

UNCUFF the Innocent · Daniel Holtzclaw case records

Trial transcript, State v. Holtzclaw, No. CF-2014-5869: pages cited on this site (4013–4326)

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1 A Correct.

2 Q And, ma'am, in regards to the time that Officer
3 Holtzclaw had been on duty, how many days had he been off
4 before he went back to work on the 17th?

5 A Six.

6 Q And on the 17th in your investigation how many women
7 did he assault during that shift?

8 A Three.

9 Q Finally, ma'am, in regards to his actions with Jannie
10 Ligons do you recall whenever he was describing the search
11 he conducted of Jannie Ligons?

12 A Yes.

13 Q And asking him about the search of Jannie Ligons in
14 regards to a female, was that significant to you in your
15 investigation?

16 MR. ADAMS: Your Honor, which I would object
17 outside the scope of my cross.

18 THE COURT: Come up a minute.

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

22 THE COURT: Tell me what your question was again.

23 MR. GIEGER: The question is that as he described
24 that search he described -- because they were asking about
25 searching a female he back-handed searched her in the

1 interview. That's my question. That's what I anticipate
2 her answer will be.

3 THE COURT: The question is what now?

4 MR. GIEGER: How did he describe conducting the
5 search of a female, Jannie Ligons?

6 THE COURT: Okay.

7 MR. GIEGER: How did he say he did it. He said I
8 back-handed searched her.

9 THE COURT: Okay.

10 MR. GIEGER: That's my question.

11 THE COURT: Okay. And your objection is outside
12 the scope?

13 MR. ADAMS: Of cross.

14 THE COURT: Of cross.

15 MR. ADAMS: I didn't even -- I didn't even touch
16 -- all I touched on with her --

17 THE COURT: Was logging off.

18 MR. ADAMS: The log on/log off is it. I mean,
19 there was nothing else I got into because I thought we'd
20 already covered all this and I was trying to stay away from
21 it.

22 MR. GIEGER: And, your Honor --

23 THE COURT: Well, this is what I'll -- I'll allow
24 you to ask that question. It was brought up -- Jannie
25 Ligons' name was brought up in the cross-examination.

1 on or logging off at his computer at his home; correct?

2 A Correct.

3 Q Now in your redirect examination I heard for the first
4 time that you had a two-and-a-half hour trip with Adaria
5 (sic) Gardner.

6 A Okay.

7 Q Is there any report or any paperwork anywhere in this
8 case that has literally produced thousands and thousands of
9 documents that would tell me or anyone representing Officer
10 Holtzclaw that you had two-and-a-half hours with Adaria
11 (sic) Gardner in a car from Muskogee to Oklahoma City,
12 anything?

13 A There's no reports on that.

14 Q There's nothing, is there?

15 A No.

16 Q Is there any recording of this two-and-a-half-hour
17 transport from Muskogee to Oklahoma City when you're alone
18 with Detective Homan in the car with Adaria (sic) Gardner
19 about anything that's said in that car?

20 A No.

21 Q Was it during that time that Adaria (sic) Gardner was
22 confused and you were telling her about the GPS device or
23 the AVL in Detective (sic) Holtzclaw's car?

24 A I have no idea what all we talked about during the
25 two-hour trip.

1 delay in doing that?

2 A As soon as I start -- I received the evidence from
3 Jannie Ligons and Officer Holtzclaw's Springlake cruiser as
4 well as his uniform pants.

5 Q Yes, ma'am.

6 A The first thing that I do when I receive evidence is I
7 start with item number 1, which in this case was a set of
8 reference buccal swabs from Jannie Ligons. And then I just
9 accessioned each item of evidence as I got to it.

10 Q And the uniform pants specifically, did you obtain
11 swabs from them, ma'am?

12 A I collected the swabs myself.

13 Q And what item of evidence were they?

14 A It was item number 17. And the question samples were
15 Q1 and Q2.

16 Q In regards to the pants or items number 17Q1 and Q2, at
17 the time that you swabbed those -- first of all, why were
18 you swabbing those pants? What was the reason? Were you
19 asked to do it specifically or was it something you were
20 doing as -- as a decision on your own?

21 A Essentially it was a decision that I made. The
22 allegation was from Ms. Ligons that it was -- it was an oral
23 sodomy case. And so I thought that possibly I could get her
24 DNA on either side of his pants. So I swabbed the outside,
25 along the zipper line, and then I physically unzipped the

1 A I did, sir.

2 Q And, ma'am, whenever you ran the analysis from the DNA
3 material -- first of all, did you obtain DNA material from
4 the two places that you've shown me on the outside -- and I
5 say outside. I understand it's here and then it's -- the
6 flap is actually behind the zipper when the pants are on;
7 correct?

8 A Yes, that is correct. Yes.

9 Q But -- but the exterior facing parts of the pants, if
10 you -- from the human body, did you obtain DNA material?

11 A Yes, I did.

12 Q And were those still labeled in your report as 17Q1 and
13 17Q2?

14 A Yes, I included an A since it was the first swab.

15 Q All right. Ma'am, I'm gonna hand you State's Exhibit
16 Number 394 and ask if you recognize what 394 is.

17 A This is a copy of the chart that I generated with all
18 the various DNA profiles that were obtained in this case.

19 Q As well as any DNA or biological evidence of the
20 different items of evidence seized; correct? In other
21 words, including the pants but the other stuff too?

22 A Yes.

23 Q The things from Jannie Ligons, the car and the patrol
24 car --

25 A Yes.

1 open so the cell will spill its DNA out. Unfortunately in
2 this case both the epi and the sperm fraction are consistent
3 with Ms. Ligons.

4 Q In other words, you tested to see if there was sperm in
5 the saliva of -- that was obtained from Ms. Ligons at the
6 SANE exam but there was none?

7 A That is correct, yes.

8 Q And, again, sperm cells are different than epithelial
9 cells.

10 A Yes, they are.

11 Q We talked about that before. That's why you do a
12 different process.

13 A Correct.

14 Q In any event, ma'am, whenever you ran the analysis were
15 you able to get a genetic profile, a DNA profile from that
16 oral wash, for example -- and, again, if I go across to the
17 16 different points, there are numbers that are assigned and
18 are they consistent across?

19 A Yes, they are.

20 Q And is that a complete DNA profile?

21 A It is.

22 Q And when you get to the Xs and the Ys there's only an X
23 in those top two or three. Does that mean it's Ms. Ligons?

24 A The X --

25 Q I'm sorry. Does that means it's female?

1 Q And that would mean she has two 13s at that location?

2 A Yes.

3 Q You didn't write it down twice but when there's just
4 one number it means it's the same number twice.

5 A Yes, she inherited the same from her mother as she did
6 her father.

7 Q All right. But then when I look at 17Q2, although
8 there's a minor 13 on there, the major contributor is 10 and
9 14; correct?

10 A That is correct, sir, yes.

11 Q So from the DNA profile that you know is a complete
12 profile narrowed down to one person within a statistical
13 probability, can you exclude Jannie Ligons at that first
14 location as being a contributor to the major component?

15 A I can, yes.

16 Q So it's not Jannie Ligons?

17 A It is not Jannie Ligons.

18 Q However, was there sufficient biological evidence there
19 -- DNA evidence to know that there is a person, we just need
20 to find who that person is?

21 A That is correct, yes.

22 Q For the purposes of this investigation.

23 A That is correct, yes.

24 Q Did you relay that information relatively early on -- I
25 mean, early on in -- relevant in time to June -- to June of

1 '14, did you relay that information back to the detective?

2 A I did because at that particular time the two
3 reference -- reference samples that I had to compare to this
4 was Ms. Ligons and Mr. Holtzclaw.

5 Q Those were the only two we knew at the time that you
6 ran this analysis; correct?

7 A Yes.

8 MR. GIEGER: Your Honor, I'm gonna go to a
9 different test that she did. I don't know if you want to
10 break for lunch now.

11 THE COURT: All right. Be a good time to break
12 then.

13 All right. Ladies and gentlemen of the jury,
14 we'll go ahead and recess for lunch at this point. Let me,
15 again, remind you not to discuss the case, not to let anyone
16 discuss the case with you, not to try to find out anything
17 about the case. If anyone should try to talk to you or
18 contact you about this case, notify me or a member of my
19 staff immediately.

20 What we'll do is we'll recess until 1:25. So I'd
21 ask that you reconvene in the jury deliberation room at
22 1:25.

23 With that the jury will be in recess.

24 (The jurors exit the courtroom.)

25 THE COURT: All right. Thank you. You can be

1 crease is. Where the seam is that you told us about.

2 A Which is Q1.

3 Q Q1.

4 A Yes.

5 Q Yes, ma'am. And I'll try to use your words. Q1 is
6 where the seam was; correct?

7 A Yes.

8 Q Okay. At that location is there an 18?

9 A No, sir, there is not.

10 Q Knowing that there is no 18 at that location can you
11 exclude him as contributing to the DNA mixture that you
12 have?

13 A Well, I excluded him from the very first location
14 because he is a 13,16 and I have a 13 at D8 but no 16.

15 Q Fair enough. And I'm sorry. I just picked one at
16 random.

17 A Right.

18 Q But you can exclude him from the first location as
19 well.

20 A Yes.

21 Q Can you also exclude him from the DNA evidence you
22 obtained on the inside -- on the flap on the inside behind
23 the closed zipper?

24 A Can we use the same location?

25 Q You can use any location you can show that you can

1 exclude him. Tell me which one you're on.

2 A Okay. Now the minor, there is a 13 present.

3 Q Yes.

4 A But there is no 16.

5 Q And is that at the first location?

6 A Yes.

7 Q All right. So knowing that, whatever the mixture is
8 from the seam on the outside of the pants or the flap on the
9 inside of the pants, it's not Officer Holtzclaw's DNA.

10 A That's my conclusion, sir.

11 Q All right. Ma'am, in this case did you and I have an
12 opportunity on the day that we met to talk about Culbertson
13 and when I asked you to do some additional testing at
14 Culbertson; do you remember that?

15 A Yes, sir, I do.

16 Q Ma'am, at that point had you received the additional
17 DNA evidence, for example, the DNA samples from Adaira
18 Gardner as well as some of the other victims that were
19 identified but not known back in June when you began your
20 analysis?

21 A That is correct, sir, yes.

22 Q And during our meeting, ma'am, did I ask you to swab
23 some additional areas on Officer Holtzclaw's uniform pants?

24 A That is correct, you did.

25 Q Up until that time, ma'am, had his pants been kept in

1 Q Am I pointing at it or am I not pointing at it?

2 A Yes.

3 Q Pointing at it?

4 A Yes.

5 Q This is the right spot?

6 A Yes, from right about the waist.

7 Q Up here?

8 A Yes, all the way down.

9 Q Down this way?

10 A Yes.

11 Q The way my finger traced?

12 A Yes.

13 Q Ma'am. Did you use the same procedure with swab that
14 you described before for the outside of the pants?

15 A Yes, sir, I did.

16 Q And then were you able to conduct the scientific
17 analysis that you told us about before to determine whether
18 or not first of all there was biological evidence present?

19 A I did.

20 Q Was there biological evidence present?

21 A Yes, there was.

22 Q And was it in a sufficient quantity in order to obtain
23 a DNA profile for those locations?

24 A It was.

25 Q Ma'am, when I asked you to do that, as an analyst had

1 you at this point read the reports or done anything to know
2 what the allegations involving Adaira Gardner were or
3 anything to that effect?

4 A No, sir, to be honest with you I -- I thought that the
5 allegations and -- were all -- were all oral sodomy.

6 Q Okay. When we met -- and, again, that is in part by
7 design, is it not?

8 A Yes.

9 Q And you testified about that a couple weeks ago.

10 A That's correct, yes.

11 Q Whenever I met with you again -- is there anything
12 inappropriate with me meeting with you before trial and
13 talking about what I anticipate the evidence to be?

14 A No, not at all.

15 Q There's nothing improper about that?

16 A No.

17 Q Ma'am, when I told you that Adaira Gardner had made
18 allegations that there actually was penile/vaginal
19 penetration was it significant to you from an analyst, from
20 a scientist or an expert in DNA standpoint?

21 A Yes, but my biggest problem is I have no presumptive
22 test that I can do to determine if there was a vaginal fluid
23 present.

24 Q And I'm gonna talk to you about that in a minute a
25 little bit more. But is it similar -- since you brought it

1 up, is it similar to what you've talked about before is that
2 you can see epithelial cells but there's no specific
3 presumptive test to determine if it's -- if there was fluid
4 in the transfer if it's saliva, urine, vaginal fluid, those
5 types of things?

6 A That's correct, yes.

7 Q Semen's different.

8 A Semen is different, yes.

9 Q But when I explained to you that a 17-year-old was
10 involved in an alleged rape --

11 A Yes.

12 Q -- penis/vaginal rape --

13 A Yes.

14 Q -- did you believe there was merit in swabbing those
15 areas?

16 A I did.

17 Q Why?

18 A A young woman of her age would be very likely to have
19 quite a bit of lubrication. And that lubrication could
20 transfer cells if in fact that is what occurred.

21 Q Ma'am, have you worked previous rapes before?

22 A I have.

23 Q And have you had training in regards to rape victims
24 and the human body's response to sexual intercourse?

25 A Yes, sir.

1 Q Does the fact that the allegations were it was
2 nonconsensual affect that opinion?

3 A No.

4 Q And can you explain why?

5 A The body -- the human body reacts to arousal in
6 different ways, whether it be consensual or whether it be a
7 rape. And, you know, as an older woman I think there would
8 probably be damage in a rape case as opposed to somebody
9 that was quite a bit younger than myself.

10 Q And is that a matter of biology and just the way
11 hormones are produced --

12 A Yes.

13 Q -- and the way different aged people react to different
14 things?

15 A That is correct. But I still can only call this
16 biological material.

17 Q I understand that.

18 Are we still talking epithelial cells?

19 A Yes.

20 Q All right. When you ran your -- strike that question.
21 Let me ask you another one.

22 A Okay.

23 Q When you testified a couple weeks ago we were talking
24 about DNA or biological material that you got from the top
25 of a black chair; do you remember that?

1 A Correct.

2 Q Which is a minor below your cutoff for comparison;
3 correct?

4 A Yes.

5 Q But nevertheless, there was some type of DNA material
6 there that had an 11; right?

7 A That's correct.

8 Q Okay. If I look at Officer Holtzclaw, does he have an
9 11 in his DNA profile at that location?

10 A No.

11 Q So can you exclude him as a contributor to the 17Q4
12 mixture?

13 A Yes.

14 Q Similarly, ma'am, is there a location where Officer
15 Holtzclaw can be excluded and it appears that it's gonna be
16 the second yellow one, the TH, is that a 1?

17 A You mean included?

18 Q Yes, ma'am. Officer Holtzclaw has a 9.3 there; is that
19 correct?

20 A He has a 6,9.3. And that is there. But one location
21 does not make a match.

22 Q Okay. So is there a way to exclude him from the
23 mixture at the top?

24 A The mixture? The minor component --

25 Q Yes.

1 A -- in both these -- these profiles is not suitable for
2 comparison purposes. Even if you should see, you know, some
3 numbers that are similar I -- I can't -- I can't do a
4 statistical analysis on that. And it just is not suitable
5 for comparison.

6 Q Well, and let me just -- let me go -- do you see where
7 my finger is on this one right there?

8 A The 12,14?

9 Q It's a 12. But for the probability there's no 12 at
10 either one of the swabs here; correct?

11 A Correct.

12 Q All right. So that's not him.

13 A No.

14 Q All right. Additionally, ma'am, at both of the
15 locations where you obtained the mixtures, I notice that
16 both at 17Q3 and 17Q4 you only have an X there, you don't
17 have an XY.

18 A So those profiles originated from a female.

19 Q Did you find evidence of male DNA at either one of
20 those locations, epithelial cells?

21 A There's no Y so the answer is no.

22 Q There's none there. So even though Officer Holtzclaw
23 was wearing these pants, his DNA is not inside them;
24 correct?

25 A That is correct.

1 Q And that would also -- even though there was a minor Y
2 on the outside right here, you excluded him as being a
3 contributor of that; correct?

4 A Yes, I did.

5 Q Does that surprise you as a DNA forensic analyst that
6 the person actually wearing the clothes, their own DNA is
7 not on them?

8 A It does, but contact DNA is very tricky sometimes. And
9 sometimes the individual that is the wearer of the item of
10 clothing, they give it to someone else to wear. And either
11 one of those people could potentially be the major person in
12 that profile.

13 Q And to be clear you don't have any evidence that
14 Officer Hol- -- somebody else was wearing Officer
15 Holtzclaw's pants?

16 A I do not.

17 Q All we know is he was wearing these pants and his DNA
18 is not on his pants.

19 A Yes, which is very difficult to try and explain.

20 Q Does that fact and this evidence also contribute to
21 your opinion about when discussing contact DNA it is much
22 more likely for it to be transferred if the epithelial cells
23 are contained in a liquid such as vaginal fluid?

24 A That's a very good possibility.

25 Q Especially when it's cloth and absorbent.

1 Q Certainly that could be a source of the DNA that you
2 eventually discover on the zipper; correct? Or on -- that
3 you've testified here today?

4 A Sir, what I would tell you right now is anything is
5 possible and that what I found was biological material on
6 Mr. Holtzclaw's pants that was consistent with Ms. Gardner.
7 And how it was put there or how it got there, I wasn't
8 there, I didn't see what happened so I can't really tell you
9 exactly what happened.

10 Q You would agree with me in this regard we can tell the
11 difference between these epithelial cells and DNA in sperm
12 or semen; correct?

13 A Yes.

14 Q You've also testified that there's not a presumptive
15 test for vaginal fluid; correct?

16 A That is correct. There is not.

17 Q However, there is a conclusory test for spit, saliva;
18 correct?

19 A There is an amylase test that can be run. But the one
20 thing you have to really be careful of is amylase is not
21 only found in saliva but it is found in other body fluids
22 such as semen, serum and urine.

23 Q But there's a very -- very specific test just for
24 saliva.

25 A Saliva.

1 a piece of clothing for instance.

2 A I used -- I used -- I did not use an alternate light
3 source. But I do have a very bright light in my work area
4 that I examined the pants with that has a magnifying glass.

5 Q And you found nothing on there suspicious in your
6 opinion?

7 A I did not.

8 Q Okay.

9 Q So when Mr. Gieger says you found -- you did not find
10 DNA of Officer Holtzclaw on the pants which we know are his,
11 but really the truth is you did not find DNA on the zipper
12 area on the outside or the inside that you've testified
13 about testing; correct?

14 A That is correct, sir.

15 Q You did not test, for instance, the inside of the pant
16 leg.

17 A No.

18 Q Okay. Or the waist area.

19 A No.

20 Q Simply what you've testified to.

21 A I testified -- I -- I only tested the inside and the
22 outside of the zipper front area of Mr. Holtzclaw's pants.

23 MR. ADAMS: May I have just one moment, your
24 Honor?

25 THE COURT: Yes.

1 A Right, but this is like a blood -- a laboratory that
2 does a lot of blood work. And you have to have that serum
3 level, the straw-colored coat of the blood that has most all
4 of the DNA in it. The other reason I refused to do the
5 saliva test or the amylase test is our laboratory is ASCLD
6 accredited and we proficiency test every six months. And
7 the amylase test is not one of the tests that we used -- use
8 to proficiency test. Now I could've done it later on if I
9 had run an amylase test with a proficiency and then was
10 considered proficient in that. It was part of all of my old
11 serology training. I've ran lots of amylase tests. But
12 things have changed and regulations have --

13 Q Ma'am, when you say serology training -- you're using
14 words we haven't defined.

15 A I'm sorry.

16 Q What is serology training?

17 A Serology is the study of blood and body fluids.

18 Q Okay. So that's, again, talking about blood --

19 A Yes.

20 Q -- not talking about --

21 A Correct.

22 Q -- saliva.

23 A But now everything has moved away from serology. I
24 mean, we use it to locate our stains but everything has
25 moved away from serology as basics and we've moved to DNA

1 analysis. And it's biological materials in DNA analysis.
2 And I just -- at the time I felt that an amylase test would
3 not have aided anybody in the investigation of this
4 particular case.

5 Q You were trying to see if there was DNA evidence
6 potentially initially from Jannie Ligons --

7 A Yes.

8 Q -- on that area of his uniform.

9 A That is correct, yes.

10 Q You found DNA evidence that was female evidence.

11 A Correct.

12 Q But at that time we didn't know who it belonged to.

13 A That is absolutely correct.

14 MR. ADAMS: Just object to the form, your Honor.

15 THE COURT: Sustained.

16 MR. GIEGER: It was leading, I'm sorry.

17 Q (By Mr. Gieger) Ma'am, in addition to the comparisons
18 of all the alleged victims --

19 A Yes.

20 Q -- and getting their profiles --

21 A Yes.

22 Q -- you told counsel that you also had inquired of the
23 defendant -- excuse me -- of the detectives that you wanted
24 to find out is there any potential family members who
25 could've had contact with his pants; correct?

1 THE WITNESS: Kerri, K-E-R-R-I; Hunt, H-U-N-T.

2 THE COURT: All right.

3 KERRI HUNT,

4 was called as a witness, after having been first duly sworn,
5 and testified as follows:

6 DIRECT EXAMINATION

7 BY MR. ADAMS:

8 Q Ms. Hunt, do you know Daniel Holtzclaw?

9 A Yes.

10 Q Tell the jury how you know Daniel Holtzclaw.

11 A We dated for a year.

12 Q Okay. From when to when?

13 A From March to March 2013 to 2014. No, '14 to '15,
14 sorry.

15 Q Are you nervous?

16 A A little bit.

17 Q So you dated from March the 14th to March -- March of
18 2014 to March of 2015, this year?

19 A Correct.

20 Q Okay. Where did -- where did you live at that time
21 during your dating relationship with Mr. Holtzclaw?

22 A Oklahoma City.

23 Q Okay. Can you give us an address?

24 A On the corner of Rockwell and Memorial.

25 Q Okay. Did you have your own residence?

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

3 A Normal for his age.

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

6 A 27 and 28.

7 Q And I'm gonna --

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

9 THE COURT: You may approach.

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

12 A Yes.

13 Q In his police uniform?

14 A Yes.

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

17 A If I was awake.

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

19 A Uh-huh.

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

23 A They're compression shorts.

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

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

1 Q So -- so your testimony is he wore underwear like
2 these?

3 A Yes.

4 Q Okay. But you don't know what he was wearing on June
5 the 17th and June the 18th; right?

6 A If he went -- if he wore something out of ordinary then
7 I would not be aware of it.

8 Q Right, because you were at work --

9 A Correct.

10 Q -- from 8:00 to 5:00 whenever he would go to work at
11 4:00; right?

12 A Correct.

13 Q And your testimony is you were asleep whenever he came
14 home after he got off his shift; correct?

15 A Correct.

16 Q All right. So you don't know if he was wearing those
17 or not?

18 A Correct.

19 Q All right. Just want to be clear.

20 Now did you ever see him go to the bathroom
21 whenever he was wearing his uniform --

22 A No.

23 Q -- to urinate?

24 So you don't know how he did that?

25 A No.

1 City police officer. And he used that power to prey on the
2 women who lived on the northeast side of Oklahoma City.

3 Officer Holtzclaw didn't choose CEOs or soccer
4 moms as his victims. He chose women like Florene Mathis, a
5 nine-time convicted felon and drug addict. And he chose
6 women like Rosetta Grate who he sexually assaulted while she
7 was high and looking to prostitute herself. He chose women
8 who he could use his power as an Oklahoma City police
9 officer to intimidate and bully into silence. He chose
10 women that he could count on not telling about what he was
11 doing.

12 And you heard from the witness stand all 13
13 victims tell you: Who would believe me? How do you call
14 the police on the police? And Officer Holtzclaw counted on
15 that. And he counted on that if they ever did tell that no
16 one would believe them and that no one would care.

17 And you've heard a lot of testimony over these
18 several weeks and it's important to understand the time line
19 of Officer Holtzclaw's sexual assaults because throughout
20 the six months that Officer Holtzclaw committed these sexual
21 assaults his pattern changed. It grew more bold and more
22 despicable as he created -- as he committed more horrific
23 acts of sexual abuse against his victims.

24 So I prepared a time line to show the dates of
25 Officer Holtzclaw's assaults.

1 On December 20th, 2013, Officer Holtzclaw was
2 involved in arresting Shardayreon Hill for possession of
3 PCP. And Shardayreon Hill was the perfect victim in the
4 perfect situation. She's arrested for PCP. She's in the
5 full custody of Officer Holtzclaw, alone with him for hours.
6 She's crushed glass vials of PCP in her mouth. She's under
7 the influence of drugs. Who's gonna believe her; right?

8 And Officer Holtzclaw takes that chance to start
9 to make deals with her based on her charges. He tells
10 her -- the quote is: Give it a month and your charges won't
11 be on you, he says. He lets her talk to her mother on his
12 personal cell phone. And he touched her breasts, he puts
13 his finger in her vagina and he puts his penis in her mouth
14 all while telling her he's gonna fix the charges. An
15 Officer Holtzclaw is heady from his power. He tells
16 Shardayreon Hill, and I quote, bet you've never sucked a
17 white dick before, unquote.

18 And he takes Shardayreon Hill to jail and he
19 counts on her not telling anyone. And just to make sure,
20 just to give her a carrot to keep her from telling he tells
21 her he's gonna hide her city tickets. Shardayreon Hill
22 quoted for you what she remember Officer Holtzclaw telling
23 her that day. He says I'm gonna hide your city tickets and
24 make your bond super fucking cheap. And we have evidence
25 that he does just that.

1 Tabitha Barnes who's the next victim.

2 Officer Holtzclaw comes across Tabitha Barnes,
3 another convicted felon. She lives with her children in a
4 house on Northeast 15th and Jordan, a high-crime drug
5 neighborhood. She has a sex offender boyfriend. She has
6 active warrants. Another perfect victim. Who's gonna
7 believe Tabitha Barnes? And whenever Officer Holtzclaw
8 comes into contact with her, Tabitha Barnes told you, he
9 kept saying: What's underneath? What's underneath? And
10 indicating in her shirt area. He asked her several times
11 and finally Tabitha Barnes, even though she told you from
12 her contact with police officers in the past she knew a male
13 officer was not supposed to search her, she lifts up her
14 shirt to expose her stomach area. But Officer Holtzclaw
15 doesn't stop there. That's not what he wants to see. He
16 keeps just asking again and again, what's underneath, what's
17 underneath indicating to her breast area. And finally
18 Tabitha Barnes, thinking she has no other choice, lifts her
19 shirt and exposes her breasts at which point Officer
20 Holtzclaw comes behind her and says: Let me check and
21 places both hands on both of her breasts and lifts them up.

22 Tabitha Barnes doesn't tell anyone. She also has
23 warrants. And before leaving her house that day Officer
24 Holtzclaw tells her: I'm not gonna take you to jail, just
25 play by my rules. And it worked for him this time.

1 And whenever Officer Holtzclaw comes into contact
2 with Terri Morris she has a crack pipe. He takes it from
3 her and then he drives her to State's Exhibit 301, northeast
4 24th and Lindsay. Another location that you visited while
5 you were touring the scenes. This is the location that's
6 right across from the Oklahoma History Center except it's
7 late at night. People aren't around. And when they get to
8 that location Officer Holtzclaw makes Terri Morris expose
9 her breasts and vagina in the same way that he's made other
10 victims do so. What do you have on you? What do you have
11 on here? What do you have down there? Makes her show him
12 her vagina and her breasts. And then just as he's done with
13 the other victims, he takes his penis out of the zipper of
14 his pants and he makes Terri Morris put it in her mouth.

15 And he continues. On May 21st, 2014, Officer
16 Holtzclaw comes across convicted felon Syrita Bowen. She's
17 drunk, she's walking alone, once again, late at night. Once
18 again, a convicted felon. Once again, the perfect victim
19 for Officer Holtzclaw. And he tells her he'll take her to
20 jail or detox, her choice. But he doesn't take her to
21 either. Instead he takes her to Dead Man's Curve, a place
22 depicted in State's Exhibit 317. Another location that you
23 were able to see last week. And this location is secluded,
24 it's where people throw trash, where they dump things. No
25 one's there. It's completely concealed by trees. And when

1 10:00 at night, wouldn't he go and knock on the door? But
2 he doesn't. Common sense tells you that he's doing just
3 what he told Adaira he would do, try to see her later. And
4 that's what he was doing that night.

5 Now, it's the State's burden to prove to you all
6 of these charges that we've gone over the elements of. And
7 the defendant has no burden at all. And the burden never
8 shifts from the State's table to the defense's table. But
9 what I do want you to know whenever you go back to that
10 deliberation room is that you have heard absolutely no
11 evidence to justify any of Holtzclaw's action with any of
12 these victims, why he didn't do any of the things that I've
13 talked to you about just now.

14 And that leaves the last consideration for you
15 which is why believe these 13 women. There's an instruction
16 on credibility of witnesses. It's Instruction Number 34.
17 It goes over all the things that you can look to to
18 determine whether or not you think a witness is telling the
19 truth. Has a laundry list of items. Two I want you to pay
20 special attention to.

21 The first is the opportunity of knowing the
22 matters about which the witness has testified. That one is
23 extremely important. How would all of the victims who were
24 taken to separate locations know where the defendant went in
25 his patrol car unless they were with him? Syrita Bowen

1 exact location where he took them. And you have to believe
2 that Officer Holtzclaw's actions in taking the victims from
3 the locations makes any type of sense within his official
4 capacity. And you have to believe the victims were able to
5 make up a story that just happened to match phone records,
6 that just happened to match the times that they told other
7 people about what had happened to them, and just happened to
8 match DNA testing with respect to the case of Adaira Gardner
9 who a day -- the day that those pants are taken from Officer
10 Holtzclaw they just happened to have Adaira Gardner's DNA
11 right where Officer Holtzclaw's penis was, the penis that he
12 had put into Adaira Gardner. And none of that makes any
13 sense.

14 What does make sense from the evidence presented
15 is that Officer Holtzclaw used his badge and his position of
16 public trust to victimize some of the most vulnerable
17 members of our society for six months. And with each
18 passing month during that six-month period of time you saw
19 he became more vile and more blatant in the way that he
20 sexually assaulted these women. And while it is absolutely
21 easy as you've seen done during this trial again and again
22 to blame the victims or to harp on them for their life
23 choices, their felony convictions, their warrants or civil
24 cases that they may or may not have against Officer
25 Holtzclaw, that is exactly why Officer Holtzclaw targeted

1 for his personal vehicle. They take his squad -- nor do
2 they issue a search warrant or ask for a consent for any of
3 that, nor do they issue a search warrant or ask consent to
4 search his telephone. None of it. And so Officer Holtzclaw
5 is off duty and done at that point in time.

6 So instead of the Oklahoma City Police Department
7 thinking we possibly have a problem here, and doing what you
8 would expect a police department to do, which would be maybe
9 to surveillance Officer Holtzclaw while he's on duty, put
10 some cameras in his car, put a recording in his car.
11 Because under their theory it wouldn't have taken very long
12 for anything to happen if in fact any of this is true. And
13 they would've had him. But, no; what they do is they put
14 him on leave immediately. He's done. And then they go back
15 and they try to -- and you -- you keep recalling.

16 There's two things that are important then.
17 That's when they say they -- they developed a profile.
18 And -- and ask yourself, what profile did the Oklahoma City
19 Police Department develop at that time? They said that they
20 developed a profile that was black females that either had
21 drug or prostitution histories. Okay. Where did that come
22 from? Ms. Ligons had neither one of those. I admit that
23 she didn't have a driver's license for 30 years. And she's
24 out driving.

25 And I can understand, some people don't have a

1 in her face where she said that she performed oral sex for
2 three to four minutes.

3 She said at that time that he drove to an old
4 school. She denied that she was going there to give him any
5 information of any known criminal activity in the
6 neighborhood, that she was told to get out and drop her
7 pants. That she had intercourse with Holtzclaw from behind
8 for ten minutes although the AVL shows at 1:14:28 he was
9 going two knots and at 1:18:17 Officer Holtzclaw' squad car
10 was going nine knots. So it's less than four minutes. She
11 denies that she was at the school giving any information.

12 She says that after that that she went home and
13 allegedly told Terry Mack but had to confess that she had
14 had sexual intercourse with Edwin Smith that day, therefore
15 she had two sperms and that is why even though Terry Mack
16 told her to go give a rape exam, she said that she did not.
17 She's also the one -- the alleged victim in this case who
18 identified Officer Holtzclaw as a back -- black male, that
19 he was short in stature. She was not able to identify him
20 at the preliminary hearing or here in trial in front of you.
21 She's a multiple-time convicted felon with multiple warrants
22 outstanding.

23 The next individual chronologically that testified
24 would've been Terri Morris. Remember, her whole story
25 was -- is that the reason she said her whole story changed

1 of 2014. She said that Officer Holtzclaw stopped her at
2 16th and Lottie. She said: What are you doing? He offered
3 her a ride. She got in. She did not want to be known as a
4 snitch in the neighborhood. She says that he took her
5 behind the school. And she said at preliminary hearing that
6 she had oral sex with him inside the car and sex with him --
7 vaginal sex outside the car. Here at trial she said that
8 she had intercourse the first time with him and oral outside
9 the car as she was -- as she indicated she was squatting
10 down and things of that nature. She testified at the
11 preliminary hearing that Officer Holtzclaw's pants were
12 halfway down while all this was happening. She testified
13 not only to that but she told them that in the interview.
14 And at trial she said simply through the zipper.

15 The most important thing about her I believe is
16 how it was reported. On 7/23 of 2014, the business card was
17 left at her parents' house. In July she made her
18 appointment with her probation officer and did not disclose
19 anything to the probation officer because, number one, it
20 had not been on the news, but, number two, all these events
21 would've already occurred. She missed her August
22 appointment where a warrant could've issued. And then she
23 made her appointment in person through her probation officer
24 in September after the news, and that's when she made the
25 allegation.

1 Well, except for one of those exhibits that shows the CAD
2 call when he was at Liberty Station Apartments, which is
3 exactly what Detective Gregory said he knew when he went
4 back to talk to Terri Morris again.

5 Okay. Here's the deal, by design these two
6 detectives who did not have an agenda to bring a black eye
7 on their police department did not look at the AVL until
8 they found individuals who said: Yes, something happened.
9 And ironically every last one of them say it was him. Of
10 the 19 zillion arrests and contacts -- okay. You've just
11 heard about contacts. You haven't heard about times when
12 they're stopped and they come in contact with other
13 officers. But every last one of them give a location where
14 this defendant was? I would suggest to you they are not
15 sophisticated. They are not that good of guessers. But
16 even with that notwithstanding what these officers did is
17 after they got their interviews they looked at the AVL to
18 see are you telling us the truth or not. Because I would
19 suggest to you their agenda was to do what they told this
20 defendant they wanted to do from the very first, and that is
21 we want to wrap this up and get you back to your girlfriend,
22 and you get back on patrol really quick. That's what they
23 wanted to do. That was their agenda. But the evidence took
24 them somewhere else.

25 Syrita Bowen. What Mr. Adams can come up with on

1 and over again: Oh, by the way, I thought you were gonna
2 shoot me. As she's told these detectives: As he's sticking
3 his penis in my mouth all I can do is stare at that gun
4 that's right there by my face.

5 Okay. Is he being honest? I defy you to find a
6 place he's not being honest. Well, then he says "I thought
7 she was DUI." But at the same time -- now follow me through
8 on this one. Okay. The same time "I kept her there for 15
9 minutes." Well, Mr. Adams said, I went and smelled the cup
10 and there wasn't any alcohol smell in the cup. Then why do
11 you have her there for 15 minutes? Well, because I wanted
12 to get her to confess to driving DUI. But now I know she's
13 not DUI because I've smelled the cup and there's nothing
14 there. So what do you -- why are you keeping her for 15
15 minutes? Well, I wanted to get her to confess to a crime
16 that I've just said I don't think I have probable cause to
17 believe. Oh, and by the way, I saw pills in her purse.
18 Well, you know that's a lie because Jannie Ligons doesn't
19 have any prescription medication. There's a lie.

20 All right. Let me give you another one. Did not
21 have intercourse with my girlfriend Kerri Hunt. Excuse me,
22 I did have intercourse with my girlfriend Kerri Hunt. She
23 did her best to try to say how, yeah, well, that wasn't
24 right, but I'm at the gym. By God, step out of the gym to
25 talk to the detective about whether or not my boyfriend's --

1 suggest to you is a lie. He did get an erection and he
2 stuck it in Jannie Ligons' mouth.

3 But let's back up on the 18th. It's been six days
4 and it's about 6:00. And he comes in contact with Adaira
5 Gardner. And the most important thing that Mr. Adams said
6 about Adaira Gardner is that she was mistaken about
7 remembering if Kim Davis said something about AVL during her
8 first interview. I would suggest to you that the most
9 important thing about Adaira Gardner is the fact that DNA
10 from the walls of her vagina was transferred in vaginal
11 fluids onto the outside and the inside -- not of his
12 pockets, not of his cuff, not where he sits, but of the
13 exact location she says his penis came in contact.

14 And what Mr. Adams wants you to believe is he
15 searched her purse. And so from her hand to her purse, from
16 her purse to Officer Holtzclaw's hand, from Officer
17 Holtzclaw's hand to Officer Holtzclaw's -- I guess he does
18 this (indicating) after he searches somebody? I guess. I'm
19 sorry, it's crude. I'm sorry. This case is crude. This
20 case is --

21 What's reasonable? And then he says "I'm beating
22 it up. Have you ever fucked a cop before?"

23 Nobody's gonna remember Adaira Gardner's name.
24 Lawyers haven't even learned how to pronounce it. "I'll be
25 back." And he comes back. Unbelievably, arrogantly with

1 of that decision and they came down. What says the State as
2 to any objections or comments you had to that?

3 MR. GIEGER: Judge, that's correct. I think all
4 the parties discussed it and we were all in agreement.
5 Everyone agreed that was the way to do it. So the State
6 doesn't have any objections to the way it was done based on
7 my conversations with the Court and counsel.

8 MR. ADAMS: And Mr. Holtzclaw had no objection.

9 THE COURT: All right. The record will reflect
10 that I had the jury reconvene, brought over by the Sheriff's
11 Department this morning at 10:30.

12 Just for the record, this jury deliberation
13 room -- this particular courtroom in the Oklahoma County
14 Courthouse has an extremely small jury deliberation room. I
15 think we have somewhere in the neighborhood of 400 exhibits
16 or somewhere along that line. And the jury had requested
17 that they be allowed to deliberate in the actual courtroom.
18 I have allowed that. I've secured all doors. All doors are
19 locked. There's nobody in the courtroom. Nobody can get in
20 the courtroom other than my bailiff. And so the jury is
21 actually deliberating in the courtroom with their exhibits.

22 Any objection or any comments about that from the
23 State?

24 MR. GIEGER: No, sir.

25 THE COURT: From the defendant?

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

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

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

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

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

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

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

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

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

25 Count 17, forcible oral sodomy. Defendant is not

1 punishment is set at 30 years.

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

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

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

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

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

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

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

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

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