

1 A No.

2 Q Why not?

3 A Well, I mean, trying -- I don't want to -- she just  
4 lives day-to-day. She -- I mean, you know how when you go  
5 on vacation for two weeks, then you go: What is today? I'm  
6 not sure what the day *is* or I don't even know *if it's*  
7 Tuesday or Wednesday. She just lives day-to-day. They  
8 there's no plans made. There's no -- there's no I have to  
9 get up for work in the morning because tomorrow's Monday.  
10 She doesn't live that type of lifestyle.

11 Q In investigating this case, ma'am, is that consistent  
12 with your experience of several of the ladies you came in  
13 contact with?

14 A Most of them.

15 Q Did that make determining dates and certain things  
16 difficult?

17 A Yes.

18 Q With that difficulty in mind, ma'am, did you ever  
19 then -- when you came in contact with them and you had the  
20 dates that you ran to see that Officer Holtzclaw rather had  
21 ran their names in crime information unit, for example, did  
22 you set out in looking for those ladies to convince them  
23 that things happened on the dates that CIU came in?

24 A I never gave the ladies the dates. No. I when I  
25 interviewed them I never told them where the stops were. I

1 never told them where -- what dates the officer stopped  
2 them. I never told them what dates the officer ran them  
3 through crime information or through Varuna. I never gave  
4 them that information.

5 Q Why not?

6 A Because I didn't want to taint -- taint their  
7 interview. I wanted them to tell me what happened, when  
8 they thought it happened. And then I wanted to be able to  
9 go back and verify that they were telling the truth.

10 Q Ma'am, as the lead detective in this case working for  
11 Oklahoma City Police Department, is this something that  
12 is this investigation something you were excited about  
13 wanting to be involved in?

14 MR. ADAMS: Your Honor, relevance.

15 THE COURT: All right. Sustained.

16 Q (By Mr. Gieger) Ma'am, was Ms. Bowen in addition to  
17 being -- you told me a minute ago she was certain it was  
18 before her mother had moved into the nursing home.

19 A Right.

20 Q Okay. Was she certain about the location of where this  
21 assault happened?

22 A I think -- yes, she was dead on.

23 Q Okay. In other words, was she -- was she saying:

24 Well, I think it happened on Dead Man's Curve or something  
25 like that or did she tell you that?

1 A That's where a friend of mine lived, the next block  
2 over.

3 Q And when you said you were going from this house on  
4 14th and Kelham to this house on 15th and Kelham, were you  
5 walking or driving?

6 A Yes, I was walking.

7 Q Were you by yourself?

8 A Yes.

9 Q And what happened?

10 A As I got across the -- this church parking lot back  
11 there on 15h and Kelham, got across there. I was headed  
12 north and a police car passed me. But when he saw me he  
13 went down to the next block and he kinda like -- kinda  
14 almost made it between -- I was in between 14th and 15th of  
15 Kelham. And he made a U-turn and he come back and he  
16 stopped.

17 Q Okay. So he made a U-turn right on Kelham?

18 A Yeah, well yes. Yes. He was going north on Kelham  
19 also. But when he turned around and made a U-turn, you  
20 know -- yeah.

21 Q And what time of day was it whenever this happened?

22 A It was probably about it was after midnight.

23 Q Okay. So nighttime?

24 A Yes, ma'am.

25 Q After this officer made the U-turn and came back to

1 A No.

2 Q Was that the end of your contact with that police  
3 officer that -- that night?

4 A That night it was.

5 Q Did you ever see that police officer again?

6 A Yes, I did.

7 Q And how many times have you come into contact total  
8 with this police officer?

9 A Twice.

10 Q Okay.

11 A Because it was maybe a month and a half after that  
12 first time I seen him. Maybe a month and a half later I  
13 come to him.

14 Q And I didn't ask you, Ms. Johnson, do you know what  
15 date the first contact with this officer happened on?

16 A I can't remember the date. I can -- I think it was  
17 probably in -- probably April of last year.

18 Q Was it spring of 2014?

19 A Oh, no, it was still chilly because I was wearing a  
20 jacket.

21 Q Okay. And then you said that your second contact you  
22 think happened about a month or a month and a half?

23 A Yeah, so it was probably about maybe -- let's see,  
24 maybe the first of June or somewhere along in there maybe.

25 Q Okay.

1 A Not for sure.

2 Q Where were you whenever you came in contact --

3 A This time I was on 16th and Jordan. I was leaving 16th  
4 Terrace -- it's on 16th -- it's a duplex on the corner of  
5 16th Terrace and Jordan. That's my cousins staying there at  
6 that duplex. And by time I go across the street there's a  
7 corner right there, 16th and Jordan.

8 So it was dark and I was getting to the corner and  
9 he was kinda going real fast. And he kinda -- when he  
10 turned the corner, you know, it was dark and he didn't  
11 really see me and he go: Oh, almost hit you. And stopped,  
12 you know?

13 Q What time of day was it this time you came in contact?

14 A Okay. I will say still sometime after midnight, maybe  
15 2:00, 3:00 in the morning. Maybe 2:00.

16 Q Were you walking by yourself?

17 A Yes.

18 Q Okay.

19 A Yes.

20 Q And after this officer almost hit you, what happens  
21 next?

22 A Okay. So he stopped me and he go -- say: What are you  
23 doing out here? Go: Haven't I stopped you before? Haven't  
24 I taken you to jail before? And I go: No, you ain't take  
25 me to jail but you stopped me, you know. Say: Oh, yeah.

1 So he asked me did I have anything on me. Told him no.

2 Puts me in the back seat of the car. Once again we're going  
3 through, well, have you got anything on you, you know?

4 Q And did you have a purse with you on this -- this date?

5 A I don't -- I don't believe I had a purse, no, I don't  
6 think I had.

7 Q Did you have to put any of your belongings on the trunk  
8 of the car this time?

9 A No, this time -- this -- I believe the second time when  
10 he stopped me he just asked did I have anything on me. Told  
11 him no. And he asked me did I -- pants, whatever. So I  
12 took my shirt and I kinda shook it out because I didn't have  
13 a bra on. So I kinda, like, shook it out, you know. So  
14 okay. So he didn't do nothing, pat me, none of that. Put  
15 me in the back seat the car.

16 Q He didn't pat you down?

17 A No, this -- no. No. No. No. Not then.

18 Q Okay.

19 A Before he put in the car, no.

20 Q Okay.

21 A So what he did was he -- he put me in the seat -- the  
22 car and he was doing this check on me, radio check. And we  
23 was talking. And he kept saying: Are you sure you don't  
24 have anything down your pants, no drugs or things, because,  
25 you know, most you girls, that's what y'all do. Y'all take

1 and stuff drugs down you. And I'm telling him no. And he  
2 asked me: You been arrested for prostitution? What you got  
3 in -- I had condoms that night. Condoms, a lighter and  
4 stuff in my pocket. He goes: What are you doing? Are you  
5 trying -- because I pulled stuff out my pocket. Trying get  
6 you a date or something tonight? And I tell him no, no.

7 But anyway, we're talking all this and that. And  
8 he's just going on and on. Yeah, I think you might have  
9 something down there. I said, no, let -- again, I told him,  
10 you can just call female officer, you know?

11 Q Did he respond to that this time?

12 A He didn't. He didn't say anything. So anyway, once I  
13 come back clear and all, this and that, well he lets me out  
14 the car. He say: Are you sure you don't have anything on  
15 you? I say: No, sir. He say: Let me check you. So he  
16 turned me around the car and he just grabs his hands and he  
17 taking and touch my breasts. And I'm nervous. And then he  
18 take his hand and he put it down my pants, under my panties  
19 and touch -- and I'm, like, sir, please don't do this. I  
20 say: You're not supposed to because -- and he touched my

21 Q Let me make sure I understand, Ms. Johnson. I'm sorry  
22 to interrupt you. Whenever this happens and he's -- the  
23 officer is putting his hands on you, are you standing  
24 outside of the patrol car?

25 A Yes.

1 Q And are you -- how are you positioned to the patrol  
2 car? Are you facing towards it, away from it or something  
3 else?

4 A No, he turned me -- he was standing behind me because  
5 he turned me -- I'm at the car and he turned me there so  
6 it's like you know, it's just like if you put your hand  
7 on the car, search.

8 Q So you're facing the patrol car?

9 A Yeah, facing the patrol -- okay. Well, he turned me  
10 around. Told me: Yeah, turn around, I want to check -- you  
11 know, he wanted to check me and make sure. And I know he  
12 was not supposed to do that, especially when he put his  
13 hands down my pants. Okay. You don't have anything, you  
14 can leave now.

15 Q Whenever he put his hands -- and you kind of motioned  
16 toward your breasts -- you had told me that you weren't  
17 wearing a bra?

18 A No, wasn't wearing a bra.

19 Q Were his hands on top of your clothing?

20 A Yeah. Yeah. He just pat that. But he put his hands  
21 inside my pants and panties and touched my vagina.

22 Q Whenever he patted the chest portion of your body did  
23 he use both of his hands?

24 A Yeah, both. You know, like pat and grab.

25 Q Were his hands actually on your breasts at that point?

1 of the Oklahoma City Police Department; correct?

2 A Correct.

3 Q And actually they told you they were going to any women  
4 that had any contact with Officer Holtzclaw and telling them  
5 that; correct?

6 A I don't recall of that.

7 Q Okay. Do you recall telling them that you've had two  
8 contacts with Officer Holtzclaw?

9 A Yes.

10 Q And the first contact you testified there was nothing  
11 inappropriate happened; correct?

12 A Correct.

13 Q You're saying that when something inappropriate  
14 happened that that would've been what month?

15 A Probably the month of May or June.

16 Q May or June of 2014?

17 A Yes, sir.

18 Q Now on the events that you -- you said it was  
19 approximately 2:00 a.m. in the morning?

20 A Yeah. Yes, I believe it was after midnight, yeah.

21 Q And after you say these events happened with Officer  
22 Holtzclaw you stated that you called your live-in boyfriend,  
23 Victor.

24 A No, it's not my boyfriend, it's my roommate.

25 Q Okay. And I apologize. You called your roommate, the

1 individual who you live with, Victor.

2 A Yes.

3 Q Correct?

4 A Yes, correct.

5 Q And although you could not hear Victor, you believe --

6 A No.

7 Q Do what?

8 A Correct, I couldn't hear him.

9 Q Although you could not hear Victor you -- you thought  
10 at the time at least that he could hear you; correct?

11 A Yes.

12 Q But eventually you understand that Victor says that he  
13 maintained a voice recording, a voice mail of that phone  
14 call from you; do you know anything about that?

15 A I don't I'm -- I'm not sure. I don't -- I don't  
16 know because we didn't hear it. I don't remember saying it.

17 Q Have you at any time ever listened to any sort of a  
18 voice mail from you to Victor from this evening --

19 A No.

20 Q -- or early morning hours?

21 A No.

22 Q Are you aware of the fact that Victor's saying that he  
23 has erased or gotten rid of that particular recording?

24 A No, I don't -- like I said, I don't even not know if he  
25 listened to it or even if he gotten it or not.

1 A No.

2 Q So it's your testimony here today that Officer  
3 Holtzclaw -- your allegations are that he touched you on the  
4 outside of your shirt and that you had a bra on?

5 A He touched me on the outside of my shirt and I did not  
6 have a bra on.

7 Q Okay. And -- and, again, I'm just wanting to make sure  
8 for purposes of the record and for purposes of the jury that  
9 we're correct in this regard because I've had different  
10 variations of this. Today your testimony is it was on the  
11 outside of the shirt and you did not have a bra on; correct?

12 A Correct.

13 Q Okay. Do you recall ever telling Detective Davis and  
14 Detective Homan it was underneath the shirt and you had a  
15 bra on?

16 A I don't recall that.

17 Q Okay. Do you recall at the preliminary hearing in this  
18 matter saying it was under the shirt and it was skin to skin  
19 and you did not have a bra on?

20 A I don't recall that.

21 Q You don't recall that?

22 A No.

23 Q In any event it's your testimony too that after this  
24 touching incident happened of your breast, and today it's,  
25 again, on the outside of your shirt; correct?

1 after your encounter with Officer Holtzclaw, the second  
2 occasion?

3 A Yes.

4 Q And you told me that no time did you ever listen to or  
5 attempt to listen to any voice mail recording that you might  
6 have left on Victor's phone.

7 A Correct.

8 Q You did not.

9 A No.

10 Q And you're positive about that?

11 A Yes.

12 Q Do you recall these questions being asked and these  
13 answers being given while you're under oath at the  
14 preliminary hearing in this matter? Page 125, line 10.

15 Question: And did he tell you he could hear that? Answer  
16 by you: We listened to his phone and on his phone you could  
17 catch some of it but not all of it. Then he deleted it but  
18 then I just told him out of my mouth what had just happened  
19 to me.

20 Do you recall those questions being asked and  
21 those answers being given --

22 A Yes.

23 Q while you were under oath in the preliminary hearing  
24 in this matter?

25 A Yes. Yes.

1 Q You testified previously under oath that you did  
2 attempt to listen to the voice mail and you could hear part  
3 of it but not all of it; correct?

4 A I -- I couldn't recall. I couldn't remember all that.

5 Q But you would agree with me that that's what you  
6 testified to under oath previously is that you did listen to  
7 the voice mail on Victor's telephone and although you could  
8 hear some of it you couldn't hear all of it and then he  
9 deleted it.

10 A I couldn't recall. I probably said -- but I just -- I  
11 can't remember that.

12 Q So you have no independent recollection whatsoever of  
13 listening to the voice mail that you supposedly left to  
14 Victor?

15 A No. No.

16 Q Okay. Do you have any idea whatsoever why Victor would  
17 delete or erase a voice mail such as that?

18 A Well, I don't know, he probably didn't feel as though  
19 he needed to keep it if he did hear anything.

20 Q You just testified and I went back and forth on several  
21 different occasions whether or not the touching of your  
22 breast was on the outside or the inside of your clothing;  
23 correct? Do you recall that?

24 A Correct.

25 Q And you specifically stated that the touching that

1 you're claiming today here in trial is -- was on the outside  
2 of your clothing; correct?

3 A Yes.

4 Q Okay. You're positive about that?

5 A Yes.

6 Q Okay. Do you recall these questions being asked and  
7 these answers being given while you're under oath in the  
8 preliminary hearing on this matter? Page 134.

9 A Yes.

10 Q Page 134. Actually goes back to page 133. Question:  
11 Regardless of what -- question by me: Regardless of what  
12 you remember telling Detective Davis or what you have said,  
13 I want to know what happened. Did you have a bra on that  
14 night? Do you know or do you not know? Answer: Okay. I  
15 think -- I know I didn't have a bra on but he touched me up  
16 underneath my clothes. It was underneath my clothes that he  
17 touched me.

18 Do you recall those questions being asked and  
19 those answers being given while you were under oath in the  
20 preliminary hearing in this matter?

21 A I recall those questions being asked but I just can't  
22 quite remember what I said. But I'm remembering what -- how  
23 it was.

24 Q If I let you look at the preliminary hearing testimony  
25 could it refresh

1 A No, I -- if that's what it said then I believe that's  
2 what I said then.

3 Q I want to make sure I'm not misrepresenting anything to  
4 you.

5 A Yes, sir.

6 Q Do you recall answering at the preliminary hearing that  
7 it was underneath your clothing and today you're saying it  
8 was on the outside of your clothing?

9 A Okay. If that's what it said then, yeah, that's what  
10 it says.

11 Q Do you understand that there's a significant difference  
12 there?

13 A Okay.

14 Q Do you understand that?

15 A Yes, sir.

16 Q And here today you're claiming again it was on the  
17 outside of your shirt. So certainly it wouldn't have been  
18 skin to skin; correct? It would not have been his skin of  
19 his hand to the skin of your breast; correct?

20 A No, not to my breasts. Touched them on the outside of  
21 my clothes.

22 Q Under your version of events under oath today it was on  
23 the outside of your clothing; correct?

24 A Correct.

25 MS. McCONNELL: Asked and answered, Judge.

1 THE COURT: All right. Sustained.

2 Q (By Mr. Adams) You would agree -- do you recall these  
3 questions being asked, these answers being given while  
4 you're under oath in the preliminary hearing in this matter?  
5 Page 134. Question -- line 10: Okay. Are you positive  
6 that he touched his hand on your bare breast, you were skin  
7 to skin? Answer: Yes, sir, I am.

8 Do you recall those questions being asked and  
9 those answers being given while you were under oath in the  
10 preliminary hearing in this matter?

11 A No, but if that's what it says, yes.

12 Q Again, if you want me to be fair with you -- if you  
13 want me to bring the transcript to you to let you read what  
14 it says I'll be happy to --

15 A If that's what it says then that --

16 Q Would that help refresh your memory?

17 A If that's what it says then that's what it says. But  
18 to my memory it's, no, it did not.

19 Q Would you agree with me that the preliminary hearing in  
20 this matter you testified differently than as you're  
21 testifying here today?

22 A I guess so.

23 MR. ADAMS: Pass the witness.

24 THE COURT: All right. Any redirect?

25 MR. ADAMS: May I have just one moment, your

1 A Yes.

2 MR. ADAMS: Okay. Pass the witness.

3 THE COURT: All right. Thank you.

4 Redirect?

5 MS. McCONNELL: Thank you, your Honor.

6 REDIRECT EXAMINATION

7 BY MS. McCONNELL:

8 Q Ms. Johnson, as you sit here today do you remember ever  
9 listening to a voice mail that Victor had that you left for  
10 him?

11 A No, I don't remember listening to it.

12 Q You told me that you had talked to Victor in person  
13 about what had happened with the officer.

14 A Yes.

15 Q Did you talk to Victor about you leaving him a voice  
16 mail?

17 A Yeah, I told him about that.

18 Q And did he have a conversation with you about the voice  
19 mail you had left him?

20 A I don't remember, and if he did he deleted it. I can't  
21 remember, it's been -- but I -- yeah.

22 Q But you don't remember ever listening to a voice mail?

23 A No, I don't remember listening to it.

24 Q The preliminary hearing transcript that Mr. Adams just  
25 read to you about stuff that you had said at the hearing; do

1 A No, I did not.

2 Q Okay. Sometime during 2014 did you get a call sometime  
3 after midnight from Ms. Johnson?

4 A Yes.

5 Q Did you pick up the phone whenever Ms. Johnson called  
6 you?

7 A At that late at night I did not pick the phone up.

8 Q Okay. Did Ms. Johnson leave you a voice mail?

9 A Yes, she did.

10 Q And did you have an opportunity to listen to that voice  
11 mail?

12 A Yes.

13 Q Did you listen to it that same night or later on?

14 A That same night after she came in.

15 Q Whenever Ms. Johnson left you that voice mail what was  
16 she acting like, what was her demeanor?

17 A Demeanor was she was very upset. Panicky-like.

18 Q Okay. And without telling me right now what  
19 Ms. Johnson said in that voice mail, what was the topic of  
20 that voice mail?

21 A She had said officer touched her --

22 MR. ADAMS: Your Honor, which I would object to  
23 anything that he may have heard on the voice mail as  
24 hearsay.

25 THE COURT: All right. It's not responsive to

1 your question so I'll sustain it.

2 Q (By Ms. McConnell) Let me ask it a slightly different  
3 way, Mr. Wilson.

4 I don't want to hear what Ms. Johnson told you in  
5 the voice mail, but was the voice mail about a police  
6 officer?

7 A Yes, it was.

8 Q Okay. Did you keep the voice mail?

9 A No, I did not.

10 Q Okay. Why not, sir?

11 A After she came in she seem all nervous and upset and  
12 everything. She said: What can I do? I said: I don't  
13 know what you can do. And after -- as time went on I just  
14 deleted it.

15 Q Okay. Did you report to police what had happened with  
16 Ms. Johnson?

17 A No, I did not.

18 Q Why not?

19 A The reason I did not report it is because I couldn't  
20 actually understand what she was saying on the phone. And  
21 everything -- you know, I knew it'd be hearsay after, you  
22 know, this common sense on my part. You know, I couldn't  
23 understand what she was saying on the phone itself.

24 Q Was the -- the sound quality on the voice mail good?

25 A It was not good.

1 Detective Kim Davis as to Carla Johnson, your Honor.

2 THE COURT: All right. Let me, again, remind you  
3 you're 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, as with the other parts of this  
12 investigation were you primarily responsible for the  
13 investigation in regards to Ms. Johnson?

14 A Yes.

15 Q And in that regard, ma'am, can you tell the jury how it  
16 is that you determined Ms. Johnson was a potential relevant  
17 part to this litigation and the contact that you went about  
18 in trying to arrange an interview?

19 A She was in the packet that Lieutenant Muzny gave me.

20 Q So she would've been identified then through the master  
21 list CIU log and/or the Varuna runs; is that correct?

22 A Correct.

23 Q There's been some testimony about I think the  
24 initial -- the initial meeting you had with her, was that in  
25 August?

1 A Yes.

2 Q Can you tell the jury how you set that up, made  
3 contact?

4 A Detective Homan and I went to her house. We were  
5 looking for her. And so I went to the last address that was  
6 listed in Varuna for her expecting to leave a card and she  
7 answered the door.

8 Q All right. And so as far as finding her it seems to be  
9 a little less effort as far as the steps as to what you've  
10 had with some of the other victims; correct?

11 A Yes.

12 Q Was that interview recorded?

13 A No.

14 Q And can you explain to the jury how that came about  
15 where it was not recorded?

16 A We went to leave a card on the door not expecting her  
17 to answer and when she answered she was willing to talk to  
18 us then. And I wasn't going to I didn't have a recorder  
19 with me and I wasn't going to shut it down and go back and  
20 get a recorder.

21 Q And I guess that was my next question. I mean, it's  
22 possible I guess you could've asked her to go down to the  
23 police department or, as you said, go back and get a  
24 recorder; is there a reason you didn't do that?

25 A It just - she was willing to talk to me then and I

1 didn't want to risk her changing her mind before I could  
2 interview her.

3 Q At this point, ma'am, had you -- I know you'd  
4 identified her as -- on the master list. Did you have any  
5 other independent information similar to what you might have  
6 received from other victims like with Ms. Bowen, for  
7 example, other people had told you Ms. Bowen might be or  
8 someone named Shirita or something close to that. Had you  
9 received any type of that information as to Carla Johnson?

10 A No.

11 Q When you interviewed her, ma'am, where did it take  
12 place?

13 A At her house.

14 Q Who was there?

15 A Just her.

16 Q And you've heard her testimony today in the courtroom.  
17 Is as far as the times and locations, things like that,  
18 is it basically consistent with what she's testified to?

19 A Yes.

20 Q There's been some testimony about what she initially  
21 told you, then testifying at the preliminary hearing and  
22 then testifying again today about whether or not the touch  
23 was on top of her clothes or underneath her clothes as far  
24 as her breasts; do you remember that?

25 A Yes.

1 Q What did she tell you initially, ma'am?

2 A She told me that he touched her on top of her clothes  
3 on her breasts and she told me that she was not wearing a  
4 bra.

5 Q At the preliminary hearing were you present whenever  
6 she said it was under her clothing?

7 A I was but I don't remember.

8 Q Okay. You don't have any reason to -- to doubt the  
9 questions that Mr. Adams was asking Ms. Bowen (sic) as to  
10 what she testified to at the prelim; correct?

11 A No, I don't have any reason to doubt that.

12 Q In regards to the touching of her vaginal area and/or  
13 pubic area was she consistent in what she told you during  
14 your initial interview with what she testified at prelim, if  
15 you remember, and what she testified to today?

16 A Yes.

17 Q The initial contact, ma'am, she told you about -- did  
18 she tell you about two different times that she came in  
19 contact with Officer Holtzclaw as she did today in court?

20 A Yes.

21 Q And if I understand right, one time she said there was  
22 something inappropriate that happened and another time there  
23 was not; correct?

24 A Correct.

25 Q That fact, was it significant to you, ma'am? That

1 A Correct.

2 Q Earlier in the evening if I now go back to State's  
3 Exhibit 333 the log before started at 8:20; is that right?

4 A Yes.

5 Q 20:20 is 8:20 p.m.?

6 A Yes.

7 Q And then if I look down to this entry do you see  
8 Charlie45 is Officer Holtzclaw?

9 A Yes.

10 Q Running Carla Johnson, a black female with a date of  
11 birth and it looks like there's some numbers there, but  
12 she's clear; is that correct?

13 A Correct.

14 Q All right. Additionally the Varuna run, 335, just the  
15 way this document was typed, at the very bottom of that  
16 document does it show Officer Holtzclaw running Ms. Johnson  
17 consistent with that time period?

18 A Yes.

19 Q Basically just a little bit after that 9:00; correct?

20 A Yes.

21 Q So before page 6 started of the log but consistent with  
22 the times?

23 A Right.

24 Q In that regard, ma'am, did she give you a location as  
25 to where that event occurred?

1 line-up goes.

2 A Ms. Johnson.

3 Q But it might already be in evidence as to Tabitha  
4 Barnes as well; correct?

5 A It could be.

6 Q All right. But in any event, the shift beginning on  
7 Tuesday, March 25th, 2014, consistent with the other  
8 line-ups we've seen, does it show Officer Holtzclaw was on  
9 duty for that shift that would've began approximately at  
10 4:00 p.m.?

11 A Yes.

12 Q It says shift 2 at the top; correct?

13 A Yes.

14 Q All right. State's 334, Officer Holtzclaw it would  
15 appear contacted a dispatcher at approximately 8:58 -- let  
16 me get -- 8:58:39; correct?

17 A Correct.

18 Q Type of stop is what?

19 A Traffic stop.

20 Q On this one is there a car involved?

21 A No.

22 Q Similar to what we've seen on other contacts, they  
23 sometimes code it in as a traffic stop even though there's  
24 no vehicle?

25 A Correct.

1 Q The location is Northeast 15th and North Kelham; is  
2 that consistent with what she told you as to where it was?

3 A Yes.

4 Q It would appear on this one at approximately 24 minutes  
5 later at 9:22:06 a dispatcher closes this call; is that  
6 right?

7 A Yes.

8 Q All right. And again, Kristin Powell is the name of  
9 the dispatcher?

10 A Yes.

11 Q In regards to the stop at 15th and Kelham is there  
12 something that Ms. Johnson told you that you wanted to try  
13 to verify with AVL as to the description of what the car  
14 did?

15 A Yes.

16 Q What was that?

17 A She had said that he -- when she -- when she was  
18 walking he drove past her and then did a U-turn before he  
19 went out --

20 Q Okay. And, ma'am, were you able to verify through the  
21 AVL whether or not that occurred?

22 A Yes, I was.

23 Q Okay. I'm going to show you 339. Is this a summary of  
24 what you prepared after looking at the AVL?

25 A Yes.

1 duty that day; correct?

2 A Correct.

3 Q The log master list and the Varuna run -- I'm going to  
4 hand you 342 and 344 and ask if those -- what those  
5 documents are.

6 A Varuna for May 26th and crime information log for May  
7 26th.

8 Q And are they accurate?

9 A Yes.

10 MR. GIEGER: Offer 342 and 344.

11 MR. ADAMS: No objection, your Honor.

12 THE COURT: State's Exhibit 342 and 344 will be  
13 admitted.

14 Q (By Mr. Gieger) Ma'am, was Ms. Johnson able to tell  
15 you the exact date that the alleged inappropriate contact  
16 occurred?

17 A No.

18 Q Okay. I think you heard her testify today that it was  
19 either in June or May; is that correct?

20 A Correct.

21 Q Was that consistent with what she had told you about  
22 her memory?

23 A Yes.

24 Q And similarly have you ever shown -- I've asked about  
25 police reports, but these types of documents, have you ever

1 shown them to Ms. Johnson?

2 A No.

3 Q And would you?

4 A No.

5 Q 344 is the Varuna run showing she was checked **it** looks  
6 like at just about 15 minutes after midnight on -- move **it**  
7 over just a little bit -- on May 26th; is that right?

8 A Correct.

9 Q 342, CIU log for May -- page 2 of the log for 5/26/14?

10 A Yes.

11 Q And looks like this starts at ten minutes after  
12 midnight.

13 A Yes.

14 Q 00:10?

15 A Yes.

16 Q The second person on this page, Charlie45, Carla  
17 Johnson again; correct?

18 A Yes.

19 Q And does **it** show that she was clear?

20 A Yes.

21 Q Is that consistent with what her memory was as to what  
22 the dispatcher told the officer in regards to her name being  
23 run for warrants?

24 A Yes.

25 Q I'm going to hand you 343 and ask **if** you recognize what

1     that is.

2     A     Yes.

3     Q     What is it?

4     A     It's the CAD call.

5     Q     Okay. So this is when he's telling the dispatcher  
6     where he is and what he's doing; correct?

7     A     Right.

8     Q     And is it accurate, ma'am?

9     A     Yes.

10           MR. GIEGER: Offer 343, your Honor.

11           MR. ADAMS: No objection, your Honor.

12           THE COURT: State's Exhibit 343 will be admitted.

13     Q     (By Mr. Gieger) 343 shows 5/26, again, consistent --  
14     just about ten minutes after midnight and 29 seconds; right?

15     A     Correct.

16     Q     Again, it shows a traffic stop but if -- is there a  
17     vehicle involved in this one?

18     A     No.

19     Q     Location is back at the 16th and Jordan area; correct?

20     A     Correct.

21     Q     We've heard testimony about that. Is that close to the  
22     house where Florene Mathis had made allegations as well as  
23     Tabitha Barnes' and Rosetta Grate's initial contacts?

24     A     Yes.

25     Q     So back in that same high-crime area that Ms. Johnson

1 testified to today?

2 A Correct.

3 Q Ma'am, I want to ask you, whenever you talked to her  
4 did she tell you that she had smoked crack that day?

5 A No.

6 Q But was -- what did she tell you about her either crack  
7 usage and/or addiction?

8 A I asked her if she used and she said that she does use  
9 crack cocaine and marijuana.

10 Q You heard her testimony today, did you not, on that  
11 issue?

12 A I did.

13 Q And was it consistent with what she told you in your  
14 memory?

15 A Yes.

16 Q This call appears to have been closed out by a  
17 dispatcher; correct?

18 A Correct.

19 Q And it's about 24 minutes after midnight and 8 seconds;  
20 correct?

21 A Correct.

22 Q Now did Ms. Johnson ever allege to you that she was  
23 driven anywhere by the -- by the officer?

24 A No.

25 Q So it was basically a one-spot contact?

1 either.

2 Q Right, that's what I wanted to make sure.

3 A Right.

4 Q All right. And just to get our bearings, there's a  
5 house here that kind of has a roof line and a couple of  
6 something looks like right by the edge; correct?

7 A Correct.

8 Q And so is that the same house right there?

9 A Yes.

10 Q All right. Just blown up. And I'm gonna now move it  
11 over to where we can see the street. This street -- the  
12 street that's at the very top of this exhibit is going to be  
13 16th Street; is that right?

14 A Correct.

15 Q Okay. And then there's a -- there's a speed that says  
16 can you read that?

17 A Three.

18 Q Okay. So it's three there but if I move down closer to  
19 where that apparent dirt area is, are there some zero speeds  
20 there, ma'am?

21 A Yes.

22 Q Okay. There's also a 13 as well, but we have zero  
23 speeds at 12:15:19 and zero speeds at 12:20:19; correct?

24 A Correct.

25 Q And that five-minute interval there again appears the

1 AVL's hitting at least within a five-minute interval;  
2 correct?

3 A Correct.

4 Q Following Ms. Johnson's contact with Officer Holtzclaw  
5 at this location you heard her testify today, did you not,  
6 that she continued to walk I guess kind of north and then  
7 over to the east and then north again and she saw the  
8 officer again; correct?

9 A Yes.

10 Q Did she tell you anything about that during your  
11 initial interview with her?

12 A Did she tell me about her that walk?

13 Q About the yeah, about her walking and the officer  
14 making contact with her again some blocks over?

15 A Yes.

16 Q Okay. And if you need to read it for a second and get  
17 it in your memory, do so, but once your memory's refreshed  
18 is it consistent with what she testified to today as far as  
19 the officer pulling up?

20 A Yes.

21 Q And what *did* she say back then as well as today about  
22 what he said whenever he pulled up?

23 A He said: By the way, you have a warrant and you need  
24 to take care of that.

25 Q Is that significant to you that first of all she's told

1 you that information?

2 A Yes.

3 Q And is it significant in regards to what you saw on the  
4 CIU?

5 A Yes.

6 Q Why?

7 A Because she didn't have a warrant.

8 Q Is that significant in the case overall to you?

9 A It is.

10 Q Why?

11 A It's something that if -- that he's using to hold over  
12 these women's head and he had already sexually assaulted her  
13 when he said that. And so he's throwing out that you have a  
14 warrant now to use that maybe for some fear.

15 Q Ma'am, you've been able to, have you not -- were you  
16 able to determine looking at an AVL point like these maps  
17 are showing a direction of travel that would be consistent  
18 with that?

19 A Yes.

20 Q But is there also another animation that actually kind  
21 of shows the way it goes and how the officer went that's  
22 easier to understand when we look at it?

23 A Yes.

24 Q I'm going to hand you State's Exhibit Number 412 and  
25 ask if you recognize what that is.

1 [REDACTED] or 24th, this 16th and Jordan area, the school  
2 we've talked about, Miramar, the bus barn, are they all  
3 within Oklahoma County?

4 A Yes.

5 Q Did you uncover any assaults that occurred that we've  
6 alleged outside of Oklahoma County?

7 A No.

8 Q Ma'am, did you also have the opportunity in this to  
9 hear Ms. Johnson discuss the telephone call that she was  
10 making?

11 A Yes.

12 Q And essentially what did she -- did she tell you about  
13 the telephone calls on the day that you interviewed her back  
14 in August?

15 A She did.

16 Q And can you tell me a little bit about what she  
17 described in regards to that?

18 A She told me that after he -- after Officer Holtzclaw  
19 assaulted her she called her roommate. She didn't know if  
20 she got through to him because she said her phone was  
21 broken. She said that she cannot hear if someone's talking  
22 to her, but the person that she's calling can hear her. And  
23 she called him and she said I'm walking and this officer  
24 felt all over my body.

25 MR. ADAMS: Your Honor, I object.

1 THE COURT: All right. Come up.

2 MR. ADAMS:

3 MR. GIEGER: Judge, I'll move on. She doesn't  
4 have to go through all of that. I apologize.

5 THE COURT: All right. Sustained.

6 MR. GIEGER: Objecting to hearsay?

7 MR. ADAMS: Yes.

8 THE COURT: Sustained.

9 Q (By Mr. Gieger) Basically, Detective, and I -- it  
10 might have been the way I asked the question. Did she  
11 essentially tell you information about making the phone  
12 calls?

13 A Yes.

14 Q And did it become significant to you in your  
15 investigation to attempt to verify that?

16 A Yes.

17 Q And what did -- what was done to try to verify that?

18 A We obtained phone records.

19 Q And you've heard the stipulations read already several  
20 weeks ago about the phone records and how we got them;  
21 correct?

22 A Right.

23 Q I'm going to hand you State's Exhibit Number 348 and  
24 ask if you recognize what 348 is.

25 A Yes, it's phone records.

1 the dialed digit number, do you see three telephone calls  
2 that are made to [REDACTED]

3 A Yes.

4 Q And was that the number that was associated with her  
5 roorrunate?

6 A Yes.

7 Q The time of these three calls show to be May 26th,  
8 2014. Two calls at 31 minutes after midnight and one call  
9 at 33 minutes after midnight; correct?

10 A Yes.

11 Q If I look at the next page of the exhibit, the very  
12 first call appears to, again, be that same telephone number;  
13 correct?

14 A Correct.

15 Q And it would be in -- looks like the fourth call that  
16 was made within a two-minute time frame at 0:33; correct?

17 A Correct.

18 Q When you got these records was it significant to you?

19 A Yes.

20 Q Why?

21 A Because it just verified what Carla told me, that she  
22 called Victor after the incident occurred.

23 Q Ma'am, whenever she interviewed with you, were you --  
24 did she mention the number of calls, do you know, that she  
25 made. I mean, obviously the records reflect four.

1 A Yes.

2 Q Now we're to the May 26th?

3 A Correct.

4 Q Stop.

5 (State's Exhibit 338 was played.)

6 Q (By Mr. Gieger) Unrelated?

7 A Unrelated.

8 (State's Exhibit 338 was played.)

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

10 A Well, **it** was -- **it** was him but just 2Charlie40.

11 Q Okay.

12 (State's Exhibit 338 was played.)

13 Q (By Mr. Gieger) Coming back clear and then what?

14 A The AWs are coming back slow because **it'd** been down.

15 Q AWs are?

16 A City tickets. City warrants.

17 Q Okay.

18 (State's Exhibit 338 was played.)

19 Q (By Mr. Gieger) 45 back in?

20 A He's back in and done with that.

21 Q Okay. Ma'am, in addition to the radio traffic did you  
22 also obtain Officer Holtzclaw's daily activity reports for  
23 May 26th of 2014?

24 A Yes.

25 Q And, again, since **it** was after midnight this shift

1 A Correct.

2 Q As of August 14th of 2014, she'd come into contact with  
3 him twice.

4 A Correct.

5 Q And then you went back through the records and  
6 determined one was in March, one was in May.

7 A Yes.

8 Q And the March incident you've testified about, that's  
9 where she was stopped, Officer Holtzclaw called it in, did a  
10 CAD call, CIU, did all the things we've heard about, just a  
11 normal stop of any individual here in Oklahoma City;  
12 correct?

13 A Correct.

14 Q And you realize that particular call, on the CAD call  
15 at least, lasted approximately 25 minutes?

16 A Correct.

17 Q And that would be normal. Not anything unusual about  
18 that.

19 A No.

20 Q You'd also agree with me that it was during that  
21 traffic stop that we had the \$20 bill incident; correct?

22 A Correct.

23 Q You stated that in your experience as a police officer  
24 and also in talking to some gang people you don't know what  
25 they're talking about on that \$20 bill; correct?

1 frequently in our questioning. And so for clarity I would  
2 like the Information to reflect that she went by a/k/a Lynn  
3 Gibson.

4           Additionally, your Honor, in regards to her  
5 testimony I believe it was elicited although the AVL shows  
6 4/14 and the other information that she said it could've  
7 happened anywhere between March 25th and April 14th and so I  
8 would ask that the Information as to that count be amended  
9 to reflect on or about the 25th day of March through the  
10 14th day of April, 2014. And I believe that would be  
11 consistent with the testimony provided and not prejudicial  
12 to the defendant.

13           In regards to Count 13 it is alleged on the fourth  
14 line from the bottom, Judge, that Officer Holtzclaw touched  
15 the breast of C.J. with his hand under the clothing. I  
16 believe her testimony at trial was that he touched over the  
17 clothing on the 26th day of May, 2014. And I would ask that  
18 the Information be amended to reflect that her recollection  
19 was that the touching of her breast was done over the  
20 clothing.

21           In regards to Count 15, your Honor, the fourth  
22 line down says Oklahoma County police officer willfully and  
23 lewdly exposed, directed or procured. I don't believe there  
24 was any testimony that he actually exposed. I think it was  
25 he directed them. So I would ask that the word "exposed" be

1 victims I -- I don't know if you've had a chance to look at  
2 the proposed instructions yet but there's an instruction  
3 that lays out everything that the -- that the defendant is  
4 charged with. And what I typically do is when there's  
5 multiple counts and multiple alleged victims is to put Count  
6 1 and then parentheses, the name of that person that's  
7 alleged in Count 1. I do that on the verdict forms as well  
8 to conform. So that's how the instructions will be. I  
9 don't have a Lynn Gibson in that. I mean, I haven't put  
10 that in there yet. But -- so what says the defendant?

11 MR. ADAMS: I don't necessarily have a problem  
12 with anything he's proposed. I really have no objection at  
13 this time. I mean, obviously I have to come back and  
14 compare it with my notes, but there's nothing in here that  
15 alarms me. So at this point I have no objection unless I  
16 raise it at a later time before -- I don't know when, but I  
17 mean -- it's been a long time, Judge, but honestly there's  
18 nothing that's jumping out at me saying that this is wrong  
19 or prejudicial.

20 THE COURT: Well, I -- the Court will make a  
21 ruling that I don't find that any of the proposed amendments  
22 would be prejudicial to the defendant as presented in the  
23 State's case-in-chief at this point.

24 MR. GIEGER: Judge, with that we intend to rest.  
25 And I will do that in open court. I know counsel will want

1 whenever he both raped them or put his penis in their mouth.  
2 All of the victims tell unbeknownst to them a similar way  
3 that Officer Holtzclaw chooses to sexually assault his  
4 victims.

5           The other thing I want you to consider with  
6 respect to credibility is the candor, fairness, intelligence  
7 and demeanor of the witnesses. Well, first of all did any  
8 of the 13 women seem happy to be here? Seem extatic to put  
9 Officer Holtzclaw away? And I just want you to consider  
10 their ability to once again remember not only the locations  
11 wherever Officer Holtzclaw took them, but also the specific  
12 sex acts that he performed on them and tell them  
13 consistently over and over again over a year period of time  
14 their ability to remember corroborating evidence that  
15 happened whenever they were with Officer Holtzclaw. Like  
16 Carla Johnson who remembered that she called Victor Wilson  
17 after she came into contact with Officer Holtzclaw. And lo  
18 and behold, there's phone records to support what she says.  
19 Like Shardayreon Hill who remembered about the Facebook  
20 messages and the text messages and you saw that they do  
21 exist. Like Adaira Gardner and the message with her mom.

22           And do any of these witnesses, the 13 women that  
23 have come in here and testified, seem like -- could you  
24 coach Syrita Bowen? Could you coach Terri Morris into  
25 making something up and her be consistent in telling you

1 over and over again? And then some of the ladies, namely  
2 Florene Mathis, Carla Johnson, Adaira Gardner and Kala Lyles  
3 all had multiple contacts with this officer. But they're  
4 not saying that something inappropriate happened with him  
5 every time they came into contact with him. I mean, if they  
6 were trying to get him in trouble or trying to gain  
7 something for themselves, it would certainly be easy to say  
8 the first time he came into contact with me he did this, the  
9 second time he came into contact with me he did that. And  
10 they're not making it the worst that they could make it. We  
11 have a number of different allegations in this case, as you  
12 can see with the time that it took to go over the elements.  
13 Not every victim is alleging that he committed rape in the  
14 first degree. They alleged acts that are less severe than  
15 that. Some of them are also alleging that. But if they  
16 were making it up it would be easier to make it the worst  
17 possible scenario.

18 But at the end of the day to believe that the  
19 defendant is innocent of all these charges you have to  
20 believe the 13 women independently decided that they were  
21 gonna ruin Officer Holtzclaw's life. You have to believe  
22 that they were able to come up with a story and stick with  
23 it for a year. You have to believe that these 13 women,  
24 almost all of whom have multiple, multiple contacts with law  
25 enforcement were able to peg him and were able to peg the

1 world is going on in this house.

2 Focus on the evidence.

3 One thing about evidence. Two-and-a-half hours

4 Mr. Adams talked. There is not one witness -- not one

5 witness in six weeks that said he did not commit the sex

6 acts he is accused of. Not one.

7 MR. ADAMS: Your Honor, may I approach?

8 THE COURT: Come up.

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

12 MR. ADAMS: Your Honor, he's in a roundabout  
13 way -- first of all, that's not true. That's not what the  
14 evidence is. My client denied it in the conversation -- the  
15 videotape that's in evidence. Secondly, he's commenting on  
16 the fact of my client's right to remain silent and move for  
17 mistrial.

18 THE COURT: Make sure you don't try to shift the  
19 burden. No comment on his right to remain silent.

20 MR. GIEGER: All right.

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

23 MR. GIEGER: Witness after witness came in and  
24 witness after witness said: He did these things to me. And  
25 with a few discrepancies, all right. Yeah, Carla Johnson

1    said it was on top of the clothes one time and then she said  
2    it was under the clothes. That's the lie she came up with.  
3    If you're gonna concoct a lie, that's a good one. If you  
4    want to accuse a police officer of something inappropriate,  
5    of all the things you could possibly do, say he touched my  
6    breast one time under the clothes and one time it was on  
7    top. That'll get him.

8                   I would suggest to you that if they said  
9    everything exactly the same every time that might be  
10   evidence that they were coached. I might challenge you to  
11   try to tell the same story exactly the same way even of  
12   something that you know happened to you at the time. But  
13   that's for you to decide.

14                  Let's keep going.

15                  If you think Detective Gregory either had an  
16   agenda or was incompetent based upon the fact that Carla  
17   Raines initially is talking about other things and saying,  
18   no, no one touched me, listen to the video again that you  
19   heard -- the audiotape. It's all there. It's absolutely  
20   nothing to hide behind.

21                  You don't have all of the audio-recorded  
22   interviews because of evidentiary rules. Okay. You have  
23   the ones the Judge allowed you to have. He has said that  
24   you have the evidence that is proper for you to consider.

25                  But that one that Mr. Adams wants to suggest

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

1 guilty of the crime of forcible sodomy.

2 Count 18, procuring lewd exhibition. Defendant is  
3 not guilty of the crime of procuring lewd exhibition.

4 Count 19, procuring lewd exhibition. Defendant is  
5 not guilty of the crime of procuring lewd exhibition.

6 Count 20, rape in the first degree. Defendant is  
7 not guilty of the crime of rape in the first degree.

8 Count 21, sexual battery. Defendant is not guilty  
9 of the crime of sexual battery.

10 Count 22, sexual battery. Defendant is not guilty  
11 of the crime of sexual battery.

12 Count 23, sexual battery. Defendant is not guilty  
13 of the crime of sexual battery.

14 Count 24, forcible oral sodomy. Defendant is not  
15 guilty of the crime of forcible oral sodomy.

16 Count 25, rape in the second degree by  
17 instrumentation. Defendant is not guilty of the crime of  
18 rape in the second degree.

19 Count 26, indecent exposure. Defendant is not  
20 guilty of the crime of indecent exposure.

21 Count 27, forcible oral sodomy. Defendant is  
22 guilty of the crime of forcible oral sodomy and punishment  
23 is set at 16 years.

24 Count 28, rape in the first degree. Defendant is  
25 guilty of the crime of rape in the first degree and

1 punishment is set at 30 years.

2 Count 29, rape in the first degree. Defendant is  
3 guilty of the crime of rape in the first degree and  
4 punishment is set at 30 years.

5 Count 30, sexual battery. Defendant is guilty of  
6 the crime of sexual battery and punishment is set at eight  
7 years.

8 Count 31, rape in the second degree by  
9 instrumentation. Defendant is guilty of the crime of rape  
10 in the second degree and punishment is set at 12 years.

11 Count 32, rape in the first degree. Defendant *is*  
12 guilty of the crime of rape in the first degree and  
13 punishment is set at 30 years.

14 Count 33, sexual battery. Defendant is guilty of  
15 the crime of sexual battery and punishment is set at eight  
16 years.

17 Count 34, sexual battery. Defendant is guilty of  
18 the crime of sexual battery and punishment is set at eight  
19 years.

20 Count 35, procuring lewd exhibition. Defendant is  
21 not guilty of the crime of procuring lewd exhibition.

22 Count 36, procuring lewd exhibition. Defendant *is*  
23 not guilty of the crime of procuring lewd exhibition.

24 Let me ask the jury, is this your verdict so say  
25 you all?