

UNCUFF the Innocent · Daniel Holtzclaw case records

Trial transcript, State v. Holtzclaw, No. CF-2014-5869: pages cited on this site (3007–3892)

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1 she still uses -- she tells the officers that she still
2 occasionally uses crack cocaine in the report.

3 THE COURT: Tells Davis that she still uses crack
4 cocaine?

5 MR. ADAMS: Do what?

6 THE COURT: Tells --

7 MR. ADAMS: Yeah, tells Davis -- Detective Davis.

8 THE COURT: Okay. Well, you can ask about that
9 but not about seven years ago and the child.

10 MR. ADAMS: Okay.

11 (The following continued within the
12 hearing of the jury.)

13 Q (By Mr. Adams) Now whenever you had this interview
14 with Detective Davis in August of 2014, you told her that
15 you used marijuana and crack cocaine; correct?

16 A Yes, I did.

17 Q Okay. Now going back to the events behind the school,
18 you deny the fact that you were giving any information about
19 any drug houses. However, you say that Officer Holtzclaw
20 sexually assaulted you there on this -- at the location
21 that's depicted on the screen; correct?

22 A Yes, sir.

23 Q Okay. After that happened what -- and how long did
24 that last?

25 A It lasted about five or ten minutes.

1 Q (By Ms. McConnell) And, Mr. Mack, I want you to tell
2 me what Ms. Ellis told you, but I want you to use her words
3 specifically, not paraphrasing; do you understand?

4 A Well, she came in the house and she was acting all
5 funny and she was, like, tearful-like. And I asked her:
6 What's the matter?

7 Q Did you say she was tearful-like?

8 A Yeah.

9 Q Okay. And what did she say?

10 A I asked her: I said what is the matter? And she said:
11 A policeman -- I just got raped by a policeman. And I just
12 said: What? She said: A policeman raped me. I said --
13 then I said: Okay. Well, let's go to the hospital and get
14 a DNA test because if he raped you, I said, the policeman's
15 DNA is on file so they don't contaminate a crime scene.
16 They know the difference between their DNA and a
17 perpetrator's.

18 Q How did Ms. Ellis respond to that?

19 A That's when she really, like, started crying and
20 breaking down. And I said: What's the matter? And she
21 said -- I said: Well, how many man's sperm is gonna be in
22 you? And she told me two. And I said: We can still go get
23 a DNA. She said --

24 THE COURT: All right. Counsel, come up.

25 (The following was had at the bench by

1 something you'd done in other cases?

2 A Yes.

3 Q Ma'am, based upon your understanding of the case is
4 that different than what Officer Holtzclaw was doing
5 whenever he used Facebook to contact Shardayreon Hill?

6 A Yes.

7 Q Okay. Did you engage in conversations with Sherry
8 Ellis via Facebook and send her messages about wanting to
9 talk to her and things like that?

10 A No.

11 Q So explain exactly the what you did with Facebook.

12 A Well, I sent her a message on Facebook to contact me.

13 THE COURT: Who are we talking about?

14 MR. GIEGER: Sherry Ellis, your Honor.

15 THE COURT: Okay.

16 THE WITNESS: But I never got anything. She never
17 contacted me. So I looked at her list of friends and while
18 I ran her friends through Varuna to see if I had any good
19 information on a friend. One of her friends was her
20 brother. So -- and I had a good phone number for him in
21 Varuna so I called him. I think I called him at work.

22 Q (By Mr. Gieger) And did you get ahold of him?

23 A I did.

24 Q And did he lead you to information that was relevant in
25 helping you locate Ms. Ellis?

1 A He said he'd have her call me.

2 Q And did she?

3 A Yes.

4 Q Okay. And then tell me then about that -- the subject
5 matter of that conversation and what you did next.

6 A I -- I called her and told her what I was
7 investigating. And she told me -- she started kind of
8 talking fast and said that she was a victim and gave me some
9 of the details. And so I scheduled an interview with her
10 because I didn't want to do that type of interview over the
11 phone.

12 Q Where did your interview with her take place?

13 A In the -- we have interview rooms at the sex crimes
14 office.

15 Q So she came down to the police department?

16 A Yes.

17 Q And when did it take place, ma'am?

18 A August 5th of 2014.

19 Q Whenever you received the packet of information that
20 led you to identify her as a potential party that might have
21 information relevant to your investigation, when were the
22 contacts that you were able to locate based upon the Varuna
23 search, when did -- when was she searched in Varuna?

24 A She was searched a couple of times in Varuna. Four
25 times, but on just two different dates. May 7th and May

1 information logs to see if another officer could have ran
2 her through crime information. And there was -- she had no
3 other contact with an Oklahoma City police officer.

4 Q Ma'am, other than the four times as is documented on
5 this Word document, State's 294, that Sherry Ellis was run
6 through the Varuna system, was she run again in the Oklahoma
7 City police Varuna system in 2014 except by you in
8 preparation for this case?

9 A Right. No, she was not.

10 Q Additionally, ma'am, did you obtain the line-up for the
11 shift which would've included after midnight on May 7th?

12 A Right.

13 Q So the shift line-up would've been for May 6th --

14 A Correct.

15 Q -- is that right?

16 I'm gonna show you 295, is that the shift line-up?

17 A Yes.

18 Q For May 6th?

19 A Correct.

20 Q So from 4:00 in the afternoon on May 6th to 2:00 a.m.
21 May 7th?

22 A Correct.

23 MR. GIEGER: Offer State's 295, Counsel.

24 MR. ADAMS: No objection, your Honor.

25 THE COURT: State's Exhibit 295 will be admitted.

1 divided into districts. There's three sectors in
2 Springlake. And it's just what sector you're assigned to.

3 Q Ma'am, in regards to the officers -- and, again, if you
4 go down the column you see some are on duty some are off
5 duty; is that correct?

6 A Correct.

7 Q And then you get down here, for example, to sector 1,
8 set B, there's other officers that are on and off --

9 A Correct.

10 Q -- going on down; correct?

11 A Yes.

12 Q Ma'am, of all the officers that were on duty did you
13 determine whether or not any of these individuals were black
14 men or African-American men?

15 A One was.

16 Q Which one?

17 A The A. Edwards.

18 Q A. Edwards on May the 6th, the shift beginning at 4:00
19 and ending at 2:00 was in what sector?

20 A He was in set B, sector 3. Go up. Let me
21 double-check. Sector 2.

22 Q Okay. Thank you.

23 And Officer Holtzclaw was in sector --

24 A 1.

25 Q Do you know where sector 2 is?

1 A It's -- sector 2 I believe is east of I-35.

2 Q And sector 1 is --

3 A West of I-35.

4 Q -- west of I-35?

5 A I don't know the exact boundaries.

6 Q With some north and south boundaries as well?

7 A Yes, but I don't know what those are.

8 Q Ma'am, in determining that Officer Edwards was on duty
9 but in a different sector and then in looking through the
10 CIU logs and the AVL -- I'm sorry, not the AVL -- the Varuna
11 logs, did you ever find any contact -- that Officer Edwards
12 had come in contact with Ms. Edwards during this time
13 period?

14 A With Ms. Ellis?

15 Q That's what I meant to say, yes, ma'am. Ms. Ellis.

16 A No, I didn't.

17 Q Had you satisfied yourself then that there was not a
18 black officer involved --

19 A Yes.

20 Q -- with Ms. Ellis --

21 A Yes.

22 Q -- that you were able to identify through any of the
23 records maintained by the police department?

24 A Yes.

25 Q Did you also, ma'am, have an opportunity to look at the

1 ready to go on vacation or leave for a couple weeks and
2 that's the reason you were the one that was tasked with
3 trying to locate Ms. Ellis.

4 A Correct.

5 Q Okay. And during that effort you talked about all the
6 different things that you did, but you went to pretty
7 extraordinary efforts in attempt to locate her; correct?

8 A Correct.

9 Q And at that point in time you would agree with me that
10 in early August of 2014 Ms. Ellis had not reported anything
11 inappropriate between herself and Officer Holtzclaw;
12 correct?

13 A Correct.

14 Q Okay. You eventually made contact by way of telephone
15 with Ms. Ellis and you set up an interview, for her to come
16 in and interview in person; correct?

17 A Yes.

18 Q And after you interviewed her then that's when you went
19 back and you maintained all these documents that now have
20 been introduced, more particularly the AVL logs; correct?

21 A Right.

22 Q Now in regards to the AVL logs we start out with --

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

24 THE COURT: Yes.

25 Q (By Mr. Adams) Now you would agree with me that the --

1 A Right.

2 Q And on 18th we can see the line of travel that Officer
3 Holtzclaw's squad car makes on this particular date;
4 correct?

5 A Correct.

6 Q And you would agree with me that there are several
7 speeds noted but there are no zero speeds noted at this
8 point in time; correct?

9 A Correct.

10 Q So the last zero speed that we have calculated from the
11 AVL is back over on Highland --

12 A Correct.

13 Q -- correct?

14 And that was at 1:08:14 when we know for a fact
15 the car was not moving.

16 A Correct.

17 Q Now as -- as the car journeys down towards the
18 cul-de-sac at no time do we ever hit zero speed again;
19 correct?

20 A Correct.

21 Q And the last -- the last hit that we have in that
22 cul-de-sac is at 1:14:28.

23 A Correct.

24 Q Okay. And at 1:14:28 it shows that Officer Holtzclaw's
25 squad car is going two knots.

1 Q Was it exposed whenever you unzipped your pants?

2 A Yeah.

3 Q And then you just told me that he told you to raise
4 your shirt?

5 A (No audible response.)

6 Q Were you wearing a bra that day?

7 A No, ma'am.

8 Q When you raised your shirt how far did you raise it up
9 your body?

10 A I raised --

11 Q You kind of indicated to your upper chest area; is that
12 right?

13 A Yeah. I raised it, I don't know.

14 Q Did -- were your breasts exposed whenever you did that?

15 A Yes, ma'am.

16 Q What did he do whenever you raised your shirt?

17 A Then he asked me to give him some -- some oral.

18 Q Is that the words that he used was give me --

19 A I can't remember. All I was -- because I was so
20 doggone shocked and scared.

21 Q What happened after he said -- after he asked you to
22 give him oral sex?

23 A I started crying, saying no. And he was saying: Aw,
24 come one, just three or four licks. Three or four licks or
25 something.

1 Q Is that a yes?

2 A Yes, ma'am. I'm sorry.

3 Q It's okay.

4 Did he ejaculate whenever that happened?

5 A I don't know. He had a condom on.

6 Q Okay. What happened next?

7 A And then he got back in the -- in the car. Well, I did
8 say -- I said: Well, can I least have my pipe back since --
9 because I know that none of that stuff was right so I didn't
10 see why I had to comply with the rest of this stuff.

11 Q So you asked the officer to give you back your crack
12 pipe?

13 A I asked him if I could have it.

14 Q Did he give it back to you?

15 A Yes.

16 Q Did you stay in his car at that point?

17 A Well, he asked me where was I gonna go. And I had
18 already told him I was going to my uncle Terry Wayne's. But
19 he kept tryna make me think I said -- he said I need to get
20 my story right. I say I always say I was going to my uncle
21 Terry Wayne's. He said: I thought you say you was goin
22 over you aunt Shirley's. I said: No, I said I was coming
23 from my aunt Shirley's in the apartments.

24 Q And let me make sure I understand, Ms. Morris. Had he
25 asked you at some point where you were coming from whenever

1 Q So you -- you told Mr. Shelton on that night that you
2 had been at Liberty Station?

3 A No, I told -- had told him I wasn't at Liberty Station
4 when it happened. I told him that it happened downtown.

5 Q You told Mr. Shelton it happened downtown?

6 A Yeah, by the rescue mission because I wasn't 'posed to
7 be in that area.

8 Q Back to my original question: When did you and
9 Mr. Shelton break up?

10 A That night.

11 Q That night. Do you recall talking to an Officer
12 Jonathan Thomas out there?

13 A I don't remember their names.

14 Q But you do recall talking to several officers?

15 A Yes.

16 Q Do you recall telling the officers that the officer
17 that had assaulted you did not wear a condom?

18 A No, I said he had on a condom.

19 Q That's what you told the officers that night?

20 A I've always said he had on a condom.

21 Q Okay. Then the officers, after they interviewed you,
22 they let you go; correct?

23 A Yes.

24 Q Because you at the time were homeless.

25 A Yes.

1 A Yes, I was.

2 Q And I know that the jury has heard testimony from you
3 and Detective Davis about finding victims off a list. Is
4 that how you found Terri Morris?

5 A No. Terri Morris was actually the very first person to
6 alert the police department that anything involving Officer
7 Holtzclaw.

8 Q Okay. Even before Jannie Ligons who we heard from
9 testify earlier in this case?

10 A That's correct.

11 Q How did you get assigned Terri Morris' case?

12 A It was on May 27th, came into work on a Monday. I was
13 informed that just a few days prior on the 24th Ms. Morris
14 had -- was involved in a domestic and officers arrived at
15 the scene. And she reported that a police officer had
16 sexually assaulted her a few days prior.

17 Q And were those reports from the incident that
18 Lieutenant Holland just testified to on May 24th, 2014?

19 A That's correct.

20 Q And did you receive the reports that were generated
21 from that contact with Terri Morris on that day?

22 A Yes, I did.

23 Q At that point did you attempt to make contact with
24 Terri Morris?

25 A Yes, that day. On the 27th I tried every which way to

1 was maybe a couple blocks away from the City Rescue Mission.

2 Q Is that -- is that in downtown Oklahoma City?

3 A Yes, it is.

4 Q Whenever you spoke with Terri Morris on June 24th, did
5 you -- had you pulled the AVL for any contact between
6 Officer Holtzclaw and Terri Morris?

7 A Not at that time. The -- basically what we had done in
8 reference to Terri, I went back looking at who had, like,
9 ran her; the CIU and the Varuna that we talked about. There
10 was -- there was a stop on, like, April the 11th by another
11 officer and then May 8th was the last time she was stopped.
12 And that was Officer Holtzclaw. I had nothing around the
13 time that she was talking about around the 20th, 21st of
14 May.

15 Q Did you meet with Terri Morris yet a third time?

16 A Yes, I did.

17 Q And was that sometime during July, 2014?

18 A Yes, it was.

19 Q What was your purpose in meeting with her that time?

20 A Detective Davis and I knew we had some DNA of an
21 unknown female on the inside of Officer Holtzclaw's pants
22 and we had not found that -- that subject, that DNA.

23 Q At that point in time?

24 A At that point in time. So I knew I didn't get an
25 opportunity to ask Terri for her buccal swabs to compare it.

1 And so I had found that Terri was actually in jail at that
2 time. It was, like, July 10th. So I went over there to the
3 county jail just to ask her if I could have buccal swabs. I
4 wasn't going to interview her again. We'd already spoke. I
5 knew she didn't really want to press charges.

6 Q When you went to the jail to get the buccal swabs did
7 she give them to you voluntarily?

8 A Yes, she did.

9 Q And did you initiate trying to speak with her again
10 about what had happened with this officer on that time?

11 A No, I -- I did not.

12 Q Did she?

13 A She did.

14 Q How did she initiate that?

15 A Well, whenever I made contact with the county jail to
16 have her brought down so I could talk to her about -- just
17 about the buccal swabs, as soon as she saw me she's like:
18 Detective Gregory, there is something I want to talk with
19 you about.

20 MR. ADAMS: Judge, I would object to anything she
21 may have told him as hearsay.

22 THE COURT: All right. Sustained.

23 Q (By Ms. McConnell) Whenever she spoke with you this
24 time about the details of her encounter with this officer
25 did she give you different information than she had given

1 today that it was you and Mr. Gieger who went to the county
2 jail to meet with her in July?

3 A Yes.

4 Q Was it in fact you and Mr. Gieger who went with her?

5 A No.

6 Q Went to meet her?

7 A No.

8 Q Who was it?

9 A It was Lieutenant Muzny.

10 Q And you told me that you received some different
11 information about location from Terri Morris on this date.
12 What did you do with that information?

13 A After she had advised me of the direction that she was
14 taken in Officer Holtzclaw's car. I checked her back into
15 the county jail. I went back to my office and then I made
16 contact with Joe Hill in reference to the AVL. And then I
17 compared at that time what Terri said, compared it with the
18 AVL on May 8th as she was claiming.

19 Q And the information that she gave you on this July,
20 2014 interview, did it seem to match the AVL information
21 that you received from Joe Hill?

22 A Yes.

23 Q Was it concerning to you in your investigation that
24 Ms. Morris had given you incorrect information back in June
25 about where she was picked up?

1 Q And you recorded that conversation; correct?

2 A When I first met her I didn't. I just had introduced
3 myself and -- sorry. When I approached her we had a small
4 conversation. Then she told me she wanted to talk with me.
5 And that's when we went over and, yes, it was at that point
6 when we sat down I did record.

7 Q Okay. But you had not received any information from
8 any third parties at that point in time as of 7/10 of 2014
9 that Ms. Morris was actually really wanting to talk to you,
10 had you?

11 A That's correct.

12 Q You're agreeing with me in that regard?

13 A Yes.

14 Q Okay. So then what happens is -- is that actually the
15 recording device doesn't start until you're already into the
16 interview; correct?

17 A Yes.

18 Q I mean, I believe that the recording device starts with
19 Ms. Morris saying: 2014 and he gave me my crack pipe back.
20 That's how the whole interview that we have that has been
21 recorded starts; correct?

22 A That -- that sounds right.

23 Q Okay. So she clearly is already into some conversation
24 with you of some kind. Do you know how long the
25 conversation was with Ms. Morris that we do not hear on 7/10

1 A Yes.

2 Q And you're telling her you'll do everything you can to
3 help her out in that regard.

4 A Yes.

5 Q Okay. But she had also told you that she had relapsed
6 also while she was in rehab previously?

7 A Yeah, I was aware of that.

8 Q And she'd been to rehab on a number of different
9 occasions; correct?

10 A Yes.

11 Q Now during this discussion at some point in time
12 Lieutenant Muzny comes into the interview room; correct?

13 A Yeah, I thought he was there for all of it, but, yeah,
14 he was there.

15 Q Okay. And at some point in time does he leave before
16 the interview is concluded?

17 A I don't recall.

18 Q Well, in any event during this recorded portion when
19 you're not showing her any maps or any AVL or anything like
20 that, you make the statement to -- directly to Lieutenant
21 Muzny: Can you get satellite? Do you recall asking him
22 that?

23 A Yes. Yes.

24 Q And what are you asking "Can you get satellite?" about?

25 A That was after she had ran down through kind of the

1 storyline. I was kind of confused on where she was saying.
2 It was at the time we was trying to debate I believe or I
3 was already thinking about, you know, are we gonna have to
4 check her out or not. So I was gonna see if we could get a
5 map. So, yeah, that's correct.

6 Q But it's your testimony that at no time was a map ever
7 shown to her or a satellite photograph or even a Google map.

8 A I misunderstood. Yes, there was a map.

9 Q So there was a map that was in the room with you and
10 Ms. -- and Ms. Hill (sic) on this -- on 7/10 of 2014.

11 A Yes, at the end there was, yes.

12 Q So she actually is referring to a map while she's
13 talking to you, is she not?

14 A There at the end. And I really can't recall a
15 reference to the map, how far we got. Like, I was still
16 confused in reference to it. And that's why we had to check
17 her out.

18 Q And I just said Ms. Hill and I apologize. It's early
19 and it's actually Ms. Morris. You understand that; correct?

20 A Yes. Yes.

21 Q So whenever you were -- you testified previously that
22 you did not provide her any AVLs or any maps or anything
23 like that, you were mistaken?

24 A For sure no AVLs because I hadn't even pulled it up.

25 Q So -- but she was provided a map?

1 A I remember Lieutenant Muzny, I did ask if he could go
2 pull one up. I don't recall, it's -- it is possible.

3 Q Well, you would agree with me that nowhere in your
4 report, and you dictated in regards to this interview on
5 7/10 of 2014 do you ever mention that you ever show her any
6 maps or anything like that?

7 A That's correct, yeah.

8 Q Is there a reason you left that out of your report?

9 A No.

10 Q Okay. Is there any reason whatsoever during the
11 recorded interview whenever you're talking to her you don't
12 ever indicate that you were actually showing her a map?

13 A No.

14 Q Well, during that interview after you asked if she can
15 pull up -- if he can pull up a satellite, talking to Muzny,
16 all she had told you at that point in time is that she was
17 talking about a gate on a part of 27th Street, and then she
18 corrects it and says 26th and Lindsay. Do you recall that?

19 A I believe that there was confusion about that, yes.

20 Q So she had not gone through the story of where she had
21 been taken. She had just simply said something about 27th
22 Street or 26th and Lindsay, and that's when you turned to
23 Muzny and said: Can you pull up a satellite? Do you recall
24 that happening?

25 A I'm not for sure when the map came into play.

1 had another officer show her the photo line-up, are we at
2 the same time?

3 A Yes.

4 Q I think it's June 24th.

5 A Yes.

6 Q Does that sound familiar? At that time you heard
7 Mr. Gray talk to Ms. Morris about banging her head on the
8 cage and being very -- very combative to the police;
9 correct?

10 A Yes.

11 Q Was that a fair and accurate representation of the way
12 she was behaving?

13 A I didn't see that. I was notified by the officer she
14 had been doing that. I didn't see her bang her head, but,
15 yes.

16 Q But you were notified by other officers on the scene
17 she -- she had been banging her head on the cage. And when
18 we talk about the cage, that's what separates the back seat
19 from the front seat.

20 A Yes.

21 Q Would you also agree with me that other than the two
22 knots per hour and the one-minute gap in the AVL, that at no
23 point in this entire red line that we have here on Exhibit
24 307 other than down there at 26th and Lindsay I believe do
25 we have any zero speeds.

1 Q (By Mr. Adams) You asked Ms. Morris a specific
2 question -- before she said it was on older car, not the new
3 one. And do you recall her answering you: Yeah, it was a
4 black and white one, the old square one?

5 A Yes -- I -- yes, I recall.

6 Q And you said: Okay. It wasn't the new -- the newer
7 model, the new black straight car and she said no.

8 A Correct.

9 Q Can you tell this jury what type of car Officer Sellers
10 drove?

11 A I don't recall on that one.

12 Q Did you ever check to see if Officer Sellers drove an
13 old square car?

14 A Officers drive different cars different times. No, I
15 didn't.

16 Q Do you know for a fact that on May the 8th of 2014 --
17 do you know for a fact that Officer Holtzclaw was driving
18 the new cars?

19 A Yes, he was logged in on that one.

20 Q Okay. And, again, her story there doesn't match, does
21 it?

22 A Correct.

23 Q You also heard Ms. Morris testify on her direct
24 examination that Officer Holtzclaw during this sexual
25 assault used a condom.

1 A Yes.

2 Q Okay. That was the first time she ever used that word
3 "condom" was in front of this jury. She never said it in
4 any interviews you had with her, at the domestic, after the
5 domestic while she's beating on the door of the girlfriend
6 or at the preliminary hearing; correct?

7 A That's correct.

8 Q And certainly you never found any evidence of any
9 condom with Officer Holtzclaw's DNA anywhere; correct?

10 A That's correct.

11 Q Now you would also agree with me that on 7/10 of 2014
12 you apparently checked Ms. Morris out of the Oklahoma County
13 Jail.

14 A Yes.

15 Q Okay. And you took her on a drive throughout Oklahoma
16 City so that she could allegedly show you the route that was
17 taken; correct?

18 A Yes.

19 Q You would agree with me that at nowhere at any time did
20 you nor anyone else ever audio or video record the
21 conversation you had between you and Ms. Morris during the
22 drive after you checked her out of the Oklahoma County Jail?

23 A I don't believe so, no.

24 Q We know for a fact that you did have a recording device
25 on you at the Oklahoma County Jail because at least we have

1 (The defendant exits the courtroom.)

2 THE COURT: All right. Thank you.

3 We'll be in recess.

4 (A recess was taken.)

5 (After the recess, the following
6 occurred in open court with all parties
7 and jurors present.)

8 THE COURT: All right. Let the record reflect
9 that all members of the jury are present. Counsel for the
10 State, counsel for the defendant, the defendant is present.

11 State may call its next witness.

12 MR. GIEGER: State calls Tony Coleman.

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

14 THE COURT: Come on 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: Your Honor, my first objection is
19 Mr. Coleman's been in the courtroom for at least half of
20 this trial so he's clearly violated the rule. So I object
21 to him testifying under that regard would be my first
22 objection.

23 THE COURT: I don't specifically have any
24 recollection of anybody requesting the rule of
25 sequestration.

1 Q Okay. Other than the things that you've already told
2 me, did he ask you some other stuff while you were there at
3 16th and Highland that you can remember?

4 A He probably asked me where I was going or --

5 Q Okay. What'd you tell him?

6 A Did I have -- to my uncle Larry's house.

7 Q Did he ask anything else about that or did he just ask
8 where -- about that? Did he ask where it was or anything
9 like that?

10 A Huh-uh.

11 Q Okay. After you told him that do you remember if
12 there's anything else he asked you?

13 A He asked me did I have anything on me. While he
14 proceeded to get out of the car asked me do I have anything
15 on me, you know, drugs or whatever. And I said, no and he
16 put me in the back seat of the car.

17 Q So now he's actually got out of the car?

18 A Yeah.

19 Q Okay. I know you told him that you didn't have any
20 drugs or anything on you. Did you have any drugs --

21 A No.

22 Q -- or anything on you?

23 A No.

24 Q Okay. And you said he put you in his car?

25 A Uh-huh.

1 A Yeah.

2 Q He was still there.

3 Let's stop for a second. Okay. Take a breath or
4 two for a minute.

5 A Okay.

6 Q You tell me when you're ready. Take your time. Tell
7 me when you're ready.

8 A Yeah, I'm cool.

9 Q You're okay?

10 A Yeah.

11 Q So he's still in the front seat at this point and now
12 you realize he's serious; right?

13 A Yeah.

14 Q Okay. Tell the jury what happened -- tell the jury
15 what happened after that.

16 A He got out of the car and he opened the back door. And
17 he unzipped his pants and I turned towards him. I gave him
18 some head -- oral sex. He told me to get out, pull my pants
19 down. Told me to bend over the -- I just did what he asked
20 me.

21 Q I didn't hear what you said.

22 A Told me to bend over in the back seat and then
23 proceeded to have sex with me. And when he got done he told
24 me to get back in.

25 Q Ms. Bowen, I'm not trying to be -- I'm not trying to

1 ask trivial things, but I just want to make sure everybody
2 understands what happened, okay? All right? Can I ask you
3 some questions about it?

4 A All right.

5 Q Okay. Whenever he unzipped his pants are you still
6 sitting behind the driver's side or are you somewhere else?

7 A Yeah.

8 Q Are you -- did he open the back door?

9 A Yeah.

10 Q Is he just -- if you're sitting -- if this is the
11 driver's-side back seat chair, okay, and you're sitting
12 here, is he just standing, like, right here next to you?

13 A Say that again.

14 Q If you're sitting in this chair in the car -- if this
15 is the back seat of the car, is he standing right where I am
16 when he unzips his pants?

17 A That's the back seat of the car. Okay. You got to be
18 more specific. Okay. Because if you get out of a car the
19 back seat of the car is gonna not be --

20 Q Let me try something else.

21 A Thank you.

22 Q Okay.

23 A When he got out the car and opened the door I was
24 sitting in the back seat. And he opened the door and I
25 turned, I mean --

1 Q When she came in, sir, how was she acting?

2 A Fidgety, upset.

3 Q Whenever you saw her acting that way did you make an
4 inquiry as to her or did you say anything to her?

5 A Yeah, I asked her what happened. What was wrong with
6 her.

7 Q And whenever she -- did she respond?

8 A Yeah.

9 Q When she responded, sir, what was her emotions?

10 A She's -- she's mad.

11 Q Was she -- did she tell you things that were related to
12 why she was mad?

13 A Yeah.

14 Q When she told you those things, how did you react?

15 A At first I told her she -- you know, I don't believe
16 that.

17 Q Okay. What did she tell you?

18 A She told me that --

19 MR. ADAMS: Your Honor, which I would object as
20 hearsay.

21 THE COURT: All right. Overruled.

22 Q (By Mr. Gieger) What did she tell you, sir?

23 A What she told me was that a police officer had stopped
24 her.

25 THE COURT: Hang on. Hang on a second.

1 A No.

2 Q Okay. Then there was eventually -- there was some
3 meetings set up that didn't happen. But eventually a
4 meeting did happen between you and Ms. Bowen on October the
5 9th of 2014.

6 A Right.

7 Q And that was at a church here in Oklahoma City.

8 A Yes.

9 Q And that was a church that Mr. Coleman testified to
10 where he went to the church along with Ms. Bowen; correct.

11 A Yes.

12 Q Mr. Coleman, under his testimony, did not go into the
13 interview with you and Detective Homan; correct?

14 A That's correct.

15 Q Now in that particular interview -- this is the very
16 first time you've been ever -- you were ever able to meet
17 face-to-face with Syrita Bowen; correct?

18 A Yes.

19 Q Now at that point in time you still had your recorder,
20 your recording device, that is specifically to record
21 conversations with other individuals; correct?

22 A No, not the same one because this meeting happened --
23 actually I was scheduled to work in the concession stand at
24 a football game when I got the phone call. And I said: I'm
25 working the football game, I can meet you at 8:00. So I

1 Not supposed to do that -- search me, not like that.

2 Q What happened next?

3 A He let me go. I start walking. And I immediately get
4 on my phone. And during this time I had a phone that you
5 could call somebody, they can hear me but I can't hear them.
6 Okay. So I'm calling my roommate knowing that he's not
7 gonna answer his phone because I know he's in bed and he's
8 got to get up early in the morning and go to work. And I'm
9 thinking, well, maybe it can go to his voice mail or
10 whatever. I can leave a message on his thing.

11 Q What's the name of the friend that you called?

12 A My roommate, his name is Victor Wilson. Victor Wilson.

13 Q Do you still live with Victor Wilson?

14 A Yes. Yes.

15 Q Is he someone that you are romantically involved with?

16 A No. No. No, we're just roommates and that's all.

17 I've been there -- roommates with him for maybe four years
18 now maybe.

19 Q Okay.

20 A Four or five years.

21 Q And your phone you told me, you -- it was broken where
22 you couldn't hear on it?

23 A Yeah, it was broken. I can call somebody, they can
24 hear me but I couldn't hear them. That's how that phone
25 worked.

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 THE WITNESS: Name's Victor Wilson. V-I-C-T-O-R,
2 W-I-L-S-O-N.

3 THE COURT: All right. Thank you, sir.
4 You may proceed.

5 MS. McCONNELL: Thank you, your Honor.

6 VICTOR WILSON,
7 was called as a witness, after having been first duly sworn,
8 and testified as follows:

9 DIRECT EXAMINATION

10 BY MS. McCONNELL:

11 Q Mr. Wilson, do you know a person by the name of Carla
12 Johnson?

13 A Yes.

14 Q And how do you know her?

15 A She lives with me most of the time.

16 Q Okay. And how long has she been living with you?

17 A About three years.

18 Q Okay. Do you and Carla Johnson have a romantic
19 relationship?

20 A It started out that way. Now it's just kind of --

21 Q Do you have a romantic relationship right now with
22 Carla Johnson?

23 A No, I do not.

24 Q Did you have a romantic relationship back with her in
25 2014?

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 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 another way for me to verify her.

2 Q State's Number 332, is that an AVL map that shows some
3 of the stops -- some of the -- some of the data points
4 including zero speeds consistent with her being stopped and
5 coming into contact with the officer?

6 A Yes.

7 Q And is it accurate?

8 A Yes.

9 MR. GIEGER: Offer State's 332.

10 MR. ADAMS: No objection, your Honor.

11 THE COURT: All right. State's Exhibit 332 will
12 be admitted.

13 Q (By Mr. Gieger) Here's 332. And, ma'am, to give us a
14 bearing, it appears -- the photograph overlay, you see that
15 house, it looks like it has a couple cars in the driveway.

16 A Yes.

17 Q Which I'm talking about this right here; correct?

18 A Yes.

19 Q If I look at 332, is that the same house?

20 A Yes.

21 Q All right. Now here you got 9:22:19 right there he's
22 going 15 miles an hour; correct?

23 A Correct.

24 Q But before that now that we've got our bearing with
25 that house, just right up at the intersection coming up on

1 A Uh-huh.

2 Q You got to answer -- she has to write it down. So you
3 have to --

4 A Yes.

5 Q Say yes or no. Okay. That's why I'm making you do
6 that.

7 Ma'am, did you see his penis?

8 A Yes.

9 Q Okay. Did you see it -- when did you see his penis?

10 A After the fact -- after he told me to raise up and told
11 me to suck his dick.

12 Q Okay. Did that happen before or after he had you bend
13 over?

14 A It was like back and forth so it's kind of confusing.

15 Q Okay. So not only did he actually -- to use your
16 word -- rape you, but he actually had you suck his dick too?

17 A Yes.

18 Q Okay. And I want to make sure I understand. Did he do
19 it more than one time?

20 A Yes.

21 Q Okay. So it was back and forth?

22 A Yes.

23 Q Do you remember whether or not the oral started first
24 or the vaginal intercourse started first?

25 A I think he -- he had me bend over first.

1 Q He had you bend over first?

2 A Yeah.

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

6 A Yes.

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

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

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

12 A Uh-huh.

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

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

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

16 A Uh-huh.

17 Q But his penis came out his fly?

18 A Yes.

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

21 A Probably like 20 or 30 minutes.

22 Q Seemed like 20 or 30 minutes?

23 A Yeah.

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

25 A I don't think so.

1 probation at that time?

2 A Uh-huh.

3 Q Is that a yes?

4 A Yes.

5 Q You had to do these monthly reportings to your
6 probation officer at that time.

7 A Yes.

8 Q And so in -- in -- in July of 2014, you would've had to
9 go see your probation officer; correct?

10 A Yes.

11 Q And your probation officer's here in Oklahoma County;
12 correct?

13 A Yes.

14 Q You did not report to him in July of 2014 that you had
15 any inappropriate contact between yourself and Officer
16 Holtzclaw; correct?

17 A Say it again.

18 Q You did not report to your pro- -- that probation
19 officer in July of 2014, on your monthly meeting that you
20 had any inappropriate contact whatsoever with Officer
21 Holtzclaw; correct?

22 A I don't remember --

23 Q Okay.

24 A -- on that date.

25 Q You would agree with me that you missed your probation

1 officer from -- from seeing your probation officer in August
2 of 2014; correct?

3 A Yes.

4 Q You would agree with me that the terms and conditions
5 of your probation is that you will go back to prison if
6 you -- if you fail to show up at any of those meetings;
7 correct?

8 A I don't know about that part but I -- I had rescheduled
9 my -- my probation.

10 Q So is it your testimony here today under oath that you
11 had rescheduled your August meeting as opposed to just
12 missing it?

13 A Uh-huh.

14 Q Is that a yes?

15 A Yes, I reschedule my appointment.

16 Q So you deny the fact that you intentionally missed your
17 meeting in August of 2014 with your probation officer?

18 A Yeah.

19 Q Okay. Now, you did go see your probation officer in
20 mid-September of 2014; correct?

21 A Yes.

22 Q And at that point in time Officer Holtzclaw's picture
23 and a number of things are being said about him on TV,
24 newspaper and the Internet; correct?

25 A Yes.

1 Q And they came and they talked to you down here at the
2 probation officer's office; correct?

3 A Yes.

4 Q And that, again, that would've been September of 2014,
5 some three months after you say these events happened;
6 correct?

7 A Yes.

8 Q Okay. When you first talked to those officers you
9 talked to -- it was Detective Davis who's sitting here at
10 the table; correct?

11 A Yes.

12 Q And Detective Homan who's sitting back there on the
13 front row of the audience; correct?

14 A Yes.

15 Q Now you've also -- and that was your only contact with
16 Officer Holtzclaw other than the time that you've described
17 where you were pulled over about a year prior to this and he
18 issued you some traffic citations; correct?

19 A Yes.

20 Q And you're positive about that?

21 A Yes.

22 Q Just as positive as you are about Officer Holtzclaw
23 doing anything inappropriate with you back in June of 2014;
24 correct?

25 A Yes.

1 Q Or May of 2014 at any time.

2 A Yes.

3 Q Okay. Now when you're pulled over by Officer Holtzclaw
4 approximately a year prior to this incident you said you
5 were driving James' car.

6 A Uh-huh.

7 Q Is that a yes?

8 A Yes.

9 Q And James is your boyfriend.

10 A Yes.

11 Q And when you were pulled over by Officer Holtzclaw you
12 saw the same tattoo that you've identified here in the
13 courtroom; correct?

14 A I don't remember seeing it because it was cold.

15 Q It was cold outside at that time?

16 A Yes, he probably had a jacket on.

17 Q And what type of traffic citations are you saying that
18 the officer who molested you gave you back a year prior?

19 A Driving without license and no insurance and a tag.

20 Q Okay. So then the very next time you saw Officer
21 Holtzclaw was the time you're saying he took you behind the
22 school and sexually assaulted you; correct?

23 A Yes.

24 Q Now are you aware -- did you come into -- if you're
25 saying that these events happened at the school back on June

1 do you recall previously testifying in this case that at all
2 times your feet remained inside the car?

3 A Yeah, guess so.

4 Q Do you also recall when you were being interviewed by
5 the detectives in this case when it was recorded that you
6 told them that the officer pulled his pants down to his
7 knees?

8 A He didn't pull his pants down.

9 Q Do you recall telling --

10 A No.

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

13 Do you recall telling the detectives in this case
14 when you were interviewed in September of 2014, that the --
15 Officer Holtzclaw pulled his pants down to his knees?

16 A No, I don't recall that.

17 MR. GIEGER: Give me a page, please.

18 MR. ADAMS: Page 2 of the report. Halfway down on
19 about paragraph 5 -- 6.

20 Q (By Mr. Adams) She said the officer started grabbing
21 his penis and said: I bet that pussy is wet. She didn't
22 respond to his comments. She said the officer pulled his
23 pants halfway down and exposed his erect penis. Do you
24 recall telling that to the detective?

25 A No.

1 Q Because that did not happen; correct?

2 A No, it didn't happen because his -- I guess his gun was
3 started hitting me in my back. That's why he just unzipped
4 his pants.

5 Q Because you understand for him to pull his pants down
6 to his knees he'd have to undo and take off his gun belt;
7 correct?

8 A Yes.

9 Q Now you had been staying up with the news and actually
10 seeing that Officer Holtzclaw was in trouble; correct, for
11 some allegations that women were making against him;
12 correct?

13 A Yes.

14 Q You'd been staying up that -- actually been photographs
15 of him shown on the news; correct?

16 A Yes.

17 Q That was prior to you ever reporting any incident
18 between yourself and Officer Holtzclaw; correct?

19 A Yes.

20 Q Yes?

21 A Yes.

22 Q Now going back you were on probation then. What
23 were -- and you were on probation I think you told
24 Mr. Gieger for having illegal narcotics; correct?

25 A Yes.

1 Q Okay. But in regards to the way his penis was, okay,
2 ma'am, did he ever undo his pants and pull them down?

3 A No, he just pulled his zipper down.

4 Q During the oral or during the sex?

5 A Yeah, just had his zipper down.

6 Q And at page 95, line 9. Okay. Question: Do you know
7 how he pulled it out?

8 MR. ADAMS: Your Honor, I would object as it's not
9 -- unless he's impeaching the witness or if he's just having
10 to reread her testimony, it's improper.

11 THE COURT: All right. Come up -- come up here a
12 minute.

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

16 THE COURT: All right. So your objection is what?

17 MR. ADAMS: My objection is he's just having her
18 read her preliminary hearing transcript testimony. He's not
19 even impeaching her. He's just having her go back and just
20 bolster her testimony. I would have her say something then
21 show -- and I would impeach her with the testimony. He's
22 just having her read it and it's consistent with what she's
23 already testified to on direct. That's why I brought it up
24 in cross.

25 MR. GIEGER: Prior consistent statements are

1 Ms. Lyles, there's been a date of June 25th of 2014
2 mentioned, is that ever a date that Ms. Lyles told you that
3 she had contact with Officer Holtzclaw?

4 A No.

5 Q In fact was Officer Holtzclaw still active duty on
6 June 25th of 2014?

7 A No, he'd already been put on suspicion.

8 Q What date was that, ma'am?

9 A June 18th.

10 Q And on June 18th were you able to determine whether or
11 not Officer Holtzclaw had contact with Kala Lyles?

12 A Yes.

13 Q In that regard, ma'am, prior to Mr. Boling, the
14 probation officer contacting you, is information on Kala
15 Lyles part of what you received in packets from Detective --
16 from Lieutenant Muzny or was she even on the radar?

17 A She was in the packets. And I had gone to her last
18 known Varuna address and that's where her parents lived.
19 And I'd left a card.

20 Q So you had made some efforts to try to get ahold of
21 her?

22 A Yes.

23 Q But the way that that actually came about was through
24 the probation officer in the way that essentially has been
25 played out or rather testified to here today; is that

1 showing that she was run in the system; correct?

2 A By him, yes.

3 Q And consistent with the other documents we've
4 introduced?

5 A Yes.

6 Q And are -- is it accurate?

7 A Yes.

8 MR. GIEGER: Offer 352 and 356.

9 MR. ADAMS: No objection, your Honor.

10 THE COURT: State's Exhibit Number 352 and 356
11 will be admitted.

12 Q (By Mr. Gieger) Ma'am, Ms. Lyles -- did she tell you
13 that the officer had run her in the system?

14 A Yes.

15 Q She testified to that today but she also told you that
16 during your interview; correct?

17 A Yes.

18 Q And, Detective, I apologize. I know it's been said
19 many times, but what was the date of your interview with
20 her?

21 A September 16th, 2014.

22 Q All right. State's Exhibit Number 356 shows that
23 Officer Holtzclaw ran Kala Lyles on June 18th and, again,
24 it's military time; is that right?

25 A Correct.

1 she first came in contact with Officer Holtzclaw?

2 A Yes.

3 Q And is that the document that the CAD system provided
4 you and is it accurate?

5 A Yes.

6 MR. GIEGER: Offer State's 355.

7 MR. ADAMS: No objection, your Honor.

8 THE COURT: State's Exhibit 355 will be admitted.

9 Q (By Mr. Gieger) 355, consistent with what you saw on
10 the Varuna run at 1:23 a.m., does it show that this stop was
11 initiated on June the 18th at 1:22:36?

12 A Yes.

13 Q Similar to what we've seen with other CAD calls it
14 shows to be a traffic stop. Was there a vehicle involved on
15 June the 18th with Ms. Lyles?

16 A No.

17 Q The location of this stop, that information would've
18 been received by the officer and relayed to the dispatcher?

19 A Yes.

20 Q Is Northeast 16th and North Lottie Avenue consistent
21 with what Ms. Lyles told you where this stop initially
22 began?

23 A Yes.

24 Q The call shows to be initiated at 1:22:36. It shows to
25 be ended at 1:32:33; is that right?

1 Q Ma'am, did you ask the serology lab to make a
2 comparison of DNA from Kala Lyles and her profile to the
3 unknown female DNA profile on Officer Holtzclaw's pants
4 which were taken into evidence on June 18th?

5 A I did.

6 Q And was it a match?

7 A No.

8 Q And was that significant to you?

9 A Yes.

10 Q And what did that mean to you in your investigation?

11 A Still needed to keep looking.

12 MR. GIEGER: Pass the witness.

13 THE COURT: All right. Cross-examination?

14 CROSS-EXAMINATION

15 BY MR. ADAMS:

16 Q Detective Davis, you heard me question Ms. Lyles in
17 regards to how you eventually came to sit down face-to-face
18 and have a talk with her; correct?

19 A Yes.

20 Q Okay. It's my understanding that back in early -- in
21 early July you went to her parents' house and left a card
22 for her to give you a call; correct? Or maybe it was late
23 July.

24 A July 23rd, yes.

25 Q July 23rd. And you left a card for her to give you a

1 Q Okay. Now whenever you did interview Ms. Lyles at the
2 probation office back on September the 16th of 2014,
3 whenever you're talking to her did she not tell you -- and
4 tell me if I'm stating this correctly -- that the officer
5 pulled his pants halfway down to expose his erect penis?

6 A She did.

7 Q She did say that to you?

8 A Yes.

9 Q And you would agree with me to do that Officer
10 Holtzclaw would have to remove our drop his -- his gun belt
11 along with all the other equipment that's on his belt.

12 A Yes.

13 Q Now whenever Officer Holtzclaw -- his squad car was
14 taken from him on June the 18th of 2014, after the Ligons
15 incident; correct?

16 A Correct.

17 Q Did you have an opportunity to go inspect his vehicle?

18 A I did not.

19 Q Okay. Did you have anyone go inspect his vehicle to
20 determine whether or not the dome light works in his car?

21 A I don't know if that was -- CSI went out there and I
22 know Detective Gregory went out there. I do not know if
23 anybody looked at that.

24 Q Okay. So are you without any evidence or information
25 of whether or not it was intentionally disabled?

1 anything, prostitute, drug area, whatever?

2 A I went back and checked and he did not.

3 Q Counsel asked questions about whether or not Ms. Lyles
4 was able to provide you with the badge number of this
5 defendant; correct?

6 A Correct.

7 Q Ma'am, in your experience as a sex crimes detective,
8 would you expect a victim to be able to look at a badge
9 number and be able to tell you that if she's being raped and
10 orally sodomized?

11 A No.

12 Q Why not?

13 A Well, one, I don't know that the -- the badge number's
14 real little. You'd have to be right there staring at the
15 badge. And when you're being raped and orally sodomized I
16 -- that's really not your concern at that point.

17 Q Have any of the women who have made allegations up to
18 this point in this case been able to resite to you Officer
19 Holtzclaw's badge number?

20 A No, and they've intentionally not looked at it.

21 Q Mr. Adams asked you some questions in regards to
22 Ms. Lyles telling you that during your initial interview in
23 September about her recollection that he pulled his pants
24 down to a certain degree; do you remember that?

25 A Yes.

1 Q And you documented that; correct?

2 A I did.

3 Q In that same interview, ma'am, did she also give you
4 information that would be contrary to him having his pants
5 down during the rape?

6 A Yes.

7 Q And what was the information?

8 A She said that something kept hitting her in the left
9 butt cheek and it was hurting. And she told him that
10 something was hitting her in the left butt cheek and he
11 moved it.

12 Q In the way she described that -- and did she say in her
13 interview also at one point that he exposed his penis
14 through the zipper?

15 A Yes.

16 Q Was that significant to you that she described that
17 exposure in that manner even though she had at one time told
18 you that he pulled his pants down?

19 A Yes.

20 Q Why was it significant?

21 A Because all the other women that I had interviewed had
22 said the same thing.

23 Q Had Jannie Ligons said anything to you about noticing
24 the gun?

25 A Yes.

1 Q Had Rosetta Grate said something about that?

2 A Yes.

3 Q In your experience as a sex crimes detective given the
4 totality of that information and the details, would you
5 consider the fact -- strike that.

6 Would you consider the fact that something was
7 hitting her in the rear end to be a detail that would be
8 significant to you as a sex crimes detective?

9 A Yes.

10 Q Okay. Why?

11 A Because that's -- if something's hitting her in the
12 left butt cheek during sexual intercourse that is --
13 something on his belt would be even with her buttocks and it
14 continually hitting would be consistent with him thrusting
15 his penis in and out of her vagina.

16 Q Is that a sensory detail, something she could feel?

17 A Yes.

18 Q And that's significant to you that she could recount
19 sensory details like that --

20 A Yes.

21 Q -- in your investigation?

22 A Yes.

23 Q And why is that significant to you as a sex crimes
24 detective?

25 A Because your senses become -- trying to put this the

1 Q Okay. And, ma'am, when you get into the mudroom are
2 you both actually inside the mudroom?

3 A Yes.

4 Q Okay. You told me a few minutes ago that the officer
5 said he needs to search you. Do you remember telling me
6 that? Did that happen outside the mudroom or inside the
7 mudroom?

8 A No, not until after we got in there.

9 Q So you're in there. And is the door closed?

10 A Yeah, I don't remember if he closed it behind him or
11 not. But it -- it wasn't -- it wasn't that same kind of --
12 the door wasn't off the hinge so it closed shut by itself
13 most the time. It didn't stay open like that.

14 Q Ma'am, so you're in the mudroom. And he says I need to
15 search you. Can you tell me what happens after that? What
16 happens next?

17 A We -- I'm sitting at the door because I was still
18 trying to show him pictures and stuff. But he starts
19 searching me and puts his hands first like -- like, I had a
20 tank top on and some shorts. And he puts his hands up under
21 my clothes. And he starts touching my breasts.

22 THE COURT: Mr. Gieger, could you adjust that
23 microphone a little bit for us?

24 THE WITNESS: I don't remember -- I don't remember
25 if he went like down there or up here first, but I remember

1 he stuck his hands up my shirt, like, under my bra. And he
2 was, like, just touched my breasts and then he like put his
3 hand inside of my shorts.

4 Q Ms. Gardner, whenever he's doing this -- a moment ago
5 you said you were facing the door.

6 A Yes.

7 Q Are you facing the door to the mudroom or the door to
8 your house?

9 A I'm facing the door inside of my house. That's right
10 -- like, if you open the mudroom door, the house door is
11 right there.

12 Q Okay. What were you doing with the door -- were you
13 doing anything with the door at this time whenever the
14 search started?

15 A I started to get kinda, like, feeling weird. I was
16 tryna open so I could show him my mail and shit. My -- I'm
17 sorry. I'm sorry.

18 Q It's okay.

19 A My mail. And then a picture of my mom's name and
20 stuff. Like, that's my mom.

21 Q Was the door open or closed?

22 A It was closed because I didn't have a key.

23 Q Did you have a key?

24 A No.

25 Q Were you trying to get it open?

1 A That's the front door.

2 Q Is that -- is that the door -- the doorjamb, basically
3 the wood that goes along the door to the inside of the
4 house?

5 A Yes. Yes, that is.

6 Q Okay. In that picture was the door open?

7 A The door appears open, yeah.

8 Q But at the time that this was happening with the police
9 officer, was the door open or was the door closed?

10 A No, it was closed.

11 Q All this stuff that's here, there's just a bunch of
12 junk; right?

13 A Yes.

14 Q Now, Adaira, you also said something about there's a
15 chair that's not in the picture. Where was the chair that
16 you were leaning on?

17 A It was, like -- the chair was, like, directly in front
18 of the those little power outlets you see down there.

19 Q So if I point right here (indicating), it was in this
20 area?

21 A Yeah. Yeah. That's how it was, but the back to the
22 chair was facing the -- the front -- the front lawn.

23 Q All right. And so whenever he had you bend over, were
24 your arms or the upper part of your body leaning against or
25 resting on the chair somehow?

1 A Yes.

2 Q At least for now.

3 A Until this is over with, I'm leaving.

4 Q Okay. Do you remember, ma'am, whenever you first came
5 in contact with the police about this case?

6 A My -- I didn't come in contact with them. The
7 detectives reached out to my mom.

8 Q They came and found you. They found your mom.

9 A Yeah, I was in Detroit.

10 Q Okay. Through your mother did you learn the police
11 were looking for you?

12 A No, she told me -- it kind of -- it went like this:
13 She sent me a picture of the police officer's face.

14 Q Okay.

15 A And she said: Do you know this guy? And I said:
16 Yeah, why? And she was like -- she said something along the
17 lines -- she was like, the message might still be on there.
18 But she was like: The detective said he may have had -- he
19 may have come in contact with you. They want to talk to
20 you. He's been -- like, these girls are -- like, something
21 about him with some girls. So I was like: I'm not talking
22 to no detectives, I'm not talking to no police. Like,
23 that's my first reaction. So I Googled, like, Oklahoma,
24 like, cop, like, 20- -- what was it, 2014 back then?

25 Q Uh-huh.

1 A 2014. And then it pops up that seven girls was coming
2 forward about it.

3 Q There was some news stories you saw?

4 A No. No. It was seven girls came forward and said that
5 he had done it -- done something to them. And I just said:
6 Mom, he did the same thing to me. Because I'm not finna say
7 anything if there's only me. Who would believe me?

8 Q When you saw all that information did you eventually
9 agree to meet with the police officers and talk to them?

10 A I told her I would think about it. And that I might,
11 but I -- I wasn't -- I wasn't really sure about doing that
12 because -- I don't know. But since there was seven other
13 girls I knew that I at least had some backing behind me.

14 Q Some point did you talk to this detective right here?

15 A Kim?

16 Q Yeah.

17 A Yes.

18 Q Okay. Did you tell her about what you told us today?

19 A Yes, I did.

20 Q In your conversations with Detective Davis did she at
21 some point get a buccal sample, a DNA sample from you?

22 A Buccal --

23 Q Put a Q-tip -- yeah -- inside your mouth?

24 A Yeah. Yeah.

25 Q You let her do that; right?

1 correct?

2 A One day? Yep. Then last time court date and this
3 court date.

4 Q Exclusive of the court dates.

5 A Yes.

6 Q I'm talking about out on the streets --

7 A Yes. Yes.

8 Q Would it be a fair statement -- I want to make sure --

9 A I agree.

10 THE COURT: Make sure -- see you keep talking over
11 him before he gets done with his answer -- with his
12 question.

13 THE WITNESS: I have a lot of like psych --
14 psychiatric and communication problems. It's kind of hard
15 for me when there's -- he's making a question but there's so
16 many questions inside one question and it's kind of
17 misleading me. That's what I'm having a problem with.

18 THE COURT: All right. So just take your time
19 answering the question, but make sure he gets finished. And
20 if you don't understand the question, then just tell him.

21 THE WITNESS: He's just -- he should just ask one
22 question at a time.

23 THE COURT: All right. Go ahead, Mr. Adams.

24 MR. ADAMS: Thank you, your Honor.

25 Q (By Mr. Adams) Ms. Gardner, I want to make sure that

1 A Yes.

2 Q And you're walking down the street and Officer
3 Holtzclaw had been called because there was a disturbance;
4 correct? There was a fight going on.

5 A A domestic dispute, yes.

6 Q Domestic dispute between Face and Chocolate.

7 A No, there was an argument but that's what had been
8 called in.

9 Q I'm trying to use your words.

10 A Okay.

11 Q There was an argument. Someone was having -- Face and
12 Chocolate were having words?

13 A Yes, they were having a verbal argument.

14 Q Okay. Someone in the neighborhood called the police;
15 would you agree with that?

16 A Yes, I would agree with that.

17 Q And when Officer Holtzclaw pulled up he said he was
18 there because there was a fight -- there was allegedly a
19 fight going on and he was trying to figure out what was
20 going on; correct?

21 A Could you rephrase that, please?

22 Q Yes. When Officer Holtzclaw first approached Face and
23 Chocolate and yourself, the first time you ever saw Officer
24 Holtzclaw, there had been -- someone had called in a
25 disturbance of some kind and he was responding to that;

1 A Yeah.

2 Q Prior to meeting with Detective Davis for the first
3 time you had already done an Internet search on an officer
4 here in Oklahoma City accused of crimes against women;
5 correct?

6 A Not exactly.

7 Q Then tell us exactly what you did.

8 A My mother contacted me on Facebook and she sent me a
9 picture of Daniel Holtzclaw's face. And she said: Do you
10 know this man? And I said: Yes. Why? She said: Because
11 there's women -- there's women, like, filing a case on him,
12 he's been -- and I just Googled Oklahoma City, like, case,
13 like, in 2014 or whatever year that was. And he popped up.
14 And it was like seven women said that they -- he sexually
15 assaulted them. And I said he did the same thing to me.
16 And she said: What are you talking about? I said: He
17 raped me. She said: Are you gonna talk to detectives? I
18 was like: I'm not gonna talk to no cops, I'm not gonna talk
19 to nobody. But I thought about it for a while and I told
20 her I might. And then I got back down here. And that's
21 before my boyfriend got out of jail, but I got back down
22 here and I agreed to talk to Kim.

23 Q Okay. Now whenever you talked to Ms. Davis that's when
24 she was talking to you about the GPS device in Officer --

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

1 Relevance as to in October of 2014 whether she was
2 using narcotics or not.

3 THE COURT: All right. Overruled.

4 Q (By Mr. Adams) Do you recall discussing with Detective
5 Davis that you were under -- you had been using a number of
6 illegal narcotics?

7 A Not exactly.

8 Q Well, do you exactly remember telling Detective Davis
9 that you used marijuana, you used pills --

10 A Nope.

11 Q -- you used powder cocaine, you used methamphetamine
12 and you used PCP? Do you recall telling Detective Davis all
13 those drugs that you've used?

14 A I recall telling Detective Davis that I've tried those
15 drugs in the past and that I wasn't using them at the time.
16 That I occasionally smoked marijuana at the time, and I had
17 recently, but the other drugs -- I've been to treatment when
18 I was a minor. I've been going through this. And I wasn't
19 on all those drugs like you're trying to say. So, no, I
20 don't recall telling her I was on all those drugs when I
21 spoke with her. Experimenting is one thing. I'm only 18
22 years old. You got to try everything once. At least that's
23 the philosophy that was around me, places where I've been
24 and places where I come from. You probably wouldn't
25 understand that.

1 Blackwelder in between -- 14th in between Blackwelder and
2 Indiana.

3 A Right.

4 Q Do you recall when Captain Boxwell testified about the
5 redistricting of Springlake Division?

6 A Yes.

7 Q Okay. On June 17th of 2014 did the area that Officer
8 Holtzclaw was assigned to patrol include now that part of
9 town over on the west part of town as well?

10 A Yes.

11 Q So as far as him being in that location that would've
12 been part of his redistricted area that he was supposed to
13 be patrolling.

14 A Correct.

15 Q All right. With that, ma'am, can you explain to the
16 jury how it is that Adaira Gardner first came onto your -- I
17 don't want to use the word -- why did you start looking for
18 her or why did you reach out to Ms. Gates initially to try
19 to find Adaira Gardner?

20 A Once we found out that Kala Lyles was not a DNA match
21 to the unidentified female we decided to look at every
22 female he ran starting before he was put on administrative
23 leave, like, taking the day of administrative leave and
24 working backwards.

25 Q Ma'am, and that's fine. Is that a different approach