

UNCUFF the Innocent · Daniel Holtzclaw case records

Trial transcript, State v. Holtzclaw, No. CF-2014-5869: pages cited on this site (1026–2999)

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1 THE COURT: Mr. Adams, you had -- had you asked
2 the DA's office to get it for you?

3 MR. ADAMS: Yes, because as a private lawyer we
4 have no access to that database.

5 THE COURT: Okay.

6 MR. ADAMS: The only way I can get that is through
7 going through the DA's office. And if I had a doctor friend
8 of mine run Ms. Ligons' PMP then I guarantee you he would
9 probably be suspended from practicing medicine in about two
10 seconds.

11 THE COURT: I'm just trying to make sure because
12 I'm not real familiar. It's maybe law enforcement and if
13 you have a medical license or something like that you can do
14 it or mental health facility maybe or something, but a
15 private individual just doesn't have access to it.

16 MR. GIEGER: I think it would require some type of
17 court order to get it done, Judge.

18 THE COURT: All right. Very well.

19 MR. GIEGER: Mr. Adams asked me for it before we
20 started cross-examination on Ms. Ligons. And I think I had
21 it within ten minutes. It was right before -- we were
22 scrambling before court started. I remember telling
23 Mr. Adams: You're going to wish you didn't ask me for it,
24 and I handed it to him. The time period I ran was the
25 entire year of 2014 and she has absolutely no prescriptions.

1 without having to give it to the Government and let them
2 determine whether or not they want to use it against me. So
3 in that sense --

4 The second sense is I was -- first of all, in
5 regards to Mr. Gieger's argument about me making an issue
6 about Ms. Ligons' drug usage, it is known that she was an --
7 again, I'm not going to rehash everything, but '88 drug
8 house arrest. And then, again, Mr. Holtzclaw, not me, but
9 Mr. Holtzclaw on June the 18th of 2014, says repeatedly in
10 that interview that she had hydrocodone, she had pills and
11 he noticed them and they were in her purse, blah, blah,
12 blah. And I could go on and on. It was no surprise that
13 this was going to be an issue, plus she had admitted in the
14 report to Detective Davis that she'd smoked two joints --
15 marijuana joints. Now she admitted to taking a puff, maybe
16 not inhaling. And Detective Davis now has kind of backed
17 off the two joint statement saying that there was two joints
18 in the house and that that -- I mean, I don't really know
19 where all that's going.

20 My point is I don't like -- I don't think it's
21 proper for me to have to require or request certain
22 documents from the DA if they're going to use it against me
23 if it's not favorable to me. It's just not fundamentally
24 fair and I think it violates Mr. Holtzclaw's due process
25 rights.

1 on cross-examination they've tried to insinuate that the
2 person was under the influence of prescription meds.

3 MR. ADAMS: In response, your Honor, that's
4 exactly why I stayed away from it. And -- because I'd only
5 been provided a document at that point in time, first the
6 misspelling and then what we believed to be the correct one.
7 So I didn't really have any basis for going into it with
8 Ms. Ligons. And I challenge the record to go back and look
9 at that record. I made no big deal about hydrocodone and
10 all this stuff. At that point I didn't know what it was.
11 I'm still trying to figure it out. But therein lies the
12 fundamental fairness problem is here we go.

13 And just like on the policy stuff, I mean, I'm
14 not -- I'm just wanting to try this case. And, again, this
15 was not listed on their pretrial order. It was not listed
16 as a potential exhibit. And I object to it because the only
17 reason it's coming up is because I asked for it. And I did
18 not make an issue of it purposely on cross-examination.

19 THE COURT: Well, there's -- there's evidence of
20 what Officer Holtzclaw said he found, he saw, whether he
21 examined it closely, whether he looked at the dates; I mean,
22 there's none of that in there. He just said he saw some
23 pills, they were in bottles and so he left it at that. I'm
24 not going to allow you to introduce the document. Obviously
25 I'm going -- maybe it's not obvious, but I'm going to allow

1 profile that was on Officer Holtzclaw's pants was a match or
2 was not a match to Kerri Hunt?

3 A It was not a match.

4 Q So you've excluded the two women that you knew that he
5 had contact with was making allegations and the only person
6 that he had acknowledged that he had any type of sexual
7 contact with that evening; is that right?

8 A Correct.

9 Q Was that significant then knowing those things and
10 knowing you had this profile to you in your investigation?

11 A Yes.

12 Q So what does it -- why? Why is it significant?

13 A Because I knew we had another female out there.

14 Q That he hadn't told us about?

15 A Right.

16 MR. GIEGER: Pass the witness.

17 THE COURT: All right. Ladies and gentlemen, it's
18 about four minutes until noon so we'll go ahead and break
19 for lunch.

20 Detective, you can step down.

21 I need to admonish you, ladies and gentlemen, to
22 not discuss the case, don't try to find out anything about
23 the case. Don't try to look up anything about the case.
24 Don't let anyone talk to you about the case. If someone is
25 talking about the case, go the other direction. It's

1 the 18th of 2014, if you could please have her purse so it
2 could be processed?

3 A No.

4 Q So in any event as of today we have never processed her
5 purse; correct?

6 A Correct.

7 Q So we don't know whether or not she had any hydrocodone
8 pills in there, do we?

9 A No.

10 Q Okay. Now you said a couple of other things that were
11 significant. You said that Officer Holtzclaw told you --
12 and I want to get this verbatim. I wrote down you said that
13 he told you that he fell behind Ms. Ligons when he pulled
14 her over; correct?

15 A Correct.

16 Q And you demonstrated to the jury that it was side by
17 side, meaning he was next to Ms. Ligons' car looking to see
18 who was in the car; correct?

19 A That -- that's how I took it, yes. Side by side.

20 Q That's how you took it.

21 A Yes.

22 Q You took it that they were side by side and you could
23 see in the car and you could see that it was a black female;
24 correct?

25 A Yes.

1 Q I'm going to ask you to take a look at Exhibit Number 8
2 that's been introduced into evidence. I'm going to put it
3 up here on the board so everyone can see it.

4 A Okay.

5 Q This is Exhibit Number 8. This is the car that
6 Ms. Ligons is driving on June the 18th of 2014, when she
7 came into contact with Officer Holtzclaw; correct?

8 A Yes.

9 Q Officer Holtzclaw told you that the windows were a dark
10 tint.

11 A Yes.

12 Q And would you agree with me that this picture is taken
13 at approximately noon on June the 18th of 2014?

14 A Yes.

15 Q Okay. Broad daylight. Can you see inside of that car?

16 A No.

17 Q Okay. You would certainly agree with me that at 2:00
18 a.m. in the morning it'd even be more difficult to see in
19 that car.

20 A Yes.

21 Q Okay. Actually what happened was -- is Officer
22 Holtzclaw told you that he was in the outside lane and that
23 Ms. Ligons was in the inside lane and that he fell behind
24 her like that; correct? And I -- when I'm indicating -- I'm
25 showing that his car's in one lane, her car is one lane and

1 he falls behind her; is that not what he told you?

2 A I'm trying to remember the -- say it again, because I'm
3 trying to remember who's in what lane.

4 Q Okay. Let me ask you if you recall these questions
5 being asked and these answers being given during the
6 interview on June the 18th of 2014, with Mr. -- with Officer
7 Holtzclaw at the very beginning of the interview. Question
8 by you: Tell me about the stop. Answer by Daniel
9 Holtzclaw: I was going westbound on Northeast 50th probably
10 a block just east of -- of Lincoln. I see a red Grand Prix
11 or Grand Am in my right lane in the out -- in the outside
12 lane. I'm in the inside lane. The car swerves. And so at
13 that time I'm thinking, okay, it's probably a drunk person
14 or they got excited because they saw a cop so I kind of fall
15 behind it, kind of drifting just a little bit not crossing
16 lane lines, nothing crazy.

17 He's telling you that he's -- that he's in one
18 lane, she's in the other and he falls behind her; correct?

19 A Yes.

20 Q He never tells you that -- in fact he denies that he
21 looks in the car and he can see anyone.

22 A Correct.

23 Q Now you also tell Officer Holtzclaw in this interview
24 that -- we have several breaks in the interview; correct? I
25 think there's a total of four.

1 Q Never said that.

2 And going back to Ms. Ligons on the final time,
3 you ask him -- you asked Officer Holtzclaw point-blank: And
4 nothing sexual went on; correct?

5 A Correct.

6 Q And he says nothing.

7 A Correct.

8 Q And she said -- and you stated: During that 15
9 minutes; talking about the stop; correct?

10 A Correct.

11 Q And he says: Nothing sexual.

12 A Yes.

13 Q Correct?

14 Then you asked him how long he actually had to
15 wait in his car before he makes a U-turn that we see on the
16 video and he said about 30, 45 seconds; correct?

17 A Yes.

18 Q Then there's some discussion, and we actually see
19 Officer Holtzclaw undress on the video; correct?

20 A Yes.

21 Q And the reason for that is you've taken a number of his
22 clothing items from him; correct?

23 A Correct.

24 Q And if you can see in the video when he undresses, he
25 appears to have on compression shorts underneath his

1 uniform; did you see that?

2 A Yes.

3 Q And the compression shorts were what a lot of football
4 players wear; correct?

5 A Correct.

6 Q And -- but he had told you that he had -- that y'all --
7 specifically it was asked, where is -- is that -- is this
8 the uniform you were wearing yesterday? Yes. Are those the
9 same underwear? No, they're in the washing machine.

10 A Yes.

11 Q You would agree with me that at no time did the
12 Oklahoma City Police Department ever issue a search warrant
13 for Officer Holtzclaw's home?

14 A Correct.

15 Q To attempt to locate any of these underwear; correct?

16 A Correct.

17 Q And you would agree with me that the compression shorts
18 that are depicted in the video don't have a place for a fly
19 or to remove a penis from the front of them?

20 A I have no idea.

21 Q Do you think that's important?

22 A Could be important, but I just don't know if they have
23 a fly or not. They could've been the long boxer briefs
24 which have flies.

25 Q Did you look and see them on the video?

1 A Correct.

2 Q And have -- you said also that it's part of a tactic to
3 go get the story, go out, go back in, see if it changes?

4 A Correct.

5 Q And, again, when he talked about -- let me rephrase.

6 When he talked about the actual factual things
7 that happened during a traffic stop, did he stay consistent?

8 A Yes.

9 Q Even though you went out, had him, as Mr. Adams said,
10 go over it again and again and again, did those things stay
11 accurate -- the same?

12 A Yes.

13 Q Not accurate, but the same. Consistent.

14 A Correct.

15 Q But when it came to seeing breasts, penis in mouth or
16 erections, did it change?

17 A Yes.

18 Q That's significant to you?

19 A Yes.

20 Q Let's talk a little bit about the way you were talking
21 about the video. Do you remember Mr. Adams asking you about
22 the questions about the video, how he wanted to see it and
23 are we going to see her breasts, are we going to see her
24 penis; do you remember those questions?

25 A Yes.

1 Q (By Mr. Adams) Is that your testimony?

2 A No.

3 Q So after she finds the vial and you pretend like you're
4 about to pass out and you're wobbling back and forth you
5 actually can see that PCP vial on the back of that squad
6 car, can't you?

7 A Yes.

8 Q And you pretend or act like you're about to fall down
9 and you lean and you fall over the squad car and you grab
10 the vial of PCP with your mouth.

11 A Yes.

12 Q And when you -- when you grab that vial of PCP with
13 your mouth you then sucked it into your mouth; correct?

14 A Yes.

15 Q And to explain to the jury what the PCP vial is, it
16 looks like a little test tube that's a glass test tube vial
17 of a liquid of PCP; correct?

18 A Correct.

19 Q And it has a cap on it --

20 A Yes.

21 Q -- so it doesn't get spilled; correct?

22 A Right.

23 Q And you -- as you had it in your mouth you crunched
24 down on it with your teeth and you shattered it inside your
25 mouth.

1 City; correct?

2 A Yes, sir.

3 Q I mean, your situation is dire, is it not?

4 A My situation was what?

5 Q Is dire. You're not in very good condition right now
6 after smoking PCP --

7 A No, the --

8 Q -- having PCP --

9 THE COURT: Hang on just a second.

10 Q (By Mr. Adams) Let me finish my question, I'll let you
11 finish your answer.

12 You are in dire circumstances. Not only have you
13 smoked PCP, you've had PCP poured on your skin or pores and
14 now you've ingested PCP; correct?

15 A Uh-huh. Yes, sir.

16 Q And these officers have witnessed that; correct?

17 A Yes, sir.

18 Q And they call EMSA to try to save your life; correct?

19 A Right.

20 Q Now prior to all of these events happening Officer
21 Holtzclaw had tried to get your name from you, had he not?

22 A Yes, sir.

23 Q Because he wanted to run a search on you to determine
24 whether or not you had any wants or warrants out on you;
25 correct?

1 Q You understand that there's a reason they're making you
2 get naked and spraying you off is because they're trying to
3 get the drugs off of your body?

4 A Yes, sir.

5 MS. McCONNELL: Objection; asked and answered.

6 THE COURT: Overruled.

7 Q (By Mr. Adams) Then it's your testimony after this
8 event happens that you're taken to a recovery room right
9 outside of the nurses' station; correct?

10 A Correct.

11 Q And that's where they hook you up to monitors, heart
12 monitors and all things of that nature. Oxygen levels,
13 things like that; correct?

14 A No, in this -- in this room they didn't put me on that.
15 I was already on that in the -- in the ambulance. After I
16 got out the shower they never put that back on me. They --
17 they put that on me when I got to the second room.

18 Q So in the first room when you had no heart monitors and
19 you had no oxygen level monitors or any monitors hooked up,
20 Officer Holtzclaw was a perfect gentleman.

21 A I mean, he was a police officer doing his job at that
22 moment how I seen it.

23 Q Well, you understand that you're in custody at that
24 point; correct?

25 A Right.

1 he ran your sister's name, didn't he?

2 A That's what I was thinking. So then I thought he
3 probably knew from that gate that I -- that I lied about my
4 name.

5 Q Would it surprise you at all that we have all the
6 documents in this case and of your arrest and the CIU unit
7 is who we get the warrants and wants from here in Oklahoma
8 City, are you aware of that?

9 A No.

10 Q Do you know of an officer having to call in and check
11 people for wants and warrants? Have you ever seen that
12 happen?

13 A Yes.

14 Q Okay. You understand that on this day on December the
15 20th of 2013, Officer Holtzclaw never ran your name. He ran
16 your sister's name.

17 A Okay. Okay. So if he ran my sister's name I would've
18 been booked in the county jail under her name; right?

19 Q Were you?

20 A No.

21 Q Okay. Because what happens is he runs your sister's
22 name and she has no warrants, does she?

23 A No.

24 Q You did have some warrants, didn't you?

25 A I did.

1 think you testified you were in there for five days.

2 A I was, and I got bonded out on it. But what kept me in
3 there is that I had a city ticket where you go to court here
4 at this courtroom because I got pulled over at OU Police.

5 MR. ADAMS: Judge, I'd just ask that she be
6 responsive to the question.

7 THE COURT: All right. Just answer the questions.
8 If somebody needs to follow up, the State will be able to do
9 that.

10 Q (By Mr. Adams) Did you pay the \$500?

11 A Yes, sir, I did.

12 Q Without a job?

13 A Well, my mother did I should say.

14 Q But while you were in jail it was learned your real
15 name and that you had city warrants; correct?

16 A No, they didn't have my city warrants because he hid
17 them.

18 Q You deny the fact that anyone at the Oklahoma County
19 Jail found that you had city warrants.

20 A I wasn't in there on city warrants.

21 Q Okay. I'm not -- you were in there on possession of
22 PCP --

23 A Right.

24 Q -- and on destruction of PCP; correct?

25 A Correct.

1 A Right. You're right.

2 Q Do you recall that?

3 A Yes, now I do.

4 Q And you know what it means to be honest is to tell the
5 truth.

6 A Correct.

7 Q And when you were telling -- when you were being honest
8 with Officer Holtzclaw you told him you were just a
9 schoolgirl, didn't you?

10 A Yes.

11 Q And that was a lie, wasn't it?

12 A Well, I was in school.

13 Q You were in school?

14 A Yes.

15 Q What school were you in?

16 A I was going to a GED program.

17 Q Going where?

18 A GED program.

19 Q GED program.

20 Well, do you recall having a second interview with
21 Detective Gregory on the 19th day of September of 2014
22 wherein that was video-recorded?

23 A Do I recall --

24 Q Are you aware of a second interview that took place
25 with Detective Gregory on September the 19th of 2014 wherein

1 Q You've testified here in open court today.

2 A Correct.

3 Q Can you tell me one time you have ever said Officer
4 Holtzclaw threatened you in any way, shape or form if you
5 told anyone about this?

6 A You said I told anyone about this -- did I tell anyone
7 about him telling me that he would retaliate? Is that what
8 you saying?

9 Q Have you ever under oath testified in any proceeding in
10 the entire world that Officer Holtzclaw threatened you if
11 you told anyone about this?

12 A I can't remember if I told anyone that.

13 Q And if you did, that would be a lie.

14 A If I told them that that would be a lie?

15 Q Yes.

16 A I feel like in so many words he -- he -- he said that.

17 Q Do you recall talking to Detective Gregory in this case
18 on more than one occasion; correct?

19 A Yes.

20 Q Do you recall in the very last interview that you
21 supposedly gave Detective Gregory that it is videotaped?

22 A Yes.

23 Q Do you recall at the very conclusion of that videotaped
24 interview you said -- you raised your hands and you said:
25 Is that good evidence? Even if he didn't rape nobody, he

1 probably did say that. I -- I can't remember every single
2 thing. All I -- all I remember that I'm telling the truth
3 about is what happened in the hospital. And like I said
4 before, my memory isn't just as fresh as it was when I told
5 the stories at the beginning. It's been about two years
6 now. A lot have been -- a lot of stuff been going on in my
7 life since then. But all I remember is what he did do to
8 me.

9 Q Okay. Well, you say a lot of stuff in your life has
10 been going on. What has been going on is you had to report
11 to your probation officer down in the state of Texas;
12 correct?

13 MS. McCONNELL: Objection; relevance.

14 THE WITNESS: That's over with.

15 THE COURT: Hang on.

16 Come up.

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

20 MS. McCONNELL: Judge, I don't understand how
21 whether she has to report to her probation officer or not
22 report to her probation officer is relevant. And I think it
23 comes kind of close to the ruling that this Court has
24 already made about him not going into the details of her
25 probation.

1 shake on the door and it won't open. I don't even know if a
2 deputy will be here or not. Don't come down here tomorrow.
3 So with that, Mr. Holtzclaw, you'll be excused until 9:00
4 Thursday morning.

5 (The defendant exits the courtroom.)

6 THE COURT: All right. Ladies and gentlemen,
7 leave your notepads in your chairs. The jury will be
8 excused until 9:00 Thursday morning.

9 (The jurors exit the courtroom.)

10 THE COURT: All right. Thank you. We'll be in
11 recess until 9:00 Thursday.

12 MR. ADAMS: Your Honor, Mr. Gieger and I were
13 talking. And it really happened at a morning break and the
14 noon break. But it's getting really crazy out here in the
15 hallway. And it seems like it's more earlier in the
16 morning, at least to me, than it does later in the
17 afternoon. But I know there's -- I know everyone has a
18 right to be here, and that's fine and everything. And I
19 know the Court has gone through extraordinary lengths to try
20 to maintain just some decorum -- courtroom decorum. But
21 literally it's getting nuts out there in the hallway when we
22 would take breaks. And I think Mr. Gieger would agree with
23 me in that regard. And we'd actually talked about it. But
24 I don't know what the remedy is.

25 THE COURT: What -- I don't go outside in the

1 hallway at breaks, so what are we -- what you are talking
2 about? Just people hanging around or --

3 MR. GIEGER: My observations, your Honor, were
4 during the morning break. I think I was late getting out of
5 the courtroom at noon so I don't know what it was after
6 that. Clearly there were probably at least two interviews
7 going on with the cameras on and two different -- whoever
8 they are, people from the audience saying whatever it is
9 they were saying. There were also other reporters in other
10 areas that I didn't notice the cameras that might have been
11 conducting interviews for either print media or some other
12 type.

13 And, again, I didn't see anyone approaching a
14 juror. I didn't see any of that happening. My concern is
15 just this -- and there were probably a hundred people out in
16 the lobby. It was -- it was crowded. So much so that I
17 would have to turn sideways to get around the interviews
18 just to make it through the crowd. I just -- I don't know
19 if the jurors are being exposed to whatever these
20 individuals are saying on the media. And if it is affecting
21 them at all, I don't know that. I just know that it's sort
22 of a -- it's a relatively small area and there's a whole lot
23 going on out there and the jurors are trying to make their
24 way to the elevators and for some reason the elevators are
25 running literally at a snail's pace. You stand there for

1 Q Said, this is good evidence. Even if he isn't raping
2 anyone, he's contacting people he's arrested on Facebook; do
3 you recall that?

4 A Yes, I agree.

5 Q So she was telling you even if he didn't rape anyone,
6 if he didn't do anything, he's contacting people on
7 Facebook. And she's wanting to get out of her charges,
8 wasn't she?

9 A I didn't take that at all.

10 Q How much time is Ms. Hill looking at doing on this
11 felony offense?

12 A I have no idea. I'm here for the sexual assault.

13 Q How long have you been a detective?

14 A A while.

15 Q Pretty versed in regards to the criminal statutes here
16 in Oklahoma?

17 A Try to be. I'm not perfect.

18 Q Do you know she has a lot of priors?

19 A That's what I gather.

20 Q Well, have you been able to confirm that?

21 A Yeah, I do recall. I haven't looked at it lately.

22 Q Well, just tell the jury what is she looking at in
23 regards to possession with intent on PCP?

24 MS. McCONNELL: Objection, your Honor; relevance.

25 THE COURT: Overruled.

1 Q Okay. And was that by Detective Gregory?

2 A Yes.

3 Q Okay. And, ma'am, when you talked to Detective
4 Gregory, you told him about some things that had happened to
5 you some months before that; is that right?

6 A Yes.

7 Q Okay. Why didn't you tell anyone before Detective
8 Gregory came to talk to you?

9 A I didn't think no one would believe me.

10 Q Why not?

11 A I'm a black female, don't -- I mean, I don't have
12 anything. I mean, who believe me? I didn't think no one
13 would believe me at all.

14 Q I want to turn my attention -- I want to turn your
15 attention, ma'am, to talk about a little bit what you told
16 Detective Gregory, all right?

17 A Yes.

18 Q Specifically did you talk to him about an officer?

19 A Yes.

20 Q And if I can I want to turn your attention back -- do
21 you remember the dates exactly as you sit here?

22 A No.

23 Q Okay. As we've talked about this case and as you've
24 testified before you know there is some -- some things we
25 have that show when he was working.

1 I did.

2 THE COURT: Been taking anything other than your
3 medications?

4 TABITHA BARNES: No, I take Celexa. The Celexa is
5 to control my angry.

6 THE COURT: Your what?

7 TABITHA BARNES: Angry.

8 THE COURT: Angry.

9 TABITHA BARNES: Are you familiar with -- my
10 psychiatrist give -- gives it to me. My Seroquel is 300
11 milligram. And it all depends on what time that -- that you
12 take it. It all depends on what times you take it. That
13 medication controls your moods but it also puts you in -- in
14 a deep sleep. I have a prescription.

15 THE COURT: When did you take it?

16 TABITHA BARNES: Last night.

17 THE COURT: Okay. Do you feel like it's having
18 any influence over your speech or your coordination or your
19 thoughts?

20 TABITHA BARNES: No. No, I do not. When my -- my
21 sister -- my sister is my best friend, my everything. And
22 my -- I'm very emotional, but --

23 THE COURT: Sure.

24 TABITHA BARNES: -- when she came in this morning,
25 on my head.

1 on the record or not, but I think we all agreed that she
2 would take a drug test and she agreed to it.

3 MR. GIEGER: She did acknowledge that she would
4 take a drug test.

5 THE COURT: And went over and it came back
6 positive for benzodiazepine I think, maybe some kind of drug
7 that she was taking that was a prescribed medication, maybe
8 Seroquel or something like that, along with PCP.

9 MR. GIEGER: Yes, sir.

10 THE COURT: And we're going to mark that as a
11 Court's Exhibit Number 11.

12 MR. GIEGER: So the Court knows, through the
13 moments of more coherency Ms. Barnes has acknowledged that
14 within the last week she was at a party somewhere in Texas
15 and was exposed to PCP. Whether or not that's accurate, I
16 don't know. But that's what she's told me now when I said
17 you need to tell me the truth and let's deal with this.

18 In any event, also so that the Court understands
19 and the record's clear, at one point over the lunch hour,
20 consistent with her mood swings, she refused to testify and
21 tried to leave. And Oklahoma City police detained her I
22 believe, and I don't want to speak out of turn, they haven't
23 staffed it with me, but basically for disorderly conduct and
24 public intoxication because she was not being coherent and
25 she was making somewhat of a scene as I understand it in the

1 A Just the good work that y'all have put out to pursue
2 this case.

3 Q And I'm not saying that's what Mr. Adams was
4 insinuating, I just want the jury to understand, nobody's
5 paid you to be here.

6 A No one's paid me a dime to be here.

7 Q And I'm not saying he was saying anything different,
8 okay.

9 Let me ask this question: He asked you about a
10 lot of things that happened last night; do you remember
11 that?

12 A Yes.

13 Q There is no doubt -- is there any doubt you tested
14 positive for PCP today?

15 A I'm not gonna lie. I know I was gonna test positive
16 for PCP because I --

17 Q Let me ask you about that. Do you remember him saying
18 who did you tell and who did you not tell; do you remember
19 that?

20 A Who did I tell what?

21 Q About testing positive for PCP today. Do you remember
22 him asking you those questions?

23 A I told --

24 Q Listen -- listen to my question.

25 A -- a officer.

1 Q Sir, after he woke you up did he escort you outside or
2 did he direct you outside, had you met him outside or how
3 did that happen if you recall?

4 A He just told me come outside and run my name.

5 Q Did you follow him outside?

6 A Yes, sir.

7 Q Do you know whether or not he looked in any other parts
8 of the house before he woke you up or after he woke you up?

9 A No, sir.

10 Q Not sure?

11 A No, sir, not sure.

12 Q Did he say anything to you about finding any drugs in
13 the house?

14 A No, sir.

15 Q And did he arrest you that night for being in
16 possession of any drugs or anything like that?

17 A No, sir.

18 Q Sir, at some point during your relationship with
19 Ms. Barnes had she talked to you about an officer being
20 inappropriate with her and touching her and looking at her?

21 A Yeah, she did.

22 MR. ADAMS: Object to the form of the question.

23 THE COURT: Sustained.

24 Q (By Mr. Gieger) At some point during your relationship
25 with Ms. Barnes did she talk to you about something that had

1 Q Did you think that the police would believe you if you
2 told them what had happened?

3 A Not really, no.

4 Q Why not?

5 A I just didn't. Just didn't.

6 Q This officer that we've talked about who he stopped you
7 around Northeast 16th and Fonshill, do you see him in the
8 courtroom today?

9 A Uh-huh.

10 Q Can you tell me where he's seated and what he's
11 wearing?

12 A Right there, got on a black suit.

13 Q You indicated to your left. What color tie is he
14 wearing, ma'am?

15 A I wear glasses. It looks kind of gray.

16 MR. GIEGER: Your Honor, may the record reflect
17 identification of the defendant?

18 THE COURT: All right. Record will reflect.

19 MS. McCONNELL: May I have a brief moment, your
20 Honor?

21 THE COURT: Yes.

22 (Counsel for the State confer.)

23 MS. McCONNELL: I'll pass the witness, your Honor.

24 THE COURT: Cross-examination?

25 CROSS-EXAMINATION

1 Q (By Mr. Adams) After you said no approximately five
2 times and Detective Gregory told you that he's investigating
3 a really bad guy and he has lots of victims, and you talk in
4 generalities about the neighborhood, for the first time you
5 start talking about an interaction you had at 16th and
6 Fonshill with an officer; correct?

7 A Yes.

8 Q And you talk about it in -- and in those discussions
9 you admit that at no time did this officer -- and, again,
10 you don't know his name; correct?

11 A Correct.

12 Q You didn't know that it was Officer Holtzclaw that they
13 were alluding to. And in fact you had actually told
14 Detective Gregory that you'd only come into contact with one
15 officer in the last year; right?

16 A Right.

17 Q So you knew exactly which officer they were talking
18 about; correct?

19 A I didn't know that it was him. But I knew -- he
20 just -- I just gave him a description of who the officer was
21 that I raised my shirt up.

22 Q Okay. But during that entire conversation you admitted
23 that at no time did Officer Holtzclaw ever ask you to expose
24 yourself to him.

25 A Did I admit that?

1 photographs and some other stuff on it. So as I understand
2 it the interview we're listening to had to come from this
3 disc because that's what we copied and gave to defense
4 counsel. So it should be the exact same thing.

5 MR. ADAMS: Right.

6 THE COURT: Okay. Let's just make darn sure it's
7 the same thing we put in here.

8 MR. ADAMS: I agree. I understand.

9 (Defendant's Exhibit Number 2 was
10 played.)

11 Q (By Mr. Adams) Ms. Raines, you had an opportunity to
12 listen to the tape in its entirety. Does that refresh your
13 memory of what you told Detective Gregory back in August of
14 '14?

15 A Yes.

16 Q Now in that conversation we hear some discussions
17 about -- you would agree with me that during that
18 conversation it was asked of you repeatedly whether or not
19 Officer Holtzclaw either ordered you or asked you to either
20 show him your breast or to pull up your bra, and each time
21 you said no.

22 A Right.

23 Q Because he never did that under your version of events
24 as he was saying we need to make sure you don't have
25 anything under there and the way you were indicating -- I

1 Q You knew -- you know he had contact with her period.

2 A Right, I did not know it was at that specific location
3 at that time before I contacted or spoke with Ms. Raines.

4 Q During the first part of the interview, was Ms. Raines
5 somewhat reluctant to talk to you?

6 MR. ADAMS: Judge, object to the form of the
7 question.

8 THE COURT: Sustained.

9 Q (By Ms. McConnell) What was Ms. Raines' demeanor like
10 whenever you first encountered her?

11 A She seemed to be extremely nervous. She was talking
12 real fast. I could tell she -- I got the sense that maybe
13 she thought she was in trouble for something.

14 Q And was that suspicion confirmed as you progressed
15 through your interview with Ms. Raines?

16 A Yes.

17 Q How so?

18 A She kind of let me -- she kind of advised just by kind
19 of talking with me that she did think that she was in
20 trouble, could've been over the past prostitution thing or
21 just in regards to her past.

22 Q And at first was Ms. Raines talking to you about
23 whether someone had exposed themselves to her before she
24 talked about what had happened with Officer Holtzclaw?

25 A I'm sorry.

1 A Well, again, our reports are a synopsis. It's an
2 overview of what took place. As you could hear in the full
3 interview which I knew the defense was gonna get the
4 recording of everything that was said, but it was just --
5 she went over three times with me. I tried to make sure
6 that I understood what she was saying, and just kind of
7 cover it and make sure that she's consistent in her
8 storyline and telling me what happened.

9 Q And going back to the initial maybe five to ten minutes
10 of the interview where Carla Raines initially denies
11 anything having happened, did she seem confused to you at
12 first?

13 A She did. She -- she was so nervous when she first
14 talked to me, as you heard, she -- I felt like she thought
15 she was in trouble. I know her mom was around --

16 MR. ADAMS: Judge, I would object to any
17 speculation.

18 THE COURT: All right. Sustained.

19 Q (By Ms. McConnell) During the interview, during --
20 once again that first five- to ten-minute portion, did
21 Ms. Raines even start to talk about whether an officer had
22 exposed himself to her?

23 A Yes, she did.

24 Q And did that indicate that she was confused about your
25 question?

1 MS. McCONNELL: Objection; may we approach your,
2 Honor?

3 THE COURT: Come up.

4 (The following was had at the bench by
5 Court and counsel out of the hearing of
6 the jury.)

7 MS. McCONNELL: Your Honor, it's hearsay. He's
8 asking him a question from Lieutenant Muzny's report that
9 Lieutenant Muzny has written in Lieutenant Muzny's report.
10 The question -- the witness to ask that question to would be
11 Lieutenant Muzny, not Detective Gregory. It's offered for
12 the truth of the matter asserted, and no hearsay exception
13 applies.

14 THE COURT: Overruled.

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

17 Q (By Mr. Adams) You may answer the question. Does it
18 not say in that report that Lieutenant Muzny made a list --
19 L-I-S-T -- of the women that have prostitution and
20 drug-related histories?

21 A It says: I was specifically looking for women who had
22 either a drug history and/or a history of prostitution.

23 Q Keep going.

24 A Then it says: I then made a list of women who I felt
25 we needed to contact.

1 anything inappropriate to you?

2 A No.

3 Q Tell me a little bit about that first contact that you
4 remember if you can remember either where you were or
5 approximately when it -- first of all, do you remember the
6 exact dates that these things happened to you?

7 A Not actually.

8 Q Ma'am, back in the months of 2014 were you employed?

9 A Yes.

10 Q Okay. Where were you working?

11 A I was doing Makeready.

12 Q What is that?

13 A It's where you go in and remodel and fix up houses and
14 apartments to get them ready to rent out.

15 Q Did you work every day?

16 A Yes.

17 Q Were you also using drugs during that time period?

18 A Yes.

19 Q Do you remember the exact days that -- like, can you
20 tell me the date on a calendar that you came in contact with
21 this officer?

22 A No.

23 Q Do you remember generally when it was?

24 A Vaguely about the months.

25 Q Okay. What months do you remember the first time you

1 Q Okay. Above your clothes or under your clothes, ma'am?

2 A Over top of my clothes.

3 Q Whenever he did that did you say anything or react to
4 him in any way?

5 A No, because somebody was either coming up the street in
6 a car or somebody came out -- their house lights.

7 Q Okay. And so tell me what -- I understand in response
8 to my question you said you didn't say anything to him
9 because you saw someone, what happened as a result of seeing
10 that or did anything happen as a result of seeing that
11 movement or --

12 A He took --

13 MR. ADAMS: Judge, may I approach?

14 THE COURT: Come up.

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

18 MR. ADAMS: Judge, it's temporarily ceased but I'm
19 sitting over by the window and there's obviously a group of
20 people out there chanting. And I've heard "give him life,
21 give him life," and I've heard a number of other things.
22 And I can clearly hear it to the point I can't even hear
23 this witness testifying. And I'm over there struggling to
24 try to listen to it. But what I'm requesting at this time
25 is the protesters be removed from the courthouse so at least

1 Q Was it your impression that because the car came that's
2 why he released you? Is that what you were thinking? Or
3 were you thinking -- or were you even thinking that at all?

4 A I was -- he had already cleared me.

5 Q He already cleared you.

6 Okay. Whenever he touched you that way, ma'am,
7 how did it make you feel?

8 A I flinched back.

9 Q Were you shocked?

10 A Yes.

11 Q Did it upset you?

12 A Yes, it did.

13 Q Does it continue to upset you?

14 A Yes.

15 Q You already told me that when you were in the jail --
16 at the county jail you hadn't told anyone. Did you tell
17 anyone about it after it happened?

18 A No, nobody but the detectives.

19 Q And is the reason that you didn't tell anyone right
20 after it happened the same reason that you hadn't told
21 anyone up until the time the detectives come to talk to you?

22 A Right.

23 Q The third event, ma'am, tell me about that. Or the
24 next event that you remember.

25 A I was on a break from one of my job sites and I had

1 recess until 10:55.

2 (The jurors exit the courtroom.)

3 THE COURT: All right. Thank you, we'll be in
4 recess.

5 (A recess was taken.)

6 (After the recess, the following
7 occurred in camera with all parties
8 present.)

9 THE COURT: All right. Let the record reflect
10 that we're out of the presence of the jury. Counsel for the
11 State is present, counsel for the defendant, the defendant's
12 not present.

13 MR. ADAMS: And he waives his appearance for this,
14 your Honor.

15 THE COURT: All right. I've been -- you've got
16 something to bring up?

17 MR. ADAMS: Yes, your Honor. I brought up the
18 fact of the protesters during the cross-examination just a
19 while ago. More importantly is when we -- when we took the
20 morning break as -- as you released Mr. Holtzclaw and then
21 eventually the jury all filed out and then the rest of the
22 audience files out after the jury. Well, the jury comes
23 back towards the jury room kind of through the judge's
24 chambers then out into the hallway. As they're being led
25 out there I can hear some yelling and screaming going on.

1 THE COURT: In the hallway?

2 MR. ADAMS: In the hallway. And we -- we were
3 actually having a conference with your Honor back in your
4 chambers at the time. But then when I left the courtroom
5 and was walking out of the courtroom doors there -- and I
6 can identify the guy if I see him again. I know exactly
7 what he looks like. He's standing there and he's yelling at
8 the -- and there's two jurors standing in the foyer of the
9 second floor and he's yelling "racist cop" and "racist
10 jury." And I didn't respond to him, I just walked on by and
11 left.

12 I was informed that all that kind of activity was
13 going on as the jury -- as soon as they left before we were
14 excused in front of the audience and members of the audience
15 during the disruption, but in front of the jury. Again,
16 it's just a continuing problem. And I know that the -- and
17 I certainly have sympathy for as much as the Court can do.
18 And I'm just -- again, it's just unfair to Mr. -- for
19 Mr. Holtzclaw at this point to have these type of activities
20 and outside influences.

21 And we can tell the jury to disregard it all we
22 want, but certainty there's -- and there's only so much I
23 can literally take before I want to lash out and say
24 something that -- I can assure the Court I won't. But I can
25 imagine people who aren't used to stuff like this, the

1 impact it would have on people as they come out and you have
2 a hostile crowd yelling and screaming at you. And it's just
3 disruptive to our proceeding and I don't -- I don't know if
4 we should maybe even excuse the audience first and clear the
5 second floor, I don't know. But we need to do something to
6 where it's not so antagonistic.

7 And it feels so -- and all these things are being
8 yelled back and forth that the jury is being exposed to. I
9 mean, it's a hostile environment and it seems to be
10 escalating. And I think that was my number-one concern and
11 the Court's concern is that this thing would continue to
12 escalate. Again, I understand people have the right to
13 protest and I'm all for that. It's just they don't have the
14 right to disrupt our proceedings and what we're trying to
15 accomplish.

16 THE COURT: Apparently from what my bailiff said
17 that there was interviews taking place outside our
18 restricted zone that I'd set up last week. So apparently
19 there was -- has not been a deputy out there. So I'll make
20 sure that there's a deputy out there.

21 And I guess what we'll do when we excuse the jury
22 we'll just clear the -- clear the second floor like they
23 were doing previously for Mr. Holtzclaw. Now once the jury
24 gets out or downstairs or whatever else -- this jury is, you
25 know -- I'll get here at 8:00 and I'll see four or five

1 jurors sitting ready to go for our 9:00 docket. So, I mean,
2 I've been -- I'll walk out at lunch, you know, 30 minutes
3 after we've recessed and two or three of them are already
4 sitting by the door to come back in.

5 So, you know, there's a couple things now that
6 we've been on break for about 25 minutes I haven't heard a
7 peep from the protesters outside. I don't know if they've
8 went on or just waiting for us to start back in court. But
9 I'll talk with the Sheriff's office about clearing the floor
10 while the jury is excused. Now obviously once they go
11 outside or go to lunch or anything else, but -- and if I
12 think that someone is trying to intimidate a juror then
13 we'll take care of that.

14 MR. ADAMS: And -- and I understand what the Court
15 just stated but I -- and I think at this time on behalf of
16 Mr. Holtzclaw I am specifically requesting as much as I hate
17 to request this due to the holidays and everything, I'm
18 specifically making request of this Court to sequester the
19 jury during the -- for the further pendency of this case. I
20 think that's the only way we can rest assured that they're
21 not getting outside influences with all the protesting and
22 yelling and screaming and everything going on. I think this
23 is the case that I think that the jury needs to be
24 sequestered. So I'm specifically requesting at this time
25 that a sequestration order be placed in effect.

1 BY MR. ADAMS:

2 Q Ms. Mathis, the first time you ever spoke about
3 anything inappropriate happening between you and a Oklahoma
4 City police officer is through Detective Davis here sitting
5 at this table; correct?

6 A Right.

7 Q You would agree with me that at the time that Detective
8 Davis interviewed you you were an inmate at the Oklahoma
9 County Jail?

10 A Yes.

11 Q And this would've been in August of '14.

12 A Some -- about right in there, yes.

13 Q And assuming that this is November of '15 it would've
14 been somewhat over a year ago; correct?

15 A Yes.

16 Q And whenever you talked to Detective Davis do you know
17 whether or not that interview was recorded either by video
18 or audio?

19 A Yes.

20 Q Which one?

21 A Audio I believe.

22 Q And was the recorder laid there in front of you?

23 A I don't remember. It probably was.

24 Q Do you recall Detective Davis at the beginning of that
25 interview telling you that they had received a tip that you

1 years; correct?

2 A I said over ten years.

3 Q Well, it goes back to 1991, does it not? About 25
4 years.

5 A I've been off and on drugs.

6 Q For over 25 years?

7 A I've been off of drugs for over -- it was over ten
8 years.

9 Q Okay. Well, going back to this second contact that you
10 had with Officer Holtzclaw you admitted that you were
11 intoxicated; correct?

12 A Yes.

13 Q You were drunk.

14 A Yes, I did.

15 Q Is that a yes?

16 You also admitted that you were smoking crack
17 cocaine at the time; correct?

18 A Yes, I had.

19 Q And you would agree with me that crack cocaine
20 diminishes your ability to recall events if they happen;
21 correct?

22 A My liquor may have but my crack smoking didn't, no.

23 Q Okay. So you would agree with me that liquor then will
24 also alter your -- affects what you perceive of things going
25 on around you but not crack cocaine?

1 Holtzclaw?

2 A Yes. Only that was -- that was a thought.

3 Q And at that point were there a couple of lists with
4 Unit 800 or the crime incident unit or the --

5 A Crime information.

6 Q Crime information, yes. Two different -- Varuna runs
7 basically and crime information runs; correct?

8 A Correct.

9 Q And the jury's heard those terms back and forth; Varuna
10 shows reports, crime incident shows whenever they're run for
11 warrants; correct?

12 A Yes.

13 Q Okay. What did you do in regard to those two sources
14 of information, those two databases for lack of a better
15 term in order to assist your detectives in this
16 investigation?

17 A The first thing I did is I contacted the supervisor in
18 the crime information unit. And she gave some names of
19 women that had been ran during a certain time frame. From
20 there we took the handwritten sheets that they had and I
21 believe we started in April of 2014 and went from April to
22 June. I can't remember the exact date in June. But from
23 April to June and we took the names, wrote down the names of
24 females. Specifically names of black females is initially
25 what we started out looking for. From there took -- made a

1 Gregory and I believe Detective Homan also, we all looked --
2 we've all looked at the Unit 800 list, gone back over it to
3 see if there's, you know -- did we miss anything.

4 Q There's been some reference to that list, basically if
5 I -- if it's been represented it contained approximately 400
6 names on that Varuna list, is that consistent with your
7 memory in total?

8 A Probably.

9 Q All right. Now you made reference a moment ago that
10 you went through the log sheets, the several hundred pages
11 or hundred-plus pages of log sheets and then you said you
12 made some type of a list yourself; do I understand you to
13 say that?

14 A Yes.

15 Q Okay. Tell me about what that is specifically that
16 you're talking about.

17 A The -- I was looking for, like I said, black females,
18 drug or prostitution history that had had some form of an
19 arrest. I wrote their names down on a piece of paper so I
20 would have their name. Then I looked their name up on
21 Varuna. Once I found their Varuna history and I looked at
22 the Varuna history and saw that it was consistent with what
23 we were looking for, I printed off that Varuna sheet as well
24 as if they had a picture in the county -- it's called EJS,
25 it's the County's system where they have photos. I would

1 A I wouldn't say that it's -- I don't recall any kind of
2 a written policy anywhere that says --

3 Q Bad choice of words.

4 Is that your practice?

5 A Yes, that we don't.

6 Q And as the supervisor do you see anything wrong with
7 doing that?

8 MR. ADAMS: Judge, again, I object to the form.

9 THE COURT: Rephrase the question.

10 Q (By Mr. Gieger) That's still your practice today?

11 A Yes, it is.

12 MR. GIEGER: I'll stop at this point. Pass the
13 witness.

14 THE COURT: All right. Cross-examination?

15 CROSS-EXAMINATION

16 BY MR. ADAMS:

17 Q Lieutenant Muzny, you are the lieutenant over the sex
18 crimes division; correct?

19 A Yes, on the adult side, yes.

20 Q I'm sorry?

21 A On the adult side, yes.

22 Q On the adult side.

23 Now in regards to this particular investigation,
24 at first this list that you discussed only went back
25 approximately 90 days; correct?

1 your narrative, it's not mine; correct?

2 A That is correct.

3 Q Which can you understand how anybody could take that to
4 mean that there's this list that exists out there?

5 A Well, like I said, there was a -- I don't know if
6 "list" is a bad choice of words. I guess I could say group.
7 But, yes, I took information from Varuna and from 800, took
8 those together. I wrote down a list so I would know these
9 are the names that I need to look at so I can pull them up
10 over here. But, yes, once -- once I did that, the packet --
11 I'm gonna call it a packet -- that had their name and the
12 Varuna history on it, that was disseminated to my
13 detectives.

14 Q Lieutenant, I'm not -- I'm not accusing you of any
15 improprieties. I'm just trying to figure out exactly what's
16 going on and why -- why we always believed that there was
17 this list. There actually was a list that was handwritten
18 that you've now destroyed; correct?

19 A That would've been -- that would've been destroyed,
20 thrown away, shredded, basically right after -- right after
21 I was done with it.

22 Q You're very familiar with what's called Brady
23 obligations or exculpatory information, aren't you?

24 A Not very familiar, but familiar.

25 Q As a police officer you know that it's extremely

1 important, do you not, to give either Brady or exculpatory
2 information to an accused?

3 A That the list that you're referring to?

4 Q Yes.

5 A Officers' notes is not something that we're required to
6 keep or to give out.

7 Q That wasn't my question, Lieutenant. My question is
8 very simple. You are under an obligation as an officer of
9 the law to turn over Brady or exculpatory information to the
10 accused; correct?

11 MR. GIEGER: Your Honor, I ask that he defines
12 what that means to him. He said he's not very familiar with
13 what that means.

14 THE WITNESS: Yeah, you're --

15 THE COURT: Well, if you can answer the
16 question -- if you know how to answer the question you can
17 answer the question.

18 THE WITNESS: It would help me if you would.

19 Q (By Mr. Adams) Okay. If there is anything out there
20 tending to prove that an accused isn't -- didn't commit
21 whatever crime they're accused of, you're required to
22 provide that information; correct?

23 A I would say yes.

24 Q Okay. And you would agree with me that if you made a
25 list of individuals that you thought under your own scenario

1 should be interviewed that eventually those interviews were
2 carried out; correct?

3 A Those people were contacted, they weren't --

4 Q Well, those -- they were contacted and interviewed.

5 A Contacted and interviewed, okay.

6 Q Are we agreeing with each other that that's what
7 happened?

8 A Yes.

9 Q Okay. And then a number of these women, in fact over
10 two-thirds of them said nothing happened; correct?

11 A Yes.

12 Q Okay. And you would agree with me that whenever an
13 officer -- whenever either of these detectives would go out
14 and interview these individuals that you had targeted -- you
15 had targeted under your parameters and said these are the
16 ones we need to talk to. And if those individuals said
17 nothing happened, absolutely nothing at all, that they
18 wouldn't make a report or anything?

19 A No, they did not.

20 Q Okay. And then, again, there's -- is -- how would I --
21 I, since you've destroyed that list of these people that
22 they went out and talked to, how would I know who those
23 individuals are and what they said?

24 A I'm not sure how you would know what those people --
25 what those people said.

1 Q (By Mr. Gieger) Do you remember Mr. Adams asking
2 Detective Gregory whether or not it was unfair to not give
3 that information to him?

4 A Yes.

5 Q Do you think you have acted unfairly toward Detective
6 Holtzclaw -- excuse me -- toward Officer Holtzclaw in
7 regards to that issue?

8 A No.

9 Q Ma'am, in regards to Florene Mathis, do you recall when
10 you initially made contact with her?

11 A Yes.

12 Q And can you tell me where that occurred and what
13 happened?

14 A That she was in the Oklahoma County Jail.

15 Q Okay. And there's been some statements about a tip
16 that -- you said something about a tip. Do you remember
17 what you said to Ms. Mathis?

18 A Yes, I told her that I had received a tip that she was
19 possibly sexually assaulted by an Oklahoma City police
20 Officer.

21 Q Tell this jury why you decided to use that terminology
22 when making contact with Ms. Mathis in the county jail?

23 A Well, one, she's in jail. So I wanted her to know that
24 I wasn't over there talking about the current case that she
25 was in jail on. Two, that's what I was investigating. I

1 wasn't investigating her lawn mower being stolen. I was
2 investigating a sexual assault. And I wanted to be quite
3 frank with her. And, three, when I'm given a packet by
4 Lieutenant Muzny, that -- that kind of is a tip. That's how
5 we get things on -- on a lot of our assignments that is a
6 tip and I'm acting on that tip.

7 Q Ma'am, do you recall her reaction to you saying those
8 words to her: I'm investigating a tip about a police
9 officer?

10 A As soon as I said that she -- she did not verbalize
11 anything. She just hung her head and started crying.

12 Q Was that significant to you?

13 A I felt like -- in fact, I looked at -- Detective Homan
14 went with me and I said: Get a chair because we're gonna
15 have to interview her.

16 Q Ma'am, is that approach "I received a tip" an approach
17 that you used with some of the 30-some-odd ladies who said,
18 no, nothing happened?

19 A Yes.

20 Q Did Ms. Gibson then basically tell you the information
21 that she's testified to today?

22 A Yes.

23 Q She talked specifically, Detective, about three
24 different stops that occurred. I think the first one, if
25 her testimony was -- and correct me if you remember it

1 Q Was that significant to you?

2 A Yes.

3 Q Why was that significant to you?

4 A Because in all these other cases he didn't have a
5 female come over and search them.

6 Q So in that regard, ma'am, did you make attempts to
7 verify whether or not Ms. Mathis was actually stopped in
8 January and/or February of either 2013 or 2014?

9 A You mean December or January?

10 Q That's what I meant to say if I said it wrong.

11 Yes, in December of 2013 or January of 2014.

12 A I did.

13 Q Okay. And what did you discover in your investigation
14 of this case?

15 A I didn't find anything where Officer Holtzclaw had
16 stopped her. I found in December where another officer had
17 stopped her.

18 Q That's what I wanted to ask you about. Tell me about
19 what the records show on the December stop.

20 A On December 3rd an R. Jones stopped her at 17th and
21 Everest I believe.

22 Q Well, what about the other two stops?

23 A Yes, Officer Holtzclaw did stop her.

24 Q You went ahead and looked into those then as well?

25 A Absolutely.

1 investigation was gonna last. And we didn't -- we needed to
2 make a list so we wouldn't go back and -- I mean, if we go
3 into months and maybe a new detective came on because
4 another detective got transferred out of the unit, we didn't
5 want detectives to keep going back to the same people. So
6 I -- as people would say "no" I'd add them to the list.

7 Q And is it your understanding that months ago that was
8 provided to the District Attorney's office?

9 A Yes.

10 Q And produced in discovery?

11 A Yes.

12 Q But this list -- there weren't reports then generated,
13 it was just -- this is the list of people who said nothing
14 happened?

15 A Correct.

16 MR. GIEGER: Offer State's 408, your Honor.

17 THE COURT: All right. Subject to our prior
18 discussion, Number 408 will be admitted.

19 Q (By Mr. Gieger) And it's entitled "contacted women who
20 said they were not assaulted by an officer"; correct?

21 A Correct.

22 Q And there's a list of 35 people.

23 A Yeah, but there's a goof-up on there.

24 Q What's the goof-up?

25 A Well, I put one lady twice.

1 Q Okay. So there's really 34 people?

2 A Correct.

3 Q All right. Ma'am, there were some -- you were in the
4 courtroom today when Ms. Mathis testified; correct?

5 A Yes.

6 Q Did she say something today that was different than
7 what she had told you whenever you interviewed her before?

8 A Yes.

9 Q What was that?

10 A She got her -- from what she told me and what she said
11 today, she got them switched. She told me that she was
12 assaulted the last time Officer Holtzclaw --

13 MR. ADAMS: Judge, I would object to anything she
14 said was hearsay. She's testified.

15 MR. GIEGER: If we're not gonna talk about it,
16 that's fine. I'll withdraw it.

17 THE COURT: All right. Sustained.

18 MR. GIEGER: I'm done.

19 THE COURT: Pass the witness?

20 MR. GIEGER: Yes, sir.

21 THE COURT: All right. Cross-examination?

22 CROSS-EXAMINATION

23 BY MR. ADAMS:

24 Q Detective Davis, you're the lead detective on this case
25 along with Detective Gregory; correct?

1 Q And she told you, yes, she had. The officer that had
2 allegedly touched her; correct?

3 A Yes.

4 Q And she told you that she had -- and her first contact
5 with that officer she told you was in December of '13,
6 January of '14; correct? And she told you that it was
7 Officer Holtzclaw, the same officer that allegedly touched
8 her, and she told you that there was a female officer there.

9 A Yes. Yes.

10 Q And you heard her testimony here today where she went
11 into detail about that event where she said she was out
12 there and Officer Holtzclaw had called a female in, told
13 them she didn't have a crack pipe but then she told the
14 female officer she did. She found it, they threw it on the
15 ground and smashed it.

16 A Yes.

17 Q Okay. You remember that?

18 A Yes.

19 Q Now you've had an opportunity to look back to determine
20 whether or not Officer Holtzclaw was anywhere near
21 Ms. Mathis back in December or January -- December of '13 or
22 January, '14; correct?

23 A Yes.

24 Q And you would agree with me that he was not.

25 A Correct.

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 A Uh-huh. Correct.

2 Q Are you agreeing with me?

3 A And on the chair.

4 Q And you would also wipe it on the plastic covering that
5 covers the mattress on that bed that we're looking at in
6 Exhibit 215; correct?

7 A On the plastic covering?

8 Q You talk -- in your interview with Detective Davis back
9 on August the 27th of 2014, you talk about wiping your mouth
10 after you give Officer Holtzclaw head and that you wipe it
11 on the plastic covering covering the mattress; correct?

12 A I wiped it on the bed and on the chair. I don't
13 know --

14 Q You wiped it --

15 A I don't specifically remember. That's all I'm saying.
16 I just don't specifically remember saying that it was on the
17 plastic covering. But if I did then that's what I said at
18 the moment. Right now I know that what I'm saying is on the
19 bed or on the chair. That was --

20 Q You were telling Detective Davis that you were wiping
21 hair and saliva on the bed, on the frame and all over the
22 place; correct?

23 A Yes.

24 Q Okay. Now after you told her those things you also
25 told her that he then had you lay back and have sex with

1 J-O-H-N-N-I-E.

2 THE COURT: All right. Thank you, sir.

3 You may proceed.

4 JOHNNIE GRATE,

5 was called as a witness, after having been first duly sworn,

6 and testified as follows:

7 DIRECT EXAMINATION

8 BY MR. GIEGER:

9 Q Mr. Grate, do you have a daughter named Rosetta?

10 A Yes.

11 Q Sir, over the years have you been involved with your
12 daughter and her struggle with addictions?

13 A Yes.

14 Q Can you tell the jury a little bit about that, your
15 relationship with your daughter and what you've seen her go
16 through?

17 A Quite a few things really. Like, I think she had a
18 boyfriend that turned her on to this.

19 Q Turned her on to drugs?

20 A Yeah.

21 Q Has it caused her lots of problems?

22 A Really.

23 Q All right. Sir, I want to turn your attention to some
24 time during the summer of 2014. At some point during those
25 months, sir, did your daughter talk to you about something

1 Q Did you tell him why?

2 A Yes.

3 Q Okay. What'd you tell him?

4 A I told him that I wanted to talk to her and -- about a
5 sexual assault.

6 Q And then you found her on your own though in the county
7 jail?

8 A Right.

9 Q All right. You went to county jail, you talked to her.
10 Again, I want to know if you can tell me -- have you had an
11 opportunity even to listen to that recorded interview before
12 you testified?

13 A Part of it.

14 Q What did you tell her whenever you walked in to start
15 the conversation? Tell us -- tell us how that went.

16 A First thing I said is: What's up with that hair?
17 Because it looked like it did today. And she said: What's
18 up with your face? And just -- we kind of just --

19 Q Nice.

20 A -- seemed to hit it off a little bit. And I said: You
21 probably don't even know why I'm -- why we're here. Because
22 I went over with my partner.

23 Q Okay. And did she respond to you?

24 A Yes, she said: How do you know, did he confess?

25 Q When she said that, what'd you think?

1 Attorney's office to even have a computer in their office
2 where every time an inmate makes a phone call anywhere that
3 it shows up on their screen and they can actually listen?
4 And it archives them; correct? It archives the inmates'
5 phone calls.

6 A It -- I can go back -- yeah, saves them, yes.

7 Q Yes. So have you ever gone back and checked to see
8 what Rosetta and Johnnie talked about in the interim between
9 the time that you talked to Johnnie Grate and the time you
10 went and talked to Rosetta Grate? Did you ever go back and
11 see what was said on the telephone?

12 A No, I don't know if they even had that conversation
13 while she was in jail.

14 Q Okay. But you know that they had a conversation prior
15 to you getting to see Ms. Grate in the Oklahoma County Jail?

16 A Yes.

17 Q And that's why she told you she knew you were there?

18 A Yes, she said: Are you the two that went to my daddy's
19 house?

20 Q Correct.

21 A Yes.

22 Q And you told her that you were.

23 A Yes.

24 Q In that same conversation as you started out trying to
25 get Ms. Grate to talk you told her that you were

1 asked you about, it's now August. And I believe the 15th
2 was your first contact with Mr. Johnnie Grate; is that
3 right? In trying to find Rosetta.

4 A Let me look just to be sure. August 15th with Johnnie.

5 Q And Mr. Adams pointed out that it's two months after
6 your initial allegation that you know about with Jannie
7 Ligons; do you remember him asking you that?

8 A Yes.

9 Q Why are you still actively out there looking for ladies
10 who might have been sexually assaulted if it's now two
11 months removed?

12 A Because our serology lab notified us that they had
13 female DNA on the inside flap of Officer Holtzclaw's uniform
14 pants. And it didn't match Jannie Ligons and it didn't
15 match his girlfriend and so far it hadn't matched anybody
16 that we had found. So I knew there was another female
17 victim out there that we needed to find that DNA to.

18 Q Up until this point this event happened allegedly in
19 April of 2014; correct?

20 A Right.

21 Q The sexual contact event?

22 A Right.

23 Q The other -- with the exception of Jannie Ligons, the
24 other ladies that have testified happened prior to April of
25 '14, that have testified in this trial; correct?

1 it was.

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

3 A I think so.

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

6 A The seat.

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

8 A The seat.

9 Q The seat.

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

12 A Yeah.

13 Q And he's behind you?

14 A Right.

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

17 A Yes.

18 Q Did you see his penis?

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

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

22 A No.

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

25 A Maybe about three minutes or so.

1 Q And you -- and you state that while this is happening
2 that his squad car door would've been open; correct?

3 A He -- yes.

4 Q The back seat. And you basically were laying in the
5 back seat because he was doing you --

6 A Yes.

7 Q -- from behind; correct?

8 A That's correct.

9 Q And this went on I think your testimony was for about
10 three minutes and you believe that he ejaculated; correct?

11 A Correct.

12 Q And you know what that means; correct?

13 A Yes.

14 Q Okay. And then it's your testimony that basically what
15 he did was after he was finished that he zipped up his
16 pants, left you there and just took off; correct?

17 A Correct.

18 Q Now -- and then you've never seen Officer Holtzclaw
19 since that happened?

20 A No.

21 Q Under your -- under your testimony here today; correct?

22 A No.

23 Q Now you would agree with me that at no time on that day
24 or thereafter up until we get into October of 2014 did you
25 ever talk to anyone in law enforcement about these events;

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

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

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

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

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

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

12 Q She was just looking out the window?

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

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

17 A Yes.

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

20 THE COURT: All right. Come up.

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

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

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

4 A Correct.

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

8 A Correct.

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

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

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

17 A Yes.

18 Q Why?

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

21 Q Okay. And then -- and then if I look the very next
22 entry after that one shows 21:12, so 9:12:32 Officer
23 Holtzclaw -- 2Charlie45 is now at a location at 2425
24 Northeast 24th Street; is that right?

25 A Correct.

1 Q Then after he does that he has to have sex to the point
2 of ejaculation; correct?

3 A If he ejaculates, yes.

4 Q Well, she said that he did. Again, are you not
5 believing her?

6 A I didn't say that.

7 Q Okay. Well, he has to satisfy himself to a point of
8 ejaculation in a public area -- and people are walking
9 around out there at night, are they not?

10 A I have no idea. I wasn't there.

11 Q Okay. But in any event then what he has to do under
12 the scenario of events, after he satisfies himself and
13 ejaculates, he then must redress himself to however he had
14 undressed himself; correct?

15 A If -- zip up his pants. I don't call that redressing.

16 Q Okay. Ms. Copeland has to completely exit away from
17 the car under her scenario of events; correct?

18 A What do you mean "exit away"?

19 Q Well, she said that she was inside the car -- partly
20 inside the car, did she not?

21 A Bent over the back seat.

22 Q Okay. Well, she has to somehow after this period of
23 time get out of the vehicle so that she doesn't get drug
24 away; correct?

25 A Stand up, yes.

1 Q You said he asked if he could search you. Did you
2 respond to him verbally?

3 A Did I do what?

4 Q Did you respond to him whenever he asked if he could
5 search you?

6 A Yeah.

7 Q Okay. And what did you do next?

8 A I said yes.

9 Q Okay. And tell me about the officer's actions in
10 searching you.

11 A When he searched me he went up under my shirt and was
12 just feeling up underneath my breasts.

13 Q With his hands?

14 A Yes, ma'am.

15 Q And I don't want to embarrass you, Ms. Ellis, were you
16 wearing a bra that day?

17 A Yes, ma'am.

18 Q Did he hands go on the inside of your bra or on the
19 outside?

20 A On the inside.

21 Q So were his hands touching the skin of your breasts at
22 that time?

23 A Yes, ma'am.

24 Q Was he saying anything to you whenever he did that?

25 A No.

1 Q What happened next?

2 A Then he -- we started to go down -- downwards in front
3 of my -- he put his hands inside my pants and felt between
4 my legs.

5 Q Okay. And whenever he put his hands inside your pants,
6 were you wearing underwear on that date, Ms. Ellis?

7 A Yes, ma'am.

8 Q Did his hands go on the inside of your underwear?

9 A Yes, ma'am.

10 Q And what part of your body did they touch, Ms. Ellis?

11 A He touched my -- he touched my vagina.

12 Q Okay. Was he saying anything to you whenever that
13 happened?

14 A No, ma'am.

15 Q What happened next?

16 A He told me to have a seat in the police car.

17 Q Where -- did you comply?

18 A Yes.

19 Q Okay. And where did you sit in the police car?

20 A In the back seat.

21 Q Was the door shut during that time or open or something
22 different?

23 A It was open at the time.

24 Q Okay. What happened after you took a seat in the car?

25 A He told me to put my feet in and he closed the door.

1 A He got back out the police car after he found out that
2 I had warrants. And he opened the police car -- the back
3 seat where I was and told me to put my feet out. And he's
4 --

5 Q Let me stop you there, Ms. Ellis, so I can understand.
6 He told you to put her feet out of the car?

7 A Yeah.

8 Q Okay. And how did you put your feet out of the car?

9 A I just, you know, turned around, like you getting out
10 the car. And my feet was on the -- on the ground right
11 there.

12 Q Okay.

13 A And he asked me: What do you think we need to do about
14 this situation?

15 Q What was going through your mind whenever he said that?

16 A I asked him what does he mean. What do you mean?

17 Q What did he say?

18 A And he said it again. And I just asked him again:
19 What do you mean what we gonna do about this situation?

20 Q Did he answer you?

21 A No.

22 Q What happened next?

23 A By the time I looked up he -- his penis was in my face.

24 Q Did he undo his pants and take them down or how did
25 his -- how does his penis get exposed?

1 A Pretty much.

2 Q Did you say "pretty much"?

3 A Pretty much.

4 Q Did you tell Edwin Smith about what had happened?

5 A Told him a little while -- while after that.

6 Q Did you tell the police at that point?

7 A What?

8 Q Did you tell police at that point?

9 A Did I tell police?

10 Q Uh-huh.

11 A Huh-uh.

12 Q Why did you not tell police?

13 A Because I just -- I didn't know what the police gonna
14 do. I was scared. I didn't feel like being harassed by
15 anybody. I just, you know, just -- it's a nightmare and I
16 just didn't want anything to have to worry about me walking
17 down the street and getting harassed by anybody.

18 Q Okay. This officer who had stopped you, had you ever
19 seen him before to your knowledge, Ms. Ellis?

20 A No.

21 Q Describe to me what that officer looked like on the
22 date that you came into contact with him.

23 A He looked like he was a black man because it was dark.
24 And I really wasn't trying to get any eye contact because at
25 the time I didn't know whether I was gonna go to jail or

1 would agree with me that they came to you, you did not go to
2 them.

3 A Yes.

4 Q Okay. And whenever you were first -- there was several
5 attempts to make contact with you, but it's my understanding
6 that eventually one of the detectives got on Facebook and
7 was able to make contact with you on Facebook.

8 A No, sir.

9 Q Okay. You don't recall any messages you received from
10 any Oklahoma City detectives on Facebook?

11 A No, sir.

12 Q Would you agree with me that the first time you talked
13 to them in August -- August of 2014, that the police
14 officers -- regardless of how often they tried to get ahold
15 of you they did get ahold of you in August of 2014.

16 A Yes.

17 Q And when they contacted you they told you that they
18 were investigating a sexual assault on you by an Oklahoma
19 City police officer.

20 A You're asking me a question?

21 Q Yes.

22 A No, they didn't say it like that. She didn't say --
23 she said: Was there incident that happened with a police
24 officer?

25 Q Did they tell you that they had a tip that you were

1 assaulted by an Oklahoma City police officer?

2 A I don't recall that.

3 Q Do you recall these questions being asked and these
4 answers being given while you were under oath at the
5 preliminary hearing in this matter? Page 297. Question --
6 line 8 -- and they told you that they had a tip that you
7 were assaulted by an Oklahoma City police officer. Answer:
8 Yes, sir.

9 Do you recall those questions being asked and
10 those answers being given while you were under oath?

11 A I don't recall -- I don't remember that.

12 Q Do you dispute that in fact while you were under oath
13 on another occasion that's what you testified?

14 A No, I don't dispute it but I just don't remember.

15 Q In any event the officers after notifying you why they
16 wanted to talk to you, you identified an officer you said
17 that -- that did assault you but you identified it as a
18 black male; correct?

19 A Yes.

20 Q You also identified that officer as shorter than you;
21 correct?

22 A Yes.

23 Q And I believe that you're about 5'11"; correct?

24 A Yes, I am.

25 Q Now what had happened is under your version of events