

1 Q -- off of Lincoln?

2 A Uh-huh.

3 Q That's the direction you're trying to go?

4 A Uh-huh.

5 Q Okay.

6 THE COURT: Ma'am, could I get you to answer
7 verbally instead of just uh-huh so we can make sure the
8 record's clear as to what you're saying?

9 THE WITNESS: Okay.

10 THE COURT: Thank you.

11 Q (By Mr. Gieger) It's about 2:00 a.m. or a little after
12 2:00 a.m.?

13 A Yes, sir.

14 Q Is there a lot of traffic on the street or not?

15 A It's not.

16 Q Now you've talked about another car. So tell me when
17 you first -- where are you if you remember when you first
18 noticed this other vehicle that you're telling me about?

19 A Like, passing SOth and Kelley at the lights.

20 Q Okay. So going west on SOth past Kelley heading toward
21 Lincoln. Am I understanding right?

22 A Correct.

23 Q Okay. Tell me what that car does. What do you
24 remember about it?

25 A First I noticed it on the side of me. And then it got

1 Q -- but you're facing outside and your feet are outside
2 the car?

3 A Correct.

4 Q He's right in front of you?

5 A He's right in front of me.

6 Q Straddling your legs with his legs?

7 A He's right in front of me.

8 Q How did he expose his penis if you know?

9 A Gosh. He unzipped his pants and he took it out and
10 say: Come on. And I started -- I say: Oh, no, sir, please
11 don't make me. I told him please don't make me do that. I
12 said: Don't make me do that. I said: You gonna -- you
13 gonna shoot me, you gonna kill me. He say: I'm not gonna
14 shoot you. I say: You promise? He said: I promise. So
15 by -- at this point in time a car passed by. And it was,
16 like, a gold SUV. They were turning into that parking lot.
17 And when he see them turn to the parking lot he was standing
18 over me and he took his hand and put it on the top of *his*
19 police car and watched the car pass by. When the car passed
20 by and then he turned back around and he said come -- he
21 told me to come on.

22 Q Had you put it in your mouth yet?

23 A Not yet but getting ready to.

24 Q Not at that point?

25 A No, but after that I did for a second after that. But

1 A I was, sir.

2 Q Then under your testimony after you -- and you would
3 agree with me that the whole time Officer Holtzclaw had you
4 stopped at 50th and Lincoln his lights are going off;
5 correct?

6 A Correct.

7 Q When I talk about his lights I'm talking about the
8 lights on top of the squad car that are illuminating and
9 making a big disturbance; correct?

10 A Lights on top of his car, yes.

11 Q You can see it from a very good distance, can you not?

12 A Yes, you can.

13 Q And it stands out.

14 A It stands out.

15 Q And have you had an opportunity to see the videotape of
16 what we've described in here of you being pulled over at
17 50th and Lincoln?

18 A Have I had -- repeat that.

19 Q Have you seen any videotape footage of the stop between
20 you and Mr. Holtzclaw?

21 A I seen some -- no.

22 Q So do you deny that you have ever seen a video that
23 apparently shows the stop between you and Mr. Holtzclaw?

24 A I haven't seen no video.

25 Q Have you ever been shown a DVD or anything like that?

1 on Lincoln?

2 A The Lincoln Inn Express, it's a little hotel.

3 Q I'm going to pull this picture down just a little bit.

4 And do you see where I'm pointing at right now?

5 A Yes.

6 Q Do you know what that is?

7 A I believe that's the Lincoln Mart. It's like a little
8 convenience store.

9 Q That's quite a number of feet north of the intersection
10 of 50th and Lincoln; is that correct?

11 A Yes.

12 Q You mentioned the Old Surety Life Insurance Company
13 which appears to be right on the northwest corner of that
14 intersection?

15 A Yes.

16 Q Do you know what -- it's hard to see on this, but this
17 triangle looking thing, do you know what that is or do you
18 need to see it close up?

19 A Let me see it close up.

20 Q Yes, ma'am.

21 A Yeah.

22 Q What is that?

23 A That's just the parking lot.

24 Q Okay. From this bird's-eye view it looks like -- it's
25 similar in appearance to the rooftops of other buildings but

1 Number 70, is taken, so the jury gets a bearing of what
2 we're talking about, please.

3 A (Witness complies.)

4 Q Number 70 is that. What's the building that's depicted
5 in that?

6 A The Surety Insurance.

7 Q Okay. And when you look at 69 can you show me
8 basically where essentially that photograph is taken from?

9 A Here's Surety Insurance right here (indicating). And
10 then here's the street that you're seeing (indicating. This
11 street right here is Beverly, and that's right here
12 (indicating).

13 Q And then I noticed if I look at 70 again, just while
14 you're standing here, that there's a speed limit of 40.
15 That speed limit is posting the speed limit on what road?

16 A Northeast SOth.

17 Q Thank you, Detective. You can step back now.

18 A (Witness complies.)

19 Q All right. To get an idea of that, what the whole
20 thing is, essentially, Detective, if I am standing in the
21 first lane or somewhere off the curb on Northeast SOth is
22 that the view I would have if I looked then back primarily
23 to the north but a little bit to the east?

24 A Yes.

25 Q I'm going to show you now State's Exhibit Number 72.

1 A Right.

2 Q Do you think that's the back end or the front end of
3 the car?

4 A I think that's lit up because of the lights from the
5 police officer's car.

6 Q Because the car --

7 A Right.

8 Q So both cars in your opinion, do they appear to be
9 facing toward the west but in the northmost lane of
10 Northeast 50th?

11 A Correct.

12 MR. GIEGER: Go ahead and let it play.

13 Q (By Mr. Gieger) Ma'am, as you have watched this video
14 are you able to make out what's going on as far as people,
15 movements and what they're doing?

16 A No.

17 Q Does it get any better than this?

18 A No.

19 Q Ma'am, I noticed whenever we started playing this
20 footage, when it first came on the police car -- what
21 appears to be a police car and the other vehicle were
22 already there; is that right?

23 A Yes.

24 Q And it doesn't show them pulling in and stopping, this
25 is the video that we see.

1 Hill. Did you ever see the police officer Daniel Holtzclaw
2 in person?

3 A Yes, ma'am.

4 Q And that was after your hospital stay when he booked
5 you in the county jail, you saw him an additional time?

6 A Yes, ma'am.

7 Q Okay. Tell me about how that happened.

8 A He had text me and, you know, to see what I was doing
9 and stuff. And he axed me could he come see me. And I had
10 told him, you know, like, yeah. And --

11 Q Where did you tell him that he could see you at?

12 A He could come to my mom's house.

13 Q Okay. And did you -- were you living with your mom at
14 that point in time?

15 A Yes, ma'am.

16 Q And what -- well, whenever you told him that, did he
17 come to your mom's house?

18 A Yes, ma'am. He was texting me and he told me that he
19 was at the outlet mall, was shopping and that he would come
20 when he was done. And he text me when he was done. And he
21 told me that he was on his way. And so when he came I went
22 outside. And he pulled up. And it was like a Chrysler
23 looking car.

24 Q Had you seen this car before?

25 A No, ma'am.

1 Q Whenever you first made contact with him at Liberty
2 Station was he in a regular police car?

3 A He was in a regular police car.

4 Q What did his police car look like at Liberty Station?

5 A His police car I believe it was one of the new ones.

6 It was one of the new ones, the all black.

7 Q With white lettering on it?

8 A Right.

9 Q When he came to your mom's house -- first of all, did
10 he -- did he park in your mom's driveway or somewhere else?

11 A He parked -- we use the neighbor's driveway. So he
12 didn't park directly in our driveway. We -- he parked over
13 in the next-door neighbor's driveway because we park our
14 cars over there too. So he pulled in and I went out there
15 and I got in the car.

16 Q And the vehicle that he drove over near your mom's
17 house, was that a vehicle you had seen before?

18 A No, ma'am.

19 Q Did it look to be a personal vehicle?

20 A Yes.

21 Q And describe to me what it looked like.

22 A It was a nice silver car. It looked -- it looked so
23 nice that -- and it had rims on it. I didn't think it was a
24 Chrysler but I'm thinking that's what it was.

25 Q A sedan?

1 A Huh?

2 Q A sedan?

3 A Is that what it is?

4 Q I'm asking you.

5 A I'm not sure what the car is named of it, but it looked
6 like a shape of a Chrysler. It was nice though. It was
7 silver.

8 Q Did it have four doors?

9 A Yes, it had four doors and it had rims on it.

10 Q Was anyone with him?

11 A No, ma'am.

12 Q And tell -- where was your morn's house located back in
13 December of 2013?

14 A The address is [REDACTED] Northeast 81st Street, Oklahoma
15 City.

16 Q Is that in Oklahoma City?

17 A Yes, ma'am.

18 Q Is it in Oklahoma County?

19 A Yes, ma'am.

20 Q Did you -- did he come into your morn's house at that
21 point?

22 A No, he didn't come inside. I went outside. It was --
23 the kids I had left the kids in there. So I didn't want
24 him to come in and stuff. I just went out because I was
25 believing we was about to talk about what was gonna happen

1 with my case because that's what I was concerned about.

2 Q And you said you left some kids inside at your mom's
3 house. Were there any other adults besides you at your
4 mom's house during this event?

5 A I believe my sister or my grandma was up there.

6 Q Did you tell them that you were going out to meet this
7 police officer outside?

8 A I believe they knew because, you know, like, everybody
9 was shocked, like, when I was telling everybody the story
10 and

11 Q And were you supposed to be watching the children
12 inside your mom's house?

13 A Uh-huh.

14 Q And so when you went out to meet him did you get inside
15 his police -- inside his personal car or did you stay
16 outside?

17 A Yes, I did. Yes, I did. I went -- I got inside the
18 car. I got in the passenger seat.

19 Q Okay. And did the two of you talk?

20 A Yes.

21 Q What *did* you talk about?

22 A I kind of wanted to talk about the case. You know, I
23 was, like, you thought I swallowed it. You thought I
24 swallowed the -- he was like, you did. So we just --

25 Q Meaning the PCP?

1 his dick.

2 Q What did you say to that?

3 A I was -- I kept on telling him, like, I can't, I can't,
4 the kids is in the house. And then so after so long that he
5 just kept on tryna to get me to do it I was just, like, I
6 gotta go. And on top of that, I -- I really wasn't
7 comfortable because I kept calling the kids letting them
8 know, like, I'm just outside, like, I'm you know, I'm tryna
9 to get -- have more of a reason to really why I can't do it,
10 like, the kids in -- letting him know, like, the kids is on
11 the phone, they in the house, they want me to come back in.
12 So eventually after he kept asking me to do it I was just
13 like, you know, I gotta go. So I just -- I just got out the
14 car and I went back up in the house with the kids.

15 Q Did you ever see or *did* you ever have face-to-face
16 contact with him again after this incident, Ms. Hill?

17 A No, that was the last contact. After that it was still
18 text messages and stuff.

19 Q And, Ms. Hill, let me ask you this: Did you ever tell
20 anyone about this event that happened with him outside your
21 morn's house?

22 A Yeah.

23 Q Who did you tell?

24 A My mom and them knew. They all knew that he came over
25 there.

1 Q So as you're in the first room he's checking out or
2 looking at the PCP vial?

3 A Yes, sir.

4 Q But, again, at some point you're moved to a different
5 room that has nothing to do with Officer Holtzclaw
6 requesting you be moved there, the hospital moves you there;
7 correct?

8 A Uh-huh.

9 Q Is that a yes?

10 A Yes, sir. I'm sorry.

11 Q It's in the second room that you're talking about that
12 all this inappropriate activity allegedly happened; correct?

13 A Correct.

14 Q And under your version of events at first he appeared
15 to be looking at you; correct?

16 A He -- he appeared to look at me when?

17 Q I'm talking about the second hospital room that you
18 were in.

19 A Yes.

20 Q When you're hooked up to all the monitors. You would
21 agree with me that at this point in time you're hooked up to
22 the monitors at Southwest Medical.

23 A Right.

24 Q Heart rate, all sorts of stuff; correct?

25 A Right.

1 Q They're keeping an eye on you at the nurses' station to
2 make sure you don't die.

3 A Right.

4 Q And you stated that while you're in this second room
5 that Officer Holtzclaw keeps looking over at you; correct?

6 A Correct.

7 Q And he tells you on at least three occasions that
8 either your boobs or your titties are showing; correct?

9 A Correct.

10 Q And you felt at the time that he might have been kind
11 of hitting on you.

12 A Not at first I didn't, but after he said it so many
13 times -- because I'm thinking if he know my condition he
14 know I'm not tryna show it to him purposely. He know that
15 I'm kinda like --

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

18 THE COURT: Well, go ahead and finish you answer
19 and then ask another question.

20 THE WITNESS: Okay. He know I'm not trying to
21 show myself to him. He knows that I kind of -- he know why
22 I'm in here. I'm not being -- tryna be provocative or
23 anything. So by him keep letting me know this is -- and I'm
24 thinking to myself I am --

25 THE COURT: All right. Go ahead and ask another

1 A Yeah, Integris Southwest. I worked at Midwest Regional
2 and then I also worked at Norman Regional Health Systems.

3 Q All right. Generally when describing the emergency
4 room at Southwest Medical Center would you consider that to
5 be a high-volume emergency room?

6 A Yeah, every time I sit in any of their numbers they
7 have by far the most by any of the other employment I've
8 had.

9 Q Just lots of stuff going on there?

10 A A lot, yeah.

11 Q You said a moment ago -- you made distinction between I
12 think you said the trauma side and then the medical -- did
13 you say decision side?

14 A Decision unit, yeah. The MDU.

15 Q Can you explain what those two different things are?

16 A The trauma side is where anybody who would come in for
17 a broken ankle to abdominal pain or anything. They would
18 get assessed and treated on that side of it. And then if
19 the doctors feel like they can't -- they -- you don't meet
20 admission criteria or they don't feel like you're well
21 enough to go home to be discharged, they'll -- they send
22 them over to the medical decision unit to be observed for
23 however long they feel *is* necessary.

24 Q Does the medical decision unit there at Southwest
25 Medical Center, would that also include patients who need to

1 either in the emergency room under observation in the trauma
2 part or in the medical decision unit for observation total?

3 A From that I think it said six hours total she was --
4 from trauma and MDU combined.

5 Q Is that in your experience with these types of
6 situations somewhat standard routine?

7 A Yeah, normally.

8 Q During that six hours -- and let's assume that she was
9 in that trauma unit for an hour to hour and a half. So,
10 again, the four-and-a-half to five hours she might have been
11 back, typically, in the medical decision room is there a
12 medical staff walking in all the time checking on her
13 routinely or is it a different kind of setup?

14 A It's a little different setup. It's routinely in those
15 situations I'll, you know, go by and there is usually people
16 going by, you know, infrequently or frequently, just depends
17 because it's kind of a big circle. And since it's so close
18 sometimes it's easier to go through the MDU than it is to go
19 all the way back around depending on where everything is.

20 Q Specifically -- let me maybe ask a little better
21 question, more specific question. Specifically if someone
22 is just being in there for observation to make sure their
23 heart rate doesn't spike back up, would there be any reason
24 for you as a medical provider just to go check on her absent
25 some reason to go back there? That's what I'm asking.

1 Q (By Mr. Adams) Okay. This is stepping out of
2 Ms. Hill's room looking to the left.

3 A Yes.

4 Q Okay. You would agree with me this is a nurses'
5 station.

6 A Yes.

7 Q That's where a nurse sits and where alarm bells and
8 things happen if anyone goes into distress; correct?

9 A That's -- it can be set up that -- it's not set up like
10 that all the time from what I've understood.

11 Q Well, tell the jury about what efforts you made to
12 determine who was sitting here on December the 20th of 2013
13 while Ms. Hill was in this room.

14 A As far as what I found out, no one.

15 Q You found out that no one was sitting there?

16 A Well, I couldn't -- I didn't find anyone that said that
17 they were sitting there.

18 Q Because you never asked anyone, did you?

19 A Yes, I did.

20 Q Okay. I want you to show me in the thousands of
21 reports that I have in this case where you've asked anyone
22 in the world who was sitting here on December the 20th of
23 2013. Just -- just refer me wherever it is. I want to see
24 it.

25 A Conversations with Jamie Hong, the nurse. The other

1 nurse who also said he only checked on her one to two hours.

2 Q I'm trying not to play games here and I'm trying
3 this is a very serious matter; would you agree with me?

4 A I agree.

5 Q Okay. Then I want you to tell me out of thousands and
6 thousands of pages of documents and reports that I have in
7 this case where you simply ever asked anyone in the entire
8 world who was stationed here on December the 20th of 2014.
9 Can you point me to anything?

10 A Right now I can't, but I verified it.

11 Q And you nod and you say you verified. Is that just --
12 we're supposed to take your word at this?

13 A That's what I'm saying under oath.

14 Q Okay. Well, then under oath if no one was here under
15 your scenario -- so when we go back and subpoena the records
16 you're telling this jury that there will be no one who was
17 placed here on December the 20th of 2013, under oath;
18 correct?

19 A Under oath, I found no one -- no one that was there
20 that night.

21 Q And you asked that question.

22 A I asked that question.

23 Q And you asked it of?

24 A I asked it of the nurses that were there.

25 Q The nurses whose reports that I have?

1 A Yes, anybody that I talked to. Even ex-captain Byron
2 Boshell.

3 Q You would agree with me that in all the reports that I
4 have of all the staff members at Southwest Medical Center
5 there's not one single individual in one single report that
6 ever tells you anything about that nurses' station and no
7 one being there?

8 A Going back to the reports?

9 Q Yes.

10 A That's correct.

11 Q That would be significant would it not, if someone was
12 stationed out there?

13 A That's correct.

14 Q Now after Ms. Hill says these events happened and she
15 tells you that -- actually what happens is they spend
16 about -- Officer Holtzclaw and Ms. Hill are together for
17 about six hours; correct?

18 A Yes, sounds right.

19 Q From the time of the incident at the apartment complex
20 to the hospital to while he's transporting her down to the
21 county jail we've got about six hours.

22 A Yes, that sounds right.

23 Q During that six hours would it not be normal for a
24 cop -- for a police officer to make small talk with an
25 individual?

1 did you go *in* the house? And he said: Because I'm the law
2 and I can do that. And my mom said: You can't. He was
3 like: The front door was open anyway, which *it* wasn't.

4 Q Well, and did you -- do you normally leave the front
5 door open on your house?

6 A No.

7 Q Do you usually lock the front door or not lock it?

8 A We lock *it*.

9 Q And where were you whenever you saw your mom and Spike
10 having that conversation?

11 A I was inside helping my *little* brother.

12 Q Could you hear *it* with your ears?

13 A Yes, the window was open that time.

14 Q Okay. And where were your mom and Spike whenever they
15 were talking the second time?

16 A Parked in the same spot he always park in.

17 Q Okay. And is that

18 A Outside.

19 Q Okay. Did you see anything that was going on between
20 your mom and Spike that time?

21 A No.

22 Q Okay. *Did* you see your mom get in his police car that
23 time?

24 A Yes.

25 Q Was she in the police car again like you told me

1 Q Do you remember that your daughter though -- you do
2 remember it happening and the police officer coming up?

3 A Yes.

4 Q Tell me how you knew that -- you knew the actual police
5 officer was there.

6 A Because my daughter said so.

7 Q Your daughter said so?

8 A Yes.

9 Q Could you hear the police officer over the phone?

10 A Yes.

11 Q You could actually hear his words?

12 A Yes.

13 Q Was it a male voice?

14 A Yes.

15 Q Tell me about -- tell me about the conversation as that
16 came up. What were you saying to your daughter and -- and
17 just tell me what was going on that caused you to -- let me
18 ask a better question. I'm sorry, ma'am.

19 A Uh-huh.

20 Q I need to ask things in the right way. So let me try
21 to do it the right way.

22 Whenever you -- your daughter told you what was
23 going on with the police officer coming up --

24 A Yes.

25 Q -- based on what she said and based on what you heard

1 the police officer say, did it cause you to respond?

2 A Yes.

3 Q What did -- what did your daughter say or what did you
4 hear the police officer say?

5 A He said: Come on down here and get her.

6 Q Okay. Well, tell me what that -- in what context did
7 he say: Come on down here and get her? Tell me what was
8 going on.

9 A The conversation?

10 Q Yes, ma'am.

11 A That's what he said.

12 Q Okay. What what had happened before he said that?
13 What help me understand why he was saying, tell her to
14 come on down? What did he

15 A He told me to come down and get her.

16 Q Okay. So he was -- you understood him to be saying
17 that to Tabitha but for Tabitha to tell you that?

18 A Yes.

19 Q Why did he say: Tell her to come on down, ma'am?

20 A I don't know.

21 Q Had you heard what Tabitha had said to him before he
22 said that?

23 A I don't think so.

24 Q Okay. Based on your memory, Ms. Prince, do you
25 remember if it was a cordial conversation or was it an

1 A No.

2 Q Okay. Do you remember if you called your mother in the
3 evening or the afternoon or the nighttime?

4 A It was -- it was still light time.

5 Q Still light?

6 A Yeah, it was still light time. But, you know, when it
7 started --

8 Q Starting to get dark?

9 A Yes, time hadn't changed or nothing like that. It was
10 just regular.

11 Q If I told you that's military time, ma'am, and 19:11
12 really means 7:11 p.m. in the evening, does that sound about
13 right?

14 A Yeah.

15 Q Okay. And if you look at it, the next column shows
16 19:29. So that is 7:29. So it -- this acts like you're
17 making the telephone call from 7:11 to 7:29; does that seem
18 about right in your memory?

19 A Soon as I seen him walking up I called my mother.

20 Q All right. All right. And then the duration -- the
21 next column if you look at the very top just so we
22 understand, the duration is in seconds. It says SEC, I'll
23 let it say what it says. And then it has some numbers
24 showing the length of the telephone conversation, okay? You
25 with me?

1 right?

2 A Yes.

3 Q But according to the AVL at least we see from 12:11:59
4 a.m. to 12:29:33 a.m. it appears Officer Holtzclaw's car is
5 at that location give or take five minutes.

6 A Yes.

7 Q All right. I'm going to show you State's Exhibit 160.
8 2Charlie51, are you aware in your investigation that that is
9 the patrol car that Officer Venegas was driving?

10 A That's correct.

11 Q And if I back it up over to this location is that the
12 intersection of 15th and Jordan?

13 A Yes.

14 Q And is that house the house that we've identified and
15 that Ms. Barnes was living in at the time?

16 A Yes.

17 Q If I look at this exhibit, sir, it shows at 12:14:22
18 it's hitting in the center line again, but he's at zero
19 speed.

20 A Yes.

21 Q Five minutes later there's a hit, it's still at zero
22 speed at 12:19:23 a.m.; correct?

23 A That's correct.

24 Q When I go over to the next locator that would occur
25 after 12:19 that shows up we have 12:21:29 he's at speed

1 nine. It appears that he's moving; is that right?

2 A Yes.

3 Q And then going on down the street we get a hit at
4 12:21:35 and 12:21:40, for some reason it hit every five
5 seconds and it shows him moving consistently in that
6 direction; correct?

7 A That's correct.

8 Q So was it significant to you in your investigation
9 whenever you saw and compared in State's Exhibit 163 and 160
10 that shows Officer Venegas moving at 12:21:29 but Officer
11 Holtzclaw still at zero at 12:29:33?

12 A Yes.

13 Q Why was that significant to you?

14 A Because Officer Venegas cleared off the call, was done
15 with the call and Officer Holtzclaw was still there.

16 Q Is that consistent with what Ms. Barnes had told you
17 about what had happened on February 27th of 2014?

18 A Yes.

19 Q In what regard?

20 A She said that Officer Venegas had left the scene before
21 Officer Holtzclaw and after everybody was made to go inside
22 far as her family and friends. That just left Officer
23 Holtzclaw and her there alone.

24 Q In your opinion was that corroborative with what she
25 had told you happened on that night?

1 Q So this call at least -- are these generated by an
2 officer calling in and talking to a dispatcher on the radio?
3 That's one of the ways to do it; correct?

4 A Yes.

5 Q All right. So this was initiated according to the
6 computer whenever someone pushed the button at seven minutes
7 and 44 seconds past midnight?

8 A Yes.

9 Q The location -- if I look down a little bit of the
10 traffic stop that's referred to above is what?

11 A Northeast 15th and North Jordan Avenue.

12 Q That's consistent with the address that Ms. Barnes said
13 she was living at and parked in front of on that evening; is
14 that correct?

15 A Yes.

16 Q All right. Sir, there's a lot of other information on
17 here as the document continues, but whenever you get to this
18 line right here that says "incident closed," what does that
19 mean?

20 A That's when it's -- the officer's cleared off, the call
21 is basically over.

22 Q So in comparing the start time then to the end time the
23 start time according to what the dispatcher was told would
24 be 7:44 and 12 -- 12:07:44; correct?

25 A Yes.

1 Q All right. Now in this one the incident says it's
2 closed at 29 minutes after midnight and 33 seconds; correct?

3 A Yes.

4 Q Okay. Do you know what the VisiNet Mobile reference is
5 there at the end of that?

6 A I'm not for sure.

7 Q Let me ask this question: Is it possible for an
8 officer to close the call within his car by just typing into
9 the computer?

10 A Yes.

11 Q Is it also possible to call the dispatcher and tell
12 them "I'm leaving"?

13 A Yes.

14 Q Okay. With the VisiNet Mobile interface does that
15 indicate to you that the officer closed the call by just
16 hitting the computer and clearing it?

17 A That's correct.

18 Q All right. The times that Officer Holtzclaw is
19 purported to be at 15th and Jordan according to State's
20 Exhibit 165, were they consistent with the times that
21 Tabitha Barnes told you about whenever you first interviewed
22 her?

23 A Yes.

24 Q Going to show you now State's Number 164. Do you
25 recognize what this document is?

1 A That's correct.

2 Q All right. And so if I'm looking at the exhibit
3 correctly give or take five minutes on each end, we've got
4 9:44 to 10:05; is that fair?

5 A Yes.

6 Q So there's 20 minutes but potentially maybe even up to
7 29 minutes that it could -- could've been at zero speed the
8 way you understand AVL works?

9 A Yes.

10 Q Did you believe that was corroborative of Ms. Barnes'
11 statements about him being there on the 25th?

12 A Yes.

13 Q Showing you now an -- the CAD, the -- the crime
14 incident report 171. See that?

15 A Yes.

16 Q And on this one it shows 3/25/14 and it starts at
17 9:39:23?

18 A Yes.

19 Q Is that essentially consistent with the AVL map?

20 A Yes.

21 Q All right. Again, the address for State Exhibit 171
22 shows [REDACTED] North Jordan?

23 A Yes.

24 Q This one is closed out. It shows about 10:00:29;
25 right?

1 A Yes.

2 Q Does it also appear that it's closed out by using the
3 computer inside the police car the way the record reflects?

4 A Yes.

5 Q I want to look down and talk about something right
6 here. On page 2 of this Exhibit, throughout the stop
7 different things can be entered into the -- by the
8 dispatcher; is that fair?

9 A Yes.

10 Q Some are codes, some are other things, but in this
11 comment when it says drug house door is open, house clear;
12 what's going on with that?

13 A First deal it's letting the dispatcher know that he's
14 at a drug house. Then he finds that the door is open. And
15 then W/A is will advise. That's on back up.

16 Q The fact that -- and the information "drug house,"
17 where would that information come from for the dispatcher to
18 put it in there?

19 A From Charlie45, Officer Holtzclaw.

20 Q From and that would be the case on any CAD, just
21 whatever the officer's telling the dispatcher they're typing
22 in things that the officer is telling them?

23 A That's correct.

24 Q The door is open. Where would that come from?

25 A The officer.

1 Q And then eventually "house clear," what does that mean
2 to you as a police officer?

3 A Found no -- no problems, everything's fine.

4 Q How would you know the house was clear?

5 A The only house -- you would know that the house was
6 clear by going inside.

7 Q And in fact it says what? Protective sweep. Nothing
8 in plain view. What does that mean to you?

9 A Like, there's nothing taken. Plain view, like, you
10 would notice if a TV or the couch is gone.

11 Q And the context of a drug house if it said nothing in
12 plain view, does it have any significance to you?

13 A As far as it being a drug house?

14 Q Well, it appears in the context there's a drug house,
15 the door is open, I'm going in, I did a sweep, I didn't see
16 anything in plain view. Is that significant as a police
17 officer?

18 A Yes, it's -- he's advising dispatch about he believes
19 that this is a drug house. That's *his* very first statement
20 to dispatch, letting them know, you know, this isn't just a
21 regular house. And then that the door is open, of course,
22 there could be problems.

23 Q Okay. And is -- is when it comes in terms of drugs
24 and things like that are on searches, if an officer sees
25 dope or drugs in plain view, is that terminology kind of a

1 Q Does that seem to be corroborative of that?

2 A Yes.

3 Q All right. State's Number 176, this is the CAD call
4 that was generated apparently close in time to the zero
5 speed when it shows he's stopping at that address; correct?

6 A Yes.

7 Q And, again, I don't think I got all the way through
8 this but on this activity log there's a [REDACTED] North Jordan,
9 do you see that one?

10 A Yes.

11 Q An attempt to locate, but 19:00 hours would be
12 approximately 7:00; is that right?

13 A Yes.

14 Q Okay. [REDACTED] is not [REDACTED] but it's close, would you
15 agree? Or [REDACTED] I'm sorry [REDACTED] is not [REDACTED]

16 A That's correct.

17 Q But it appears to be that matches up that he was
18 attempting to locate a subject; right?

19 A Yes.

20 Q Okay. When we see what Officer Holtzclaw apparently
21 called in to the dispatcher he shows 1504 North Jordan;
22 correct?

23 A Yes.

24 Q Is there a 1504 North Jordan?

25 A Just an empty lot.

1 Q Okay. So there's a lot but no house there. And
2 but, again, it looks like we're talking close in time to the
3 7:09:58 is when this call by the dispatcher was logged into
4 the computer?

5 A Yes.

6 Q According to this it was closed out about six minutes
7 later at 15 minutes after 7:00 and 46 seconds; correct?

8 A That's correct.

9 Q It also appears, does it not, that it was logged out by
10 the officer doing it himself on the computer?

11 A Yes.

12 Q The time of being six minutes there, was that
13 significant to you in your investigation?

14 A Yes, Tabitha stated in her comments to me that he was
15 only there for just a short period of time. And that's kind
16 of verified here.

17 Q Again though, when I look down at the comment section,
18 you see again that 2Charlie45 is saying that he's going into
19 a crack house.

20 A Yes.

21 Q Based upon your investigation of this case and all the
22 contacts at [REDACTED] North Jordan, have you found any
23 information to justify Officer Holtzclaw's comments that
24 this appears to be a crack house?

25 A No.

1 they make -- when they approached the car on the 27th to try
2 to figure out what's going on here?

3 A No.

4 Q It was absolutely okay?

5 A It was okay.

6 Q Okay. And what you do know for a fact is that Venegas
7 took one of the subjects, Ms. Cooper, and visited with her
8 while Officer Holtzclaw was visiting with Ms. Barnes;
9 correct?

10 A Yes.

11 Q Also be a fair statement to say that during your
12 investigation you were unable to locate any third party
13 whatsoever of any nature that would say that they ever
14 witnessed Officer Holtzclaw do anything inappropriate?

15 A That's correct.

16 Q Then what happens we jump forward to March the 25th of
17 2014; correct?

18 A Yes.

19 Q And the very first thing we hear from Officer Holtzclaw
20 on March -- and, again, just to kind of get things in
21 perspective, we know for a fact that in late February of
22 2014 Ms. Barnes' house was burglarized.

23 A Yes.

24 Q And we've heard about the guy running down the street
25 with the microwave and all those things; that's what we're

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

3 DIRECT EXAMINATION

4 BY MS. McCONNELL:

5 Q How are you currently employed, sir?

6 A I'm a police officer with the City of Oklahoma City.

7 Q And what is your current rank?

8 A I'm just an officer.

9 Q Okay. Officer Venegas, back in February of 2014, what
10 was your assignment?

11 A I was at Springlake.

12 Q Okay. Were you working second shift in February of
13 2014?

14 A Yes, ma'am.

15 Q And what was your unit number?

16 A It was 2Charlie51.

17 Q I want to draw your attention, Officer, specifically to
18 the date of February 27th, 2014, just around -- just after
19 midnight. Did you assist Officer Holtzclaw with a traffic
20 stop?

21 A I did.

22 Q Why did you assist him?

23 A I was close to the area and I believe he said he was
24 out with two people, so I just went and backed him.

25 Q And when you say that Officer Holtzclaw said he was out

1 on two people, is that something you hear over the radio
2 traffic?

3 A Yes.

4 Q Okay. And whenever you got to this traffic stop where
5 was it located?

6 A In front of a residence.

7 Q Okay. Around Northeast 15th and Jordan?

8 A Yes.

9 Q Okay. And what did you see whenever you arrived on the
10 scene?

11 A Two females.

12 Q Were they in a vehicle of their own? Were they
13 standing outside? What were they doing?

14 A I think one was inside the vehicle and one was outside.

15 Q Okay. And whenever you got there had Officer Holtzclaw
16 already made contact with these two women before you arrived
17 on the scene?

18 A I believe so.

19 Q Okay. And what were -- what did you do to assist
20 Officer Holtzclaw?

21 A I just conversated with him and then the female, see
22 what was going on.

23 Q And you said "with the female," did you make contact
24 with both of the females on that traffic stop?

25 A I really don't recall if I talked to both of them. But

1 I know I at least talked to one of them.

2 Q Okay. And at some point during this traffic stop were
3 the two females separated in some way?

4 A Yes.

5 Q Tell me about that.

6 A I believe one of them stayed inside of the car. And
7 the other one was placed in the back of a patrol car.

8 Q Okay. The one that stayed in the car as you phrase,
9 stayed in the personal vehicle where these two females were
10 located?

11 A Yes.

12 Q And then the other female that was placed in the back
13 of a patrol car, was that your patrol car or Officer
14 Holtzclaw's patrol car?

15 A Officer Holtzclaw's.

16 Q The female that was placed in Officer Holtzclaw's
17 patrol car, did you ever make contact with her that you can
18 recall?

19 A I might've talked with her. I really don't recall
20 making much contact with her.

21 Q The female that remained in the personal vehicle, did
22 you make contact with her?

23 A I think I talked with her while -- Officer Holtzclaw I
24 think ran them for warrants. I think I talked to her and
25 then the kids that were inside the house that were sticking

1 their head out.

2 Q So this car -- when you say sticking their heads out of
3 the residence that this car was parked in front of?

4 A Yes.

5 Q Does Angela Cooper sound familiar for the female that
6 was seated in the back of the personal vehicle?

7 A I don't recall any of their names.

8 Q Did you become aware at some point, Officer Venegas,
9 that one of these females had warrants or had some type of
10 jailable offense?

11 A I believe so. I believe the one in Officer Holtzclaw's
12 patrol car had warrants.

13 Q Did Officer Holtzclaw tell you something to that
14 effect?

15 A He was debating whether or not to take her to jail.

16 Q And how do you know that?

17 A Because he said he was bored and he was gonna see -- he
18 was determining whether or not he was gonna take her to jail
19 or not.

20 Q Explain to me what you mean by he said -- because I
21 don't really know what that means, he's bored.

22 A Sometimes when we have slow nights and we don't have
23 anything to do, we try to keep ourselves busy. So if we
24 have reason to take somebody to jail, we're gonna go ahead
25 and take them to jail.

1 residence when you were there; do you remember that?

2 A Yes, sir.

3 Q And can you tell me a little bit about what you
4 remember about that occurrence?

5 A I just remember I was laying in the -- laying in the
6 bed and somebody touched me and woke me up. And it was a
7 police -- police officer.

8 Q Okay. And --

9 A Asked me what was I doing there.

10 Q You were laying in bed in Ms. Barnes' house at 15th and
11 Jordan?

12 A Yes, sir.

13 Q What bedroom, if you recall, or whose bed were you in
14 in that house?

15 A It was her bed.

16 Q And do you recall, sir, what time of day it was?

17 A I can't reckon.

18 Q Hang on just one second, please. I'm trying to find
19 something.

20 Do you recall if it was light outside or dark
21 outside?

22 A I think it might've been dark.

23 Q Sir, eventually this police officer -- can you tell me
24 first of all how did you know he was a police officer?

25 A By the suit. His suit, uniform.

- 1 Q Was he wearing a uniform?
- 2 A Yes, sir.
- 3 Q Did he have a badge and a gun? Just a typical --
- 4 A Yes, sir.
- 5 Q Oklahoma City police uniform or was it some other
- 6 kind of uniform?
- 7 A A cop uniform.
- 8 Q Just a regular cop uniform?
- 9 A Yes, sir.
- 10 Q All right. And, sir, you were -- did I understand
- 11 that -- but he is the one who actually woke you up. You
- 12 were actually asleep and by him touching you and speaking to
- 13 you it woke you up?
- 14 A Yes, sir.
- 15 Q Tell me a little bit about that -- that exchange then.
- 16 Were you surprised to be awoken by a police officer?
- 17 A Yeah, I was surprised.
- 18 Q Okay. What did he say if anything that you can recall?
- 19 What did you say to him?
- 20 A I asked him: What are you doing here? He just took me
- 21 outside and said he wanted to run my name.
- 22 Q Okay. And what does that mean to you whenever an
- 23 officer says "I want to run your name"?
- 24 A I guess it means he was doing his job, I don't know.
- 25 Harassing me or something.

1 Q Did you think he was running you for warrants, seeing
2 if you had anything outstanding?

3 A Yes, sir.

4 Q Seeing your history?

5 A Yes, sir.

6 Q All right. Sir, if I told you that records show that
7 he ran you about 9:46 in the evening, okay, a little bit
8 before 10:00, is that consistent with your recollection of
9 it being dark outside?

10 A I recollect.

11 Q Okay. Sir, when you went to sleep before he woke you
12 up, was anyone else at home?

13 A I don't -- I can't recall, sir.

14 Q Do you know if Tabitha and her children were there
15 whenever you went to sleep?

16 A I can't recall.

17 Q Okay. Were they there whenever you woke up?

18 A Yes.

19 Q I'm sorry. Let me rephrase.

20 Were they there whenever he woke you up or was
21 Tabitha and the children there?

22 A No, sir.

23 Q Okay. As far as you could tell whenever he awoken you
24 and -- had you come outside, did you see anybody else who
25 lived there at the house?

1 admit State's Exhibits 187 and 188.

2 MR. ADAMS: No objection, your Honor.

3 THE COURT: All right. State's Exhibit 187 and
4 188 will be admitted.

5 MS. McCONNELL: May I publish, your Honor?

6 THE COURT: You may publish.

7 Q (By Ms. McConnell) And I'm showing you on this screen,
8 ma'am, State's Exhibit 187.

9 MS. McCONNELL: Your Honor, may I have the witness
10 exit the stand and point out to the jury where exactly she
11 was stopped?

12 THE COURT: Yes.

13 Q (By Ms. McConnell) Will you come and point on the
14 screen for me, ma'am.

15 A (Witness complies.)

16 I was right here by this sign.

17 Q Right here?

18 A Yeah.

19 Q Okay. Thank you. You can go and sit back down.

20 A (Witness complies.)

21 Q And, Ms. Raines, I'm also going to show you State's
22 Exhibit 188 which is a different view of the same street;
23 correct?

24 A Uh-huh.

25 THE COURT: You need to answer verbally, ma'am.

1 Q Okay. Where you check for warrants?

2 A Yes.

3 Q And showing you the date, was this the CIU log
4 generated on March 14th, 2014?

5 A Yes.

6 Q The same time that the stop that we previously looked
7 at on the automated vehicle locator record?

8 A That's correct.

9 Q And do you see that Carla Raines was ran on March 14th,
10 2014?

11 A Yes.

12 Q And Charlie45, the unit running her, is that Officer
13 Holtzclaw's number back in March 14th of 2014?

14 A Yes.

15 Q And if we go to the disposition, was she clear for any
16 type of warrants at that time?

17 A Yes, she was.

18 Q Looking at State's Exhibit 191, Detective, is that the
19 incident detail report or the CAD call report as we've
20 heard?

21 A Yes.

22 Q Is it for a call that happened on March 14th, 2014,
23 around -- would that be 11:19:42 p.m.?

24 A Yes.

25 Q Okay. And what location does it show?

1 A Northeast 16th Street, North Kate Avenue.

2 Q Okay. And just to be clear for the jury, Detective
3 Gregory, earlier you told me that this intersection that we
4 were looking at was 16th and Fonshill, would the street on
5 the other side that's not depicted be Kate?

6 A Yes.

7 Q The -- the street west of Fonshill?

8 A Yes.

9 Q And on State's Exhibit 191, do we see that the
10 personnel assigned was 1782, Daniel Holtzclaw?

11 A Yes.

12 Q And moving down he closed out the call at 23:28:54.

13 A Yes, a dispatcher did.

14 Q So if the call started at 23:19 and then went to 23:28,
15 it was about nine minutes, I guess that would be -- is my
16 math correct, Detective Gregory?

17 A It's correct.

18 Q Okay. And similar as we've heard you testify earlier
19 this morning, Detective Gregory, this Kristin Powell, is
20 that the dispatcher assigned to this call?

21 A Yes.

22 Q And she would've been the one to close it out versus
23 Officer Holtzclaw pressing a number on his computer.

24 A Yes.

25 Q I'm showing you State's Exhibit 192, if I can get down

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

2 A Over top of my clothes.

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

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

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

12 A He took --

13 MR. ADAMS: Judge, may I approach?

14 THE COURT: Come up.

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

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

1 Q Sorry.

2 A Yes.

3 Q On Officer Holtzclaw's activity log for that day, 206,
4 does it show that he wrote down in his log that he'd made
5 contact at 15th and Jordan out on subject at --

6 A Scoot it over.

7 Q Sorry. Let me make it a little bit bigger so it's
8 easier to read.

9 All right. 15th and Jordan?

10 A Correct.

11 Q Out on subject?

12 A Correct.

13 Q And consistent times, 6:30 in the evening to 6:55 in
14 the evening; correct?

15 A Yes.

16 Q Finally the 203 is the CAD run, April 14th, 16:28:16 is
17 when it was initiated?

18 A Yes.

19 Q 15th and Jordan?

20 A Correct.

21 Q And it shows that a dispatcher closed that call at
22 6:54:53.

23 A Yes.

24 Q It says a traffic stop, is that significant to you on a
25 CAD?

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

5 Q Mr. Carter wasn't home?

6 A Yeah, Will wasn't home.

7 Q Will wasn't home.

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

19 Q Did you have money in your purse?

20 A No.

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

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

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

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

3 A Yes, I did.

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

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

9 Q Shooting pool?

10 A Yes, sir. Yes, sir.

11 Q Yes, sir.

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

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

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

19 Q At that point were you romantic with her?

20 A No, sir, not at that time.

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

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

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

1 A No, sir.

2 Q Why?

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

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

8 A Yes, I did.

9 Q Okay. And when did that happen?

10 A The following morning.

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

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

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

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

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

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

1 object to all of it.

2 THE COURT: Response?

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

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

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

10 THE COURT: Well --

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

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

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

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

18 MR. GIEGER: Okay.

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

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

1 is just gonna look like a giant inkblot, I mean, because
2 it'll just be everywhere. There's no way.

3 Q The cars go all over. But but in fairness you did
4 have a time because it shows on the Varuna when it ran so
5 you could've tried to find the time; correct?

6 A Yes, I could've found the time, yes.

7 Q So my question is: Did you do that before you
8 interviewed Rosetta Grate?

9 A No.

10 Q Okay. And was that by design?

11 A Yes.

12 Q Why?

13 A Because I didn't want -- I wanted her to tell me where
14 so that I could verify where. Like, if she told me 23rd and
15 Martin Luther King and then he wasn't there and the times
16 didn't match up and the AVL didn't match up, then I would
17 know that something's wrong with her story and it would make
18 me dig a little bit more to see if she's telling the truth.
19 But when she told me it was at 14th and Jordan, she told me
20 it was daylight. And then I compare the times with Varuna
21 and crime information and I find him at 14th and Jordan with
22 the times that match up with Varuna and crime information I
23 know she's telling me the truth.

24 Q Ma'am, she -- in her interview with you at the jail did
25 she tell you that eventually after their contact that he

1 A Correct.

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

5 A Correct.

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

9 A Yes.

10 Q Down here it shows secondary location 10-14, [REDACTED]
11 Culbertson. What does that mean?

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

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

16 A Right.

17 Q It's police talk; correct?

18 A It's transport. Right.

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

23 A I have no idea.

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

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

3 (State's Exhibit 246 was played.)

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

6 A No, he's 10-14 to Culbertson.

7 Q He's transporting to Culbertson.

8 A Correct.

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

11 (State's Exhibit 246 was played.)

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

14 (State's Exhibit 246 was played.)

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

17 A Correct.

18 (State's Exhibit 246 was played.)

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

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

22

23 Q Before he actually gave --

24 A Right.

25 (State's Exhibit 246 was played.)

1 A I had had something to drink that day. And -- but at
2 the time when I got stopped the officer asked me had I been
3 drinking. I said yes.

4 Q All right. So you drop off your friend -- your
5 acquaintance I should say.

6 A Uh-huh.

7 Q And then you drive over to -- about how far from where
8 you dropped that person off to where you got stopped is it
9 if you know?

10 A Just a -- maybe a thousand feet or something.

11 Q Not very far?

12 A No.

13 Q So you're at a stop sign?

14 A I'm at a stop sign.

15 Q Tell me what happens.

16 A Just like when the police stops you. He turns on those
17 flashing lights and I pulled over. And I ask him what
18 happened, what I did. He said that I -- I did a rolling
19 stop. I came to a rolling stop, like, you know, you
20 do a complete stop.

21 Q Okay.

22 A So he asked me for my driver's license. And I gave it
23 to him. And he went back to his car. He came back and he
24 asked me to step out of the car. And he searched my car.
25 He didn't find anything but he said he smelled alcohol. So

1 Q Why didn't you want to leave your car there, ma'am?

2 A Because **it** was a on that -- on that street is a
3 crack house there and **it's** people walking up and down there
4 drunk.

5 Q You were afraid your car wouldn't be safe?

6 A Right.

7 Q So you're asking him -- I don't want to leave my car
8 there, let me take my car home?

9 A Uh-huh.

10 Q And then what happens?

11 A He -- he agreed to let me take my car to my relative's
12 house, which was in that area not too far.

13 Q Had you told *him* you have a relative that's in the area
14 or

15 A Yeah.

16 Q So that conversation had occurred as well?

17 A Yes, I **didn't** have any clue what was gonna happen next.

18 Q Where -- what's the location of your relative's house,
19 ma'am?

20 A On 23rd -- 22nd off of Miramar.

21 Q In that area. About how far away from where you were
22 was your relative's house?

23 A **It's** either half a mile, 3/4 of a mile, maybe a mile.

24 Q Had you told him the address or had you told him how
25 far **it** was, or -- tell me what you remember.

1 Q Did you hear him on the radio at any time identify that
2 he was going to take you to detox?

3 A No, because he went to his car.

4 Q In any event, it's your testimony that at the time of
5 the -- that he pulled you over, you would agree with me that
6 you were on a public road, street -- you were on a public
7 street; correct?

8 A Yes.

9 Q And it's your testimony at that point in time that
10 Officer Holtzclaw had you step out of your vehicle and pull
11 your pants and your underwear down in the middle of the
12 street basically?

13 A Yes, it was dark.

14 Q Okay. But -- but my question is very simple. Is that
15 Officer Holtzclaw had his lights -- he had his lights on;
16 correct?

17 A Yes.

18 Q Police lights.

19 A Yes.

20 Q And those were flashing; correct?

21 A Yes.

22 Q And it's your testimony that he walks up to your car,
23 has you exit the vehicle and has you strip down to your
24 pants and you have on your underwear and then you say he
25 makes you pull your underwear down; correct?

1 Q Okay.

2 (State's Exhibit 267 was played.)

3 Q (By Mr. Gieger) Running Ms. Copeland for warrants?

4 A Correct.

5 (State's Exhibit 267 was played.)

6 Q (By Mr. Gieger) Ms. Copeland did not have warrants.

7 A Correct.

8 (State's Exhibit 267 was played.)

9 Q (By Mr. Gieger) That would correspond with the entry
10 we looked at going to the area of 23rd and Miramar?

11 A Right, and he said I'll give you the exact 20 -- which
12 means the location -- when I get there.

13 Q Okay.

14 (State's Exhibit 267 was played.)

15 Q (By Mr. Gieger) And that's -- that's when he says

16 [REDACTED]

17 A Right, and he's 97 which means I'm at the scene -- the
18 scene of what he gave, [REDACTED]

19 Q Ma'am, other than Ms. Copeland telling you that that
20 house at [REDACTED] was the house that he eventually parked beside
21 or in the grassy area, have you been able to identify
22 anything else that would show up in police records or anyone
23 else associated with the case as to why he would go there
24 and say I'm -- did you say 97?

25 A I'm 97.

1 information on Ms. Copeland along with her date of birth.

2 A Yes.

3 Q They check it through NCIC and she comes back clear;
4 correct?

5 A Correct.

6 Q Now what Ms. Copeland testifies to is that first of all
7 that she is told to expose herself at 14th and Kelham;
8 correct?

9 A Correct.

10 Q And she told you that on your first interview with her
11 back in October.

12 A Yes.

13 Q And did you go to 13th and Kelham and talk to any
14 people out there of whether or not they saw a police car
15 pull over Ms. Copeland wherein she had to expose herself in
16 public?

17 A No, I did not.

18 Q Okay. Then Ms. Copeland says that she tells Officer
19 Holtzclaw that she has a relative in the area.

20 A Right.

21 Q And she doesn't want to leave her car there because
22 she's afraid something'll happen to it.

23 A Right.

24 Q And she tells you that Officer Holtzclaw follows her to
25 the relative's car (sic) that we watched -- we've seen a.

1 assault happened.

2 A Four minutes and 33 seconds.

3 Q Four minutes and 33 seconds.

4 And you would agree with me that that would be the
5 longest amount of time it could be.

6 A Yes.

7 Q Because that's taking a moving car to a moving car;
8 correct?

9 A That four minutes and 33 seconds the car is moving in
10 that

11 Q The -- the start point and the end point is 4:33;
12 correct?

13 A You're confusing me.

14 Q Well, then I'll -- I'll blow it up and maybe you can
15 explain it to us.

16 A I didn't get my four minutes and 33 seconds from this,
17 I got it off the animation.

18 Q Off of what?

19 A The animation. When it spits out the speed, the last
20 time it spit out was at 21:11:00 and then the next time he
21 started moving was 21:15:33.

22 Q 2:11?

23 A :00. And then he moves again at 21:15:33.

24 Q Okay. 21:11:00, how fast was he going?

25 A I don't know, I'd have to -- I don't --

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

3 A Did I do what?

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

6 A Yeah.

7 Q Okay. And what did you do next?

8 A I said yes.

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

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

13 Q With his hands?

14 A Yes, ma'am.

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

17 A Yes, ma'am.

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

20 A On the inside.

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

23 A Yes, ma'am.

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

25 A No.

1 Q What happened next?

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

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

7 A Yes, ma'am.

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

9 A Yes, ma'am.

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

11 A He touched my he touched my vagina.

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

14 A No, ma'am.

15 Q What happened next?

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

17 Q Where -- did you comply?

18 A Yes.

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

20 A In the back seat.

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

23 A It was open at the time.

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

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

1 And then he got in the -- into his -- into the driver's
2 seat.

3 Q Okay. And was he talking to you when you got in the
4 driver's seat?

5 A Yes.

6 Q What was he saying?

7 A He was run -- said was gonna run a check. And I told
8 him that I had warrants.

9 Q Okay. Did he run a check?

10 A Yes, he did.

11 Q What did that -- what did you hear or see whenever he
12 ran this check?

13 A He ran the check. He -- he typed my name in and he was
14 looking at the -- at my record.

15 Q Okay. Could you see him looking at your record?

16 A Yes, ma'am.

17 Q What was he looking at **it** on?

18 A He was just looking at what -- what my charges was
19 because I told him that I had city tickets.

20 Q Was **it** on a computer?

21 A Yes, ma'am.

22 Q Okay. Did he -- did he use a radio while he was in the
23 driver's seat?

24 A I don't recall.

25 Q What happened next?

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

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

7 A Yeah.

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

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

12 Q Okay.

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

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

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

17 Q What did he say?

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

20 Q Did he answer you?

21 A No.

22 Q What happened next?

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

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

1 A It was unzipped -- unzipped it.

2 Q Okay. Was his penis erect?

3 A Yeah, I don't -- I don't recall if it was or not.

4 Q Did he say anything to you after he took his penis out
5 of his pants?

6 A I don't recall.

7 Q What happened next?

8 A He -- I sucked his dick.

9 Q Was that something that you thought you had to do?

10 A Yes.

11 Q Why?

12 A Because I had warrants. And he should've just took me
13 to jail.

14 Q So -- and I don't want to embarrass you, Ms. Ellis, but
15 his penis went inside your mouth?

16 A Yes, ma'am.

17 Q Did he say anything to you whenever that was happening?

18 A No.

19 Q What happened next?

20 A He told me to put my feet back into the police car and
21 close the door. And he got in the driver's seat.

22 Q What happened then?

23 A He drove down a dead end street. Hopped the curb, went
24 around to an abandoned school.

25 Q Do you know where that abandoned school is at,

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 consisted of based on what she told you?

2 A She was -- let me -- to get exact because she -- she
3 told me exactly. She left her house. And then she walked
4 to Highland. And then she went north. And then she got
5 stopped on Highland where the oral sodomy happened. And
6 then he drove her north. And then he went down a dead end
7 street east, hopped the curb, went to the abandoned school
8 and parked behind a building.

9 Q Is there in fact a school that has been boarded up and
10 no longer in use in that vicinity?

11 A Yes.

12 Q Do you know the name of the school, ma'am?

13 A I think it's Creston Hills.

14 Q All right.

15 MR. GIEGER: Can I get some exhibits, your Honor?

16 THE COURT: Yes.

17 MR. GIEGER: Thank you.

18 Q (By Mr. Gieger) Ma'am, 272, 277, -78 and -84 have
19 already been introduced into evidence; correct?

20 A Correct.

21 Q Are those photographs you took?

22 A Yes, Detective Gregory and I did.

23 Q I'm going to show you some other ones. I'll hand you
24 270, 279, 282, 273, 274, 275, 276. Also have 271, then 280,
25 281, 283, 285, 286, and 287. Would you look at these

1 *did* Officer Holtzclaw -- let me rephrase.

2 Did the dispatcher document that she was told
3 Officer Holtzclaw is going 10-14 or transporting someone to
4 another location?

5 A No.

6 Q Is that significant to you in your investigation?

7 A Yes.

8 Q Why?

9 A Because he transported her somewhere else and didn't
10 tell dispatch.

11 Q Are there protocols that are to be followed whenever
12 transporting someone?

13 A Yes.

14 Q And what are those protocols? What do they include?

15 A You're supposed to let dispatch know where you're going
16 and if you have a member of the opposite sex you're supposed
17 to give your starting mileage. Then when you arrive at that
18 location you're supposed to tell dispatcher that you've
19 arrived and where you're at and you're supposed to give the
20 dispatcher your ending mileage.

21 Q And, ma'am, *is* the reasons for that the same reasons
22 you've testified before as to why those policies are in
23 place, those procedures are in place?

24 A Yes.

25 Q Do you show on here, ma'am, that there's a secondary

1 location

2 A No.

3 Q -- that was ever -- that was ever communicated to the
4 dispatcher?

5 A No.

6 Q And is that significant to you?

7 A Yes.

8 Q Why?

9 A Because he took her someplace else and he didn't radio
10 it in. So he didn't want it known.

11 Q Ma'am, there's been some testimony in regards to Ms.
12 Ellis and her belief that the man who assaulted her possibly
13 was a black man; you've heard that, correct?

14 A Yes.

15 Q Did she tell you that during your initial interview?

16 A Yes.

17 Q When she told you that was that significant to you?

18 A Somewhat. There's no lights out there at the school.
19 But it was a little bit.

20 Q What did you do then in regard in trying to determine
21 whether or not she could've been talking about a black
22 officer?

23 A I checked all the crime information logs to see if
24 another officer had ran her through Varuna -- sorry
25 through the Varuna logs. Then I checked the crime

1 A Correct.

2 Q The cross streets aren't evident, but is this between
3 17th and 18th on Highland?

4 A Yes.

5 Q In fact, ma'am if I look at 268, that shows both 17th
6 Street at the bottom and 18th Street at the top of what's on
7 the screen, is that -- that's where the assault happened on
8 Highland that you're referencing; correct?

9 A Yes.

10 Q And then do you see this house?

11 A Yes.

12 Q The way the roof line works?

13 A Yeah.

14 Q And if I look at this at 288 is that -- is that
15 consistent with that house?

16 A Yes.

17 Q All right. Ma'am, it shows on 5/7 -- 5/7 2014, that
18 tree's there. It's hard to read, but is it showing 12 -- I
19 can't make that out.

20 A 58.

21 Q 12:58 a.m.; correct?

22 A Yes, 12:58:13.

23 Q Does it show a speed zero?

24 A Yes.

25 Q And then there's another hit a little bit above it at

1 1:08:14 and the speed's zero.

2 A Yes.

3 Q Correct?

4 A Yes.

5 Q And then another hit over here at 1:03:13. So there's
6 three there. I think that one's in the middle of it too; is
7 that correct?

8 A Correct.

9 Q Is this the location that Ms. Ellis informed you
10 Officer Holtzclaw was running her for warrants and those
11 types of things?

12 A Yes.

13 Q And although we've got three speeds at zero, these dots
14 are hitting, although they're close together, they're not
15 hitting the exact same spot; correct?

16 A Correct.

17 Q Is that your consistent with your understanding of
18 the way just the AVL system works?

19 A Yes.

20 Q It's not an exact location. Even at zero speeds, it
21 can show some variation?

22 A Correct.

23 Q I'm going to hand you State's Exhibit Number 289, ask
24 if you recognize what 289 is.

25 A Yes.

1 MR. ADAMS: No objection, your Honor.

2 THE COURT: All right. State's Exhibit Number 297
3 will be admitted.

4 (State's Exhibit 297 was played.)

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

6 A That's him going out on one subject at 18th and
7 Highland Drive.

8 Q Is that consistent with what Ms. Ellis told you?

9 A Yes.

10 (State's Exhibit 297 was played.)

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

12 A That was him on crime information. He's standing by
13 and she's telling him he's number two in line.

14 Q Okay.

15 (State's Exhibit 297 was played.)

16 Q (By Mr. Gieger) What was that, m'am?

17 A The crime information dispatcher's telling him to go
18 ahead and he doesn't respond back to her. And so she gets
19 back on the radio and says "go ahead."

20 Q Now would this have been before he gave Sherry Ellis'
21 name to the dispatcher to run her for warrants?

22 A Yeah, he hadn't given it. She's she's wanting him
23 to give it but he given it yet.

24 Q And again, so that I'm clear, there's two
25 different involved in radio traffic; one is 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 A Correct.

2 Q And that would be approximately 2.3 miles an hour.

3 A Correct.

4 Q And you would agree with me that at -- the immediate
5 speed prior to that he's going seven knots. And you would
6 agree with me that two knots would be more consistent with
7 driving over a curb doing -- doing approximately 2.3 miles
8 an hour than seven knots which would be about ten miles an
9 hour?

10 A I would --

11 Q Would you agree with me that most people would go over
12 a curb at a slow speed?

13 A Yes.

14 Q Okay. So assuming that -- and we know for a fact that
15 at 1:14:28 Officer Holtzclaw's car is traveling at two
16 knots; correct?

17 A Yes.

18 Q Now this may be a little hard to see but this is 269.
19 And if I need to I can -- I'm gonna zoom in just a little
20 bit.

21 Just so I'm giving a fair and accurate
22 representation, 289 that we were looking -- the previous
23 exhibit that we were just looking at, the speed that I was
24 talking about was right here in this cul-de-sac; right?

25 A That's where it snapped to, yes.

1 A No.

2 Q And since we have no zero speeds, tell me why that
3 would not be consistent with it being less than four
4 minutes.

5 A It's not consistent because he would've gone 10-14 with
6 her and given a mileage because he's transporting somebody
7 of the opposite sex.

8 Q Okay. Assuming that he just didn't do the 10-14 -- we
9 know he called it in to the CAD unit; correct?

10 A Yes, to dispatch.

11 Q He initiated the stop. We have the document in
12 evidence; correct?

13 A Correct.

14 Q And we have the document in evidence that the actual
15 CAD people, they stopped the call at 1:18; correct?

16 A Yes.

17 Q So we know for a fact that Ms. Ellis testified that
18 this sexual assault that she's saying that took place behind
19 the building lasted between five and ten minutes. You would
20 agree with me that if that was true -- if that was true --
21 that statement was true we would have a zero stop somewhere
22 either here or here; correct?

23 A If it lasted five to ten minutes, yes, we would have a
24 zero stop.

25 Q And we don't have that, do we?

1 A No.

2 Q Okay. So we know for a fact that -- that nothing took
3 longer than five minutes; correct? We know that for a
4 fact -- at a zero speed, or we would have a zero stop;
5 correct?

6 A Correct.

7 Q So it is possible, is it not, that Officer Holtzclaw
8 simply drove through this area, got no information, let her
9 out of the vehicle and headed back over to Miramar and did
10 all that traveling the 503 feet in less than four seconds
11 (sic) as opposed to having a sexual encounter to the point
12 of ejaculation with someone behind the building; correct?

13 A The way you're putting it, yes.

14 Q Okay. Now you would agree with me that if Officer
15 Holtzclaw did obtain some information from Ms. Ellis, and I
16 think you testified to this on direct, in regards to drug
17 houses that he would be required or expected under the
18 Oklahoma City policy I guess to pass that on to special
19 projects or impact?

20 A Yes.

21 Q Okay. And we know he didn't do that; correct?

22 A Correct.

23 Q And we also -- you believe that if he had received some
24 information about prostitution that he would've forwarded
25 that information on to the vice department; correct?

1 Q And I didn't ask you --

2 A I ain't never been over there.

3 Q Ms. Morris, I'm sorry, I didn't ask you before. What
4 time of day was this whenever this officer stopped you?

5 A It was still light outside. I don't know. It was kind
6 of evening.

7 Q Okay.

8 A You can say that. I know that much.

9 Q What happened after you got to this apartment complex
10 at 24th and Lindsay?

11 A Well, right it's a wooden gate. And then they got
12 iron gates right right before the wooden gates. That's
13 where he was I guess -- I thought he was checking to see if
14 I had any warrants right there.

15 Q Did you hear him doing that?

16 A I don't remember.

17 Q Okay.

18 A But

19 Q Did he tell you that you had any warrants?

20 A No, I -- no.

21 Q What happened next?

22 A Then he got out the car. I -- I thought that --

23 Q The police officer got out of the car, Ms. Morris?

24 A Yeah.

25 Q What happened after he got out of the car?

1 another subject besides Terri Morris?

2 A Yes.

3 Q Was that Cody Nichols?

4 A Yes.

5 Q Okay. And so we've seen on three -- Exhibit 310, him
6 also running Cody Nichols on CIU?

7 A Yes.

8 Q And we see on State's Exhibit 313 him also running Cody
9 Nichols on Varuna.

10 A Yes.

11 Q What was your point in getting the CAD call for the
12 call-out for Cody Nichols?

13 A Officer Holtzclaw shows himself out on traffic stop at
14 8:31 in Liberty Station. And then there's a new CAD call,
15 like, back to back at the same -- same location. So I
16 wanted both calls. One was in reference I believe the
17 traffic stop involving Cody Nichols, going out on that
18 subject and then with Terri shortly thereafter at 20:46. It
19 was just back-to-back stops.

20 Q Okay. So we saw that that CAD call started around
21 8:31. What time was it closed out, Detective Gregory?

22 A 20:46.

23 Q Okay. Showing you State's Exhibit 312, is this another
24 CAD call for Officer Holtzclaw?

25 A It is another CAD call, yes.

1 Q And is that just seconds after we saw the last CAD call
2 closed out?

3 A Yes.

4 Q And what location was Officer Holtzclaw putting him out
5 on this CAD call?

6 A Now it's at 24th and Lindsay.

7 Q The first CAD call being at Liberty Station and the
8 second CAD call being at 24th and Lindsay, was that
9 significant to you in your investigation?

10 A Yes, it's in reference to where Terri said she was
11 taken.

12 Q And within State's Exhibit 312, was there any
13 information that Officer Holtzclaw had -- was going to
14 transport the subject that he came into contact with at 24th
15 and Lindsay?

16 A No.

17 Q Is that a 10-14? Is that the ten code for transport?

18 A That's correct.

19 Q Was that significant to you in your investigation?

20 A Yes, any time that you transport a member of the
21 opposite sex you have to go 10-14, let dispatchers know, as
22 has been testified by Detective Davis. In this case that
23 happened.

24 Q Whenever you told me earlier, Detective Gregory, that
25 you had gone out to the scene with Terri Morris after you

1 Q (By Ms. McConnell) Detective Gregory, I'm showing you
2 what's already been admitted as State's Exhibit 298. What
3 are we looking at there?

4 A You're looking east from Lindsay toward Liberty Station
5 Apartments.

6 Q Is that at 26th and Lindsay?

7 A Yes.

8 Q Okay. And is this the area that you indicated that
9 Terri Morris had told you she was first picked up by Officer
10 Holtzclaw?

11 MR. ADAMS: Judge, I'm going to object to the form
12 as leading. Also calls for hearsay response.

13 THE COURT: Sustained.

14 Q (By Ms. McConnell) Detective Gregory, what's the
15 significance of Liberty Station Apartments in your
16 investigation involving Terri Morris?

17 A It's where Officer Holtzclaw had stopped Terri Morris.

18 Q Showing you State's Exhibit 299, what do we see there?

19 A This is the location where she said that he stopped the
20 vehicle where he transported her around the 24th and
21 Lindsay -- about 725 Northeast 24th. The empty lot there,
22 that's facing north from the car there. And this is where
23 she said the sexual assault occurred.

24 Q And this apartment complex right here, Detective
25 Gregory, do you know the name of that complex?

1 A I believe it's Capital Crossing.

2 Q Okay. Showing you State's Exhibit 305, what do we see
3 there?

4 A This is actually the leaving from 24th and Lindsay
5 back north. She directed me to an open field area where she
6 said that she felt like Officer Holtzclaw was getting ready
7 to pull into. And this at Hill off of Phillips Street and
8 there's just this open -- it's almost like a park like, but
9 there's no --

10 Q And State's Exhibit 306, what are we looking at there?

11 A This is Urban League Court. This is where she said
12 that she was dropped in the area so she could walk over to
13 her -- Terry Wayne. She called him uncle. Terry Wayne's
14 house.

15 Q And did you hear Ms. Morris' testimony today that Terry
16 Wayne lives in Capital Crossing Apartments?

17 MR. ADAMS: Your Honor, object to the form as
18 leading.

19 THE COURT: All right. Overruled, you can answer
20 it.

21 THE WITNESS: Yes, she did say that.

22 Q (By Ms. McConnell) What we see here depicted in
23 State's Exhibit 306, is this Capital Crossing Apartment
24 complex?

25 A It's not the apartment complex, no.

1 over 16th and Highland. And the officer pulled up behind
2 me -- actually came from behind me and pulled on the side of
3 me.

4 Q Okay. He was in a car then?

5 A Uh-huh.

6 Q And you were **still** walking; correct?

7 A Uh-huh.

8 Q Okay. So how did you figure out that there was a
9 police officer behind you?

10 A When he pulled up beside me.

11 Q Then you saw him?

12 A Uh-huh.

13 Q Okay. So he actually pulled up not just behind you but
14 actually beside you as well.

15 A Well, I mean, he had to come from behind me to pull up
16 beside me.

17 Q Okay. Now I understand. Did he turn his lights on?
18 Was he in a police car?

19 A No, he **didn't** turn his lights on.

20 Q Okay. But he was in police car?

21 A Yeah.

22 Q Well, after he pulled up beside you, ma'am, can you
23 **tell** us what happened after that?

24 A He asked me where -- where was I going, what was I
25 doing, where was I coming from, where was I headed.

1 in July what I mighta said.

2 Q (By Mr. Adams) Do what?

3 A I said I think I recall saying that it mighta been in
4 July. I think that's what I recall saying that it mighta
5 been --

6 MR. GIEGER: I don't object to that, your Honor.

7 Q (By Mr. Adams) And at no time during the interview
8 with Detective Homan or Detective Davis did you ever tell
9 them or suggest to them that it might have been in May of
10 2014?

11 A No.

12 Q Correct?

13 A No, they gave me the date. They told me when.

14 Q They told you the date?

15 A Yeah.

16 MR. ADAMS: May I have just one moment, your
17 Honor?

18 THE COURT: Yes.

19 MR. ADAMS: Pass the witness, your Honor.

20 MR. GIEGER: Briefly, one or two questions.

21 THE COURT: All right. Redirect.

22 MR. GIEGER: Yes, sir.

23 REDIRECT EXAMINATION

24 BY MR. GIEGER:

25 Q Ms. Bowen, I just have a couple questions for you,

1 A 13th.

2 Q So Miramar kind of turns into 13th; is that fair?

3 A Correct.

4 Q All right. In regards to the AVL, ma'am, 325 shows --
5 first of all, what are we looking at on 325?

6 A Dead Man's Curve.

7 Q Whenever I look at that photograph, ma'am, it looks
8 like there's these gray blobs on each side of it. Do you
9 know what those are?

10 A I think they're -- they're not buildings.

11 Q Right.

12 A It's just a junky area and it might be pieces of
13 concrete.

14 Q Old parking lot?

15 A Parking lots and stuff, yes.

16 Q But now we see Miramar and then it turns into 13th?

17 A Right.

18 Q Have you been to this location?

19 A Yes.

20 Q Can you describe it, please?

21 A It's very desolate. There's no buildings around.

22 There's no houses around. It's just the weeds are real
23 tall and overgrown. People have dumped all sorts of trash
24 back there.

25 Q When you see the AVL, ma'am -- I'm going to have to

1 make it a little bit bigger I think. If I start up at the
2 top there's a speed at 16 knots and a speed at 12 knots and
3 it appears that they are -- this, it looks like four seconds
4 apart; is that right?

5 A Yes.

6 Q At 1:01:53, and 1:01:57?

7 A Correct.

8 Q Ma'am, when I look at the Varuna it shows that the
9 Varuna run was done at 51 minutes after midnight; correct?

10 A Correct.

11 Q So this is approximately 15 minutes later when I get to
12 this first -- sorry, you can't see it. 1:01 would be about
13 ten minutes later; correct?

14 A Correct.

15 Q I'm sorry, I'm moving everything around.

16 Based upon your understanding of what happened at
17 16th and Highland and the travel distances to that location
18 on Miramar going into Dead Man's Curve, is it consistent
19 with the times of what we're seeing match up?

20 A Yes.

21 Q Is it also consistent with what Ms. Bowen told you
22 about what took place based on your experience as a police
23 officer and how long those types of things would've
24 occurred?

25 A Yes.

1 Q If you continue down south on Miramar to the next data
2 points we now have zeros; is that right?

3 A Correct.

4 Q The last moving data point would be at 1:01:57 at 12
5 knots?

6 A Correct.

7 Q For AVL to hit a zero what's your understanding has to
8 happen?

9 A You have to be stopped for five minutes.

10 Q Okay. And if it shows 1:01:56 -- excuse me, 1:01
11 1:06:58, is that consistent with five minutes from the last
12 moving speed?

13 A Last moving.

14 Q Well, I can back it up.

15 A Yeah, back it up for me.

16 Q 1:01:57?

17 A Yeah, close.

18 Q And then 1:06:58?

19 A Yeah.

20 Q Five minutes and one second.

21 Okay. Then I notice immediately over to the right
22 there's another AVL at 1:11:58. Is that five minutes again
23 from the last zero mark?

24 A Yes.

25 Q And then, ma'am, I notice if I keep moving down that

1 the next one that hits is at 1:14:46; is that right?

2 A Yes.

3 Q So that would be just under five minutes from the
4 1:11:58?

5 A Right.

6 Q And then the next one shows going now more in an
7 easterly direction -- excuse me -- a west direction, the
8 next speed shows at 14 knots approximately five seconds
9 later; correct?

10 A Yes.

11 Q Is that significant to you seeing those AVL points and
12 the two zero marks in the middle of Dead Man's Curve?

13 A Yes.

14 Q Why?

15 A That's what she said where they stopped and he sexually
16 assaulted her.

17 Q Ma'am, when I go back to 324 I realize the speeds are
18 not there but the area that we were just talking about,
19 those two gray blobs are those those -- are those the same
20 thing as these two things that are blown up on this?

21 A Yes.

22 Q And you have it marked at the 1:01:14; is that one of
23 the zero speeds?

24 A Yes.

25 Q The direction going on to the next intersection, what

1 A Not for sure.

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

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

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

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

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

16 Q Were you walking by yourself?

17 A Yes.

18 Q Okay.

19 A Yes.

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

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

1 Q You heard the radio say that you

2 A No, he stopped. He pulled up to me and told me: Oh,
3 yeah, by the way -- he told me I had a warrant out for my
4 arrest. And I know I didn't because I just -- you know, he
5 just did a thing. And he's telling me. Why he said that, I
6 don't know. But that's what he said.

7 Q Right. When you were in the patrol car with the
8 officer on the second time

9 A Yeah.

10 Q -- that we're talking about, could you hear the
11 radio --

12 A Yes.

13 Q -- person come back and say you were clear?

14 A Yes.

15 Q Did you say anything to him whenever he told you --
16 whenever he drives past you and says you've got a warrant?

17 A No, well, he just told me -- he said: Okay. He said:
18 You got a warrant. I'm like, for what? He say: I don't
19 know what they're for but you need to go and have it taken
20 care of. And that was all that was said. And I just knew
21 that's -- that's not true.

22 Q Had you already called Victor before --

23 A Yes.

24 Q you before the officer comes back and drives past
25 you the second time?

1 people is in that type of area. There's drugs everywhere.

2 But, yes, that is a place where a lot of known everything is
3 going on. Prostitution, anything you want to name, it's all
4 in the area where I hang.

5 Q Do you recall telling Detective Davis and Detective
6 Homan that you were smoking crack?

7 A I don't recall that.

8 Q So you deny it?

9 A It's possible, but -- no, I'm not saying I didn't. I
10 just don't recall. I don't remember that.

11 Q When you say it's possible is it because that you do
12 smoke crack; correct?

13 A I do. I do. Yeah, I smoke. I'm not gonna lie there.
14 I do.

15 Q On a regular basis?

16 A Exactly.

17 Q Then -- but what you're saying happened is after
18 Officer Holtzclaw ran you on the second occasion in the back
19 of his squad car he asked you to exit the squad car;
20 correct?

21 A Yes.

22 Q And, again, this would've been on a public street;
23 correct?

24 A Yes.

25 Q And you're saying at that point in time as you're

1 that is.

2 A Yes.

3 Q What is it?

4 A It's the CAD call.

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

7 A Right.

8 Q And is it accurate, ma'am?

9 A Yes.

10 MR. GIEGER: Offer 343, your Honor.

11 MR. ADAMS: No objection, your Honor.

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

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

15 A Correct.

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

18 A No.

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

20 A Correct.

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

24 A Yes.

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

1 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 A Yes.

2 Q And on this one, the VisiNet mobile interface, is that
3 indicative of an officer touching the computer and closing
4 the call out himself as opposed to calling a dispatcher and
5 telling them?

6 A Yes.

7 Q Ma'am, Ms. Lyles, did she tell you that Officer
8 Holtzclaw transported her?

9 A Yes.

10 Q And in September did she tell you about the discussion
11 that she didn't want a ride, she didn't want to be seen with
12 an officer, but he did anyway?

13 A Yes.

14 Q Is what she told you in September essentially
15 consistent with what she testified here to in Court both on
16 direct and cross-examination in that regard?

17 A Yes.

18 Q When you look at State's Number 355, ma'am, can you see
19 anywhere in State's Number 355 where Officer Holtzclaw
20 informed a dispatcher he was going 10-14 or transporting a
21 female victim -- excuse me -- a female suspect?

22 A No, he did not.

23 Q Does it show anywhere on State's 355 where Officer
24 Holtzclaw says I'm going to a secondary location either at
25 the Relax Inn and/or at the school on Miramar and 18th?

1 A Yes.

2 Q Thank you for correcting me.

3 Okay. Let me start again.

4 What he said on the radio traffic is consistent
5 with what the dispatcher was told?

6 A Correct.

7 Q And this document reflects what the dispatcher was
8 told.

9 A Correct.

10 Q In looking at the radio traffic and in doing your
11 investigation did you ever find any indication that Officer
12 Holtzclaw told any of the dispatchers that in fact he was
13 leaving 16th and Lottie and driving to the location of
14 Creston Heights (sic) Elementary, the abandoned school?

15 A No, in fact, if you look he closed that call before he
16 did that.

17 Q That's my next question, ma'am.

18 A Oh, sorry.

19 Q Whenever you looked at the call we have -- he's
20 arriving -- if you look at State's Exhibit Number 351 in
21 the cul-de-sac at 1:36:10; correct?

22 A Correct.

23 Q And he's there until he's driving away at 1:47 at 9
24 knots; correct?

25 A Correct.

- 1 telling you he's not sure.
- 2 A Yeah, he doesn't believe me.
- 3 Q Okay. So what happened at that point? What'd you say
- 4 to him or what'd you do?
- 5 A He said he'll take me down there.
- 6 Q Okay.
- 7 A So we got there. I'm, like: Well, she's not home. I
- 8 don't have a key. I don't know how I'm gonna get in.
- 9 Q Did you ride in the police car?
- 10 A Yes.
- 11 Q Front or back?
- 12 A Back.
- 13 Q All right. And did he take you to the house that you
- 14 told him to take you to?
- 15 A Yes, pulled in the driveway.
- 16 Q Do you know the address of that house, ma'am?
- 17 A [REDACTED] Northwest 14th Street.
- 18 Q [REDACTED]
- 19 A Yes.
- 20 Q -- Northwest 14th Street?
- 21 A Yes.
- 22 Q I'm assuming it wasn't -- did he take you straight
- 23 there? Like, he didn't --
- 24 A Yeah. Yeah. Yeah. Straight there.
- 25 Q Straight -- short trip?

1 Q Then what happened?

2 A He left.

3 Q Did he get in his car and drive away?

4 A Yes, his car was parked right in the front of the front
5 gate.

6 Q On the street or in the driveway?

7 A In the driveway.

8 Q And he pulled into the driveway?

9 A Yeah.

10 Q Where that car -- where that other car was?

11 A I don't remember exactly how far it was in the
12 driveway, but he pulled in the driveway.

13 Q So he was parked in that spot where that other gate
14 that actually was opened, you can --

15 A I'm not sure if he was parked in that spot because it's
16 a pretty wide driveway, but he's parked at the driveway.

17 Q And I'm sorry, I'm not trying to say exactly where, but
18 he's in the driveway.

19 A No, I'm sorry.

20 Q That's okay. I just want to make sure we're accurate.

21 All right. So he leaves and what did you do?

22 A I sat there for a minute.

23 Q Okay.

24 A And I just sat there. And I was thinking, like,
25 what -- like, what was that for?

1 Q Okay. And then after that -- what -- what got him to
2 leave, do you have any idea?

3 A I guess he finished.

4 Q Okay. But you don't believe that he ejaculated or that
5 he came; correct?

6 A I'm not sure if he did or not. My back was to him. I
7 didn't have any signs of it, but it I'm not sure if he
8 did or not. It wasn't -- it wasn't

9 Q So are you saying that he could have?

10 A I'm not sure. He could've, yes. I am not sure.

11 Q So then Officer Holtzclaw leaves; correct?

12 A Yes, he does.

13 Q Gets in his squad car and backs out of the driveway and
14 leaves.

15 A No, he stands -- he -- he walks out and he stands out
16 on the -- like, the front -- the front, like, lawn by the
17 gate -- between the gate and the mudroom and he says: I
18 might be back.

19 Q Okay. So he exited the mudroom, stood in the yard and
20 said: I might be back?

21 A Well, it -- I wouldn't call it part of the yard, but,
22 yeah.

23 Q Okay. And then did he get in his car?

24 A Yes, he did.

25 Q And what period of time how long did all these

1 THE COURT: All right.

2 MR. GIEGER: Thank you, Judge.

3 (The in-camera hearing was concluded
4 after which the following occurred in
5 camera with all parties and jurors
6 present.)

7 THE COURT: All right. You may wonder why we're
8 all here and why your notes are in here.

9 First, let the record reflect that all members of
10 the jury are present. Counsel for the State, counsel for
11 the defendant, and the defendant is present.

12 Ladies and gentlemen, what we're going to do at
13 this point is we're going to do ten scene locations which
14 means that we're all going to go and get on a Sheriff's
15 Department van. The defendant will be in a separate car,
16 the attorneys will be in a separate car, but myself, you all
17 and my staff will be on the Sheriff's Department van.

18 These are the locations we're going to be going
19 to: Northeast 50th Street and Beverly is the location that
20 evidence has been presented that the defendant was present
21 or near this location on June 18th, 2014, with Jannie
22 Ligons.

23 East Hill Street and North Phillips is a location
24 evidence has been presented that the defendant was present
25 at or here this location on May 8th, 2014 with Terri Morris.

1 Liberty Station Apartments, Northeast 26th Street
2 and Lindsay is a location that evidence has been presented
3 that the defendant was at or near this location on
4 December 20th, 2013, with Shardayreon Hill and on May 8th,
5 2014, with Terri Morris.

6 Northeast 24th Street and Lindsay is a location
7 we'll be going to where evidence has been presented. This
8 is a location near the Capitol Crossings Apartments and the
9 Oklahoma History Center that the defendant was present or
10 near this location on May 8th, 2014 with Terri Morris.

11 [REDACTED] Culbertson Drive is a location we'll be going
12 to where evidence has been presented that the defendant was
13 at or near this location with Rosetta Grate on or about
14 April, 2014, and at this location April 24th, 2014, with
15 Rosetta Grate.

16 [REDACTED] Northeast 15th Street is a location we will
17 go to where evidence has been presented that Tabitha Barnes
18 resided at this location during February and March of 2014.
19 And the defendant was present or near this location
20 February 27th, 2014, March 26th, 2014, with Tabitha Barnes
21 and March 25th, 2014, with Tabitha Barnes and Terry
22 Williams.

23 Northeast 23rd Street and Miramar Boulevard is a
24 location we'll be going to where evidence has been presented
25 that it is near the Oklahoma City Public Schools bus barn,

1 the defendant was present or near this location on
2 April 25th, 2014, with Regina Copeland.

3 Northeast 18th Street and Miramar Boulevard is a
4 location we'll be going to where evidence has been presented
5 it's near the Creston Heights (sic) Elementary School, that
6 the defendant was present or near this location May 7th,
7 2014, with Sherry Ellis and June 18th, 2014, with Kala
8 Lyles.

9 Northeast 13th Street and Miramar Boulevard is a
10 location we'll be going to. It's the location referred to
11 as Dead Man's Curve. Evidence has been presented that the
12 defendant was at or near this location May 21st, 2014, with
13 Syrita Bowen.

14 And [REDACTED] Northwest 14th Street is a location we'll
15 be going to where evidence has been presented that Adaira
16 Gardner resided during June, 2014, and the defendant was
17 present or near this location on June 17th, 2014.

18 Now you may take your notepads but there will not
19 be any discussion about the case. No one is going to
20 present any evidence during this. There won't be any
21 questions asked, no answers will be given. We will pull up
22 to a location, we will stop for a number of seconds and then
23 we will drive to the next location. So there'll be no
24 discussion. Don't discuss the case. Don't talk about the
25 case. It's just for you to see these locations only.

1 MR. GIEGER: Ma'am, I think that's all the
2 questions I have for you, all right? Mr. Adams will
3 probably ask you some questions.

4 THE WITNESS: I bet.

5 THE COURT: All right. Cross-examination?

6 CROSS-EXAMINATION

7 BY MR. ADAMS:

8 Q Ms. Gates, back on June the 17th of 2014, you had a
9 job; correct?

10 A Yes.

11 Q Were you working at Iowa Meats?

12 A Iowa Steak Company.

13 Q Iowa Steak Company.

14 Do you recall what time you got home when -- June
15 the 17th of 2014?

16 A No. I always get home late when it's summertime
17 because I get home at dark. When it's dark is when I go
18 home.

19 Q Do you recall in the early morning hours of June the
20 17th of 2014 reporting your daughter as a runaway?

21 A I'm not really good with the dates but I do remember
22 reporting her as a runaway.

23 Q Would've been the same date that you received this
24 phone call?

25 A Uh-huh.

1 not till 9:34; correct?

2 A Correct.

3 Q So there's almost a five-minute interval -- actually
4 five-minute-one-second interval it looks like; right? From
5 the last moving speed --

6 A Yes.

7 Q -- until so there's about a 19-minute -- 19-minute
8 time period that he's at that location?

9 A Correct.

10 Q Based on this AVL information?

11 A Correct.

12 Q Was that significant to you?

13 A Yes.

14 Q Why?

15 A Because of what Adaira said happened, him following her
16 up on the porch and then the assault.

17 Q I'm going to hand you 384. Is 384 -- what *is* 384?

18 A CAD call for his stop at 13th and Indiana.

19 Q So this is the second stop; correct?

20 A Correct.

21 Q The one that -- the AVL that shows on the exhibit
22 that's on the screen?

23 A Correct.

24 Q What time does it begin?

25 A 21:20:18, so 9:20 in the evening.

1 Q Is **it** accurate -- the document, is **it** accurate from
2 what the crime information unit gave you?

3 A Yeah.

4 Q Not crime information, the crime incident report.

5 A Correct.

6 Q All right.

7 MR. GIEGER: Offer 384.

8 MR. ADAMS: No objection, your Honor.

9 THE COURT: State's Exhibit 384 will be admitted.

10 Q (By Mr. Gieger) Ma'am, in regards to 384 this is the
11 document that -- that records Officer Holtzclaw putting
12 himself out at 9:20:18 on June 17th; correct?

13 A Correct.

14 Q It again shows traffic stop but there's no car involved
15 with this stop; fair enough?

16 A Correct.

17 Q The location shows Northwest 13th and North Indiana; is
18 that consistent with the AVL?

19 A Yes.

20 Q Is **it** also consistent with what Ms. Gardner told you?

21 A Yes.

22 Q This stop starts at 20 -- 21:20, so that's 9:20 p.m.?

23 A Right.

24 Q And **it** shows that **it's** closed at 9:28 p.m.; correct?

25 A Correct.

1 Q And on this one it shows the VisiNet mobile interface,
2 is that indicative of the officer not calling a dispatcher
3 but actually closing a call himself in the police car?

4 A Yes.

5 Q Ma'am, is it significant to you that he closes it via
6 his computer in his car at 9:28:22 while the AVL shows that
7 he is still at that location up to 9:43?

8 A Yes.

9 Q Why is that significant to you, ma'am?

10 A Because after the assault he stayed in her driveway and
11 told her that he might be back later before he actually
12 left.

13 Q And in fact is he clearing himself on the call some
14 almost 14 minutes before he actually leaves the area?

15 A Correct.

16 Q Is that consistent with what your experience as a
17 police officer should do? Close out a call before you leave
18 the scene is what I'm asking.

19 A No. No.

20 Q For a variety of reasons?

21 A Yes.

22 Q Including?

23 A Officer safety.

24 Q Is one of them?

25 A Is one of them, yes.

1 she thinks she has no other choice but to do and she lifts
2 her shirt and her bra, exposing her breasts to Officer
3 Holtzclaw.

4 Who's gonna believe Carla Raines?

5 On March 25th or April 14th Officer Holtzclaw
6 finds nine-time convicted Florene Mathis. Similar to Carla
7 Raines, Florene Mathis is walking alone at nighttime in the
8 northeast part of town. He stops her. She has a warrant.
9 And after Officer Holtzclaw finds out that she has a warrant
10 he searches her. Florene Mathis told you that he touched
11 her breasts on top of her clothes and she didn't tell
12 anyone. She didn't think she could.

13 But here in between Florene Mathis and Rosetta
14 Grate is where Officer Holtzclaw takes a new shift in his
15 pattern. Because people exposing their breasts and their
16 vagina to him isn't enough for Officer Holtzclaw anymore.
17 So then he comes into contact with Rosetta Grate on
18 April 24th, 2014. And he grows bolder.

19 And on April 24th, 2014, he finds Rosetta Grate.
20 She's walking alone at night in the northeast part of town.
21 She has seven felony convictions. She admits to him
22 immediately that she's high and that she shouldn't be in
23 that part of town. She tells him she's trying to get home
24 but she can't because she keeps picking up, as she phrased
25 it to you, dates meaning prostituting herself on her way

1 home to her residence of Culbertson Drive. He crushes her
2 crack pipe and he drives her home.

3 And he actually follows her inside the house. And
4 once again, touching her breasts or making her expose her
5 breasts or vagina to him isn't enough for Officer Holtzclaw
6 anymore. Instead he follows her into her bedroom and he
7 unzips his fly. He pulls his penis out and he tells her,
8 quote, this is better than county. He puts his penis in her
9 mouth and then he vaginally rapes her.

10 And then just a day later, on April 25th, 2014, he
11 comes into contact with Regina Copeland. Regina is driving
12 drunk on the northeast part of town. Officer Holtzclaw does
13 a traffic stop on her. And he actually lets her drive drunk
14 to her relative's house, just following her where he has her
15 get in the back seat of his patrol car. And once Regina
16 Copeland gets in the back seat of his patrol car he takes
17 her to the bus barn. The area that you visited earlier
18 during this trial, it's at 24th and Martin Luther King. And
19 when he takes her to this secluded location he makes her
20 bend over in the back seat of his patrol car where he
21 vaginally rapes her.

22 Officer Holtzclaw's habit continues. He continues
23 to take victims to secluded locations where he can sexually
24 assault them. And you see that again on May 7th, 2014, with
25 Sherry Ellis.

1 The defendant comes across Sherry Ellis, once
2 again, walking at night in a high-crime area on the
3 northeast side of Oklahoma City. She's a convicted felon.
4 Who will believe her? He touches her breasts and vaginal
5 area while he searches her. But then he has her get in the
6 back seat of his patrol car when he finds out that she has
7 an outstanding warrant. And he tells her: What are we
8 going to do about this? And what they're going to do about
9 this is Officer Holtzclaw takes her to Creston Heights (sic)
10 Elementary School, the abandoned school that you saw
11 whenever we went and visited some of the scenes.

12 And when he takes her to the school he hops the
13 curb, drives to a secluded area between some trees. I'm
14 showing you State's Exhibit 284 where Sherry Ellis told you
15 the car in State's Exhibit 284 is exactly where Officer
16 Holtzclaw took Sherry Ellis at that school. And when they
17 get to the school Officer Holtzclaw puts his penis in Sherry
18 Ellis' mouth and he has her bend over the back seat of his
19 patrol car where he vaginally rapes her.

20 Just a day later, again, on May 8th, 2014, Officer
21 Holtzclaw comes into contact with convicted felon Terri
22 Morris. She's walking out of Liberty Station Apartments.
23 You already know that that's a drug area. That's the same
24 place where Officer Holtzclaw came into contact with
25 Shardayreon Hill.

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 over the back seat of the patrol car where he vaginally
2 rapes her just as he's done with the other victims.

3 But Officer Holtzclaw still isn't done yet for his
4 June 17th, 2014, shift. And he gets even bolder. He does a
5 traffic stop on Jannie Ligon. But it's different than the
6 rest because the June 18th traffic stop of Jannie Ligon is
7 after Officer Holtzclaw's clocked out of his shift. You'll
8 recall that he's a second shift police officer and they work
9 from the hours of 4:00 p.m. to 2:00 a.m. Whenever Officer
10 Holtzclaw makes contact with Jannie Ligon he's left the
11 station. He's done with duty, he's off for the night.

12 He turns his AVL computer system off at the
13 station. So his computer system isn't on as it is with the
14 other victims. And Jannie Ligon isn't in the same area of
15 town where he stopped all of these other victims. But
16 Officer Holtzclaw takes a chance anyways. And Officer
17 Holtzclaw makes this traffic stop and he has Jannie Ligon
18 get out of the car. He asked her if she has anything in her
19 bra. Once again, again and again he asks: Do you have
20 anything on you? Do you have anything in your shirt? And
21 finally Jannie Ligon does just as all the other victims
22 thought that they had no choice to do, she lifts up her
23 shirt exposing her breasts.

24 He has her sit in his patrol car where once again
25 he takes his penis out of the fly of his pants and tells

1 went inside their mouth. Those three elements are met.

2 And this is another instruction similar to the
3 sexual battery instruction that had two alternate theories.
4 Once again, if you find the defendant guilty beyond a
5 reasonable doubt of either of these theories, he's guilty of
6 forcible oral sodomy. And those two theories are, fourth,
7 either which is accompanied by means of force or violence,
8 or threats of force or violence that are accompanied by the
9 apparent power of execution.

10 With the victims below Shardayreon Hill -- Rosetta
11 Grate, Terri Morris, Syrita Bowen, Kala Lyles and Jannie
12 Ligons the defendant put his penis in their mouth while
13 they were at a secluded location. He's an officer. He's
14 wearing his gun. He has his badge. And they felt like they
15 had no other choice but to do that. He forced himself upon
16 them by using his power as an Oklahoma City police officer.

17 Shardayreon Hill fits the second theory as do the
18 rest of the victims because, just as we discussed with
19 sexual battery, the crime was committed by a municipal
20 employee -- Officer Holtzclaw was an Oklahoma City police
21 officer -- upon a person who was under the legal custody,
22 supervision or authority of a municipality of Oklahoma.
23 Shardayreon Hill was under arrest whenever the defendant
24 committed the crime of forcible oral sodomy against her.
25 And Rosetta Grate and the victim's names below her were all

1 under the detention of Officer Holtzclaw whenever he
2 committed this crime.

3 The next crime for your consideration is the crime
4 of rape in the first degree. These victims are all the
5 victims that are charged -- are all of the victims that the
6 State has charged Officer Holtzclaw with raping in the first
7 degree: Rosetta Grate on April 24th, Regina Copeland on
8 April 25th, Sherry Ellis on May 7th, Syrita Bowen on May
9 21st, Adaira Gardner on June 17th and Kala Lyles on June 18.

10 And the elements for rape in the first degree are
11 in Instruction Number 15. Sexual intercourse is the first
12 element. Well, sexual intercourse is later defined for you
13 that it's actual penetration of the vagina by the penis.
14 All of those victims testified that the defendant's penis
15 penetrated their vagina.

16 The second element is with a person who's not a
17 spouse of the defendant. That's a gimme. You know that
18 Officer Holtzclaw is not married to any of those women.

19 And third, where force or violence was used
20 against the victim or where force or violence was threatened
21 against the victim and the defendant had the apparent power
22 to carry out the threat of force or violence. All of these
23 victims just like we talked about in the forcible oral
24 sodomy instruction were taken to secluded locations by the
25 defendant. They were alone, there was no one to help them.

1 Holtzclaw calls into the dispatcher to let them know what
2 he's doing. He goes into a house that he's never been to
3 before. It's at nighttime. He doesn't know who's in that
4 house or what they're doing in that house, if there's
5 someone with a gun, if there's criminal activity going on in
6 that house. And he doesn't tell a soul that he's going
7 inside which is a horrible common-sense decision for anyone
8 to do, especially a police officer. It makes no sense
9 unless Officer Holtzclaw doesn't want someone to know that
10 he's gone in that house because of what Rosetta Grate told
11 you happened to her inside that house.

12 Regina Copeland. He follows a drunk driver to
13 another location. That's also common sense. What police
14 officer would let someone who they knew was drunk continue
15 to drive on the road and just follow them? What if they
16 have a wreck? It's gonna be on Officer Holtzclaw. But once
17 again, Officer Holtzclaw wants to be able to use that to
18 hold over Regina Copeland's head to allow him to vaginally
19 rape her.

20 And then with Sherry Ellis he took her to this
21 Creston Heights (sic) Elementary School. With Terri Morris
22 he took her all around town. With Syrita Bowen he took her
23 to Dead Man's Curve. With Adaira Gardner he took her to her
24 house. And Kala Lyles to Creston Heights (sic) Elementary
25 School. What these victims all share in common is that

1 inappropriately with Daniel Holtzclaw. So if they're gonna
2 make the allegation that Daniel Holtzclaw has ever filled
3 out a field interview card ever, the easiest control group
4 is let's take a look at those 35 women that we know that
5 they've interviewed that they have not filed even a police
6 report on. Let's take those 35 women and let's run all the
7 records that we've run on these 13 people that say that
8 something did happen.

9 And let's see if there's any anomalies in there.
10 Because what I'd suggest to you, if they had any field
11 interview cards from any of the 35 individuals that said
12 nothing happened, they'd be here in evidence, they wouldn't
13 be there back at the department. If they had any CAD calls
14 from any of those 35 people that showed that Daniel
15 Holtzclaw did always call in when he was transporting
16 somewhere someone somewhere, they would've introduced all
17 35 of them.

18 If they -- if they want to make everything look so
19 sinister and so significant, give us something to compare it
20 to. Don't sit here and nitpick Officer Holtzclaw in his job
21 on a daily basis and just pull out a bunch of records and
22 say, aha, a police officer would never do this; you would
23 never transport a female if you're trying to get information
24 from them behind the school and try to talk to them. You
25 would never transport them down to Dead Man's Curve although

1 every one of them have testified they don't want to be known
2 as the snitch in the neighborhood where no one can see them.
3 But you know what, if in those 35 people we have AVL that
4 shows that they went behind the school all the time, you
5 could assume that they did. They went behind the school all
6 the time. They went on Dead Man's Curve.

7 But Daniel Holtzclaw isn't worth a damn with
8 paperwork. I mean, how many of you -- do you know people at
9 work that aren't -- aren't -- aren't very proficient or very
10 good at paperwork? Well, as an Oklahoma City police
11 officer, literally if he -- if you want to follow the quota
12 of what you're supposed to do on every single call, I quite
13 frankly don't know how they can get anything done with all
14 the things they're supposed to be doing at once. But if
15 they're all these are all these significant and --
16 because Mr. Gieger's getting ready to get up here in a
17 minute and he is going to repeatedly hit all these things.

18 Well, where's his field interview cards? Well,
19 show us on this 35 control group where he filled out field
20 interview cards. Well, I'd suggest to you he never filled
21 out one in his entire career. They haven't admitted any.
22 There's some that are stuck in his car when they take it,
23 but they don't have any in evidence.

24 If they're gonna tell you that his daily activity
25 logs that he intentionally left people off of there so that

1 It's December 9th, 2015, about 11:15 a.m. The jury has sent
2 out a question. The Court's marked this as Court's Exhibit
3 19. The question is, quote, can we visit some of the sites
4 tonight around midnight?

5 I'm sure the record is clear that the case has
6 been submitted to the jury. They've had all the evidence
7 they've been instructed that they've had all the evidence
8 and arguments that they're going to get to decide this case.
9 So it would be the Court's intention to simply respond: No,
10 you have all the evidence and instructions that are proper
11 for you to consider.

12 What says the State?

13 MR. GIEGER: Your Honor, I think that is the
14 correct legal response. Personally I would like very much
15 to let them go see some of these sites at that time of night
16 because that's when they occurred, but I also understand
17 that legally I don't I can't give you any reason why that
18 would be permissible at this point.

19 MR. ADAMS: I agree with the Court's response.

20 THE COURT: All right. Answer: No, you have all
21 the evidence that is proper for you to consider. There will
22 be no additional evidence provided.

23 Because that's what the instruction says; you've
24 had all the evidence that's proper for you to consider, that
25 I give in the closing. Now I know what you're thinking

1 judge.

2 MR. ADAMS: My suggestion is we just say no. We
3 tell them we are not just no. They asked if they could
4 take a tour at midnight and the answer is no. We don't read
5 any more into it than that. They've asked if they could do
6 the field trip at midnight, the answer is no and leave it at
7 that. They can go from there. I think that would probably
8 be the more appropriate response.

9 THE COURT: Probably right.

10 MR. GIEGER: This jury seems to need -- doesn't
11 understand to read the instructions and take them as a whole
12 and digest them.

13 MR. ADAMS: I know, but do you think that you or
14 I, either one could -- I mean

15 THE COURT: All right. So what I've done, I've
16 the response that will go to the jury will be: Court's
17 response: No.

18 Can we visit some of the sites tonight around
19 midnight? Court's response: No.

20 What says the State to that?

21 MR. GIEGER: I think that's technically correct,
22 Judge. Again, I think -- I would like to say use your
23 common sense but they might interpret that in a strange way.
24 So "no" is probably the most appropriate answer.

25 MR. ADAMS: I think that's the most appropriate

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

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

7 A He just leaves.

8 Q He just leaves?

9 A Uh-huh.

10 Q What did you do?

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

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

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

19 Q So you wiped it off?

20 A You know, the slimy stuff. Yeah.

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

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

1 Q As for 235?

2 A Right.

3 Q Is that the chair?

4 A Yes.

5 Q Was it right there or was it moved?

6 A No, it was -- it was just turned around because the
7 table -- the chair's still kind of by the bed but it's
8 turned around, like, you know when you sit into it.

9 Q The chair was by the bed but it's in a different spot?

10 A Yes, sir.

11 MR. GIEGER: Okay. Your Honor, I believe she's
12 identified the following exhibits as being consistent with
13 that night. And that would be -- I'd offer 214, 215, 218,
14 224, 225, 226 and 227.

15 MR. ADAMS: No objection, your Honor.

16 THE COURT: All right. State's Exhibit Number
17 214, 215, 218, 224, 225, 226 and 227 will be admitted.

18 MR. GIEGER: Thank you, Judge.

19 Q (By Mr. Gieger) Ms. Grate, 214 shows -- you tell me,
20 what am I looking at there?

21 A My bedroom.

22 Q Is that the room where the oral sodomy and the rape
23 occurred?

24 A Yes.

25 Q 215, is that a picture of the bed?

1 you do that exactly? Explain that to me.

2 A I was standing towards the door -- like, the door's
3 right here and the mudroom door's right here, the front
4 door's right here. I was standing by the front door.

5 There's a bunch of junk and stuff on the porch. There's a
6 chair right here. And, like, after he searched me he kinda
7 turned me around and he just pushed me over the chair.

8 MR. GIEGER: Approach, your Honor?

9 THE COURT: You may approach.

10 Q (By Mr. Gieger) I'm gonna show you some more pictures,
11 okay? Do you recognize 371?

12 A Yes, I do.

13 Q Outside of the house; right?

14 A Yes.

15 Q 372 and 373 are they inside the mudroom?

16 A Yeah, that's where the chair was, yeah.

17 Q Other than the fact the chair's not in these pictures,
18 is it basically the way the mudroom looked back in June of
19 2014?

20 A Yes.

21 Q Bunch of junk in there?

22 A There was way more junk in there before that.

23 Q And then 373 and 374, are they pictures of the front
24 door?

25 A Yes.