elaine Taylor, that she was
15 outside of her purview as a scientist, as a DNA
16 scientist?

17 A Honestly, I can't recall.

18 Q So you don't recall, as you sit here today,
19 that you actually had a discussion with her about that
20 specific testimony on vaginal lubrication?

21 A No. I know we discussed, like I said earlier,
22 the kind of given weight to biological fluids, you know,
23 how they got there. You have to be careful in stating
24 that we can't really -- we don't really have the
25 capabilities to say this is how this fluid or this DNA

1 profile got here. I remember we did talk about that,
2 about you had to be careful how you present that.

3 Q Right. Because a jury, if they heard that the
4 scientist was testifying that this was vaginal fluid of
5 one of the victims would be pretty incriminating to
6 Mr. Holtzclaw. Don't you agree?

7 MR. SMITH: Object to the form.

8 MS. ZELLNER: Over the objection.

9 MR. SMITH: You can answer it.

10 A I mean, again, I think that's probably a
11 question for a jury. I could go back to saying I would
12 not present evidence in that fashion. I believe we
13 should be -- restrict ourselves to DNA unless we have
14 data to support that.

15 Q (By Ms. Zellner) So as you sit here today is it
16 your opinion that the DNA profile that was found on
17 Daniel Holtzclaw's pants was actually DNA that had a
18 completely innocent explanation?

19 MR. GLASS: Object to the form.

20 MS. ZELLNER: Over the objection.

21 A I have -- honestly have no idea. Because the
22 problem is vaginal fluids is a possibility. Innocent
23 transfer is a possibility. Item-to-item transfer is a
24 possibility. I mean, all these things -- we can't
25 substantiate either one of those with data, so you have

1 to entertain all of those are a possibility.

2 Q (By Ms. Zellner) Well, you -- you can't
3 substantiate that it was vaginal fluid; correct?

4 A Yeah.

5 Q Because you just told me there was absolutely
6 no test that could determine that, no scientific test;
7 right?

8 A Yeah. I would agree with you we can't
9 substantiate it's vaginal fluid, yes.

10 Q Right. So if you can't substantiate it's
11 vaginal fluid, and you know it's not blood and it's not
12 seminal fluid -- is that right? Am I right, those were
13 ruled out?

14 A Yeah. So really that --

15 Q And that leaves you with -- that leaves you
16 with transfer DNA; correct?

17 MR. SMITH: Object to the form.

18 MS. ZELLNER: Over the objection.

19 A So the transfer is a possibility. Vaginal
20 fluids is a possibility. Transfer and vaginal fluids is
21 a possibility. I mean, it's -- really, we just don't
22 know.

23 Q (By Ms. Zellner) But in terms of evidence
24 presented to the jury, vaginal fluid isn't a possibility
25 because there was no way to determine it; right?

1 MR. GLASS: Object to the form. That's
2 not his testimony.

3 MS. ZELLNER: Same.

4 MR. SMITH: You've asked three times.

5 MS. ZELLNER: Okay. I want to get it
6 straight.

7 MR. GLASS: Well, he's given it --

8 MS. ZELLNER: Don't coach the witness.

9 MR. SMITH: He's given it to you
10 straight. I'm not coaching the witness. He's answered
11 it three times. Go ahead.

12 MS. ZELLNER: Sure. Let's go back. Go
13 back.

14 Q (By Ms. Zellner) I want you to explain to me --
15 and I don't want to get in a battle here with you. I'm
16 just trying to understand, and I think you've been very
17 clear up to this point.

18 Just explain to me how, with the Daniel
19 Holtzclaw case, vaginal fluid was a scientific
20 possibility.

21 A Well, I think that the best way for me to
22 clarify this is to say: Do we have the capabilities to
23 substantiate this is vaginal fluid? No, we don't. Is
24 it possible vaginal fluids can be entertained? Yes.

25 But then again, there are also other

1 hypothetical possibilities that you have to entertain
2 with equal weight. Hopefully that's clear.

3 Q So you would agree to me -- you would agree
4 with me as a scientist that the possibility of vaginal
5 fluid should not have been presented to the Holtzclaw
6 jury since there was no basis for it?

7 MR. GLASS: Object to the form.

8 MS. ZELLNER: Over form objection.

9 A I would say that it should -- if you chose to
10 say vaginal fluids was a possible method that DNA
11 getting there, you should also be clear that it's not
12 the only possibility and that you can't substantiate
13 vaginal fluids was a source of it.

14 Q (By Ms. Zellner) Right. So I think -- well, I
15 won't go back because you have already answered it.

16 Now, Elaine Taylor had -- have you read her
17 deposition?

18 A No.

19 Q Okay. Has her deposition been discussed with
20 you?

21 MR. SMITH: Object to the -- well, if
22 it's between you and me, don't answer -- or tell her
23 it's between you and me if we've done that. Otherwise,
24 you can answer it.

25 A Yeah. Only between myself and Rick.

1 Q (By Ms. Zellner) What else did you review in
2 preparation for today's deposition?

3 MR. SMITH: Okay. We didn't say we
4 reviewed it. We said we discussed it. You keep adding
5 words from his testimony. You can ask him what he
6 reviewed.

7 MS. ZELLNER: No, let's just -- dial it
8 down. Okay? These aren't proper objections. I don't
9 want get into all this side dialogue. He's being very
10 straightforward.

11 Q (By Ms. Zellner) So what did you review in
12 preparation for the deposition today?

13 MR. SMITH: And I disagree with your
14 statements, so you go right ahead and ask him that
15 question.

16 MS. ZELLNER: Okay. Rick, we'll have a
17 phone call later. I don't want to screw up my
18 transcript.

19 Q (By Ms. Zellner) Can you tell me what you
20 reviewed in preparation for today?

21 A So to prepare for today I looked over the
22 original reports in the case, I reviewed the paper, the
23 Meakin scientific paper about contact DNA, and I also
24 reviewed a series of emails that I had with Erica Fuchs.

25 Q Yes.

1 A Yeah. Sorry if I'm pronouncing that wrong.

2 Q It's Fuchs, but, I mean, that's fine.

3 A Sorry.

4 Q When you reviewed the -- your email exchange
5 with Erica Fuchs is there anything in those statements
6 that you made to Erica Fuchs in the emails that you
7 would exchange or do you stand by those statements you
8 made?

9 A No. I mean, those are all statements I would
10 stand by today.

11 Q When you were interacting or communicating with
12 Erica Fuchs did you -- what was your understanding of
13 who she was?

14 A I actually believed she was a student that had
15 an interest in forensics and just the general concepts
16 of, like, a lot of good questions about DNA, how items
17 were examined. So contact DNA, we talked about that,
18 too.

19 Q Okay. When you went back over the article
20 about transfer DNA, the Meakin and Jamieson article, why
21 did you review that article?

22 A Well, it -- I know I had given it to Ms. Fuchs
23 as part of our discussion. I know Elaine had that
24 article prior to the testimony. I know it was an
25 article I had given to all my DNA analysts. It had been

1 some time since I read it, so I just kind of wanted to
2 refamiliarize myself with what was in the paper.

3 Q How did you think that that article related to
4 your deposition?

5 A So that article, to me, the value I see in this
6 article is it was a summary of all the true scientific
7 literature that had definitive data on contact DNA. So
8 it kind of -- I felt that like that paper helped give
9 analysts some goalposts on here is what we can actually
10 say about contact DNA with scientific report. If you
11 don't see it in this paper it should probably give an
12 indication there haven't been sufficient studies done to
13 support going out on a limb to make that assumption.

14 Q Okay. Would you agree with me one of the ways
15 that transfer of contact DNA can end up on an item of
16 evidence is by the collection process of law
17 enforcement? Would you agree with that?

18 A I mean, that kind of depends on, you know, what
19 kind of measures you're taking when you collect
20 evidence.

21 Q And so when -- in this case when Daniel
22 Holtzclaw's pants are handled, just assume if they were
23 handled by Detective Gregory without gloves on, could
24 transfer DNA from Detective Gregory's hands could have
25 ended up on Daniel Holtzclaw's pants?

1 MR. SMITH: Object to the form. You can
2 answer it.

3 A Certainly, if you're not wearing gloves, yes,
4 it's a possibility you can transfer DNA to that item.

5 Q (By Ms. Zellner) Who trains -- or who trained
6 back in the time of the Holtzclaw investigation, who was
7 training the police officers about evidence collection?
8 Did your lab do that or did they have outside sources?

9 A You know, I'm not fully sure. I know that at
10 the training academy those kind of things, evidence
11 collection, crime scene, those were covered. But did we
12 specifically go out and train in that during that time
13 period? I can't recall. I don't think so.

14 Q In the Meakin and Jamieson article they talk
15 about evidence transferring once it's been, you know,
16 taken in by law enforcement, that you can actually have
17 evidence transfers if you don't package things
18 correctly. Would you agree with that?

19 A Yeah, yeah. I mean, it's important to have
20 things packaged correctly, wear the right protective
21 components, especially when you're looking for very low
22 levels of DNA. It's very problematic.

23 Q When you reviewed the Holtzclaw reports, the
24 lab reports, was it your conclusion or did you conclude
25 there was male DNA present on the pants?

1 A I -- I can't -- without having the report in
2 front of me I can't specifically -- what I do recall is
3 everything that was in the printed reports that were
4 issued, I agree with the final conclusions in those
5 printed reports.

6 Q So if the printed reports reflected that there
7 was the presence of male DNA, you're not challenging
8 those reports?

9 A No. If we published the report, that's what we
10 stand by as a laboratory as our conclusions. So -- I'm
11 trying to think if it's said -- yeah, without having the
12 report in the front of me I couldn't really -- I would
13 need that to help answer some of the questions.

14 Q Do you remember at trial if Elaine Taylor told
15 the jury there was no male DNA present on the Holtzclaw
16 pants?

17 A I don't recall that, no.

18 Q If she had, in fact, told the jury that, would
19 that have been of concern to you if the report showed
20 there was male DNA present?

21 A Well, if the report showed there was male DNA
22 present, you're really talking about two options at this
23 point. Either you're talking about as a second
24 contributor there you could have attempted a comparison
25 on or you're talking about there the wasn't enough DNA

1 there and it's inclusive. But if there was male DNA it
2 would have to be reflected in one of those two
3 statements.

4 Q But I think what you're saying is regardless of
5 the testimony, that you would stand by the reports, the
6 findings in the reports?

7 A Yes, yes.

8 Q And you found those to be accurate?

9 A Yes, yes. I reviewed the reports and am in
10 agreement with what was finally reported out.

11 Q And you would expect the analyst testifying at
12 trial to be correctly telling the jury the findings in
13 the reports; correct?

14 MR. GLASS: Object to the form. You can
15 answer if you understand it.

16 A Yes, absolutely. I mean, ultimately that's
17 what we're testifying to. Those are our conclusions.

18 MS. ZELLNER: Okay. So, Rick, can we
19 take about a 15-minute break? I'm not going to do a
20 whole lot more. As I said, I didn't intend for this to
21 take all day or even most of the day. Can we do that?

22 MR. SMITH: Certainly with that premise
23 that you're almost done, yes, we can take a 15-minute
24 break.

25 MS. ZELLNER: If you can just get me to

1 shut up?

2 MR. SMITH: No, ma'am. I've got 10:10;

3 right?

4 MS. ZELLNER: Yep, that's it.

5 MR. SMITH: So 10:25?

6 MS. ZELLNER: Yeah. Let's do that. That
7 would be perfect.

8 MR. SMITH: 10:25.

9 MS. ZELLNER: Okay. Thank you. Yeah,
10 10:25.

11 VIDEO OPERATOR: Off the record.

12 (A break was had.)

13 VIDEO OPERATOR: Okay. We're back on the
14 record.

15 Q (By Ms. Zellner) Okay. So I just have a few
16 more general questions.

17 In the collection of Holtzclaw's clothes do you
18 have an opinion about whether his underwear should have
19 been collected?

20 A Not really. I guess I don't make that call.
21 Really, if it had been collected and we were asked to
22 test it, we would have tested it.

23 Q So I think you referred to this earlier. You
24 would have deferred to the detectives to select the
25 items that were tested?

1 A Yeah. I mean, that's normally the most routine
2 way, unless we notice something unusual in the lab that
3 we think we should test and want to discuss with them.

4 Q Do you think in a sexual assault case -- I
5 mean, would it normally -- would you want to test the
6 alleged perpetrator's underwear or not necessarily? I'm
7 trying to understand it.

8 MR. GLASS: Object to the form. You can
9 answer it if you understand it.

10 A Yeah. I guess it really depends on what we're
11 being asked to do. If you were looking for seminal
12 fluids in a lady's underwear, yeah, we probably --
13 that's more of a routine thing. If you're looking for,
14 like, transfer DNA, without it being visible and no idea
15 really what we should swab we kind of need a lot more
16 direction in why would you like this swab, what
17 specifically do you want us to focus on to try and get
18 DNA profile.

19 Q (By Ms. Zellner) Okay. And then with -- do you
20 agree that if an article of clothing is washed in a
21 washing machine that it will remove all of the DNA from
22 the article?

23 A Yeah. I mean, not only remove it, but can
24 enter just other profiles from the washing machine. So,
25 yeah, something that's been laundered is really not a

1 good source.

2 Q Okay. Let me just check any other -- what was
3 your understanding of why Elaine Taylor retired at the
4 point that she did?

5 A Oh, she just told me that she'd put her time
6 in, her husband was retiring, and they always said they
7 would retire at the same time.

8 Q And do you have any knowledge about emails of
9 Elaine Taylor that were retained or did you participate
10 in the decision to retain emails?

11 A No, I have no involvement in anything like
12 that.

13 Q All right. And I think I had asked you
14 earlier, on the other cases that Elaine Taylor -- she
15 had told us there were six other contamination cases
16 that she had over the years. Did you participate in any
17 review of those -- those cases?

18 A I guess the easiest way to answer that is any
19 case that had a contamination incident in the lab, yes,
20 I had to review it to make sure it had been remediated,
21 that we had done any kind of post-contamination, either
22 remedial training or just things we can do in the lab to
23 ensure there is no more contamination incidents.

24 So we will write a contamination report,
25 document what happened, what we're doing moving on in

1 the future. And that's pretty routine for anybody in
2 the lab that has a contamination incident.

3 Q When you do the reviews of the analysts,
4 they're performance, are those done on an annual basis?

5 A So a performance review, yes, on an annual
6 basis everybody gets one of those.

7 Q Okay. And do the reviews of the analysts get
8 shared with ASCLD?

9 A No. No, those are personnel.

10 Q Okay. Does any of the analysts' work get
11 shared with ASCLD?

12 A So I'm not sure what you know about ANAB, that
13 they -- so we're required to be audited by them every
14 four years. We actually have -- it's every two years we
15 get an external audit. Part of that audit is whoever
16 comes in to do the audit will -- they will look at five
17 files, case files from every analyst in the lab. So
18 case files are constantly reviewed for all analysts as
19 part of the audit cycle.

20 Q And then does ASCLD, are they actually given
21 the analyst's name or are they given a code for the
22 analyst? Do they have the analyst name?

23 A Yeah, they should. They have the analyst name.
24 So, yeah, I mean, they are informed of all the personnel
25 prior to them coming in and doing the audit.

1 Q And then if they detect a problem with an
2 analyst when they're reviewing then do they communicate
3 back to the lab about the analyst saying, We're seeing a
4 high level of contamination cases or something like
5 that?

6 A Yeah, so ASCLD and the ANAB have a list of
7 standards they go through looking at a wide variety of
8 things in the lab. Anything they find to be out of
9 compliance they will give the lab a report on what they
10 call findings. So they have found the following things
11 to be out of compliance. The lab is then given an
12 opportunity to fix those and provide documentation to
13 satisfy them, at which point will be okay with your
14 accreditation as current.

15 Q And do those findings, would they specify a
16 particular analyst? Have you seen that in the findings?

17 A I've never seen that in any of the audits we've
18 had. They tend to be more general. Does the lab handle
19 evidence appropriately? Does the lab have protocols for
20 testing or appropriate -- those are -- those are some of
21 the things they come in and they look at.

22 Q Okay. And this is my last question. So I'm
23 not going to go into the substance of it. But you
24 testified in some type of closed hearing on issues
25 related to the Holtzclaw case.

1 A Yeah. Unfortunately, I'm not allowed to really
2 discuss any of that. But, yes.

3 Q Right. But I'm just confirming that you did
4 that and that the issues pertained to the Holtzclaw
5 case; correct?

6 A Yes, that's correct.

7 Q Okay. And the issues pertain to Elaine
8 Taylor's performance in the Holtzclaw case?

9 MR. SMITH: Um --

10 MS. ZELLNER: I'm not going into the
11 substance. Last question, Rick.

12 MR. SMITH: I know. And it's hard. It's
13 hard.

14 Go ahead and answer that one.

15 A I guess it's kind of hard to because he told me
16 I'm not allowed to discuss anything related to that
17 hearing, so I'm not sure if I'm allowed to really convey
18 what the substance of it was.

19 Q (By Ms. Zellner) Well, I don't want the
20 substance. Just a yes or no. You said yes, Holtzclaw
21 case, and I'm just saying that involved Elaine Taylor's
22 testimony and performance in the case? I'm just looking
23 for a yes.

24 MR. SMITH: You can answer that.

25 A Yes.

1 MS. ZELLNER: Okay. All right. I don't
2 have any further questions, Rick.

3 MR. GLASS: Okay. Amber?

4 MS. GOOCH: No questions.

5 MR. SMITH: He will read and sign.

6 (Deposition concluded at 10:28 a.m.)

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1 J U R A T P A G E

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3

4 I, CAMPBELL ANDREW RUDDOCK, do hereby state
5 under oath that I have read the above and foregoing
6 deposition in its entirety and that the same is a full,
7 true and correct transcript of my testimony so given at
8 said time and place, except for the corrections noted.

9

10

11

12

13

CAMPBELL ANDREW RUDDOCK

14

15

16

17

18 SUBSCRIBED AND SWORN TO before me, the
19 undersigned Notary Public in and for the State of
20 _____, by said witness, this _____ day
21 of _____, 2019.

22

23

24

Notary Public

25

My Commission Expires: _____

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5 C O R R E C T I O N S H E E T

6 Witness: CAMPBELL ANDREW RUDDOCK Reporter: TB
Date Reported: 3/21/19
7 Case Style: BARNES, et al. v. CITY OF OKC, et al.

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1 C E R T I F I C A T E

2

3 STATE OF OKLAHOMA)

4) SS:

5 COUNTY OF OKLAHOMA)

6 I, Trena K. Bloye, Certified Shorthand Reporter
7 within and for the State of Oklahoma, certify that
8 CAMPBELL ANDREW RUDDOCK was by me first duly sworn to
9 testify the truth, the whole truth, and nothing but the
10 truth, in the case aforesaid; that the witness chooses
11 to read and sign the deposition; that the above and
12 foregoing videotaped teleconference deposition was taken
13 by me in shorthand and thereafter transcribed; that the
14 same was taken on March 20, 2019, at 9:00 a.m., in
15 Oklahoma City, Oklahoma; that I am not an attorney for,
16 nor a relative of any of said parties or otherwise
17 interested in the event of said action.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 and official seal this 29th day of March, 2019.

20

21

22

23

24

25

Trena K. Bloye, CSR
State of Oklahoma CSR No. 1522