

1 A I had had something to drink that day. And -- but at
2 the time when I got stopped the officer asked me had I been
3 drinking. I said yes.

4 Q All right. So you drop off your friend -- your
5 acquaintance I should say.

6 A Uh-huh.

7 Q And then you drive over to -- about how far from where
8 you dropped that person off to where you got stopped is it
9 if you know?

10 A Just a -- maybe a thousand feet or something.

11 Q Not very far?

12 A No.

13 Q So you're at a stop sign?

14 A I'm at a stop sign.

15 Q Tell me what happens.

16 A Just like when the police stops you. He turns on those
17 flashing lights and I pulled over. And I ask him what
18 happened, what I did. He said that I -- I did a rolling
19 stop. I came to a rolling stop, like, you know, you
20 do a complete stop.

21 Q Okay.

22 A So he asked me for my driver's license. And I gave it
23 to him. And he went back to his car. He came back and he
24 asked me to step out of the car. And he searched my car.
25 He didn't find anything but he said he smelled alcohol. So

1 Q Why didn't you want to leave your car there, ma'am?

2 A Because **it** was a on that -- on that street is a
3 crack house there and **it's** people walking up and down there
4 drunk.

5 Q You were afraid your car wouldn't be safe?

6 A Right.

7 Q So you're asking him -- I don't want to leave my car
8 there, let me take my car home?

9 A Uh-huh.

10 Q And then what happens?

11 A He -- he agreed to let me take my car to my relative's
12 house, which was in that area not too far.

13 Q Had you told *him* you have a relative that's in the area
14 or

15 A Yeah.

16 Q So that conversation had occurred as well?

17 A Yes, I **didn't** have any clue what was gonna happen next.

18 Q Where -- what's the location of your relative's house,
19 ma'am?

20 A On 23rd -- 22nd off of Miramar.

21 Q In that area. About how far away from where you were
22 was your relative's house?

23 A **It's** either half a mile, 3/4 of a mile, maybe a mile.

24 Q Had you told him the address or had you told him how
25 far **it** was, or -- tell me what you remember.

1 A I just told him it wasn't -- I remember -- what I -- I
2 can't remember exactly what I told him, but I told him it's
3 in that area. It's not far.

4 Q Other than what you've told me up to this point is that
5 essentially the conversation that you had at that location
6 or is there anything else that you can remember that
7 happened at that location?

8 A I can't remember anything else.

9 Q At some point, ma'am, did he let you drive your car?

10 A Yes.

11 Q Okay. Did he -- what did he do?

12 A He followed me.

13 Q So he drove his car as well?

14 A Uh-huh.

15 Q And where did you go?

16 A I went to 22nd off of 23rd.

17 Q The 23rd, 22nd and Miramar area?

18 A Yes.

19 Q All right. And he followed you to that. And how do
20 you know he was following you?

21 A Looking in my rearview.

22 Q You were looking behind?

23 A Uh-huh.

24 Q When you got to that area what did you do?

25 A Parked my car in front of my relative's house. I

1 Q Did you -- did you park in the driveway, did you park
2 on the street?

3 A On the street right in front of the house.

4 Q Right in front.

5 Okay. And then it shows [REDACTED] is the address. Did
6 you know the address or did you just know the house?

7 A I just know the house.

8 Q All right. If I told you it's on 24th Street is that
9 consistent with your memory as well? You said 22nd, 23rd.

10 A It's two blocks over from 23rd.

11 Q North or south or do you know?

12 A North.

13 Q North of 23rd.

14 A Uh-huh.

15 Q All right. Two blocks north of 23rd.

16 But this is the -- regardless of the actual
17 which actual street it is, this is the house that you parked
18 in front of.

19 A That's the house. I know the house. I go there also
20 to drink too.

21 Q Okay.

22 A So I know the house. I can't say exactly the street.
23 I know how to get there.

24 Q But you're sure that 249 --

25 A That's it.

1 **it** was.

2 Q Were your feet on the ground outside the car?

3 A I think so.

4 Q Okay. And as you're bent over are you leaning on the
5 door? Are you leaning on the seat?

6 A The seat.

7 Q Are you leaning on the back of the car?

8 A The seat.

9 Q The seat.

10 So you're actually sort of inside the car but your
11 feet are outside?

12 A Yeah.

13 Q And he's behind you?

14 A Right.

15 Q Ma'am, again, I don't ask this to embarrass you but did
16 his -- did his penis actually go into your vagina?

17 A Yes.

18 Q Did you see his penis?

19 A No, but I know how **it** was. I didn't see **it** but I felt
20 **it**.

21 Q Could you feel anything else other than his penis?

22 A No.

23 Q Do you have an approximation as to how long that event
24 went on?

25 A Maybe about three minutes or so.

1 A Yes -- yes, I've been -- I've been asked to leave her
2 house many times. And probably so.

3 Q Do you recall on April the 25th of 2014, driving so
4 erratically that your family members were worried about your
5 safety?

6 A Yes.

7 Q Prior to you ever coming into contact with Officer
8 Holtzclaw?

9 A Yes.

10 Q Okay. And you would agree with me that if in fact the
11 funeral was held on April the 25th, 2014, you were too
12 inebriated to go to the funeral?

13 A No

14 MR. GIEGER: Objection, your Honor, hearsay.

15 THE WITNESS: -- I wasn't because --

16 THE COURT: Overruled.

17 THE WITNESS: -- really I didn't even know the
18 date of the funeral. Tammy called me and told me her mother
19 died. I didn't know what -- when when they were planning
20 a funeral. But at the -- the day of the funeral I drove by
21 her mother's house, which is not for -- two blocks from her
22 house. And I drove by there to let them know that I know
23 she's gone. But I didn't attend the funeral.

24 Q (By Mr. Adams) Okay. In any event, on April the 25th
25 of 2014, it's your testimony you came into contact with

1 Q Did you hear him on the radio at any time identify that
2 he was going to take you to detox?

3 A No, because he went to his car.

4 Q In any event, it's your testimony that at the time of
5 the -- that he pulled you over, you would agree with me that
6 you were on a public road, street -- you were on a public
7 street; correct?

8 A Yes.

9 Q And it's your testimony at that point in time that
10 Officer Holtzclaw had you step out of your vehicle and pull
11 your pants and your underwear down in the middle of the
12 street basically?

13 A Yes, it was dark.

14 Q Okay. But -- but my question is very simple. Is that
15 Officer Holtzclaw had his lights -- he had his lights on;
16 correct?

17 A Yes.

18 Q Police lights.

19 A Yes.

20 Q And those were flashing; correct?

21 A Yes.

22 Q And it's your testimony that he walks up to your car,
23 has you exit the vehicle and has you strip down to your
24 pants and you have on your underwear and then you say he
25 makes you pull your underwear down; correct?

1 A Yes, he did.

2 Q And that's when he made the crude comment, under your
3 version of events, that it looks phat down there.

4 A Yes.

5 Q At that point in time you don't possess a cell phone or
6 anything like that, do you?

7 A I had a cell phone.

8 Q Back on April the 25th of 2014, you did have a cell
9 phone, didn't you?

10 A I had a cell phone in my car. But when a police
11 officer tells me to step out of the car and whatever he
12 tells me to do I can't get on no cell phone and call anyone.
13 You know, and I was a person that was in my addiction, a
14 person that was under the influence of alcohol.

15 Q Now in any event, after this alleged incident happens
16 in the middle of the street where you pull your pants down
17 and your underwear down, it's your testimony that Officer
18 Holtzclaw was gonna take you to detox and you declined
19 telling him you didn't want to leave your car there;
20 correct?

21 A Yes.

22 Q And it's your testimony that Officer Holtzclaw said
23 you told him that you had a relative that lived nearby;
24 correct?

25 A Yes.

1 Q Within a half mile to a mile of where you were
2 initially stopped.

3 A Yes.

4 Q And it is your testimony that Officer Holtzclaw
5 followed you to this residence that is depicted at 249 -- up
6 on the screen; correct?

7 A Yes.

8 Q And that you testified earlier that you drove up to the
9 front of the house in the street and parked your vehicle.

10 A Yes, but I did not go in the house.

11 Q I understand that that's your testimony. Your
12 testimony is that you parked on 24th Street in front of the
13 house that's depicted on 249; correct?

14 A Yes.

15 Q It's your testimony that Officer Holtzclaw then pulled
16 up to the side of you; correct?

17 A Yes.

18 Q And up to the side of you as you're parked out in front
19 of this house that's depicted on Exhibit 249; correct?

20 A Yes.

21 Q Okay. And it's your testimony at that point in time
22 that Officer Holtzclaw exited his vehicle; correct?

23 A Yes.

24 Q Okay. And this all would've been in front of this
25 house that we're looking at on Exhibit 249; correct?

1 problems on my job. So after being sexual assaulted I
2 decided, well, my life is -- I'm not -- I can't pay my
3 bills, you know, I can't pay my bill. So I'm gonna leave
4 the state and get it together. And I chose to do that and I
5 done that.

6 Q Okay. Since you say that Officer Holtzclaw ejaculated
7 when he had this intercourse with you out here by the bus
8 barn or by the bus parking lot, did you save any of the
9 clothing or any of your underwear or anything whatsoever
10 that we can conduct DNA analysis?

11 A No, I didn't, sir.

12 Q If you'll let me finish my question I promise you I'll
13 let you finish your answer.

14 Did you save any of your articles of clothing,
15 whatever it may be, from the event that you say happened
16 on -- on April the 25th of 2014, so that any testing could
17 be done at any time so that we could confirm this statement
18 that Officer Holtzclaw did in fact what you say he did?

19 A No, sir.

20 MR. ADAMS: May I have just one moment, your
21 Honor?

22 THE COURT: Yes.

23 (Counsel for the defendant confer.)

24 Q (By Mr. Adams} Ms. Copeland, I want to talk to you
25 about the events that you say occurred on April the 25th of

1 summer of 2014, okay? Around the summer of 2014 did you
2 receive a call from Regina Copeland asking you to give her a
3 ride?

4 A Yes, we --

5 MR. ADAMS: Judge, I'd object to leading and also
6 any elicited hearsay responses that may be coming, I would
7 object to those.

8 THE COURT: All right. You can answer the
9 question as specifically asked.

10 Q (By Mr. Gieger) You can answer, ma'am.

11 A Yes.

12 Q Okay. And tell me about the circumstances of Regina
13 calling you for a ride.

14 A Well, she called and talked to my husband and asked for
15 a ride to -- and -- for a ride to come home.

16 Q Was that something that was usual for her to do or
17 unusual?

18 A It wasn't unusual.

19 Q And why did she need a ride?

20 A Because I think her - she lost her keys or her truck --
21 her car was messed up or something.

22 Q Did you go or David go or did both of you go?

23 A We both.

24 Q And where did you pick her up at?

25 A Off on 23rd and Martin Luther King.

1 she just testified in front of the jury and I object to the
2 way that she asked the question. It was totally
3 inappropriate.

4 MS. McCONNELL: Judge, I just asked her whether
5 she'd received this information. I didn't ask about any
6 specific statements. In addition during counsel's
7 cross-examination of Regina Copeland he talked with Regina
8 through many questions about how she hadn't come forward
9 with this information about Officer Holtzclaw until after
10 the -- she'd seen the news story with her daughter implying
11 a time that Regina Copeland has had to fabricate this story.
12 Under 2801(B) (1) (a) -- excuse me 2801(B) (1) (b) the statement
13 will be consistent with Regina Copeland's testimony and is
14 offered to rebut a claim of fabrication by the defense.

15 THE COURT: All right. Objection sustained.

16 (The following continued within the
17 hearing of the jury.)

18 Q (By Ms. McConnell) Did this conversation with Regina
19 Copeland, did **it** occur before she moved to Texas or after?

20 A Before.

21 MS. McCONNELL: May I have a moment, your Honor?

22 THE COURT: Yes.

23 (Counsel for the State confer.)

24 Q (By Ms. McConnell) Did this conversation that you had
25 with Regina Copeland, did **it** also take place -- well, let me

1 hands on her.

2 MS. McCONNELL: I'll pass the witness.

3 THE COURT: All right. Cross-examination?

4 CROSS-EXAMINATION

5 BY MR. ADAMS:

6 Q You stated this conversation happened the summer of
7 '14; correct?

8 A Uh-huh.

9 Q So would it have been, like, July of '14?

10 A Yeah, it was -- we didn't have our coats on so it must
11 it was in the morning. So I guess it was around that
12 time.

13 Q So July, August?

14 A Yeah, around that time.

15 Q I'm just trying to be fair with you.

16 A Yeah, I know.

17 Q So when you say summer of '14 you're talking about July
18 or August of '14; is that a fair statement?

19 A Probably July.

20 Q July of 2014 is when you had this conversation?

21 A It was around about that time.

22 Q Around about that time?

23 A Yeah, I guess.

24 MR. ADAMS: May I approach?

25 THE WITNESS: What I'm saying is

1 A Yes.

2 Q This street then would be --

3 A 24th.

4 Q All right. So this house that we're seeing depicted in
5 254 is a different house than is depicted in the other
6 photographs; is that right?

7 A Well, you can see that -- on the street sign photograph
8 you can see that house.

9 Q Yeah, and I'm sorry, Detective, what I mean is the
10 house depicted in the 254 is a different house than 249.

11 A Correct.

12 Q All right. In relation to the house on 254 which is on
13 the corner to the house in 249, do you know where in
14 relation those two houses are to each other?

15 A The one on the corner is on the north side of the road.
16 That one -- right, that's on the north side. That one *is* on
17 the south side of the road and *it's* three houses west of
18 Miramar.

19 Q Okay. So three houses in?

20 A Right.

21 Q All right. Third house in?

22 A Right.

23 Q All right. State's Number 253, is that the same house
24 that's on the corner?

25 A Yes, just a little bit different --

1 see it on there.

2 A It's [REDACTED].

3 Q Ma'am, State's Number 256, what is that a picture of?

4 A That's [REDACTED] but it's the east side of the house and
5 it's showing that the windows have coverings over them and
6 you can't see in them or out of them.

7 Q In the foreground of that picture there's a road. What
8 road is that?

9 A Miramar.

10 Q Okay. So that's the north/south road that we saw in
11 the other exhibits but now you're actually standing in the
12 road and looking straight west?

13 A Correct.

14 Q And State's Number 257, is that the same house but
15 another angle looking into the yard?

16 A Yes.

17 Q Why did you take those photographs?

18 A That's where the assault occurred.

19 Q You said a moment ago about coverage on the windows.
20 Why did you note that?

21 A Because Officer Holtzclaw pulled his car in that grassy
22 area by the tree. And I wanted to see if he had pulled his
23 car there if anybody in that house would've been able to see
24 what was happening.

25 Q And so that I think it is clear, but so that it's

1 clear, that's what Ms. Copeland had told you is that he
2 pulled into the grassy area.

3 A Correct.

4 Q And that's why you were doing this.

5 A Correct.

6 Q All right. Ma'am, in regards to identifying the date's
7 certain that Ms. Regina Copeland came in contact with
8 Officer Holtzclaw were you able to obtain both a Varuna run
9 and also a CIU log showing that he had run her?

10 A Yes.

11 Q I'm gonna hand you 264 -- 262 and 264, ask if you
12 recognize those two documents.

13 A Yes, it's the crime information log and the Varuna log.

14 Q And what's the date that's relevant on this?

15 A 4/25/2014.

16 MR. GIEGER: Offer those two, your Honor.

17 MR. ADAMS: No objection, your Honor.

18 THE COURT: State's Exhibit Number 264 and 262
19 will be admitted.

20 MR. GIEGER: Thank you, your Honor.

21 Q (By Mr. Gieger) In regards to 264, ma'am, this
22 document is similar to the other ones we've seen, is it not?

23 A Correct.

24 Q So 4/25 at 20:47, is that 8:47?

25 A P.m., yes.

1 Q P.m. Again it's Officer Holtzclaw's badge number and
2 showing that in the Varuna system he ran Regina Copeland; is
3 that right?

4 A Correct.

5 Q State's Number 262, this CIU log is page 4 of the log
6 that was begun on April 25th of 2014?

7 A Yes.

8 Q This would be log entries after 8:11 p.m.; is that
9 right?

10 A Correct.

11 Q And, ma'am, if I look down to about halfway on the
12 page, Charlie45; is that Officer Holtzclaw's call?

13 A Yes.

14 Q And then you have Regina Copeland, black female, date
15 of birth and apparently the dispatcher didn't find any
16 warrants, she wrote clear.

17 A Yes, she was clear.

18 Q All right. Ma'am, based on -- this is the information
19 that you would've received in your initial investigation as
20 to determining whether or not you wanted to make contact
21 with Ms. Copeland; correct? This -- this CIU log and the
22 Varuna run?

23 A No, that wasn't in my stack.

24 Q That wasn't in your stack.

25 A No.

1 Q The address of this -- and dispatch are initiated call
2 rather officer calling dispatch is 14th -- Northeast 14th
3 and Kelham; is that correct?

4 A Correct.

5 Q When you found this were you relatively certain this
6 matches up to what Ms. Copeland was telling you about where
7 it started?

8 A Yes.

9 Q And it says traffic stop?

10 A Correct.

11 Q Now on the second page it shows us that this stop was
12 closed on April 25th at 21:15:32 and is the VisiNet Mobile
13 interface again, that's by an officer pushing the button in
14 the car to close out the call.

15 A Right.

16 Q So from 8:50 and -- excuse me -- 8:39:07 which is
17 then it was closed at 9:15:32.

18 A Correct.

19 Q Down at the bottom it shows at eight -- 8:39:08 there
20 is Officer Holtzclaw running a plate check; is that right?

21 A I believe he read the tag number to the dispatcher.
22 The dispatcher automatically runs that and then it gets
23 connected.

24 Q Runs the plate check?

25 A Yes.

1 Q And that -- and thank you. That's -- the point I was
2 trying to make is we know this actually involves an
3 automobile because he's running a tag.

4 A Correct.

5 Q And then there's information contained on here about
6 the vehicle registration and those types of things and then
7 a VIN number, that type of stuff that came back.

8 A Correct.

9 Q Ma'am, on page 3 of 5 of this document it looks like at
10 9:04:10 it's indicated that -- sorry -- that 2Charlie45 is
11 going 10-14 to 23 and Miramar. What does that mean?

12 A 10-14 is transport. He's transporting somebody to 23rd
13 and Miramar.

14 Q When you saw that in your investigation and obtained
15 this was that significant to you that you saw the 10-14
16 going to 23rd and Miramar?

17 A Yes.

18 Q Why?

19 A Because Regina had told me that he stopped her at one
20 location and then followed her to another.

21 Q Okay. And then -- and then if I look the very next
22 entry after that one shows 21:12, so 9:12:32 Officer
23 Holtzclaw -- 2Charlie45 is now at a location at [REDACTED]
24 Northeast 24th Street; is that right?

25 A Correct.

1 Q And was that significant to you that he finally put in
2 that address?

3 A Yes, when when he originally said he was 10-14 he
4 said he was 10-14 to an area near 23rd and Miramar.

5 Q Okay.

6 A And then when he arrived at the exact location he gave
7 them the exact location of the house.

8 Q [REDACTED] is the photograph I showed you [REDACTED] is the
9 photograph I showed you and you can see the house number of
10 the house on the corner; is that right?

11 A Correct.

12 Q Okay. And that's the house that has the boarded-up
13 windows on the side?

14 A Correct.

15 Q Okay. Ma'am, is there a code -- a ten code -- a 10-14,
16 10-8, whatever when you're gonna follow a suspected drunk
17 driver when you drive somewhere? Do you have a ten code for
18 that?

19 A No, you better not be following a drunk driver.

20 Q Okay. But 10-14 -- I think we saw that in Ms. Grate's
21 case, that was a code that was shown in the -- in the CAD
22 call on that for actually transporting a person; correct?

23 A Correct.

24 Q Showing you State's Exhibit Number 267 and ask if you
25 recognize what that is.

1 Q Okay.

2 (State's Exhibit 267 was played.)

3 Q (By Mr. Gieger) Running Ms. Copeland for warrants?

4 A Correct.

5 (State's Exhibit 267 was played.)

6 Q (By Mr. Gieger) Ms. Copeland did not have warrants.

7 A Correct.

8 (State's Exhibit 267 was played.)

9 Q (By Mr. Gieger) That would correspond with the entry
10 we looked at going to the area of 23rd and Miramar?

11 A Right, and he said I'll give you the exact 20 -- which
12 means the location -- when I get there.

13 Q Okay.

14 (State's Exhibit 267 was played.)

15 Q (By Mr. Gieger) And that's -- that's when he says

16 [REDACTED]

17 A Right, and he's 97 which means I'm at the scene -- the
18 scene of what he gave, [REDACTED]

19 Q Ma'am, other than Ms. Copeland telling you that that
20 house at [REDACTED] was the house that he eventually parked beside
21 or in the grassy area, have you been able to identify
22 anything else that would show up in police records or anyone
23 else associated with the case as to why he would go there
24 and say I'm -- did you say 97?

25 A I'm 97.

1 Q -- at that location?

2 A No.

3 Q Was that significant to you?

4 A Of why he went there?

5 Q Yeah, why -- yeah. Why he would say, "I'm at that
6 spot"?

7 A Why he said that he was at that spot?

8 Q Yes, ma'am.

9 A I mean, that's the place where he went. It was close
10 to the relative's house where she left the car. And he's
11 just giving a location for dispatch to know where he's at.

12 Q Is it concerning to you as a lead detective or
13 significant to you as a lead detective that if he was gonna
14 commit a sexual assault he would give that exact location to
15 the dispatcher?

16 A Is it -- he *did* the same thing with Rosetta. He's just
17 telling the dispatcher where he's at.

18 Q Ma'am, I'm going to hand you State's Exhibit Number 266
19 and ask if you recognize what this document is.

20 A The activity card for that day, 4/25/14.

21 Q That's Officer Holtzclaw's activity card?

22 A Yes.

23 Q Did you obtain this in your investigation?

24 A I did.

25 Q Is it accurate?

1 Q And that goes from 8:35 to 8:50; correct?

2 A Yes. Yes.

3 Q The next entry shows Northeast 21st and Granada. And
4 that shows to be a traffic stop; correct?

5 A Correct.

6 Q And that shows from 8:50 p.m. until 9:05.

7 A Correct.

8 Q The next entry is [REDACTED] Northeast 17th Street. Is D-I-S
9 disturbance?

10 A Yes.

11 Q That doesn't -- according to what was logged that
12 doesn't start until 9:45; correct?

13 A Correct.

14 Q So on his activity log does he indicate he's
15 anywhere -- at any point at the location of either 14th and
16 Kelham and/or 24th and Miramar?

17 A No.

18 Q Was that significant to you?

19 A Yes.

20 Q Why?

21 A I -- he wasn't logging it correctly. I feel this was
22 being deceptive. He wasn't logging the correct times and he
23 didn't log the correct locations and he -- everyone if you
24 combine the two it didn't give the total amount of time that
25 he was actually on the traffic stop and the transport.

1 Q Is that generally the area of 14th and Kelham?

2 A Yes.

3 Q Okay. Do you remember the testimony about how *it's* not
4 an exact location, *it's* tapped into the center line within a
5 reasonable area of where the car is?

6 A Right, and when there's so many points *it* can -- *it* has
7 to print the times kind of sporadically because otherwise
8 they're gonna be printing on top of each other and you
9 couldn't read *it*.

10 Q And in your investigation, ma'am, in working with AVL
11 and the way the computer gives this, is *it* necessarily
12 giving us every data point or is *it* giving us a series of
13 data points the way the computer gives *it* to us?

14 A A series. *It's* not giving you every one.

15 Q All right. But whenever I look at that part of State's
16 Exhibit Number 410 does *it* appear to be consistent with not
17 only the other documents that you received as far as the
18 location of what Officer Holtzclaw says that *he* is on this
19 traffic stop, but also what Ms. Copeland told you?

20 A Correct.

21 Q At some point, ma'am, *it* looks like -- for example, at
22 9:03:50, if I'm looking at the data on this correctly *it*
23 shows a speed now of nine mile -- nine knots; correct?

24 A Correct.

25 Q And is -- can you tell based upon your investigation

1 her memory is that the police car -- once she got to the
2 house at [REDACTED] that house, that her memory was the police
3 car pulled up beside her; do you remember that?

4 A Yes.

5 Q That is that concerning to you in your investigation
6 that that was on 24th Street but the AVL is showing at least
7 hitting on Miramar?

8 A Well, when I first got this exhibit it was a little
9 bit -- and that's why I went back and got the animation
10 because his car never goes on 24th Street.

11 Q On the animation.

12 A On this or the animation. But when I got the animation
13 it -- and I could watch the times and stuff it helped me to
14 understand, but her -- her --

15 Q Explain that. Explain how it could help you with the
16 times. What do you mean?

17 A Well, because he comes to a stop for like 22 seconds
18 according to the animation which is enough time to put her
19 in the back of the car. He -- her memory just wasn't
20 correct on him driving down 24th. He didn't do it.

21 Q Let's be fair, okay. So starting right now -- (Long
22 pause.) -- that's 22 seconds.

23 A Okay.

24 Q Is it your opinion that that's enough time to get her
25 in the police car?

1 A Yes.

2 Q When you watch the animation you saw the car then move
3 up a little bit further after that initial stop and then
4 stop longer at least -- at least no animation activity
5 happening for a longer period of time.

6 A Right.

7 Q Do you see that?

8 A Right.

9 Q Were you able to -- either using Exhibit Number 410
10 and/or the animation Exhibit Number 261, determine --
11 although 410 doesn't show any zero speeds on it, were you
12 able to determine -- at least at that spot were you able to
13 determine how much time potentially could've passed between
14 the two moving points that we have?

15 A Yes.

16 Q Okay. And how much was that?

17 A Four minutes and 33 seconds.

18 Q And is that consistent with what you understand about
19 AVL that it can be up to five minutes and not hit at
20 anything?

21 A Correct.

22 Q Okay. Once you're able to make that determination did
23 it resolve the concerns you had about whether or not Officer
24 Holtzclaw had come to a stop at the location that
25 Ms. Copeland was telling you?

1 A It resolved the concerns, yes.

2 Q The four minutes and 30 seconds, was that in your
3 opinion consistent with what Ms. Copeland had told you about
4 the length of the actual sexual intercourse?

5 A Yes.

6 Q Ma'am, were you also able to in the course of your
7 investigation obtain a waiver from Ms. Copeland for a DNA
8 sample?

9 A Yes.

10 Q And did you -- and did she voluntarily give that to
11 you?

12 A Yes.

13 Q Why did you give her that? Excuse me. Why did you get
14 that DNA sample from her?

15 A Because we **still** had unknown female DNA on the inside
16 of his -- of Officer Holtzclaw's uniform pants. I had not
17 identified that female. And that's what I'm doing, I'm
18 **still** trying to find that female DNA that was on the inside
19 of his pants.

20 Q And when you submitted her DNA sample to the serology
21 lab were you informed of whether or not there was a match?

22 A It was not a match.

23 Q Okay. So Ms. Copeland was excluded as well as a
24 contributor to the DNA -- to the female DNA on Officer
25 Holtzclaw's pants?

1 A Correct.

2 Q What did that have to do with -- what was the
3 significance of that for your investigation?

4 A Then I needed to keep looking.

5 MR. GIEGER: Pass the witness.

6 THE COURT: Cross-examination?

7 MR. ADAMS: Yes.

8 CROSS-EXAMINATION

9 BY MR. ADAMS:

10 Q Detective Davis, so we can get a visual picture of the
11 time line of events here, your very first contact ever with
12 Ms. Copeland was on October the 13th of 2014 by way of
13 telephone; correct?

14 A No, that's when I actually met with her.

15 Q Okay. Your very first conversation with her was by way
16 of telephone?

17 A Correct.

18 Q Okay. On what date?

19 A I don't have the day.

20 Q So the date's not reflected anywhere in your report but
21 the first time you ever made contact with her was prior to
22 October the 13th of 2014; correct?

23 A Correct.

24 Q And on that day you talked -- you tell her that you're
25 investigating an officer being inappropriate with women;

1 correct?

2 A Correct.

3 Q And she tells you that she had been sexually assaulted
4 by an Oklahoma City police officer.

5 A Correct.

6 Q And you set up a meeting with her on October the 13th
7 of 2014 in Texas.

8 A Correct.

9 Q In Garland I believe.

10 A Correct.

11 Q Now what's important to note here though is is that
12 Ms. Copeland prior to you meeting with her in person she
13 did have her daughter get on the Internet and pull up all
14 the articles about Officer Holtzclaw; correct?

15 A No.

16 Q Okay. If you take a look at your report -- and I'm
17 referring to your report dated 10/13 of '14. Third page,
18 last paragraph. Does that refresh your memory that in fact
19 Ms. Copeland stated that she -- she contacted her daughter,
20 looked on the Internet for any information about this
21 officer. Her daughter found articles and she saw a picture
22 of the officer. She said that is the officer who assaulted
23 her. Would you agree with me that that occurred prior to
24 your meeting with her in Garland, Texas?

25 A Yes, prior to the meeting. I thought you meant prior

1 to me getting ahold -- okay.

2 Q Prior to you meeting with her in Garland, Texas on
3 October the 13th of 2014, her daughter got on the Internet
4 along with Ms. Copeland and looked up the articles regarding
5 Officer Holtzclaw and actually found a picture of him on the
6 Internet. And she said that's the officer; correct?

7 A That yes, that's correct.

8 Q So then you showed up to interview Ms. Copeland in
9 Garland, Texas on October the 13th of 2014; correct?

10 A Right.

11 Q And during this interview you told us what she -- what
12 she told you; correct?

13 A Yes.

14 Q Okay. And is what she testified to here today.

15 A Yes.

16 Q And you would agree with me that it was Officer
17 Holtzclaw that initiated the initial radio contact on the
18 initial traffic stop; correct?

19 A You're

20 Q It was Officer Holtzclaw who initiated contact with the
21 police department here in Oklahoma City about his initial
22 contact with Ms. Copeland.

23 A Yes.

24 Q And he initiates a traffic stop.

25 A Correct.

1 information on Ms. Copeland along with her date of birth.

2 A Yes.

3 Q They check it through NCIC and she comes back clear;
4 correct?

5 A Correct.

6 Q Now what Ms. Copeland testifies to is that first of all
7 that she is told to expose herself at 14th and Kelham;
8 correct?

9 A Correct.

10 Q And she told you that on your first interview with her
11 back in October.

12 A Yes.

13 Q And did you go to 13th and Kelham and talk to any
14 people out there of whether or not they saw a police car
15 pull over Ms. Copeland wherein she had to expose herself in
16 public?

17 A No, I did not.

18 Q Okay. Then Ms. Copeland says that she tells Officer
19 Holtzclaw that she has a relative in the area.

20 A Right.

21 Q And she doesn't want to leave her car there because
22 she's afraid something'll happen to it.

23 A Right.

24 Q And she tells you that Officer Holtzclaw follows her to
25 the relative's car (sic) that we watched -- we've seen a.

1 Q And you would agree with me that from the information
2 that we've received from AVL we know that that is not true.

3 A Correct.

4 Q None of that is true.

5 A Correct.

6 Q Okay. Because the AVL doesn't show anything like that,
7 does it?

8 A No.

9 Q In fact, what the AVL is more consistent with is that
10 if you look at the AVL it's more consistent with Officer
11 Holtzclaw -- he actually calls in and says he has her in
12 custody; correct? Or he has her in the 10-14. What does
13 that mean?

14 A Transport.

15 Q He's transporting a person.

16 A Right.

17 Q Now whenever you're transporting -- whenever you're
18 following someone are you transporting them?

19 A Not -- you use the same ten code but not -- you use the
20 same ten code but when you're following technically you're
21 not transporting because they're not in your car.

22 Q Right. So if you are transporting someone, a 10-14
23 would be what you would use?

24 A Even if you're not transporting but you're following or
25 escorting like if I'm escorting somebody to the hospital

1 I'm still saying I'm 10-14.

2 Q Okay. In any event you would agree with me that at no
3 time on -- does the AVL ever show Officer Holtzclaw on 24th
4 Street on April the 25th, 2014.

5 A Yes.

6 Q We know for a fact that didn't happen.

7 A Correct.

8 Q You would also agree with me that at no time on -- on
9 April the 25th of 2014 does Officer Holtzclaw's car ever
10 show a zero speed on 24th Street; correct?

11 A He's never on 24th to show a zero.

12 Q He's never on 24th Street; correct?

13 A Right.

14 Q You saw how adamant she was that she parked her car
15 there; correct?

16 A Yes.

17 Q Then also when we talk about Miramar you would agree
18 with me that from the AVL he never went down 24th Street, he
19 went down what street to get to Miramar?

20 A I'd have to see it again.

21 Q Okay.

22 A To see exactly what street.

23 MR. ADAMS: May I approach, your Honor?

24 THE COURT: May approach.

25 THE WITNESS: 16th Street.

1 Q (By Mr. Adams} So despite what Ms. Copeland says we
2 know for a fact that the GPS device in Officer Holtzclaw's
3 car shows he took 16th Street all the way to Miramar;
4 correct?

5 A Correct.

6 Q And he never entered 24th Street.

7 MR. GIEGER: Asked and answered.

8 THE COURT: All right. It's a little bit
9 different. You can answer that.

10 THE WITNESS: He never did.

11 Q (By Mr. Adams} Then after he gets to Miramar Street we
12 show that he takes a left; correct?

13 A Correct.

14 Q And as he's traveling on Miramar Street -- this whole
15 time on Miramar -- the whole time that the AVL is tracking
16 Officer Holtzclaw's car on Miramar at no time does it ever
17 show zero speed; correct?

18 A Correct.

19 Q Then what you're saying is is that none of that
20 concerns you because bas- -- it didn't concern you that your
21 victim was telling you something that you knew was not true;
22 correct?

23 A Well, I said it did concern me and that's why I went
24 back to get the AVL to clarify it more.

25 Q Okay. But you would agree with me that what happens

1 is is at least from the AVL that has been introduced that
2 we've looked at on numerous occasions that Officer Holtzclaw
3 after 16th and Miramar he goes left on Miramar; correct?

4 A Correct.

5 Q And he passes 24th Street.

6 A Correct.

7 Q And it appears that after he passes 24th Street --
8 again, no zero speed it appears that -- does it appear
9 that he turns around at any time?

10 A Yes, because he never got to 25th Street.

11 Q Okay. So he never got to the next block over between
12 24th and 25th, does it appear that he turns around?

13 A Yes.

14 Q And then goes back on Miramar.

15 A Right.

16 Q To --

17 A 23rd I think.

18 Q To 23rd Street. And from 23rd he goes --

19 A West.

20 Q west.

21 Now admitting the fact that we have zero stops on
22 24th and admitting the fact that we have -- we have no stops
23 with zero speed on 24th and no stops on Miramar with zero
24 speeds you were able to find where you believe that there's
25 a four minute and 30 second interval there that this alleged

1 assault happened.

2 A Four minutes and 33 seconds.

3 Q Four minutes and 33 seconds.

4 And you would agree with me that that would be the
5 longest amount of time it could be.

6 A Yes.

7 Q Because that's taking a moving car to a moving car;
8 correct?

9 A That four minutes and 33 seconds the car is moving in
10 that

11 Q The -- the start point and the end point is 4:33;
12 correct?

13 A You're confusing me.

14 Q Well, then I'll -- I'll blow it up and maybe you can
15 explain it to us.

16 A I didn't get my four minutes and 33 seconds from this,
17 I got it off the animation.

18 Q Off of what?

19 A The animation. When it spits out the speed, the last
20 time it spit out was at 21:11:00 and then the next time he
21 started moving was 21:15:33.

22 Q 2:11?

23 A :00. And then he moves again at 21:15:33.

24 Q Okay. 21:11:00, how fast was he going?

25 A I don't know, I'd have to -- I don't --

1 Q Okay. And then he has to close the door, get back in
2 his vehicle, log off of his computer and take off; correct?

3 A Correct.

4 Q Okay. And it's your testimony that he does all that
5 within four minutes and 33 seconds because that is the most
6 time that we can conceivably find any where on the AVL that
7 anything like that could've happened?

8 A Correct.

9 Q Correct.

10 And then, again, after Ms. Copeland says that this
11 happened -- you heard her testify that she walked back to
12 where she says she parked her car on 24th Street; correct?

13 A Correct.

14 Q So now is it your testimony that her car was never
15 parked on 24th Street?

16 A I never said that.

17 Q Okay. Where is her car parked while all these things
18 are allegedly happening?

19 A She said it was on 24th.

20 Q But you know that Officer Holtzclaw never went on 24th.
21 So I'm asking you as the lead detective in this case, where
22 do you believe the car to be?

23 A I believe her car was parked on 24th.

24 Q Okay. So then where did he pick her up?

25 A On Miramar and 24th.

1 Q So did she walk down three houses down the street to
2 Miramar so that he could pick her up?

3 A That's what I believe.

4 Q So you believe that she parked her car in front of her
5 relative's house and that she walked down three houses to
6 this police officer that she says had just made her expose
7 herself at 14th and Kelham?

8 A He still had her driver's license. I believe she
9 walked to him.

10 Q She still -- oh, he still had her driver's license. So
11 after she was required to allegedly expose herself at 14th
12 and Kelham she thought it was critical to get that driver's
13 license back; is that what you're telling this jury? So she
14 walked back down to Miramar so she could get into his
15 vehicle alone? That's what you want this jury to believe?

16 MR. GIEGER: Form of the question.

17 THE COURT: All right. Rephrase your question.

18 Q (By Mr. Adams) You state that you believe that she did
19 park in front of her relative's house. And you would agree
20 with me that's three houses away from Miramar to the west;
21 correct?

22 A Correct.

23 Q And it's your testimony that since he still had her
24 driver's license that after she parked there she decided it
25 was a good idea to walk down the street and get in his car

1 alone?

2 A I don't know that she thought it was a good idea, but
3 he had also told her that she was going to detox. And I
4 believe that she thought she was going to detox.

5 Q Okay. Anywhere on the CAD call and whenever Officer
6 Holtzclaw called this matter in did he say he was taking her
7 to detox?

8 A No.

9 Q So you're just taking her word at that?

10 A She told me that he told her she was going to detox.
11 Why would you call in going to detox if you're not gonna
12 take her to detox?

13 Q Did you verify anything that Officer Holtzclaw said to
14 the command or anyone at the Oklahoma City Police Department
15 "I am taking this woman to detox"?

16 A He never told anybody that.

17 Q No. The only person in the world who's ever said that
18 is Ms. Copeland; correct?

19 A Right.

20 Q And you would agree with me that on the night that this
21 happened she was under the influence of alcohol.

22 A Correct.

23 Q She also was under the influence of crack cocaine.

24 A Correct.

25 Q She also told you that at 14th and Kelham that not only

1 encounter with Officer Holtzclaw?

2 A I don't remember if I asked that. I may have.

3 Q Okay. Since we have zero speeds on either 24th or on
4 Miramar would it not be more consistent with the fact that
5 Ms. Copeland actually left her car at 14th and Kelham and
6 Officer Holtzclaw took her to the corner of 24th and Miramar
7 and let her out? Would that not be more consistent with the
8 AVL that we have introduced into this case as 410?

9 A No, why would he do that? She didn't live there.

10 Q I'm asking you: Is it not more consistent with the
11 evidence that we have at 410 that that vehicle that
12 Ms. Copeland was in never left never left 14th and
13 Kelham, that what happened was she got into Officer
14 Holtzclaw's car at 14th and Kelham and he transported her to
15 the residence that he said on the radio at the corner of
16 24th and Miramar and let her out, spun around and went back
17 on duty?

18 A No.

19 Q Is that not what that's more consistent with?

20 A No.

21 Q Okay. And tell us the reasons that is not consistent
22 other than Ms. Copeland saying that there was a sexual
23 assault. Tell us what is on there that shows that that is
24 not consistent.

25 A When -- after interviewing Ms. Copeland -- I don't know

1 Q Beginning with Shardayreon Hill in December?

2 A Right.

3 Q And now up to Syrita Bowen in May?

4 A Right.

5 Q As these individuals were contacted, ma'am, did all of
6 these individuals have multiple contacts with the police
7 department?

8 A Yes.

9 Q But when they were interviewed was there something
10 consistent about what they told you in regards to the
11 contacts they had?

12 A Yes.

13 Q What were they?

14 A That they all gave the same description of the officer,
15 except Sherry said he was black. They gave the same
16 description of the car and they gave the same sex act-type
17 descriptions that

18 Q And when you went -- I'm sorry, go ahead.

19 A They all said that he held warrants over their head or
20 threatened to take them to jail.

21 Q But as far as identifying Officer Holtzclaw, all of
22 them had multiple contacts with other officers?

23 A Yes.

24 Q And did they give you descriptions that matched where
25 Officer Holtzclaw either took them or where they came in

1 contact with him?

2 A Yes.

3 Q And was that significant to you?

4 A Yes.

5 Q Why?

6 A Because everything they said of where they made contact
7 with him, where he drove them, it all matched to all the
8 records that we were pulling.

9 Q Did any of the ladies that you've testified about today
10 talk about events where you were able to determine they were
11 in contact with other police officers?

12 A Yes.

13 Q No. No. Other police officers that assaulted them?

14 A Oh, no.

15 Q Was the only officer they consistently identified as
16 the one who assaulted them this defendant?

17 A Yes.

18 MR. ADAMS: Your Honor, object to the form.

19 THE COURT: Sustained.

20 Q (By Mr. Gieger) Was the fact that all these ladies
21 identified this defendant even though they'd had contact
22 with other officers significant to you?

23 A Yes.

24 Q Why?

25 A Because they could've -- if they were just making this

1 he said he was gonna take me to detox.

2 Q He told you he smelled alcohol?

3 A Uh-huh.

4 Q Okay.

5 A So he said he was gonna take me to detox.

6 Q Did you respond?

7 A Yes, I said -- he said that I would have to leave my
8 car there and he was gonna take me to detox. And I -- I
9 said: Please, Officer, don't -- I don't want to leave my
10 car here. You know, it's in a bad area. Someone will break
11 into my car. And he let me -- I told him I could take my
12 car to a relative's house that was close in the area. He
13 let me take my car to my relative's house.

14 Q Ma'am, before he did that did he search you in any way?

15 A Yes, he searched me.

16 Q Okay. Where did that happen? Did that happen at

17 A At at where I was on 15th and Kate in between
18 Kelham. After he searched my car and I stepped out of the
19 car he didn't find anything, he told me to pull my pants
20 down.

21 Q Can you tell me a little bit about -- first of all what
22 kind of pants were you wearing if you recall?

23 A All I know is they were pants. I can't remember what
24 color.

25 Q Okay. And so --

1 conversation?

2 A No.

3 Q Ma'am, about how long did your pants stay down?

4 A After he -- he looked at looked down there he told
5 me I pulled them back up. He said I can pull them back
6 up.

7 Q Do you have an idea about how long that lasted? And I
8 know

9 A Just a few minutes.

10 Q Not long?

11 A Huh-uh.

12 Q All right. And then you had the conversation about
13 nationality and he said why?

14 A Why.

15 Q What happened next?

16 A He said he was gonna take me to detox.

17 Q Did you respond?

18 A Yes, I said, I didn't want to go to detox. I said I
19 wasn't drunk and that I could go -- I could drive home and
20 please let me go home. Because he didn't give me a ticket.
21 He didn't charge me with anything. But he said I would only
22 be there a couple hours. And I said: Please, I don't want
23 to leave my car here. If you're gonna take me to detox,
24 okay, I will go to detox but please let me park my car some
25

1 Q is the house?

2 A That's the house.

3 Q All right. So the officer had you now get in his car
4 and you leave your car there?

5 A Yes.

6 Q Is that what you told me?

7 A Yes.

8 Q What happens next, ma'am?

9 A At this time I think I'm going to detox. And he
10 circles the block. And it's dark. And all -- all I can
11 remember is he pulled over on the side of the road which is
12 some -- a grass area. And what I can remember, it was dark,
13 it was -- I could remember a lot of school buses.

14 Q Okay.

15 A So he stopped the car and he got out. And he told me
16 to get out. And that's when the sexual assault happened.

17 Q Ma'am, do you know other than the school buses if there
18 was anything else that you can remember being close by?

19 A Just trees.

20 Q Trees?

21 A And dark.

22 Q And dark.

23 All right. Ma'am, I don't know -- I'm going to
24 show you 258 and 259. Are those photographs -- when you say
25 school buses is that consistent with what your memory was of

1 Q And what was Regina's demeanor like whenever you picked
2 her up?

3 A When we picked her up she was kind of sad and
4 broken-hearted kind of, you know, just kind of

5 Q Did she -- where were you and David sitting and Regina
6 sitting in your car?

7 A David was the driver. I was in the passenger seat and
8 Regina was right behind David.

9 Q What was she doing while she sat in the back seat?

10 A She was -- kind of had her head this way towards the
11 window looking out the window.

12 Q She was just looking out the window?

13 A Uh-huh, kind of like staring out the window.

14 Q During this car ride did you receive information from
15 Regina Copeland about having been sexually assaulted by an
16 officer?

17 A Yes.

18 MR. ADAMS: Judge, I would object to the form and
19 ask to approach.

20 THE COURT: All right. Come up.

21 (The following was had at the bench by
22 Court and counsel out of the hearing of
23 the jury.)

24 MR. ADAMS: Judge, it's leading and it calls for
25 hearsay and I object to both grounds. And also, that was --

1 THE COURT: And your response?

2 MS. McCONNELL: Well, once again, Judge, I don't
3 think that asking what the topic that she discussed with her
4 is hearsay. It's not asking for a statement by the
5 declarant. But moreover, even if it were so, it still is
6 offered to rebut a charge by Mr. Adams of a motive to
7 fabricate on the part of Regina Copeland that came during
8 his cross-examination of the victim in this case.

9 THE COURT: All right. I'm going to overrule the
10 objection as to hearsay on the specific question of what was
11 the topic about.

12 MR. ADAMS: And also, your Honor, I'd like to
13 object on improper bolstering which is all that this is.
14 It's just I mean, it's hearsay. It's coming through
15 they're just bolstering another witness' testimony. I
16 object on those grounds too.

17 THE COURT: All right.

18 (The following continued within the
19 hearing of the jury.)

20 Q (By Ms. McConnell) Ms. Copeland, once again, without
21 telling me what Regina Copeland told you, what was the topic
22 of conversation that you had with Regina Copeland while she
23 was in the car with you and David Copeland?

24 A About the topic of the conversation at the time was
25 about she was talking about this officer who had put his

1 A Yes.

2 Q The way that -- the way that it was turned in
3 and record are hadn't been altered is what I mean once it
4 was turned in.

5 A Correct.

6 MR. GIEGER: Offer State's 266.

7 MR. ADAMS: No objection.

8 THE COURT: All right. State's Exhibit 266 will
9 be admitted.

10 Q (By Mr. Gieger) Ma'am, 266 is exhibit -- activity log
11 for 4/25 of 2014. 2Charlie45, Officer Holtzclaw; correct?

12 A Correct.

13 Q And the the CIU -- excuse -- the CAD call shows it
14 starts at 28 basically 20:39; correct?

15 A Correct.

16 Q And it extends to 21:15. So 8:49 to 9:15.

17 A Right.

18 Q When I go down on the activity log, if I get to 8:35 to
19 8:50 -- hang on, sorry. Do you see -- he gives a location
20 on Northeast 16th Street; correct?

21 A Correct.

22 Q What's DOM mean?

23 A Domestic.

24 Q Some type of domestic disturbance?

25 A Yes.

1 THE COURT: All right. You can answer the
2 question.

3 THE WITNESS: No, when this assault occurred she
4 stayed at -- she lived in the apartments at 23rd and
5 Meridian. That was just a relative's house.

6 Q (By Mr. Adams) That was a relative's house that she
7 said that she drove to that night; correct?

8 A Where she left her car.

9 Q Where she's saying she left her car; correct?

10 A Correct.

11 Q But you have no evidence whatsoever period that she
12 actually drove her car and left it in front of that
13 residence, do you?

14 A No, but she -- you're saying -- you were saying that
15 she lived there but

16 MR. ADAMS: May I approach, your Honor?

17 THE WITNESS: -- she didn't live there.

18 THE COURT: You may approach.

19 Q (By Mr. Adams) It was her testimony that she drove her
20 car from 14th and Kelham to this residence right here and
21 parked it in the front of the street; correct?

22 MR. GIEGER: Asked and answered, your Honor.

23 THE COURT: All right. Sustained.

24 Q (By Mr. Adams) Okay. Would you agree with me that all
25 of the AVL evidence is consistent that Officer Holtzclaw did

1 transport her to 24th and Miramar where this residence is
2 located and simply dropped her off? Because you interviewed
3 a number of people trying to find anyone who saw her car in
4 front of that residence; correct?

5 A I interviewed one person.

6 Q And no one saw her car on the day in question in front
7 of that residence, did they?

8 A No.

9 Q Okay. So you have nothing other than her word to say
10 that her -- that she actually drove and parked her car
11 there; correct?

12 A Correct.

13 Q Now -- however, when we look at 410 you would agree
14 with me that since we're getting zero hits we know for a
15 fact that Officer Holtzclaw was not stopped around that
16 house for more than five minutes; correct?

17 A Correct.

18 Q So under that scenario of events is it not more
19 consistent, that what had happened is she was transported
20 from 14th and Kelham down to her relative's house or right
21 around by it, let out while Officer Holtzclaw went back and
22 on duty?

23 MR. GIEGER: It's been asked and answered, your
24 Honor.

25 THE COURT: All right. Sustained.

1 about?

2 A Yes.

3 Q Also in regards to activity on officers how do you keep
4 track since they're riding around by themselves, they don't
5 have somebody looking over their shoulder all the time, how
6 do you know they're doing what they're supposed to be doing?
7 Are there certain expectations they're supposed to be doing,
8 things like that?

9 A We have activity cards. There's a paper form and
10 there's a computer form as well. So every time an officer
11 goes on a call, does any kind of activity whatsoever, it's
12 documented on an activity card. The address, the time they
13 arrive, the time they left and then there's categories that
14 split up kind of what they did. If they wrote a report,
15 it's documented. If they wrote a ticket, it's documented.

16 MR. GIEGER: Approach, your Honor?

17 THE COURT: Yes.

18 Q (By Mr. Gieger) Hand you Exhibit 91. Do you recognize
19 what that is, sir?

20 A Yes, sir, it's an activity card.

21 Q Okay. Is it a blank card?

22 A Yes, sir.

23 Q Basically what you've just been describing; is that
24 right?

25 A Yes, sir.

1 A Correct.

2 Q And we know that he did not do that.

3 A Correct.

4 Q Okay. If Officer Holtzclaw received no information
5 from Ms. Ellis regarding either prostitution or drugs where
6 does he record that?

7 A Well, he would've recorded it on his activity card that
8 he was out with her.

9 Q And I'm gonna get to that in a second. Outside the
10 activity log who would he report to that I've received no
11 information from this individual?

12 A Nobody.

13 Q Okay. So in regards to the daily activity log which
14 has been introduced as Exhibit 296, the last entry -- you
15 understand -- and this, again, is what the officers --
16 there's a lot of paperwork for patrol officers to complete;
17 correct?

18 A Depending on the shift. If they have a -- they could
19 have a lot of reports to make or if they don't -- this is
20 the only thing that they do that documents what they did
21 throughout the day.

22 Q And they're supposed to do this at the same time that
23 they're doing the traffic stops and stuff too, are they not?

24 A When you're done with it -- when you're done with a
25 traffic stop then you write it down or type it in.

1 you say back on May the 7th of 2014 you were walking in this
2 particular neighborhood; correct?

3 A Yes.

4 Q And you say that the officer pulled up on you on a
5 public street; correct?

6 A Yes.

7 Q And started -- and about what time was it?

8 A I'm not recalling. It was I don't recall. It
9 wasn't very late. It was it was before midnight.

10 Q Before midnight when and you were walking alone?

11 A Yes.

12 Q And the officer approached you and asked you what you
13 were doing.

14 A Yes.

15 Q And asked you if you had any narcotics or did you know
16 where -- didn't ask you anything, he just did what?

17 A He asked me what was my name. And he got -- I told him
18 my name. And then he asked me -- and I told him off that I
19 had a city warrants. I told him this.

20 Q Where were you coming from?,

21 A I was coming from my house.

22 Q And where were you headed to?

23 A I was headed to my cousin Dion's house.

24 Q And at your house was Mr. M:ick?

25 A Yes.

1 Q Is that consistent with what Ms. Ellis had told you?

2 A Yes.

3 Q This call shows that it was closed on 5/7 at 1:18:54
4 a.m.; correct?

5 A Correct.

6 Q This one shows -- it doesn't say VisiNet interface. It
7 has -- is that a dispatcher's name?

8 A Yes.

9 Q What does that mean?

10 A That means he closed the call over the radio.

11 Q And, ma'am, have you had the opportunity to obtain the
12 radio traffic in this case?

13 A Yes.

14 Q And I'll ask you about it in a moment, but was that
15 consistent with what you found is that in fact a dispatcher
16 is the one who closed this call out?

17 A Yes.

18 Q I'm going to hand you this because I don't want to miss
19 it. In reviewing the CAD call on 293, we've heard before
20 about ten codes whenever you're going to transport someone
21 to another location; do you remember that?

22 A I do.

23 Q What's that ten code?

24 A 10-14.

25 Q All right. In looking at State's Exhibit Number 293

1 AVL then?

2 A I did.

3 Q And with the concern that there still is a black
4 officer potentially or that she remembered it being possibly
5 a black officer, did you try to see if Officer Holtzclaw not
6 only was consistent with running her on 5/7 but also being
7 in the location that she said the officer assaulted her at
8 at 18th and Highland and then took her to the school?

9 A I did check the AVL and I did find that.

10 Q Ma'am, first I want to show you State's Number 228 --
11 I'm sorry 288

12 MR. GIEGER: Apologies, your Honor.

13 Q (By Mr. Gieger) 288; do you recognize that map?

14 A Yes, it's --

15 Q What is that?

16 A -- AVL on the 18th and Highland area.

17 Q All right. And is it accurate based upon what the AVL
18 department provided to you?

19 A Yes.

20 MR. GIEGER: 288.

21 MR. ADAMS: No objection, your Honor.

22 THE COURT: All right. State's Exhibit 288 will
23 be admitted.

24 Q (By Mr. Gieger) And here's 288. This road is
25 Highland; correct?

1 A No.

2 Q And since we have no zero speeds, tell me why that
3 would not be consistent with it being less than four
4 minutes.

5 A It's not consistent because he would've gone 10-14 with
6 her and given a mileage because he's transporting somebody
7 of the opposite sex.

8 Q Okay. Assuming that he just didn't do the 10-14 -- we
9 know he called it in to the CAD unit; correct?

10 A Yes, to dispatch.

11 Q He initiated the stop. We have the document in
12 evidence; correct?

13 A Correct.

14 Q And we have the document in evidence that the actual
15 CAD people, they stopped the call at 1:18; correct?

16 A Yes.

17 Q So we know for a fact that Ms. Ellis testified that
18 this sexual assault that she's saying that took place behind
19 the building lasted between five and ten minutes. You would
20 agree with me that if that was true -- if that was true --
21 that statement was true we would have a zero stop somewhere
22 either here or here; correct?

23 A If it lasted five to ten minutes, yes, we would have a
24 zero stop.

25 Q And we don't have that, do we?

1 A No.

2 Q Okay. So we know for a fact that -- that nothing took
3 longer than five minutes; correct? We know that for a
4 fact -- at a zero speed, or we would have a zero stop;
5 correct?

6 A Correct.

7 Q So it is possible, is it not, that Officer Holtzclaw
8 simply drove through this area, got no information, let her
9 out of the vehicle and headed back over to Miramar and did
10 all that traveling the 503 feet in less than four seconds
11 (sic) as opposed to having a sexual encounter to the point
12 of ejaculation with someone behind the building; correct?

13 A The way you're putting it, yes.

14 Q Okay. Now you would agree with me that if Officer
15 Holtzclaw did obtain some information from Ms. Ellis, and I
16 think you testified to this on direct, in regards to drug
17 houses that he would be required or expected under the
18 Oklahoma City policy I guess to pass that on to special
19 projects or impact?

20 A Yes.

21 Q Okay. And we know he didn't do that; correct?

22 A Correct.

23 Q And we also -- you believe that if he had received some
24 information about prostitution that he would've forwarded
25 that information on to the vice department; correct?

1 people only if he got some information; correct?

2 A Correct.

3 Q And we know he did neither one of those?

4 A Correct.

5 Q So you've heard Ms. Ellis testify and you know what the
6 AVL shows without any question; right?

7 A Correct.

8 Q It is your belief that within less than four minutes he
9 was able to navigate the 504 feet, commit a sexual assault
10 on Ms. Ellis that included intercourse with possible
11 ejaculation -- she told you she believed he ejaculated;
12 correct?

13 A She testified she didn't know.

14 MR. GIEGER: I'm sorry, I'm going to object to --

15 Q (By Mr. Adams) She told you.

16 MR. GIEGER: He changed his question. So to that
17 one I don't have an objection, the one she answered.

18 Q (By Mr. Adams) Okay. She told you, did she not, in
19 her interview that she believed that he had ejaculated?

20 A No, says she does not know if he ejaculated.

21 Q Okay. She told you she wasn't sure whether or not he
22 wore a condom.

23 A Correct.

24 Q And she said it lasted about -- she told you
25 specifically ten minutes.

1 A Correct.

2 Q And we know that that's not true; correct?

3 A By AVL, yes, correct.

4 Q Now, whenever this car -- we've also heard previous
5 testimony in this case that Officer Holtzclaw's car was
6 impounded and a number of things were buccal (sic) swabbed
7 and fingerprinted and all that stuff; correct?

8 A Correct.

9 Q Do you recall that?

10 You would agree with me that in nowhere in -- in
11 his vehicle anywhere was there any DNA from Ms. Ellis;
12 correct?

13 A Correct.

14 Q And you would agree with me that obviously on any of
15 the clothing that was taken off of Officer Holtzclaw when it
16 was taken from him, we again found no DNA from Ms. Ellis.

17 A Correct.

18 Q Or the police found no DNA.

19 A Correct.

20 MR. ADAMS: Pass the witness, your Honor.

21 MR. GIEGER: I think I'll be brief, your Honor. I
22 have three points but I don't know -- if you want to stop
23 for lunch I understand.

24 THE COURT: If you'll be brief.

25 MR. GIEGER: I'll do my best. If I'm not please

1 A That's correct.

2 Q And in fact she always maintained to everyone including
3 at the stop of the domestic, the time you talked to her the
4 first time on 6/2, the next time you talked to her on 6/24,
5 and the next time you actually interviewed her on 7/10 she
6 always maintained it was within three or four days of her
7 domestic.

8 A Yes.

9 Q Which would've made it 5/20 or 5/21 of 2014.

10 A Yes.

11 Q And you would agree with me that she maintained that
12 through the trial.

13 A Yes.

14 Q And you're the one that went and found this 5/8/2014
15 date; correct?

16 A Yes.

17 Q Now -- and she tells you that she went to her uncle's
18 apartment which we know is not an apartment, we know is
19 actually a house; correct?

20 A Yes.

21 Q And that was Terry Wayne.

22 A Yes.

23 Q And you believe that she was dropped off at Terry
24 Wayne's.

25 A I knew she was dropped off. She said she went to Terry

1 Q He had you bend over first?

2 A Yeah.

3 Q All right. Ma'am, I'm gonna ask another question,
4 again, I'm not trying to embarrass you. Whenever he had you
5 bend over did you feel his penis go into your vagina?

6 A Yes.

7 Q Okay. Other than his penis going into your vagina, did
8 you feel anything else back there?

9 A Yes. I felt like it might've been his gun or something
10 poking my hip.

11 Q You felt like his gun was poking your hip?

12 A Uh-huh.

13 Q Did you see how he removed his penis from his pants?

14 A Yeah, he just -- he just unzipped his fly.

15 Q Okay. So his gun and stuff stayed on?

16 A Uh-huh.

17 Q But his penis came out his fly?

18 A Yes.

19 Q All right. In regards to the sexual intercourse do you
20 have any idea how long that lasted?

21 A Probably like 20 or 30 minutes.

22 Q Seemed like 20 or 30 minutes?

23 A Yeah.

24 Q Do you know whether or not he ejaculated, Ms. Lyles?

25 A I don't think so.

1 Q All right. So on these -- on these we're approximately
2 at -- not approximately, we're at 1:35 a.m. and 45 seconds
3 at speed 6; correct?

4 A Correct.

5 Q And then we've got 1:36:03 at speed 11?

6 A Yes.

7 Q And 1:36:10 at speed 9.

8 A Yes.

9 Q And although we don't have a map with all the data
10 points in between 16th and Lottie and that location at the
11 dead-end at 18th Street, the direction of travel is
12 consistent with what you have proffered in evidence in
13 State's Number 350; is that right?

14 A Yes.

15 Q When we get over to Miramar, again, the AVL system is
16 putting it on Miramar but Ms. Lyles told you the car was
17 where?

18 A In between some buildings of the school.

19 Q And would that be consistent with your understanding of
20 the way the AVL system worked if Ms. Lyles was accurate as
21 to where the car was parked?

22 A Yes.

23 Q And on this one we have -- the last data point we have
24 over in the cul-de-sac showing in eastward travel is
25 1:36:10; correct?

1 A Correct.

2 Q And then whenever I look, the next data point that came
3 up through the AVL system shows it at 1:41:10 and that's at
4 a speed zero.

5 A Correct.

6 Q And then five minutes later we have at 1:46:10 another
7 speed zero.

8 A Correct.

9 Q And then approximately 1:14 later it shows now speed in
10 a direction of travel going northbound at least from the
11 zero hits on Miramar at 9 knots; correct?

12 A Correct.

13 Q When you received this map and this information in
14 regards to Officer Holtzclaw's vehicle's movements on
15 June 18th, at -- between the 1:00 and 2:00 a.m. time period
16 was it significant to you?

17 A Yes.

18 Q Why?

19 A Because it matched up with the story of what she told
20 me, that he took her to the school. And it had some zero
21 speeds and knowing that the AVL's not going to plot in the
22 school field, but to the closest street, it just matched her
23 story.

24 Q Ma'am, in regards to the communications with the
25 dispatcher were you also able to obtain radio traffic in

1 every one of them have testified they don't want to be known
2 as the snitch in the neighborhood where no one can see them.
3 But you know what, if in those 35 people we have AVL that
4 shows that they went behind the school all the time, you
5 could assume that they did. They went behind the school all
6 the time. They went on Dead Man's Curve.

7 But Daniel Holtzclaw isn't worth a damn with
8 paperwork. I mean, how many of you -- do you know people at
9 work that aren't -- aren't -- aren't very proficient or very
10 good at paperwork? Well, as an Oklahoma City police
11 officer, literally if he -- if you want to follow the quota
12 of what you're supposed to do on every single call, I quite
13 frankly don't know how they can get anything done with all
14 the things they're supposed to be doing at once. But if
15 they're all these are all these significant and --
16 because Mr. Gieger's getting ready to get up here in a
17 minute and he is going to repeatedly hit all these things.

18 Well, where's his field interview cards? Well,
19 show us on this 35 control group where he filled out field
20 interview cards. Well, I'd suggest to you he never filled
21 out one in his entire career. They haven't admitted any.
22 There's some that are stuck in his car when they take it,
23 but they don't have any in evidence.

24 If they're gonna tell you that his daily activity
25 logs that he intentionally left people off of there so that

1 his supervisors wouldn't know about it, well, then go back
2 to that control of 35 people and show us that every time he
3 pulled over someone who said nothing happened to them, that
4 he put her on his daily activity log.

5 They -- they -- the burden is right here. And it
6 has never shifted, not one time. If they're gonna say that
7 he was letting people go on these warrants and he was
8 holding it over their head, then show us that the 35 people
9 that we know say nothing happened, that they didn't have any
10 warrants that he held over their heads. Show us. You've
11 got it.

12 They've got all the documents. For me to get
13 anything I had to go through them. And you -- you saw what
14 they did with that when I said I want every single time that
15 Daniel Holtzclaw turned on or off his AVL. Because under
16 policy -- and they were making a big deal about it -- it's
17 door to door. But certainly when I get it it shows just the
18 opposite. It shows that it's done exactly as Daniel
19 Holtzclaw says. That he would turn it on and off at the
20 Springlake Division on the majority of the occasions. And
21 other than that it was everywhere, all over the city. So is
22 he guilty of violating some policies? Yeah. Yeah. Yeah,
23 he is. But that's not criminal. And that's what the Judge
24 instructed you whenever he was giving -- whenever you
25 started hearing this information about these alleged policy

1 Yeah. Does the AVL show that? No. But you know what **it**
2 does show, him at a zero speed for plenty of time to put
3 your penis in her right there by the bus barn just like she
4 said. And ladies and gentlemen, **it** is not reasonable for
5 him to take her home or let her drive home or be at 24th
6 Street, period. Period. Because if he was gonna let her go
7 he'd let her go. If he was gonna take her to detox, he
8 would've taken her to detox and impounded her car. If he
9 was gonna arrest her for DUI he would've taken her to jail
10 and impounded her car. There's no reason to go to 24th
11 Street unless -- unless you're gonna do exactly what she
12 said. And he put his penis in my vagina and then he left.

13 You saw the animation. **It** goes down, and **it** goes
14 over, and **it** goes back up and he stops again. And then he
15 drives off.

16 There's no report. And his activity card shows he
17 was somewhere else. But she's evil because she didn't go to
18 her aunt's funeral. Don't believe her. She missed a family
19 funeral. Let's don't talk about my defendant. Let's talk
20 about other things.

21 Ladies and gentlemen, Terri Morris is a train
22 wreck. But she told this officer -- Mr. Adams said that
23 Officer Gregory had to be lying to you because he talked
24 about AVL and there's no way he would've talked about
25 Liberty Station Apartments if he hadn't looked at the AVL.

1 picture of on a number of occasions.

2 A Right.

3 Q I think it's 249, it's a picture of the house.

4 A Okay.

5 Q Is that a picture of the house? She was very adamant

6

7 A Right, I just didn't know what exhibit number it was.

8 Q And I had this up there when she was testifying and she
9 was very adamant that on April the 25th of 2014 that after
10 Officer Holtzclaw stopped her, that she drove and parked her
11 vehicle in the front of that house; correct?

12 A Correct.

13 Q And -- and you heard me when I -- during
14 cross-examination going over in very detail about making
15 sure that she had parked there, she had parked on the
16 street. And she testified -- and I was even asking her
17 which way the cars were facing; do you remember all that we
18 were going through?

19 A I do.

20 Q And she testified -- and I was asking her: Are you
21 sure that Officer Holtzclaw pulled up next to the side of
22 you?

23 A Correct.

24 Q And she said that he did.

25 A Yes.

1 under the detention of Officer Holtzclaw whenever he
2 committed this crime.

3 The next crime for your consideration is the crime
4 of rape in the first degree. These victims are all the
5 victims that are charged -- are all of the victims that the
6 State has charged Officer Holtzclaw with raping in the first
7 degree: Rosetta Grate on April 24th, Regina Copeland on
8 April 25th, Sherry Ellis on May 7th, Syrita Bowen on May
9 21st, Adaira Gardner on June 17th and Kala Lyles on June 18.

10 And the elements for rape in the first degree are
11 in Instruction Number 15. Sexual intercourse is the first
12 element. Well, sexual intercourse is later defined for you
13 that it's actual penetration of the vagina by the penis.
14 All of those victims testified that the defendant's penis
15 penetrated their vagina.

16 The second element is with a person who's not a
17 spouse of the defendant. That's a gimme. You know that
18 Officer Holtzclaw is not married to any of those women.

19 And third, where force or violence was used
20 against the victim or where force or violence was threatened
21 against the victim and the defendant had the apparent power
22 to carry out the threat of force or violence. All of these
23 victims just like we talked about in the forcible oral
24 sodomy instruction were taken to secluded locations by the
25 defendant. They were alone, there was no one to help them.