

1 He knew that his life and the life of his fellow officers
2 here in Oklahoma City depended on these people trusting him
3 and trusting what he said and what he would do.

4 And all that leads up to what happens on the 18th
5 and what Mr. Gieger left out of the story with Ms. Ligon.
6 And if you'll recall that's the very first person that ever
7 reported Mr. Holtzclaw in regards to any sort of sexual
8 activity. And that was on June the 18th of 2014. I know
9 that there's the lady named Terri Morris that I'm going to
10 get to in a minute and explain that but I want you to take
11 it into context so we can all understand it.

12 What you're going to hear and what the evidence is
13 going to be is that on June the 18th of 2014 after 2:00 in
14 the morning Mr. Holtzclaw -- Daniel Holtzclaw had worked
15 that 8:00 to 4:00 (sic) shift that we talked about. And he
16 works 8:00 p.m. to 2:00 a.m. in the morning. He was tired
17 and it was something very unusual for him but he was
18 exhausted from everything he'd been going through. And he
19 logged off of his computer. When he did that it deactivates
20 what he's talked about, the AVL and all the other systems
21 that are in the police car. There's not going to be any
22 other -- any of these other counts or any of these other
23 charges where this has occurred.

24 When he does that he's still a police officer.
25 He's still in his car. And he's still -- he's still in

1 helpful to you?

2 A They had eliminated all of the officers by AVL that had
3 been at -- there were no officers that had been at 50th and
4 Lincoln except they couldn't eliminate Mr. Holtzclaw because
5 his AVL was not on.

6 Q And were they looking at a specific time period?

7 A Yes, at 6:18 at -- right after two shift.

8 Q And, again, tell me when two shift starts and two shift
9 ends?

10 A 4:00 p.m. to 2:00 a.m.

11 Q So sometime around the 2:00 a.m. period they tried to
12 see did anybody who had one of these kind of cars, were they
13 at 50th and Lincoln?

14 A Right.

15 Q Nobody was from Springlake but one officer had his
16 system turned off?

17 A Right.

18 Q All the other officers had their systems turned on?

19 A Correct.

20 Q Who was that officer?

21 A Daniel Holtzclaw.

22 Q Once you identified Daniel Holtzclaw as being the
23 person who you don't know where he was at that time --

24 A Right.

25 Q -- what decisions were made or what did you do in your

1 to ask the questions and her to answer specifically on the
2 very specific issues that the 2801(B) (1) (b) is concerning;
3 the prior consistent statements. Specifically of that but
4 not about everything that she said that night.

5 MS. McCONNELL: Yes, Judge.

6 THE COURT: Your objection is noted.

7 MR. ADAMS: You do note my objection?

8 THE COURT: Noted objection.

9 MR. ADAMS: Thank you.

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

12 THE COURT: Ms. McConnell, specifically as we
13 discussed as to your questions as the Court has relayed in
14 its order.

15 MS. McCONNELL: Yes, your Honor.

16 Q (By Ms. McConnell) Ms. James, specifically whenever
17 Shardayreon Hill bonded out and was released from the county
18 jail and was telling you about this person that she's
19 identified as Mr. Officer, did she tell you information
20 about whether this officer had made her perform oral sex?

21 A Yes.

22 Q And specifically on that, what did she tell you?

23 A She said that he had stuck his fingers in her and then
24 he had her to do oral sex on him.

25 Q That he made her perform oral sex on him?

1 A Yes.

2 Q Did Ms. Hill during this time tell you about a
3 statement that this Mr. Officer had told her while she was
4 performing oral sex on him?

5 A Yes.

6 Q And what statement was that?

7 A He had told her if she cooperates that he would get her
8 charge thrown out in 30 days.

9 Q And I think you had started to tell me this, ma'am, but
10 did Ms. Hill tell you anything specifically about whether
11 this male officer had penetrated her vagina with his
12 fingers?

13 A Yes.

14 Q What did she tell you?

15 A She said he stuck his fingers in her and was telling
16 her that he didn't -- he could just fuck the shit out of
17 her.

18 Q And did Ms. Hill tell you whether this male officer had
19 ever touched her breasts or commented about her breasts?

20 A Yes.

21 Q What did she tell you?

22 A She said that she was handcuffed to the bed and she was
23 coughing and stuff and kind of leaning over -- over the bed,
24 over a little bit. And he came over there and kind of
25 cropped up her chest and helped lean her back. And she said

1 happened to her that was making her upset?

2 A Yes.

3 Q What did your mom tell you? And tell me exactly the
4 words that your mom used.

5 MR. ADAMS: Your Honor, also I'd ask that the
6 proper predicate be laid. Day, time, place and people
7 present. There's been some confusion about the date and I
8 would ask that that be established.

9 THE COURT: All right. Fair enough. Why don't
10 you make sure we all know which time we're talking about.
11 We've talked about two situations.

12 MS. McCONNELL: Yes, Judge.

13 Q (By Ms. McConnell) Tell me one more time who you said
14 was present whenever this happened, Arriona?

15 A Me and my brother.

16 Q Okay. Your brother, Marcus, that you were telling me
17 about earlier?

18 A Yes.

19 Q And what time of day did this happen?

20 A It was always nighttime.

21 Q Was it dark outside?

22 A Yes.

23 Q And do you know exactly what day and what month this
24 happened in?

25 A No.

1 Q Okay. It was always open?

2 A Yes.

3 Q Could you actually see your mom?

4 A No.

5 Q So do you know whether or not she was completely in the
6 car or whether or not she was hanging out of the car or
7 what?

8 A Her legs was out the car.

9 Q And you could see that?

10 A Yes.

11 Q And then but did you -- but you never saw anything
12 that you thought was inappropriate; would that be a fair
13 statement?

14 A No.

15 Q You did see something?

16 A No, I didn't.

17 Q Okay. You didn't see anything?

18 A No.

19 Q But then you said¹ that after your mom came inside she
20 was upset, was crying.

21 A Yes.

22 Q And she told you that he'd touched her body part.

23 A Yes.

24 Q Okay. And now have you had an opportunity since all
25 these things happened to talk to your mom about -- about

1 unfriendly conversation?

2 A Most likely unfriendly.

3 Q Okay, and tell me why you remember it being that way.

4 A The way he spoke.

5 Q You felt like he wasn't being friendly?

6 A Exactly.

7 Q Did you say anything in response to that or did you
8 react any way in response to that?

9 A I can't recall to that. Has been a year ago, hasn't
10 it?

11 Q Yes, ma'am.

12 A I can't recall word for word.

13 Q Whenever you heard the police officer say those words,
14 was it your understanding that that is the police officer
15 that your daughter had been complaining to you about?

16 A Yes.

17 Q And why did you make that conclusion?

18 A Because she told me.

19 Q What did she say?

20 A She told me he was harassing her.

21 MR. ADAMS: Judge, I'm going to object.

22 THE COURT: Hang on a second.

23 THE WITNESS: Pardon me?

24 MR. GIEGER: Just a second. Just a second.

25 THE COURT: Come up.

1 A Yeah, and the -- yes. And then my sister came out --
2 came in my room with something that I didn't know that --

3 Q Okay

4 A -- I was aware about.

5 Q And I don't want to get into all that.

6 A Right.

7 Q But there's been some problems; right?

8 A Yeah, I had today wasn't a -- was not a good day.

9 Q I want to talk to you about where we left off yesterday
10 afternoon, okay?

11 A Yes, sir.

12 Q All right. To make sure you and I are on the same page
13

14 A Yes, sir.

15 Q yesterday you had told me about an event, and we
16 decided because of some records you've seen that happened on
17 February 27th where the officer came over and ended up
18 eventually touching you inappropriately; do you remember
19 talking about that?

20 A The second time?

21 Q The first time.

22 A The first time. Okay.

23 Q In February; remember that?

24 A Yes.

25 Q You understand what I'm talking about?

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 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 all this started. That's when she told me.

2 Q (By Mr. Gieger) Okay. And I guess that's my question.
3 At some point she did talk to you. Can you tell me when
4 that was?

5 A No, I can't recollect.

6 Q Okay. Is it your memory before or after this event
7 with the police officer coming into the house or do you
8 know?

9 A No, sir.

10 Q But at some point you do remember her talking to you
11 about it?

12 A Yes, sir.

13 Q Do you remember if anyone else was there whenever she
14 talked to you about it?

15 A No, sir.

16 Q Do you remember what she said to you about it?

17 A She said he just made her raise her dress up.

18 Q Your memory is he made her -- the officer made her
19 raise her dress up?

20 A That's what she told me.

21 Q All right. Sir, anything else that you recall?

22 A No, sir.

23 Q Whenever she told you that, sir, did you make a police
24 report?

25 A No, sir.

1 BY MR. ADAMS:

2 Q Ms. Raines, as we sit here today do you know what the
3 date is of the alleged event that you came into contact with
4 Officer Holtzclaw?

5 A March 14th.

6 Q Okay. And how did you come about that date?

7 A When I when I was contact in -- in with the DA, they
8 let me know.

9 Q They told you what the date was?

10 A Yeah, because I didn't remember.

11 Q Because -- do do you recall the first time you ever
12 met Detective Gregory here sitting at this table?

13 A When he came to my mother's house on -- on Kate -- on
14 Northeast 18th and Kate.

15 Q And that would've been in August of 2014?

16 A Uh-huh.

17 Q Is that a yes?

18 A Yes.

19 Q You would have to agree with me that prior to August
20 the 14th of 2014, you hadn't you hadn't spoken to anyone
21 in law enforcement about any of the things that you've
22 testified here today; correct?

23 A Correct.

24 Q In fact do you recall whenever you -- and whenever I
25 talk about Detective Gregory, you understand this -- this

1 Q The officer that you've identified in here today, it's
2 your testimony the only time you ever saw him or came in
3 contact with him was the incident you described on the
4 audiotape and what you've told the jury; correct?

5 A Right.

6 Q Okay. But if the records reflect that in fact you came
7 in contact with him back in July of '13 you don't have any
8 specific recollection of that?

9 A No, I don't.

10 Q And at no time did you ever see Officer Holtzclaw use
11 any kind of a flashlight; correct?

12 A No, I don't remember.

13 Q You also, during the interview, stated that this
14 encounter with Officer Holtzclaw that you've discussed in
15 the interview and here in court today lasted approximately
16 45 minutes.

17 A Something like that.

18 Q Would it surprise you to learn that all the records,
19 including the automatic vehicle locating system shows that
20 Officer Holtzclaw is in that area for only ten minutes?

21 A No.

22 Q Would that -- could it have been as short as ten
23 minutes?

24 A Didn't seem that way, no, because, like I say, he was
25 just saying -- stopping and talk to people. And like I say,

1 this is the summer; right?

2 MR. GIEGER: This is after that, after the events
3 happened, yes, sir.

4 THE COURT: Right. So summer?

5 MR. GIEGER: Summer of 2014.

6 THE COURT: Okay. Your objection's hearsay?

7 MR. ADAMS: Hearsay, and it's improper bolstering,
8 your Honor.

9 MR. GIEGER: Your Honor. First of all, I think
10 it's admissible under 2801 because it would be consistent
11 with the defendant's testimony and offered to rebut an
12 expressed or implied charge of the declarant's recent
13 fabrication. I think she was cross-examined on telling
14 things recently but were different than other things.
15 Additionally, if the Court deems that it is hearsay it's not
16 offered for the truth, it's offered as to why this father of
17 this alleged victim advised her not to report it and why he
18 didn't -- well, as to why he didn't report it and what --
19 and what if anything he told her to do about it.

20 THE COURT: All right. I'm going to sustain the
21 objection to hearsay. You can ask: What did you do after
22 she talked to you? Why did you do what you did, or what did
23 you advise her?

24 MR. GIEGER: Can I ask what the statement was
25 about, with what it was -- with what she specifically said?

1 THE COURT: The problem with that is he's -- I
2 mean, what do you expect the answer to be?

3 MR. GIEGER: Well --

4 THE COURT: I'll let you ask this -- I'll let you
5 ask this of him: Was the statement about a police officer?

6 MR. GIEGER: Okay. That's what I'll do.

7 MR. ADAMS: And, again, your Honor, it's still
8 hearsay and I object to it. I don't think there's any
9 exception.

10 THE COURT: Well, he's not going to give a hearsay
11 answer. I'm not going to allow him to give that. Follow
12 me?

13 MR. GIEGER: I do.

14 THE COURT: Okay.

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

17 THE COURT: Okay.

18 Q (By Mr. Gieger) Sir, what was -- whenever your
19 daughter told you -- I don't want you to tell me what she
20 said, okay, but when she told you about this, did it involve
21 a police officer?

22 A Yes.

23 Q Sir, tell me what her demeanor was. Do you know what I
24 mean, when I say "demeanor"? How was she acting?

25 A She was crying.

1 Q Was she upset?

2 A Yes.

3 Q Whenever she told you this did it upset you?

4 A Very much, yes.

5 Q Okay. Sir, was it something that she shared with you
6 that could've been reported to law enforcement or some
7 authority?

8 MR. ADAMS: Objection to form, your Honor.

9 THE COURT: Overruled, you can answer.

10 THE WITNESS: Yes.

11 Q (By Mr. Gieger) Did you report it, sir?

12 A No.

13 Q Help me understand why you made the decision not to
14 report it.

15 A Well, I'm not sure, but I thought it would be best if I
16 didn't.

17 Q Okay. Why did you think it would be best, sir?

18 A Well, it's -- policemen seem to stick together on
19 things. And I didn't think it'd go anywhere.

20 Q Okay. Whenever your daughter told you this -- and,
21 again, I don't want you to tell me what she said, okay, I
22 just want you to tell me about what she said. Not the words
23 she used. You said a minute ago that it upset you.

24 A Yeah.

25 Q Can you tell me the emotions you felt that she told you

1 and did those emotions have any impact on you making a
2 decision not to report?

3 MR. ADAMS: Judge, again, as asked and answered,
4 relevance.

5 THE COURT: Overruled, you can answer, sir.

6 THE WITNESS: Yes, she said she was violated

7 Q (By Mr. Gieger) Okay. Again, don't tell me what she
8 said. I just want to know --

9 THE COURT: All right. Hang on.

10 The jury is instructed to disregard that last
11 statement by Mr. Grate.

12 Q (By Mr. Gieger) I just want to know how it affected
13 you. Tell me the emotions you experienced in leading to
14 your decision to not make a report. What were you feeling
15 whenever your daughter told you these things?

16 A Well, I was upset.

17 Q Yes, sir.

18 A And I just thought I'd tell her we'd -- we'd figure
19 something out, we'd talk about it.

20 Q Did you think anyone would help you?

21 A No, not really.

22 Q Did you feel helpless?

23 MR. ADAMS: Judge, again, object and ask to
24 approach.

25 THE COURT: Sustained.

1 MR. ADAMS: Judge, object to leading.

2 THE COURT: All right. Overruled.

3 Q (By Mr. Gieger) You can answer that one.

4 A Yes.

5 Q Was it upsetting -- was it troubling or upsetting to
6 you what she told you?

7 A It was, because --

8 Q And, sir, I don't think you're going to be allowed to
9 tell me what she said, but can you think of a way to tell me
10 why was it upsetting to you?

11 A Because I didn't expect her to do anything like this.

12 Q At that point when you say you didn't expect her to do
13 anything like this what did you think, without telling me
14 what she said what do you think she had done in reference to
15 you saying I didn't think she would do anything like this?

16 MR. ADAMS: Judge, again, I would object; calls
17 for hearsay.

18 THE COURT: Overruled.

19 Q (By Mr. Gieger) You can answer that.

20 A Well, repeat that again.

21 Q Yeah. I don't want you to tell me what she said. But
22 you said I didn't think she'd do anything like this. What
23 did you think she had done?

24 A Brought someone into the house.

25 Q And that was not okay with you?

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 Q Uh-huh. Does he have a spouse?

2 A Yes.

3 Q What's his -- her name?

4 A Mollie Copeland.

5 Q Was she there as well whenever you talked to them if
6 you remember?

7 A I talked to my older brother that night because --

8 Q And that's John?

9 A That's John. Because -- I talked to him that night
10 because my apartment key -- my house key was missing from my
11 key ring. So after I got drink -- done drinking I couldn't
12 go home because I didn't have my -- my apartment key. So I
13 went to my brother John's house. And I remember sitting on
14 the couch and him and his girlfriend was there. And all I
15 said to my brother was: Is a police officer supposed to
16 make you pull your clothes down without a woman officer
17 being there? And he said he didn't know. And so I slept
18 there that night.

19 Q That's all you said to him about what had happened?

20 A Uh-huh. Yes, that's all I said.

21 Q All right.

22 A That's all I said to both of them was: Is a police
23 officer -- I didn't tell them the whole thing about what
24 happened, what location I was in.

25 Q Why not?

1 THE COURT: And your response?

2 MS. McCONNELL: Well, once again, Judge, I don't
3 think that asking what the topic that she discussed with her
4 is hearsay. It's not asking for a statement by the
5 declarant. But moreover, even if it were so, it still is
6 offered to rebut a charge by Mr. Adams of a motive to
7 fabricate on the part of Regina Copeland that came during
8 his cross-examination of the victim in this case.

9 THE COURT: All right. I'm going to overrule the
10 objection as to hearsay on the specific question of what was
11 the topic about.

12 MR. ADAMS: And also, your Honor, I'd like to
13 object on improper bolstering which is all that this is.
14 It's just I mean, it's hearsay. It's coming through
15 they're just bolstering another witness' testimony. I
16 object on those grounds too.

17 THE COURT: All right.

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

20 Q (By Ms. McConnell) Ms. Copeland, once again, without
21 telling me what Regina Copeland told you, what was the topic
22 of conversation that you had with Regina Copeland while she
23 was in the car with you and David Copeland?

24 A About the topic of the conversation at the time was
25 about she was talking about this officer who had put his

1 hands on her.

2 MS. McCONNELL: I'll pass the witness.

3 THE COURT: All right. Cross-examination?

4 CROSS-EXAMINATION

5 BY MR. ADAMS:

6 Q You stated this conversation happened the summer of
7 '14; correct?

8 A Uh-huh.

9 Q So would it have been, like, July of '14?

10 A Yeah, it was -- we didn't have our coats on so it must
11 it was in the morning. So I guess it was around that
12 time.

13 Q So July, August?

14 A Yeah, around that time.

15 Q I'm just trying to be fair with you.

16 A Yeah, I know.

17 Q So when you say summer of '14 you're talking about July
18 or August of '14; is that a fair statement?

19 A Probably July.

20 Q July of 2014 is when you had this conversation?

21 A It was around about that time.

22 Q Around about that time?

23 A Yeah, I guess.

24 MR. ADAMS: May I approach?

25 THE WITNESS: What I'm saying is

1 her memory is that the police car -- once she got to the
2 house at [REDACTED] that house, that her memory was the police
3 car pulled up beside her; do you remember that?

4 A Yes.

5 Q That is that concerning to you in your investigation
6 that that was on 24th Street but the AVL is showing at least
7 hitting on Miramar?

8 A Well, when I first got this exhibit it was a little
9 bit -- and that's why I went back and got the animation
10 because his car never goes on 24th Street.

11 Q On the animation.

12 A On this or the animation. But when I got the animation
13 it -- and I could watch the times and stuff it helped me to
14 understand, but her -- her --

15 Q Explain that. Explain how it could help you with the
16 times. What do you mean?

17 A Well, because he comes to a stop for like 22 seconds
18 according to the animation which is enough time to put her
19 in the back of the car. He -- her memory just wasn't
20 correct on him driving down 24th. He didn't do it.

21 Q Let's be fair, okay. So starting right now -- (Long
22 pause.) -- that's 22 seconds.

23 A Okay.

24 Q Is it your opinion that that's enough time to get her
25 in the police car?

1 Q And you would agree with me that from the information
2 that we've received from AVL we know that that is not true.

3 A Correct.

4 Q None of that is true.

5 A Correct.

6 Q Okay. Because the AVL doesn't show anything like that,
7 does it?

8 A No.

9 Q In fact, what the AVL is more consistent with is that
10 if you look at the AVL it's more consistent with Officer
11 Holtzclaw -- he actually calls in and says he has her in
12 custody; correct? Or he has her in the 10-14. What does
13 that mean?

14 A Transport.

15 Q He's transporting a person.

16 A Right.

17 Q Now whenever you're transporting -- whenever you're
18 following someone are you transporting them?

19 A Not -- you use the same ten code but not -- you use the
20 same ten code but when you're following technically you're
21 not transporting because they're not in your car.

22 Q Right. So if you are transporting someone, a 10-14
23 would be what you would use?

24 A Even if you're not transporting but you're following or
25 escorting like if I'm escorting somebody to the hospital

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 MR. ADAMS: Your Honor, I object. May we
2 approach?

3 THE COURT: All right. Come on up.

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

7 MR. ADAMS: Your Honor, I object on hearsay and
8 also improper bolstering. Additionally I have Mr. Mack's
9 interview by the Oklahoma City Police Department. He never
10 says anything about her being distraught or somewhat crying
11 or in any way, shape or form have I been on notice that she
12 that he's gonna testify to her demeanor. And he already
13 has. No, they're getting ready to try to elicit a hearsay
14 statement from him about what the witness has already
15 testified to. And I object to it as being cumulative, being
16 bolstering, also being hearsay, your Honor.

17 MS. McCONNELL: Your Honor, with regard to the
18 hearsay objection it qualifies as an excited utterance.
19 Ms. Ellis already testified that whenever this -- whenever
20 the event happened to her that she described in front of the
21 jury with Officer Holtzclaw is she came home and told Terry
22 Mack immediately what had happened. Mr. Mack has also
23 testified that she came in and told him something around
24 May, 2014 and how she was acting whenever she said that. It
25 comes in as an excited utterance because it describes an

1 event that she was upset about that had happened according
2 to Sherry Ellis' testimony mere minutes before.

3 THE COURT: Okay. Well, this witness hasn't said
4 either May or surrunner of 2014. So I'm going to sustain the
5 objection.

6 MS. McCONNELL: And, Judge, if I may, I realized
7 after Mr. Adams had objected that I had yet to ask him
8 specifically although Ms. Ellis has testified to the timing
9 of it, but after I ask him about the timing I'm going to
10 my offer of proof is that he will say that she described
11 something to him that had occurred to her minutes before.
12 And then I'm going to ask again the question about what did
13 she tell him. So should I approach before then?

14 THE COURT: Well, I guess we'll see if the
15 foundation is laid.

16 MS. McCONNELL: So ask to approach before. Okay.

17 (The following continued within the
18 hearing of the jury.)

19 Q (By Ms. McConnell) Mr. Mack, the thing that you told
20 me about that Ms. Ellis had described to you that had
21 occurred with her, do you remember telling me that?

22 A Yes.

23 Q Okay. Was it that had happened to Ms. Ellis
24 the same day as she you?

25 A Yes.

1 Q Had **it** happened just minutes before she came home and
2 told you?

3 A Yes.

4 Q And what specifically did Ms. Ellis tell you?

5 MR. ADAMS: Same objection as I previously stated,
6 your Honor.

7 THE COURT: All right. Come up here just a
8 minute.

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

12 THE COURT: This is the thing: I think you've
13 laid a foundation for excited utterance but what we got to
14 make sure is the witness is -- an excited utterance to be
15 admissible has to be specifically what someone said, not a
16 paraphrase, not a roundabout or those kind of things.

17 MS. McCONNELL: Sure.

18 THE COURT: I think the foundation is laid if this
19 was minutes after this happened. It was made while she was
20 under the stress of the event. So **I'll allow it.** But **it's**
21 got to be specific. If he starts saying something else
22 then, Mr. Adams, you feel free to object and see where **it**
23 goes.

24 (The following continued within the
25 hearing of the jury.}

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

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

7 Q Did you say she was tearful-like?

8 A Yeah.

9 Q Okay. And what did she say?

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

18 Q How did Ms. Ellis respond to that?

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

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

25 (The following was read at the bench by

1 Court and counsel out of the hearing of
2 the jury.)

3 THE COURT: I don't know if you were going to
4 object to this but what he's talking about, going to the
5 hospital and all that kind of stuff, is not an excited
6 utterance about the event.

7 MR. ADAMS: Just so that the record was clear I'd
8 objected to any hearsay statements as improper bolstering
9 and being cumulative and it being hearsay and not
10 admissible. I objected to all of it. And I just figured
11 that the Court had overruled me and told her they've laid a
12 proper foundation.

13 THE COURT: Well, as far as an excited utterance,
14 but discussing going to the hospital

15 MR. ADAMS: I disagree.

16 MS. McCONNELL: And I'll move on, your Honor.

17 (The following continued within the
18 hearing of the jury.)

19 Q (By Ms. McConnell) Did Ms. Ellis go to the hospital
20 that day, Mr. Mack?

21 A No, she didn't.

22 Q Did you or she report to police what had happened that
23 day?

24 A No, she said she was afraid of what --

25 Q Without telling me what she said, Mr. Mack, did you

1 Q Okay. And then she told you at that point in time that
2 she had been raped by an Oklahoma City police officer.

3 A Yes.

4 Q Again, this Oklahoma City police officer, did she
5 describe him to you in any way?

6 A As best she could.

7 Q As best she could. What did she tell you?

8 A A policeman raped her.

9 Q Did she tell you that it was a black policeman?

10 A She said she thought he was black.

11 Q And had you ever seen that policeman in the
12 neighborhood before?

13 A All the time.

14 Q Okay. And so you believed it also to be a black
15 policeman?

16 A No.

17 Q Well, in any event after she allegedly told you these
18 events you said that you encouraged her to go get a DNA
19 test; correct?

20 A Correct.

21 Q And you told her that even -- and you asked her
22 specifically: How many sperms do you have in you?

23 A Yes.

24 Q And did you suspect that she was out doing something
25 she should not be doing?

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 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 Correct.

2 Q And we know that that's not true; correct?

3 A By AVL, yes, correct.

4 Q Now, whenever this car -- we've also heard previous
5 testimony in this case that Officer Holtzclaw's car was
6 impounded and a number of things were buccal (sic) swabbed
7 and fingerprinted and all that stuff; correct?

8 A Correct.

9 Q Do you recall that?

10 You would agree with me that in nowhere in -- in
11 his vehicle anywhere was there any DNA from Ms. Ellis;
12 correct?

13 A Correct.

14 Q And you would agree with me that obviously on any of
15 the clothing that was taken off of Officer Holtzclaw when it
16 was taken from him, we again found no DNA from Ms. Ellis.

17 A Correct.

18 Q Or the police found no DNA.

19 A Correct.

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

21 MR. GIEGER: I think I'll be brief, your Honor. I
22 have three points but I don't know -- if you want to stop
23 for lunch I understand.

24 THE COURT: If you'll be brief.

25 MR. GIEGER: I'll do my best. If I'm not please

1 stop me.

2 THE COURT: I will.

3 REDIRECT EXAMINATION

4 BY MR. GIEGER:

5 Q Ma'am, in regards to Mr. Adams' questions about is it
6 possible that he drove through the field without stopping
7 and just let her out; do you remember those questions?

8 A Yes.

9 Q How often does AVL hit if a car's moving?

10 A Every five seconds.

11 Q So do you have consistent AVL hits for every five
12 seconds if the car doesn't stop moving?

13 A No.

14 Q Okay. So what does that mean to you?

15 A He stopped moving.

16 Q Now he didn't stop for longer than five minutes or
17 there would've been a zero.

18 A Correct.

19 Q But for Mr. Adams' hypothetical, if he would've kept
20 moving consistently the car would've hit every five seconds.

21 A Correct.

22 Q Okay. Do you also know, ma'am, then that some of these
23 speeds have to be in the field?

24 A Yes.

25 Q Because he gets from here to here -- he gets from here

1 around that apartment complex?

2 A Yes, he does.

3 Q Specifically do you see that he has a zero speed at --
4 I believe that's 8:51, kind of obscured by that dark tree
5 right there?

6 A Yes.

7 Q And he has a zero speed at 8:56?

8 A Yes.

9 Q And he has a zero speed at 9:01:24 p.m.?

10 A That's correct.

11 Q Is that our last data point is that 9:01 p.m. data
12 point?

13 A That's correct on this.

14 Q During your investigation did you receive information
15 as to what time Officer Holtzclaw's car started moving
16 again?

17 A I believe it's 21:01 hours.

18 Q So a little bit after the zero speed at 9:01:24?

19 A Yes.

20 Q So we have zero speeds from 8:51 through 9:01 at this
21 location.

22 A Yes.

23 Q Was that significant to you in your investigation?

24 A Yes.

25 Q Why?

1 A That's correct.

2 Q And in fact she always maintained to everyone including
3 at the stop of the domestic, the time you talked to her the
4 first time on 6/2, the next time you talked to her on 6/24,
5 and the next time you actually interviewed her on 7/10 she
6 always maintained it was within three or four days of her
7 domestic.

8 A Yes.

9 Q Which would've made it 5/20 or 5/21 of 2014.

10 A Yes.

11 Q And you would agree with me that she maintained that
12 through the trial.

13 A Yes.

14 Q And you're the one that went and found this 5/8/2014
15 date; correct?

16 A Yes.

17 Q Now -- and she tells you that she went to her uncle's
18 apartment which we know is not an apartment, we know is
19 actually a house; correct?

20 A Yes.

21 Q And that was Terry Wayne.

22 A Yes.

23 Q And you believe that she was dropped off at Terry
24 Wayne's.

25 A I knew she was dropped off. She said she went to Terry

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 June -- excuse me -- month of -- let me just do this:

2 Spring or early summer of 2014, were you in a relationship
3 with her at that time?

4 A Yes.

5 Q Do you know where you were living at that time, sir?

6 A Right off of 13th.

7 Q Okay. Northeast?

8 A Yeah, Northeast 13th.

9 Q Who was living in that -- at that address?

10 A That was her mother's address. Syrita was there, I was
11 there, her mother was there and one of her daughters.

12 Q One of her daughters?

13 A Yeah.

14 Q Sir, do you recall at some point Ms. Bowen coming home
15 upset and telling you some things that upset you as well?

16 MR. ADAMS: Judge, I object and ask to approach.

17 THE COURT: All right. Come on up.

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

21 MR. ADAMS: Judge, I object to the form of the
22 question, it's leading and suggestive. Secondly, there is
23 nothing in the report that I've been provided that she was
24 upset any way, shape, or form. I had -- here is the report
25 I've been given in regard to Mr. Cribbs. Everything that

1 Come up.

2 MR. GIEGER: I'll instruct him to use exact words,
3 your Honor, if that's what you were anticipating.

4 Q (By Mr. Gieger) Sir, if you would -- it's important
5 that you just tell me exactly what you remember her saying,
6 okay. In other words, don't -- don't change it to your
7 words. Do you remember exactly what she said?

8 A Fact that a cop had made her give him some head and
9 tail.

10 Q Okay. When she told you that, sir, your response was
11 to do what?

12 A I told her: Na -- nothing really. I don't think so.
13 And then she --

14 Q Why didn't you believe her?

15 A You don't think about it -- you know, you don't think
16 about that happening, frankly.

17 Q Did it seem unbelievable to you?

18 A At first, yeah. But after we got to talking, no.

19 Q So you continued to talk to her about it?

20 A Yeah.

21 Q At some point, sir, did your initial reaction of not
22 believing her change?

23 A Yeah.

24 Q Okay. Can you explain to me why it changed?

25 MR. ADAMS: Judge, object to relevance. May I

1 I was looking for a Shirita. I didn't have any way to
2 research to be able to give her a date.

3 Q Once you met with her did she give you a location?

4 A Yes.

5 Q Okay. How did you arrive at a date, if you ever did,
6 in this case?

7 A Well, then I go back to my logs and see when he ran
8 her, when he checked her in Varuna. Then I went back and
9 checked AVL to see if he picked her up at that location,
10 that stuff.

11 Q During her interview with you did she initially say it
12 might have happened in July?

13 A She said it might have happened in July but she also
14 said that it happened before her mom moved into assisted
15 living.

16 Q Ma'am, in your report does it also say that she wasn't
17 sure when it happened?

18 A Yes.

19 Q Were you able through your investigation to determine
20 when her mother had moved into assisted living?

21 A Yes.

22 Q And when was that?

23 A June 1st of 2014.

24 Q At some point, ma'am, did you check the Varuna log?

25 A I did.

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 is this intersection, ma'am?

2 A 13th and Highland.

3 Q Is that consistent with where Ms. Bowen indicated that
4 the officer -- the defendant in this case -- told her to get
5 out of the car?

6 A Yes.

7 Q Had you looked at AVL before you talked to Syrita
8 Bowen?

9 A No.

10 Q When you looked at the AVL after interviewing Syrita
11 Bowen was it significant to you?

12 A Yes.

13 Q Why?

14 A Because it matched everything she said.

15 Q Ma'am, in your dealings with Ms. Bowen -- you saw her
16 behavior today?

17 A Yes.

18 Q Have you dealt in your experiences as an Oklahoma City
19 police officer and a detective for some 15 years with people
20 who suffer from some -- who suffer from some mental
21 instability?

22 A Yes.

23 Q Do you consider her, although you don't have a
24 diagnosis, to suffer from mental instability?

25 A Yes.

1 A Yes, I determined that.

2 Q And you determined that that was back in May of 2014,
3 not July.

4 A Correct.

5 Q Now during that meeting with Ms. Bowen you also asked
6 her if she could give you the name of the officer that
7 allegedly assaulted her and she could not; correct?

8 A Correct.

9 Q You also asked her if she could at least provide the
10 badge number of the officer who allegedly assaulted her and
11 she could not; correct?

12 A I don't remember if I asked her that, but I can tell
13 you that none of my victims could give me a name or badge
14 number.

15 Q Do you recall in your report noting in there that
16 Ms. Bowen stated she never knew the officer's name nor did
17 she ever know his badge number?

18 A Correct.

19 Q And it's your testimony that during your interview with
20 Ms. -- although you knew -- did you know prior to going into
21 the interview on October the 9th of 2014, that Ms. Bowen had
22 come into contact with Officer Holtzclaw due to the CIU run
23 or the Varuna run back in May of 2014? Did you have that
24 information?

25 A I might have. Yes.

1 A No.

2 Q Why not?

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

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

14 A Most of them.

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

17 A Yes.

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

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

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

5 Q Why not?

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

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

14 MR. ADAMS: Your Honor, relevance.

15 THE COURT: All right. Sustained.

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

19 A Right.

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

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

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

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

1 A No, I did not.

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

4 A Yes.

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

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

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

9 A Yes, she did.

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

12 A Yes.

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

14 A That same night after she came in.

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

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

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

21 A She had said officer touched her --

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

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

1 your question so I'll sustain it.

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

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

7 A Yes, it was.

8 Q Okay. Did you keep the voice mail?

9 A No, I did not.

10 Q Okay. Why not, sir?

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

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

17 A No, I did not.

18 Q Why not?

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

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

25 A It was not good.

1 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 Q After you got in that argument did she leave your
2 residence?

3 A Yes, she did.

4 Q What happened after she left your residence?

5 A She called, we talked for a little bit. And she said
6 she was finna get pulled over by a police.

7 Q And that was while you were on the phone with her?

8 A Yeah.

9 Q After she told you she was gonna get pulled over by a
10 police officer did she stay on the phone with you or
11 something else?

12 A I asked her to stay on phone but it hung up.

13 Q Okay. What what did you do after her phone hung up
14 on you?

15 A Kept calling.

16 Q Okay. Did you get an answer when you kept calling her?

17 A No.

18 Q At some point did you manage to get Ms. Lyles on the
19 phone?

20 A Yes, because she called.

21 Q Okay. How -- how much longer from whenever Ms. Lyles
22 said that she was getting pulled over by that police officer
23 to whenever she finally got back on the phone with you?

24 A I want to say probably about 20, 30 minutes.

25 Q Okay. Whenever Ms. Lyles got back on the phone with

1 you how was she acting?

2 A She was crying.

3 Q Had she been crying before she got off the phone with
4 you?

5 A No.

6 Q Okay. So whenever she told you the police officer was
7 fixing to stop her, was she crying then?

8 A No.

9 Q Without telling me what she said, what was the topic of
10 conversation that Ms. Lyles had with you on the phone that
11 second time?

12 A The second time?

13 Q Uh-huh.

14 A That she's being -- that she had been harassed.

15 MR. ADAMS: Judge, I would object to --

16 THE COURT: Hang on. Sustained.

17 Q (By Mr. Gieger) Did she give you some information
18 about a police officer in that second conversation on the
19 phone?

20 A She just said that she was --

21 MR. ADAMS: Judge, I object.

22 Q (By Ms. McConnell) Well -- and don't tell me -- don't
23 tell me what she said, Mr. Anderson. Did she give you
24 information about a police officer?

25 A Yes.

1 Q All right. So on these -- on these we're approximately
2 at -- not approximately, we're at 1:35 a.m. and 45 seconds
3 at speed 6; correct?

4 A Correct.

5 Q And then we've got 1:36:03 at speed 11?

6 A Yes.

7 Q And 1:36:10 at speed 9.

8 A Yes.

9 Q And although we don't have a map with all the data
10 points in between 16th and Lottie and that location at the
11 dead-end at 18th Street, the direction of travel is
12 consistent with what you have proffered in evidence in
13 State's Number 350; is that right?

14 A Yes.

15 Q When we get over to Miramar, again, the AVL system is
16 putting it on Miramar but Ms. Lyles told you the car was
17 where?

18 A In between some buildings of the school.

19 Q And would that be consistent with your understanding of
20 the way the AVL system worked if Ms. Lyles was accurate as
21 to where the car was parked?

22 A Yes.

23 Q And on this one we have -- the last data point we have
24 over in the cul-de-sac showing in eastward travel is
25 1:36:10; correct?

1 A Correct.

2 Q And then whenever I look, the next data point that came
3 up through the AVL system shows it at 1:41:10 and that's at
4 a speed zero.

5 A Correct.

6 Q And then five minutes later we have at 1:46:10 another
7 speed zero.

8 A Correct.

9 Q And then approximately 1:14 later it shows now speed in
10 a direction of travel going northbound at least from the
11 zero hits on Miramar at 9 knots; correct?

12 A Correct.

13 Q When you received this map and this information in
14 regards to Officer Holtzclaw's vehicle's movements on
15 June 18th, at -- between the 1:00 and 2:00 a.m. time period
16 was it significant to you?

17 A Yes.

18 Q Why?

19 A Because it matched up with the story of what she told
20 me, that he took her to the school. And it had some zero
21 speeds and knowing that the AVL's not going to plot in the
22 school field, but to the closest street, it just matched her
23 story.

24 Q Ma'am, in regards to the communications with the
25 dispatcher were you also able to obtain radio traffic in

1 her off at my house and not contact me when I reported her
2 as a runaway.

3 Q So stemming from that runaway report your daughter had
4 said something about an officer bringing you -- bringing her
5 home?

6 A Yes, because she was standing at the front gate when I
7 got home just with a blank stare on her face. And I asked
8 how she got here and she said a officer brought her home.

9 Q Okay. Other than that information that an officer
10 brought me home, did she tell you anything else about that
11 officer?

12 A No, not -- not that I recall. She just went inside and
13 I went to bed. I was really tired. I worked a long day.

14 Q You know why we're here today, what all this is about.

15 A Yes, he raped my daughter. I do.

16 Q Did you know that that night?

17 A No, I had no idea.

18 Q Had she told you about that that night?

19 A No, she did not tell me.

20 Q All right. But -- if I understand what you're telling
21 me is because you had made a runaway report and an officer
22 brought her home and then was calling her, that that's
23 what upset you?

24 A It did upset me because you would think if somebody
25 picked up my daughter -- because I have reported her as a

1 did tell her that when you first saw your daughter on June
2 the 17th of 2014, that she told you she had met a really hot
3 cop?

4 A No, not really.

5 Q Okay. Was that not you on the recording that you just
6 listened to?

7 A It sounded like me. I think it was me, but I think I
8 was thinking about something else, another occasion. You
9 know, a lot goes on within that much of a time span.

10 Q Okay. Ms. Gates, under your testimony today it's your
11 statement that your daughter did not tell you anything
12 inappropriate whatsoever happened between her and Officer
13 Holtzclaw on June the 17th of 2014; correct?

14 A Correct.

15 Q Now Officer Holtzclaw -- you would agree with me or did
16 you receive a phone call from an officer at approximately
17 11:42 p.m.; correct?

18 A Correct.

19 Q And the officer -- and they identified themselves as an
20 Oklahoma City police officer.

21 A Correct.

22 Q And they had mentioned your daughter Adaria {sic};
23 correct?

24 A Adaira.

25 Q Adaira. They mentioned your daughter Adaira; correct?

1 Q And I believe that that contact was 10/3 of 2014.

2 A Yes, I had left a card in her mailbox prior to that and
3 then that's when she called me back.

4 Q And when she called you, you'd recorded that phone
5 call; correct?

6 A I did.

7 Q And -- and whenever -- and you heard Ms. Gates testify
8 on cross-examination about several things but one of the
9 things I want to bring up did I misquote your report or what
10 the recording said when she told you the first time she saw
11 Adaria (sic) Gardner on June 17th of 2014 that she told her
12 that she had met a hot cop?

13 A No, you did not misquote that.

14 Q That was correct.

15 Secondly, when I was talking to her about the
16 allegations of her getting into an argument with her
17 daughter at 44th and Shields you actually pulled up a report
18 that's dated June the 17th of 2014 in that regard; correct?

19 A Yes.

20 Q And that morning what had happened is Ms. Gates was
21 looking for her -- Ms. Gardner, her daughter, over at 44th
22 and Shields, located her, Ms. Gardner would not get into the
23 vehicle and a physical altercation occurred where Ms. Gates
24 accused her daughter of hitting her four to five times in
25 the face or in the arms; correct?