

1 Ivan Venegas, Oklahoma City police officer.

2 Carla Raines.

3 Florence Mathis.

4 Rosetta Grate.

5 Johnnie Grate.

6 Gentleman named Willie Carter.

7 Cheyenne Hornbeck, works for the Oklahoma County
8 Sheriff's Office.

9 Wes Cadena, he's an Oklahoma City police officer.

10 Sherry Ellis.

11 Terry Mack.

12 Edwin Smith.

13 Terri Morris.

14 Christopher Shelton.

15 Terry Wayne Lewis.

16 Jonathan Thomas, that's an Oklahoma City police
17 officer.

18 The following are officers as well: Dan Williams,
19 Michelle Holland, Miguel Ramos, Kyle Maly.

20 A lady named Carla Johnson.

21 Victor Wilson.

22 Russell Adams.

23 A gentleman who goes by T. J. Slaughter.

24 Denduzza Yei-ro.

25 Jannie Ligons.

1 a vehicle that's pulled over by another Oklahoma City cop.
2 This is a couple months prior to her even meeting
3 Mr. Holtzclaw. And of course she has warrants out and
4 everything else in the world, convicted and goes on and on
5 and on. And she's sitting in the back seat of the car and
6 the police officer comes up trying to do his job; say: Hey,
7 what's your name, what's your name, what's your name? And
8 he gets everybody's name and goes back up to his vehicle and
9 decides to run everyone to see if there's any what we call
10 wants or warrants. And as he does that he gets down to
11 Ms. Grate. And of course she gave him some fake name, you
12 know, on their system it shows fake name, you know, here's
13 really her name and blah, blah, blah, this is all about her.

14 While he's doing that -- and it seems a little
15 comical but this is the truth -- here comes a fire engine
16 coming by full speed with lights and sirens. Right behind
17 him is an ambulance, lights and sirens. And behind that
18 comes another Oklahoma City squad car, lights and sirens.
19 And he's sitting there with this silly traffic stop thinking
20 what in the world's going on. He radios into dispatch and
21 tells them where he is and what -- what is all the activity
22 going on here. Well, dispatcher tells him we were just
23 notified there was eight people fighting a block and a half
24 from you. Hold it, more information's coming in. A gun has
25 been pulled, someone is shot.

1 BY MR. GIEGER:

2 Q Ms. Grate, you're obviously in the custody of the
3 Oklahoma County Sheriff; correct?

4 A Yes.

5 Q Can you tell the jury why you're in custody right now?

6 A Relapse.

7 Q Okay. What explain that. I know what relapse
8 means. You started using drugs?

9 A Yes.

10 Q Okay. But why did that result in you being detained in
11 the County Sheriff's office?

12 A Because I'm in a drug program and then they gave me a
13 six-day sanction, just we go in for six days.

14 Q So you're in a program here in court that a Judge is
15 supervising. Ultimately a Judge has control over you right
16 now; correct?

17 A Yes.

18 Q And so the jury gets an idea, how long ago was your
19 relapse, Ms. Grate?

20 A The night before last.

21 Q Okay. And how is it that your relapse became known to
22 either your lawyers or the judges here in the -- a judge
23 here in the courthouse? How'd they find out about it?

24 A I told.

25 Q You told on yourself?

- 1 A Uh-huh.
- 2 Q And, ma'am, is your lawyer back here?
- 3 A Yes.
- 4 Q And your probation officer's back here?
- 5 A Yes.
- 6 Q How long is your sanction? How long do you have to
- 7 stay in jail?
- 8 A Six days.
- 9 Q Ma'am, in that regard your diversion program, does
- 10 Ms. McConnell or I have any involvement in that? Have we
- 11 ever been involved in your diversion program?
- 12 A No. No.
- 13 Q Staying completely separate from this case?
- 14 A Uh-huh. Yes.
- 15 Q I want to turn your attention to this case if I can.
- 16 Do you remember the first time the detectives came and
- 17 talked to you?
- 18 A Yes.
- 19 Q Okay. And do you remember where you were when they
- 20 came and talked to you?
- 21 A Yes.
- 22 Q Where were you?
- 23 A Oklahoma County Jail.
- 24 Q What were you in the jail for that time?
- 25 A I was AWOL off my program. I wasn't doing my program.

1 Q Okay. What'd he tell -- what do you remember him
2 saying to you and how did you respond?

3 A He's like what am I doing. And I just remember I was
4 already, you know, knew I wasn't supposed to be in that
5 area. So I went ahead and said that I was getting high and
6 I wasn't supposed to be in this area.

7 Q And so he comes up, says what are you doing around
8 here?

9 A Yes.

10 Q Something to that effect. And you said that you're
11 getting high?

12 A Yes, sir.

13 Q You telling the truth?

14 A Yes.

15 Q Okay. Tell me about -- tell me more -- how'd that
16 conversation then go? Tell me about what you were doing,
17 those types of things.

18 A I told him that me and my boyfriend had got into it. I
19 had been -- and he told me that I wasn't supposed to be
20 going into the area, and I just left anyways. And then
21 every time

22 Q So your boyfriend told you you're not supposed to be
23 going to that part of town?

24 A Yes.

25 Q Why did your boyfriend tell you that?

1 A Because he tries to help me in my program to try to
2 stay straight.

3 Q Does your boyfriend know what goes on over in that
4 area?

5 A Yes.

6 Q All right. But you went over anyway?

7 A Yes.

8 Q And were you engaged in prostitution that night?

9 A Yes.

10 Q Okay. Did you tell the officer you were engaging in
11 prostitution that night?

12 A Yes.

13 Q Tell me what you told him about that.

14 A I told him that every time I try to go home a date pick
15 me up.

16 Q What do you mean by that?

17 A Like, I'll start trying go home. And then a man will
18 pull over and pick me up and that -- you know, so I can do a
19 date with him.

20 Q That night, ma'am --

21 A Sell my body to him.

22 Q I understand.

23 A That's what date

24 Q Thank you. And I understand that, thank you.

25 How many -- do you recall how many dates where you

1 had made some money through prostitution, bought some drugs
2 and then tried to leave and somebody else comes up and
3 offers money and -- how many times did that happen that day?

4 A Pretty much all day -- all day long.

5 Q Okay. Until this officer comes up?

6 A Yes.

7 Q Okay. So when the officer comes up do you tell him
8 basically what you just told me that you're trying to walk
9 home but every time I do I get a date?

10 A Right.

11 Q That's the way the conversation went?

12 A Yeah, and I told him, you know, that I was in a program
13 and my dude said that I wasn't supposed to be in that area
14 and I knew I need to get home.

15 Q So you essentially told him everything you've just told
16 me?

17 A Yes, sir.

18 Q Okay. What happened after that, ma'am?

19 A Then he was started checking my purse. My little black
20 purse on me. And I sat it on top of the car and --

21 Q On top of the police car?

22 A On top of his police car.

23 Q Do you remember what the police car looked like?

24 A Yes.

25 Q What did it look like?

- 1 A Black with white writing.
- 2 Q With white writing?
- 3 A Uh-huh.
- 4 Q Do you know what the writing said?
- 5 A It's police department.
- 6 Q Police?
- 7 A Yeah.
- 8 Q So you had a purse. You start looking through it or
- 9 the officer starts looking through it?
- 10 A He starts looking through it.
- 11 Q The officer starts looking through it?
- 12 A Uh-huh.
- 13 Q And then at some point you said something about it
- 14 being put on the car. Tell me about that.
- 15 A Yeah, he put it on top of the car. And that's when the
- 16 crack pipe was found.
- 17 Q Was there a crack pipe in your purse?
- 18 A Yes.
- 19 Q Yes?
- 20 A Uh-huh.
- 21 Q Okay. So he finds a crack pipe, the purse then is
- 22 placed on top of the police car. What happens next?
- 23 A And so I had -- the crack pipe -- he said -- I don't
- 24 know if that -- that was -- he asked me to throw the crack
- 25 pipe down and break it.

1 Q He asked you to do that?

2 A I think, yes, sir.

3 Q Okay. Did you do that?

4 A Yeah.

5 Q All right. Then what happened?

6 A And then basically he -- he offered the ride to the
7 house.

8 Q He offered you a ride to what house?

9 A To my house.

10 Q Okay. Tell me about --

11 A I told him every time I try to go home that, you know,
12 I get -- keep getting a date and getting picked up. And so,
13 you know, then he offered the ride; will I like a ride to
14 the house. And then I say, yes, I would because I was tired
15 anyways.

16 Q Okay. So did you get in the police car?

17 A Yes.

18 Q Had you had police officers give you rides home before?

19 A Yes.

20 Q All right. So you didn't think anything too much of
21 it?

22 A No.

23 Q Did you tell him where you lived?

24 A Yes.

25 Q Was it that same address that you told me a minute ago,

1 [REDACTED]

2 A Yes.

3 Q Before he put you in the police car *did* he search you
4 in any way?

5 A No.

6 Q Where in the police car did you ride?

7 A In the back seat.

8 Q Okay. Do you remember which side of the car?

9 A Yeah, in the left side.

10 Q The driver's side?

11 A Uh-huh.

12 Q All right. Tell me about the drive home. What if
13 anything did you talk about or -- or how did it go? Tell me
14

15 A We was headed the wrong way at first because he was
16 coming -- facing south, you know, and so for a few
17 streets -- but I thought he knew where [REDACTED] was. I
18 was, like, well, are you still taking me home? He's like,
19 yeah. But at the same time that he was driving he was kind
20 of in and out. I wasn't paying attention, I was nervous.
21 But he was asking me, you know, what do I do out there? You
22 know, what's my specialty

23 Q So

24 A tryna get -- and then tryna ask questions about --

25 Q Hang on. I want to make sure I'm understanding you.

1 A Okay. When we pull up to the house he pulls all the
2 way in the driveway. And I notice that my man wasn't home,
3 you know, because his car be -- he has three cars that he
4 usually parks one in the driveway.

5 Q Mr. Carter wasn't home?

6 A Yeah, Will wasn't home.

7 Q Will wasn't home.

8 A And Will was angry at me. Anyway so when he gets angry
9 sometimes he'll lock the door. And I just didn't know, but
10 I was just glad to be home. So when we got there and he
11 opens up my back door and I get out, I went on to get my
12 purse back. I said, where's my purse at? He's like, you
13 don't got it? I was like, no. And he starts searching in
14 the front. I'm like, no. And he's, like, well, I'll go
15 back and get it. And I was just like, my purse is not gonna
16 be there because that's a drug area. Just don't worry about
17 it. I didn't care about it no more. I was just ready to
18 get in the house.

19 Q Did you have money in your purse?

20 A No.

21 Q But you didn't think it would still be there?

22 A No, I had a -- I had my ID and my bus pass, the -- I
23 had my monthly bus pass in there. Just my makeup and stuff.
24 It was just a little bag.

25 Q But you told the officer don't go back and --

1 A Yeah, I told -- I said -- I knew it wasn't gonna be
2 there. Somebody was gonna pick that up.

3 Q You think he left it on top of the car?

4 A Yeah, he had to left it on top of the car if he didn't
5 have it.

6 Q But you weren't upset about that?

7 A Yeah, I mean, I was upset but I was, like, don't worry
8 about it. You know, I was just wanting to get rid of him
9 and get in the house.

10 Q This happened in the driveway?

11 A Yes.

12 Q As you're getting out of the police car?

13 A Yes.

14 Q All right. Ma'am, I asked you -- I asked you if he
15 searched you before he put you in the car. Did he put in
16 handcuffs or anything like that when he put you in the car?

17 A No.

18 Q All right. So after you had the conversation about the
19 purse, what happens after that?

20 A Then I start walking towards the front door. And I
21 notice that he's walking towards the front door with me.
22 And so when he followed me to the door and then I the
23 only thing I'm making -- making sure at this time is maybe
24 he don't think I live here and I don't know if Will's got
25 the door unlocked. So when I get there the door was

1 unlocked. And I was happy and I went in. I was thinking
2 he's gonna turn around thinking I didn't stay there since I
3 was hanging on a corner looking homeless. Will lives in a
4 pretty big house. And so when I went -- walked through the
5 door he's walking through the door with me. So I'm still
6 thinking maybe he doesn't think I stay here. So I start
7 showing him, you know, this is the living room.

8 Q And let me be real clear. So you know when you get
9 there that Will's not there because his car's gone?

10 A Yes.

11 Q Did you say anything to the officer about -- about
12 that?

13 A Yes.

14 Q That Will's not here?

15 A Uh-huh.

16 Q What did you tell the officer?

17 A I said, well, he's not here. But, you know --

18 Q Had you told the officer that you lived with your
19 boyfriend?

20 A Yes.

21 Q Okay. So that had happened some --

22 A Yeah, that -- that's what I was telling him on my
23 relapse that I had got into with

24 Q That had happened from the very beginning?

25 A Uh-huh.

1 bathroom. And then you go upstairs to the bedrooms.

2 Q Two-story house?

3 A Two story home.

4 Q The bedrooms are upstairs?

5 A Yeah, it's four bedrooms upstairs.

6 Q All right. So you're in the house. And you said
7 something about maybe being in the living room --

8 A Yeah.

9 Q at this point?

10 Tell me what -- pick up from there and tell me
11 what happens.

12 A So I was, like, you know, this is the living room and
13 this is the dining room. And -- but we still walked through
14 the living room part and I was, like, this is the kitchen.

15 Q Why were you giving him a tour saying this is this
16 room?

17 A I was nervous. And I didn't know what the situation
18 you know, I didn't know if he thought -- you know, only
19 thing I'm thinking is he don't think I live here.

20 Q Was he saying anything to you?

21 A No, he wasn't saying nothing.

22 Q He wasn't saying anything?

23 A Huh-uh.

24 Q Okay. What happened next?

25 A So then Will -- I think that was my second time

1 second or third time messing up. And so Will kicked me out
2 of the room and made me move in the bedroom next door. So
3 now we're in separate bedrooms.

4 Q I want to make sure I understand. It was your second
5 or third time of messing up meaning the second or third time
6 to relapse?

7 A Yes. Yes, sir.

8 Q And so Will had made you move into another bedroom
9 instead of sharing his room?

10 A Yeah. Yes.

11 Q Is that what you're telling me?

12 A Uh-huh.

13 Q All the bedrooms are upstairs though?

14 A Yes.

15 Q Okay.

16 A But there's only two with beds.

17 Q I understand. So you're downstairs and you told me
18 what you were thinking. So what happens next?

19 A So when we're walking upstairs and I'm thinking let me
20 make sure -- show him that I stay in my room. So this is
21 Will and I told him, you know, what Will did. I said,
22 but now I don't live in there now. I said I live over here
23 because he gets angry when

24 Q Ms. Grate, did he ask did the officer ask to go
25 upstairs?

- 1 A No.
- 2 Q But you took him upstairs anyway?
- 3 A Yeah, he's still in the house.
- 4 Q And that's my question.
- 5 A He's not goin' nowhere.
- 6 Q Why -- why then after showing him the downstairs did
- 7 you decide to go upstairs because --
- 8 A I'm thinking he still doesn't think that I live here.
- 9 I just -- I'm nervous. I'm not really thinking of nothing
- 10 but I'll just show him that I live here and then --
- 11 Q Are you trying to prove to him that you live here
- 12 A Yes.
- 13 Q -- by showing him around the house?
- 14 A Ye.
- 15 Q Okay. So you go upstairs?
- 16 A Yes.
- 17 Q What happens?
- 18 A Then when I explain to him that --
- 19 Q I'm sorry?
- 20 A (Long pause.)
- 21 Q Ms. Grate, you're walking upstairs; right?
- 22 A Uh-huh.
- 23 Q You get to where the bedrooms are?
- 24 A Yes.
- 25 Q Do you remember what happens when you get to that spot?

1 A (No audible response.)

2 Q Can you tell me about it?

3 A Yes. So I was like, you know, I told him that this
4 is -- Will got angry at me and so this is where I'm at now.
5 And then he's like, have a seat.

6 Q So you showed him the other bedroom?

7 A Yes.

8 Q And then the officer said have a seat?

9 A Have a seat. He said this is -- and he's unzipping his
10 zipper where his penis is at. He said, this is better than
11 county jail. And so then he takes out the penis and places
12 it in my mouth.

13 Q When he said "have a seat," where were you?

14 A On my bed.

15 Q Not in Mr. Carter's bedroom but in the other bedroom?

16 A Yes.

17 Q You sat on the bed?

18 A Uh-huh.

19 Q Is it your memory, ma'am, that the first thing the
20 officer said upon entering the house was to have a seat when
21 you got upstairs and then "this is better than the county,"
22 that's the only conversation you had with him?

23 A Yes.

24 Q And, ma'am, it may be obvious but because she's writing
25 it down I want to make sure. Whenever he did that, and says

1 "this is better than the county," what did you take it that
2 you needed to do or were supposed to do?

3 A Perform oral sex on him.

4 Q And because of the words he said what did you think
5 would happen if you refused?

6 A I didn't even really give that a question because of
7 the situation. It was

8 Q Did you do it?

9 A Yes.

10 Q His penis go in your mouth?

11 A Yes.

12 Q You said he unzipped his pants, ma'am. The officer
13 that -- when he had come in contact with you was he in an
14 officer's uniform?

15 A Yes.

16 Q Did he have a gun belt on --

17 A Yes.

18 Q and all that stuff?

19 A He had his gun on him.

20 Q So when he unzipped his pants did he take that gun belt
21 off

22 A No.

23 Q and do something with it? It stayed on?

24 A It stayed on. The gun stayed on because I was looking
25 at the gun the whole time, asking him to, you know, could

1 you move the gun to at least protect the

2 Q So -- and I don't mean to have been graphic and it's

3 obvious but I want to make sure that the record's clear.

4 His penis is exposed, it goes in your mouth and it's

5 sticking out of his fly?

6 A Uh-huh.

7 Q And his gun and his gun belt is still on right here?

8 A Uh-huh.

9 Q So is his gun close to your face?

10 A (No audible response.)

11 Q You got to answer out loud.

12 A Yes, sir.

13 Q So I think you indicated you said something to him

14 about that. Did you say something to him about that?

15 A Yes.

16 Q And what did you say?

17 A I said, could you move your gun? And he just kept

18 going. He never really said nothing, he just kept going,

19 moving his body.

20 Q He was moving his body?

21 A Yeah, I mean -- yeah, moving so he could -- moving his

22 body so his penis could --

23 Q His penis was moving in your mouth?

24 A Yes.

25 Q How long did that last, ma'am?

- 1 A About five, ten minutes.
- 2 Q Do you know if he ejaculated?
- 3 A No, he didn't ejaculate.
- 4 Q He did not?
- 5 A No.
- 6 Q Why did that stop?
- 7 A Because
- 8 Q The oral.
- 9 A he told me when he pulled it out he wants me to lay
10 back on my back now.
- 11 Q On the bed?
- 12 A Uh-huh.
- 13 Q Did you?
- 14 A Yes.
- 15 Q What happened then?
- 16 A Then he just gets right on top of me. Sticks his penis
17 right in my vagina.
- 18 Q What were you wearing?
- 19 A I really don't remember. I don't remember.
- 20 Q Well, obviously your vagina
- 21 A It was a -- yeah, open. Available.
- 22 Q That's what I'm asking. How would your -- how did your
23 privates get exposed?
- 24 A It had to be a little dress on then. I had to have a
25 dress on then because I don't -- I didn't pull nothing down.

1 Q You think you had a dress on?

2 A I think so.

3 Q Were you wearing underwear?

4 A No, not in that profession. I normally don't keep
5 underwear.

6 Q Does it get in the way in that profession?

7 A Yes, or I lose it or it disappears.

8 Q Penis goes in your vagina?

9 A Yes.

10 Q About how long does that last?

11 A About another five or ten minutes.

12 Q Do you remember if he ejaculated?

13 A No, he just kind of -- he started looking back
14 because -- in that room facing the driveway and stuff. I
15 don't really know what he thought about but you could see
16 that he was serious and, you know, he jumped up, pulled --
17 zipped his pants up and left.

18 Q So something happened that made him stop?

19 A Uh-huh.

20 Q You're not sure what it was?

21 A (No audible response.)

22 Q Was there a sound? You said he looked back -- did you
23

24 A Yeah, he was kinda looking out the window and then he
25 just -- you know, because maybe he got a thought or maybe he

1 heard something. Because I don't know what -- he might have
2 thought because he knew Will wasn't there. Maybe he thought
3 he heard something and thought about the situation. I don't
4 know really what he's thinking but that's what he did.

5 Q So after that encounter he stops. And does he say
6 anything to you or does he just leave?

7 A He just leaves.

8 Q He just leaves?

9 A Uh-huh.

10 Q What did you do?

11 A And then I grabbed a rag and wiped and just threw it --
12 the rag in my closet.

13 Q And, again, I'm not trying to be graphic, Ms. Grate,
14 but you -- you wiped your vaginal area?

15 A Yeah, and I wasn't -- I don't remember -- I mean, being
16 in the profession you usually know when a man cums and
17 stuff. I don't really think that he did but there was still
18 pre-cum, you know, because I still wet.

19 Q So you wiped it off?

20 A You know, the slimy stuff. Yeah.

21 Q All right. During that encounter, ma'am, was there
22 anything else in that room that you thought might -- looking
23 back on it might have had some evidence on it?

24 A Yeah, the chair -- I remember the chair to the dresser.
25 I'm thinking that he was holding his hand there and I

1 Q -- the assault had occurred?

2 A Yes.

3 Q What were the types of things that you noticed that
4 were different in the pictures?

5 A That the table was not anymore in the room. The table.

6 Q Okay.

7 A And that's what I noticed.

8 Q Do you know whether or not anyone else had been in that
9 room during that time period?

10 A At the time, no, I didn't know.

11 Q When I showed you the pictures in October did you know
12 that?

13 A No, I didn't know at that time.

14 Q Did you talk to me about someone else being in that
15 room and staying in that room for a while?

16 A At the time?

17 Q Whenever we were looking at the pictures did you tell
18 me someone else had been staying in the room?

19 A No, not when I first talked to you about it.

20 Q And I apologize. We've talked -- you testified at the
21 preliminary hearing too and we talked before that; correct?

22 A Uh-huh.

23 Q Okay. Let me ask it a different way. At some point
24 did you become aware that

25 A Yes.

1 in reverse because, you know, the lights change. But I
2 walked back -- I was on -- the guy's name was Eastside that
3 I went and got some crack with. Walked back to his -- back
4 house, the back driveway house -- or the house's back
5 driveway where we go smoke at.

6 Q So that was the extent of your contact that other time?

7 A Yeah.

8 Q Just the officer drove by and said something like, hey,
9 hey?

10 A Yeah, was tryna get my attention. I just couldn't
11 believe it.

12 Q Do you know what Eastside's name is?

13 A Real name?

14 Q Yeah.

15 A No.

16 Q Did you tell Eastside about what that officer had done
17 to you?

18 A Yeah, after that I told him.

19 Q After -- after you saw him that night?

20 A Yeah. Yeah, prior to that I had said something.

21 That's why I was tripping. But at that time his name was
22 getting around on the street.

23 Q At that time did you call the police and report it?

24 A (No audible response.)

25 Q Why not?

1 A I was fixin' to get high and wanted to get high and
2 that's pretty much that -- just get rid of it. Try to get
3 rid of all the feelings and everything.

4 Q Did you get high with Eastside that night?

5 A (No audible response.)

6 Q Ma'am, other than telling Eastside and Mr. Carter about
7 what had happened with the police officer, do you remember
8 if you ever told anyone else about it?

9 A My daddy. I told my daddy.

10 Q And what's your dad's name?

11 A Johnnie Grate.

12 Q Do you remember in relation to the time of this -- and
13 let me try to give you a point of reference. Did you tell
14 your dad before Detective Davis talked to you or after
15 Detective Davis talked to you at the jail for the very first
16 time?

17 A Did I tell my daddy before --

18 Q Before you talked to -- before you told Detective Davis
19 had you told your dad?

20 A Yeah, before.

21 Q It was before?

22 A Uh-huh.

23 Q And did you tell him everything that happened or
24 what -- what exactly had you told your dad?

25 A I just pretty much -- no, I didn't tell him detail for

1 detail. I don't -- I -- me and Daddy talk but we don't talk
2 where we just get detail conversation. No, I was just
3 yelling that, you know, I'd been raped by an officer.

4 Q What's your dad do for a living?

5 A He's a carpenter.

6 Q Whenever you told your dad about it did he encourage
7 you in any way to make a report or did he make a report or
8 anything like that?

9 A No.

10 Q Did you talk about making reports with your dad?

11 A No.

12 Q Did it upset him?

13 MR. ADAMS: Your Honor, object as relevance.

14 THE COURT: Sustained.

15 Q (By Mr. Gieger) Did it upset you to tell your dad
16 about it?

17 MR. ADAMS: Judge, again, object to relevance.

18 THE WITNESS: Yes.

19 THE COURT: All right. Sustained.

20 Q (By Mr. Gieger) Currently, ma'am, are you back living
21 at the house at [REDACTED] when you're not being sanctioned?

22 A Yes.

23 Q Are you in a relationship with Mr. Carter now or is it
24 more

25 A Yes.

1 matter is what happened was on August the 26th of 2014, you
2 were a passenger in a vehicle that'd been

3 A Correct.

4 Q -- pulled over by a police officer here in Oklahoma
5 City; correct?

6 MR. GIEGER: Objection, your Honor.

7 THE COURT: All right. Ask another question from
8 there.

9 Q (By Mr. Adams) You after being pulled over used your
10 cell phone and called 911 and --

11 THE COURT: All right. Hang on just a second.

12 MR. GIEGER: Objection, your Honor.

13 THE COURT: Come up.

14 MS. FRENCH: Your Honor, may I approach?

15 THE COURT: Come on up, Ms. French.

16 (The following was had at the bench by
17 Court and counsel out of the hearing of
18 the jury.)

19 THE COURT: All right. We've got Ms. French here
20 from the Public Defender's office. You're Ms. Grate's
21 attorney; correct?

22 MS. FRENCH: Yes, your Honor. I'm the attorney of
23 record in the case that Mr. Adams is speaking about. That
24 is a pending matter. There is no plea and there is no plea
25 agreement. I would object to any questions, on her behalf,

1 and assert her Fifth Amendment right to any questions that
2 are involved in that case.

3 THE COURT: Okay.

4 MR. ADAMS: If she's advising her to take the
5 Fifth I ask that she be take -- she take the Fifth. But
6 this is extremely important, Judge, because what it is they
7 want the jury to believe that she's simply in jail because
8 she's relapsed. No, she's out committing additional crimes.
9 She's calling 911. And she calls the 911 call in to her
10 house on [REDACTED] is where -- and they go out on that, go
11 to [REDACTED] We didn't ever call 911. The patrol officer
12 gets the phone number that called 911, walks back to where
13 Ms. Grate is, calls the phone call that called 911 and her
14 phone starts ringing. It's extremely relevant to this case.

15 MS. FRENCH: Your Honor, if I may. There was an
16 active when she was arrested there was an active warrant
17 out in her CF-13 case number that she was on probation for
18 for female diversion. There was an active warrant out and
19 she was arrested on that also.

20 THE COURT: All right. This will be the ruling:
21 You can ask in a leading question what she was arrested for,
22 in jail for. Ms. French, you're welcome to sit at this
23 first chair. I'll tell the jury who are. And if -- if
24 there's any other questions that you think might incriminate
25 her you can make an objection on her behalf.

1 MS. FRENCH: Thank you.

2 MR. ADAMS: Okay. I want the record --

3 MR. GIEGER: Your Honor, can I -- I'm sorry,
4 Scott.

5 The State believes that to go into those
6 additional questions and force her to take the Fifth is not
7 a proper -- not a proper method of impeachment. She has not
8 been convicted under 2609. Those are the items that counsel
9 is able to go into and he's not able to go into statements
10 on an entirely collateral matter. She was in jail for
11 probation violation. I agree with the Court. Because of
12 the relevance of that event, a leading question: That's not
13 the only thing you were in jail for, you were also charged
14 with making a false 911 call and giving false information.
15 And I think she -- I think it's also a drug paraphernalia
16 charge as well that's pending. But then to let him then to
17 start asking questions about the detail and to force her to
18 take the Fifth is not proper impeachment. And I'm going to
19 object to that happening.

20 MR. ADAMS: Again, I want the record to reflect
21 that this is extremely crucial area of our defense. And I'm
22 asking to be able to go into it. Maybe not in specific
23 detail but detail enough that the jury understands the
24 nature of the allegations, other than just the name of the
25 charge.

1 THE COURT: Well, because of the way it arose in
2 direct examination, that's why I'm allowing you to ask a
3 leading question about the charge that she was in jail for.
4 I don't know what else may arise from your questions but I'm
5 instructing you not to go into the details of that arrest
6 and what you believe the evidence to be or what the police
7 even believe the evidence to be on that. And, Ms. French,
8 you can -- you can sit at the front and I'll tell the jury
9 who you are.

10 MS. FRENCH: Your Honor, may I have just a moment
11 with her so that she understands where the rule lies?

12 THE COURT: Deputy --
13 (The following continued within the
14 hearing of the jury.)

15 THE COURT: Ladies and gentlemen, we're going to
16 take about a two-minute recess.

17 That is Ms. French, she is Ms. Grate's attorney.

18 (Discussions were had off the record.)

19 THE COURT: All right. Ms. Grate, if you will
20 retake the stand. You're still under oath.

21 Ms. French, you are welcome to sit there close to
22 your client.

23 MS. FRENCH: Thank you, Judge. I'll just sit
24 here.

25 THE COURT: That'll be fine.

1 Mr. Adams, you may proceed.

2 Q (By Mr. Adams) Back -- the day before you met
3 Detective Davis -- you talked to her in the Oklahoma County
4 Jail -- you were arrested on August the 26th of 2014 for
5 making a false 911 call, obstructing an Oklahoma City police
6 officer and possession of drug paraphernalia; correct?

7 A Yes.

8 Q Now after that -- that's why you were in jail. And
9 there were some outstanding warrants for your arrest;
10 correct?

11 A Yes.

12 Q You had agreed back a year prior to this to go into the
13 drug diversion program here in Oklahoma County; correct?

14 A Yes.

15 Q And in that drug diversion program, it's a strictly
16 monitored program; correct?

17 A Yes.

18 Q And you continually violated the rules and conditions
19 over there; correct?

20 A Yes.

21 Q And they kept giving you chances trying to help you
22 out; right?

 A Yes.

24 Q In any event whenever you did talk to Detective Davis
25 you told her -- you never told her about this route that you

1 you did not talk at all about going the wrong way on Jordan;
2 correct, and how that made you nervous?

3 A I don't remember.

4 Q Okay. The first time that you've ever testified or
5 ever talked about Officer Holtzclaw going south on Jordan,
6 the wrong way to [REDACTED] is today; would that be a fair
7 statement?

8 A No, that's not the first time I've talked about it.

9 Q When is the first time you ever saw this Exhibit 208?
10 Who showed that to you? This -- the red line deal on the
11 way Officer Holtzclaw got to [REDACTED] Who showed that to
12 you?

13 A That was today, him.

14 Q Have you been talking to the Oklahoma City Police
15 Department, to the DA's office about this case while it's
16 been pending?

17 A What do --

18 Q Have you been having discussions

19 A I've told my side of the story. I don't know what
20 you're asking.

21 Q Okay. Have you had meetings with the Oklahoma County
22 DA's office?

23 A Meetings?

24 Q Have you ever met with them down here at the courthouse
25 and talked to them?

1 Q And **it's** your testimony at that point in time that you
2 sat on the bed that you've identified --

3 A No, he asked me to **sit** on the bed.

4 Q Okay. Whether he asked you or whatever, you sat on the
5 bed; correct?

6 A Yes.

7 Q Is that a yes?

8 A Yes.

9 Q And **that's** what you've identified as your bedroom;
10 correct?

11 A Yes.

12 Q This is 215 for the record.

13 A Correct.

14 Q That is the same bed that you're saying these
15 activities between you and Officer Holtzclaw

16 A Yes.

17 Q -- occurred; correct?

18 A Yes.

19 Q That bed has not changed; correct?

20 A Correct.

21 Q Okay. Now under your version of events you say that
22 you sat on the edge of the bed that Officer Holtzclaw
23 without saying anything more to you or he did say that this
24 is a lot better than the county; correct?

25 A Not correct. He asked me to **sit** on the bed. And he

1 said this is a lot better than the county.

2 Q Okay. Under your version of events he asked you to sit
3 on the bed and he told you this is better than the county;
4 correct?

5 A Yes.

6 Q Then under your version of events he unzips his pants,
7 does not remove his gun belt or anything, but then -- and I
8 believe I'm using your words, he inserted a ram -- did you
9 say ram?

10 A Inserted

11 Q He inserted his penis into your --

12 A Yeah.

13 Q -- mouth; correct?

14 A Yes.

15 Q You said that that's lasted for five to ten minutes.

16 A Yes.

17 Q Now when you were having this discussion with Detective
18 Davis at the county jail you told her that it was kind of
19 dirty and you kept wiping your mouth and you were getting
20 hair and saliva; correct?

21 A Uh-huh.

22 Q Do you recall telling her that?

23 A Yes.

24 Q And that you would wipe it down on the bed frame or on
25 the wood frame around that bed; correct?

1 you; correct?

2 A Correct.

3 Q Meaning intercourse?

4 A Yes.

5 Q Again, Officer Holtzclaw, under your version of events
6 never undid his gun belt or never undid his belt and dropped
7 his pants or anything. He simply did it through his zipper;
8 correct?

9 A Yes.

10 Q You're agreeing with me?

11 A Yes.

12 Q Okay. And you're saying that while this was occurring
13 you're laying back on the bed that we're looking at in
14 Exhibit 215 and Officer Holtzclaw is standing up; correct?

15 A When he was having sex with --

16 Q When he's having inter- -- when he's allegedly having
17 intercourse with you.

18 A No, he got on top of me.

19 Q Okay. And that was my next question. So what had to
20 happen was Officer Holtzclaw actually got -- under your
21 version of events got on top of you on the bed with all his
22 clothes and his gun and everything on and had intercourse
23 with you; correct?

24 A Yes, in, like, push up position.

25 Q And whenever you had this interview with Detective

1 Davis you were absolutely sure that he ejaculated or came
2 during that encounter; correct?

3 A No, I did not say I was absolutely sure.

4 Q Do you -- do you deny the fact that you told her on two
5 previous occasions in that interview that you -- that he
6 ejaculated during intercourse with you?

7 A No, I have not been -- I have never been a hundred
8 percent sure that he ejaculated. So I did not say I was a
9 hundred percent sure ever.

10 Q Did you tell Detective -- did you talk about pre-cum
11 with Detective Davis?

12 A Yeah, I have

13 Q And you said at least there's some pre-cum for sure; do
14 you recall that?

15 A Yeah.

16 Q And you told her that on this pre-cum or the
17 ejaculation that you took a rag and you wiped your vagina
18 with it and you threw it into the closet; correct?

19 A Yes.

20 Q Then, what happens is later on you call back from the
21 county jail about a week later and you tell Detective Davis
22 that it's crucial for her to look for the chair in the room
23 because there would be DNA on the chair; correct?

24 A There could be, yes.

25 Q Are you agreeing with me?

1 A No, I was looking at the ground. I had crack in my
2 hand fixin' to go smoke some crack. I was looking at the
3 ground, I see this situation going on, I'm already in
4 another situation. Only thing I'm do is get in the back
5 outhouse and smoke some crack and get away from the
6 situation.

7 Q Well, he also -- also Mr. Gieger asked you who else you
8 complained to Officer Holtzclaw about. And you stated that
9 you talked to your father about it; correct?

10 A Okay. What's the question?

11 Q Mr. Gieger also asked who else you talked to about
12 Officer Holtzclaw and complained to about. And you said
13 that you complained to your father.

14 A Yes.

15 Q Yes?

16 A Yes.

17 Q You also complained to some detention officers at the
18 Oklahoma County Jail, did you not? When you were picked up
19 on that false 911 call.

20 A No, that was previously before the 911 call. And I
21 have -- it was in July.

22 Q Well --

23 A I got picked up in July on something else. And so when
24 I went in there I was high and I don't remember so when she
25 had came and pulled me out my cell for the investigators she

1 was telling me about that. That's why I brought that up
2 because she I was saying that, but I was underneath the
3 influence and I don't remember saying that. But she's,
4 like, I was yelling, I was raped by a police officer, and
5 now she knows that I was telling truth.

6 Q She does?

7 Well, and you understand -- do you know what her
8 name is?

9 A It was Tis- -- not Tisdale.

10 Q Tisdale is a detention officer down at the Oklahoma
11 County Jail?

12 A Yeah, I know. It was her and Tisdale was together all
13 the time.

14 Q How about Hornbeck?

15 A Hornbeck.

16 Q So Hornbeck actually what Hornbeck says is that when
17 you came in on your arrest for 911 is when you were
18 screaming and yelling about the officer who brought you down
19 for the 911; do you recall that?

20 MR. GIEGER: Hearsay.

21 THE COURT: All right. I'm going to sustain as to
22 the form of the question.

23 Q (By Mr. Adams) Okay. Do you recall when you were
24 arrested on the 911 call, on that -- on August 26th of 2014,
25 getting taken down to the Oklahoma County Jail?

1 A I'm just gonna say that's what she said. I don't
2 remember what time it was. I -- I'm assuming it was the
3 July one. Whether it was the July one or when I got had
4 the warrant for my arrest on top of the 911 call to get out
5 the situation.

6 Q I'm just asking you if you recall when you were
7 transported down to the Oklahoma County Jail on August the
8 26th of 2014, under arrest for placing a fake 911 call; do
9 you recall that? This would've been the day before you met
10 with Detective Davis; do you recall any of that?

11 A I don't know exactly what you're asking.

12 Q I'm asking you do you recall anything about being
13 arrested for the fake 911 call and being transported down to
14 the Oklahoma County Jail? Do you recall that happening on
15 August the 26th of 2014?

16 A Do I remember anything about that situation?

17 Q Do you remember anything at all, period, about that
18 day?

19 A Some.

20 Q No; is that what you just said?

21 A I said do I -- what -- what --

22 Q Do you I'm just -- I'm trying -- I'm trying to be as
23 fair as I possibly can with you. Do you recall the
24 interview with Detective Davis on August 27th of 2014, the
25 first time you ever talked about Officer Holtzclaw?

1 know if her sentence was completed or not. But all I'm
2 asking her is go back to that one, I'll just go forward.
3 I'm not gonna go back any further than 2000.

4 THE COURT: Are you reading something or --

5 MR. GIEGER: I'm sorry, Judge. My recollection is
6 that she has seven prior convictions. The earliest one is
7 in 2000; it was a one-year sentence. The second one was
8 2002, but it was an eight-year sentence. So in theory she
9 would still be within the ten-year realm on that one. So
10 that would make six prior convictions within that ten years
11 and seven within --

12 THE COURT: All right. Within ten years.

13 MR. ADAMS: Okay. And I'm asking to be able to --
14 allowed to go back to her initial -- it doesn't prevent it
15 from coming in. I'm asking that the probative value is not
16 is -- outweighs the prejudicial effect by allowing me to
17 go back when she first started picking up felony charges
18 just to show her character. I'm allowed to attack her
19 character and her bias.

20 THE COURT: Okay. Not the 2000.

21 MR. ADAMS: Okay.

22 (The following continued within the
23 hearing of the jury.)

24 Q (By Mr. Adams) Do you recall being convicted of a
25 felony offense of receiving stolen property, identity theft

1 and possession of marijuana back in 2002?

2 A Yes.

3 Q Do you recall being convicted of the offense of
4 engaging in lewdness back in '06?

5 A Yes.

6 MR. GIEGER: Your Honor, I believe that's a
7 misdemeanor.

8 MR. ADAMS: It's a crime involving moral
9 turpitude, your Honor.

10 MR. GIEGER: Still a misdemeanor.

11 THE COURT: Sustained.

12 MR. ADAMS: May I approach?

13 THE COURT: Come up.

14 (The following was had at the bench by
15 Court and counsel out of the hearing of
16 the jury.)

17 MR. ADAMS: Your Honor, a misdemeanor count
18 involving moral turpitude, which engaging in an act of
19 lewdness is, is admissible and I'd ask that I be allowed to
20 get into it.

21 THE COURT: All right. Why are you saying that a
22 crime simply involving moral turpitude is admissible under
23 2609?

24 MR. ADAMS: It's involving dishonesty or false
25 statement, your Honor, which I believe acting -- engaging in

1 Q Do you also recall being convicted in 2013 here in
2 Oklahoma County on a felony offense possession of controlled
3 dangerous substance, cocaine?

4 A Yes.

5 Q Do you recall being convicted in 2013 in a different
6 case here in Oklahoma County for unauthorized use of a motor
7 vehicle, possession of controlled dangerous substance,
8 cocaine, and felony attempting to elude?

9 A Yes.

10 Q And then -- so you have all those felony convictions
11 and you're currently facing charges in regards to another

12 MR. GIEGER: Objection to pending cases, your
13 Honor.

14 Q (By Mr. Adams) -- felony today; correct?

15 THE COURT: Okay. Overruled on that.

16 You can answer that.

17 THE WITNESS: What is the question again?

18 Q (By Mr. Adams) You are also currently facing felony
19 charges as we sit here today, a new case; correct?

20 A Yes.

21 Q And that is unauthorized use of a motor vehicle and
22 aggravated attempting to elude a police officer.

23 A Yes.

24 Q Now are you aware that a search warrant was issued over
25 there at the residence where you resided at [REDACTED] [REDACTED]

1 THE COURT: The problem with that is he's -- I
2 mean, what do you expect the answer to be?

3 MR. GIEGER: Well --

4 THE COURT: I'll let you ask this -- I'll let you
5 ask this of him: Was the statement about a police officer?

6 MR. GIEGER: Okay. That's what I'll do.

7 MR. ADAMS: And, again, your Honor, it's still
8 hearsay and I object to it. I don't think there's any
9 exception.

10 THE COURT: Well, he's not going to give a hearsay
11 answer. I'm not going to allow him to give that. Follow
12 me?

13 MR. GIEGER: I do.

14 THE COURT: Okay.

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

17 THE COURT: Okay.

18 Q (By Mr. Gieger) Sir, what was -- whenever your
19 daughter told you -- I don't want you to tell me what she
20 said, okay, but when she told you about this, did it involve
21 a police officer?

22 A Yes.

23 Q Sir, tell me what her demeanor was. Do you know what I
24 mean, when I say "demeanor"? How was she acting?

25 A She was crying.

1 Q Was she upset?

2 A Yes.

3 Q Whenever she told you this did it upset you?

4 A Very much, yes.

5 Q Okay. Sir, was it something that she shared with you
6 that could've been reported to law enforcement or some
7 authority?

8 MR. ADAMS: Objection to form, your Honor.

9 THE COURT: Overruled, you can answer.

10 THE WITNESS: Yes.

11 Q (By Mr. Gieger) Did you report it, sir?

12 A No.

13 Q Help me understand why you made the decision not to
14 report it.

15 A Well, I'm not sure, but I thought it would be best if I
16 didn't.

17 Q Okay. Why did you think it would be best, sir?

18 A Well, it's -- policemen seem to stick together on
19 things. And I didn't think it'd go anywhere.

20 Q Okay. Whenever your daughter told you this -- and,
21 again, I don't want you to tell me what she said, okay, I
22 just want you to tell me about what she said. Not the words
23 she used. You said a minute ago that it upset you.

24 A Yeah.

25 Q Can you tell me the emotions you felt that she told you

1 she told you about something that occurred while you were
2 gone that was troubling?

3 A Yes, I did.

4 Q Okay. Can you tell me a little bit about -- first of
5 all, where had you gone that night and when you came home
6 kind of what did you do to start that conversation?

7 A Well, I went to a pool tournament. And I was -- a pool
8 tournament.

9 Q Shooting pool?

10 A Yes, sir. Yes, sir.

11 Q Yes, sir.

12 A And I was out for maybe three or four hours. And then
13 when I got back home she told me what had happened.

14 Q Okay. At that time, sir, what was going on between you
15 and Ms. Grate as far as your either friendship and/or
16 relationship?

17 A Well, I live in a large house and her to act as a
18 cleaning lady, to help me, you know, organize the house.

19 Q At that point were you romantic with her?

20 A No, sir, not at that time.

21 Q Okay. At that point, and specifically on that day,
22 what were the sleeping arrangements?

23 A She slept in one room across the hall. And I slept in
24 the master bedroom.

25 Q Do you -- did you have any knowledge on that day about

1 her drug usage or illegal activities like prostitution, any
2 of that kind of stuff?

3 A Yes, I did because I tried to get her off the streets
4 and give her a safe environment. She's a very intelligent
5 young lady and I tried to get her to use that to bring
6 forward a better life than what she was particular to.

7 Q On that date, sir, was she making poor choices and/or
8 struggling with those problems she has?

9 A Yes, she did.

10 Q So you're at a pool tournament and you come home and
11 what is -- was she there at that time, sir?

12 A Yes, she was.

13 Q And did something happen that alerted you that there
14 was something had gone on or how did that conversation
15 begin?

16 A Well, she was -- I think she couldn't deal with it so
17 she just started telling me what happened.

18 Q Okay.

19 A It was on her mind.

20 Q All right. And what did she tell you?

21 MR. ADAMS: Judge, I'd object; it's hearsay.

22 THE COURT: Sustained.

23 Q (By Mr. Gieger) Did she tell you about something that
24 had happened in the house?

25 A Yes.

1 MR. ADAMS: Judge, object to leading.

2 THE COURT: All right. Overruled.

3 Q (By Mr. Gieger) You can answer that one.

4 A Yes.

5 Q Was it upsetting -- was it troubling or upsetting to
6 you what she told you?

7 A It was, because --

8 Q And, sir, I don't think you're going to be allowed to
9 tell me what she said, but can you think of a way to tell me
10 why was it upsetting to you?

11 A Because I didn't expect her to do anything like this.

12 Q At that point when you say you didn't expect her to do
13 anything like this what did you think, without telling me
14 what she said what do you think she had done in reference to
15 you saying I didn't think she would do anything like this?

16 MR. ADAMS: Judge, again, I would object; calls
17 for hearsay.

18 THE COURT: Overruled.

19 Q (By Mr. Gieger) You can answer that.

20 A Well, repeat that again.

21 Q Yeah. I don't want you to tell me what she said. But
22 you said I didn't think she'd do anything like this. What
23 did you think she had done?

24 A Brought someone into the house.

25 Q And that was not okay with you?

1 A No, sir.

2 Q Why?

3 A Because I told her I didn't want anybody in the house
4 when I leave.

5 Q Later did you have another conversation with her where
6 you learned that it wasn't exactly like you had initially
7 thought?

8 A Yes, I did.

9 Q Okay. And when did that happen?

10 A The following morning.

11 Q What is it that changed that made you start realizing
12 that it wasn't she voluntarily brought someone in the house
13 but something else happened?

14 A A friend of mine that's stayed in the van that -- a
15 cleaning man that I used to clean said that a police car

16 MR. ADAMS: Judge, I would object to anything in
17 regards to someone as hearsay.

18 MR. GIEGER: It's not offered for the truth,
19 Judge. It's offered for the effect on this here and why he
20 changed his opinions toward Ms. Grate.

21 THE COURT: I'm going to sustain as to hearsay if
22 he's going to testify as to what the friend of his told him.

23 Q (By Mr. Gieger) Sir, based on what he told you did
24 that cause you to change your attitude and your actions
25 about Ms. Grate?

1 A Yes, sir.

2 Q How did they change?

3 A Because it was a unauthorized person in my house and I
4

5 MR. ADAMS: Judge, may I approach?

6 THE COURT: Come up.

7 (The following was had at the bench by
8 Court and counsel out of the hearing of
9 the jury.)

10 MR. ADAMS: Here's exactly what I was told he was
11 gonna testify to.

12 (The Court reads a document.)

13 MR. ADAMS: In addition to what I just let the
14 Court read which is witness Willie Carter's, the discovery I
15 received from the Government says, Mr. Carter resides at [REDACTED]
16 [REDACTED] He'll basically state the same information
17 listed above regarding Ms. Grate and [REDACTED] There's two
18 paragraphs contained in this statement of what victim
19 Rosetta Grate is allegedly gonna testify to. Nowhere in
20 there does it discuss any of the items he's presently
21 discussing. Secondly, I've been provided no police reports
22 of anything that this individual's discussing. In fact,
23 this is the very first time I ever heard about him talking
24 to anyone and him changing his opinion, has opinion changed
25 or anything. So it's a complete and total surprise and I

1 object to all of it.

2 THE COURT: Response?

3 MR. GIEGER: There's no other reports about him
4 that was ever generated.

5 THE COURT: Well, is there any notice given to the
6 defense about him testifying or him talking about somebody
7 else, his cleaning guy or anything about what this person --

8 MR. GIEGER: Other than what Ms. Grate testified
9 to, no, sir. She talked to him about it.

10 THE COURT: Well --

11 MR. GIEGER: I don't know if that's in the prelim
12 transcript or not.

13 THE COURT: What's going to be your next line of
14 questioning?

15 MR. GIEGER: That the fact that Ms. Grate left
16 the house and [REDACTED] moved in after that.

17 MR. ADAMS: I don't have any problem with that.

18 MR. GIEGER: Okay.

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

21 Q (By Mr. Gieger) Mr. Carter, after your opinion had
22 changed once you learned whatever this other information
23 was, was there a time that Ms. Grate and you -- well, let me
24 rephrase. Was there a time that Ms. Grate stopped staying
25 at the house and for a while moved somewhere else?

1 a police officer had been in your home?

2 A I didn't believe her, but I believed him.

3 Q Okay. And then you certainly were upset with her on
4 August the 26th of 2014, when she called 911 and said there
5 had been a shooter at your house.

6 MR. GIEGER: Objection, your Honor.

7 THE COURT: All right. Sustained.

8 Q (By Mr. Adams) Did the police arrive at your house on
9 August the 26th of 2014?

10 MR. GIEGER: Objection.

11 MR. ADAMS: Judge --

12 THE COURT: Overruled.

13 Q (By Mr. Adams) You may answer.

14 A Yes, I think so. That was that night -- I remember
15 I don't remember the date but I know it was at night.

16 Q The night that she called into 911 and reported a
17 shooting at your house

18 MR. GIEGER: Your Honor, can we come up?

19 THE COURT: All right. Come up.

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

23 MR. GIEGER: Counsel's now trying to go into the
24 facts of the case that the Court did not allow him to go
25 into with Ms. Grate to try to attempt to impeach her now

1 questions. So the witness can answer.

2 Q (By Mr. Adams) Mr. Carter, you know exactly what I'm
3 talking about, don't you?

4 A Yeah, I heard you.

5 Q Okay. And you were certainly upset with her about
6 calling in a fake report that there had been a shooting at
7 your house on August the 26th of 2014; correct?

8 A Yes.

9 MR. GIEGER: Sorry, but my objection is to the
10 form of the question.

11 THE COURT: Okay. I don't know if he's answered
12 it yet, but go ahead and -- overruled.

13 Q (By Mr. Adams) I think you did, but would you
14 please -- were you upset with Ms. Grate for calling in a
15 fake report to 911 reporting that there had been a shooting
16 at your residence at [REDACTED] [REDACTED] on August the 26th of
17 2014?

18 A Yes.

19 Q You were upset with her?

20 A Yes.

21 Q In fact, it required a number of emergency personnel to
22 come to your residence; correct?

23 MR. GIEGER: Your Honor, can I approach again?

24 THE COURT: Come on up.

25 (The following was had at the bench by

1 A Okay.

2 Q All right. If court records show she was in jail from
3 August 26th to November 19th of 2014; you with me?

4 A Yes, sir.

5 Q County jail keeps records of people. So from
6 August 26th to November of 2014, you wouldn't take issue
7 with that, would you?

8 A What do you mean?

9 Q I mean, does that sound right to you?

10 A Yeah, pretty much. Yeah, pretty close.

11 Q Mr. Adams was asking you several questions about was it
12 a couple weeks later and you were trying to give your best
13 memory.

14 A Yes.

15 Q Agreed?

16 A Yes.

17 Q Okay. But if the court records show that -- the jail
18 records show she was there from August all the way to
19 November of 2014, do you think that's probably right?

20 A Yes.

21 Q Okay. And in fact if she was brought over from the
22 jail to testify at a preliminary hearing in this matter
23 during that time period, you wouldn't take issue with that
24 would you?

25 A No, sir.

1 A Yes.

2 Q that there's a -- there's a 6 and a 10. And you can
3 exclude somebody with a 9 in the top row.

4 A Correct.

5 Q But the major component of the male DNA profile even
6 though it's partial at the genetic loci is an 8.

7 A Correct.

8 Q So does that tell you that there's two men or at least
9 two male contributors that have left DNA on this chair?
10 Because they can't be the same person; right? Because the
11 B's not in the 6 and the 10.

12 A Correct.

13 Q So we know there's at least two men that have been in
14 this room. But when I go down and compare, okay, Mr.
15 Holtzclaw's got an 8 but he's also got an 11 so he doesn't
16 fit. The 8 here -- there's 8s; right, at this location.
17 8,8?

18 A Well, it could be 8,8 or it could be an 8,10. But the
19 10 being where it is is -- you can consider it drop-out or
20 drop-in, but it's present.

21 Q But, again, you exclude Mr. Holtzclaw --

22 A Yes.

23 Q because at this location he's got an 8,10 so it's
24 not his skin cells or epithelial cells --

25 A Absolutely.

1 Q -- that are being picked up, we know that?

2 A Yes, that is correct.

3 Q And what we know is that in this bedroom on this chair
4 there's at least two different men -- at least two different
5 men that have left DNA behind on it.

6 A Correct.

7 Q But we know Rosetta Grate's DNA doesn't show up on it
8 either.

9 A Correct.

10 Q Based on what you know about this case and your
11 experience as a DNA analyst, does that surprise you that
12 even in this room that Ms. Grate was living in, her DNA's
13 not on that chair?

14 A Because of the time lag between, you know, when this
15 all occurred and the time that the crime scene investigator
16 went out and collected it, it's not impossible that she
17 would not even show up.

18 Q And is that also due to all the other things you've
19 said too, the way it could've been transferred, the timing
20 involved in her putting her DNA on it and the -- and
21 material itself?

22 A Correct, yes.

23 Q But nevertheless in this investigation we tried and we
24 looked?

25 A That's correct, yes.

1 CROSS-EXAMINATION

2 BY MR. ADAMS:

3 Q I just want to make sure that we're all on the same
4 page. Everything you've testified about at the very
5 conclusion of your testimony Mr. Gieger said that there was
6 two male DNAs found on the evidence you tested. But we just
7 don't know who we are -- who they are; correct?

8 A That is correct, yes, sir.

9 Q But you would agree with me we do know that they are
10 not Officer Holtzclaw's?

11 A I would absolutely, yes, sir.

12 MR. ADAMS: Okay. Pass the witness.

13 MR. GIEGER: I have one question.

14 REDIRECT EXAMINATION

15 BY MR. GIEGER:

16 Q Ma'am, you're not -- are you saying that because his
17 DNA wasn't found then Officer Holtzclaw was not in that
18 room?

19 A I can't say that.

20 Q Okay. Scientifically

21 A I would -- I have --

22 Q -- could anybody say that?

23 A I have no idea who was or wasn't in that room.

24 Q Is it possible for me to go into a room, be there for a
25 few minutes and leave and not leave DNA behind that we would

1 Detective Davis as to the Rosetta Grate investigation.

2 THE COURT: All right. Detective Davis, you're
3 still under oath.

4 THE WITNESS: Yes, sir.

5 THE COURT: You may proceed.

6 DETECTIVE KIM DAVIS,
7 was called as a witness, after having been previously duly
8 sworn, and testified as follows:

9 DIRECT EXAMINATION

10 BY MR. GIEGER:

11 Q Detective, you heard Ms. Grate's testimony about your
12 initial contact with her at the Oklahoma County Jail. Tell
13 me how her name was given to you or how she was identified
14 as a potential suspect in this investigation.

15 A She was in a stack of packets that I received from
16 Lieutenant Muzny.

17 Q Same -- same type of stuff we talked about at length
18 yesterday. He gave you a list of -- I don't want to use
19 that word.

20 He gave you some information that he got from the
21 Unit 800 master list and the CIU list, he made notes and
22 then he gave you the packet and said go talk to her?

23 A Correct.

24 Q Thank you.

25 Did you -- how'd you contact her? How'd you find

1 accurate in regards to trying to determine if contact was
2 actually made at the area of 14th and Jordan?

3 A Yes.

4 MR. GIEGER: Offer 241, 243, 244, 245, 242 and
5 239.

6 MR. ADAMS: No objection, your Honor.

7 THE COURT: All right. State's Exhibit Number
8 239, 242, 241, 243, 244 and 245 will be admitted.

9 Q {By Mr. Gieger} First of all, Detective, I want to
10 show you State's Exhibit Number 239. Is this another AVL
11 map?

12 A Yes, it is.

13 Q If I backed it up are we looking at -- well, it's hard
14 to see. Jordan Avenue is shown in yellow?

15 A Correct.

16 Q And is this 14th Street?

17 A Correct.

18 Q If I move it up just a little bit, the AVL shows on
19 April 24th at 7:07 -- this is not military time, this is
20 regular time the way normal people tell time.

21 A Correct.

22 Q Showing zero knots at 7:07:55.

23 A Yes.

24 Q 7:12:55.

25 A Yes.

1 Q 7:02:55, so it looks like there's several zero-points
2 but basically from 7:02 to 7:12, give or take four minutes
3 and 59 seconds on either end; correct?

4 A Correct.

5 Q Were you able to determine whether or not the defendant
6 in this case was on duty and working that day?

7 A Yes.

8 Q Again, this is at 7:00 in the afternoon, so would it be
9 the line-up for April 24th?

10 A Yes.

11 Q State's Exhibit Number 244, does it show -- and I'll
12 move it over -- he's on duty, 1782 Officer Holtzclaw; was he
13 working that day?

14 A Yes.

15 Q The Varuna log -- the Varuna log is State's number 243,
16 shows at 19:06 -- now we're back to military time, is that
17 7:06?

18 A Yes.

19 Q Is that consistent with the AVL map showing a zero
20 speed at the location Rosetta Grate said she encountered
21 this defendant?

22 A Yes.

23 Q And we see that Officer Holtzclaw's badge number,
24 computer terminal was -- ran Rosetta Ra'nee Grate.

25 A Correct.

1 Q CIU log 241 dated April 24th, 2014, this log was run at
2 19:00 hours; again, that's 7:00 p.m.?

3 A Right.

4 Q The second entry, ma'am, on that Charlie45, that's
5 Officer Holtzclaw's unit?

6 A Yes.

7 Q Rosetta Ra'nee Grate and her date of birth. And does
8 it show that she was clear for warrants at that time?

9 A Yes.

10 Q Was it significant to you at this point that you were
11 able to find -- and let me ask a predicate question.

12 Had you run AVL to determine where Rosetta Grate
13 possibly could've been on April 24th before you went and
14 talked to her?

15 A There's -- there's no way to do that.

16 Q Okay. And what do you mean?

17 A Well, one, I don't have a date to run.

18 Q Well, you had the AVL -- I mean, you had the CIU and
19 Varuna run that Muzny had gone through and given to you;
20 correct?

21 A Okay. Yeah, correct.

22 Q Okay. But tell me about AVL if you don't know the
23 location to look.

24 A If you don't know the location to look -- I could say
25 can you give me the location he was for a ten-hour shift, it

1 transported her to her house -- to the house on [REDACTED]

2 A Yes.

3 Q And after in your investigation did you try to look
4 at the AVL to see if that was consistent and does it show
5 him going in a direction toward her house?

6 A Yes.

7 Q This is already in evidence but State's Exhibit Number
8 208 which was shown to Ms. Grate today, it doesn't have all
9 the AVL points on it, but is this a map that you asked the
10 AVL department to generate in regards to your investigation
11 of Ms. Grate's allegations?

12 A Yes.

13 Q Okay. And if we went through point by point every
14 second -- every five seconds the car's moving, is that the
15 path that Officer Holtzclaw's car traveled from about
16 approximately 7:00 p.m. until 7:217

17 A Yes.

18 Q Okay. And, again, it was a zero speed for a portion of
19 that time; correct, at 14th and Jordan?

20 A Yes.

21 Q Was it significant to you whenever you saw not only
22 that the initial contact -- contact matched the location but
23 also his path of travel?

24 A Yes, and his path of travel ended at her house.

25 Q Ma'am, in your experience as a police officer is it

1 unheard of for an officer to give somebody a ride?

2 A It's not unheard of, no.

3 Q I'll show you --

4 MR. GIEGER: Judge, have I introduced 240?

5 THE COURT: No.

6 MR. GIEGER: I have introduced 242 though;
7 correct?

8 THE COURT: Yes.

9 Q (By Mr. Gieger) Ma'am, 242, is this the CAD run for
10 the stop at 14th and Jordan?

11 A That's the right date. If you'll move it down just a
12 little bit. Yeah, traffic stop. Yes.

13 Q Okay. So 4/24, 19:00:48 is 7:00 p.m. -- 48 seconds
14 after 7:00 p.m.

15 A Correct.

16 Q Again, it says traffic stop. Was Ms. Grate driving a
17 car based upon her testimony?

18 A No.

19 Q Was it significant to you that the CAD dispatcher
20 either put it in as a traffic stop or Holtzclaw called it in
21 as a traffic stop?

22 A No.

23 Q For the reasons you testified

24 A Right. Right.

25 Q The location shows 14th and Jordan?

1 A Correct.

2 Q This call shows that it was closed out about 30 minutes
3 later, almost to the second. Well, 29 minutes later almost
4 to the second; correct?

5 A Correct.

6 Q And because it says VisiNet mobile interface, is that
7 indicative to you that it was done by the officer in the
8 police car itself closing this CAD call out?

9 A Yes.

10 Q Down here it shows secondary location 10-14, [REDACTED]

11 [REDACTED] What does that mean?

12 A That means the dispatcher's put in 2Charlie45, female.
13 Starting mileage given. And he's going 10-14, that means
14 you're transporting somebody to [REDACTED] [REDACTED]

15 Q 10-14 is one of those ten codes?

16 A Right.

17 Q It's police talk; correct?

18 A It's transport. Right.

19 Q There's some other entries that give the Jordan address
20 and then the [REDACTED] address. Do you know what this
21 polygon look-up is down at the bottom? Do you know what
22 that means?

23 A I have no idea.

24 Q All right. Essentially that's the CAD call and it
25 shows that he's on -- transporting or coming in contact with

1 A Correct.

2 Q There are -- if I have it right here it looks like
3 there's five different AVL data marks. One shows it's
4 7:20 p.m. and he's going 16 miles an hour. Do you see that
5 on the far right of the screen?

6 A Yes.

7 Q But then we get over, the next one, if I'm not
8 mistaken, would be at 7:21:04 he's at one mile an hour.

9 A Right.

10 Q Then there's a 7:26:04 which would be consistent with
11 the car being still for five minutes at a zero speed and
12 hit; correct?

13 A Right.

14 Q Then it shows that there's another hit. And although
15 it's still at zero, this one is only three minutes and 41
16 seconds later as opposed to five minutes; right?

17 A Right.

18 Q Did you make inquiry of the AVL folks as to why if it's
19 at zero speed it hit within three minutes?

20 A They said sometimes that can happen.

21 Q Sometimes there's a glitch and it just does it then?

22 A Right.

23 Q And then at 7:29 it shows a zero speed as well?

24 A Right, it showed that twice.

25 Q I'm sorry. That's what I just asked you. I apologize.

1 seat by themselves. So he'd -- he'd have to just open the
2 door, let her out, and then drive away.

3 Q Was -- when you found this information was that
4 significant to you in your investigation?

5 A Yes, because he stayed there for an extended -- what I
6 thought was an unusually long time to be dropping somebody
7 off.

8 Q Further, Detective, State's Exhibit Number 245 is
9 Officer Holtzclaw's daily activity report for 4/24/14;
10 correct? His shift beginning 4/24/14.

11 A Yes.

12 Q Would've ended at 2:00 p.m. on 4/25.

13 A 2:00 a.m.

14 Q 2:00 a.m. on 4/25.

15 A Correct.

16 Q If I go down to -- and we track down his activities
17 starting at 16:00, which is 4:00 when the shift begins;
18 correct?

19 A Right.

20 Q When I get down to the traffic stop at 14th and Jordan
21 he has out on subject, which would be consistent with being
22 out on Ms. Grate.

23 A Right.

24 Q It shows it starts at 18:50, which would be 6:50 and
25 goes to 19:20; correct?

1 A Yes.

2 Q The next entry starting at 19:20 to 19:30 he's got
3 Granada/King; do you know what that means?

4 A It's a location, but I don't know where it is.

5 Q Do you know -- is there a Granada Street in the
6 northeast part of Oklahoma City and a Martin Luther King
7 Street in

8 A Yes.

9 Q Then it says officer. What does that mean to you?

10 A That he's going to help another officer.

11 Q So he's going to another call at 19:20?

12 A Yes.

13 Q It's what he put on his log sheet.

14 A Yes.

15 Q Is it significant to you that the CAD call -- yes,
16 ma'am, the CAD call shows that he clicked out on his
17 computer at 19:29; correct?

18 A Correct.

19 Q Is it significant to you that he doesn't indicate the
20 [REDACTED] address and being there for anywhere from eight
21 to 12 to 13 minutes?

22 A It's not a big deal that he didn't write the [REDACTED]
23 address down because it's all part of one thing. But I
24 found it odd that he kind of altered his times.

25 Q Was that -- it's odd; was it significant to you in your

1 THE COURT: All right. State's Exhibit Number 246
2 will be admitted.

3 (State's Exhibit 246 was played.)

4 Q (By Mr. Gieger) These obviously aren't in order of
5 sequence, but he's at [REDACTED] at that point.

6 A No, he's 10-14 to [REDACTED]

7 Q He's transporting to [REDACTED]

8 A Correct.

9 Q Thank you for -- that's why I want you to tell me what
10 it is.

11 (State's Exhibit 246 was played.)

12 THE WITNESS: He just went 10-97 which means he's
13 arriving at [REDACTED]

14 (State's Exhibit 246 was played.)

15 Q (By Mr. Gieger) That's running with the crime
16 information unit?

17 A Correct.

18 (State's Exhibit 246 was played.)

19 Q (By Mr. Gieger) What's that?

20 A That's him getting in line to run her. So that one, if
21 you're doing it in order, should've been played before the

22

23 Q Before he actually gave --

24 A Right.

25 (State's Exhibit 246 was played.)

1 Q (By Mr. Gieger) Got one at 14th and Jordan.

2 A He's going out on one at 14th and Jordan.

3 Q Thank you.

4 (State's Exhibit 246 was played.)

5 Q (By Mr. Gieger) Is that him being dispatched to
6 Granada and Martin Luther King?

7 A Right.

8 (State's Exhibit 246 was played.)

9 Q (By Mr. Gieger) What is that?

10 A Crime information telling her telling him that
11 Rosetta didn't have any warrants.

12 Q All right. Detective, I know those are somewhat
13 disjointed and out of order, but at any point during the
14 radio traffic did you hear Officer Holtzclaw tell the
15 dispatcher that he's going into a house?

16 A No.

17 Q Is that significant to you?

18 A Yes.

19 Q Why?

20 A Well, that's terrible officer safety for one. And
21 he's -- he had no reason to go in the house so I'm thinking
22 he's not telling dispatch because he doesn't want dispatch
23 to know he's going in a house.

24 Q That's your assumption?

25 A That's my assumption.

1 (With all parties present, the following
2 proceedings were had in court in the
3 presence of the jury.)

4 THE COURT: Let the record reflect that all
5 members of the jury are present. Counsel for the State,
6 counsel for the defendant, the defendant is also present.

7 Mr. Adams, are you ready for your
8 cross-examination?

9 MR. ADAMS: Yes, your Honor.

10 THE COURT: All right. Detective Davis, if you'll
11 retake the stand. Let me remind you you're still under
12 oath.

13 THE WITNESS: Yes, sir.

14 THE COURT: You may proceed.

15 MR. ADAMS: Thank you, your Honor.

16 CROSS-EXAMINATION

17 BY MR. ADAMS:

18 Q Detective Davis, just so we can kind of remember where
19 we were when we left off, you had discussed your interview
20 with Ms. Grate to the jury; correct?

21 A Correct.

22 Q And that interview took place on August the 27th of
2014?

A Correct.

Q And that was at the Oklahoma County Jail?

1 A June 18th.

2 Q Okay. And Officer Holtzclaw was placed on leave when?

3 A June 18th.

4 Q June 18th?

5 A Yes.

6 Q Now in your discussions with Mr. Grate, he talked to
7 you about what had happened approximately a month prior to
8 your meeting with him on August the 15th of 2014; correct?

9 A Okay. Say that one more time.

10 Q In your conversation with Mr. Grate on August the 15th
11 of 2014 he had some discussions with you about an
12 altercation that allegedly Rosetta had with an Oklahoma City
13 cop one month prior to your interview; correct?

14 A Yes.

15 Q Okay. And you would agree with me that one month prior
16 to your interview of Johnnie Grate, Daniel -- Officer
17 Holtzclaw was on leave?

18 A One month prior yes.

19 Q He did not have a uniform, gun, badge or any of that
20 stuff. He was not operating in Oklahoma City as an Oklahoma
21 City police officer.

22 A Correct.

23 Q And hadn't been for approximately 60 days up until your
24 point in time of interviewing Johnnie Grate?

25 A Correct.

1 offering her -- the DA's offer -- or the DA was offering her
2 rehab.

3 A When she started talking about her drug problem I said,
4 yes, that we can get her some rehab if she wants it.

5 Q And you -- and she -- and she was even talking about
6 what type of rehab and it was discussed that she needed a
7 long-term rehab.

8 A Yes.

9 Q And there's some discussions and then eventually you
10 make the affirmative decision to tell her that the only
11 person that can offer her long-term care or rehab would be
12 the District Attorney's office; correct?

13 A I don't know if I said the only person. I told her we
14 could help her get rehab if she wanted it.

15 Q You would agree with me that in no way, shape or form
16 can I go to Ms. Grate and offer her rehab?

17 A I don't know if -- I mean, you could make phone calls
18 for her, but -- which is what I could do, which is what the
19 DA's office could do. I mean, I guess any of us could get
20 her help if she wanted it.

21 Q So is it your testimony here today that on a witness in
22 a criminal case and I as a defense lawyer can offer them
23 anything of value for their testimony?

24 A Oh, I didn't offer anything of value for her testimony.

25 Q You don't think that rehab would be something that she

1 her is when I said we can get you help and get you rehab.
2 She hadn't even told me what her -- what he had done to her
3 yet. So I was just in there -- she said something about
4 rehab and I said: We can get you some help if you need it.
5 She's not the first victim I've offered that to, and she
6 will not be the last.

7 Q Okay. So before she'd even told you anything had
8 happened you were offering -- you were already offering her
9 the assistance that only the State can offer someone;
10 correct?

11 A No, I can offer that.

12 Q Can I offer that?

13 A I don't know.

14 Q Okay. Well, can you imagine me going in to an alleged
15 victim in any case and offering them anything of value
16 whatsoever to either talk to me or testify?

17 A The offer wasn't on the table that if you talk to me
18 I'll get you rehab. It was just, if you would like rehab I
19 can help you get fixed for rehab.

20 Q Did you help her with that rehab?

21 A Yes.

22 Q And where did you get her placed?

23 A I have no idea.

24 Q Who helped her with the rehab?

25 A I got with the DA's office and the DA's office has a

1 contact and -- and they helped her with getting the rehab.

2 Q Has she been successful with that rehab?

3 A I don't think so.

4 Q Was there any written agreement amongst either the DA's
5 office or your office, the Oklahoma City Police Department,
6 and Ms. Grate about providing this rehab for her?

7 A No.

8 Q Was there any compensation paid whatsoever to the rehab
9 facility where Ms. Grate allegedly attended?

10 A I -- I wouldn't have that knowledge.

11 Q Can you give us any benefit whatsoever regarding the
12 name of this alleged rehab that Ms. Grate went to?

13 A I have no idea.

14 Q You just know that it happened?

15 A I just gave her the contacts to get the rehab. I have
16 no idea where she went.

17 Q You would agree with me that as of August 27th of 2014,
18 Ms. Grate had not reported any inappropriate activity
19 whatsoever amongst herself and Officer Holtzclaw to anyone
20 in law enforcement?

21 A I agree.

22 Q You also told the jury on direct examination that you
23 believe that it was important that officer -- you found it
24 significant -- and I apologize -- you found it significant
25 that Officer Holtzclaw in his discussions with Ms. Grate was

1 asking her whether or not she was a working girl.

2 A Yes.

3 Q Do you recall that?

4 A Yes.

5 Q Well, do you recall Ms. Grate telling you that she
6 really was a working girl; correct?

7 A Yes. Yes.

8 Q She was having trouble getting home that evening
9 because every time she attempted to get home she was picking
10 up another date.

11 A Correct.

12 Q Which means that she was prostituting herself to you;
13 correct?

14 A Correct.

15 Q And making money?

16 A Yes.

17 Q Okay. And you don't -- and certainly you would agree
18 with me and -- and -- that it would not be unusual for an
19 officer to give a ride home to someone who needed a ride
20 home.

21 A That's not unusual.

22 Q And it certainly would not be out of the question for
23 an officer to verify and make sure that actually a person
24 that they had given a ride home truly lives in that home.

25 A I don't know that I'd follow her around the house to

1 Holtzclaw had offered, under her version of events, to go
2 back and attempt to retrieve the purse?

3 A Correct.

4 Q Did you find that significant at all?

5 A That she lost her purse?

6 Q That she either lost her purse or that Officer
7 Holtzclaw had offered to go back and attempt to retrieve it.

8 A No, not really.

9 Q But in any event, after you learned these details you
10 went out and tried to corroborate her story, did you not?

11 A I tried several -- yeah.

12 Q You sent you sent officers out to attempt to locate
13 the purse and no such purse was found; correct?

14 A Correct.

15 Q She'd also told you about the fact that Officer
16 Holtzclaw on that evening as he was talking to her in the
17 street at 14th and Jordan noticed that she said that she had
18 a crack pipe, she's been smoking crack; correct?

19 A Correct.

20 Q And he made her smash it on the ground.

21 A Correct.

22 Q And you would agree with me that there is absolutely
23 nothing improper on Officer Holtzclaw's behalf for doing
24 such a thing; correct?

25 A I -- he could've put her in jail, but some officers do

1 do that.

2 Q He -- and that's my whole purpose of asking the
3 question. We certainly all know that possession of a crack
4 pipe is drug paraphernalia; correct?

5 A Correct.

6 Q And it's certainly illegal here in Oklahoma; correct?

7 A Correct.

8 Q And across the United States most places -- well, every
9 place I can think of a crack pipe.

10 A I think so, yes.

11 Q Okay. But some officers understand that by taking
12 someone to jail it takes two hours of their shift up and
13 they may just as soon just go ahead and crush it there on
14 the street meaning that people can't use it anymore and go
15 on about their business; correct?

16 A Correct.

17 Q And that happens every day here in Oklahoma City?

18 A I don't know about every day, but it's a common
19 occurrence.

20 Q Well, you sent some officers down to go check out that
21 story to determine whether or not you could find a crushed
22 crack pipe; correct?

23 A I didn't expect to find anything, but I tried.

24 Q Okay. And that they -- all they found were a bunch of
25 it appeared to be a bunch of glass, not just one crack

1 A I think there was a lot of confusion on that, but kind
2 of the bed rail or the box spring covering.

3 Q Okay. Did you hear of whenever the search warrant
4 transpired and all the officers entered into [REDACTED] [REDACTED]

5 A Yes.

6 Q You were actually present?

7 A I was there.

8 Q Okay. Did anyone test or take into evidence the
9 plastic covering of the box springs or anything on the bed?

10 A No.

11 Q Okay. Was anything of the bed taken as evidentiary
12 value to be tested later, such as the seat back was taken of
13 the chair?

14 A No.

15 Q Okay. And then the chair she specifically stated that
16 no one else ever sat or used that chair; correct?

17 A Yes.

18 Q And she said that she was wiping her hand on that
19 chair; correct?

20 A Yes.

21 Q And this is after what we talked about, the dirtiness
22 in her mouth and where -- allegedly be either pre-cum or it
23 would be hair from the groin area; correct?

24 A Correct.

25 Q And nothing like that -- you heard all the testimony,

1 nothing like that was found; correct?

2 A Correct.

3 Q And you would agree that -- that the comforter she said
4 had been washed; correct?

5 A Correct.

6 Q But in regards to anything -- the headboard or the bed
7 or any of that -- nothing from the bed was disturbed;
8 correct?

9 A Right, I don't even think it had a headboard. I'd have
10 to look at the picture again. But I don't think it had a
11 headboard.

12 Q Certainly the plastic material that covered the box
13 springs was not taken into evidence; correct?

14 A And I don't -- I'd have to look at the pictures. I
15 don't even remember there being plastic. There could've
16 been, I just don't recall.

17 Q Do you recall her telling you that there was?

18 A Yes.

19 Q Okay. Do you recall whether or not anyone looked at
20 that plastic?

21 A I don't remember.

22 Q Okay. And this rag that she talked about, she told you
23 that she'd thrown it into the closet; correct?

24 A Correct.

25 Q And there was photographs taken of the closet before it

1 Q (By Mr. Adams) From the documents that have been
2 introduced into evidence apparently this event with
3 Ms. Grate where she is confronted at 14th and Jordan and
4 eventually delivered to [REDACTED] I think that we have
5 stated that there's 29 minutes during that time frame;
6 correct?

7 A Okay. I'd have to look at the CAD call but --

8 Q The only thing I'm having a difficult time finding is
9 on the -- on the document that's been introduced as the AVL
10 going to [REDACTED] -- do you recall that one?

11 A Right.

12 Q And I think that's 240. There doesn't appear to be
13 it just shows the squad car sitting there but it doesn't
14 show when the squad car left.

15 A Correct.

16 Q Is there a reason why we don't have an AVL of when the
17 squad car left? We have when the CAD call ended, but we
18 don't have when the squad car left.

19 A Probably when I was getting with Joe Hill and getting
20 all that stuff I -- I said: Give me all the -- give me this
21 AVL and give me all the zero speeds at [REDACTED] I
22 probably didn't say: And then give me the next speed when
23 he drives off.

24 MR. ADAMS: Okay. Pass the witness, your Honor.

25 THE COURT: All right. Any redirect?

1 MR. GIEGER: Yes, sir.

2 May I have just a minute, please?

3 THE COURT: Yes.

4 (Counsel confer.)

5 REDIRECT EXAMINATION

6 BY MR. GIEGER:

7 Q Detective Davis, in regards to the last question that
8 Mr. Adams just asked you, in regards to when the squad car
9 left [REDACTED] do you know what time it left?

10 A I do.

11 Q And can you tell the jury when it was?

12 A 7:30:56.

13 Q So is that about a minute, minute and a half later
14 after that last zero speed that we have?

15 A A minute and 13 seconds.

16 Q A minute and 13 seconds after the last zero speed.

17 A Yes.

18 Q Ma'am, I want to ask you several questions about what
19 Mr. Adams has just gone through with you. First of all, in
20 regards to his questions about the nine -- the
21 September 15th telephone call from Rosetta Grate to your
22 office where it's documented she said how you might find
23 some stuff in the house.

24 A September 2nd.

25 Q September 2nd. Thank you. I wrote the date down

1 when you looked in the drawer next to the bed did you find
2 the rag -- did you find a rag?

3 A No.

4 Q But you do -- you did look?

5 A Yes.

6 Q What about the plastic? He was asking you questions
7 about that. Why did you do what you do with the plastic or
8 didn't do what you didn't do with the plastic?

9 A If -- if there would've been something there that had
10 evidence I would've taken it and that would've been
11 documented in the report. I didn't take anything.

12 Q And there was some questions about the box spring or
13 the wood beside the box spring or something, and -- let me
14 ask it this way: What did you do in regards to searching
15 the bed based upon what Ms. Grate had told you whenever you
16 were actually trying to obtain evidence that might have DNA
17 material on it?

18 A We searched the bed. We had -- with -- with the CSI
19 sergeant. But there wasn't -- there wasn't anything to
20 take. There was nothing with evidence on it. We pulled the
21 bedding back. We didn't take the bedding because she said
22 she'd washed it. There was nothing there that -- that CSI
23 felt that there would be evidence of so we didn't take it.

24 Q I'm come back and ask you about the search here in a
25 minute but I want to try to stay on point with -- in regards

1 Q Why?

2 A One, just for him to CYA for himself, he is with a
3 female prostitute drug addicted person who could make all
4 sorts of allegations against him. He's going to follow her
5 into the house when there's no one home. He should let
6 dispatch know, I'm going in here. I'm with a -- he's
7 already told them he's with a female because he gave his
8 mileage. But he should've let them know just for coverage
9 of himself. She could make all sorts of allegations against
10 him which obviously has happened. But -- and officer's
11 safety. That's not -- that's not safe practice to enter
12 someone's house by yourself without letting dispatch know.
13 If you let dispatch know and then something goes bad and you
14 need help, they know where you're at. He's at [REDACTED]
15 [REDACTED] He's entered the house. We know there's at
16 least one other person in the house with him.

17 Q That leads me to my next question. As an experienced
18 detective and patrol officer, and in investigating a sexual
19 assault like this, is it concerning to you that he does give
20 the location as to going to [REDACTED] knowing that an
21 allegation then is made of a sex crime at that location; do
22 you understand my question?

23 A No.

24 Q Let me try to rephrase it. How much supervision is out
25 there? Whenever an officer says: I'm going to [REDACTED]

1 obviously he notifies the dispatcher. But as a detective,
2 is it not significant to you that if he's gonna commit a sex
3 crime, he's told the dispatcher where he's going to do it?

4 A No.

5 Q And if not, explain why it's not significant.

6 A It's not. I mean, we're -- in patrol you're a one-man
7 unit. You don't -- there's only certain calls that like,
8 two patrol cars go together. This would not be one of those
9 type calls. Nobody babysits you out there. I mean, they
10 look -- we're adults with badges and with guns. Supervisors
11 don't follow you around and make sure you're doing what
12 you're saying you're doing. You're basically out there by
13 yourself doing patrol duties.

14 Q All right. I think the last thing I want to ask you
15 about is Mr. Adams had asked you about, again, involvement
16 in the search and looking for some type of items for DNA
17 evidence; do you remember that?

18 A Yes.

19 Q Two of the things that you did seize were a pair of
20 underwear and a pair of panties; do you remember that?

21 A Yes.

22 Q Why did you seize those given what Ms. Grate had said
23 about not wearing panties and not talking about underwear?

24 A The underwear was men's underwear. They were white and
25 they have -- you know how some of them have the little blue

1 stripe around the waistband? She had described the rag that
2 she used to wipe her vagina with as white with possibly a
3 blue stripe. So we took those because she might have
4 thought she grabbed a dish towel but she grabbed some
5 underwear, you know? So those kind of fit the description
6 of the color and stuff, not necessarily the type of item it
7 was. And I just took the black panties because they were in
8 the little cubby holes next to where the white underwear
9 were and I just took them just in case because it looked
10 like they had just been thrown up there. They weren't
11 placed up there neatly or anything.

12 Q In searching -- you told Mr. Adams that you looked into
13 the drawer -- you looked in the drawers beside the bed. Did
14 you search basically all through -- all through that bedroom
15 looking for a rag that could've been used?

16 A Yeah, we even went into the bathroom too thinking that
17 somebody could've picked up the towel and took it in the
18 bathroom. But it's four months later. I didn't really
19 expect to find anything.

20 Q In that regard, ma'am, Mr. Adams, again asked you about
21 your initial -- how you went and looked for Rosetta Grate
22 and made initial contacts with her; do you remember those
23 questions?

24 A Yes.

25 Q If I'm understanding the time line of what Mr. Adams

1 interviewed him on August the 15th of 2014; correct?

2 A Correct.

3 Q When you talked to him.

4 And he told you that his daughter had come home
5 about a month prior and told her {sic} she'd been taken
6 someplace and had been sexually assaulted by an officer;
7 correct?

8 MR. GIEGER: Hearsay, your Honor.

9 THE COURT: Overruled, you can answer.

10 THE WITNESS: I'm going to look in my report.

11 Q {By Mr. Adams} Please.

12 A Yes.

13 Q Okay. You would agree with me that one month prior to
14 that interview would've taken us into July the 15th of 2014;
15 correct?

16 A Correct.

17 Q You would agree with me that at that point in time
18 Daniel Holtzclaw had been placed on leave for approximately
19 30 days, he was not on duty; correct?

20 A Yes.

21 Q Okay. So it -- it would've been impossible for Officer
22 Holtzclaw to sexually assault Ms. Grate during that period
23 of time as a police officer; correct?

24 A Yes, during -- after June 18th, yes.

25 Q Correct. You also talked about Officer Holtzclaw and

1 his actions in regards to the events with Ms. Grate. You
2 testified that he certainly did put he did put the
3 address [REDACTED] [REDACTED] as the place he was going; correct?

4 A Yes.

5 Q And it's your testimony that that's really of no big
6 significance; correct?

7 A That he -- that he said that's where he was at?

8 Q Right, because you said they're really kind of
9 unsupervised out there, they're just running around. But he
10 did give the address of [REDACTED] [REDACTED] there's no question
11 about that.

12 A Correct.

13 Q And he did that.

14 A Yes.

15 Q Okay. Now would you have found it suspicious had he
16 not given that address out?

17 A It wouldn't have been smart.

18 Q Okay. So he's damned if he does and he's damned if he
19 doesn't give the address out of where he's headed; correct?

20 A No. No.

21 Q Under your scenario it's no big deal that he gave the
22 address; correct?

23 A Right.

24 Q But then it's really no big deal if he doesn't give the
25 address either; correct? Is that what your testimony is?

1 A No, he needs to give us the address just for officer
2 safety.

3 Q Okay. And we agree that he did that.

4 A Right.

5 Q Okay. So then what was all the questioning about in
6 regards to how nefarious that looks if he gives the address
7 of where she says the sexual assault occurred?

8 A I don't think it's nefarious at all that he gave the
9 address.

10 Q Okay. You think it's nefarious that he went and
11 checked to make sure that she truly lives there?

12 A I -- yes, I do not think he should've gone into her
13 house and into her bedroom.

14 Q Again, you'd agree with me that is not against the law
15 here in the State of Oklahoma; correct?

16 A Not if you're invited in, no.

17 Q Right. And in fact Ms. Grate did invite him; correct?
18 There's no evidence to the contrary.

19 A There's no evidence to the contrary. He just followed
20 her and she didn't say no.

21 Q And as a police officer if I'm -- are you aware of any
22 officer that doesn't take the advantage of being able to go
23 into a house if someone allows them in there?

24 A I'll go with that, yes.

25 Q Okay. You would agree with me that you're actually

1 Q Did he seem to have an extraordinary sex drive or
2 anything out of the ordinary to you?

3 A Normal for his age.

4 Q And, again, at the time of all of this how old was
5 Daniel?

6 A 27 and 28.

7 Q And I'm gonna

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

9 THE COURT: You may approach.

10 Q (By Mr. Adams) Did you have an opportunity to see
11 Daniel getting dressed to go to work?

12 A Yes.

13 Q In his police uniform?

14 A Yes.

15 Q And did you have an opportunity to also see Daniel when
16 he came home at night and undress?

17 A If I was awake.

18 Q Okay. I'm -- but you did see that on occasion?

19 A Uh-huh.

20 Q I'm going to hand you what I've marked as Defendant's
21 Number 4 and ask if you can take a look at that and tell me
22 what those are.

23 A They're compression shorts.

24 Q Okay. And tell us what compression shorts are.

25 A They're very compressant to wear as boxer briefs but

1 they're a little bit more extreme than that.

2 Q Okay. Do they have a fly on them?

3 A No.

4 Q Okay. And had you ever seen Daniel wear those?

5 A Yes.

6 Q When?

7 A He wore them to work and for football, sometimes at the
8 gym as well.

9 Q Okay. And is that all you ever saw him wear when he
10 wore his uniform?

11 A Uh-huh.

12 MR. ADAMS: Move for the admission --

13 Q (By Mr. Adams) Is that a true and accurate pair of the
14 the underwear you're talking about?

15 A Yes.

16 MR. ADAMS: Move for admission of Defendant's 4,
17 your Honor.

18 MR. GIEGER: Everybody's seen them, your Honor, no
19 objection.

20 THE COURT: All right. Defendant's Number 4 will
21 be admitted.

22 Q (By Mr. Adams) Now during your relationship with
23 Mr. Holtzclaw did he ever come home at any time when you
24 were at home and visit you during the day?

25 A Yes, during his break.

1 Q Is it your testimony it would be impossible for him to
2 pull those shorts down and have his penis go out his fly and
3 expose it to go to the bathroom?

4 A I definitely think it would take some work.

5 Q Okay. You think it would take some work?

6 A Uh-huh.

7 Q Okay. Would it be less work than going through that
8 big routine that you told Mr. Adams about whenever he wanted
9 to have sex with you where he'd have to take off his gun
10 belt and then unhook everything and get the keepers arranged
11 the right way and all that; which would be less work in your
12 opinion?

13 A I'm not sure how he went to the rest room honestly.

14 Q That wasn't my question. Which would be less work in
15 your opinion?

16 A Probably just to take it all off, I don't know.

17 Q So taking -- so taking all that stuff off and getting
18 undressed would be less work than unzipping your fly and
19 pulling those down to get your penis out?

20 A Yes.

21 Q Okay. And it was so much work whenever he would take
22 that stuff off that it was just too much work to get dressed
23 again and go back to work so whenever he'd come home for his
24 noon sex with you, he just wouldn't get dressed again, is
25 that what you're saying to the jury?

1 Florene Mathis is the -- is the lady who has nine
2 prior felony convictions. While she was testifying she had
3 ten felony active warrants. She has 19 different a/k/as,
4 five different Social Security numbers and four different
5 date of births.

6 She's also the lady who came and talked to the
7 DA's office recently about Daniel Holtzclaw and while she
8 was there she was run for warrants, found out she had a
9 warrant. When they took her into custody they found out she
10 had PCP in this building. And I know that I was talking
11 about the sanctity of the courtroom and the sanctity of the
12 courthouse. And maybe that was offensive to her, but to me
13 I would think or I would pray that people would take it
14 serious when they come down here and not be carrying PCP on
15 them. But evidentially -- evidently it upset her that I
16 would even ask her that.

17 And you've got to remember she was run for
18 warrants although Detective Gregory and Detective Davis have
19 both testified that they don't run victims for warrants.
20 But on that occasion she was.

21 Rosetta Grate. She's the one that when she
22 testified she was serving a six-day sanction for violating
23 her Diversion Program. She was the one that was arrested on
24 8/26 of 2014, for the false 911 call at [REDACTED] [REDACTED]. And
25 she was also AWOL from probation.

1 The first time she ever talked to Detective Davis
2 she was in jail on 8/27 of 2014. This would've been one day
3 after she was arrested for the false 911 call. That she
4 said she did not know the date when she was assaulted but it
5 was at Northeast 14th and Jordan. She just smoked crack
6 cocaine and had a crack pipe in her possession. She said
7 the officer pulled up. She said: I'm getting high and
8 every time I try to go home I pick up a date. That he threw
9 the crack pipe down and crushed it and that he offered her a
10 ride home. She gave him the address of [REDACTED]
11 that's really her boyfriend's address, Willie, who we'll
12 talk about here in a minute. Willie Carter's house.

13 She said that Daniel Holtzclaw followed her in the
14 house to make sure it was her house because she admitted
15 that she had no ID on her that reflected [REDACTED] was
16 her house. She said after they got upstairs he said that
17 this is better than the county. He took out his penis, that
18 she performed oral sex on him for five to ten minutes. Then
19 he told her to lay back in the bed.

20 In the interview -- in the interview he -- she
21 says that he ejaculated. In court she said he did not. She
22 testified that there was a fluid transfer but she
23 testified -- this is the one that testified that when she
24 was giving him oral sex that and I hate to use these
25 words, but it was dirty or that there was something on there

1 and that she'd wiped it on the bed and she described it as
2 the plastic on the bed and all those things.

3 And she said -- and they -- and they asked her on
4 direct examination: Well, after all these events happened
5 and after he did all these things and you wiped it on the
6 bed and you had all this DNA and everything did you report
7 it? And she says: No, what am I gonna tell them? And on
8 cross-examination I said: What are you gonna tell them?
9 How about: I was just raped by an Oklahoma City police
10 officer and I've got DNA all over the place. Get up here
11 and get it while you can.

12 She's also the one that while she was in jail on
13 September the 2nd of 2014, she calls Detective Davis back
14 and she give -- she's very specific after sobering up. She
15 said that nobody goes in her bedroom, that there would be
16 evidence in that room. And then that's when she talks about
17 the white -- she wiped a towel -- she wiped her vagina with
18 a towel, she threw it in the closet. And then a hand
19 towel -- could even be a hand towel specifically with a blue
20 stripe on it. She drew a picture of the room and said that
21 when she gave him head that she wiped her hand on her mouth
22 and she wiped it on top of the chair, the chair that you
23 eventually see that the CSI took the top of, and the side of
24 the bed with plastic, and the red -- the rag may even be in
25 the drawers in the closet. That was on 9/2 of 2014. She's

1 also the one that testified on direct examination that it
2 was not a consensual sexual encounter because no money
3 exchanged hands.

4 After disclosing this information on September the
5 2nd of 2014, on 9/3, the very next day of 2014, a search
6 warrant was issued at [REDACTED] where Willie Carter
7 lives. Willie testified that they cut the chain to the
8 door, they kicked the door in and they put a gun to his
9 face. This would've been six days after her arrest on the
10 false 911 call.

11 After all the officers entered the residence and
12 went upstairs they did not find the rag that she described.
13 They take absolutely nothing from the bed and took two pair
14 of underwear from the closet. And then they took apart the
15 chair and they took the back of the chair which was all
16 tested for DNA. And absolutely -- DNA and prints, and
17 nothing was found.

18 After nothing was found in October of 2015, the
19 detectives in this case took a picture to Rosetta Grate of
20 the search and they showed *it* to her. And she says that
21 that is different, that [REDACTED] must have lived there.

22 Willie Carter testifies and he says that in April
23 of 2014, he had been in a pool tournament. When he got home
24 that Rosetta told him that she had had someone in the house
25 and that upset him. After going back and forth with

1 Willie -- after going back and forth with Willie Carter on
2 several different times he was crystal clear that [REDACTED]
3 had left his house in Thanksgiving of 2013, before any
4 alleged sexual assault and the only person who he testified
5 ever entered that room was Rosetta Grate's daughter to get
6 her own clothes and Rosetta Grate herself, period.

7 The only witness we saw when driving by these
8 locations when we did our field trip by all the locations,
9 the only person we saw outside at [REDACTED] [REDACTED] was Rosetta
10 Grate. Finally, before being incarcerated for the fake 911
11 call Rosetta Grate lived at [REDACTED] [REDACTED] on 8/26 of 2014.

12 If this is even an issue questioning why the State
13 did not call [REDACTED] the burden is on them, the burden is
14 not on Officer Holtzclaw.

15 Remember this is the witness who Detective Davis
16 said that when she saw Rosetta Grate at the county jail on
17 8/27 of 2014, that Rosetta Grate dropped her head and said:
18 Is this about the cop? That is when we had to cue up some
19 audio and play the audio on the headphones. And actually
20 what she admitted that Rosetta Grate said: Are you the ones
21 that came by to see my dad? On cross-examination Detective
22 Davis admitted that they had gone by Rosetta Grate's dad's
23 house on 8/15 of 2014, two weeks prior to her being arrested
24 and said we're looking for Rosetta Grate, we've received a
25 tip that she was sexually assaulted by an Oklahoma City

1 Count 8. Defendant is guilty of the crime of
2 forcible oral sodomy and punishment is set at 20 years.

3 Count 9, rape in the first degree. Defendant is
4 not guilty of the crime of rape in the first degree.

5 Count 10, forcible oral sodomy. Defendant is
6 guilty of the crime of forcible oral sodomy and punishment
7 is set at 16 years.

8 Count 11, rape in the first degree. Defendant is
9 guilty of the crime of rape in the first degree and
10 punishment is set at 30 years.

11 Count 12, forcible oral sodomy. Defendant is not
12 guilty of the crime of forcible oral sodomy.

13 Count 13, sexual battery. Defendant is guilty of
14 the crime of sexual battery and punishment is set at eight
15 years.

16 Count 14, sexual battery. Defendant is guilty of
17 the crime of sexual battery and punishment is set at eight
18 years.

19 Count 15, procuring lewd exhibition. Defendant is
20 guilty of the crime of procuring lewd exhibition and
21 punishment is set at five years.

22 Count 16, forcible oral sodomy. Defendant is
23 guilty of the crime of forcible oral sodomy and punishment
24 is set at 16 years.

25 Count 17, forcible oral sodomy. Defendant is not